SOCIAL CIVICS

Our Democracy in Action

MUNRO · KENNELLY

The Project Gutenberg eBook of Social Civics

This eBook is for the use of anyone anywhere in the United States and most other parts of the world at no cost and with almost no restrictions whatsoever. You may copy it, give it away or re-use it under the terms of the Project Gutenberg License included with this eBook or online at www.gutenberg.org. If you are not located in the United States, you will have to check the laws of the country where you are located before using this eBook.

Title: Social Civics

Author: William Bennett Munro
Charles Eugene Ozanne

Release date: February 10, 2024 [eBook #72924]

Language: English

Original publication: New York: The MacMillan Company, 1922

Other information and formats: www.gutenberg.org/ebooks/72924

Credits: Charlene Taylor, KD Weeks,and the Online Distributed Proofreading Team at https://www.pgdp.net (This file was

produced from images generously made available by The Internet Archive/ American Libraries.)

*** START OF THE PROJECT GUTENBERG EBOOK SOCIAL CIVICS ***

Transcriber's Note:

Footnotes have been collected at the end of each chapter, and are linked for ease of reference.

All illustrations, charts, tables and graphs are accompanied by a separate explanatory page, either preceding or following. Neither are included in the pagination. They have been moved to the nearest logical paragraph break, and demarcated by horizontal rules, which do not appear in the text. A chart, "The Commission Plan", facing p. 195, is missing from the list of Maps, Charts, and Diagrams.

Minor errors, attributable to the printer, have been corrected. Please see the transcriber's note at the end of this text for details regarding the handling of any textual issues encountered during its preparation.

Any corrections are indicated as hyperlinks, which will navigate the reader to the corresponding entry in the corrections table in the note at the end of the text.

SOCIAL CIVICS

Books by WILLIAM BENNETT MUNRO

THE GOVERNMENT OF THE UNITED STATES

THE GOVERNMENT OF AMERICAN CITIES

THE GOVERNMENT OF EUROPEAN CITIES

PRINCIPLES AND METHODS OF MUNICIPAL ADMINISTRATION

JUSTICE

By Edward Simmons

This frontispiece is a reproduction of a famous mural decoration in the New York Criminal Court House.

The background is the doorway of the criminal court room. Justice stands before the entrance holding in one hand the conventional scales as a token of impartiality, and in the other hand a globe to symbolize the world. Over her left shoulder is draped the national

flag. Condemnation and Acquittal are typified by the two children, one of whom holds a sword, the other the dove of peace.

It has been usual to prefigure the Goddess of Justice with her eyes bandaged, in token of her immunity from outside influence. Mr. Simmons, however, has here portrayed Justice with her eyes uncovered, because he believed that "Justice should have her eyes wide open—particularly in New York City".

The artist's wife and two children were the models for this painting.



JUSTICE. By Edward Simmons

Copyright by Edward Simmons. From a Copley Print,
copyright by Curtis & Cameron, Boston.

Reproduced by permission.

SOCIAL CIVICS

BY

WILLIAM BENNETT MUNRO

PROFESSOR OF MUNICIPAL GOVERNMENT
IN HARVARD UNIVERSITY

AND

CHARLES EUGENE OZANNE

TEACHER OF CIVICS
IN THE CENTRAL HIGH SCHOOL, CLEVELAND, OHIO

NEW YORK
THE MACMILLAN COMPANY
1922

All rights reserved

PRINTED IN THE UNITED STATES OF AMERICA

COPYRIGHT, 1922
BY THE MACMILLAN COMPANY

Set up and electrotyped. Published June, 1922

PREFACE

Many excellent textbooks are already available for the teaching of civics. Why should another be added to the number? Wherein does this book differ from the rest? What are its outstanding features?

The Plan. This book covers a wider range than most texts. It includes not only a survey of governmental framework and functions, but many topics which are ordinarily spoken of as questions in economics, sociology, and international relations. The propriety of including such topics scarcely requires a defensive argument nowadays, for the old lines of demarcation in the social sciences are rapidly breaking down. The problems of our complex modern civilization pay no heed to technical boundaries. They are the joint product of political, social, and economic forces. No one can get a grasp of them if he lets his mind run on a single track. A well-organized course in civics, or in the problems of democracy, should acquaint the student with the great institutions, relations, and principles which dominate the life of the community. To accomplish this end it should carry him as far afield as need be.

The Method. Nevertheless, the main theme of this book is American government. No matter what the topic under discussion, the authors have tried to link it up with the drift and purposes of governmental action and policy. This intimate and continuous connection between public problems and public policy is the central concept of the book; it is the

thread which holds the various chapters together. There are many winding roads in the broad domain of the social sciences, but sooner or later they all lead through the realm of government.

The authors have not tried to discuss every possible phase of their subject. Questions of outstanding importance have been given the right of way; minor matters have been relegated to the footnotes or omitted altogether. Those who desire enlightenment upon the odds and ends of government or economics can get it from an encyclopedia. The primary aim has been to get the facts hitched up to principles, and to set the principles in their right perspective. For this reason considerable space has been given to problems which, although international in their scope, are of profound importance to the people of the United States.

The Arrangement. No two textbook writers seem able to agree as to the proper order in which material should be arranged. But the sequence of the chapters is not, after all, a matter of much importance. No one feels under any obligation to finish the Book of Deuteronomy before beginning to read the Acts of the Apostles. The teacher who prefers to start with the civic activities rather than with the organization of government should have no hesitation in doing so. In this book, at any rate, each of the larger divisions of the subject is treated independently, and does not depend upon the others. Some schools devote a half year to civics, and a half year to economics. Material adapted to such an arrangement can be obtained by a slight transposition of the chapters.[1]

The Supplementary Material. More than a hundred pages are devoted to lists of general references,

group problems, short studies, questions, and topics for debate. It is not anticipated, of course, that any teacher can find time to use them all; but the endeavor has been made to afford ample variety for selection. Among the general references are included not only a few of the most authoritative and most recent publications, but also some elementary books which can ordinarily be found in the smaller school and public libraries. The group problems are intended to be of special service to those teachers who use the "project method" of instruction; but in any event the practice of setting groups of pupils to work upon problems of a comprehensive character is a good one for every teacher to pursue at times. Some of these group problems are "projects" in the strict sense of the term; others are merely research topics of an elementary sort. Some involve field work; some do not. The questions are not designed to be tests of memory, but to provide a basis for socialized recitations, to provoke discussion, and to encourage among the pupils the habit of forming their own opinions. The numerous and varied topics for debate have been inserted with the idea of lending encouragement to one of the most effective methods of promoting interest in public problems.

The Point of View. In dealing with controverted questions, of which there are a great many in the field of civics, the authors have tried to hold the scales justly, and to give both sides a fair hearing. It may be that they have not in all cases succeeded; if so, they can only plead the unconscious partisanship to which all human flesh is heir. In any event these chapters have been written with a sincere desire to promote a more intelligent citizenship, with an abiding faith in the merits of American government, and with the conviction that the people of the United

States will prove abundantly capable of solving their manifold problems by the traditional process of reconciling liberty with law.

The Illustrations. Apart from a number of diagrams, the illustrative material has been drawn from the masterpieces of American mural art. They symbolize what is best in our civilization; they may serve to give pupils a passing acquaintance with a few creative works of enduring value; and they have some artistic merit, which most textbook illustrations have not. For the selection of these illustrations and for the explanatory legends which accompany them, I am indebted to my wife.

A Word of Acknowledgment. To Mr. Ozanne this book owes a large part of whatever value it may possess. He has had a great deal to do with the arrangement of materials and the methods of presentation. Every page has had his repeated scrutiny. It is to me a great pleasure to have had, in this work, the close co-operation of one who possesses not only a mastery of the subject but a rare proficiency in classroom methods.

WILLIAM BENNETT MUNRO.

HARVARD UNIVERSITY,
February 22, 1922.

CONTENTS

PAGE

PREFACE v

PART I

THE AMERICAN ENVIRONMENT

CHAPTER

I. HUMAN SOCIETY 1

II. THE PEOPLE, RACES, AND RACIAL PROBLEMS OF THE UNITED STATES 19

III. ECONOMIC FACTORS AND ORGANIZATION 37

PART II

THE ORGANIZATION OF GOVERNMENT

THE FOUNDATIONS OF GOVERNMENT

IV. The Nature and Forms of Government 62

V. The Citizen: His Rights and Duties 78

VI. Popular Control of Government 94

THE ELECTORAL SYSTEM

VII. Suffrage and Elections 118

VIII. Party Organization and Practical Politics 145

LOCAL AND STATE GOVERNMENT

IX. Counties and Rural Communities 166

X. City Government 182

XI. Municipal Problems of Today 203

XII. State Government in Outline 226

NATIONAL GOVERNMENT

XIII. The National Constitution 246
XIV. Congress at Work 266
XV. The President and his Cabinet 286
XVI. The Courts and the Law 308

PART III

THE CIVIC ACTIVITIES

ECONOMIC

XVII. Natural Resources and Conservation 326
XVIII. The Agricultural Interests 339
XIX. The Encouragement and Regulation of Commerce 356
XX. The Organization and Control of Industry 383

XXI.	Labor and Labor Problems	400
XXII.	Currency, Banking, and Credit	424
XXIII.	Taxation and Public Finance	450
XXIV.	Public Utilities and Public Ownership	474
	SOCIAL	
XXV.	Education	492
XXVI.	Public Health and Sanitation	514
XXVII.	Poor-Relief, Correction, and Other Welfare Problems	540
	INTERNATIONAL	
XXVIII.	The National Defence	563
XXIX.	Foreign Relations	587
XXX.	The United States as a World Power	606

XXXI.	The United States and the League of Nations	625
XXXII.	Political and Social Reconstruction	646

APPENDIX

	The Constitution of the United States	665

INDEX

LIST OF ILLUSTRATIONS

Justice. By *Edward Simmons*		*Frontispiece*
		PAGE
The Family. By *Charles Sprague Pearce*	Facing	12
The Melting Pot. By *Vesper L. George*	”	33
Thrift and Prosperity. By *Frederick Dielman*	”	50
Liberty, Fraternity, Equality. By *Edward Simmons*	”	78
Government. By *Elihu Vedder*	”	118
Good Administration. By *Elihu Vedder*	”	145

Washington at the Constitutional Convention. By *Violet Oakley*	”	255
Science Revealing the Treasures of the Earth. By *Edwin A. Abbey*	”	329
The Spirit of Vulcan. By *Edwin A. Abbey*	”	383
The Crowning of Labor. By *John W. Alexander*	”	400
The Evolution of the Book. By *John W. Alexander*	”	492
Justice and Mercy. By *A. R. Willett*	”	554
The Spirit of Light. By *Edwin A. Abbey*	”	606
The Graduate. By *Edwin H. Blashfield*	”	646

LIST OF MAPS, CHARTS, AND DIAGRAMS

		PAGE
The Center of Population	Facing	21
The Growth of American Cities	”	183
The City Manager Plan	”	197
Municipal Administrative Departments	”	205
Traffic Zones	”	210
Simplified State Administration	”	241
Land Regions of the United States	”	340
The Relation of Money and Prices	”	443
The National Debt, 1860-1920	”	467

The Control of Education	”	500
The Rise of Prices in War Time	”	582

SOCIAL CIVICS

CHAPTER I
HUMAN SOCIETY

The purpose of this chapter is to explain why human beings have come together into a society, to point out some of the chief influences which affect their action in organized groups, and to show that government is the greatest of the agencies through which human co-operative action is maintained today.

The supremacy of man.

Man's Place on the Earth.—The present organization of society finds its explanation in the nature of man. Man is by nature a social being; he possesses intelligence and the capacity to organize. Among living creatures man is by no means the first in physical power—he is neither so strong as the lion nor so fleet as the reindeer. But he dominates the earth because he more than makes up, by his mental and moral superiority, for whatever may be lacking in physical prowess. We do not know when mankind first began to assert its mastery over all other forms of life on the earth, but it was a very long time ago. Man's superior intelligence gave him a start, and his capacity for organization enabled him to clinch the victory. Today he is supreme on land, at sea, and in the air.

Evolution.

The Principle of Development.—Human society did not come into existence all at once; it has grown to its present form through the slow process of time.

Everywhere we see the principle of development at work—among individuals and among institutions. Everything is still in a continual process of change and this has unquestionably been the case for many thousands of years. Or to put it in another way, new forms of life and institutions are continually being evolved from older forms.

Darwin and his work.

To understand this principle of continual change and development it is necessary to know something about the doctrine of evolution. This doctrine is commonly associated with the name of Charles Darwin, for although many others had hinted at the idea, he was the first to set it forth accompanied by scientific evidence.[2] Darwin's theory has been much misunderstood; in the illiterate mind it is often summed up by saying that "Man is descended from the monkey". But Darwin did not say anything of the kind, neither did he ever deny the existence of God as the controlling factor in the life of the universe. Darwin's theory of evolution asserted that all forms of life now on earth have sprung from a few simple, primitive types, and that human life is an evolution from one of these earlier forms. Human institutions, likewise, did not arise instantaneously but developed from simple and primitive beginnings into their complex structure of today.

Soundness of Darwin's theory.

The evidence upon which the doctrine of evolution rests is too extensive and too technical to be even summarized here but it is regarded as trustworthy by most scientists.[3] For fifty years it has been studied, discussed, and tested by scholars with the result that educated men are now disposed to accept the

doctrine so far as its main principles are concerned although they differ about various details.

It is astonishing how little we know, after all, about the beginnings of things. We do not know when or how life began upon the earth. We do not know the exact origin of man. But we do know that all forms of life and institutions have grown; they were not created in the shape we now have them. All the general laws of life which apply to plants and animals apply also to man. Alike they are born, they are nourished, they mature, and they produce descendants like themselves.

The principle of "natural selection" and the struggle for existence.

The method of evolution, according to Darwin's theory is based upon the principle of *natural selection*. It is a well-known law of nature that "like begets like", in other words that offspring resemble the parent-stock although there may be some individual differences. If it were not so, a definite species would never be perpetuated. All forms of life, moreover, reproduce themselves more or less abundantly. It is said that the progeny of a single starfish exceeds half a million per year. Even the elephants, which are the slowest breeding of all animals, produce a sufficiently numerous offspring to over-run the whole of Africa if every young elephant grew to maturity.

But nowhere does the entire progeny of any organisms, whether plants, animals, or human beings, survive to full growth. If every acorn became an oak tree, there would in time be no room for anything else on the surface of the earth. If every tadpole grew to be a frog, there would be no room for anything else in the waters of the earth. All life, however, is a struggle for existence, a relentless

competition for air, sunshine, moisture, and soil on the part of plants, and for food and shelter on the part of animals. The further down we go in the scale of life the more bitter this struggle for existence becomes; small animals eat up the plants; large animals feed on the smaller ones. Higher in the scale, the struggle is not so keen, and among mankind it is the least strenuous of all.

In this struggle for existence, what plants and animals survive? The answer is that those which are best fitted to their environment continue to exist and to reproduce themselves, while those which are more poorly adapted to their environment fall out of the race and disappear. The survival of the fittest. In other words natural selection or the survival of the fittest was thought by Darwin to be the principle which determines the course of evolution. The unfit perish and the fit survive, everything depending upon the relative success of the organism in adapting itself to the conditions under which it is endeavoring to live. The clumsy mastodon became extinct; his bones are now relics in museums; but the horse, being fleet of foot, managed to survive. The fit organisms,—plants or animals or human beings,—have survived and have perpetuated the species. They gave to their offspring the traits or qualities which enabled themselves to survive. In that way each generation of organisms became a little better fitted to its environment than the generation which went before. This is a slow process for human beings, of course, for it takes twenty years or more to produce a new generation of men, whereas new generations of birds, reptiles, and lower animals appear every few months. The principle of natural selection, moreover, does not fully account for the form which evolution has taken. Other factors have also been at work, but

scientists are not yet agreed as to their nature or importance.[4]

Natural selection as applied to the human race.

Now how does the human race figure in all this? Mankind has also been at all times under the necessity of adapting itself to its environment, and in the early stages of human history those who did not successfully adapt themselves went to an early grave. During century after century natural selection and the other factors strengthened the race. As the race grew stronger in intelligence, man undertook to subdue his environment rather than to be subdued by it, and in considerable measure he succeeded. He discovered the art of kindling a fire and made this element his servant in conquering the cold. He domesticated wild animals, made them provide him with milk and meat, and compelled them to carry his burdens. Step by step he mastered the natural conditions which surrounded him. This he did by his ability to work with his fellow-men. Through this power of co-operation he created group organizations—society, the state, and government.

Today the strong assist the weak.

The struggle for existence among men is not now, therefore, as it was in primitive days, a life-and-death competition for food and shelter. Individuals have come to recognize each other's rights and to seek even their own advantage by co-operation rather than by strife. The association of individuals in the family and the community serves to preserve the weak whom a keen struggle for existence would eliminate. Our whole system of poor-relief, hospitals, and care for the defective is based upon the idea of

giving a fair chance to those who otherwise would be crowded out of the struggle for existence altogether. The competition today is not so much between individuals as among groups, small or large, including competition between whole nations of men.

The relative influence of inheritance and environment.

The Factors in Social Progress.—Two factors have greatly influenced the course of social evolution or social progress. These factors are *inheritance* and *environment*. By inheritance we mean the qualities, physical and mental, which each generation inherits from the generation preceding. By environment we mean the general surroundings, physical and social, in which the people live. Mankind influences these surroundings to a considerable extent and moulds them to his own needs, but in turn is also influenced by them. Everything that is characteristic of man is the result of these two forces, inheritance and environment. In some things the first is more important, in others the second. For example, under normal conditions the height of a man or woman is determined almost altogether by inheritance, for no one by taking thought can add a cubit to his stature. Intelligence, likewise, is to a large degree an inherited quality. But morals, manners, education, and personal habits are determined much more largely by environment than by inheritance.

Which is the more potent influence?

The respective influences of inheritance and environment cannot, however, be in all cases clearly separated. Both often work to produce the same result, as when a person who inherits a strong body

and a sound mind is fortunate enough to be placed in an environment where both body and mind are developed by out-of-door life and a good education. Sometimes they work in opposite directions, as when a child starts life with a strong physique and good natural intelligence, but grows up in a crowded tenement amid sordid conditions which weaken the one and fail to afford scope for the other. We cannot say, therefore, that one factor is always stronger or weaker than the other. The social progress of the race is promoted by improving both influences. Environment especially can be improved by human effort. Man's control of his inheritance is not nearly so complete, but everything that conduces to the betterment of health or education and promotes a higher morality is a step towards improving its influence.

The two forms of inheritance.

Physical and Social Inheritance.—The influence of inheritance is exerted from two quarters which may be distinguished by calling them *physical* and *social*. (*a*) Physical. By the former we mean the influence exerted upon human beings by the bodily and mental traits which are handed down to them by their own parents. Not all the characteristics of parents are transmitted to their children but mainly those which the parents themselves have inherited. Traits or qualities which have been acquired by the parents during their own lives do not ordinarily descend to their children.[5] Parents who are born feeble-minded will in all probability have feeble-minded children; but parents who acquire through education a high degree of learning and culture cannot transmit any of this to their children by inheritance. There is no royal road to learning. Some

of us are born with better or worse possibilities than others, but we are all born illiterate.

(*b*) Social.

The other form of inherited influence is called our social heritage because it represents the whole accumulation of knowledge, habits, and expedients which have come down to us by the social process of teaching and learning. Each generation of mankind is enormously dependent upon its social inheritance; without it everything that we now call civilization would collapse in a very short time. Each generation takes over all the knowledge possessed by the one which went before; each generation adds something to this stock of knowledge, habits, and expedients for the benefit of the generation which comes after it. Each generation, if it is to live happily, must adapt this social inheritance to its own particular needs.

The two kinds of environment:

Physical and Social Environment.—The other great influence is that of environment. By physical environment we mean the conditions of nature and society in which man lives, moves, and has his being. Physical environment includes the geographic, climatic, and other natural conditions which surround the people. (*a*) Physical. These conditions have an important influence upon the trend of human development and they are not, for the most part, under man's control. Man must adapt himself and his ways of life to them. In cold climates he must wear warm clothing, provide artificial heat in houses, and consume warmth-giving food. Groups of men must everywhere mould their occupations to the character of the soil, the natural resources, and the other conditions of the physical environment in which they live. It is because of differences in

physical environment that the Southern states developed cotton-culture on a large scale and employed slave labor, while the Northern states gave their attention to farming and industry with free labor.

Physical environment, moreover, determines in some measure the relations of the various races with their neighbors. Men will be influenced by neighboring groups of men in so far as physical features make intercourse easy or difficult. A race of men who live on a distant island, or in any other shut-off region, will not be so easily influenced by neighboring races as if they dwelt in the midst of a fertile plain. To some extent, as has been said, man is able to overcome the difficulties which physical environment sets in the face of progress. If there is inadequate rainfall, he may devise a system of irrigation and carry on certain forms of agriculture as successfully as though rainfall were abundant. By means of railroads, steamships, and electric or radio communication he can be in constant contact with other men who are separated from him by physical obstructions. But however much the conditions of nature may be controlled, they still exert a great influence upon human progress.

(*b*) Social.

The social environment is quite a different thing. By it we mean the conditions altogether apart from geographic or natural features, which influence the daily life of mankind. We include within social environment such things as family life, the schools, the churches, the organization and methods of industry, the form of government—everything that society develops in the way of institutions. Many of these, as has been pointed out, are natural growths, but the mind of man has also had a large part in

shaping their course.

How customs and laws create a social environment.

Most of the things we do, whether as a body of people or as individuals, are merely the result of custom or general habit. Why do men have their hair cut short while women let their hair grow long? Why do people wear black when they are in mourning? In some countries they wear white. The answer is merely that every nation, through long-continued habit, develops its own ways of doing things and keeps on doing things in that way regardless of any present reason. Orientals, when they eat their meals, squat on the floor; Europeans and Americans seat themselves at the table. Aryans shake hands when they meet; the Esquimos hold their hands high above their heads as a token of greeting. The gentleman of today, when he greets a lady on the street, raises his hat. This is not a particularly graceful custom, nor is it in rainy weather an altogether hygienic one; but it has been in vogue among the people of western Europe for many centuries. It goes back to the days of chivalry when the armored knight raised his visor to show his countenance and disclose his identity.

Primitive races are governed largely by customs, and not until a race has shown itself amenable to the influence of custom is it prepared to be governed by laws. Laws differ from customs in that they have a definite sanction, in other words are enforced by some official authority. The institutions and practices which make up the social environment may be the outcome of long-standing custom, like the system of trial by jury, for example; or they may be brought into existence by law, as, for instance, the admission of women to suffrage or the establishment of

national prohibition. The avowed purpose of all human institutions is to promote the greatest good of the greatest number, in other words to provide the best social environment.

Some Important Social Forces.—The basis of custom is habit. Customs, in other words, are habits which extend to the whole community and receive its approval. We do not always realize how great a part *habit* plays in our daily lives.[6] Without it the day's work could not be done. By habit we walk, eat, dress ourselves, and perform many other common acts. Just think how long it would take a novice to put the various parts of a watch together; but the watchmaker, being habituated to the task, can do it in an hour. The foundation of habit is *imitation*. One man does a thing successfully; others follow his lead; a habit develops and a general practice or custom may be the ultimate outcome. The influence of custom is usually conservative, for when a custom is once firmly established it does not easily give way. Take the custom of smoking tobacco, for example. Europeans found it in vogue among the Indians when they first came to America; they adopted it and have kept it up for more than four hundred years. Sometimes, however, the habit or custom is only of short duration, in which case we commonly call it a fashion. Fashions come and go. A century ago men used snuff and women powdered their hair; but these things have wholly passed out of fashion today.

Two important social forces: habit and imitation.

The Course of Social Progress.—Having considered the various social factors and forces (development, inheritance, environment, custom, and so on) we are now in a position to ask and to answer the following question: In accordance with what principle has human society developed?

There was a time when even educated people imagined that such organizations as the state were planned in advance, that individuals merely came together in prehistoric days and agreed after calm deliberation to establish a civil government. That, of course, was an absurd idea. Today we realize that one step in social organization led gradually to another, that institutions were not created but evolved, that various social factors and forces exerted an influence upon their development, and that the strongest institutions survived while the weaker disappeared.

Institutions that have succumbed in the struggle for existence.

In the course of human history associations of every type have come into existence; many still continue to flourish while others merely abode their little hour and went their way. The organizations which we have today, including the family, the school, the church, the community, the state, are among those that have survived. Those that succumbed during the long journey down the ages would make a formidable list. Who ever hears nowadays of the totem-kin, the clan, or the gens? Where do we now find tribunes, praetors, augurs, and triumvirates? Absolute monarchy, as a form of government, once held sway over most of the world. But democratic government entered into competition with it, and as there was not room enough for both, one crowded the other off the stage. The great mediaeval institution of feudalism dominated the rural life of Europe for more than five hundred years, but the last relics of feudal tenure have practically all been swept away. The trade guilds of the olden days, the orders of nobility, the crowns and coronets, the

soothsayers and the alchemists—all of them have disappeared or are rapidly disappearing. The beaches of history are strewn with the wrecks of social and political institutions. Some others, like the hereditary peerages of a few European countries, are barely able to keep afloat. The institutions which survive and flourish are the ones that have been found best fitted to survive.

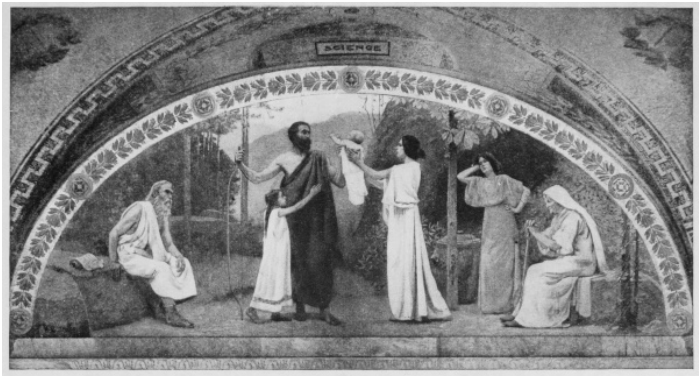
Importance of the family.

The Fundamental Social Group.—In human society the foundation-group is the family. Human beings are social by nature; the motive which draws people together is so universal that we call it a natural instinct. Individuals do not live in isolation. Nobody leads the hermit type of life if he can avoid it. Robinson Crusoe was not on his little island because he wanted to be there. Even among the least civilized races of men, among savage tribes, there is a grouping of men, women, and children on the basis of blood relationship. The family, as a unit, is older than either the state or the community. It is the foundation upon which other groups and organizations have been built, hence it is rightly called the "social microcosm" or basis of society.

The function of the family.

The primary function of the family is to keep the human race in existence. Its first duty is the rearing of children so that a new generation may take the place of the old. Other duties that belong to the family may be handed over to the school (the duty of secular education) or to the church (the duty of religious instruction); but the primary function of the family, that of perpetuating the race, is one which cannot be transferred.

The whole stream of human life flows through the family organization. The same virtues which make for harmony in the household,—obedience, co-operation, loyalty, and service,—are the ones which mark good citizenship; therefore the home is the primary school of all the civic virtues. For this reason the collapse of the home and of home life would be nothing short of a human catastrophe.



THE FAMILY. By Charles Sprague Pearce
From a Copley Print, copyright by Curtis & Cameron, Boston. Reproduced by permission.

THE FAMILY

By Charles Sprague Pearce

From the mural painting in the entrance pavilion of the North Hall, Library of Congress.

This is the ancient family. The father has just returned from hunting. The mother holds up

the baby to welcome him and his little daughter throws her arms about him. On the benches of stone at either side of the group sit the grandmother and grandfather, the latter with the air of a patriarch. By his side lies a scroll. Three generations are placed together in the idyllic environment of which the poets have so often written.

The clan.

Other Social Groups.—Out of the family grew the clan, or group of families united by ties of kinships. In early days the clan was a wandering group, like the gipsy bands of today; but ultimately each clan settled upon the land and became a community. In these communities men became trained in manual labor; they developed customs and the rudiments of a village government.

Then came the next stage—several village communities joined together for defence against their mutual enemies. A loose confederation at first, this group of communities in time became a state, usually with a chieftain or a monarch at its head. In other cases a single village community grew in size to such an extent that it became a city state, like Athens or Sparta. The most notable example of this development is afforded by ancient Rome, where a small community grew into a World Empire. The family, the clan, the community, the confederation of communities, the state, and, ultimately, the nation—that is the general course of political evolution, although this line of development was not in all

cases exactly followed.

But the evolution was not confined to political institutions alone. Social and economic groups and institutions developed also. A variety of needs called forth one institution after another, the church, the school, the club, the industrial organization. Each has its own function in organized society.

Government is the guiding hand.

The Rôle of Government.—The dominating factor in the social and economic life of today, however, is the political community (nation, state, and municipality), acting through the agency which we call government. Government is the great co-ordinating factor. Day by day we are looking more and more to government for leadership, for regulation, and for supervision in all our greater social and economic activities. In the field of social and economic effort, all roads lead through government—it is the clearing house of our greater problems. Whether the problem be one of banking, commerce, poor-relief, labor, or defence we must reckon with the hand of government as one of the strongest among constructive and harmonizing factors. Government is the focal point in all civic relations. It provides a thread which winds its way along every main line of civic activity. That has been particularly noticeable in European countries; but it is now true of America as well. The greatest of our socializing agencies is government.

America's emphasis on individualism.

Individual Liberty and Social Control.—In the United States strong emphasis has always been laid upon individual freedom, and rightly so, because the encouragement of individual initiative is essential to

progress in a new country. The exploitation of vast natural resources required that men should be given encouragement to pioneer, and should not be held down by too much governmental interference. “That government is best which interferes the least” was the common notion. Stress was laid upon the prosperity of the individual rather than upon the welfare of the whole people. This doctrine of extreme individualism undoubtedly served a useful purpose in the days when the country’s biggest problem was to increase production and gain for itself a place among the strong nations of the world.

The influence of the frontier.

To a considerable extent this emphasis upon individualism was due to the influence of the frontier. From the first settlement of the country down to about 1880 the American people were engaged in the task of marching steadily westward, conquering the wilderness as they went. This mastering of a great domain demanded qualities of enterprise, initiative, and individual courage. It developed men’s confidence in their own power and made them reliant upon their own efforts. In old countries the natural tendency is for the individual to look to the public authorities for leadership, guidance, and supervision; on the great American frontier the pioneers had to hew their own way. They preceded the state and the community. This emphasis upon individual initiative remained as the frontier rolled west and profoundly affected the whole social temper of the country.

The nature and scope of social control.

In time a reaction came. Social control developed.

The more thickly populated a country becomes, the more complicated do the relations of individuals grow, and the greater is the need for general restraint. Social control, however, is not merely negative in its purpose. Its object is not simply to restrain individuals in their freedom of action but to encourage them in the thing which the general welfare demands. The government is the chief agency through which social control is exercised, but it is by no means the only one. Religious, fraternal, professional, and benevolent organizations do a good deal in the same general direction. Their function is to promote collective interests as distinguished from the interests of individuals; they protect the collective interests against the avarice or selfishness of individuals. The government exercises social control by means of laws and administrative orders; other organizations exercise it by their own rules or by customs which the members obey.

The limits of social control.

There is always a danger, of course, that social control may proceed too far. It is not the object of government and of social organizations to run all men in the same mould, making them mere automatons without individuality or initiative. Government should aim to give sufficient scope for every individual to use his abilities in the best possible way. Control over the acts and discretion of individuals is justified only where such control promotes, in the long run, the well-being of the greatest number of individuals. The state is not an end in itself. Society is not an end in itself. The individual is the end. Society and the state are merely means to the promotion of the general welfare and the welfare of the individual. Their

activities in the way of exercising social control should go no further than this.

General References

C. H. COOLEY, *Social Organization*, pp. 3-22;
H. G. WELLS, *Outline of History*, Vol. I, pp. 3-103;
C. A. ELLWOOD, *Sociology and Modern Social Problems*, pp. 7-59;
F. S. CHAPIN, *Social Evolution*, pp. 3-101;
VERNON KELLOGG, *Darwinism Today*, pp. 10-57; 129-157;
J. A. THOMSON, *Darwinism and Human Life*, pp. 181-237;
D. S. JORDAN and V. L. KELLOGG, *Evolution and Animal Life*, pp. 1-56;
T. N. CARVER, *Sociology and Social Progress*, pp. 174-270;
E. A. ROSS, *Social Control*, pp. 1-105.

Group Problems

1. How far should society control the conduct of individuals? Why social control is exercised. The extent of social control in older countries,—Great Britain, France, and Germany. Its growth in America. Causes of this growth. The point at which it ceases to be justified. Illustrations. Effects of too much emphasis on individualism. Effects of too much social restraint. Relation of social control to socialism. **References**: E. A. ROSS, *Social Control*, pp. 49-76; H. G. WELLS, *New Worlds for Old*, pp. 1-55; T. N. CARVER, *Sociology and Social Progress*, pp. 788-808; *Ibid, Principles of National Economy*, pp. 740-749.

2. What is progress? References: F. S. MARVIN, *Progress and History*, pp. 8-10; JOHN DEWEY "Progress" in *International Journal of Ethics*, xxvi, 312-318 (1916); JAMES BRYCE, *Essays and Addresses in War Time*, pp. 84-102 (War and Progress); GEORGE NASMYTH, *Social Progress and the Darwinian Theory*.

Short Studies

1. **The past in the present.** H. R. BURCH and S. H. PATTERSON, *American Social Problems*, pp. 33-43.

2. **The beginnings of civilization.** H. G. WELLS, *Outline of History*, Vol. I, pp. 183-208.

3. **Earlier forms of the family.** C. A. ELLWOOD, *Sociology and Modern Social Problems*, pp. 108-130.

4. **The development of the tribe into the community.** J. Q. DEALEY, *The State and Government*, pp. 24-45.

5. **The American family as an economic unit.** MARY K. SIMKHOVITCH, *The City Worker's World*, pp. 1-21.

6. **The relation of leisure to family life.** FLORENCE KELLEY, *Some Ethical Gains through Legislation*, pp. 105-125.

7. **The influence of environment.** F. S. CHAPIN, *Social Evolution*, pp. 121-170.

8. **Habit.** WILLIAM JAMES, *Psychology*, I, pp. 104-127.

9. **The influence of frontier conditions upon the development of American society.** F. J. TURNER, *The Frontier in American History*, pp. 1-38.

10. **Individualism.** HERBERT SPENCER, *Social Statics*, pp. 100-136; C. W. ELIOT, *The Conflict between Individualism and Collectivism in a Democracy*, pp. 1-42.

Questions

1. How would you define "society"? Is it an organism? What resemblances to an organism does it bear?

2. Explain the following terms: instinct; impulse; natural selection; social inheritance; social environment; habit; custom; fashion; mob mind; institution; social control. Give examples of each.

3. How has physical environment affected the ideas of the American people in relation to (*a*) national defence; (*b*) form of government; (*c*) social control? How has the physical environment of England affected the ideas of the English people on the same matters?

4. What racial characteristics do you find most strongly marked in the (*a*) Scotch; (*b*) Irish; (*c*) Scandinavians; (*d*) Italians; (*e*) Jews; (*f*) Japanese?

5. Name any institutions, other than those given in the text, which have served mankind for a time and been discarded.

6. Can you think of any customs which are universal throughout the world? Any which prevail in the United States but not elsewhere? Any which prevail in some parts of the United States but not in others?

7. Do Americans in general pay too much deference to custom? Is there any ground for the European idea that there is "too much uniformity" in American life?

8. Are crowds likely to be more conservative or more radical than the individuals who compose them? Give your reasons. What is the difference between a mob, a crowd, a meeting, and a deliberative assembly?

9. The family, as an organization, differs not only in size but in nature, from all other social organizations such as the community, the state and the nation. Show how this is.

10. In what ways would society suffer if the family as a social unit were broken down?

11. To what extent has society the right to regulate, as a measure of self-protection, the institution of marriage?

12. Why have we laid emphasis upon individualism in this country? Explain why this stress is being steadily diminished.

13. Should social control be exercised over (*a*) the methods of agriculture; (*b*) the marketing of timber; (*c*) the production and sale of tobacco; (*d*) the rates charged by electric lighting companies; (*e*) the price of bread at retail bakeries; (*f*) the hours of labor for men; (*g*) the hours of labor for women; (*h*) the kind of pictures shown in theaters; (*i*) the diet of the people; (*j*) the hours at which young people may be on the streets after dark; (*k*) the religious beliefs of the people? Tell why or why not in each case. Is a greater degree of social control justified over certain classes of the population than over others? Is it justified at certain times and not at others?

14. If society exercises too little control over the individual, what evils result? If it exercises too much control, what are the consequences (*a*) upon the individual; (*b*) upon society itself?

Topics for Debate

1. Physical environment has had a more important influence than racial characteristics in determining the establishment and maintenance of democratic institutions in the United States.

2. Thomas Jefferson was right when he said "That

government is best which governs least".

3. Society is under obligation to ensure every industrious man a decent living.

CHAPTER II
THE PEOPLE, RACES, AND RACIAL PROBLEMS OF THE UNITED STATES

The purpose of this chapter is to explain how the population of the United States has grown, how it is distributed, the varied races of which it is composed, and the racial problems which immigration has created.

How the national population has grown.

We, the People of the United States.—The national constitution begins with the words: "We, the People of the United States". But who are the people? No one cares to carry a lot of figures in his head and most people think that statistics are uninteresting; but there are some figures which everyone ought to know and, moreover, there are some statistics which are far from being dry or tedious. The figures relating to the population of the United States, its growth and distribution, are interesting because they portray something that the world has never seen before and probably will never see again,—a country doubling its population four times in just about a single century. That is what the United States did in the hundred years from 1790 to 1890. In 1790 the entire population was less than four millions. (There are more people in the single

city of New York today, and almost as many in Chicago.) The population had doubled in 1813, and had doubled again in 1838, when it passed sixteen million. In 1864, only twenty-four years later, it had doubled once more (32,000,000). It passed the sixty-four million mark in 1891, and in all probability will double for the fifth time about the year 1940. In 1920, when the last national census was taken the population had passed 105,000,000.

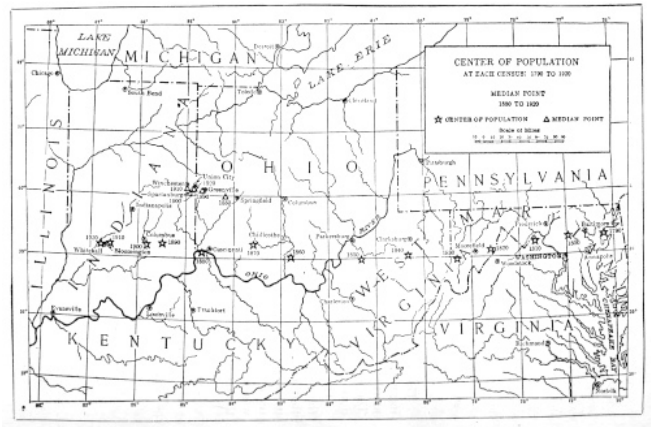
Will this increase continue? If so, with what results?

Now if you will take the data at the foot of the page and work the calculation to the year 2000 (allowing for the gradual slackening of the increase) what will the population of the United States be then?[7] It will be around three hundred millions, which is more than the white population of the entire world today. Even so the country would not be nearly so thickly populated as some European countries now are. Today there are in the United States about thirty-five persons to the square mile. But there are 700 to the square mile in England and 658 per square mile in Belgium, which are two of the most thickly-populated of all countries at the present time.[8] Three hundred million people in the United States, if the figure should reach that total at the end of the twentieth century, would be less than one hundred per square mile. There would still be six acres of ground for every man, woman and child in the country. Whether there would be a sufficient food supply to support so large a population is another question and one which is not so easily answered.

THE CENTER OF POPULATION

The way in which the center of population has been steadily moving westward is indicated by this map. It will be noted that in its journey to the west it has held closely to the 39th parallel of latitude. The median point, on the other hand, has remained practically fixed during the last thirty years.

The location of the median point is determined as follows: Take the parallel of latitude which divides the country in such manner that half the population is north of that parallel and half is south of it; similarly, take the meridian of longitude which divides the country in such manner that half the population is east of it and half is west of it; the intersection of this parallel and this meridian is called the median point.



CENTRE OF POPULATION
AT EACH CENSUS: 1790 TO 1920

MEDIAN POINT
1880 TO 1920

☆ CENTER OF POPULATION Δ MEDIAN POINT

Some areas are more densely populated than others.

How the National Population is Distributed.—The people of the United States are very unevenly distributed over the face of the country. Great areas, particularly in the West, have only a few persons to the square mile, while the crowded sections of the largest cities have many hundreds to the acre. Even the rural areas of some states are thickly settled while in others the people are few and far between. Rhode Island is nearly as densely populated as Belgium, having about 566 people to the square mile while many states of the Western mountain region

have only seven or eight inhabitants per square mile of territory. The reasons for this uneven distribution are chiefly geographical. The states which have grown most rapidly in population are not necessarily the oldest states but the ones which have the greatest natural advantages in the way of fertile soil, or mineral resources, or harbors and waterways, or favorable climate. People make their homes in those regions where they can best make a living.

Climate affects the density of population.

Favorable climatic conditions exert a strong influence in attracting population. It is an interesting fact, often noted by students of history, that whereas civilization developed earliest in the tropical and semi-tropical zones it has everywhere made its greatest advance in the regions of moderate temperatures and rainfall. Taking the broad strip of country which lies between the thirty-seventh and the forty-fifth parallels of latitude, it will be found that nearly four-fifths of the entire population is concentrated within this mid-latitude area of the United States. And this is the area which, in all probability, will continue to be the most thickly settled.

The center of population in 1920.

The center of population in 1920 was at Whitehall, Owen County, Indiana, a little town of forty-three inhabitants which burst into prominence overnight when the census bureau announced it as the pivot of the nation. By the center of population is meant the point which the greatest number of people could reach with the least amount of travel. This point, at each successive census, has been steadily moving

westward following very closely the thirty-ninth parallel of latitude. In 1790 it was at Baltimore, in 1840 in West Virginia, in 1880 in Ohio, and since 1890 it has been moving westward across Indiana.[9] The center of population is a long way from the center of area, the latter being in Northern Kansas not far from the Nebraska border.

The Drift of Population to the Cities.—The distribution of the people has also been influenced by the growth of large cities. In 1790 there were only five communities with populations exceeding 8000, namely New York, Philadelphia, Boston, Baltimore, and Charleston. Taken altogether they had only 130,000 inhabitants, that is to say only one person in every thirty lived in these towns. But so rapidly did the various towns and cities spring up all over the country that by the time of the Civil War there were nearly 150 with populations above 8000, and today there are nearly a thousand. Not a single American city had 70,000 population in 1790; today there are more than a hundred such cities.

The chief causes of city growth.

This remarkable drift of population into the towns and cities, which began early in the nineteenth century and has continued ever since, shows no signs of slackening. It is due to many causes, including the great demand for industrial labor in the cities, the attractiveness of city life to the young men and women of the country districts (see p. 351), and the tendency of the immigrants to locate in the crowded centers. Wherever industry and commerce thrive, there cities will be built and will grow. Half the population of the United States is now living in towns and cities of over 2500 population. If the drift to the cities continues at its present rate of progress,

ninety per cent of the people will be living in the cities and towns by 1980 and only ten per cent in the country districts. That is already the case in England. [10] One Englishman in every seven lives in London. That seems to be a very striking fact until we remember that one American in every ten lives in New York, Chicago, or Philadelphia. New York City has nearly six millions now; in fifty years, at its present rate of growth, it will be an urban giant of fifteen millions or more.

Why most immigrants go to the cities.

Why do the immigrants go to the cities rather than to the country districts? The chief reason is that most immigrants come to the United States to find work, and work is most easily found in the large cities. The great majority of immigrants have learned no trade before they come to America, hence they must seek jobs which require no great amount of skill or training. Another reason is that the immigrants want to be near others who speak their own language. In every large city these foreign colonies or settlements are created—Italian, Polish, Jewish, and so on. The newcomer naturally prefers to live in one of these colonies until he learns the English language, but having become accustomed to the city he rarely leaves it. Among the many millions of immigrants who have come to America during the past fifty years the great majority have gone to the cities, particularly to the large cities. New York City, for example, contains today more than two million people who were not born in this country. Nevertheless, the cities have not been built up by the immigrant alone. Large numbers of native Americans have left the rural districts and have helped to swell

the population of the urban centers.

The Ebb and Flow of Immigration.—The United States has been the melting-pot of the nations. No other country has ever welcomed to its shores so many millions of people from all parts of the earth. One hundred years ago there were relatively few foreign-born persons in the country. But waves of immigration soon began to come and the number of incoming aliens, which was less than ten thousand in 1790, rose to more than four hundred thousand in some of the years preceding the Civil War. The immigrants during this period were for the most part from England, Ireland, and Germany. During the Civil War the influx subsided, but when the war was over it quickly began to swell once more and it continued, with various ups and downs, to the outbreak of the World War in 1914.

Where the immigrants have come from.

In some years, during this period since 1865 the number of immigrants has been as low as 200,000; in other years it has run above a million. Nearly every European race has been represented in this influx, although some have come in much larger numbers than others. Down to about 1880 most of the newcomers were from Ireland, England, Scotland, Germany, the Scandinavian countries, and the other regions of Northern Europe. But since that date the source of immigration has been steadily shifting. During the past forty years a much larger proportion has been coming from Italy, Austria, Hungary, Poland, Greece, and some of the smaller countries.[11] This has brought in many millions of people who are not of Celtic or Teutonic stock.

Effects of the war on immigration.

Upon the outbreak of the great European conflict in 1914 the flow of immigration subsided quickly and while the war lasted it practically ceased altogether. This was due in part to the reluctance of European countries to let their people leave, and in part due to the lack of shipping, since all available vessels were engaged in carrying troops, munitions, and supplies. Immediately after the close of hostilities, however, the exodus from Europe recommenced, and in the year 1920 the figures of immigration once more rose into the hundreds of thousands. In spite of the strict regulations imposed by the United States government, enormous numbers of people in Poland, Italy, Hungary, and various other countries began applying for permission to migrate. The American consular offices in Europe were besieged by long lines of people waiting all day for passports to the Promised Land. In the face of this threatened flood Congress felt impelled to place all immigration under strict limitation, as will be explained a few paragraphs later.

During the hundred years from 1820 to 1920 it is estimated that more than thirty million immigrants reached the United States, which is the largest migration in history.[12] It is true that considerable numbers of these immigrants eventually drifted back to their native lands but the larger portion of them remained permanently here.

The various factors which have caused Europeans to leave their own countries.

Causes of Immigration.—The causes of immigration to this country are manifold. First in importance among them is the economic attractiveness of the United States. Cheap land, equal opportunities, the ease with which any industrious

man or woman can make a living—these are the magnets which drew millions of people across the Atlantic during the nineteenth century. But there were other causes, namely, the existence in various parts of Europe of conditions which encouraged the people to emigrate. Religious persecution was one of the first things that drove men or women to America. It brought the Pilgrims to Massachusetts in the early days, the Quakers to Pennsylvania, and the English Catholics to Maryland. Political oppression in the middle years of the nineteenth century sent several million Germans to the United States, particularly to the Middle West. Oppression, both religious and political, has been instrumental in driving the Jews across the seas. Overcrowding in both the cities and the rural regions of Europe and the consequent inability of the people to obtain lands of their own, has been responsible for much of the drift to America. The exhaustion of the soil in Ireland, the crop failures and consequent famines there, have led to the migrations of the Irish, although dissatisfaction with political conditions has also been a factor in this case. To a considerable extent, moreover, immigration has been assisted by those aliens who were already settled in this country. Immigrants arrived in this country and by hard work soon became prosperous. Then they sent passage-money to their friends and relatives until whole groups of families were enabled to come to America in this way. The steamship companies, too, have advertised the attractions of America in all parts of Europe; they have kept agents at work in many countries, and have been an important factor in promoting immigration.

The economic factors have been the most important.

Nevertheless the underlying causes of immigration are economic. Immigrants come in greater numbers when prosperity reigns in America than in periods of business depression. This indicates that high wages and plenty of employment are the things which have the greatest influence in bringing them here. The democratic institutions of America have played their part, no doubt, and the relative social equality which exists among the people of the United States has been an attraction to those who are denied such equality in their own homelands. But the equality of economic opportunity, the open career, the chance of making a good living and even a fortune—these, after all, have been and still are the impelling forces.

How the immigrant has affected American life.

The Effects of Immigration.—A large immigration is certain to have far-reaching effects, particularly if the newcomers be of a widely different race. It has assuredly had far-reaching effects in the United States. Take the importation of the negroes as the most conspicuous example. The coming of several hundred thousand persons of African blood, during the years preceding 1808, has resulted in placing a colored population of more than ten millions in the heart of a white man's country, with all the social, economic, and political problems that this situation implies. It influenced the agricultural system of the Southern states, provided the underlying causes of the Civil War, and has profoundly affected the politics of the United States down to the present day. The problem presented by the immigration of the various European races has been altogether different because these races can be assimilated whereas the negroes can not. Even so,

the European immigration has presented its own problems and the coming of these many millions has had profound effects upon every branch of American life.

The making of a composite race.

Social Effects.—The social effects are chiefly in the way of introducing natural traits or qualities which were not in the American people during the early period. Immigration has resulted in making a cosmopolitan population which is not uniform in temperament or tastes, and can be made uniform only by the long-continued process of assimilation. This lack of uniformity is in some ways an advantage, not a defect. It may give us, in the long run, a more vigorous population than could ever be had from the development of a single strain. Whether the new composite race which ultimately emerges from the melting-pot will be superior or inferior to the original stock is something which only the future can tell. One disappointing feature is to be found in the fact that many of these immigrants are inferior to the average native-born American in physique, in mentality, and in moral fibre. It is sometimes asserted that the immigrant population is responsible for more than its due proportion of crime but no satisfactory evidence has yet been brought forward to prove this statement. It is a fact, however, that poverty and illiteracy are more common among the foreign-born than among the native white population. It is quite likely that the new environment will do much to remedy this condition and that the second generation, through the work of the public schools, may measure up to the native-born. These public schools are the most potent of all forces in the work of Americanization. It is upon

them that we must depend to make the ultimate social effects of assimilation beneficial to the country.

Immigration in its relation to industry and labor.

Economic Effects.—Immigration has had important economic results. It has kept the labor market well supplied and throughout the last three-quarters of a century has aided the great industrial expansion of the country. American industry and commerce could not have grown to such proportions without the man-power which has been obtained in such enormous quantities from Europe. We have used great numbers of aliens in building the railroads of the country, in mines and steel mills, in workshops and factories. On the other hand the flood of immigration has at times proved too strong. It has on occasions served to produce an over-supply of labor and this, in turn, has caused wages to fall. Labor leaders claim that the steady stream of immigrants has prevented the rise in the American workman's standard of living which otherwise would have taken place. Organized labor would like to place a protective duty upon immigrants. If the newcomers could be scattered evenly over the whole country instead of being concentrated in the urban areas, this danger of glutting the labor supply would be very small. In any case, as has already been pointed out, the situation tends to adjust itself, because immigration always falls off when business depression causes a slackening in the demand for labor.

Ways in which the immigrant has influenced American politics.

Political Effects.—The exact political effects of immigration are hard to determine. It is to be remembered that most of our immigrants have come from countries where they were given no political opportunities, or almost none. Prior to their arrival in the United States they have had no experience with democratic institutions. Yet we have freely offered them, after five years of residence, the privilege of becoming citizens and voters. The rest of the world has always looked upon this as a very dangerous experiment in democratic government; nevertheless its results have not been at all disastrous. True enough, the newcomers have often been exploited by unscrupulous politicians and they have sometimes allowed themselves to be misled into supporting incompetent or corrupt candidates, especially in the large cities. But the alien immigrant is not wholly or even chiefly responsible for the bad government that we have had from time to time in various parts of the country. Some of the worst political abuses have flourished in states and cities where the proportion of foreign-born citizens is relatively small. Political reformers rail at the iniquities of "foreign-born bosses", but the fact is that most of our notorious political bosses have been native-born. Notwithstanding the admission of many million aliens to all the rights of American citizenship it can be fairly claimed that American government in its various branches, national, state, and local, is just as honest and efficient as that of any other country.

The gradual stiffening of the regulations.

The Restriction of Immigration.—Until about forty years ago there were practically no restrictions

upon the coming of aliens to the United States, but in 1882 laws were passed by Congress to exclude paupers, criminals, and the insane. All laborers of the Mongolian race were also debarred. Three years later, in 1885, it was provided that no immigrant of any race should be admitted to the United States if under contract to perform labor in this country. And from this date to the present the restrictions have gradually been tightened. In 1917 Congress established a literacy test for all immigrants over sixteen years of age, and in 1921 it made further provision that the number of immigrants admitted each year from any European country should not exceed three per cent of the natives of that country already in the United States, as shown by the census figures of 1910. A tax of eight dollars per person is now imposed upon every immigrant.

Should immigration be altogether forbidden?

There are some who believe that it would be wise to prohibit immigration altogether, at any rate until conditions in both Europe and America become more settled. They argue that we already have as many aliens as we can Americanize for some time; that immigration at the present time increases unemployment, and that the quality of immigrants is now considerably below what it used to be. On the other hand it is urged that the industrial growth of the United States requires a larger supply of labor than can be provided without immigration and that by providing proper facilities for selection we can make sure of getting only the right type of immigrant.

Our Racial Problems.—We have several serious racial problems in this country including the problem

of the European immigrants in the East (particularly in the cities), the negroes in the South, and the Japanese on the Pacific slope. The large percentage of European immigrants in the Eastern cities has already been mentioned, and the problems which their presence in these cities creates have been alluded to. The European immigrant can be assimilated, but the process takes time because a large part of it must be accomplished through education. If the immigrants could be persuaded to scatter over the country instead of congregating in the cities with their fellow-immigrants, the problem of making real Americans out of them in a short time would be simplified.

Extent of the negro population.

The Negroes.—The problem of the negro is older and more difficult still. They are of a race so far removed from the white population of the United States that there is no hope of their ever being assimilated. They were brought here by the tens of thousands without any adequate appreciation of the problem which their presence would eventually create, and they form an unmeltable mass in the melting-pot of American society. At the outbreak of the Civil War the colored population of the United States, most of whom were then slaves, numbered less than five millions, or about one-tenth of the total population of the entire country. Now they number about ten millions. In other words the negroes have a little more than doubled in sixty years. This is a much slower rate of natural increase than has been made during the same sixty years by the white population. A high death rate, especially in the cities, is mainly responsible for this.

Economic status of

the negro.

The chief home of the negro is still, as it has been from the beginning, in the South. Nearly nine-tenths of the colored population of the United States lives below the Mason and Dixon line, particularly in the great agricultural plain which stretches from Virginia southwestward to Texas. In two states, Mississippi and South Carolina, the blacks outnumber the whites; in three others, Alabama, Georgia, and Florida, they almost equal them. Most of the Southern negroes live in the rural districts and are engaged in the cultivation of the soil; those who have made their way to the Northern states, more than a million in all, live chiefly in the cities. During the past few years the negroes have been coming northward in greater numbers.

Can the negro problem be solved?

The problem of the negro has many phases, political, social, and economic. The political problem arises from the fact that although the negroes are guaranteed by the constitution the right to vote they are by one means or another debarred from voting in practically all the Southern states. The economic problems have been due, in the main, to the lack of educational facilities for the negro, and particularly to the absence of opportunities for vocational education. This defect is now being remedied to some extent by the spread of vocational schools, of which Tuskegee and Hampton Institute are the best-known examples. The social separation between the white and colored races, especially in the Southern states, is as absolute as ever it was and there is no reason to think that this separation will ever be broken down. When two races in the same community must live their lives entirely apart there

is bound to be some mutual suspicion and distrust. In any case the negro problem, in its various phases, must be solved by the white population of the Southern states if it is to be solved at all.

The "gentlemen's agreement".

The Japanese on the Pacific Slope.—Some years ago the influx of Japanese into the states of the Pacific slope gave rise to the fear that the Far West would soon have a great racial problem on its hands if this immigration were allowed to go on unchecked. One of these states, California, enacted laws designed to prevent the owning or leasing of land by Japanese and pressure was brought upon Congress with a view to having the Japanese shut out of the country altogether. In the end, through diplomatic negotiations, a "gentlemen's agreement" was concluded between the American and Japanese governments by which the latter promised to grant no more passports enabling its citizens to emigrate to the United States, except in the case of merchants, students and others whose residence in this country would be temporary. The Japanese government has lived up to the letter of this agreement, but this has not prevented a good many Japanese coming into the United States under one subterfuge or another. The Western states are determined that their territory shall remain a "white man's country"; on the other hand the Japanese government is not willing to agree by formal treaty to the exclusion of its own people from any other country. As a great and powerful nation, civilized and progressive, Japan feels that such a treaty would be a humiliation. So there the matter rests at present. Japanese are not forbidden to enter the United States; we are merely depending upon the informal promise of the Japanese

government to keep them from coming here.

THE MELTING POT

By Vesper L. George

From a mural painting in the McClain High School, Greenfield, Ohio.

From the giant steamship at the left comes a procession which includes men, women, and children of many races. Each immigrant, whether Greek or Russian, Jew or Gentile, brings some gift of art or skill to lay at the feet of America, his new motherland. The Melting Pot is not a huge cauldron into which all individuality is to be poured so that it may become a homogeneous and commonplace mass, but a crucible in which the gold of character and personality is to be discovered and refined for the enrichment of all.

To the right are the sons and daughters of these immigrants. They have become successful in the trades and professions; they and their children have gained education; they are contributing their share to the wealth, government, defence, and

prosperity of the nation. The picture embodies a spirit of true Americanism.



THE MELTING POT. By Vesper L. George

Copyright by Vesper L. George. From a Copley Print, copyright by Curtis & Cameron, Boston. Reproduced by permission.

On the Pillar to the left the words Equality and Liberty indicate what the immigrants seek in America. On the Pillar to the right the words Opportunity and Prosperity indicate what they find. On the pedestal are graven the stirring words which Paul addressed to the men of Athens nearly nineteen hundred years ago.

Americanization.—Among the European immigrants now in the United States there are many thousands who cannot speak the English language, who have never become citizens, know nothing about the way in which American government is carried on, and have no comprehension of American political or social ideals. This situation was not fully appreciated until the outbreak of the World War. During the past few years an earnest attempt has been made both by the public educational authorities and by private organizations to Americanize these people by helping them to learn the language, to obtain a knowledge of American history, to become naturalized, and to acquire a proper conception of

what American democracy implies. This does not mean, of course, that we desire all people, of whatever race, to possess the same temperamental traits, or hold the same opinions, or have the same point of view. Diversity in individual qualities, physical, mental, and moral, is not undesirable provided the differences are not so great as to prevent the various elements from adequately understanding one another. By Americanization we do not mean, therefore, that every newcomer to this country should submerge his individuality in the general mass, discard his own inherited traits, and put on a veneer of Americanism. Rather it implies that those who are the children of the soil, the native-born, should exemplify the Golden Rule towards the stranger who comes within our gates and should endeavor to show him, by actions as well as words, the meaning of good citizenship in a democracy.

General References

T. N. CARVER, *Principles of National Economy*, pp. 123-140;

J. R. COMMONS, *Races and Immigrants in America*, pp. 1-38; 63-106;

J. W. JENKS and W. JETT LAUCK, *The Immigration Problem*, pp. 1-39; 40-66;

MARY ANTIN, *The Promised Land*, pp. 180-240;

EDWARD A. STEINER, *On the Trail of the Immigrant*, pp. 292-333;

PETER ROBERTS, *The New Immigration*, pp. 124-172; 173-199;

E. A. ROSS, *The Old World in the New*, pp. 228-281, and passim;

BOOKER T. WASHINGTON, *Up From Slavery*, pp. 1-62;

L. H. GULICK, *The American-Japanese Problem*, pp. 3-27; 118-183.

Group Problems

1. Should immigration be further restricted? The history of immigration. What the immigrants have done for the United States. Economic, social, and political disadvantages of immigration. The present restrictions. Figures showing the probable influx of immigrants under the percentage system during the next ten years. What further restrictions would improve the quality of immigration? How might these restrictions be enforced? Could the selection be made at the port of sailing? Conclusions. References: P. F. HALL, *Immigration*, pp. 121-138; J. W. JENKS and W. J. LAUCK, *The Immigration Problem*, pp. 135-197; E. A. ROSS, *The Old World in the New*, pp. 282-304; PETER ROBERTS, *The New Immigration*, pp. 341-359; Debaters' Handbook Series, *Immigration*, pp. 69-81; 148-163 (arguments on both sides); F. J. WARNE, *The Tide of Immigration*, pp. 313-361.

2. The foreign-born population of your own community. Take some such book as F. A. BUSHEE'S *Ethnic Factors in the Population of Boston*, or H. B. WOOLSTON'S *Study of the Population of Manhattanville*, or ROBERT A. WOODS' *Americans in Process*, and note the plan followed in studying the characteristics of foreign-born groups. Some excellent suggestions can be had from CAROL ARONOVICI'S booklet *Knowing One's Own Community*. Apply this plan to a survey of your own town or city. Some data can be had from the national and state census reports in the case of larger cities; in smaller communities the material must be gathered by field work.

3. An effective program of Americanization. References: F. S. BOGARDUS, *Americanization*, pp. 186-225; PETER ROBERTS, *The Problem of Americanization*, especially pp. 45-108.

Short Studies

1. **The economic effects of immigration.** E. A. ROSS, *The Old World in the New*, pp. 195-227.

2. **The immigrant in American politics.** M. K. SIMKHOVITCH, *The City Worker's World*, pp. 181-209; P. F. HALL, *Immigration*, pp. 183-198; R. A. WOODS, *Americans in Process*, pp. 147-189.

3. **The German immigrant.** A. B. FAUST, *The German Element in the United States*, pp. 357-390.

4. **The Italian immigrant.** R. F. FOERSTER, *The Italian Immigration of Our Times*, pp. 374-411.

5. **The Slavic immigrant.** E. G. BALCH, *Our Slavic Fellow Citizens*, pp. 349-377.

6. **Our treatment of the immigrant.** JACOB A. RIIS, *The Making of an American*, pp. 58-100; E. A. STEINER, *From Alien to Citizen*, pp. 53-71; 122-168.

7. **Immigrant life in the large cities.** R. A. WOODS, *The City Wilderness*, pp. 33-57; *Ibid., Americans in Process*, pp. 104-146.

8. **The economic problems of the negro.** BOOKER T. WASHINGTON, *The Future of the Negro*, pp. 42-66; CARL KELSEY, *The Negro Farmer*, pp. 22-28, and *passim*.

9. **The problem of the Japanese on the Pacific coast.** L. H. GULICK, *The American-Japanese Problem*, pp. 3-27; H. A. MILLIS, *The Japanese Problem in the United States*, pp. 152-196.

10. **As others see us.** HUGO MUENSTERBERG, *The Americans*, pp. 229-254.

Questions

1. What has been the relative rate of increase of population in your own state during the last two decades? Has the rate been more or less rapid than that of the nation as a whole? To what features is the difference due? What racial elements are strong in the population of your state and in what industries are each of these elements chiefly engaged?

2. What have been the impelling causes of immigration from (*a*) Germany; (*b*) Ireland; (*c*) Italy; (*d*) Russia?

3. Give four reasons why most immigrants settle in the cities.

4. Explain the principal effects of immigration upon (*a*) the growth of industry; (*b*) the scale of wages; (*c*) municipal politics; (*d*) the public school system (including evening schools, etc.).

5. Which races are the most difficult to assimilate and why?

6. Make some definite suggestions as to how the conditions of the negro race can be made more tolerable in this country.

7. Should Japanese as well as Chinese be excluded by law from immigrating to the United States? Give your reasons.

8. What mistakes are we most likely to make in our zeal for the Americanization of non-English speaking immigrants?

Topics for Debate

1. The period of residence required for the naturalization of aliens should be extended to more than five years.

2. Aliens ought to be debarred from employment on national, state, and municipal work.

3. The national government should take jurisdiction over and prevent all racial discrimination by the state.

CHAPTER III
ECONOMIC FACTORS AND ORGANIZATION

The purpose of this chapter is to show how wealth is created and how it is distributed among the people.

Primitive needs and modern needs.

The Economic Needs of Man.—The most elementary needs of human beings are for food, clothing, and shelter. Until these are satisfied no higher needs can develop. In the lowest stages of barbarism men are content with the satisfaction of these elementary needs alone; but as they obtain a greater mastery over nature and are able to supply these wants more easily, other and higher wants arise within them. As men and women become more intelligent and more refined, they grow discontented with the primitive and coarser kinds of food; they seek more presentable clothing than the skins of wild animals; they replace their rude huts with substantial houses of wood. Step by step, as the human race has advanced in civilization, its needs have become more numerous and more varied. Purely material requirements being satisfied, other and higher demands arise. The spiritual and social aspirations make their appearance. As mankind passes each

stage in civilization it finds, through the growing control over nature, that purely material wants can be satisfied with less and less exertion. Men gain their daily bread today with infinitely less effort than in primitive times. The chief reason is that they have learned to act collectively in mastering the forces of nature; in other words they have achieved a high degree of economic organization.

How the economic motives promote progress.

The Economic Motives.—Self-preservation is the first law of nature. The primeval instinct in man is to look out for himself, to protect himself from hunger, thirst, and hardship. This, for the moment, is more important to him than the satisfaction of his social and civic needs. Hence the economic motive, the instinct which prompts him to seek the means of getting a living, is extremely strong. This instinct the lower animals possess as well, but it does not carry them beyond the satisfaction of elementary wants. The birds of the air and the beasts of the fields have never enlarged or raised the scale of their needs beyond the simple requirements of food, drink, and shelter. No matter how easily obtainable these become they make no progress to anything higher. But mankind, endowed with superior mental faculties and a spiritual nature, does not rest content with the easy earning of a livelihood. The economic motive prompts men and women to move on, to achieve wealth, to procure luxuries, and to gain such happiness as the possession of worldly goods can bring. This economic motive, deeply implanted in humanity, has been a great incentive to progress in civilization,—probably the greatest of all incentives.

The altruistic motive.

Let it not be assumed, however, that because the economic motive is strong in man he is an altogether selfish creature. There is also an altruistic motive which impels him to help his fellow-men, even at personal sacrifice. Men desire to gain wealth for themselves, but having gained enough and to spare, they frequently devote much of it to the assistance of those who have not been so fortunate. The higher our civilization the more marked does this spirit of altruism or economic unselfishness become.

Economic goods.

The Subject-Matter of Economics.—The study of economics does not concern itself with all the possible wants and aspirations of men. It deals only with the production, distribution, and consumption of those things which satisfy man's desire for (*a*) material objects and (*b*) personal services. In other words economics is a subject which concerns itself with the production, distribution, and consumption of *economic goods*, a term which includes material possessions known as wealth and also such personal services as have an economic value. Not all things of a material sort are economic goods; air and sunlight, for example, being free to all, require no effort on the part of man to obtain. They are called free goods. We apply the term economic goods only to such things and services as satisfy human wants and are not to be had free. Requiring effort to produce, these economic goods are limited in supply and hence have a value in exchange for other goods. For this reason they are commonly spoken of as *wealth*. Certain personal services, those of the physician, the lawyer, the foreman, the laborer, also have an economic value in that they are limited in supply, satisfy material wants, and can be exchanged for tangible goods. These services form a part of the

economic activities of society, a very important part. So the study of economics includes these personal services as well.

Present and future economic goods.

The Consumption of Wealth.—All economic goods are produced for the purpose of being used. This use is what the economist calls *consumption*. Some economic goods are in finished form, ready for immediate consumption at any time; others are in the form of raw materials or half-finished products not yet ready to be used. Hence we distinguish between present and future economic goods. Economic organization strives to manage matters so that a sufficient supply of economic goods will reach their finished form in time to fill the demands that arise. This demand on the part of the consumers determines the methods and amount of production. If there is no demand for a particular kind of economic goods, these goods will not be intentionally produced. On the other hand a vigorous demand will encourage production and speed up the process of distribution.

Demand and supply.

So we get back, in the end, to the proposition with which we started, that the purpose of economic activity and organization is to supply human needs. Where the need is felt, the demand arises. When the demand arises, the agencies of supply, namely production and distribution, usually respond. One of the great tasks of economic organization, therefore, is to estimate the probable demand and so influence production and distribution that the supply will neither be excessive nor fall short. If there is an over-supply of any commodity, prices normally will fall.

That means that goods may bring less than it costs to produce and to distribute them. One reason for the organization of industry on a large scale under great corporations is that supply can thus be kept closer to demand. At any rate the consumer, by his greater or smaller demand, virtually determines all activities of production and distribution. He is the pivot of the whole economic system.

The factors in demand.

Whether the demand on the part of the consumer will be larger or smaller depends on three factors. The first is the utility of the goods to him. Economic goods do not have the same utility to all men at all times. The utility of ice on a warm summer day may be considerable; in midwinter it is next to nothing. The utility of eye-glasses to short-sighted men is great; to men of normal sight they have no utility at all. Economic goods may, therefore have a greater or smaller utility depending upon the place, the time, and the consumer. Bear in mind, moreover, that each consumer matches the utility of one commodity with the utility of other commodities which he finds available, and his demand follows the direction of the greater utility. A second factor in demand is the price of the goods. When the price goes up, the demand ordinarily will go down, because some customers will decide that the utility of their money is greater than that of the goods at the increased price. Finally, demand depends in part upon the purchasing power or wealth of the consumers. In prosperous times, when people have plenty of income, the utility of goods seems greater than the utility of money; in times of depression and low incomes the reverse is true. The interaction of these three factors determines the demand.

What production means.

Economic Production.—Production is the general term applied to all the processes whereby economic goods are adapted to the satisfaction of human wants. We are often told that no man can either create or destroy a single atom of matter. Strictly speaking, therefore, production does not mean the *creation* of economic goods but the *utilization* of materials in such a way that they may satisfy the consumers' demands. This utilization may involve changing their form, as where iron is made into tools or wool into cloth. The miner who takes coal out of the earth; the farmer who makes two blades of grass grow where one grew before; the mason who hews the stone for the building; the baker who makes flour into bread; the manufacturer who takes leather and turns it into shoes—all are engaged in production. So, also, are such workers as statesmen, judges, lawyers, physicians, and teachers. They may not directly produce commodities but their services are essential to the smooth working of the processes of production. The only workers who do not deserve to be called productive laborers are thieves, swindlers, counterfeiters, and other parasites. They often work harder than would suffice to earn them an honest living; but their labor is not productive. They live on what others produce.

Natural resources, labor, capital, organization, and government.

The Factors in Production.—There are five factors in production; namely, (1) natural resources (including land); (2) labor; (3) capital; (4) organization and management; (5) government. Natural resources, without the application of labor to

them, do not go far in satisfying human wants. Men cannot live on soil, climate, rainfall, and minerals. Nor can labor and natural resources, when one is applied to the other, succeed in producing all the economic goods which people in an advanced stage of civilization require. Capital is also essential—capital in the form of machinery, or in the form of money to support labor during the process of production. These three things, natural resources, labor, and capital must be brought together, furthermore, and kept working in unison. This is where organization, the fourth factor in production, comes in. It borrows the capital, buys the raw materials, sets the labor to work, and markets the products. Government is not commonly looked upon as a factor in production, but it ought to be. Without the protection and regulation which government affords we could not carry on production at high efficiency. It is government that assures to labor, capital, and organization their rightful shares in the joint production and thus affords them the incentive to do their best.

Land and its resources.

Nature's Contributions to Production.—Nature contributes to the production of economic goods such things as land, timber, waterways for transportation, minerals, coal and oil, the motive power of steam,—in a word nature provides all the materials and the environment of production. Hence it is fundamentally the most important of all the factors. If one studies the history of those nations which have become great in various periods in history, it will be found that the basis of their material greatness was in practically every case the bounty of nature. Civilization made its first advance

in the fertile valleys of the Euphrates and the Nile. Its progress since the dawn of history has been conditioned by man's success in discovering and using natural resources.

Among the contributions of nature to production some, such as land, can be brought under private ownership. So long as land was plentiful and population scanty there was no occasion for private property in land. When Caesar first came into contact with the Teutonic tribes he found that land was not held in private ownership. Everyone took what he wanted; when the land seemed to be growing exhausted the whole tribe moved on to some other region. But as these tribes grew in number and unoccupied land became less plentiful, common ownership gave way to private ownership. The Anglo-Saxons had reached this stage before they migrated to England.

Rent.

Land held in private ownership can be bought, sold, and leased. When it is leased, the owner receives for its use a payment known as rent. Rent may be defined as the return which is obtained by the owner of any form of natural resource. This includes not only land but mines, water-powers, trout-streams, and so forth. The return which is received for the use of unimproved land is usually called *ground rent*, while the return which results from improvements such as buildings upon the land, fences, and drains is called *improvement rent*. Strictly speaking, this is not rent, but a return upon invested capital. The amount of ground rent paid for any piece of land depends upon its relative fertility, if it is to be used for agriculture, and its location. Location alone determines the ground rent of land in towns and cities.

What is labor?

Labor as a Factor in Production.—What is labor? Is all muscular and mental exertion entitled to be called labor? Mountain climbing involves the most severe sort of bodily effort. Tourists do it for pleasure and guides do it for pay. Is it labor in one case and not in the other? Some men play chess for recreation; others make a living out of it; in either case there is strenuous mental exertion involved. So where does labor begin and end?

No exact answer can be given to that question. One man's play is another man's labor,—gardening, fishing, acting on the stage, for example. But economists usually define labor as "human exertion or effort directed toward the creation of economic goods". This includes mental as well as physical exertion. All who are engaged in the production of material things or personal services for the satisfaction of human wants are engaged in productive labor.

The economic importance of labor.

Labor, of course, is of great economic importance. The natural resources of the American continent were as great three hundred years ago as they are today; yet they were practically useless in satisfying human wants because the red man would not and could not bestow his labor upon them. It remained for the white man to transform natural resources into economic goods. This he has done not only by the use of muscular exertion but by the application of intelligence. Labor is never an end in itself; it is always a means to an end, and this end is the satisfaction of human demands.

The simple and complex forms of

division of labor.

Division of Labor.—In applying their labor to natural resources men soon found that the best results could be obtained by apportioning different tasks to different workers. This is called the *division of labor* and it has been one of the great factors in the progress of production. In its simpler form, division of labor merely meant that each workman confined himself to a simple occupation and carried through all the processes of production in that particular trade. The cloth-maker, the shoemaker, the implement-maker performed all the work of making cloth, shoes, or implements from start to finish. This simple division of labor was practiced in very early times. But as the world moved forward a more complex division of labor developed and this is particularly a feature of modern production. In this development the individual worker is assigned to make only a part of a commodity. The making of cloth is no longer a trade, but embodies a series of trades—that of the wool-carder, the spinner, the weaver, the fuller, the dyer, and the finisher. In the modern shoe factory one employee cuts the sole, another trims it, a third turns the heels, a fourth sews the uppers to the sole, and so on. There are more than twenty distinct operations in the making of a factory shoe, each requiring special skill on the part of the worker.

In the time of the Roman empire it is said that only thirty-seven different trades and professions were in existence. Today the number runs into the thousands. It would be practically impossible to make a list of them all. This is the age of specialists. Men no longer call themselves shoemakers but cutters, lasters, welters, sole-makers. Even in the engineering profession we have electrical engineers,

civil engineers, mechanical engineers, locomotive engineers, stationary engineers, mining engineers, marine engineers, and chemical engineers.

Advantages and Disadvantages of Division of Labor.—Division of labor has brought many economic advantages. It enables the worker, by constant practice at a single operation, to acquire skill and dexterity. It enables almost every worker to find some task that he is able to do and for which he has a special liking or aptitude. It stimulates the invention of new processes and methods by reducing each operation to the simplest possible form, at which point it can often be taken over by machinery.

But the elaborate division of labor which marks modern industry also has its defects. It increases the monotony and irksomeness of labor. It prevents the development of all-round craftsmen, men who can turn their hands to a variety of things. Hence when a worker in modern industry loses his regular employment it is difficult for him to change to anything else. Confining men and women to a single, simple task day after day and year after year tends to narrow them; it certainly does not conduce to the extension of their intelligence. No great inspiration comes from his work to the man who spends his life in making the nineteenth part of a pin.[13] Division of labor has come to stay, however, and in spite of all these disadvantages the world is on the whole far better for its coming. It has made the production of goods so much easier that to give it up now would carry the world back to primitive conditions and lower the standard of living.

Our aim should be to utilize all its advantages while reducing its evils to the minimum. This we may hope to do by several methods; for example, by reducing the daily hours of labor, by promoting

vocational education, by the restriction of child employment, by a better organization of the labor market (see p. 418), and by providing wholesome recreation for the workers.

Labor is a service.

Is Labor a Commodity?—Labor, as a factor in production, receives its return in the form of wages. A generation ago it was customary to speak of labor as a commodity and to say that the worker "sold his labor" for wages. But labor is not a commodity. The seller of goods parts company with them when he makes a sale; the worker is inseparable from his work. The man who sells shoes cares not who wears them; but it makes some difference to the shoe-worker how and where and for whom he labors. No commodity, moreover, is so perishable as labor. The labor of one day will not keep for sale the next. Hence sales of labor, if we call them such, are in the nature of forced sales. In the case of nearly all commodities, again, the supply can be diminished by stopping production, thereby preventing a drastic fall in price. But the supply of labor cannot be so easily cut down. The analogy between labor and commodities is a poor analogy and it is much better to speak of labor as a personal service. Workers contract with employers for the giving of this service and should receive, in return, not only wages but various assurances as to the conditions under which the service is to be rendered. The Congress of the United States, in the Clayton Act of 1914, declared that "the labor of a human being is not a commodity or article of commerce" and that an organization of workers was not to be regarded, therefore, as a "combination in restraint of trade."

The factors which cause wages to rise

and fall.

Wages.—The wages of labor depend fundamentally upon demand and supply. But as the supply of labor is not susceptible to a quick and unlimited increase or reduction, wages depend principally upon demand. When there is an increased demand for economic goods, due to factors which have already been explained (see p. 40), the quest for labor becomes more keen on the part of employers; better terms are offered to the worker; in other words wages go up and the conditions of labor are improved. When the demand for economic goods diminishes the contrary takes place, but in this case the decline in the rate of wages does not, as a rule, keep exact pace with the decrease in demand. Organizations of labor strive to keep wages up and often succeed, temporarily at least, in doing so. During the years 1918-1920, when the demand for economic goods expanded greatly, the wages of labor in the United States went up promptly all along the line. When the turn in the tide came, about the middle of 1920, wages began to fall slowly and their descent has been very gradual. Wages, thus, incline to follow the general course of prices but they show this tendency more clearly when prices are going up than when they are coming down. This is altogether natural, for higher wages conduce to a better standard of living, and when such better standard has been achieved there is objection to any lowering of it.

Nominal and real wages.

This suggests that a distinction ought to be drawn between *nominal* and *real* wages. Wages, of course, are not an end in themselves; they are merely a means which enables the worker to satisfy his wants.

The real utility of wages depends, therefore, upon what they will purchase, and this, again, depends upon the general level of prices. Even if wages, reckoned in dollars, go up fifty per cent, the worker is no better off if the general level of prices also goes up fifty per cent. A worker's nominal wages are what he receives in dollars; his real wages are reckoned in terms of purchasing-power. The rate of wages should always be studied, therefore, in connection with prices. An increase or decrease in nominal wages may mean much or it may mean very little.

The minimum wage level.

There is a limit below which real wages cannot fall. This is the point at which the worker can manage to maintain himself and his family. Just where this point is, stated in terms of money, no one can say. It varies in different parts of the country. Before the World War the statistics showed that half the adult male workers in this country were earning less than six hundred dollars a year, yet the standard of living among American workmen was higher than that of the workers in any other country. Today it is probable that these same workers are earning more than a thousand dollars. This does not mean, necessarily, that the standard of living has risen, for the amount of nominal wages needed to maintain the pre-war standard is greater because of the rise in prices.

How capital arose.

Capital.—Capital is the third factor in production. In primitive industry the application of labor to natural resources produced direct and almost immediate results. The savages who gathered nuts and caught fish with their hands, for example, gained the fruits of their efforts at once. But these direct

methods of satisfying their wants did not carry mankind very far. It soon became apparent that men could produce economic goods more easily and more abundantly by indirect methods, that is by the use of tools, implements, machinery, and other labor-saving devices. These made possible the utilization of minerals and other natural resources which could never have been made to serve the wants of man without using the appliances of indirect production. So, as civilization developed, production came to be spread over a considerable period of time, until today it often happens that a whole year intervenes between the first step in production and the sale of the finished article. Consider the articles of daily use, clothes, shoes, furniture, books, and realize how vast has been the series of operations necessary to produce each of them! Many workers have contributed their share, and each of these has had to receive his wages long before the goods passed into the hands of the ultimate consumer.

What it includes.

Now the factor which has enabled production to become indirect and long-spread-out is capital. Capital consists of all the intermediate things which men use in producing economic goods. It includes buildings, materials, machinery, and the money which pays the wages of the workers. The use of capital saves labor by enabling a given amount of it to achieve vastly better results than would be the case if capital did not exist. Capital is really stored-up labor in the form of economic goods which have been produced but not consumed. In other words it is the result of saving. If everything that the world produces were at once consumed, there would be no capital.

How the rate of

interest is determined.

Interest on Capital.—Interest is the return paid to the owner of capital for its part in production. It is his recompense for saving his economic goods instead of consuming them. Productive capital is frequently in the form of material things but its value is reckoned in terms of money and a certain per cent per annum is paid on this value in the form of interest. Were it not so, there would be no strong inducement for men to save, and capital would not be forthcoming. The rate of interest depends, in a general way, upon the interaction of demand and supply. If the demand for capital exceeds the supply, the rate of interest will ordinarily go up, and *vice-versa*. But this does not always take place because capital is sometimes obtained at a fixed rate for a long period, and this rate, whatever it is, remains the same for the duration of such period.

Why organization is essential.

Organization and Management as a Factor in Production.—When labor and capital are brought into play upon natural resources the production of economic goods is the outcome. But these three factors are in separate hands and have to be brought into co-operation. Owners of lands, mines, and forests control the natural resources; another class possesses the capital; a third is in a position to furnish the labor. Organization brings all three into joint action for the production of wealth.

The forms of organization.

This organization may take any one of several forms. The simplest form of organization is represented by the individual employer, the man who borrows capital (or provides it from his own

savings), purchases the raw materials, and hires labor to be applied to it. He is an organizer of the productive process. This system of single employers was nearly universal in the earlier stages of industry and trade. Next comes the partnership. Two or more men assume the task of bringing natural resources, capital, and labor together. The partners divide the work and jointly assume all responsibilities of loss. Finally, and most common in large-scale production nowadays, there is the joint stock company or business corporation in which many persons participate. Each contributes to the organization and takes a proportionate share of the risk.[14] The nature and work of these corporations are explained in a later chapter.



THRIFT AND PROSPERITY. By Frederick Dielman.

Copyright by Frederick Dielman. From a Copley Print, copyright by Curtis & Cameron, Boston. Reproduced by permission.

THRIFT AND PROSPERITY

By Frederick Dielman

From a mosaic picture in the Albany Savings Bank, Albany, N.Y.

A mosaic is a decoration formed out of small pieces of natural stone or enamel, of various colors, set in cement. This decoration measures fourteen feet by seven and one-half, the figures being somewhat larger than life size.

Under a fruit tree in a landscape suggesting grain fields and meadows, is a group of figures. The central and principal figure, the mistress of a household with her distaff and spindle, typifies industry and good management; behind her on either side among the hollyhocks are beehives—the conventional emblems of industry and saving.

In the foreground on the left, a woman with a sheaf of wheat at her feet and a sickle in her hand turns toward the keeper of the flocks and herds. At the right, a kneeling maiden lays a basket of fruit near the sheaf of wheat, while a stalwart man, adze in hand, bares his arm for work. All these figures

symbolize the different branches of agriculture. The children and the young animals typify the way in which each young generation is nourished by the industry and thrift of its elders.

The whole impression of this picture is one of industry, prosperity, thrift, and—by reason of these three—happiness.

The nature of profits.

Profits.—The return received by the organizers and managers of productive enterprises is commonly known as profit. The amount of their profit depends upon the degree of success with which they can produce goods for less than the selling price. Every employer or organizer assumes a considerable amount of risk. He obligates himself to pay definite amounts for the use of capital, materials, and labor no matter what the value of the finished products. If this value be less than the cost of production, he loses; if it be more, he gains. Losses, if continued, mean bankruptcy. Gains are profits and, if continued, make him rich. It will be seen, therefore, that the employers or organizers of production take more risk than those who supply the materials, the capital, or the labor. What determines the rate of profits. Their success, in other words their rate of profits, depends in general upon the degree of managing and organizing ability which they display; but it sometimes happens that profits will be high in all branches of production for a time irrespective of the

employer's skill. The price of the finished product may rise without an immediate and proportionate increase in the cost of materials, interest, and wages. This situation, while it continues, affords an opportunity for abnormal profits or "profiteering" as it is often called. Abnormal profits may also be due to the existence of a monopoly in a particular form of production.

The economic importance of government.

Government as a Factor in Production.—It has not been customary to speak of government as one of the essential factors in production, but a few moments' reflection will show that its part in the process of industry and trade is very important. To begin with, the government determines what forms of production may be carried on and by what methods. It forbids certain forms, such as the making of intoxicants, and strictly limits others, such as the manufacture of narcotics. It gives to some individuals and corporations the exclusive right to produce certain articles under patents. It determines the forms of business organizations, the responsibilities of employers, the rules relating to partnership, and the powers of corporations. It sets a limit upon the rate of interest by means of usury laws and through its banks may virtually control the rate (see p. 438). The government, moreover, makes rules for the conservation of natural resources and to some extent fixes the relation between the employer and his workers. At times it even fixes prices. It provides courts and commissions for the settlement of disputes affecting production. Finally, the whole system of private property rests upon the support of the government.

Taxes as an element in cost.

What return does the government get for these services to production? Offhand, one might say that the government receives its return in taxes. In a sense this is true, for taxes, like interest, wages, and profits, must be paid from the selling price of goods. Taxes, indeed, must be provided for before profits can be determined. But it is not usual, nor is it accurate, to speak of taxes as a reward or return for services which the government renders. Revenue in the form of taxation is essential in order that a government may function properly, yet there is no close relation between the rate of taxation and the amount of service given. This whole question of taxation, in theory and in practice, will be discussed further on.

Some Essential Economic Activities

The way in which each factor in production obtains its share.

Exchange.—It has been shown that several factors in production are each entitled to their share. This share is reckoned in terms of money because every producer gets his own return in terms of money. In other words goods are exchanged for money, and money in turn is exchanged for other goods or service. This mechanism of exchange engages the energy of a great many individuals and institutions, such as wholesalers, retailers, brokers, and banks. Economic goods would have relatively little value if they could not be translated into money and thus

distributed from hand to hand. No one, as a rule, can live and flourish by consuming exactly what he produces and nothing else. He must use his share in what he produces as purchasing-power to secure whatever best satisfies his own wants. Money is the lubricant which facilitates this; in a word, it is the medium of exchange.

Definition of value.

Value and Price.—Exchange takes place on a basis of relative values. He who sells goods or services receives something of assumed equal value in return. But what is value? The term value is employed in two different senses, value in use and value in exchange. By the former we mean the intrinsic utility of a thing. Air and sunlight, for example, have a high value in use; they are indispensable to life in fact; but they have no value in exchange. When the economist speaks of value he means value in exchange or market value, that is to say the ratio in which one commodity or service will exchange for other commodities. If a ton of coal can be exchanged for a large quantity of cloth, or food, or labor, its value is high; if it can be exchanged for only small amounts of these other commodities, its value is said to be low.

Definition of price.

But price is quite another thing. The price of a commodity is the ratio at which it will exchange, not for all other goods and services but for one specific thing, namely, money. Price is value expressed in terms of the medium of exchange. We habitually translate our economic goods into terms of money before we buy or sell them. A general rise or fall in prices is quite possible, for this is merely another way of saying that money will buy less or more of all other things. It is immaterial whether we say that

prices have gone up or that money has gone down; we mean exactly the same thing.

What determines the level of prices?

Competition and Monopoly.—Exchange is conducted, for the most part, under free competition. Buyers give as little as they can in money for goods; sellers get as much as they can. When goods bring higher prices, more will be produced until prices are forced down again; if prices fall, production will decline until the reduction in supply serves to bring them up again. This is the theory of free competition. In practice, however, it does not always work so automatically. Some things, such as diamonds and platinum, cannot be produced in unlimited quantities no matter how much labor, capital, and organization we may apply. Other things are *legal* monopolies, or patented articles, which can be produced by only one concern and are not subject to the direct influence of competition. Still others are *natural* monopolies due to the fact that from the nature of things only one concern can produce the goods or render the service. A telephone company, for example, has a natural monopoly. Competition involves a complete duplication of the service. It means that many subscribers have to put two telephones in their stores or homes in order to get into full touch with other users of telephones. The net cost of telephone service to customers cannot be reduced in this way. Finally, some things are the subject of artificial monopoly, that is to say, they are produced or distributed under arrangements which restrict or eliminate competition (see pp. 386-388).

The effects of monopoly.

All these forms of monopoly interfere with free

competition and they cover a great many of the things which are in common use by the people.[15] Recent investigations have shown that the number of commodities which are either wholly or in large part controlled by monopolistic combines is larger than people commonly realize. A certain amount of legal monopoly is essential in order to encourage research and invention.[16] Men will not strive to invent new machines and appliances if the invention at once becomes common property. Natural monopolies arise from the essential nature of things and it is difficult to see how most of them can ever be avoided. We cannot very well have two competing street railways on the same street, for example. There would then be little room in the street for anything else. Artificial monopolies are often objectionable because they enable a few persons or corporations to obtain excessive prices from the public; but even an artificial monopoly can in some cases be advantageous. Occasionally some corporation, by producing things on a very large scale, is able to do it so cheaply that small producers are driven out of business. The large concern then finds that it has become a monopoly, but so long as it does not arbitrarily raise prices the public is not injured by the mere fact that a monopoly exists.

The principle of freedom in economic relations

Freedom of Contract.—An outstanding characteristic of modern economic organization is the encouragement of private enterprise through freedom of contract. By the laws of the land the worker is not forced to take employment from anybody; he may contract with whomsoever he pleases. He may even join with other workers in a

union and make a collective bargain, that is, a group of workers, large or small, may contract with one or more employees or with a group of employers. The employer, on his side, is not forced to hire anybody; he also has freedom of contract. It is true, of course, that this legal theory of individual freedom does not find complete exemplification in actual practice. The right of the wage-earner to bargain collectively is not everywhere conceded by employers; the right of the employer to hire non-union men is not everywhere conceded by the unions (see p. 406). The landlord is not obliged to rent his house, nor the tenant to stay against his will. Both are bound by the terms of their contract and no more. Buying and selling are conducted with similar freedom. All this affords a great spur to private initiative. Everyone depends for his own prosperity and advancement upon the skill with which he can use his freedom. A well-known English writer, Sir Henry Maine, once declared that the progress of civilization has been a movement *from status to contract*. He meant that in primitive times all men had their careers virtually determined for them by the station in which they were born. The child of a noble became a nobleman; the child of a peasant remained a peasant through life. In modern economic society the individual's own efforts, exerted through his freedom to contract with others for his own advantage, count far more heavily in determining his ultimate station in life.

Why the institution of private property is maintained.

Private Property.—Freedom of contract would prove a poor incentive to progress were it not accompanied by a provision whereby industrious men can enjoy the fruits of their labor and thrift.

Hence we guarantee to every man not only the right to earn but the right to save, for future enjoyment, a portion of his earnings. These savings become his property and within certain limits he may use them as he pleases. He may utilize his savings during his own lifetime or leave them to his children when he dies. Savings may take the form of private property in land and buildings, or movable goods, or such investments as bonds, stocks, mortgages, and bank deposits. Property in land and buildings is commonly known as *real* property or real estate. All other forms of property are called *personal* property. Sometimes we distinguish between two kinds of personal property, *tangible*, which includes all goods and chattels, and *intangible*, which comprises stocks, bonds, mortgages, notes, deposits, and other obligations.

The institution of private property is the basis of our whole economic system. No nation has ever enjoyed industrial prosperity for any length of time without recognizing the right of private property. Destroy this right and you take away what now constitutes the chief incentive to labor, saving, and industrial efficiency. Under a socialistic system, which would either abolish or largely curtail this right of private property, it is argued that other incentives would take the place of the motive now furnished by private property and that men would keep on working and organizing even if private property were entirely abolished; but this is a large question and its discussion must be relegated to a later chapter.

The right of private property is subject to restrictions.

In any case most men are now agreed that the

right of private property cannot be left unfettered; it must be guarded against abuse. Society cannot wisely permit it to stand as an obstacle to the general interest. Even the right of private property, therefore, must bend to the good of the community. Men are allowed to own property because their doing so promotes the well-being of the whole people; the right should not go further than that. It is for this reason that we place various restrictions upon the right of private property, restrictions in the interest of the public health, or for protection against fire, or for the preservation of public morals. No one has the right to own and maintain property that constitutes a public nuisance, such as an unsanitary tenement house, for example, or a building that forms a fire trap. The right of private property is entitled to respect only in so far as it is exercised in keeping with its prime purpose, which is to advance the interests of the whole people by giving each individual a sufficient incentive to work and to save.

General References

H. C. ADAMS, *Description of Industry*, pp. 3-117; F. W. TAUSSIG, *Principles of Economics*, Vol. I, pp. 1-110; H. R. SEAGER, *Introduction to Economics*, 4th ed., pp. 1-121; R. T. ELY, *Outlines of Economics*, 3rd ed., pp. 1-98; C. J. BULLOCK, *Introduction to the Study of Economics*, pp. 115-179; 375-431; H. R. BURCH, *American Economic Life*, pp. 1-37; 71-80; 315-335; T. N. CARVER, *Principles of National Economy*, pp. 3-46.

Group Problems

1. The effects of division of labor and the ways in which we may retain its advantages while reducing its detrimental effects. How division of labor arose. The extent to which it is now carried in industry. Its physical effects. Social, political, and economic effects. Its value. How its defects can be overcome. The reduction of hours in

certain industries. Vocational education for the worker. The restriction of child labor. The better organization of the labor market. Recreation for the workers after work-hours. The merits and practical difficulties of each plan. References: F. W. TAUSSIG, *Principles of Economics*, Vol. I, pp. 30-48; *Thirteenth annual report of the United States Commissioner of Labor on Hand and Machine Labor* (for illustrative material); H. R. SEAGER, *Introduction to Economics*, pp. 153-158; R. T. ELY, *The Evolution of Industrial Society*, pp. 398-424. See also the references given at end of chapters XX-XXI in this book.

2. The justification of private property. References: L. C. MARSHALL, *Readings in Industrial Society*, pp. 144-223; 947-988; JOHN M. MECKLIN, *Introduction to Social Ethics*, pp. 302-322; F. A. CLEVELAND and JOSEPH SCHAFER, *Democracy in Reconstruction*, pp. 69-95; HERBERT SPENCER, *Social Statics*, pp. 62-65.

Short Studies

1. **Our chief economic wants.** L. C. MARSHALL, *Readings in Industrial Society*, pp. 9-15; 270-277; 828-833; C. J. BULLOCK, *Introduction to the Study of Economics*, pp. 79-87.

2. **Economic ideals.** H. R. BURCH, *American Economic Life*, pp. 17-27.

3. **Is labor a commodity?** C. J. BULLOCK, *Introduction to the Study of Economics*, pp. 432-436.

4. **The relation of wages to the standard of living.** H. R. BURCH, *American Economic Life*, pp. 47-56; J. H. HAMMOND and J. W. JENKS, *Great American Issues*, pp. 83-96.

5. **How capital is accumulated.** R. T. ELY, *Outlines of Economics*, pp. 116-130.

6. **The place of capital in modern agriculture, industry, and commerce.** L. C. MARSHALL, *Readings in Industrial Society*, pp. 154-212.

7. **Natural monopolies.** C. J. BULLOCK, *Introduction to the Study of Economics*, pp. 309-324.

8. **Freedom of contract.** L. C. MARSHALL, *Readings in Industrial Society*, pp. 570-574.

9. **Thrift as a national asset.** F. A. CLEVELAND and JOSEPH SCHAFER, *Democracy in Reconstruction*, pp. 244-262.

10. **The place of luxury in economic life.** T. N. CARVER, *Principles of National Economy*, pp. 584-597.

Questions

1. Make a list of the chief human wants that existed a thousand years ago. Also a list of the principal human wants of the United States today. Name the ones that are freely satisfied by nature.

2. What is meant by "economic goods"? Which of the following things are economic goods, and which are not: a phonograph record; opium; the sunken Lusitania; a silver dollar; a Liberty bond; electricity; Mr. Bryan's skill as an orator; desert land in the middle of Africa; weeds in a wheat field; a wide acquaintance among business men; a ten dollar bill; a public park; a band concert; keen eyesight; a cask of rum? Give your reasons in each case.

3. Give some examples of the production of economic goods (*a*) without the use of labor or capital; (*b*) with labor but without capital; (*c*) with capital but without labor.

4. Explain what one would mean by speaking of the "productive consumption of wealth". Give some examples.

5. Is division of labor carried as far in agriculture as in industry? Are the evils of division of labor as great in country districts as in towns and cities? What remedies would you suggest to counterbalance the monotony of industrial labor?

6. Which of the various productive factors are most important in (*a*) sheep raising; (*b*) banking; (*c*) the coining of money; (*d*) training a brass band; (*e*) selling newspapers on the street?

7. How would you estimate the ground rent of a piece of land, situated on the main business street of a large city, with a store built upon it?

8. Would an increase in the price of wheat lead to a rise in the general rate of rental paid for farm land or would a rise in the general rate of rental cause the price of wheat to go up?

9. Why is there more capital in the United States than in China although the population of China is three times as large?

10. If all payment of interest were forbidden by law, would people continue to save? If not, why does saving sometimes increase when the rate of interest goes down?

11. Why are each of the following paid a high or a low rate of remuneration as the case may be: (*a*) a locomotive engineer; (*b*) a hod carrier; (*c*) a movie actor; (*d*) a member of the state legislature; (*e*) a steeple jack; (*f*) a corporation lawyer?

12. To what different things may a fall in wages be due? A fall in profits? If all large production could be eliminated, would we be worse or better off?

13. If all men were of equal business ability and had the same opportunities, would there be any business profits?

14. What are the advantages of a corporation as compared with a partnership?

15. In what ways is democracy likely to enhance production to a greater degree than despotism?

16. Can you think of something possessing value but not utility? Utility but not value? Both value and utility but having no price?

17. What is meant by the saying that "competition is the life of trade"?

18. Make a list of all the natural monopolies that you can remember. How may the evils of legal and artificial monopolies be lessened?

19. How is freedom of contract related to the institution of private property? Do you think you would look forward to greater or less happiness in life if all private property were now to be abolished?

20. Which of the following are proper limitations on the freedom of contract or the right of private property: (*a*) a rule that billboards must not be built of wood; (*b*) a provision that no one shall buy or sell explosives without a license; (*c*) a regulation that no owner of a city lot shall build on it any building costing less than ten thousand dollars; (*d*) a requirement that no one sell cigarettes to persons under sixteen years of age?

Topics for Debate

1. Labor contributes more than management to national prosperity.

2. High prices are an advantage (or a disadvantage) to the workers of the United States.

3. Every earner of income should be required to save a certain portion of his earnings each year, thus making all men capitalists as well as workers.

CHAPTER IV
THE NATURE AND FORMS OF GOVERNMENT

The purpose of this chapter is to explain what government is, how it originated, why people obey it, and what its functions are.

Various uses of the word "state".

What is the State?—The word "state" is so short and simple that everybody is assumed to know just what it means. And in a general way everyone does know what it means. But it is used in more than one sense and with a good deal of latitude. When we speak, for example, of the "newly-created states of Europe" we mean Poland, Czecho-Slovakia, and Jugo-Slavia. The term "state", so used, designates a country with an independent political existence. But we also speak of "the states of the Union", by which we mean merely the political divisions of a single country. Then, again, one frequently encounters such expressions as "a statesman who served the state" or "state control of railroads", or "the relations between Church and State". To what does the term in such cases refer? Here the expression is used in a generic sense to include politically organized society, and those who so use it are thinking more particularly of

the political agencies through which organized society acts.

A general definition.

A simple definition will cover all these uses of the term. A state is a body of people, possessing a definite territory, and politically organized. Territory is essential. The Jews for many centuries did not constitute a state because they had no territory of their own. Now they are once more in the way of obtaining a national homeland. Population is also essential. The territory around the South Pole does not form a state because it is uninhabited. And a political organization, a government, is the third essential. The territory which is now the United States did not form a state before the first European settlers reached it, for, although it was inhabited, the savages who roamed over its vast expanses were not politically organized. They had, for the most part, neither government nor laws. Persons, territory, and organization—these are the essential attributes of a state.

The Government and why we obey it.—By the government we mean the various officials and bodies by whom the people are ruled. By the government the will of the state is carried out. But why should people obey a government? We obey the rules of voluntary organizations because we are free to join them or not; but no individual is free to disobey the laws or to remain aloof from the control of his government. By what right does the government take money from us in taxes, call upon us for service in war, compel us to adjust all our controversies in its courts, and insist that we obey its laws?

The divine right doctrine.

Two theories have been offered to justify the government's right to the obedience of the people. The first is known as the theory of divine right. According to this idea all governmental authority was originally bestowed upon the rulers by the Creator. And having received their authority from God, the rulers were not responsible to the people. This theory of governmental authority is very old, as old as the Ten Commandments and probably older. It was argued that kings ruled and princes governed by divine right because "the powers that be are ordained of God". This doctrine of the divine right of rulers was maintained throughout the mediaeval period and was put forth by the Stuart kings of England as a justification of their despotic rule.[17]

The "consent of the governed".

The other theory, which is that government has its foundation in the "consent of the governed", appeared in the writings of the English philosopher, John Locke, during the seventeenth century and was incorporated into the Declaration of Independence about one hundred years later. When the Stuart dynasty was finally expelled from the throne of England, the new sovereigns were declared to be rulers "according to the desire and resolution of parliament", in other words by the consent of the English people through their representatives. Since the beginning of the nineteenth century the theory that government rests on the consent of the governed has been accepted in all democratic countries.

What the consent of the governed implies.

Now if we hold this doctrine to be sound, as most men do today, it follows that when people establish a

government by their own consent, they are under obligation to submit to its authority. Every right imposes a duty. The right to frame a constitution and to adopt it as the basis of a new government carries the duty of supporting the constitution and upholding the hands of those who exercise authority under it. The people who claim the right to make the laws must be ready to obey these laws when they are made. When men and women by their own consent establish a government they do this because they expect to obtain some advantages such as security, peace, and order. In return for these advantages they must expect to yield obedience, pay taxes, adjust their differences in the courts, and do whatever else a government reasonably requires.

The social contract theory.

How Government Began.—But admitting that government rests on the consent of the governed, how was this consent obtained, and how did the first government come into existence? Here, again, there are two theories as to what happened. The first is that the state and government originated in a "social contract". Primitive men, living in a condition of political chaos, made a general covenant, by which they created a sovereign power to rule them. This idea is as old as the days of Plato, but it did not take strong hold on the minds of men until a few centuries ago. It was put forward by Thomas Hobbes in England to defend absolutism, his argument being that to dethrone a king was to break the contract upon which the state had been founded. On the other hand it was used by John Locke to prove that the people of England had a right to dethrone a monarch if the monarch failed to abide by the terms of the social contract, and those who compare certain

passages in Locke's book with the Declaration of Independence will see that the framers of that daring document were much influenced by his assertions. Even in America the contract theory took a strong hold. The Mayflower pilgrims, lying off the rock-bound shores of New England, drew up and signed a formal document wherein they solemnly covenanted and combined themselves into a "civil body politic". The doctrine found frequent expression in the writings of Jefferson and Madison; but while it afforded an excellent basis for arguments in defence of revolutions against despotism the theory that the state had its origin in a social contract has long since been abandoned as unhistorical. It assumes that primitive men were free and equal individuals subject to no paternal authority, whereas, as a matter of history, freedom and equality among men arose only after states had been formed.

The theory of political evolution.

The true explanation of how government began is to be found by applying to the study of political science the methods of biology. We do not know exactly where or when the first government came into existence, but we do know that all political institutions are the result of a gradual evolution or development.

We have already seen that the earliest social unit is the family—a small group of individuals bound together by intimate ties. But the family was but one unit in a larger group, the clan, made up of families assumed to be descended from a common ancestor. The various clans united to form the tribe which, as an organization, rested upon a common race, language, and religion. These tribes, although at first roving bodies, wandering from place to place, at

length acquired some definite territory and settled permanently there. The beginnings of a state were then at hand and with the state, or even before it, came government. In all probability that is the process through which the earliest governments came into being,—a process extending through many generations. The tribal chiefs became kings and passed on the kingship to their sons. As time went on the kings gathered greater power until despotism became the customary form of government in most countries of the world. It was not until near the end of the eighteenth century that the world began to shake off the despotic authority of kings and to establish governments based upon the consent of the people.

Aristotle's classification.

The Classification of Governments.—During this long evolution from the early tribal organizations down to the complex governments of the present day many forms of rule have been tried in various countries. Even in ancient Greece the philosopher Aristotle was able to divide states into six classes, three of which he called *normal* types and three *perverted*. Where political power was lodged in the hands of a single individual, he called the state a monarchy; where it was lodged with a few men he called it an aristocracy; and where it was vested in many hands he called it a democracy. Each of these normal types had its corresponding perversion or travesty. A perverted monarchy he termed despotism; a perverted aristocracy he termed oligarchy; and a perverted democracy he called a demagogism or state ruled by mob methods. This method of classifying states is of little value today and would be in many ways misleading.

Monarchies and republics.

Modern states are more commonly classed as *monarchies* and *republics*. The former includes those in which the chief executive officer of the state—be he king, emperor, or other potentate—holds his position by hereditary right; the latter includes those in which he is selected in some other way. But even this classification is not very enlightening. It does not tell us anything definite about the degree of actual control which the people of a state exercise over their government. In some monarchies like Great Britain the power of the people, exercised through their representatives, is very great; in some republics, in China for example, this power is very slight. The term republic is nowadays far from being synonymous with democracy; nor is the term monarchy incompatible with it. Various so-termed republics of Central and South America have been in fact little more than military despotisms.

National and federal states.

Another classification, much more useful, is that which separates *national* from *federal* states. By the former term we mean a unified state with a single government which reaches down directly to the citizen. Great Britain is a *national* state with a monarchical form of government; France is also a national state with a republican form of government. A *federal* state, on the other hand, is an agglomeration of smaller states, each of which retains its own government but with a central government possessing certain powers over them all. The German empire, a few years ago, was an example of a federal state under a monarchical form of government, while the United States affords an

illustration of federalism with republican institutions. This classification is worth while, for it tells us something tangible about the states so classified. When we say that a state is of the federal type we imply that it has two spheres of government within it; that is has a written constitution defining these spheres; that the upper house of its parliament or legislature in some way represents the component units of the federation and that it has, in all probability, some powerful arbiter such as a supreme court to decide conflicts of authority between the nation and its component parts. Practically all federal states, at any rate, have these political characteristics. One cannot imagine a successful federal state without a written constitution, without division of political powers, without some existing authority to decide between the respective claims of the whole and its parts.

True and false democracies.

But the most important thing that a student of government ought to know about any state is whether it merely possesses the forms of democracy or whether the people in fact control the government. Nearly all present-day states have the external forms of democracy, that is to say, they have representative legislatures or parliaments which bulk large in the general scheme of government. But as to the actualities of democracy, the extent to which these representative bodies really direct and control the affairs of state, there is a considerable difference among the nations. A classification of states from this point of view can be made only after a careful study of their actual governments. It is not the form of government which makes a democracy, but the way in which popular control of public

affairs is actually secured and sustained.

The spread of democracy.

Is Democracy the Best Form of Government?—During the past few years democracy has been rapidly gaining ground. The governments of Germany, Austria, Hungary, Poland, and other countries have been reconstructed in such way as to give them, outwardly at any rate, the rank of democratic states. But in spite of this phenomenal progress, which came on the heels of the World War, it remains a fact that more than half the population of the world is still living under systems of government which the people do not control. The world has not yet been made safe for democracy, nor half of it.

This suggests the question whether democracy is the best form of government for all races and under all circumstances. Is it best for backward races, for races only partly civilized? Is it the best system for people who have had very little political experience, such as the Egyptians, the Chinese, and the Filipinos? Are we quite certain, in fact, that it is the best form of government for fully civilized mankind? Most people have always felt sure that democracy is the nearest approach to an ideal form of government, but if you ask their reasons for this belief, you will frequently find that they have never thought of any reasons. Democracy has been and is being severely criticized by various writers who declare that it merely places political power in the hands of the ignorant and unthinking masses, that it leads to wastefulness, extravagance, and corruption, that it fosters incompetence in public office, and that it results in woeful misgovernment.[18]

Now it is quite true that democracy does all this in

some cases, but however grave the indictment may be, the friends of democracy can always answer: "What better alternative do you offer?" The great Italian statesman, Cavour, once remarked that, whatever faults it might have, a legislative chamber was better than a king's antechamber. The justification of democracy is that it ensures, not necessarily the best government, or even good government; but the sort of government the people earn for themselves. A stream does not rise higher than its source. Nor can a representative government reach any higher level than that on which the people maintain it. It will reflect the intelligence, honesty, and patriotism of the governed. That is one reason why we should not apply to backward races the same principles of government which we apply to more civilized people. Democracy is the best form of government for those who are able to govern themselves, but this does not include all the people of the earth by any means.

How a government fulfils its purpose.

The Purpose of Government.—Having seen how governments originated, what forms they have assumed, and why they ought to be obeyed, it may be well to ask ourselves: What is the purpose of government? What ends does it serve?

The purpose of government is to promote the interests of each by promoting the interests of all. This end it seeks to attain in various ways. It protects the whole body of its people against external aggression, against foreign invasion. It also in this connection maintains the rights and liberties of its citizens against wrongful interference on the part of foreign states or citizens. It is for this purpose that armies and navies are maintained. The government

safeguards its own citizens from injustice at the hands of one another. This it does by laws which define the relations of individuals to one another, and of one group of individuals to other groups. These laws prescribe the relations of husband and wife, of parent and child, of landlord and tenant, of employer and employee, of office-holder and citizen —they define and regulate every person's rights and duties towards others. In order that we may exercise our rights and perform our duties we must first know what they are. The state, through its laws, tells us. Through its courts, moreover, it applies such pressure upon reluctant individuals as may be necessary to make these rights and duties real. In a word, government exists to enforce rights and to secure liberty.

Relation of government to individual rights.

Were every individual immune from the jurisdiction of any superior authority, and free to do as he pleased, he would have to accord every other individual the same immunity and the same freedom. He would then have no rights that anyone else would be bound to respect. He would have no liberty that others could not, by force, take away from him. He would have no security against violence to his person or property. The strength of his own strong arm would be his only protection. What a condition of chaos, injustice, bloodshed, and anarchy that would be!

The constructive work of government.

Not all the government's work, however, takes the form of protection and regulation. Its functions are constructive as well. Through its various departments

it actively promotes the general interest and thereby the interests of each citizen. It not only protects the public health by regulations and restrictions; it fosters and promotes things that help to raise the general standards of health among the people. It does not merely make rules to prevent ships from colliding with one another; it sets out buoys and beacons, builds lighthouses, and maintains life-saving stations. It does not merely protect agriculture by regulations to prevent the spread of noxious weeds and pests; it actively assists the improvement of agriculture by means of experiment stations and the distribution of educational literature. The government, indeed, is the greatest of all the agencies through which society undertakes its tasks of using the resources of nature to the best advantage, eliminating friction and waste, adjusting the conflicting claims of individuals, and giving to each and all an equal opportunity.

The citizen's obligations to his government.

From all this it ought to be apparent that the state and its government are the agencies through which the individual obtains rights, protection, assistance, and liberty. But neither rights nor liberty can be achieved without incurring an obligation in return. To the state, which secures us rights and liberties, we owe the duty of patriotism. Patriotism is not a mere sentiment. It is a concrete expression, by thought, word, and act, of the citizen's respect for the state to which he belongs. It should be based upon recognition of the fact that without the security, the justice, and the freedom which the state provides, life would not be worth living. Patriotism is a mixture of pride, gratitude, and faith,—pride in the

great community to which a man belongs, gratitude for what it is doing, and faith in what it may do for posterity.

The limits of governmental action.

How Far should Governments Go?—One of the live questions of the present day concerns the extent to which the government ought to go in trying to fulfil these various purposes. Should it merely make laws, coin money, establish post offices, maintain an army, or should it actively engage in such activities as operating the railroads, the coal mines, and even the factories of the country? On the one hand there are those who take an individualistic or *laissez-faire* attitude towards governmental policy and maintain that the government should interfere as little as possible with the daily life of the people. It should confine itself, the individualist claims, to political matters purely, leaving economic affairs entirely alone. At the other extreme are the socialists, who believe that the government ought to step in and directly control all important agencies of production. It should own all the land, the public utilities such as railroads and telegraph lines, the mines, and all the agencies of production (pp. 481-488).

Both individualism and socialism represent extremes; most men take a midway stand as regards the proper functions of government. The greatest good of the greatest number among the people cannot be secured unless the government interferes to some extent with the free play of economic forces. It must prevent gross injustice wherever gross injustice appears. No government fulfils its highest aim unless it becomes an ever-active force in making our common life more human and more fruitful in

the good will of class toward class and of man toward man. On the other hand it must take care not to invade the field of private enterprise so far as to take upon itself greater burdens than can be properly carried.

Too much government is as bad as too little. In a democracy, where public officials are chosen by popular vote, often with little reference to their personal ability, there are obvious limits to what a government can do and do well. The individualist starts with the assumption that governments are always inefficient when they meddle in affairs of everyday life. The socialist, on the other hand, assumes that governments can always secure better results than private enterprise in any field of economic activity. The truth, as usual, lies between the extremes. To fix a rigid line between the two sets of functions, as one would draw the boundary of two countries on a map, is impossible. To attempt this would be to forget that civilization is ever moving on, bringing new social needs in its train. Every proposal to extend the functions of government must be determined on its own merits and not upon the basis of its conformance to any rule.

Government as a science.

The World a Great Laboratory for Experiments in Government.—Everywhere throughout the world the process of experiment in forms of government is going on, twenty-four hours a day, in ceaseless round. And it has been going on for more than two thousand years. Every experiment in political organization that the human mind can suggest has had, or is having, its trial somewhere. During the past few years we have seen earth's proud empires pass away and new republics rise in their stead, just

as two thousand years ago the great Roman republic collapsed and an empire took its place. The astronomer who scans the heavens with his telescope commands no such laboratory of endless experiment and sees no such continuous panorama of change as the student who watches with naked eye the political activities of his fellow-men. That is what makes the study of government, when carefully pursued, the most interesting and most instructive of all studies. "On earth", as the poet Pope has said, "there is nothing great but man". And it is in his organized activities that man shows himself at his best.

General References

JAMES BRYCE, *Modern Democracies*, especially Vol. I, pp. 24-50; II, pp. 335-610;

WOODROW WILSON, *The State*, pp. 1-68;

J. Q. DEALY, *The State and Government*, pp. 119-181;

J. W. GARNER, *Introduction to Political Science*, pp. 86-204;

STEPHEN LEACOCK, *Elements of Political Science*, pp. 3-51; 141-153;

Cyclopedia of American Government. (See under State Government, Social Compact Theory, Separation of Powers, etc.).

Group Problems

1. **To what extent should the government engage in business?** The original functions of government. Growth of governmental activities. Extent of governmental enterprises in European countries. Government enterprises in America. Effects of government enterprises on private initiative. Effects on the government itself. Relation of government activities to the maintenance of democracy. Conclusions. **References**: J. W. GARNER, *Introduction to Political Science*, pp. 273-310; WOODROW WILSON, *The State*, pp. 41-57; STEPHEN LEACOCK, *Elements of Political Science*, pp. 386-409; J. G. BROOKS, *The Social Unrest*, pp. 46-67.

2. **The faults of democratic government. References** E. L. GODKIN, *The Unforeseen Tendencies of Democracy*, pp. 96-144; EMILE FAGUET, *The Cult of Incompetence*, pp. 12-36; A. M. KALES, *Unpopular Government in the United States*, pp. 21-90; ALLEYNE IRELAND, *Democracy and the Human Equation*, pp. 80-118; A. B. CRUIKSHANK, *Popular Misgovernment in the United States*, pp. 1-27.

3. **The merits of democratic government. References**: C. W. ELIOT, *American Contributions to Civilization*, pp. 1-102; JAMES BRYCE, *Modern Democracies*, especially, Vol. II, pp. 527-610; J. Q. DEALEY, *The State and Government*, pp. 338-353.

Short Studies

1. **What end does the state serve?** WOODROW WILSON, *The State*, pp. 58-68.

2. **The stages in the development of government.** J. Q. DEALEY, *The State and Government*, pp. 24-45.

3. **The divine right of kings.** R. G. GETTELL, *Readings in Political Science*, pp. 118-120; *Cyclopedia of American Government*, Vol. I, p. 605.

4. **The Mayflower compact.** WILLIAM MACDONALD, *Documentary Source Book of American History*, p. 19; EDWARD CHANNING, *History of the United States*, Vol. I, pp. 308-310.

5. **Does federalism mean weak government?** A. V. DICEY, *The Law of the Constitution*, pp. 162-172; JAMES BRYCE, *American Commonwealth*, Vol. I, pp. 334-341.

6. **The system of checks and balances.** W. B. MUNRO, *The Government of the United States*, pp. 47-52; *The Federalist*, No. 47.

7. **The meaning of self-government.** P. L. KAYE, *Readings in Civil Government*, pp. 15-21.

8. **The relation of government to economic life.** S. P. ORTH, *Readings in the Relation of Government to Property and Industry*, pp. 25-38.

9. **The first principles of democracy.** F. A. CLEVELAND and JOSEPH SCHAFER, *Democracy in Reconstruction*, pp. 48-66.

10. **Jeffersonian and Jacksonian democracy.** A. C.

MCLAUGHLIN, *Steps in the Development of American Democracy*, pp. 78-116.

11. **The outlook for democracy in America.** F. A. CLEVELAND, *Organized Democracy*, pp. 438-448.

12. **The economic functions of government.** C. J. BULLOCK, *Introduction to the Study of Economics*, pp. 478-492.

Questions

1. What is the difference between a state and society? Is India a state? Are the Esquimos a state? Are pirates citizens or subjects of a state? Did the Mayflower Pilgrims constitute a state before they touched land?

2. Has the doctrine of evolution affected our ideas concerning the origin of government? Are there any primitive types of government in the world today?

3. Give some examples of the "constructive work of government" besides those mentioned in the text.

4. Why are ancient classifications of government practically useless today? When you say that the United States is a *federal democratic republic* what ideas do you intend to convey in each of the three italicized words?

5. Do you believe that the plan of government now existing in the United States would be suitable for (*a*) the British Empire; (*b*) China; (*c*) Switzerland; (*d*) Canada? Tell why or why not in each case.

6. Make up lists of the functions which properly belong to national, state, and local governments respectively. Give your reasons for placing such things as "education", "fire-protection", "public health", "criminal law", "conservation of natural resources", and "regulation of commerce" in one or the other list.

7. James Madison once said that the concentration of legislative, executive, and judicial powers in the same hands would be "the very definition of tyranny". What did he mean? Was he right? Does the same danger exist today?

8. Arrange the mandatory functions of government in what you believe to be their order of importance and give reasons for your arrangement.

9. Can you name any characteristics of American

government other than those given in the text? Do the following things distinguish American government from other governments: woman suffrage, an elective president, the absence of an hereditary nobility, two-chambered legislatures, a supreme court?

10. In what ways may direct government be better than representative government and in what respects not so good? (Consider such general problems as ensuring responsiveness to the will of the people, deliberation, the absence of corruption, educational value, and expense.)

11. What did President Wilson mean when he said that the world must be made "safe for democracy"? Can the world be safe for democracy while great and powerful monarchies remain? What changes in addition to the dethronement of the Kaiser did Americans consider essential in order to make Germany a democracy?

12. Argue against the proposition that the study of government is the study of a science.

Topics for Debate

1. Written constitutions have been a hindrance rather than a help to the development of American democracy.

2. Andrew Jackson was more of a *democrat* than Thomas Jefferson.

3. It is not right under any circumstances to subject a people to government without their own consent. #/

CHAPTER V
THE CITIZEN, HIS RIGHTS AND DUTIES

The purpose of this chapter is to explain who are citizens, what their rights and duties are, and how training for citizenship is obtained.

The old systems of oppression.

What Civil Liberty Means.—One of the best ways to get an appreciation or what civil liberty means is to read any book which describes the life of the French people before the Revolution. In those days men could be arrested without any reason, thrown into jail for months or years without trial, and their property confiscated. No one could travel from one part of the country to another without permission. There was no freedom of religion, no freedom of speech, no freedom of the press. Nothing could be printed without a license from the authorities. The farmer who brought his produce into town had to pay a toll on it. The workman, in order to follow his trade, was required to join a guild and pay a fee. The amount of taxes which every farmer or workman had to pay depended upon the will of the tax-collectors, who made a profit out of the taxes. Soldiers were billeted or boarded in the homes of the people and the king paid nothing for it. The masses of the people

toiled hard in order that princes and noblemen might live in luxury. That was the Bourbon despotism of old France.

Things are very different in France today under a republican form of government; they are different everywhere throughout Europe and America. Despotic rule has given way to government by the people, and government by the people has brought civil liberty.



LIBERTY, FRATERNITY, EQUALITY. By Edward Simmons

Copyright by Edward Simmons. From a Copley Print, copyright by Curtis & Cameron, Boston. Reproduced by permission.

LIBERTY, FRATERNITY, EQUALITY

By Edward Simmons

In the New York Criminal

Court House.

This mural decoration is placed above the pen in which the prisoners are kept. Equality, holding a globe and compasses, displays a sternness and rigor which Fraternity, with a kindly grip of the arm, is seeking to soften. Liberty, to the right, has broken the chain which held him down, in spirit as well as in body. These three words, Liberté, Egalité, Fraternité, formed the motto of the French Revolution, and they have been the slogan of militant democracy ever since.

This civil liberty, as it exists in the United States, includes the following rights:

The general rights of citizens.

1. To travel freely from place to place on any lawful errand, and everywhere to be accorded the equal protection of the laws. The citizen of New York who goes to California is not an alien there. He is entitled to all the privileges which belong to an American citizen.

2. To own property, make contracts, and engage in any lawful trade or labor.

3. To enjoy freedom of worship, freedom of speech, and freedom from arbitrary arrest.

4. To have a fair trial when accused of any crime; to be protected in the enjoyment of life, liberty, and property, and not to be deprived of them without

due process of law.

Civil Rights were Won by Hard Struggles.—Now these rights did not descend upon mankind like manna from the skies. They were gained for the people by prolonged struggles extending over many centuries. Thousands of men, at various times in history, gave their lives in order that these rights might be established. If you were writing a history of civil liberty among English-speaking people, you would have to go back at least seven hundred years to the days of Magna Carta, when King John of England was forced to surrender in that famous document many of the arbitrary powers which he had claimed the right to exercise. There, on the historic field of Runnymede, the sullen king promised among other things that no free man should be imprisoned or fined or outlawed or otherwise penalized "save by the lawful judgment of his peers or by the law of the land". The winning of the Great Charter was merely the first encounter in a long series of conflicts between the kings and the people of England. Step by step the people wrested from the Crown the right to control taxation, to punish royal officials for wrong-doing, to be supreme in the making of laws, and even to change their entire form of government should they so desire. It was a long and grim struggle, hard-fought all the way.

"Lance and torch and tumult, steel and grey-goose wing
Wrenched it, inch and ell and all, slowly from the King".

The beginnings of civil liberty in America.

The men who founded the American colonies brought these rights across the Atlantic with them. In the new soil civic liberty grew and nourished even better than in the old, so much so that Englishmen at home soon became concerned over the strong emphasis which the colonies were placing upon the civil rights of the individual. The gap between the colonies and Great Britain steadily widened in this respect,—leading in the end to the Declaration of Independence, which asserted the civil rights of men to be natural and inalienable. When independence had been established, after a long and difficult struggle, it is not surprising that the people of the thirteen states should decide to write the principles of civil liberty into their new state constitutions. They took this means of demonstrating their conviction that the fundamental rights of the citizen ought to be inscribed in a solemn document beyond the power of legislatures to change. It would be absurd to think, however, that civil liberty exists in the United States merely because a list of civil rights is written into the constitutions of the states and the nation. In the last analysis civil rights depend for their maintenance and enforcement upon a realization of their value by the whole people and the willingness of every citizen to grant to others the rights which he claims for himself.

Citizenship and allegiance.

Who are Citizens?—The proudest boast of the Roman, in the days when Rome dominated the world was *Civis Romanus sum*: "I am a Roman citizen". By this saying he meant that he was entitled to the protection of the most powerful country on earth. Cicero, in one of his orations, declared that these three words would protect any Roman citizen no

matter where he went, even among savage tribes. A Roman citizen was one who owed allegiance to Rome. An American citizen is one who owes allegiance to the United States.[19] Every man, woman, and child in every part of the world bears a relation to some government, and this relation we call allegiance. There is no such thing, in the eyes of the law, as "a man without a country". Citizenship by birth. This allegiance, or citizenship, is acquired in the great majority of cases by birth. The constitution of the United States declares that "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside". This means that every child born in this country and subject to its jurisdiction is a citizen, no matter who his parents happen to be.[20]

Citizenship by naturalization.

The other method of acquiring citizenship is by naturalization. Naturalization is the process by which an alien renounces his original allegiance and swears allegiance to another country. All white aliens, and those of African blood, are entitled to become citizens of the United States by naturalization if they fulfil the legal requirements. The chief requirement is that the alien who seeks to be naturalized must have been continuously a resident of the United States for at least five years. He must also be able to read and write, must have some knowledge of American institutions, must be of good character, and must not be a disbeliever in organized government. The process in naturalization. The process of individual naturalization involves two steps, first a formal declaration of intent to become a citizen, and, second, the taking of final letters of citizenship. At

least two years, and not more than seven years, must elapse between these two steps. The work of granting citizenship by naturalization is in the hands of such regular courts as are designated by law for this purpose. Applications must be on prescribed forms; evidence as to residence has to be presented; and the oath of allegiance to the United States must be taken. Many thousands of aliens are admitted to citizenship in this way every year.[21] The naturalization of a husband also naturalizes his wife without any action on her part. The naturalization of a father makes all his minor children citizens.

Can a Man have Double Citizenship?—Is it possible for anyone to be a citizen of two countries at once? Until recent years it was the practice of some European countries to claim that when their citizens emigrated and became naturalized elsewhere they still retained their original allegiance. Germany, for example, maintained that German emigrants to the United States did not lose their German citizenship by becoming naturalized here. If they subsequently returned to Germany, even for a short time, they were treated as German citizens, required to serve in the army and to perform the other obligations of German citizenship. This situation created a great deal of friction because the naturalized citizens were in the habit of calling upon the United States to protect them against their own original governments. All this has now been straightened out by treaties between the United States and foreign governments in which the latter have conceded the right of emigrants to become naturalized in the United States and by so doing to renounce their original citizenship. The United States, for its part, also concedes the right of any American citizen to become naturalized in a foreign country, thereby

renouncing his allegiance as an American citizen. These treaties sometimes provide, however, that if an individual who has been naturalized in the United States goes back to his native country and remains there a certain length of time, he shall be deemed to have given up his American citizenship.

The specific duties of citizens.

The Obligations of Citizenship.—Many people seem to think that citizenship involves only rights. They rarely place much emphasis upon the *duties* which citizenship involves. A government protects its citizens both at home and abroad; it secures them all the benefits of civil liberty. In return it lays on them the duty of obedience and the obligation of service. It is the duty of every good citizen to know his country's history, to honor its flag, and to be true to its ideals. This does not mean that he should despise or dislike people who are not of his own race or allegiance. All men are brothers. Above all nations is humanity. Yet no one can be a friend of mankind unless he is, first of all, a friend of his own land.

It is also the duty of the citizen to know his country's laws and to obey them. No one knows all the laws, or needs to know them all, for very few of them touch the daily life of any one individual. He should know the laws in so far as he comes into contact with them. The merchant must know the laws relating to business; there is no need for him to learn the legal rules relating to the practice of medicine, for example. The physician, on his part, must know the law in so far as it relates to his own profession, but does not need to inform himself concerning the laws which relate to the buying and selling of goods. Laws are made in the common interest and if ignorance of the law were permitted

to be an excuse for disobedience, the whole system of government would soon break down.

Finally, it is the duty of the citizen to serve his government when called upon. This may take the form of military service in time of war, or service in public office, or service on a jury. All these various forms of service may involve great personal sacrifice; but a country worth having is a country worth serving, and it is only through service on the part of its citizens that a free government can be maintained.

Training for Citizenship in the Schools.—Training for citizenship begins in the home and in the schools. The purpose of the school is not merely to impart information. That is a small part of its work. Its main function is to afford the sort of mental and moral training that will enable every pupil to achieve the durable satisfactions of life,—to make a good living, to be of high service to others, and to leave the world a little better by reason of his having lived in it. Many of the best fruits of education are not found listed on the school program. Orderliness is one of them. Industry is another. Responsibility for doing daily tasks well is a third. There are no special courses in these things. They are part and parcel of the whole process of education. No one should make the mistake of supposing that the schools train for citizenship through instruction in American history, civics, and economics alone. The whole organization of the school, its entire program of studies, its assemblies, its discipline, its insistence on punctuality, its organized athletics and other activities,—all these things afford lessons in co-operation, responsibility, service, and government.

How the public schools teach democracy.

The public school is a miniature democracy. It is free and open to all. Its pupils have equal privileges and equal responsibilities. It makes no distinction of race, creed, or wealth. The children of rich and poor parents sit side by side and are given the same opportunities. Every pupil who enrolls in a public school gets the same start and his advancement depends upon his own efforts. In the course of time some will lead and others fall behind, just as men and women do in the outside world. Wherever individuals, young or old, are gathered together, some will forge ahead of the rest by virtue of their natural ability, their superior industry, or their qualities of leadership. School experience should impress this great fact of democratic life upon every pupil's mind. The pupil who imagines that he can be regularly behind in his studies, neglectful of his opportunities, unable to command the respect of his teachers or his fellows in the school, and yet hope to become a leader in the outside world is making a grave mistake. It is not thus that the leaders of men are trained. The useful citizen does not become so in a day or a year. He begins to develop his qualities while he is young.[22]

Training for Citizenship on the Playground.—Recreation and play, when properly carried on, afford not only exercise and amusement, but education as well. Some useful lessons which cannot well be taught in the class-room are learned by participation in organized athletics. Everyone realizes, for example, that play in which there is no leadership, no observance of rules, and no system, is a very poor sort of play. It may give physical exercise in plenty, yet it satisfies nobody. Anarchy on the playground is no more satisfying than anarchy in any other branch of human activity. Hence, whenever a

group of young men or young women go to the athletic field, their first step is to organize into teams or sides. Each team has its captain whose directions are to be obeyed, not because he is an autocrat, but because the team cannot hope to win unless it is provided with leadership. When play begins it is conducted according to rules which everyone is supposed to know and observe. If the contest is important, an umpire is selected to act as arbitrator on questions involving an infraction of the rules. Now all this is merely *government* on a small scale. The element of leadership, the team-play, the rules, the practice of obeying the umpire—these things should suggest to us that officials, laws, government, and courts also make for the best interests of the individual in the great interplay of life.

The spirit that rules the playground.

What is it that secures co-operation, obedience, and good temper on the playground? Is it the fear of punishment? No, it is the same force which in organized society secures obedience to law and respect for the rights of others, namely, the influence of public opinion. Public opinion, in other words an inherent sense of fair play among the players, is what really rules the playground. Bullying or meanness in any form results in unpopularity. The player who sulks, who shirks his part in the game, or who selfishly seeks his own way at all times is not preparing himself rightly to win the confidence and respect of his fellow-citizens in later life. On the other hand the boy or girl who gains on the playground a reputation for fairness, good temper, and a readiness to act in harmony with others is developing those qualities of character which enable men and women to achieve success in any field of

adult activity. The Duke of Wellington once declared that the battle of Waterloo was won on the playing fields of Eton,—a famous boys' school in England. What he meant was that this victory was won not by military skill alone, but by those qualities of discipline and bull-dog tenacity which the officers of his army had developed on the school athletic fields in their boyhood days. Peace hath her victories not less renowned than war. Good citizens as well as good soldiers can be trained on the playgrounds of every community.[23]

College education and citizenship.

Training for Citizenship in Later Life.—Civic education is not completed when one graduates from school. A man's whole life is a process of education, a process that is never finished until he dies. So the work of self-improvement should not be interrupted at any stage. If the pupil goes to college, it will be found that there the same qualities of obedience, industry, and respect for the rights of others will determine whether he stands high or low in the estimation of his equals. In the college as in the school, everyone starts upon the same plane with equal opportunities. The college also is an organization with officials in authority, with rules, and with a vigilant public opinion among its students. Compared with the school it rises a step nearer to the ways of the world, giving its students greater latitude but also placing more responsibility upon them. Its organized athletics develop the same qualities as are encouraged upon the school playground; its various other student activities help to make young men and women more versatile and broader in their interests. Colleges try to make scholars; they also endeavor to develop habits of

industry in their students and to impress upon them the duty of service to their fellow-men. On the whole the colleges have succeeded in these things. It is significant that the great majority of the nation's leaders, in every branch of life, are men and women who have had a college education.

Not all high school graduates, however, go to college. The majority go directly out into the world as wage earners or home makers. They enter the ranks of our great economic society and seek to move onward to the top. For the most part all must begin at the bottom, or very near it. A high school or college education does not relieve anyone from the necessity of starting on a low rung of the ladder in his chosen trade or profession. Neither the school nor the college can teach the actual process of earning a living. This must be learned by direct contact with the affairs of the world. But the school and the college can so prepare young citizens that they will climb faster by virtue of the mental training they have obtained and the habits of industry they have acquired.

Public service is a duty of the citizen.

Citizenship and Service.—To make one's own way successfully in the world is a laudable ambition, but no one can be and remain a good citizen if he devotes his entire time and thought to his own self-advancement. It is well to be diligent in business and faithful to the immediate duty in hand, but no inspiring career has ever been built upon foundations of selfishness. If everyone is engrossed in his own affairs, there will be none to serve and aid the state. On the other hand a very small amount of public service freely and cheerfully given by every citizen, results in great benefits to the community which

receives this service, and to the individuals who give it as well. In this sense, as in all others, it is more blessed to give than to receive.

How this service may be rendered.

The ways of service are manifold. Every community has its civic and welfare organizations whose aim is the general good. They draw their members and their active workers from among those citizens who are public spirited. Boards of trade and chambers of commerce devote themselves to advancing the economic interests of the community. Municipal improvement leagues, citizens' associations, men's clubs, and women's societies are to be found in every large town or city; they have various aims but all are guided by the same general aspiration, which is to better the environment in which the people live. The opportunities for women have been greatly increased by giving them the same responsibilities as men in all public activities. There are organizations for the care of the poor, for visiting the sick, and for the prevention of cruelty in all its forms. All depend for the effectiveness of their work, and even for their very existence, upon the degree of interest given to them by public-spirited citizens. There is no one so poor or so busy that he can give no money, no time, and no sympathy to any public cause. The citizen who centers all his interest upon his own personal affairs is not only missing one of the durable satisfactions of life but is giving himself a schooling in selfishness. He is not a good citizen in the proper sense of the term.

The value of experience in public office.

Service in public office is the best training for good

citizenship, although not all men and women can have this form of civic education. Yet everyone has a right to aspire to it, and ought to welcome the opportunity of such service if it comes. It does not usually come unearned. Like most other opportunities, this one knocks at the doors of those who have earned their right to it. Men and women who have displayed no evidence of public spirit are rarely called upon to let their names go on the ballot. The first step to honorable public office is taken when one joins a civic or welfare organization and shows ability to work with and for others. Thus a man's acquaintance, or a woman's acquaintance, gradually broadens; the confidence of others is gained; and in time the hand of the public beckons to those who have demonstrated their spirit of service.

Public office is a public trust. The proffer of its opportunities to any man or woman is a high compliment. Election to public office is the highest honor a democratic community can bestow. As a means of becoming well versed in public affairs and in the practical problems of government there is no training which surpasses it.

General References

EVERETT KIMBALL, *National Government of the United States*, pp. 73-80;

W. B. MUNRO, *Government of the United States*, pp. 71-87;

J. A. WOODBURN and T. F. MORAN, *The Citizen and the Republic*, pp. 1-31;

S. W. MCCALL, *The Liberty of Citizenship*, pp. 1-31;

JAMES BRYCE, *The Hindrances to Good Citizenship*, especially pp. 43-74;

F. A. CLEVELAND, *Organized Democracy*, pp. 80-129;

S. E. BALDWIN, *The Relations of Education to Citizenship*, pp. 27-54;

W. H. TAFT, *Four Aspects of Civic Duty*, pp. 3-34.

Group Problems

1. How aliens are naturalized. The requirements. Who are excluded? Steps in naturalization procedure, the papers, witnesses, oaths, fees, etc., required. The tests which applicants must take. How aliens can best be encouraged to become naturalized. What is being done to secure the naturalization of aliens in your own community? **References**: *Cyclopedia of American Government*, Vol. II, pp. 497-498; W. B. MUNRO, *Government of American Cities*, pp. 107-111; H. M. BECK, *Aliens' Text Book on Citizenship*, especially pp. 9-26; PETER ROBERTS, *The Problem of Americanization*, pp. 109-129; U. S. DEPARTMENT OF LABOR, BUREAU OF NATURALIZATION, *Syllabus of the Naturalization Law* (pamphlet).

2. Education in its relations to good citizenship. References: IRVING KING, *Education for Social Efficiency*, pp. 90-176; JAMES BRYCE, *The Hindrances to Good Citizenship*, pp. 33-42; S. E. BALDWIN, *The Relations of Education to Citizenship*, pp. 1-26.

3. The civic organizations of your community. One or more organizations, such as Chambers of Commerce, Boards of Trade, Citizens' Associations, Men's Clubs, Women's Clubs, Civic Leagues, Local Improvement Associations, City Clubs, Reform Associations, Family Welfare Societies, etc., etc., may be found in every large community. Their aims and activities may be studied in their annual reports and by personal interviews with their officers.

Short Studies

1. **First steps in civil liberty.** JAMES H. TUFTS, *Our Democracy*, pp. 101-116.

2. **What are the "privileges and immunities" of citizens?** ARNOLD J. LIEN, *Privileges and Immunities of Citizens of the United States*, especially pp. 31-68.

3. **Expatriation.** G. B. DAVIS, *Elements of International Law*, pp. 143-151; W. E. HALE, *International Law* (4th ed.), pp. 239-255.

4. **Freedom of speech and of the press.** *Cyclopedia of*

American Government, pp. 57-58; T. M. COOLEY, *Constitutional Limitations*, pp. 596-638.

5. **Freedom of worship.** JAMES BRYCE, *American Commonwealth*, Vol. II, pp. 763-771; C. W. ELIOT, *American Contributions to Civilization*, pp. 18-21.

6. **The rights of the citizen against the government.** F. A. CLEVELAND, *Organized Democracy*, pp. 80-96.

7. **The right to fair judicial process.** EMLIN MCCLAIN, *Constitutional Law of the United States*, pp. 315-332.

8. **How the hindrances to good citizenship may be removed.** S. E. BALDWIN, *The Relation of Education to Citizenship*, pp. 27-54.

9. **The playground as a place of education for citizenship.** JOSEPH LEE, *Play in Education*, pp. 360-391.

10. **How the business man can help his community.** HENRY BRUÈRE, *The New City Government*, pp. 384-400.

11. **How women can serve their community.** MARY R. BEARD, *Woman's Work in Municipalities*, especially pp. 319-337.

12. **May the obstacles to good citizenship be overcome?** JAMES BRYCE, *The Hindrances to Good Citizenship*, pp. 105-134.

13. **School government as a training for citizenship.** *U. S. Bureau of Education Bulletin No. 8* (1915), pp. 7-31; IRVING KING, *Education for Social Efficiency*, pp. 158-176.

Questions

1. What is the difference between the following: citizens, subjects, nationals, residents, denizens, aliens?

2. What is meant by the expression to "swear allegiance"? To "forswear allegiance"? Repeat the oath of allegiance. When is the oath taken (*a*) by aliens; (*b*) by citizens?

3. Are the following American citizens by birth: (*a*) a boy born abroad, of alien parentage, whose parents came to the United States and were naturalized after he was over twenty-one years of age; (*b*) children of Chinese parents, born in the United States; (*c*) children of American parents, born in the Philippines; (*d*) children of Porto Rican parents, born in Europe since 1917?

4. Name four important civic rights. Arrange in each case a set of facts which would constitute a violation of a civic right.

5. The constitution provides that the people shall have the right to assemble peaceably. Would it be a violation of this right to require that a permit from the police must be had in order to hold any meeting in the streets or in the public parks?

6. Discuss the extent to which the public school is a "miniature democracy". Is it organized like a democratic government? To what extent and under what circumstances can school pupils be entrusted with self-government or given a share in the maintenance of discipline?

7. To what extent can public opinion be relied upon to enforce the rules (*a*) in athletics; (*b*) in the class-rooms; (*c*) in business; (*d*) in government? Would laws be effective if there were no penalties but the censure of public opinion to enforce them? If not, why not?

8. What is the value of a high school or college education in training young men and women (*a*) to make a living; (*b*) to become leaders; (*c*) to help their fellow-citizens; (*d*) to hold public office? Towards which of these things does education contribute the most?

9. Can any one be a good citizen without knowing how government is carried on? Without knowing American history? Without belonging to any social or civic organization? Without voting at elections? Without being at all interested in social or political questions?

Topics for Debate

1. No one who is not a citizen should be permitted to become a voter.

2. The obligation of military service ought to be imposed upon aliens as well as upon citizens.

3. The teaching of civics should be made compulsory in all grammar and high schools.

CHAPTER VI
POPULAR CONTROL OF GOVERNMENT

The purpose of this chapter is to explain how the people, both directly and indirectly, control all branches of government in the United States.

Public Opinion and Representative Government

The ultimate sovereignty of the people.

How the People Rule.—In free governments the will of the people prevails in the decision of all important matters. This does not mean, of course, that the people decide every question directly, but merely that when a substantial majority of them have reached a decision upon any point their will prevails through one channel or another. The wishes of the American people have at times been thwarted by their government; but in the long run, when the people have made up their minds, their will has brushed aside every obstacle and has become the supreme law of the land. This popular control of American government is exerted in four ways, namely, by the pressure of public opinion upon all

officials, by the periodic election of representatives, by direct law-making through the initiative and referendum, and by the action of the people in amending their state constitutions.

The pressure of public opinion is continuous, and it is exerted in various ways. The government cannot proceed very far in defiance of it. The election of representatives, on the other hand, takes place at stated intervals, and in the period between elections the people do not have direct control over those whom they elect. But where provision for the initiative and referendum exists, the people may frame and enact laws without the intervention of their representatives and thus may exercise direct control. Finally, the ultimate agency of popular sovereignty is the power of the people to amend their constitutions. So far as the state constitutions are concerned they accept or reject proposed changes by their own votes; in the case of the national constitution they act through their representatives in Congress and in the state legislatures. By these four methods of control we maintain what is known as the sovereignty of the people.

What is public opinion?

Popular Rule through Public Opinion.—We hear a good deal nowadays about public opinion. What is it? How is it ascertained? How does it make itself felt? In general, public opinion is the term which we apply to the predominating sentiment among the people. Public opinion is the sum-total of opinions held by individuals. It is not merely the snap-judgment of the majority, however, because *intensity* of belief is a factor which counts in determining it. Public opinion is a composite of numbers and intensity. A majority of the people may hold a

certain belief upon any public question; but if they hold it lightly, without attaching much importance to it, we do not speak of their sentiment as public opinion. It is only when sentiment attains the earnestness of conviction that the term public opinion can be properly applied to it.

The channels through which it makes itself felt.

Public opinion, in this sense, is continually exerting pressure upon all branches of government in the United States. It finds expression through the editorial columns of newspapers, through resolutions adopted by societies and organizations, through letters from voters to their representatives in Congress and in the legislatures, and through the conversation of people wherever they are gathered together. The representatives of the people are ever on the alert to discern the drift of public opinion.[24] They desire to keep in touch with it. A capable representative always keeps his hand upon the public pulse. When public opinion undergoes a change, the attitude of the government swings with it, slowly perhaps, but inevitably. Public opinion is not easy to ascertain exactly, for it cannot be measured by any process of arithmetic. Some men are better at gauging it than others. One of the attributes of a successful politician is his ability to estimate public opinion accurately. When we say, therefore, that we have "government by public opinion", we mean that those who are in authority are influenced and guided by it.

Government by representatives.

Popular Rule through Representatives.— Although public opinion exerts a guiding influence

upon the course of government, the actual work of making the laws and putting them into operation must be performed, for the most part, by individuals selected for this purpose, that is by elective or appointive officers. We say “elective or appointive” because these are the two ways in which officers of government may be chosen; they may be elected by popular vote, or they may be appointed by some authority which, in turn, has been elected by the people. The members of all legislative bodies in the United States (Congress, the state legislatures, city and town councils) are directly elected by the people. The chief executive officers in the nation, state, and city (President, governors, and mayors) are chosen in the same way.[25] In many states it is also the custom to choose some other executive officers, such as the attorney-general, state auditors, superintendent of education, as well as the judges and prosecuting attorneys by direct popular election. Subordinate officers of administration, on the other hand, are for the most part appointed. In the national government all officials of administration subordinate to the President are appointed by him, likewise all judges and court officers. In the state and local governments, some subordinate officers are elected but most of them are appointed by the governor, the county commissioners, or the mayor, as the case may be.

When we should elect and when appoint.

Election or Appointment, Which is Better?—We often encounter the question: Which is the better plan of securing good men in public office—to elect them or to have them appointed? The answer to this question depends upon what we expect the officials

to do. If the function of the official is to *represent* the people in deciding questions of general policy as in the case of a congressman, a state legislator, or a municipal councilman, the people ought to choose him. It is the right and the duty of the people to choose their own representatives. If they did not do so, we should not have "representative" government. But if the function of the official is not to decide questions of general policy but to do work which requires skill and experience, it is better to make the office appointive. The rule, in brief, may be stated as follows: When you want representation, elect; when you want skill or experience, appoint. Some difficulty arises, however, in the case of officials who are expected both to represent the people and to perform functions which require expertness. Take, for example, the state treasurer or the state auditor. These officials represent the financial interests of the people; they are also called upon to perform functions which require skill and experience. Officials in this dual class are in some states elected; in others they are appointed by the governor. Whether we ought to use one method or the other depends upon where we place the emphasis—upon representation or upon administrative efficiency. Account should also be taken of the fact that if too many officials are elected the ballot will be long and complicated. In that case some poorly-qualified candidates are likely to be chosen because voters will not go through a long list carefully (see p. 132).

Should a representative obey his own conscience or the will of the voters?

The Function of a Representative.—The function of a representative, as the term implies, is to

represent. But how is he to be guided in the performance of this function? Is it the duty of a representative in Congress or in a state legislature to reflect the public opinion of his district whether he personally agrees with it or not? Should he obey the dictates of his own conscience and follow his own view of what the public welfare demands, or should he disregard these things and consider only the opinions of those voters who elected him? Let us suppose, for example, that a congressman personally believes in free trade. He is absolutely convinced, let us assume, that this is the only right policy. But he also knows, let us say, that the voters of his district are overwhelmingly in favor of high protective duties because they believe that wages will be higher if foreign goods are shut out. What is the duty of this congressman when called upon to vote for or against a protective tariff? Which should control—his own conviction or the opinions of those who elected him as their representative?

Edmund Burke's views.

Many years ago the eminent Irish orator and statesman, Edmund Burke, gave his opinion on this matter in a speech to the voters of Bristol, whom he represented in the British House of Commons. A representative, according to Burke, ought to give due weight to the opinions of those who elected him, but he ought not to sacrifice his own best judgment to any man or to any group of men. It is the function of a representative to master all the details of public problems, which the people of his district cannot be expected to do, and to make his decision accordingly. "I maintained your interests against your opinions," he said to the voters of Bristol in defending his actions. "A representative worthy of

you ought to be a person of stability. I am to look, indeed, to your opinions, but to such opinions as you and I must have five years hence. I am not to look to the flash of the day."

Public officials in the United States do not usually talk that way. They dilate upon the wisdom of the people, and profess their own readiness to conform to whatever the people demand. They are prone to forget that a representative in Congress or in a state legislature does not represent his own district alone. He is in effect a representative of the whole people in nation or state. It is poor patriotism to sacrifice the best interests of the whole to the desires of any single community. At the same time when public opinion is strong and clear, we expect the representatives of the people to hearken to it. When it is vague or in doubt, the representative must depend upon his own judgment. If a representative cannot, because of his own conscientious belief, do what the people expect him to do, his duty is to resign. Representatives, however, do not often resign for this or any other reason.

THE APPOINTMENT OF PUBLIC OFFICIALS.

Methods of Appointment.—There are three ways of making appointments. First, appointments may be made by some high executive officer, such as the President or the governor of a state, subject to the confirmation of a legislative body. Second, they may be made by the executive without the advice and consent of anyone else. Third, they may be made under civil service rules by a competitive examination.[26]

The merits and defects of confirmation.

Appointments with Confirmation.—In the

national government practically all appointments of high importance, including heads of departments, ambassadors, judges, and so on, are made by the President subject to the consent of the Senate. The President nominates, but the final appointment depends upon confirmation by a majority of the senators (see p. 270). So in state government the appointment of higher administrative officials is usually shared by the governor and the upper chamber of the state legislature. In the larger cities it has been the custom to require confirmation of the mayor's appointments by the city council or the upper branch of it; but this requirement is now being generally abandoned. The purpose of requiring confirmation is to prevent too great a growth in power on the part of the chief executive; its effect has been to divide responsibility and it has resulted, very often, in poor appointments. It is good policy, in local and state government at least, to insist that the responsibility for appointments shall be centralized and not divided. In the national government, where the appointing power is of such enormous importance, and might, if unchecked, be so easily used to perpetuate a President in office, the safeguard of confirmation is more easily justified.

Appointments without Confirmation.—The practice of permitting a chief executive to make appointments without confirmation began in the large cities. New York made the start, many years ago, by allowing the mayor to appoint the heads of the city departments on his own responsibility. Since then the plan has spread widely and in some cases the states have given the governor a similar power. In other cases the confirmation has become, for the most part, a matter of routine, the understanding being that the governor has the real responsibility

and hence should be left free to make his own selections.

The Civil Service System.

Giving the offices to politicians.

Patronage and Partisanship.—When appointments are made by an executive officer, with or without confirmation, or by a legislative body, there is always a danger that partisan motives will influence the selection. Nearly all executive and legislative officers are themselves partisan. They are themselves nominated, in most cases, by party conventions or primaries; they are elected with the aid of party workers; and they are therefore under obligation to help the party interest in any reasonable way. Now it has been commonly believed that one effective way of helping a party organization is to appoint prominent and active members of the party to public office, thus giving a reward for their work in the party's behalf. Men who have helped a President or a governor to gain the party nomination and get elected do not usually allow these officials to forget their obligations when appointments are to be made. The appointing power, in other words, may be used as a means of bestowing "patronage", or rewards for party service and it has been so used in all branches of American government.

Rise of the Spoils System.—In the earlier days of the Republic it was the custom to make appointments with little or no reference to party politics.[27] But with the election of Andrew Jackson

officials were removed in large numbers to provide patronage for the leaders of the victorious political party. Jackson's supporters frankly enunciated the doctrine that "to the victors belong the spoils", hence the practice of displacing one set of officials and filling the vacant posts with another set became known as the "spoils system". From this time to 1883, a full half-century, it was customary to remove large numbers of administrative officials whenever a new President came in. The notion spread that offices ought to be passed around; that four years was long enough for anyone to be on the public payroll, and that in a democracy everyone ought to have his share of the patronage.

The Iniquities of the Spoils System.—This doctrine, although it was for more than fifty years accepted by public opinion in the United States, rested upon a false conception of democratic government. It assumed the interests of the political party to be more important than efficiency in the government service. It assumed that administrative work could be well-enough performed by men who had no qualifications in the way of education or experience—nothing but a record of party service. The spoils system regarded public office in nation, state, and city as mere booty for the victorious hordes after an election, whereas public office is "a public trust", as Grover Cleveland once quite rightly said. It is a privilege and a responsibility; not a right or a reward. No man has a right to hold public office merely because he belongs to the winning party. He has a right only when he is qualified to perform the functions which the tenure of public office involves.

Results of the spoils system.

Being based upon a false doctrine the spoils system

was pernicious in its results. It filled the administrative offices of the land with party henchmen who were incompetent to perform the difficult work of administration; it resulted in such frequent changes of officials that a man no sooner learned the duties of his position than he was removed to make room for someone else; it debased the whole tone of the public service. It spread from the national government to the states and from the states to the cities, making the government service everywhere less efficient than private enterprise. Presidents, senators, and representatives were forced to spend a large portion of their time in listening to the pleas of office-seekers. Even Lincoln, in the dark days of the Civil War, could not escape the deluge of applicants for appointments.[28] Not everyone who sought office could be appointed, of course, and where refusals were made they often caused much bitterness. The seriousness of the whole situation was strongly impressed upon the public mind in 1881, when President Garfield was shot by a man whose request for an appointment had been refused.

The Rise of the Civil Service System.—Popular aversion to the spoils system ultimately moved Congress to pass the Civil Service Act of 1883. Although this statute has been several times amended and its provisions broadened, it still remains the basis of the merit system as applied to federal appointments. Briefly, it provides for a Civil Service Commission of three persons appointed by the President with the confirmation of the Senate. It gives the President power to classify the various subordinate offices, with the provision that all offices so classified must thereafter be filled by competitive examinations. When the law went into force only about fourteen thousand positions were placed in the

classified service but the list has been steadily widened until today more than three hundred thousand positions in the employ of the national government are filled by examination. These examinations are conducted by the Civil Service Commission.

The spread of civil service.

From the national government the civil service system spread to many of the states and cities where it has steadily made progress although it is yet far from being universally established. More than half the states are even yet without civil service laws. In the larger cities the adoption of the merit system had been more general; nearly all of them have now established it in one form or other. The system of patronage is everywhere losing its hold although the politicians often fight hard to retain it. From the present outlook it is only a question of time until all administrative offices except the very highest will be filled under civil service rules.

The nature of civil service tests.

How the Merit System Works.—The actual operation of the civil service or merit system is as follows: Whenever a classified position is to be filled, the appointing officer calls upon the Civil Service Commission to send him the names of suitable persons. If the commission has recently held competitions for a similar position, it may have names on hand. For example, if the appointment is to the position of mail-clerk, stenographer, postman, or policeman, there is no delay in sending in the names because examinations for these posts, owing to the steady demand, are held frequently. But if some unusual position is to be filled, such as that of

chemist in the city's water department, it is usually necessary to hold a special competition. Public announcement is made; applications are received; examination papers are made out; the tests are taken by the various applicants, and the results are figured out. Then the Civil Service Commission certifies to the appointing officer the names which are highest on the list, usually the three highest, and the appointment is made from among these names.

They are practical in their nature.

Do not imagine, however, that a civil service competition takes the form of examinations like those given in school or college. The questions relate to the work which the applicant will have to do. Candidates for appointment as stenographers are given a practical test to determine whether they can take dictation rapidly, read it accurately, and write it out neatly with a typewriter. Civil service tests for policemen take the form of a physical examination, questions on elementary law, and on the duties of a policeman. There are different examinations for each kind of position. The examiners study what qualifications a position demands and then devise a set of examinations which will test these qualifications. The Civil Service Commission does not make the appointments; it merely certifies the names of those who stand highest. From these names the appointing officer usually selects the first on the list, but in some cases he is permitted to choose any one of the first three names.

Value of the Merit System.—The merit system does not always succeed in picking out the best among those who apply for a vacant position. No system of competitive tests is infallible. Even school examinations do not always prove who is the best

scholar. But they come nearer doing so than any other method. Civil service tests do succeed in weeding out the unfit. They protect the public service against the appointment of officials who are clearly incompetent and have no qualifications except political influence. If the civil service system does not always select the best it certainly enables us to avoid the worst, which is something that the spoils system never did.

The democratic character of the civil service system.

The civil service system is democratic. It gives everyone an equal chance. It matters not who the candidates are, whether rich or poor, Republicans or Democrats, with friends or without friends—all have an equal opportunity. Merit is the only thing that counts. And it is the only thing that ought to count in filling public positions. It is true that the candidate with an education usually has an advantage in answering civil service questions; but does not education help a man or woman in every branch of life? In a country where education is free can we call a system of appointment "undemocratic" because it gives the educated candidate an advantage? Under the merit system men and women *win* appointments; they do not receive appointments by favor. They hold their posts during good behavior and are protected against dismissal without cause. The cause must be specific and stated in writing. This being done, the appointing officer usually has the right to dismiss a subordinate and this right is necessary to the maintenance of proper discipline. Under the civil service system, however, dismissals are not frequent. [29]

Direct Legislation by the People

Some definitions.

The Initiative and Referendum: What they are.—The machinery of direct legislation consists of two political devices which usually go together and are known as the initiative and referendum. By the initiative is meant the right of a stated percentage of voters in any state or other political division to propose a law and to require that if this proposal is not forthwith adopted by the regular law-making authorities it shall be submitted to the people for their decision at the polls. The initiative usually covers constitutional amendments as well as laws. To put it in less technical language, if anyone believes that a new law or ordinance should be passed, he draws up the law or ordinance in such form as he desires; then he gets a certain number of voters to sign a petition asking for its passage. If the legislature enacts it, well and good; if it does not enact it the question whether the law will be adopted goes on the ballot for the voters to decide.

The referendum, on the other hand, is an arrangement whereby a measure already passed by the legislature or city council may, under certain conditions, be withheld from going into effect until the people have had an opportunity to accept or reject it at the polls. The conditions usually are that a certain number of voters shall present a petition asking that the measure be withheld from going into force. The referendum, as a rule, cannot be invoked in the case of emergency measures.

Their Progress in America.—It is only about a quarter of a century since the initiative and referendum, in this form, made their appearance in

America, the first state to establish them being South Dakota in 1898.[30] Other states soon took up the idea and today nearly half the entire number of states have made provision for direct legislation in one form or another.[31] Spread of direct legislation. From the states the movement spread to the cities, a large number of which now have provisions for the initiative and referendum inserted in their charters. The extension of the system to the national government, by means of an amendment to the constitution, is now being urged by some organizations, including the American Federation of Labor.

Reasons for this rapid extension.

How is the rapid spread of this movement for direct legislation in the United States to be accounted for? Two reasons for it, at least, may be given. One is the decline of popular confidence in lawmaking by legislators. The work of the legislatures in many of the states, and of the city councils in most of the cities, has been unsatisfactory to the people on a good many occasions. It has given vogue to the idea that the people themselves could not do much worse and might do a great deal better. The second reason may be found in the habit of waiving responsibility which many legislatures and city councils have acquired in recent years. When difficult questions come before legislatures, the legislators frequently find an easy solution, so far as they themselves are concerned, by “putting the matter directly up to the people”. In other words they agree to place the questions on the ballot at the next election. In many states this practice of passing measures with a “referendum clause” has become very common. It has paved the way for direct legislation on a wider

scale.

The Initiative and Referendum in Practice.—In actual practice the initiative and referendum do not provide a simple and easy means of making laws. Their use is hedged about by all sorts of formalities and conditions. In no two states are these conditions exactly alike, but in a general way the practical workings of direct legislation are somewhat as follows:

The petition.

As the first step, those who desire a new law make a draft of it in writing. Then they write out a brief petition to accompany it and obtain as many signatures as they can. The usual requirement is that a certain percentage of the qualified voters must sign the petition before it will be accepted by the authorities. These signatures are secured by holding meetings, or by a house-to-house canvass, or by placing copies of the petition in banks, stores, and other public places where voters can sign them. When enough signatures have been obtained, the petition, accompanied by the draft of the proposed law, is presented to the proper official at the state Capitol or city hall and this official checks the names with a copy of the voters' list. The scrutiny. If he finds that all the requirements have been fulfilled, he endorses on the petition a statement to this effect and makes provision for placing the question on the ballot at the next election or, in some cases, at a special election held for the purpose. Meanwhile, the legislature or city council may enact the measure, in which case the question need not be placed on the ballot. The voting. To inform the voters concerning the various initiative measures which are to be voted on, some states have provided that a pamphlet shall be prepared and mailed to every voter previous to

the election. These pamphlets contain the texts of the proposed laws and also, in some cases, a summary of the arguments for and against each proposal. At the election the voters mark their ballots with a cross opposite the words Yes or No and the proposed law is adopted or rejected in accordance with the will of the majority.

In the case of the referendum a petition is also drawn up and a designated number of signatures obtained. When enough signatures have been secured, usually the same number as is required for the initiative, the petition is presented, checked up, and certified in the same way. The law in question, although duly enacted by the legislature, is then withheld from going into effect until the voters ratify it at an election.

In some states the initiative and referendum have been used quite freely; in others hardly at all. In Oregon, during the decade 1906-1916, no fewer than ninety-one measures were submitted to the voters at five elections; in Massachusetts only four measures have been initiated by petition in five years. Much greater use has been made of direct legislation in the Far West than in the East.

The arguments in favor.

Merits of Direct Legislation.—The reputed merits of the initiative and referendum may be summed up under four heads. 1. *It makes government more democratic.* In legislatures the influence of some class, section, or partisan element among the people has often determined the nature of the laws. By the use of direct legislation the whole people can make their will effective. 2. *It has an educative value.* People who are called upon to vote upon measures will learn something about them before going to the

polls. When the legislators alone make the laws, the individual voter takes no interest in the lawmaking. But when the questions go on the ballot there is a general public discussion of the arguments for and against. In this way the whole body of the voters becomes informed on public problems. 3. *It gives the ordinary citizen a chance to make his influence felt.* The legislature, in doing its work, does not hear much from the plain man who attends to his own business. It hears chiefly from the "vested interests", the corporations, and capitalists on the one hand, or from labor organizations or the farmers on the other. It is also subjected to pressure by politicians and party leaders. But a considerable part of the population is made up of men and women who are neither capitalists, union workers, nor politicians. Direct legislation gives this silent section of the electorate a chance. 4. *It keeps legislative bodies on their good behavior.* The initiative and referendum are not intended to supplant lawmaking by legislatures. Most of the laws will continue to be made by the old process. Direct legislation is merely a remedy in the hands of the people for use when the regular lawmaking bodies fail to carry out the popular will. Knowing that the voters have this weapon ready for use, the legislators are more careful about what they do. They know that an appeal may be taken to the voters and their own decisions overturned. This is an incentive to better work on their part. Hence the initiative and referendum will really strengthen rather than destroy our system of representative government.

The arguments against.

Defects of Direct Legislation.—But there are arguments on the other side as well; and these also

can be arranged under four headings. 1. *Direct legislation weakens the civil rights of the individual.* These rights are embodied in the state constitutions for the purpose of preserving them. But if a majority of the voters can change these constitutions at any time, there is no longer any distinction between constitutions and laws. This means that there is no special protection for the rights of property, for free speech, or for freedom of worship. A majority can ride rough-shod over a minority at any time. 2. *Direct legislation is usually the work of a majority in name only.* Not more than eighty per cent of the people regularly cast their ballots on election day; the proportion is often much smaller. Of those who go to the polls many do not vote on all the questions. The result is that measures are frequently ratified by the votes of only thirty or forty per cent of the whole electorate, in other words by a distinct minority. The alleged "rule of the majority" thus becomes a fiction, not a fact. 3. *Direct legislation results in appeals to public prejudice and leads to demagogism.* When measures are submitted to the people the discussion is not confined to the merits of the proposed laws. The supporters and opponents alike appeal to the prejudice and the self-interest of the voters. The demagogue uses his opportunity to the fullest extent, thus inflaming bitterness between different classes among the people. There is no opportunity for calm deliberation or compromise as in the legislative halls. The voters can only say Yes or No. They must take the measure as it stands or reject it entirely. As a rule, moreover, the man who is ready to say Yes or No to any public question can be set down as one who has given very little thought to the subject. 4. *Direct legislation tends to break down the whole system of representative government.* It divides the

responsibility for lawmaking, encourages the election of less efficient representatives, and places upon the people a task which they cannot intelligently perform. The voters will not, and cannot, fully inform themselves about the merits and defects of ten, twenty, or thirty different questions on the ballot. It is absurd, the opponents of direct legislation declare, to submit a long list of questions to the voters when thousands of these voters are not even able to read or write.[32]

Which are the stronger?

The Relative Weight of these Arguments.—The fore-going paragraphs give the arguments, both for and against direct legislation, as they are commonly put forth by the two sides. The supporters of direct legislation are inclined to magnify its merits; the opponents are equally prone to overstate its defects. Due allowance should be made for this in weighing their respective arguments. Direct legislation has not put an end to the power of political bosses or destroyed the party system or made all the laws righteous. On the other hand it has not led to lawmaking by demagogues or impaired the fundamental rights of the citizen. Laws passed by means of the initiative and referendum have been, on the whole, no better and no worse than laws passed by legislatures. The strong probability is, if one may venture a prediction, that less use of direct legislation will be made as time goes on. This does not mean, however, that the system will be valueless. It still remains a highly important weapon of last resort which the people can use if they need it. At any rate no one need hesitate to make up his own mind as to the relative merits and defects of the initiative and referendum, for he will find himself in

pretty good company whichever side he takes.

The Recall.—The recall is the right of a designated number of voters to demand the immediate removal of any elective officeholder and to have their demand submitted to the voters for decision. A petition for removal is drawn up and circulated for signatures; when enough signatures have been obtained it is presented to the proper authorities who thereupon hold an election to decide the matter. The petition usually states the reasons for demanding the officeholder's removal before the expiration of his term. If a majority of those who vote on the question are in favor of the removal, the officeholder vacates his post at once; if they reject the demand for a recall, he continues in office. Provision for the recall was first established in Los Angeles (1903), and during the past twenty years it has been adopted in many cities in different parts of the country. Ten states have also provided for the recall of elective state officers. Several city officials have been removed at recall elections, but only one state officer has yet been ousted from office by this procedure.[33]

The purpose of the recall is to ensure the complete and continual responsibility of public officials to the people who have elected them. It enables the establishment of longer terms of office without incurring the danger of autocracy on the part of officeholders. On the other hand, the recall is a weapon which may easily be perverted to wrongful use. If attempts were made to oust an officeholder whenever his work gives offence to any influential element among the voters, the recall procedure would soon become an intolerable nuisance in that it would be continually bringing the people to the polls. It would likewise deter independent and

capable men from accepting office at all. But as a matter of fact the recall has not been widely used. For the most part the people have held it in reserve for emergencies. It is like a fire-escape on the outside of a building, not to be used at all under ordinary circumstances, but exceedingly valuable when an emergency comes.

General References

JAMES BRYCE, *Modern Democracies*, Vol. I, pp. 151-164 (Public Opinion); Vol. II, pp. 417-434 (Direct Legislation by the People);

A. L. LOWELL, *Public Opinion and Popular Government*, pp. 113-232 (Methods of Expressing Public Opinion);

A. B. HART, *Actual Government*, pp. 270-273 (Appointing Power); 276-294 (Civil Service);

W. B. MUNRO, *Government of the United States*, pp. 501-521 (Direct Legislation and the Recall);

E. M. PHELPS (editor), *Initiative and Referendum* (Debaters' Handbook Series);

DELOS F. WILCOX, *Government by All the People* (The Arguments in Favor), pp. 104-128; 149-163;

ARNOLD B. HALL, *Popular Government* (The Arguments Against), pp. 120-143.

Group Problems

1. **What is public opinion?** How is it formed? Influence of the press. News columns and editorials. The press and propaganda. Influence of advertisers. The large measure of independence in the press. Resolutions of organizations. Communications to legislators. Relative importance of the various channels of public opinion. **References**: A. V. DICEY, *The Relations between Law and Public Opinion in England*, pp. 17-47; JAMES BRYCE, *American Commonwealth*, Vol. II, pp. 251-266; *Ibid.*, *Modern Democracies*, Vol. I, pp. 92-110; 151-164; A. L. LOWELL, *Public Opinion and Popular Government*, pp. 4-56; G. H. PAYNE, *History of Journalism in the United States*, pp. 347-359 and *passim*; ARNOLD B. HALL, *Popular Government*,

pp. 25-44; WALTER LIPPMAN, *Liberty and the News*, *passim*.

2. **The initiative and referendum in their practical workings. References**: J. D. BARNETT, *The Operation of the Initiative, Referendum and Recall in Oregon*, pp. 101-125; Illinois Constitutional Convention (1920), *Bulletins*, No. 2; Massachusetts Constitutional Convention (1917-1918), *Bulletins*, No. 6; A. L. LOWELL, *Public Opinion and Popular Government*, pp. 169-239; D. F. WILCOX, *Government by All the People*, pp. 229-320; ARNOLD B. HALL, *Popular Government*, pp. 120-143.

3. **The civil service system: its progress, aims, and methods. References**: A. B. HART, *Actual Government*, pp. 276-294; C. A. BEARD, *American Government and Politics*, pp. 222-230; P. S. REINSCH, *Readings in American Federal Government*, pp. 683-702; W. B. MUNRO, *Government of American Cities*, pp. 271-290; C. R. FISH, *The Civil Service and the Patronage*, *passim*; J. T. YOUNG, *The New American Government and its Work*, pp. 592-608.

Short Studies

1. **The responsibility of public officials.** F. A. CLEVELAND, *Organized Democracy*, pp. 394-409.

2. **The function of a representative.** J. W. JENKS, *Principles of Politics*, pp. 77-84; J. S. MILL, *On Representative Government* (Everyman's Library), pp. 202-218; 228-241.

3. **The election vs. the appointment of public officials.** JOHN M. MATHEWS, *Principles of American State Administration*, pp. 173-190.

4. **The spoils system.** JAMES BRYCE, *American Commonwealth*, Vol. II, pp. 136-145; JAMES A. WOODBURN, *Political Parties and Party Problems*, pp. 254-265. See also W. D. FOULKE, *Fighting the Spoilsmen*, *passim*.

5. **Training for public service.** W. H. ALLEN, *Training for the Public Service*, pp. 164-200.

6. **How civil service tests are given.** L. F. FULD, *Police Administration*, pp. 75-97.

7. **The public service as a profession.** A. L. LOWELL, *Public Opinion and Popular Government*, pp. 264-305; W. H. ALLEN, *Training for the Public Service*, pp. 164-181; E. A.

FITZPATRICK, *Experts in City Government*, pp. 71-104.

8. **The recall of public officers.** ARNOLD B. HALL, *Popular Government*, pp. 203-241.

Questions

1. How many "organs" of public opinion can you name? How does each exert an influence? Which one do you consider the most influential?

2. Is public opinion always the sentiment of the majority? If it is not, explain why. Give a concrete illustration.

3. Do you agree with Edmund Burke's ideas as to the proper function of a representative?

4. When the question of woman suffrage was before the United States Senate, and only one additional vote was needed to pass it, a certain senator declared that while he was personally in favor of granting the suffrage to women the people of his own state had just voted against the proposal and he therefore felt bound to follow their judgment. Was he right or wrong in taking that attitude?

5. Make a list of the administrative officers of your state and community, indicating which ones should be elected and which appointed. Can you think of any proper exceptions to the rule that all administrative offices requiring skill or experience should be filled by appointment?

6. What arguments were put forward in behalf of the spoils system?

7. What sort of civil service tests ought to be applied in selecting persons for the following positions: truck-and-ladder driver in the fire department; gardener in the public park service; bookkeeper in the office of the state treasurer; member of the United States life-saving service; railway-mail clerk; analyst of food and drugs; inspector of wires and lamps; woman police officer; probation officer; draftsman in the state highway department.

8. In a city of 100,000 population what positions would you exempt from civil service rules?

9. Is *good government* more important than *popular government*? Can a government be both *democratic* and

efficient? Do you regard appointments by competition as *undemocratic*? Why or why not?

10. Work out a plan by which promotions in the police department could be made under the merit system (consider the possibility of giving credits for punctuality, acts of courage, number of arrests, etc., and of making deductions for neglect of duty, etc.).

11. What is the strongest argument for direct legislation and what is the weakest? Which argument on the other side impresses you the most and which the least?

12. Is it more dangerous to subject judges to the possibility of recall than other officials?

Topics for Debate

1. A congressman should obey his conscience rather than his constituents when he cannot obey both.

2. Heads of state and city administrative departments should be chosen under civil service rules.

3. The initiative and referendum should be extended to national lawmaking.

CHAPTER VII
SUFFRAGE AND ELECTIONS

The purpose of this chapter is to explain who have the right to vote, how the voters nominate public officials, and how elections are held.

SUFFRAGE

Direct and indirect popular control.

How the Voters Control the Government.—A democratic government is one in which the people, acting directly or through their representatives, control the course of public affairs. This control may be exercised, as has been pointed out, in either one of two ways. It may be exercised directly, that is, by the use of the initiative and referendum. The proposal for a law comes from a designated number of voters, and the adoption or rejection of the proposal is decided by a majority of the voters at the polls.

It is easy to see, however, that the people cannot perform the entire work of government in this direct way. There are too many laws to be made, too many details of administration to be handled, and too many disputes to be adjusted. So most of the work of

government is carried on by persons who are chosen by the voters for this purpose or who are appointed to office by the representatives of the people. Elective officials, as a rule, have authority to determine matters of general policy in nation, state, or municipality, while appointive officials, for the most part, carry out the policy thus determined upon.



GOVERNMENT. By Elihu Vedder

From a Copley Print, copyright by Curtis & Cameron, Boston. Reproduced by permission.

GOVERNMENT

By Elihu Vedder

From a mural decoration in the Library of Congress.

Mr. Vedder portrays Government as a mature woman in the fullness of her strength. She is seated upon a bench of hewn marble, which is

supported by the figures of two lions—all emblematic of strength and power. Behind is an oak tree, which typifies slow, deep-rooted growth. In symbolic pictures the ballot box is usually represented as an urn. Here the marble bench rests upon urn-shaped vases. In the lions' mouths are mooring-rings to remind us that the ship of state must not drift aimlessly but should be moored to strength.

In her left hand Government grasps a golden sceptre (the Golden Rule) to signify that all her actions are based upon respect for the rights of others; her right hand holds a tablet upon which is graven a notable epigram from Lincoln's Gettysburg Address. On either side of Government are two genii or mythical figures. One holds a bridle which typifies restraint, discipline, and order—the bulwark of effective government. The other supports an unsheathed sword, emblematic of defence and justice.

In this picture, therefore, the author prefigures the outstanding marks of a

successful free government—strength; fairness, democracy, restraint, security, and justice.

The Citizen and the Voter.—Government by the people does not, of course, mean government by all the people. Not all citizens are voters. In every country there are many persons who are not competent to exercise a share in the government. Very young persons, for example, do not have maturity of judgment, which a share in government requires. Insane persons, prisoners in jails, aliens, and others are also, for obvious reasons, usually debarred from the privilege of voting. It is not to be assumed that everyone who is a citizen is also a voter. All persons born or naturalized in the United States and subject to American jurisdiction are citizens no matter what their ages or mental capacity may be, but not all are voters. The voters are those upon whom the privilege of voting has been conferred by law. In the United States they comprise a large proportion of the adults but they do not form a majority of the entire population. Out of a national population of about one hundred and five millions the voters of the United States number about thirty-five millions. This number is quite large enough to ensure an adequately representative government.

The gradual widening of the suffrage

Development of the Suffrage.—Voting is a privilege and duty rather than a right. In the earlier states of American history the privilege of voting was restricted to property-owners and taxpayers. This condition of affairs, moreover, continued for a considerable period after the Revolutionary War.

One by one, however, the various states began to abolish their restrictions and by the middle of the nineteenth century the principle of manhood suffrage had become firmly established so far as the white population was concerned. The struggle for the extension of the suffrage to men who did not own property was a prolonged and bitter contest in which the opponents of manhood suffrage vainly argued that the extension would put all political leadership into the hands of noisy agitators and would end in the ruin of orderly government. But manhood suffrage ultimately triumphed because the country came to the conclusion that the structure of democratic government could be made more secure by broadening the base upon which it rests.

The rights of the negro.

Negro Suffrage.—In the Southern states prior to the Civil War colored men were excluded from voting at all elections. But with the emancipation of the slaves the question of guaranteeing the suffrage to colored men had to be faced. By the terms of the Fourteenth and Fifteenth Amendments to the national constitution no state is permitted to withhold voting rights from any man on account of his color; if it does so, the constitution provides that such state shall have its number of representatives in Congress reduced. As a matter of fact, however, there has always been a very strong sentiment among the white population of the Southern states in opposition to political equality on the part of the colored element, and this has prevented the enforcement of the guarantees contained in the constitution.

How negroes are excluded from voting.

By various devices the Southern states have for the most part excluded negroes from suffrage. One of these is the requirement that all voters shall be able to read and write. If this provision were impartially applied to the white and the colored population alike; if all illiterate persons irrespective of color were excluded, this action would be entirely justified. But the aim of the South is to eliminate the negro as a voter whether he is illiterate or not.[34] The attitude of the white population in the South is not difficult to understand. In the days immediately following the Civil War the colored men were given the ballot in all the Southern states, and the results were disastrous. Unfit men were elected to office, public money was spent wastefully, and government was badly conducted in all these states under the domination of the colored voters. As a result the white population took the control once more into its own hands and has kept it there. But this can scarcely be regarded as a final solution of the problem. No political problem can be solved in this country in defiance of the constitution. Many Southerners realize this and are endeavoring to find some solution which will be for the best interests of the negro while protecting the white man's political supremacy. The negro question is particularly the Southerner's problem; he knows the colored race as no Northerner can; and if he cannot settle it justly and wisely, no man can.

The extension of the suffrage to women.

The Nineteenth Amendment.—It is now more than fifty years since women first began to claim, in this country, the right to equal political privileges with men. Those who supported this claim argued

that women were quite competent to assume an active share in government and that in some branches of public administration (such as the management of schools and the enforcement of the laws regulating child labor) women have an even greater interest than men. Women were required to pay taxes and it was urged that on this account they were entitled to representation. On the other hand the extension of the suffrage to women was opposed on the ground that it would tend to weaken the interest of women in the home, thus impairing the strength of the family as a social unit, and also that women would not use the ballot wisely. They would be influenced by their sympathies and emotions rather than by their judgment, it was predicted, and would bring an element of instability into public policy. Another objection commonly raised was that with twice as many voters the cost of holding elections would be doubled. But despite these objections the movement for woman suffrage made gradual headway in one state after another and finally, in 1920, it was made compulsory upon the entire country by the provisions of the Nineteenth Amendment.[35]

Citizenship, age, and residence.

Present Qualifications for Voting.—Each state decides who shall not vote. Each state has entire freedom to do as it thinks best in this matter subject only to the provisions of the national constitution, which stipulate that the privilege of voting shall not be denied to any citizen by reason of sex, or because of race, color, or previous condition of servitude. There is no reason, therefore, why the qualifications for voting should be the same in all parts of the country, and as a matter of fact they differ a little

from state to state. At present the restrictions relate mainly to age, citizenship, and residence, but sometimes also to literacy and taxpaying. In every state the privilege of voting is restricted to persons who are twenty-one years of age or over. As for the residence requirement it varies considerably in different states, running usually from six months to a year. It is imposed in order to make sure that those who vote in any community shall be somewhat acquainted with its affairs. In most of the states none but citizens are permitted to vote, but in two or three states the privilege is extended to those aliens who have declared their intention of becoming citizens.

Educational Tests for Voters.—Educational qualifications for voting, in one form or another, exist in nearly one-third of the states.[36] In some the requirement is that anyone who desires to be enrolled as a voter shall be able to write his name and also to read aloud any clause taken at random from the state constitution. Exemptions from this test are always granted to persons who by mere reason of physical disability are unable to read or write.

Several of the Southern states have provided additional exemptions which result in excusing from the test all white persons who are unable to read and write while strictly applying the requirement to all colored applicants. How educational tests are applied. Various methods are employed to this end. In one case the provision is that no one may be registered as a voter unless he can read any clause in the state constitution or "give a reasonable interpretation thereof". The white officials in charge of the registration then decide, in their own discretion, whether the interpretation is reasonable or not. In some other states the attempt has been made by what is commonly known as the "grandfather clause"

to excuse from the literacy test all persons who had the right to vote before 1867, and all descendants of such persons. As there were no colored voters in any of the Southern states prior to this date the "grandfather clause" virtually establishes a racial discrimination which the Supreme Court, a few years ago, declared to be unconstitutional.

Is an Educational Test Desirable?—In the majority of the states men and women are permitted to vote even though unable to read or write. The question is often asked whether this practice is wise. Would it be better to insist on an elementary educational qualification everywhere, or is it desirable that in a democracy no distinction be made between those who can read and those who cannot?

The arguments for and against educational tests.

On the one hand it is argued that men and women who have never had the advantages of a grammar school education may nevertheless be good, patriotic citizens, and indeed may be better informed upon questions of government and politics than some who have had far greater educational advantages. People are not required to read and write before they are permitted to own property or compelled to pay taxes. Men who could neither read nor write were drafted to serve in the army during the war. If, then, we compel illiterate persons to perform the duties of citizenship, ought we not to grant its privileges to them as well? But there is something to be said on the other side of this question. Bear in mind that we provide free public elementary education for everyone in the United States. The privilege of learning to read and write is not the privilege of a single class; it is within the reach of everyone. We no

longer allow aliens to enter the United States unless they can read and write, nor can any illiterate person become naturalized. Under these circumstances is it unreasonable to require an elementary educational test for voting? It may be true that persons who are unable to read are able to mark a certain type of ballot without spoiling it, but they can hardly hope to exercise an intelligent choice as among individual candidates on the ballot; they are unable to use any ballot which does not arrange the names of candidates in straight party columns and they cannot vote upon referendum questions except by mere guess-work. If we are regularly going to submit questions to the voters at the polls for their decision, should not the voting lists be confined to those who are at least able to read the questions?

Tax-Paying Qualifications for Voting.—In a few states the male suffrage is restricted to persons who have been assessed for a poll tax. Massachusetts has such a provision and enforces it strictly. Some Southern states also impose this qualification, partly, no doubt, because it is effective in debarring large numbers of colored men who are remiss in paying their annual poll taxes. There is a difference, of course, between a taxpaying qualification and a property qualification. Many people pay taxes, income and poll taxes, for example, without owning any property. Nowhere in the United States is the ownership of property a requirement for voting at national elections.

The requirements vary from state to state.

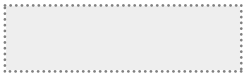
These, then, are the general and special qualifications. It will be observed that since each state prescribes its own requirements, no two of

them establish the same qualifications, or, if they do, it is merely by accident. It is not strictly true that every adult citizen of the United States has the privilege of voting; but it is approximately true. Those who are excluded by the residence, educational, or tax paying qualifications (apart from colored citizens in the Southern states) form a relatively small fraction of the total adult citizenship, probably less than ten per cent.[37]

The registrars of voters.

How Voters are Registered.—In order to obtain a ballot on election day it is necessary that one's name shall be on the voters' list. This list is prepared by officials designated for this purpose in every community or district. These officials are commonly known as registrars of voters. Whoever desires to be enrolled must appear before these registrars and usually must make a sworn statement as to age, citizenship, residence, and other qualifications. If there is an educational test, it is applied by the registrars. The printed lists of enrolled voters are then posted for public inspection.[38] In some states a new voters' list is compiled every year, and it thus becomes necessary for everyone to register annually. In others it is the practice to keep a voter's name on the list so long as he continues to pay poll taxes.[39] But in any case the only way a voter can be sure of having his name on the list at every election is to give this matter his personal attention. In the eyes of the law voting is a privilege, not a right, and the voter is responsible for seeing that he obtains his privilege.

Nominations



The chief purpose of nominations.

Why Nominations are Essential.—The choice of elective public officials usually involves two steps—the nomination and the election. Nominations may be made, and they are sometimes made, by a caucus or by a convention of delegates. More often, however, they are made by the voters at a preliminary election or primary. But the question may fairly be asked: Why have nominations at all? Why not give the voters blank ballots and let them write in whatever names they please? Apart from the fact that many voters (in states which impose no educational test) would not be able to write, there is the objection that so many different persons would be voted for that no one would have anything like a majority. In order to ensure that those who are elected will represent the choice of a substantial body of the voters and if possible an actual majority, it is desirable that there be some way of eliminating all but the stronger candidates. That is why we provide for formal nominations.

History of Nominating Methods.—During the past hundred years or more we have tried a variety of nominating methods. First came the caucus, sometimes a gathering of legislators and sometimes of voters, brought together to select a candidate. The convention method. The caucus gave place, in time, to the *convention*, which is a body of delegates chosen by the voters of each locality. To this day the convention remains the mechanism by which nominations are in some cases made. But the convention method, for a variety of reasons, did not prove satisfactory and it has been replaced, throughout the greater portion of the United States, by the system of nomination at a primary election.

Different forms of primary.

The Primary.—The primary, in our electoral system corresponds to the "qualifying trials" in athletic contests. Its purpose is to see that the race is confined to the swift. It eliminates those who have no chance to win. Those who desire to be candidates for any public office present their names on nomination papers, each of which must bear the signatures of so many qualified voters—say twenty-five or fifty. The names of the candidates are placed on a ballot, and a primary election is held some time before the regular election. But the details of primary elections differ somewhat from state to state. An *open primary* is one at which voters are not restricted to the ballot or column of their own party, but may exercise entire freedom of choice among all the names on the primary ballot. In some states there are party primaries or *closed primaries*. This means that none may vote at the primary except those who are members of a political party.[40] Each party may hold its primary on a different date, in which case it is called a *separate primary*; or both parties may hold their primaries together, in which case we call it a *joint primary*. At a joint primary there may be a separate ballot for the voters of each party or there may be a single ballot which contains the names of different party candidates in parallel columns. In some cities and towns another form, the *non-partisan primary*, is provided, in which case the ballot bears no party designations at all. The procedure at a primary election is like that of a regular election, with printed ballots, ballot boxes, and regular officials in charge of the polls.

Advantages of the primary.

Merits and Defects of the Primary.—As a method of making nominations the primary, whether closed, open, or non-partisan, has both merits and defects. It is better than the convention in that it places nominations directly in the hands of the voters, thus making it more difficult for party bosses to dictate who the candidates shall be. Conventions consisting of a relatively small number of delegates, many of them officeholders, can be manipulated by wire-pulling politicians. Nominations made by conventions have frequently been, for that reason, very unsatisfactory to the rank and file of the voters. The primary gives an opportunity to the man or woman who is popular with the voters although not popular with the politicians. It tends to break down some of the worst abuses of the party system.

Objections to it.

On the other hand there are some practical objections to the primary as a method of making nominations and a vigorous fight is now being waged to abolish it. A primary means an additional election with all the attendant campaigning and expense. The total vote cast at a primary is often small; hence the candidate who gains the nomination may or may not be the real choice of his party.[41] The primary puts a burden upon those who seek to gain elective public office, for they must virtually fight and win two successive battles at the polls. To do this takes so much time that men and women who have business of their own to attend to are often deterred from becoming candidates. The field of political activity thus tends to become monopolized by professional politicians who have nothing else to do. The primary contests are so bitter at times that they create dissensions in the party ranks and weaken the party at the ensuing election. The use of the primary has

not enabled us to get rid of political bosses; it has merely made them work a great deal harder to retain control.

A new development.

In some states the political parties have adopted the practice of holding an "informal" convention some few weeks before the date of the primary. This convention, which is composed of unofficial delegates, makes recommendations as to the candidates who ought to be voted for by members of the party at the primary. Members of the party are free, of course, to do as they please at the primary, but the recommendations made by an "informal" convention, in view of the fact that they are largely the work of acknowledged party leaders, carry a good deal of weight.

This means a further complication.

One result of the primary system has been, therefore, to complicate our electoral machinery. If the practice of holding informal conventions becomes general, there will be four steps which a party will have to take in order to put its candidates in office, first the informal convention, then the primary, then the official convention which drafts the platform, and finally the election. Surely it should be possible to elect our public officials under some less complicated arrangement than this.[42]

Elections

The election day.

How an Election is Held.—The date on which an election is held is fixed by law. National elections always take place on the Tuesday following the first Monday in November.[43] State elections are usually, although not always, held on the same date. Local elections take place on such dates as the state laws or city charters provide. It is usually thought best that local elections shall not be held on the same day as the state or national elections because of a desire to keep national and state politics out of local affairs. When national, state, and local elections are held on the same day the tendency is for the voters to focus their whole attention on national and state issues, giving very little attention to the problems of their own communities. The names of candidates for the local offices are away down near the bottom of the ballot where they appear relatively unimportant. Separate elections involve additional expense, however, and increase the number of times a voter has to come to the polls.[44]

Polling places and poll officers.

The voting is done at polling places, one or more of which are located in each precinct. The precinct is a small division of the county, town, or city; as a rule it does not contain more than four or five hundred voters. The polling place is in charge of officials, commonly known as poll-wardens or inspectors, who are appointed by the state or local authorities. They are assisted by clerks. The duty of these various officials is to open the poll, give ballots to persons who are registered and to no others, count the votes after the poll is closed, and report the results to the authorities who are in charge of the elections. They are responsible for the lawful and honest conduct of the polling. Each party is also allowed to have one or

more “watchers” at the polling place and these watchers have the right to challenge any person whom they believe to be an impostor. When anyone is challenged he may take oath that he is entitled to vote, in which case he will be given a ballot; but such ballots are counted separately. When a voter receives a ballot, his name is checked off the voters’ list. Various stalls or booths are provided, into one of which the voter then goes and marks his ballot privately. Having finished marking it he folds the ballot and hands it to one of the polling officials who, in the presence of the voter, deposits it in the ballot box. Polls are kept open during designated hours, usually from six or seven o’clock in the morning until five or six o’clock in the afternoon.

History of balloting.

The Ballot.—The history of the ballot in the United States is interesting. 1. Oral voting. Originally all votes were given orally. The voter came to the polling place, stated his choice aloud and the poll officials wrote it down. The objection to this plan was that it precluded secrecy and left the voters open to intimidation. Then paper ballots came into use, each party providing ballots for its own members. 2. The party ballot. Outside the polling place, at each election, stood a group of party workers each armed with a handful of ballots, which were distributed to the voters as they came. This method also was objectionable. Objections to the party ballot. It encouraged the voting of a “straight party ticket”, in other words it took for granted that everyone wished to vote for the entire slate of party candidates without exception. If the voter desired to do otherwise, it was necessary for him to scratch out the unacceptable names and write others in. Most voters would not go to this trouble. This method of

balloting was not secret, because a voter could be watched from the time he received his ballot outside the polling place until he deposited it in the box. This was an encouragement to bribery and intimidation. It also facilitated fraud at elections since there was no limit upon the number of ballots printed by the parties and it was not difficult for dishonest voters or corrupt officials to slip extra ballots into the box. This abuse, known as "stuffing" the ballot box could only be prevented by having all the ballots officially printed. When a definite number of official ballots is given to each polling place every ballot must be accounted for.

3. The Australian ballot.

In nearly all the states, therefore, an official ballot is now used. This is commonly known as the Australian ballot. Usually the names of all the candidates are printed in parallel columns, each party having a column of its own, with the name and insignia of the party at the top. Immediately below the insignia is a circle in which the voter, by marking a cross, may record his vote for every one of the candidates in the entire column. The voter who does this is said to vote a "straight ticket". But if he desires to vote for some of the candidates in the column of one party and for some in the column of another party, he leaves the circle unmarked and places a cross after such individual names as he may choose. This is called voting a "split ticket". In some states there are no party columns; the names of the candidates are printed on the ballot in alphabetical order, each name followed by a party designation. In a few large cities, such as Boston and Cleveland, the party designation is omitted. Here the voter must pick and choose individually. The party-column

arrangement encourages the voting of straight tickets; the alphabetical plan does not.[45]

Evils of the long ballot.

The Short Ballot.—Throughout the United States the number of elective offices steadily increased during the nineteenth century. The result was that ballots gradually became longer until in some cases the voters found themselves confronted with sheets of paper containing a hundred names or even more. It proved exceedingly difficult to use proper discrimination among so many names and hence there arose an agitation for simplifying the ballot by reducing the number of positions to be filled by election. In a democratic government all officials who have authority to decide questions of general policy—the President, senators, representatives, governors, assemblymen, mayors, councilors, and the like—ought to be chosen by popular vote. But there are many other officials, such as state auditors, county clerks, and superintendents of schools, whose duties are chiefly administrative. These officials carry out a policy which is laid down for them by law, and it is contended that they should not be elected but appointed. If all such officials were made appointive, the size of the ballot would be considerably reduced, and the voters could concentrate their attention upon a smaller number of names.

A ballot is not an effective instrument of popular government unless it is simple enough for the average voter to use intelligently. When a ballot is so long, so complicated, and so unwieldy that the voter is tempted by sheer exhaustion into voting a straight party ticket, then the party leaders, and not the people, are really choosing the officers of

government. The movement for a "short ballot" aims to make government more truly democratic, not less so.

Defects of the ordinary ballot.

The Preferential Ballot.—Another defect of the ordinary ballot is that it allows the voter to indicate only a single choice for each office. If there are five candidates for the office of mayor, let us say, the voter may mark his ballot for one of them only. He is not permitted to indicate who would be his second choice, or his third choice among the five. Whichever candidate gets the largest number of first choices among the voters is the winner, although he may be the choice of a small minority. To prevent this likelihood of election by a minority when there are several candidates in the field for a single office a system of "preferential voting" is sometimes used.

How the preferential system works.

Where the preferential ballot is in use, as it is in several American cities, the voters are asked to indicate, in columns provided for this purpose, not only their first but their second and third choices and even their further choices among the various candidates. The names of those candidates whom the voter does not want to support are left unmarked. When preferential ballots are counted, any candidate who has a clear majority of first choices is declared elected. But if no candidate obtains a majority of first choices, the second choices are added to the first choices and if the two totals combined give what would be a majority of first-choice votes, the candidate who received them is declared elected. In like manner the third choices are resorted to if

necessary.[46] The candidate elected by the preferential system is practically always the choice of a majority among the voters, not the first choice of a majority always, but one whom a majority have indicated their willingness to support. The chief practical objection to the preferential ballot is that many voters do not take the trouble to mark their second and third choices.

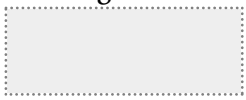
The problem of minority representation.

Proportional Representation.[47]—Preferential voting should be distinguished from proportional representation, which is a plan of choosing legislative bodies in such a way that all considerable groups of voters will be represented in proportion to their own numbers. Whenever several representatives are elected on the same ballot it usually happens that one political party secures them all. So many voters adhere to the "straight ticket" that the entire party slate wins. The minority party, even though it may comprise nearly half the voters, in such cases obtains no representation at all. This, of course, does not give us a true system of representative government; hence various plans have been put forward for securing to "each considerable party or group of opinion" a representation corresponding to its numerical strength among the voters. The best known among these is the Hare Plan, which has been used in several foreign countries and, during recent years, in a few American cities.[48]

The Hare plan explained.

This system of proportional representation is somewhat complicated but may be concisely

described as follows: First, the names of all candidates are printed alphabetically on the ballot and the voter indicates his choices by marking the figure 1 after the name of his first choice, the figure 2 after the name of his second choice, and so on. Then, when the polls are closed, the election officers compute the number of votes needed to elect a candidate and this is called “the quota”. This they do by dividing into the total number of votes cast the number of places to be filled, plus one, and then adding one to the quotient. For example, let us suppose that 10,000 votes have been cast and that there are seven candidates to be elected. Ten thousand divided by eight (seven plus one) is 1250 and any candidate who receives 1251 first-choice votes is declared elected. If such candidate, however, has more votes than enough to fill his quota, the surplus votes are distributed in accordance with the indicated second-choices among candidates whose quotas have not been filled. If enough candidates are not elected by this process, the candidate with the smallest number of first choices is then dropped and his votes are distributed in the same way. This process of elimination and distribution goes on until enough candidates have filled their quotas or until the successive eliminations have left no more than enough to fill the vacant positions. This plan is not a model of simplicity, of course, but it is not so difficult to understand as one might at first glance imagine, nor in its actual workings does it present any serious complications. What the voter has to do is simple enough. In so far as there are any difficulties they arise in connection with counting the ballots, not in marking them. The plan is workable and the attainment of proportional representation in all our legislative bodies would be a great gain.



Majorities and pluralities.

Counting the Votes.—When the polls are closed the ballots are counted by the officials of the polling place in accordance with whatever plan is used. With ordinary ballots the counting does not take very long; if preferential ballots are used, or if a system of proportional representation is in vogue, the counting takes a good deal longer. When a candidate receives more than one-half of all the polled votes, he is declared to have a *majority*; when he merely obtains more votes than the next highest candidate he is said to have a *plurality*. In the United States, at nearly all elections, a plurality is sufficient. When the counting is finished the result is certified to the proper higher officials. A recount can usually be had at the demand of any candidate, and recounts often take place when the result is close.

Types of corruption.

Corrupt Practices at Elections.—All elections afford some opportunity for corrupt practices and various safeguards are provided against their occurrence. *Personation* is the offence of voting under a name which is not your own. Voters who have died since the lists were compiled, or who are absent, are sometimes impersonated by men who have no right to vote at all. Vigilance on the part of the election officers helps to prevent personation although the officials can hardly be expected to know everyone who comes to the polls. *Repeating* is the offence of voting twice at the same election. To do this a voter must first, by fraudulent means, become enrolled as a voter in two or more precincts or districts. *Ballot-box stuffing* is the practice of putting in the box ballots which have no right to be there. With the Australian ballot the practice is very infrequent.

Ballot-switching is the placing of marks on the ballots, surreptitiously, while the ballots are being counted. A dishonest official, with a small piece of lead under his fingernail, has sometimes been able to spoil or to "switch" ballots by marking additional crosses on them during the process of counting. *Intimidation* is the offence of influencing a voter's action by threats or wrongful pressure. *Bribery*, of course, is self-explanatory. All these practices involve moral turpitude and are forbidden under severe penalties. They have now become relatively uncommon at American elections.[49]

Absent Voting.—It frequently happens, in the nature of things, that many voters cannot conveniently be in their home districts on election day. Soldiers and sailors, commercial travelers, railway conductors, engineers and trainmen, fishermen, students in universities are obvious examples. It has been estimated that in Massachusetts the number of voters who are necessarily absent from their homes on election day averages about thirty thousand. Many others, in order to cast their ballots, are put to considerable expense and inconvenience. Now it has seemed desirable, in many of the states, to make some provision whereby those voters may cast their ballots without being actually at the polls on election day. The usual arrangement is that a voter who expects to be absent on election day must apply, some time before the election date, to a designated official for a ballot. This ballot is then marked by the voter and sealed in an envelope. The envelope is attested before a notary public and deposited with an election official who sees that it is counted when other ballots are counted. In some states the blank ballot is sent by mail to absent voters who request it, and after being

marked the ballot is returned by mail before the election day. The chief objection to absent voting is that it gives an opportunity for fraud, but in practice this has not proved to be a serious objection.

Compulsory Voting.—Compulsory voting does not exist anywhere in the United States at the present time although it has been frequently proposed. Voting has been made compulsory, however, with legal penalties for failure to vote, in several foreign countries, notably in Belgium, in Spain, and in New Zealand. The usual procedure is to impose a fine upon every voter who, without good excuse, stays away from the polls on election day, or, for repeated absences, to strike his name off the voters' list altogether.

The arguments for compulsory voting.

Compulsory voting rests upon the argument that, in a democracy, the right to vote imposes a duty to vote. The citizen must serve on a jury in time of peace and in the army during war whether he likes these forms of public service or not. Why, then, should he be allowed to shirk his duty to vote, a duty which must be performed if democratic government is to survive? If one voter has the right to stay away from the polls, every other voter has the same right. And if all followed this policy, we could not maintain a "representative" form of government. But there is another side to the question. The voter who goes to the polls because he will be fined if he stays away will not cast his ballot with much discrimination, intelligence, or patriotism. Are they valid? Would the votes of such men be worth counting? Would they contribute anything to the cause of good government? Moreover, it has been demonstrated by foreign experience that while you can compel a voter

to go to the polls and drop a ballot in the box you cannot compel him to mark his ballot properly, for he marks it in secret. In one of the Swiss cities some years ago it was found that the chief result of compulsory voting was to induce many hundreds of reluctant voters to drop blank ballots in the box. It can well be argued that voting is a duty, but it is a duty which ought to be performed from motives of patriotism and not from dread of the penalties. Most citizens do not require compulsion and it is questionable whether forcing others to vote would, in the long run, serve any useful purpose.

The merits and defects of voting machines.

Voting by Machine.—In some cities of the United States the experiment of permitting the voter to record his choice by means of a voting machine has been tried with varying degrees of success. A voting machine is constructed upon much the same principles as a cash register. The keys bear the names of the various candidates and the voter merely steps behind a curtain where he presses one key after another just as he would mark crosses on a printed ballot. The mechanism is so arranged that a voter cannot press two keys which register for the same office. The voting machine plan has some distinct advantages in that it does away entirely with the trouble and expense of printing ballots; it eliminates spoiled ballots, it precludes all chance of tampering with the votes, and it ensures an accurate count. On the other hand the machines are expensive both to install and to maintain, particularly when several machines are needed for each polling place. Moreover, like all other complicated mechanisms, they get out of order, and when they do this on

election day it makes a bad mess of things. It is doubtful whether they will ever supplant the printed ballot plan of voting.

Summary.—In order that any systems of popular voting shall be permanently successful it is necessary that the ballot shall be simple, intelligible, and secret. It must not be so long as to bewilder the voter of average intelligence, and it ought to give the voter a reasonable chance to "split" his ballot without running a serious risk of spoiling it. A short ballot is a far more effective instrument of democracy than a long ballot. Another essential is that the polling place shall be adequately safeguarded against fraudulent practices of any sort and that the counting of votes shall be conducted with absolute honesty. Any corrupt practice in connection with elections is a blow at the very heart of democracy. We hear a good deal, from time to time, about unfairness, fraud, and corruption at elections in the United States, particularly at elections in the larger cities. While these things occur now and then they are much less frequent than they used to be. American elections, taking them as a whole, are conducted with as much fairness and honesty as the elections which are held in any other country. Rival parties and candidates try hard to win; they seize every opportunity to gain political advantages over their opponents, and in so doing often travel very close to the line which separates right from wrong; but on the whole they try to keep within the letter of the election laws. Transgressions of the law may bring some temporary success but in the long run they do not pay, and the politicians know it.

General References

F. A. CLEVELAND, *Organized Democracy*, pp. 130-191;
P. O. RAY, *Political Parties and Practical Politics*, pp.

109-164; 298-321;

W. B. MUNRO, *The Government of American Cities*, pp. 102-152;

C. L. JONES, *Readings on Parties and Elections*, pp. 212-250;

A. N. HOLCOMBE, *State Government in the United States*, pp. 143-164;

K. H. PORTER, *A History of Suffrage in the United States*, pp. 20-46 and *passim*;

W. W. WILLOUGHBY and LINDSAY ROGERS, *Introduction to the Problem of Government*, pp. 107-126 (Popular Government).

Group Problems

1. **The direct primary: is it a success?** Earlier methods of nomination. Evils of the caucus and convention. Why the direct primary was established. The different types of primary. Effect of the primary on the party system. Has it curbed the power of the bosses? Cost of the primary system. Percentage of votes polled at primaries. Has the primary secured better candidates? Can it be improved? Probable effects of the pre-primary informal convention. If not the primary, what then? **References**: C. E. MERRIAM, *Primary Elections*, pp. 117-132; 133-176; F. W. DALLINGER, *Nominations for Elective Office in the United States*, pp. 95-126; R. S. BOOTS, *The Direct Primary in New Jersey*, *passim*; F. A. CLEVELAND, *Organized Democracy*, pp. 228-242; A. N. HOLCOMBE, *State Government in the United States*, pp. 182-204; C. G. HAINES and BERTHA HAINES, *Principles and Problems of Government*, pp. 137-150; C. L. JONES, *Readings on Parties and Elections*, pp. 53-79; P. O. RAY, *Political Parties and Practical Politics*, pp. 140-164; A. B. HALL, *Popular Government*, pp. 45-97.

2. **How can the ballot be improved? References**: E. C. EVANS, *History of the Australian Ballot in the United States*, pp. 17-47; R. S. CHILDS, *Short Ballot Principles*, *passim*; F. A. CLEVELAND, *Organized Democracy*, pp. 262-272; C. A. BEARD, *American Government and Politics*, pp. 474-487; P. S. REINSCH, *Readings on American Federal Government*, pp. 364-383; C. G. HAINES and BERTHA HAINES, *Principles and*

Problems of Government, pp. 151-166; A. B. HALL, *Popular Government*, pp. 242-269; *Cyclopedia of American Government*, Vol. I, pp. 100-104.

3. **Proportional representation in theory and in practice. References**: J. R. COMMONS, *Proportional Representation*, pp. 99-131; W. W. WILLOUGHBY and LINDSAY ROGERS, *Introduction to the Problem of Government*, pp. 263-275 (also Appendix iii); Massachusetts Constitutional Convention, 1917-1918, *Bulletins*, No. 28 (Proportional Representation); American Proportional Representation League, *Pamphlets*, especially Nos. 6 and 8. (The headquarters of the League are at Haverford, Pa., and material relating to proportional representation can be had on application.)

Short Studies

1. **The gradual extension of the suffrage in the United States.** F. A. CLEVELAND, *Organized Democracy*, pp. 130-150.

2. **Who have the right to vote in European countries?** F. A. OGG, *The Governments of Europe* (see index).

3. **Qualifications for voting in the different states.** *World Almanac*, 1918.

4. **How American elections are conducted.** A. N. HOLCOMBE, *State Government in the United States*, pp. 205-239.

5. **How voters are enrolled.** F. A. CLEVELAND, *Organized Democracy*, pp. 220-227.

6. **The preferential ballot.** Massachusetts Constitutional Convention, 1917-1918, *Bulletins*, No. 27 (Preferential Voting). (See also *National Municipal Review*, Vol. I, pp. 386-400, July, 1912.)

7. **The short ballot.** R. S. CHILDS, *Short Ballot Principles*, especially pp. 21-30; P. S. REINSCH, *Readings on American State Government*, pp. 372-383.

8. **Compulsory voting.** Massachusetts Constitutional Convention, 1917-1918, *Bulletins*, No. 24 (Compulsory Voting).

9. **Corrupt practices at elections.** C. L. JONES, *Readings on Parties and Elections*, pp. 202-302.

10. Are elections **as fairly conducted in the United States as in other countries**? CHARLES SEYMOUR and DONALD O. FRARY, *How the World Votes* (see index).

Questions

1. Is the right to vote a *natural right* or merely a *privilege* conferred by the state?
2. Who have the right to vote at elections in your state? Who are excluded? In order to vote, how long must one reside in your state? Your county? Your precinct?
3. Who enrolls voters in your community? When and where do they enroll voters? What evidence must you supply in order to be enrolled?
4. Make a diagram of a polling place showing its interior arrangement, the booths in which voters mark their ballots, the location of the ballot box, etc.
5. What are the different forms of primary and which form do you think is the best (*a*) for state nominations; (*b*) for local nominations?
6. What effects would the use of the short ballot have upon (*a*) the efficiency of government; (*b*) popular interest at elections; (*c*) the quality of the officials chosen?
7. Explain the difference between *preferential voting*, *proportional representation*, *limited voting*, and *cumulative voting*.
8. Explain the difference between *corrupt* and *illegal* practices at elections. Make a list of each.
9. What are some of the reasons why so many voters stay away from the polls on election day? Are the following excuses valid: "I do not approve of either political party"; "My vote doesn't count for anything"; "I am too busy"; "I am not interested in politics"; "It is a rainy day and I might catch cold"; "I have an engagement to play golf"; "The polling place is too far away"; "I do not think any of the candidates worth voting for"?
10. What are some of the practical objections to making voting compulsory?

Topics for Debate

1. There should be an educational test for voting.

2. The failure to vote, in the absence of a valid excuse, should be punished by some appropriate penalty.

3. There should be a limit on the amount of money that may be legally spent by candidates in election campaigns.

GOOD ADMINISTRATION

By Elihu Vedder

From a mural decoration in the Library of Congress.

Good Administration, with benign countenance, sits upon her throne, a perfect arch above her head. As the strength of an arch depends upon all its parts equally, so the maintenance of a strong and efficient administration depends upon the co-operation of all elements among the people. In her right hand Good Administration holds evenly the scales of justice; her left hand rests upon a quartered shield to indicate the fair balance of all parties and classes. On her lap is the book of the law. At her feet, on either side, is an urn. Into one of these urns a maiden is winnowing wheat drawn from the waving fields in the background. The people also, in choosing their public officials, should winnow well. Into the other urn an eager

youth, with books of knowledge under his left arm, is casting his ballot.

Mr. Vedder has also executed for the Library of Congress a companion figure portraying Corrupt Administration. She holds the scales, unevenly balanced, in her left hand. A seeker of special favors is placing a bag of gold in the scales; he has seized the book of the law and upset the ballot urn.



GOOD ADMINISTRATION. By Elihu Vedder

From a Copley Print, copyright by Curtis & Cameron, Boston. Reproduced by permission.

CHAPTER VIII
POLITICAL PARTIES AND PRACTICAL POLITICS

The purpose of this chapter is to describe how political parties are organized, what they do, and how they do it.

Parties are natural groups.

Why Political Parties are Formed.—Whenever people are in control of their government, political parties are certain to be formed. No popular government has long continued anywhere in the world without political parties. The reason for this is that whenever any group of people find that they have the same opinions or the same interests they desire to act together. If people are interested in music they organize an orchestra or a choral society and arrange concerts. If men are interested in trade, they organize themselves into a board of trade to promote their mutual interests. Workmen associate themselves together in labor unions; boys who are interested in athletics organize clubs; men who have been in the military and naval service associate themselves together in the American Legion, and so it goes. People who have the same opinions, desires, ideas, and interests tend to group themselves together, which is a perfectly natural thing for them

to do.

Now large numbers of men and women have identical *political* opinions (or think they have) and this community of interest draws them together into groups. Such groups we call political parties. The Republican party is made up of men and women who believe in certain political principles which are set forth in the party platform; the Democratic party is made up of those who hold a different set of opinions. Whenever a large body of people wish the government to do something which is not already being done they soon find that the best way to achieve their end is to organize.[50]

Their first aim is to win elections.

The Aims of Political Parties.—Every political party has two aims. The first is to get control of the government; the second is to carry out its own policy by means of this control. To do this they must nominate candidates for office, raise funds for carrying on a campaign, and work to elect their men. It is only by electing their own candidates for office that they can accomplish the ends for which they are organized. An army does not exist merely to teach men drill or discipline. Its chief aim is to win victories. Drill and discipline are merely a means to this end. So with a political party. Its organization, leaders, campaign work, and all other activities have one purpose in mind, namely, to win victories at the polls. Then, when the party has elected its candidates and obtained control of the government it can carry its program into effect. Occasionally a party secures its chief aim without gaining control of the government, as the Prohibition party did in 1920.

But the aim of a political party is not altogether selfish.

Definition of a Political Party.—Having seen why political parties are formed and what they aim to do we are now in a position to frame a definition. A political party is a group of men and women who think alike on public questions and have joined themselves together in order to gain control of the government so that they can carry their opinions into practice. The aim of a party is not always selfish, however, as this definition might imply. Most members of a political party believe that in endeavoring to get control of the government they are promoting the public interest. Their aim is to bring into operation certain policies which they believe will benefit the whole people. The Democratic party urged a revision of tariff ten years ago because its members believed that lower duties on imports would help the United States as a whole and not because the Democrats, as distinct from the Republicans, would derive the whole advantage. The Republicans, for their part, have favored high duties on imports because they believe that American industry ought to be protected against foreign competition. Both parties seek to promote the general interest, but in different ways.

Habit is an important factor in party strength.

Party Divisions Tend to Become Permanent.—Parties are originally formed to promote a particular policy, but when they have gained control of the government and have put their program into practice they do not go out of existence. They continue, and people remain members of the party, largely from force of habit. Each party takes up new ideas, gains some new members and loses some old ones. The mill keeps on turning although new forms of grist are

brought to be ground and new workmen guide the wheels. Men and women who reach voting age join one or another of the parties, sometimes because they are influenced by its principles, more often because their parents have belonged to that party. Thus it happens that over long periods of time a party may remain strong among the people in one section of the country and weak in another. The reason is not that the party's policy at the moment happens to be popular in one area and unpopular in the other. Habit influences people in politics as in everything else. When a man has voted several times with one political party he is not likely to desert it even though the party's program changes. Not only that but his sons and daughters will probably join the same political party. Pennsylvania has gone Republican at every national election for more than sixty years although a wholly new set of voters has grown up; Texas on the other hand has never failed to support the Democratic ticket for just as long a period. The whole of the "Solid South", in fact, goes Democratic with unfailing regularity, and has done so ever since the Reconstruction. A political party thus retains a strong hold upon large bodies of voters, old and new, even though it may change its policies from time to time.

The active work of parties.

The Functions of Political Parties.—Could we get along without parties? Perhaps we could, but American government would have to be carried on very differently if parties did not exist. If you watch an election campaign, you will notice that several things happen in the course of it. First, there is a great deal of public discussion about candidates. Then, some time before the election, candidates are

nominated. Platforms are drawn up stating the things which each candidate favors. The candidates, together with other speakers, go out and make addresses; pamphlets are distributed broadcast giving reasons why people should vote for one candidate or the other; meetings and rallies are held in halls and on the street corners; the newspapers print the arguments on the respective sides; the people are worked up to a white heat of enthusiasm; and finally, on the day of election, the issue is decided.

Now how would all this be done if there were no political parties? Candidates cannot be nominated without organized effort; platforms do not make themselves; the people cannot be stirred to an active interest on one side or the other except by a vigorous campaign; without parties, indeed, an election would be a very dull and uninteresting affair.

Parties perform three important functions:

The conclusion is, therefore, that political parties have various definite functions to perform, and these may be summarized under three heads. 1. They nominate candidates and frame platforms. First, they nominate candidates and tell the people about them. This information is given in their platforms, of which more will be said a little later. They rouse interest among the voters. Second, they rouse public interest by their rallies, their pamphlets, circulars, articles in newspapers, and posters, as well as by personal canvassing. This rousing of the voter is very important, because most men and women are chiefly concerned with their own business and personal affairs. Even after all these methods of getting them interested have been used it will be found that two or three voters out of every ten have failed to go to

the polls on election day. What would happen if there were no rallies, circulars, canvassers, and all the rest? In that case most of the voters would probably manifest no interest at all, and the election would be decided by a small portion of the people.

3. They bring the various branches of government into harmony. Third, the parties provide a chain which holds the various officers of the government to a joint responsibility. We elect a great many public officers to perform different functions. Members of the legislature are elected to make laws; governors and other state officers to administer these laws; and judges to help enforce them. To get the best results all three groups of public officials must work in harmony. But if each were elected independently and without any reference to the others, there would be little chance of their working together. When they do work together it is because they have been elected to carry out a common policy. This is the chain which holds them together—allegiance to the same political party. If every public official followed his own ideas, we should have one set of men making the laws and another set of men throwing obstacles in the way of their enforcement.[51]

If there were no political parties, something else would have to be organized to take their place. The things which the party does must be done somehow. We cannot have democratic government unless candidates are nominated, platforms framed, public interest aroused, and officials encouraged to work together in a common cause. Political parties do not always perform these functions well, but what sort of organization would be likely to manage them any better?

The political "factions" of early days.

When and How did Political Parties Begin?—It is difficult to say how or when political parties originated. Someone once remarked that even at the time of the Flood there were two political parties, namely, the Deluvians and the Antedeluvians. John Adams declared that "parties began with human nature". In a sense he was right. Anyone who has read Roman history will remember the long and bitter struggle between the patricians and the plebeians. The Guelphs and Ghibellines of the Middle Ages were political parties although their rivalry often assumed the form of open warfare. The Cavaliers and Roundheads of Cromwell's time armed themselves and fought for the control of the government with muskets and sabres, not with ballots. They were parties, dynastic parties. But the violent conflict of parties eventually gave way to orderly contests at the polls, and men found that they could belong to different political parties without thereby becoming personal enemies of one another. So Whigs and Tories arose in England before the American Revolution, and corresponding groups were to be found in the thirteen American colonies.

The first American parties.

But the real history of political parties in the United States did not begin until after the adoption of the constitution, when Hamilton and Jefferson became leaders of opposing elements among the people. Hamilton and his followers, the Federalists, desired to strengthen the central government; Jefferson and his supporters, calling themselves Democratic-Republicans, desired to keep the central government weak and to place the balance of power in the hands of the states. In the end Jefferson's party

obtained the upper hand, but by having things too much its own way finally lost its solidarity and split into several factions. Party politics gave way for a time to personal politics, the voters ranging themselves behind leaders rather than principles; but presently the various factions consolidated into two parties known as Whigs and Democrats. The Whig party eventually went to pieces and in its place arose the Republican organization which elected Lincoln in 1860. Since that date the Democrats and Republicans have continued to be the two leading parties.

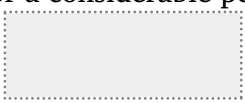
The distinction between principles, policies, and issues.

What the Leading Political Parties Stand for.—The general ideas upon which the members of a political party agree are incorporated into its platform and are commonly known as the party's *principles*. For example, a party may pledge itself to the principle of promoting foreign trade, or conserving the natural resources of the country, or keeping aloof from the affairs of Europe. The methods by which these principles are to be carried into effect constitute the party's *policy*. The principle of promoting foreign trade, to take an example, may be carried into effect by lending money or credit to exporters, as was done after the World War. But the different parties do not usually agree upon either principles or policy, and this divergence gives rise to party *issues* or points of conflict between the parties.

It is not easy to set forth in concise form the principal issues. During the campaign of 1916 the attitude of the United States towards the great European conflict was the pivot of attention; in 1920 the question whether America should or should not enter the League of Nations crowded most of the

other issues into the background. The main planks in party platform change from one election to another. [52] During the past twenty years the platforms of both parties have dealt with a wide variety of matters; but the disagreement between the two parties has not always been clean-cut and in some cases it has left the voter little to choose between them. On some matters the two leading platforms are openly opposed; on others they are very much alike, and on some others, again, they are so ambiguous that it is difficult to tell just where they differ. As a practical matter it is not always wise to take an absolutely definite stand in the party platform, for conditions may change and by so doing place the party in the position of having pledged something which ought not, in view of the changed conditions, to be carried out.

The Minor Parties.—Americans, on the whole, have accepted the two-party system. The great majority of voters are either Republicans or Democrats. Nevertheless the platforms of these two parties never suit all the people and the result is that minor parties, or "third" parties as they are sometimes called, come into existence from time to time. During the past hundred years a dozen or more of these minor parties have been formed but with two or three exceptions they have soon melted away. [53] These exceptions are the Prohibition party, which was organized in 1872 for the purpose of securing the complete suppression of the liquor traffic in the United States. The adoption of the Eighteenth Amendment gave this party the chief thing that it had been contending for, but it has not yet gone out of existence. The Socialist party is the other example of a "third party" which has continued to be active for a considerable period.



Why “third parties” rarely survive.

In the United States minor parties do not usually live long. Very few of them survive a dozen years. There are reasons for this. In the first place the Democrats and Republicans are constantly adapting their platforms to the needs of the country. When any movement among the people becomes strong enough, one of the leading parties takes it up. If large numbers of voters, for example, should desire the abolition of divorces, one of the political parties would soon put an “anti-divorce plank” in its platform, and would thereby prevent any new party from making much headway on that particular issue. In the second place the American voters, taking them as a whole, have become accustomed to the two-party system. Very few of them are willing to forsake the old party organizations without strong reasons for doing so. When they do, temporarily, as a great many Republicans did in 1912 and a great many Democrats in 1920, they usually drift back again before very long. A new party, moreover, is difficult to organize and expensive to maintain. It has no chance to win the election and most people do not care to belong to an organization which never wins. So the easiest way to get new things adopted in public policy is to persuade one of the leading parties to champion them.

The Socialist platform.

The Socialist Party.—Among the “third parties” which exist at the present day the Socialist party is the strongest. It has a program widely different from that of either the Republicans or the Democrats. The Socialist party is organized to promote the public ownership of railroads, telegraphs, telephones,

mines, forests, factories, and all other such economic instrumentalities. In addition to its economic program the Socialist party advocates the adoption of various political changes such as the abolition of the United States Senate, the election of all judges for short terms, and the abolition of the Supreme Court's power to declare laws unconstitutional. In point of strength at the polls the Socialist party stands far below either of the two leading parties. It is much weaker in the United States than in the various countries of Europe.

Is "independence" a virtue?

The Voter's Relation to Parties.—So long as political parties are essential in representative government, and so long as they perform useful functions, it is the duty of every citizen to affiliate with some political party if he can honestly do so. There are times, of course, when the voter of independent views cannot honestly support any of the existing parties. On this point every voter must make his or her own individual decision. There is no inherent virtue in being an "independent"; for if every voter persisted in assuming that attitude, there would be no political parties at all, and democracy would in the long run suffer rather than gain as a result. Most voters, as a matter of fact, belong to one of the leading parties and support the candidates of this party at every election. They are commonly called the regular members of the party. But membership in a political party does not mean that one is under obligation to support that party under all circumstances. It is possible to belong to a political party and yet retain a reasonable degree of independence. A political party gains, indeed, by having in its ranks a sprinkling of men and women

who know their own minds on political questions and will not tamely follow wherever the party chiefs may lead.

The need of party leadership and discipline.

Let us remember, however, that a political party, like an army, requires discipline and leadership for its success. If every soldier insisted on following his own inclinations rather than the advice or orders of his officers, he would never be on the winning side in any battles. So, if every voter declines to be led by anyone's counsel but his own, there will be no unity of party effort and no real triumph of one set of principles over another. To secure any substantial improvement in government, large groups of men and women must pull together. This means that they must have a platform, an organization, and capable leaders, which is equivalent to saying that they must act as a political party.

The citizen's duty.

Parties are What the People Make Them.—The choice of a political party is one of the means by which the citizen in a democracy exercises his sovereign power. A political party is merely what its members make it. No chain is stronger than the links which compose it; and no political party ever represents a higher grade of intelligence or patriotism than its members provide. If a political party becomes selfish or corrupt, the remedy lies in the hands of the people. Honest men and women will then desert that party; it will fail to win elections, and ultimately go to pieces. On the other hand if a political party is honest in its principles, wise in its policy, patriotic in its ideals, and progressive in its sympathies, it will draw recruits from among the

thousands of men and women who reach voting age each year. It will grow in strength. The voter can best display his zeal as a citizen by joining a party and helping to make it a power for good.

Organization helps to win victories.

The Need for Party Organization.—Organization is the watchword of every political party. Without organization there is no chance to win elections and put the party's policies into operation. Very little is ever achieved in this world without coöperation. However competent an individual may be, there are limits to what he can do. It is not the brilliant player that wins the game, but the well-trained team. Napoleon Bonaparte once said that organization and discipline counted for seventy-five per cent of victory. These things are quite as important in politics as in war.

Organization, in party politics, involves three things, leadership, coöperation, and money. No party is well-organized unless it possesses all three. For this reason every strong political party uses care in selecting its leaders, builds up a system of party conventions and party committees, and raises campaign funds to pay the necessary expenses of its work.

Local Party Organization.—Let us see how this organization is effected. Beginning at the bottom each party has its local committees. These committees are generally chosen by the voters of the party at the primary elections, and they have charge of the party interests in the town or township, county or district, as the case may be. In the large cities there is a committee for each ward and a general committee covering the whole city. These local committees arrange for political meetings in their

own neighborhood and help to bring out the voters on election day. They work in harmony with the state committee.

State Party Organization.—Next come the state organizations. The party organization in the states consists of a state central committee and a state convention. The state committee. The members of the state committee are sometimes elected by the voters in the various congressional or state senatorial districts; sometimes they are named by the county conventions, and occasionally they are chosen by the state convention. The committee's functions are to issue the call for conventions (or in some states for primaries), to raise and spend the campaign funds in state elections, to arrange the plans for the state campaign, and to supervise so far as practicable the work of the local committees. The state convention. The state convention is made up of a large body of delegates who are directly elected by the party voters or chosen by the district or county conventions. It meets a short time prior to each state election and one of its chief duties is to prepare the party's platform.[54] Each political party holds its own convention.

The national convention.

National Party Organization.—In the early years of the Republic, candidates for the presidency were nominated by congressional caucuses, that is, by meetings of the party's representatives in Congress. But this method was discarded about 1824 and in due course national party conventions were called to make these nominations. At present these national conventions meet every four years, during the summer preceding the presidential election. Republicans, Democrats, Prohibitionists, and

Socialists all hold their own conventions. In the case of the two leading parties the conventions are made up of delegates from every state and territory, these delegates being directly chosen at primaries or named by the state conventions. The national conventions choose the candidates for the presidency and the vice presidency. They also frame the party platforms, this work being done through committees.

The national committee.

The chief permanent organ of each party is a national committee made up of one member from each state, who is either chosen by the voters at the primary election or selected by the delegates from the state to the national convention. The national committee chooses its own chairman, who has general charge of the party's interests in the campaign; but in making its choice the national committee usually defers to the wishes of the party's presidential candidate.

How the National Party Convention does its Work.—The national party conventions usually meet in some large city, such as Chicago, St. Louis, Baltimore, or San Francisco. The convention hall. An enormous auditorium is needed for the gathering because a national convention consists of nearly a thousand delegates and an equal number of alternates. Among bodies which have to do with government the national party convention is the largest in the world. The delegates are seated by alphabetical order of the states, Alabama first and Wyoming last, each state having its delegates grouped together. Large placards or banners show where each state is placed. What a national convention is like. The delegates are arranged in the front part of the hall, the alternates in the rear. Whenever a

delegate leaves the auditorium an alternate goes forward to sit in his place. The galleries are filled with spectators and there is a huge bustle going on all the time. It is hard for the speakers to make themselves heard, as only a thunder-voiced orator can make his words rise above the din which goes on continually. At times, when a popular candidate appears, there is a general pandemonium. A band starts around the aisles, playing as it goes. Delegates fall in behind the band, cheering and shouting. For half an hour, perhaps longer, this racket continues. Then the noise subsides and the convention gets back to its work—until the next commotion begins.

The balloting.

After various names have been proposed, the convention begins to ballot. If no candidate receives a sufficient majority, another ballot is taken. In the Republican convention the successful candidate must get a majority of all the delegates; in the Democratic convention the requirement is two thirds. When there are several candidates in the running, many ballotings are sometimes required. Day after day the voting goes on, if necessary, until somebody wins.[55] The weaker candidates drop out; the stronger ones keep gaining, until finally the fight narrows down to two or three and the victor emerges. Then the tired delegates rush through the remaining business and start for home.

Reasons for the existence of machines.

The Party Machine.—The active workers in these conventions and committees make up what is called the “machine”. It is called a machine because all its parts work smoothly together in the effort to obtain the desired result, which is to win the election. There

are party organizations in other countries, but party "machines" exist only in the United States. Various reasons account for this. One is the frequency of elections, which creates a class of professional politicians. There are more elections in the United States than in any other country. Another reason is the organizing power of the American people, and the zeal with which they throw themselves into an election campaign. The practice of giving the appointive offices to leaders of the victorious party also has something to do with it. Many men give their time and energy to electioneering because they expect to get favors in return.

The function of the "machine" is to serve the party, and through the party to serve the people. But the "machine" often goes beyond this purpose. How they lead to abuses. Its leaders, finding themselves in control of great power, are tempted to use it for their own personal profit and advantage. They become arbitrary, dictating what shall go into the party platform and who shall be nominated. The party leader who does this becomes a party "boss", and when groups of bosses control the party they are commonly known as "rings".

What is a "boss"?

Rings and Bosses.—The "boss" in politics is just like any other kind of boss. His will is law, so far as all his underlings are concerned. The difference between a party leader and a party boss is that the leader is chosen by the free action of the party and exercises his functions openly, while the boss usurps the control of his party and utilizes it for his own ends without assuming any open responsibility. Why bosses are dangerous. The leader leads and the boss drives. Party leaders are necessary to good party organization, but the party "boss" is a menace to the

best interests of the party and to the cause of honest government. Great power must sometimes be placed in the hands of one man; but care should be taken that every man who wields great power in a democracy is made responsible for the use of this authority. Power, when checked by responsibility, is not dangerous. A party "boss" is dangerous because he has the power and abuses it. He controls a great "machine" without being accountable to anybody even when he directs it against the public interest. He gives favors to his friends and the public pays the bills.

How "rings" are formed.

Rings are groups of bosses and are more dangerous because they are stronger. Four or five unscrupulous men working together are stronger than one working alone. So when bosses unite, they are often able to nominate whomsoever they please and to secure the election of incompetent or supine men. Rings and bosses operate largely in city and state government because the opportunity to gain control there is much greater than in national affairs. The smaller the election district, the more chance the boss has for making himself the master of it. The people as a whole cannot spend much time over politics; the boss is always at work, from one end of the year to the other. He makes friends with everybody who can help him. He is always ready to do favors. Then, when election day comes, he expects his friends to stand by him.[56]

Party revenue.

How Parties are Financed.—The work which political parties do, such as holding conventions, framing platforms, and conducting a campaign requires a great deal of money. Expenses that are

necessary and quite legitimate have to be met. No organization can hold together on an empty pocketbook. So money has to be obtained, and the only way of raising it is by voluntary contributions, for the political parties have no right to tax anyone. Where does the money come from? It comes largely from members of the party who respond to the call for subscriptions sent out by their leaders. People who are well-to-do often give considerable sums although party leaders feel that it is not good policy to accept very large contributions from any one man because this may give rise to a suspicion that the subscriber hopes to get some political favor in return. The party leaders prefer to obtain the essential funds from a great multitude of small donors who prove their loyalty to the party in this way. Party expenditures. A national campaign costs each of the chief parties a large sum, several million dollars nowadays.[57] State and local campaigns cost a great deal less. The money is spent for the publication and mailing of campaign literature, for the traveling expenses of speakers, for hire of meeting-places, and for a great many other things which go to make up an election campaign.[58] The speakers and the party workers usually give their services freely, but the party must furnish the money to defray their expenses.

The Reform of Party Organization.—It will be seen, therefore, that although political parties are necessary and useful organizations in a democracy, they often develop serious abuses when left free from official control. For this reason the organization and work of the political parties should be regulated by provisions of law. Such provisions have already done much to eliminate boss rule and to improve the party system. Some people feel that political parties ought

to be abolished altogether but that suggestion is impractical. The abolition of parties would not make government any more democratic, or more honest, or more efficient. The work which the parties now perform must be performed by some organizations of voters, somehow, and if parties were abolished something similar under a different name would have to be created to do this work. Parties must not be abolished but improved. What we need is not the abolition of parties but the improvement of party organization and party methods. Realizing that parties can be useful we should give them scope for usefulness but restrict their opportunities for evil. This is what the laws are now doing. They aim to make party leaders responsible, to make party nominations fair, and to make party finance honest.

General References

P. ORMAN RAY, *Political Parties and Practical Politics*, pp. 3-12;

A. LAWRENCE LOWELL, *Public Opinion and Popular Government*, pp. 57-85;

JAMES A. WOODBURN, *Political Parties and Party Problems in the United States*, pp. 465-470;

M. OSTROGORSKI, *Democracy and the Organization of Political Parties*, pp. 225-281;

W. B. MUNRO, *Government of the United States*, pp. 312-356;

MOORfiELD STOREY, *Problems of Today*, pp. 1-53;

W. W. WILLOUGHBY and LINDSAY ROGERS, *Introduction to the Problem of Government*, pp. 127-150.

Group Problems

1. The political doctrines of leading American statesmen: Hamilton, John Adams, Jefferson, Jackson, Calhoun, Clay, and Webster. **References**: *Cyclopedia of American Government*, *passim*; C. E. MERRIAM, *American Political Theories* (see index).

2. Minor political parties—their rise and fall. References: JAMES A. WOODBURN, *Political Parties and Party Problems*, pp. 133-148; P. ORMAN RAY, *Political Parties and Practical Politics*, pp. 40-68; F. E. HAYNES, *Third Party Movements Since the Civil War*, pp. 221-260; E. B. STANWOOD, *History of the Presidency*, *passim*.

3. The organization of political parties in a typical state of the Union. JESSE MACY, *Party Organization and Machinery*, pp. 96-132; JAMES BRYCE, *American Commonwealth*, Vol. II, pp. 76-81; W. B. MUNRO, *Government of the United States*, pp. 483-487.

4. The national party conventions. C. A. BEARD, *American Government and Politics*, pp. 166-172; P. S. REINSCH, *Readings on American Federal Government*, pp. 826-845; P. ORMAN RAY, *Political Parties*, pp. 145-167; J. A. WOODBURN, *Political Parties*, pp. 165-214; F. W. DALLINGER, *Nominations for Elective Office*, pp. 74-92; C. L. JONES, *Readings on Parties and Elections*, pp. 80-105; T. H. MCKEE, *National Conventions and Platforms*, *passim*; E. B. STANWOOD, *History of the Presidency*, *passim*.

5. The platforms of the various parties in 1920: an analysis and comparison. *World Almanac* (1921). Also the *Campaign Text Books* issued by the party organizations.

Short Studies

1. **Campaign methods.** P. O. RAY, *Political Parties*, pp. 255-267.

2. **Party loyalty and political independence.** J. A. WOODBURN, *Political Parties*, pp. 295-303.

3. **The Progressive Party: its history and platform.** S. J. DUNCAN-CLARK, *The Progressive Movement*, *passim*.

4. **Tammany Hall.** GUSTAVUS MYERS, *History of Tammany Hall*, pp. 267-298; *Encyclopedia Americana*, Vol. XXVI, pp. 235-237.

5. **The boss as a personality.** M. OSTROGORSKI, *Democracy and Political Parties*, pp. 250-263.

6. **The Tweed Ring.** J. F. RHODES, *History of the United States*, Vol. VI, pp. 392-411.

7. **How the machine works.** THEODORE ROOSEVELT, *Autobiography*, pp. 61-101; 144-184; 185-222.

8. **The nationalizing influence of parties.** HENRY J. FORD, *Rise and Growth of American Politics*, pp. 150-161.

9. **Municipal political parties.** M. R. MALTBIE, in *Proceedings*, National Municipal League, VI, pp. 226*ff*.

10. **The reform of party organization.** F. A. CLEVELAND, *Organized Democracy*, pp. 228-261.

Questions

1. Can you improve the definition of a political party given in this chapter?

2. Among the various functions of political parties which do you consider the most important, and why?

3. Why do political parties refrain at times from making their platform pledges more definite? What new proposal would you like to see inserted in a party platform?

4. Account for the fact that constitutional questions played a more important part in American politics prior to 1860 than since that date.

5. Give brief sketches of the Federalist, Democratic-Republican, and Whig parties and their work before the Civil War.

6. Explain why the "mortality rate" among "third parties" has been so high. Account for the fact that some of these parties have survived a considerable period of time while others have not.

7. Make an outline showing the type of party organization used in your own state.

8. Prepare a list of things for which money can be legally expended by political parties during an election campaign.

9. If you were a voter, to which political party would you belong? Give your reasons.

10. What are the important points to be emphasized in discussing the reform of party organization? Name some reforms which you think would be advantageous.

Topics for Debate

1. Municipal elections should be conducted on party lines.

2. The campaign expenses of presidential candidates should be paid from the national treasury.

3. A three-party system would be preferable in this country to the present two-party organization.

CHAPTER IX
COUNTIES AND RURAL COMMUNITIES

The purpose of this chapter is to show how the counties, towns, and villages of the United States are governed, who their local officials are, and what they do.

The division of governmental functions.

What Local Government Is.—The functions performed by governments fall into two divisions. First, there are functions which relate mainly to the life and activities of the neighborhood, such as police administration, fire protection, the cleaning of streets, and the care of the poor. These things can best be managed by the local authorities. Second, there are functions of a more general character which relate to the life and activities of the entire state or nation, such as the regulation of the railroads, the coining of money, the maintenance of post offices, and the control of corporations. These functions we have committed, accordingly, to the state and national governments. In earlier days, before industry and commerce developed so greatly, local functions were the more numerous; but as population grows the whole country tends to become one great community, hence many functions formerly performed by the local authorities are being

taken over by the states and the nation. It is impossible to lay down any rule as to what functions are local and what functions are general. A few years ago each town and village made its own regulations concerning the speed limit for automobiles; to-day that matter has been taken over almost everywhere by the state authorities.

Local government in the colonies.

The Beginnings of Local Government in the United States.—Local government is the oldest branch of government; both the state and the national government have grown out of it. When colonists first came from England to Plymouth and Massachusetts Bay they settled on small farms and built their houses within short distances of one another. In Virginia, on the other hand, the colonists took up large plantations for the growing of tobacco and cotton; their homes were spread over a wide area. Because of the difference in the manner of settlement the New England colonists organized themselves into *towns* (or townships) while the Southern colonists created larger units of local government known as *counties*. From the Atlantic seaboard these two types of local administration—township and county government—have spread out over the rest of the country. In the course of this spread they have been considerably altered from their original forms.

County Government

Nature of the county.

The County.—Every state in the Union is now divided into counties.[59] The division is made by the state legislature, but when county boundaries are once fixed they are seldom changed thereafter. In the older states the counties are often small; in the newer states they sometimes cover several hundred square miles.[60] Counties, like cities, are public corporations, that is to say they have the right to own property, to raise taxes, to borrow money, and to make contracts. They may sue and be sued in the courts. But counties have no inalienable rights of their own. All their powers are derived from the state. They are merely political divisions of the state, created for the more convenient administration of local affairs. In a few states the people of each county are permitted to select and establish such form of county government as they may choose, but as a rule the state legislature prescribes a uniform type of county government for all the counties within the state.

The County Officers.—The chief governmental authority of the county is the county board, the members of which are usually known as commissioners or supervisors. These members are either directly elected by the voters of the county or sent as representatives from the townships. County boards may have only three members or as many as fifteen—each state has its own regulations on this point. The board has its headquarters at the county seat, where the county courthouse is located.

County functions.

The functions of the county board may be summarized under six heads. 1. *Financial.* Most county boards have the right to levy county taxes and to make appropriations for expenditure. They have authority from the state legislature to borrow

money on the county's credit. This borrowing power is exercised in order to construct county roads, build bridges, or provide county buildings. 2. *Highways and bridges.* In many states all the main highways are designated as state or county roads. The towns and townships are responsible for the construction of minor highways only. The state roads are built by state highway commissions or some such body; the county roads are constructed and maintained by the county board. In some states these county roads are numerous; in others they are very few. Main bridges, which connect two cities, towns, or townships, are also built and maintained by the county board. 3. *Public buildings.* Every county requires certain public buildings, including a courthouse, a county jail, a registry of deeds, a county poorhouse, and sometimes a county hospital. These buildings are erected and managed by the county board. 4. *Poor-relief and correction.* The function of providing public poor-relief is to some extent performed by the state and municipal authorities but a good deal of the responsibility still rests upon the county boards. 5. *Elections.* In most states of the West and South the county board has charge of the local arrangements for state and national elections. It designates the polling places, appoints the election officers, and provides the ballots. The county, in most of the states, serves as the unit for the selection of senators and assemblymen in the state legislature. 6. *Miscellaneous.* Finally, the county boards have sundry other functions. Occasionally they grant charters of incorporation to companies. In some states they construct irrigation works and arrange for the abolition of grade crossings on railroads. They often help in the selection of jurors and have authority to grant certain licenses.



The faults of county government.

Have County Boards been Satisfactory?—The work of the county boards has not received much public attention in most of the states until the last few years. The county has been called "the jungle of American politics" because the masses of the people know so little about what is going on in the offices of the county authorities. On the whole county government has not been conspicuously bad, but it has been far from what it ought to be. American counties, as a rule, have been more honestly and more economically governed than American cities. The fundamental objection to the existing system of county government is that it places in the hands of an elective body, the members of which are usually chosen for purely political reasons, the performance of many difficult *executive* functions. The management of finances, construction of roads, bridges, and public buildings, the proper treatment of the poor, the sick, and the insane are all tasks which require ability, skill, and experience. Elective county supervisors cannot reasonably be expected to perform them well, and this is especially the case when the nominations and elections are dominated by professional politicians.

The County Manager Plan.—In view of the large amount of executive work, requiring skill and experience, which is imposed upon the county boards, and especially in consideration of the fact that this executive work is steadily growing, it has been proposed that the boards should confine themselves to matters of general policy, leaving to a county manager the entire work of actual administration. In a few counties this proposal has been adopted. The county manager, a trained and

highly-paid official, is appointed by the county board to purchase all materials and supplies, to hire labor, to prepare contracts for the construction of public buildings, and to attend to all the details which arise in connection with the board's work. In this way, by concentrating authority in a single hand, a great deal of waste and inefficiency is avoided. The plan is in harmony with the principle that responsibility for purely executive work, particularly when it is of a technical character, should be entrusted to men who have special qualifications for performing it (see pp. 197-198).

County courts.

The County as a Judicial Area.—In the administration of justice the county plays an important part. County courts exist in nearly all the states, and although they form an integral part of the state judiciary they have jurisdiction over such matters within the county as the laws may provide. Both the organization and the jurisdiction of the county courts differ greatly from state to state. In some states each county has its own judge; in others there is one judge for a group of counties. This judge holds sessions in one county after another. The county court usually hears appeals from the local courts and has original jurisdiction in cases where a jury is in order. The probating of wills is in most cases a function of the county court. Appeals from its decisions may usually be carried to the higher tribunals of the state.

His functions.

The Sheriff.—Every county has a peace officer known as the sheriff, usually elected by the voters of the county. He is the chief guardian of the law and the right-arm of the county court. Historically this is the oldest office in the country. It goes back to the

time of William the Conqueror or earlier, when the shire-reeve was the agent of the king in keeping law and order. Sheriffs have the right to appoint deputy-sheriffs whose duty it is to help preserve the public peace, to make arrests, and to serve court papers. Sometimes the sheriff and his deputies are paid regular salaries, but more often they obtain their remuneration from fees. The sheriff is the custodian of prisoners in the county jail; he summons the jurors to the court sessions and carries out all the judgments rendered by the court.

Work of the grand jury.

The Prosecuting Attorney.—Attached to every county court there is a legal officer who is commonly known as the prosecuting attorney or county attorney, usually elected by the people.[61] His chief duty is to conduct prosecutions before the county court. He investigates crimes, prepares the evidence, and usually lays the case, first of all, before a body known as the grand jury. This jury, as will later be explained, is selected by lot from among the voters of the county. It does not go into the question of guilt or innocence, but merely determines whether an accused person should be placed on trial before a trial jury in a county court. In some states it is not necessary for the prosecuting attorney to lay the case before the grand jury; he may merely file a sworn declaration, called an information or complaint, stating his belief that there is sufficient ground for placing the accused person on trial. Prosecuting attorneys everywhere have a good deal of discretion in the way of discontinuing or "nol-prossing" criminal cases.[62]

Other County Officers.—There are various other officers connected with county government. The

county assessors go about the county and assess or value property for purposes of taxation. The county treasurer receives the taxes and pays the county's bills. The county auditors inspect the financial accounts of all county officers. The registrar of deeds or recorder keeps books in which all deeds and mortgages on land are entered.[63] The coroner. The county coroner has the duty of holding an investigation or inquest whenever a death takes place under circumstances which excite suspicion of crime. For this purpose he summons a coroner's jury of citizens to determine the facts. They do not determine guilt or innocence, but may recommend that a suspected person be arrested and held for trial. In some states the office of coroner has been abolished and its functions given to an appointive official known as the medical examiner, who is always a physician. In many counties there is a county superintendent of schools whose duties are indicated by his title. Practically all these officers are elected, usually for a short term of years.

The selection of county employees.

Civil Service Reform in Counties.—Besides the foregoing officers there are, in the service of county government, large numbers of subordinate officials and employees, including deputy-sheriffs, attendants in the jail and poorhouse, foremen on road construction, clerks in the county offices, and so on. All of these are still chosen, in most counties, under the spoils system. Positions on the county pay roll are given almost everywhere the reward of party or personal service. The merit system of selecting subordinate officials by competitive examination has made little or no progress in the counties of the United States although there is no good reason why

it should not be used there as well as in the municipal, state, and national service. The county remains the last fortress of the spoils system because the people as a whole have not been fully awakened to the importance of its work and because the political influences which control county government have heretofore been strong enough to prevent the loss of patronage which the introduction of the merit system would entail.

Relations of county and city.

The Metropolitan Counties.—Special problems of county government arise whenever a large city spreads itself over a whole county or even over a very large portion of it. The growth of great municipal centers during recent years has changed many American counties from rural into urban or metropolitan areas. Examples are to be found in New York City which includes five counties within the city limits. The city of Philadelphia includes the whole of Philadelphia county; Suffolk county is almost entirely covered by the city of Boston, and the city of Cleveland contains nine tenths of the population of Cuyahoga county. The cities are largely independent of the counties within which they are located, but the functions of city and county government run close together at many points. For example the sheriff of the county and the police commissioner or police chief of the city are both responsible for the maintenance of law and order. The result is, quite often, a duplication of work and a waste of money. It has been proposed that the city and county governments, in the case of metropolitan counties, should be substantially combined to prevent this duplication. To some extent this has been done, as in the case of St. Louis, Baltimore,

Boston, and San Francisco. In other large cities various plans for entire or partial unification are under way.

Desirable changes in county organization.

The Reform of County Government.—For the improvement of county government throughout the country three important changes in present organization and methods seem to be needed. 1. A centralized executive. In the first place some provision should be made for the better handling of executive work. As matters now stand there is no county official corresponding to the President, the governor, and the mayor in national, state, and city government respectively. Responsibility is scattered into too many hands. It ought to be centralized in a county manager or some other single administrative official. 2. A shorter ballot. Second, the number of elective county officers should be reduced. There is no sound reason why treasurers, auditors, and superintendents of schools should be appointed in cities (as is usually the case), but elected in counties. The practice of electing so many administrative officers makes the ballot long and cumbersome; it also leads to the choice of men who have no qualifications other than popularity. What is even worse, it encourages frequent changes in the incumbents of these offices and thus interferes with the efficient management of the county's business. 3. The merit system. Finally, the merit system could be advantageously extended to include all subordinate county positions.

Towns and Townships

The various units of local government.

The Areas of Community Government.—For purposes of local administration the counties are divided into towns, townships, or county districts, but whenever any portion of the county becomes thickly settled it is usually organized as an incorporated village, an incorporated town, a borough, or a city. It will be seen, therefore, that there are at least seven different units of community government in the United States, not to speak of the special districts which exist in some individual states. The reason for this great diversity is to be found in the fact that the American system of local government has grown up gradually and in each state independently. In most European countries the system of local government is uniform; in the United States it is not. Each state has its own system and in no two states are these systems exactly alike. For this reason only the broad outline of the subject can be presented; the details must be studied in the localities concerned.

The town meeting.

The New England Town.—Among the areas of community government the New England town is the oldest and the most interesting. It is not always, or even usually, a thickly-settled place. These towns differ greatly both in size and in population; they are usually quite irregular in shape and may contain anywhere from a few hundred to several thousand people. The New England town does not possess a charter of incorporation but it has the usual corporate powers (see p. 177). The chief governing organ of the New England town is the town meeting, an assembly of all the voters, both men and women.

This town meeting is called together at least once a year and often three or four times. It elects the town officers, votes the appropriations, and decides all questions of general policy. Sometimes the town meeting lasts all day; occasionally it continues even longer. Every citizen has the right to a voice and a vote.

The selectmen.

During the interval between the town meetings the affairs of the town are managed by a board of selectmen, composed of three or five members, elected by the voters. The selectmen prepare the business for the town meeting and carry out its decisions. The larger towns also maintain various other boards, such as a school board, a water board, and a board of health, the members being in all cases elected at the town meeting. Other town officials include a town clerk, a treasurer, an auditor, and a superintendent of schools.

Recent changes in the system.

When towns grow large the town meeting becomes unwieldy and the system of administration by numerous boards fails to work smoothly. For this reason some New England towns have recently adopted a “limited town meeting” system, by which the voters of the town elect delegates to represent them in the town meeting. A few towns have also abolished the various administrative boards and have placed town administration in charge of a town manager appointed by the selectmen.[64]

The Township.—In the great group of Central and Middle Western states, ranging from New York and Pennsylvania to Nebraska and the Dakotas, the principal area of community government is the township, although it is sometimes called the town.

In the older states these townships (or towns) are of irregular shape; in several of the newer states the so-called "congressional" townships were laid out in uniform blocks, six miles square. In some of the states, both old and new, the towns or townships have town meetings, as in New England, but nowhere outside of New England have these meetings attained any great importance. Their chief function in the Central and Middle Western states is to elect the town or township officers. The work of township (or town) administration is carried on either by a board of trustees or by a single official commonly known as a supervisor. There are also various subordinate officials, all of whom are usually elected by the voters.

The County Districts.—In most states of the South and Far West there are no townships. The county remains the principal area of local government, but for the management of various community affairs the county is divided into districts. There are school districts, road districts, and election districts, for example. Each district has its own elective officers who are in charge of the function for which the district was established.

Incorporated towns, boroughs, and villages.

The Incorporated Communities.—The vitality of townships and district government has been weakened by the practice of incorporating as a village, town, borough, or city, any portion of the area which becomes thickly settled. The laws of the various states usually provide that whenever any part of a community becomes sufficiently populous a designated number of the inhabitants may petition for incorporation. The question is then submitted to

a vote, and if the vote is favorable, a charter of incorporation is granted. A certain minimum of population is required; usually from two to three hundred in the case of a village, one to three thousand in the case of a town, and more than three thousand in the case of a city. These figures vary from state to state. In some Western states the minimum for incorporation for a city is only a few hundred. In any event when the place becomes incorporated as a village, town, borough, or city it becomes separate, for administrative purposes, from the township or district to which it belonged and sets up a local government of its own. The nature of this government, the officials, and the scope of their powers are all fixed by the laws of the state. There are more than 15,000 incorporated villages, towns, boroughs, and cities in the United States, nearly three fourths of them being places of less than 2500 population.

The advantages.

The Merits and Defects of the Local Government System.—The most marked feature of the American system of local government, when surveyed as a whole, is its decentralization. Nothing is uniform throughout the country; each state follows its own plan, and everywhere a large measure of home rule in local affairs is granted. Contrast this with the system of local government in the French Republic for example, where all communities, whether large or small, are governed in exactly the same way and strictly controlled by the central authorities in Paris. The American system has the advantage of allowing each section of the country to adopt whatever scheme best suits its own particular needs. It also facilitates the making of experiments in local government and through these experiments we

learn better ways of doing things. The large measure of local home rule brings community government close to the people, giving them control over it and responsibility for it. It fosters initiative and tends to develop a wholesome rivalry in good work. Local government is a fine school for the teaching of democracy.

The defects.

On the other hand the American system has its defects. So many areas of local government have been created in some of the states that the people are over-governed. The multiplication of local offices has led to wastefulness. Local home rule, moreover, has in some cases been a synonym for local misrule. The result is that we have required, during recent years, an increase in the amount of control exercised over the government of the local communities by state and county authorities. Townships, towns, and villages are areas of government established to meet local needs, but they are also the channels through which the state authorities carry on a portion of their work. This latter phase of local self-government should not be overlooked.

General References

EVERETT KIMBALL, *State and Local Government*, pp. 309-344;

CHARLES A. BEARD, *American Government and Politics*, pp. 638-705; *Ibid.*, *Readings in American Government and Politics*, pp. 556-566;

JAMES BRYCE, *American Commonwealth*, Vol. I, pp. 596-616;

W. B. MUNRO, *Government of the United States*, pp. 535-571;

H. G. JAMES, *Local Government in the United States*, especially pp. 254-299;

JOHN A. FAIRLIE, *Local Government in Counties, Towns and Villages*, especially pp. 57-140; American Academy of

Political and Social Science, *County Government*, pp. 81-111; *Cyclopedia of American Government* (see under *County, Towns* and *Townships, Borough*).

Group Problems

1. Should the county-manager plan be adopted? With what county functions do you now come into contact? How important to you and to your home is the work of the county officials in the matter of road-building, the maintenance of prisons, the care of the poor, the registration of deeds, and the supervision of schools? Are any of these things now mismanaged and, if so, in what way can the situation be improved? The present multiplication of county authorities. Duties of each. How these duties are performed. The cause of waste or inefficiency. What the county-manager system aims to do. Comparison of the city-manager and the county-manager plans. **References**: H. G. JAMES, *Local Government in the United States*, pp. 425-451; JOHN A. FAIRLIE, *Local Government in Counties, Towns and Villages*, pp. 75-94; H. G. GILBERTSON, *The County*, pp. 151-180; "*County Government*" in the Annals of the American Academy of Political and Social Science, Vol. XLVII (May, 1913); National Short Ballot Organization, *Documents on County Government*; C. C. MAXEY, *County Government*, pp. 45-62.

2. How town government can be improved. References: H. G. JAMES, *Local Government in the United States*, pp. 254-283; C. S. BIRD, *Town Planning for Small Communities*, pp. 311-340; *Cyclopedia of American Government* (see under *Towns* and *Townships*); Annual Reports of Town Officers.

3. What your township officials do. References: JOHN A. FAIRLIE, *Local Government in Counties, Towns and Villages*, pp. 164-181; H. G. JAMES, *Local Government in the United States*, pp. 268-283; JOHN FISKE, *Civil Government in the United States*, pp. 89-95; EVERETT KIMBALL, *State and Local Government*, pp. 333-344; Annual Reports of Township Supervisor or Chairman.

Short Studies

1. **The importance of local government in a democracy.** A. DE TOCQUEVILLE, *Democracy in America*, Vol. I, pp. 74-87.

2. **French and English methods of local government.** H. G. JAMES, *Local Government in the United States*, pp. 1-65.

3. **The county board.** JOHN A. FAIRLIE, *Local Government in Counties, Towns and Villages*, pp. 75-94; EVERETT KIMBALL, *State and Local Government*, pp. 317-332.

4. **Politics in county government.** H. S. GILBERTSON, *The County*, pp. 43-65.

5. **Where the county's money goes.** H. G. JAMES, *Local Government in the United States*, pp. 232-250.

6. **City and county consolidation.** *Ibid.*, pp. 437-448.

7. **A New England town meeting.** JOHN FISKE, *Civil Government in the United States*, pp. 16-34.

8. **The enforcement of the state laws in rural communities.** J. M. MATHEWS, *Principles of American State Administration*, pp. 430-462.

9. **How good planning helps the small town.** C. S. BIRD, *Town Planning for Small Communities*, pp. 1-19; 76-99.

10. **Home rule for counties.** H. S. GILBERTSON, *The County*, pp. 207-250.

11. **The government of an urban county.** Cook County, Board of Commissioners, *A Study of Cook County*, pp. 5-21.

12. **The county courts.** J. W. SMITH, *Training for Citizenship*, pp. 185-197; American Academy of Political and Social Science, *County Government*, pp. 120-133; Illinois Constitutional Convention, 1920, *Bulletins*, No. 11, pp. 905-925 (Local Government in Chicago and Cook County).

Questions

1. Why do we need a system of local government? Suppose all the areas of local government were to be abolished and the management of local affairs taken over by the state, what advantages and disadvantages would

result?

2. To what extent does the constitution of your state restrict the freedom of the state legislature in interfering with local government? Are these restrictions too great? Why should not counties and towns be given complete home rule?

3. Name the qualifications which a good sheriff ought to have. An efficient coroner.

4. Why do we need a registry of deeds? If deeds were not registered what difficulties would be encountered? Is a deed invalid if not registered?

5. If counties were to be abolished, which of their present functions would you transfer to the state and which to the townships, towns, or villages?

6. Why is it thought desirable that when places become thickly-settled they should be given separate incorporation?

7. Explain how local government serves as a school for democracy.

8. What ought to be the minimum limit of population for an incorporated village, an incorporated town, a city?

Topics for Debate

1. All county administrative officials, except the highest, should be chosen by civil service rules.

2. City and county government should be consolidated in cities like Chicago, Philadelphia, Cleveland, and Los Angeles.

CHAPTER X
CITY GOVERNMENT

The purpose of this chapter is to explain who the city authorities are and what they do.

To be a city a place must have a charter.

What is a City?—The poet Cowper once said that "God made the country and man made the town", a remark which was not intended to flatter the cities. Nor is there any reason why life in a crowded community should particularly appeal to poets although it may have a strong fascination for more worldly-minded men. A large body of people living closely together, a place of busy streets and tall buildings, a huge, noisy, jostling throng—that is the customary notion of an American city, and on the whole it is not far wide of the facts. Not all cities, however, are big, busy, and congested. In the entire United States there are today about a thousand places which call themselves cities, yet more than half of them are places of less than fifteen thousand people. In Massachusetts no place can become a city until it has at least ten thousand people; but in Oklahoma the figure is two thousand and in Kansas only two hundred. A city may be anything, therefore,

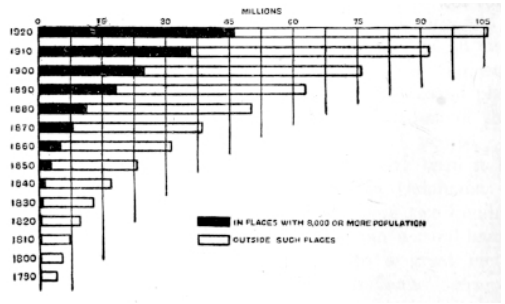
from a rural hamlet with only a few hundred people to a great metropolitan community with several millions. Size or population are not the things that determine cityhood. A place is a city if it has been so incorporated and possesses a city charter. So far as its government is concerned, it cannot be called a city, no matter how populous it may be, unless it has been given a charter by authority of the state.[65] In the West the practice has been to grant such charters to relatively small places; in the East the requirements are more strict.

THE GROWTH OF AMERICAN CITIES

The table and diagram on the reverse of this page will serve to make clear the phenomenal growth of American cities during the past hundred and thirty years. In 1820 only one person in twenty lived in cities and towns of over 8,000 population; today nine persons in every twenty live in these communities. The population of the whole country has been growing steadily during the past hundred years; but the cities have been increasing even more rapidly. These figures should be studied in connection with the discussion on pages 184-186.

—POPULATION IN PLACES OF 8,000 INHABITANTS OR MORE: 1790-1920.

CENSUS YEAR	Total Population.	PLACES OF 8,000 INHABITANTS OR MORE.		
		Population.	Number of places.	Per cent of total population.
1920	105,710,620	46,307,640	924	43.8
1910	91,972,266	35,570,334	768	38.7
1900	75,994,575	25,018,335	547	32.9
1890	62,947,714	18,244,239	445	29.0
1880	50,155,783	13,365,698	285	22.7
1870	38,558,371	8,071,875	226	20.9
1860	31,443,321	5,072,256	141	16.1
1850	23,191,876	2,897,586	85	12.5
1840	17,069,453	1,453,994	44	8.5
1830	12,866,020	864,509	26	6.7
1820	9,638,453	475,135	13	4.9
1810	7,239,881	356,920	11	4.9
1800	5,308,483	210,873	6	4.0
1790	3,929,214	131,472	6	3.3



Population in Places of 8,000

INHABITANTS OR MORE AT
EACH CENSUS: 1790-1920.]

Why American cities have grown so rapidly.

The Phenomenal Growth of Cities.—The remarkable drift of population into the cities has already been pointed out. It is one of the most striking social facts in American history during the past hundred years.[66] In the days when the national constitution was framed there were only eight or ten places that could be called cities and even these were, with one or two exceptions, nothing but good-sized towns. New York, the largest of them, had a population of less than 50,000; it has grown a hundred-fold since that time. In Washington's day no country had as many as fifty cities and the largest city in the world, London, had less than a million people. The cities counted for very little in the early days of the Republic; they then contained less than five per cent of the national population. During the course of the nineteenth century, however, cities sprang into existence everywhere; a large part of the immigration poured into them; the development of industry and commerce built them up; and today about half the people of the United States reside in cities of all sizes. There are now more cities in America than in any other country and more large cities. We have twelve great centers with populations exceeding half a million,[67] while the entire British empire (including India, Canada, and Australia) has only ten; Germany has only four and France has only two. At the present rate of progress the United States in 1950 will probably contain more large cities than

all the rest of the world put together. The causes of this remarkable growth have been indicated elsewhere and there is no need to repeat them. Factories, railroads, and steamships have been the great factors in this urban expansion.

Some features of city life:

Effects of City Growth upon the National Life.—The growth of large cities has had profound effects upon American life and temperament. It has changed the whole character of the country, its problems and its habits of mind. A century ago the United States was predominantly an agricultural land; the great majority of the people were engaged in earning their living from the soil. They had the same occupation and common interests. 1. Diversity of occupation. But with the growth of industries in cities the occupations of the people have become diversified, and no bond of common vocation holds the population together. The city-worker in the shops and factories is employed at a specialized task which the division of labor assigns to him (see pp. 44-46); he develops expertness at this one task and depends upon others for everything else. The farmer supplies many of his own wants, but the industrial worker depends almost wholly upon others. 2. The absence of strong home ties. Among the rural population there is a large property-owning class, men who own their farms and homes; but in the cities, particularly in the larger cities, the great majority of the people live in homes that are owned by others. In New York City seven families out of every eight live in rented houses or apartments; in Boston four out of every five. This tends to make the population restless; the people are constantly moving about from one job to another and from one home to another; they do not

acquire a strong attachment to any neighborhood, as is the case in rural districts. One result of this is that people in the crowded centers know little about their neighbors, and strange as it may seem, the crowded sections of the large cities are in some respects the most lonely places in the world.[68]

3. The docility of the people.

The tendency of the city population is to become absorbed in its daily work, to depend upon the newspapers for its opinions and to display marked docility in obeying its leaders. The people of the cities depend upon official or professional organizations for pretty nearly everything: if disorder breaks out, they expect the police to attend to it; when they want recreation, they expect the city authorities to provide it (by furnishing parks, playgrounds, band concerts, neighborhood dances, and so on); the functions of the home are largely given over to the school, the club, and the social organizations. The city is thought to be radical; but it is radical only in spots. Its population as a whole tends to be conservative (see p. 108, footnote).

4. A place of extremes.

The city is a place where extremes meet. Great wealth and abject poverty exist in the cities side by side; in the rural districts there is a closer approach to a common level. The same is true if we compare city and country from the standpoint of education, earning-power, obedience to law, respect for government, or any other social feature. The city runs to extremes; it contains both the highest erudition and the most utter ignorance; it has earners of enormous incomes and plenty of people who can earn no incomes at all; it has reactionaries in one

quarter and anarchists in another—a strange social mosaic when you study it and very much in contrast with the general uniformity of the rural area.

5. A place of leadership.

Nevertheless, along nearly all lines of activity the cities lead the nation. To say that half the people live in cities does not tell the whole story. The influence which this half exerts is greater than its numerical strength implies. The cities are the headquarters of those who direct the great industries, the transportation systems, and the banking interests of the country. The newspapers of the great cities influence the moulding of public opinion the country over. The political power of the cities, their influence upon every phase of public policy is very great. Hence the character and the spirit of the cities will go far to determine the national characteristics of the future.

The city charter.

The City and the State.—The inhabitants of a city are a corporate body with certain legal rights and privileges. These rights are granted to them by the state in their city charter.[69] The charter is a document having the force of law; it enumerates the powers of the city, tells what form of government the inhabitants shall have, and determines the duties of the various city officials. In the larger cities it is a very long document covering a hundred printed pages or more.

1. The general charter plan.

How are these charters framed and under what arrangements are they granted to cities? Three or four different plans are in vogue. In some states the legislature has passed a general law relating to cities,

and their charters are all alike in accordance with the provisions of this law. The difficulty with this plan is that cities differ greatly in size and in the nature of their problems. The charter that suits one may not fit another. A seaport city, for example, needs a harbor commission with power to license pilots and regulate the anchoring-places of ships; but it is absurd to require, for the sake of uniformity, that inland cities shall also have harbor boards. To render this general charter system more flexible, therefore, some states have adopted the expedient of dividing cities, according to their size, into three or four classes and giving a uniform charter to all cities in the same class.[70]

2. The special charter plan.

A more common method is to deal with each city as a special case, giving it a charter by special act of the legislature, the result of this plan being that no two cities of the state are governed in exactly the same way. The special charter system has the merit of adapting the form of government to the immediate needs of each particular city; but it places a great burden upon the legislature, for whenever any city desires an amendment to its charter a special legislative act is necessary. The system also encourages the legislature to interfere in city affairs, making changes in city charters on its own initiative without any request from the citizens. This is particularly objectionable because so many members of the legislature come from rural districts and consequently have little or no knowledge of the city's problems.

3. Home rule charters.

Municipal Home Rule.—In order to diminish this

interference by the legislature many states have made provision for municipal home rule. This is a plan whereby cities make their own charters just as states frame their own constitutions. The methods by which they do this vary somewhat from state to state but everywhere the main idea is the same. The voters of the city elect a charter commission, or board of freeholders as it is sometimes called. This miniature constitutional convention, made up of perhaps fifteen or twenty members, proceeds to draw up the provisions of a new city charter. When their work is finished they submit it to the people of the city at an election and if the people approve it, the charter goes into effect. In some states there are certain formalities to be gone through after the people have voted, but the important thing is that each city obtains, sooner or later, whatever sort of charter its voters desire. In this way the city becomes supreme in the handling of its own local affairs.

Difficulties connected with the home rule system.

But the principle of municipal home rule is subject to some important practical limitations, most of which can be indicated by asking the question "What are *local* affairs?" Where is the line to be drawn between things which concern only the inhabitants of the city and those which affect the interests of the whole state. At first glance it might seem as though the care of streets, the maintenance of police, the provision of a water-supply system, and the control of education were matters of local concern, which each city ought to handle as its citizens deem best.

But are any of them strictly local in nature? The main streets of the city are arteries of traffic which link up with the state highways; were it not for the

speed-limit signs, it would be difficult to tell where one class of streets ends and the other begins. The city police enforce the state laws and it is hardly plausible to urge that the state legislature shall have no control over the enforcement of its own statutes. The work of the city police is not, therefore, a matter of strictly local concern. So it is with health regulation, water supply, education, poor-relief, and many other municipal functions. The state cannot allow the children of any community to grow illiterate; it cannot afford to take the risk of an epidemic through the defective care of the public health in some negligent city; and it cannot fairly be expected to stand by idly when a city neglects the sick or the poor because its taxpayers wish to save money. Municipal home rule, if it were permitted to cover all these things, would be another name for local chaos. The relations between a city and the surrounding country are so intimate, and each depends so much upon the other, that no rigid line of separation between local and general interests can be drawn. To make every city a little sovereign republic, wrapped up in its own local affairs and subject to no control from outside, would not promote the common interests of the whole people.

Difference between the theory and the practice of home rule.

Municipal home rule means in practice, therefore, that cities shall be free to frame their own charters and to determine for themselves their form of municipal government provided they do not infringe upon the general laws of the state or detract from the authority of the state officials. This is a very broad limitation and leaves the city a comparatively narrow field of self-determination. Nevertheless, in

spite of this limitation the home rule system has substantial advantages. It relieves the legislature from having to do with a multitude of local matters at every session; it helps to separate municipal from state politics; and it encourages the people of the city to take an active interest in the making of their own charters.[71]

The older form of municipal organization.

The Organization of City Government.—Twenty-five years ago the general plan of city government, as established by these charters, was fairly uniform throughout the country. Charters were granted in different ways; their provisions varied in many details; but the main framework of city government which they set up had everywhere the same general features. This was the mayor-and-council type of government, its chief feature being a division of powers between the mayor, who performed executive functions, and the council, which served as a municipal legislature. In other words the cities were governed on the same principle as the nation and the states. Even today most of the larger cities retain this plan.

The newer forms.

During the opening years of the twentieth century, however, a new plan of city government came to the front and spread with great rapidity through many sections of the country. This is known as the commission system of government. Instead of dividing powers between a mayor and council it combines them all in the hands of a small elective board. This plan of government now prevails in several hundred American cities, but most of them are small places.

Out of the commission plan has grown a third scheme of city government during the past few years. This is called the city manager plan. It gives to an elective commission or small council the general supervision of city affairs, but entrusts to a professional administrator, or city manager, the immediate charge of the actual work.

Let us look at these three types of city government a little more closely.

The Mayor-and-Council Plan.—Among the fifty largest cities of the United States, the mayor-and-council system of government exists in all but twelve. Despite the spread of the other two plans, therefore, it is still the prevailing type of government in the more important communities. Position and powers of the mayor. The mayor, under this system, is the city's chief official. He is elected by the people, usually for a two-year or four-year term, and the election campaign is in most cities conducted on a party basis. Occasionally men of high ability have served as mayors in various cities, but far more frequently the position has gone to active politicians who can be relied upon to use the powers and patronage of the office in promoting the interests of the party.[72] The authority of the mayor is in general like that exercised by the governor in state affairs. He makes appointments (which in some cases require confirmation by the council); and he may veto ordinances or resolutions passed by the council. In some cities he has the exclusive right to propose expenditures and in some others his assent is necessary in all municipal contracts. He represents the city on all occasions of ceremony and is the "first citizen" of the community. City charters usually provide that the mayor shall be responsible for the general observance of the laws and the maintenance

of order. In a few cities he presides at meetings of the council but for the most part he does not have this duty. When he desires to address the council he does so by message or written communication.

The city's administrative officials.

The Heads of Departments.—It is impossible, of course, for any one official to manage directly all branches of city administration; hence the mayor is assisted in this work by various officials and boards, such as the superintendent of streets, the head of the police department, the water board, and the board of health. Commissioners *vs.* boards. In the larger cities the tendency now is to put each department of administration in charge of a single commissioner rather than a board because the members of a board are too prone to disagree among themselves and delay business. In the smaller cities the board system is still widely used, partly because it is less expensive. When a single official is given charge of a department (such as police, fire protection, or streets) he must devote his whole time to it and hence has to be paid a good salary; but members of a board can divide the work among themselves, each giving only part-time to it, and serving without any pay. It is questionable, however, if this policy means any saving in the long run. When a city attains a population of twenty, thirty, or forty thousand its administrative work grows to a point where it requires close and skilled attention in order to prevent extravagance and waste.

In behalf of the board system it is sometimes argued that it gives political parties a chance to be represented, whereas a single official represents the controlling party only. But there is no good reason

why departments which have purely business functions to perform should be influenced by party considerations at all. The board system has some distinct advantages when applied to such departments as schools, public libraries, poor-relief, or city planning, where discussion and deliberation are desirable; but it does not work well in such departments as police, fire protection, and streets, for these are branches of work which demand quick decisions and firm action. There is no more reason for placing a board in charge of the city's police than for putting a board of generals in command of an army.

How organized.

The City Council.—The city council a generation ago was usually made up of two branches; today it is almost everywhere composed of one chamber only. A single chamber is quite enough for all that the council now has to do. Election by wards and election at large. Its members are elected, sometimes by wards, sometimes at large. The objection to the ward system is that it encourages the election of inferior men and inspires them, when elected, to strive for the interests of their own particular wards rather than for the welfare of the city as a whole. When councilmen are elected at large, on the other hand, the dominant political party is likely to elect its entire slate and control the whole council, thus allowing the minority no representation at all. In some cities an endeavor has been made to meet these objections by having the council chosen in part under each plan, some councilmen from wards and some at large.[73]

Its powers.

The council enacts the local laws or ordinances and appropriates whatever money is needed to carry

on the city's affairs. No expenditures can be made without its approval and its consent is almost always needed before municipal debts can be incurred. Its authority was large in earlier days when it controlled through its committees the management of the various city departments; but with the steady growth of the mayor's authority the powers of the council have been diminished. It is a legislative body, and in city government there is relatively little legislative work to be done. The state laws cover almost everything of importance.

Defects of the mayor-and-council plan.

The chief defect of the mayor-and-council plan is its unwieldiness. There are too many separate authorities. Power and responsibility are scattered into too many hands. When things go wrong the council blames the mayor; the mayor blames the council; the voters do not know who is at fault. Time is wasted and money is misspent because independent authorities fail to agree. The political bosses take advantage of this situation to gain their own ends by helping one side or the other. The citizen who tries to find out the real facts has a hard time of it. It is like threading his way through a jungle. When he has a complaint to make he is often referred from one official to another until he loses patience. In the largest cities the mayor-and-council plan does not operate so badly, because the methods of conducting business are more definitely prescribed and the mayor is given so much power that he cannot well evade the responsibility. It is in the smaller communities that this plan of government obtains the least satisfactory results.

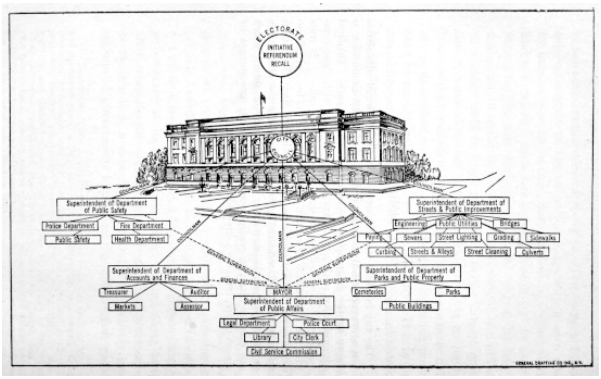
How commission government began.

The Commission Plan.—Twenty-five years ago it seemed impossible to secure any substantial improvement in the administration of American cities. Foreign observers spoke of city government as a "conspicuous failure", and there was a good deal of basis for that statement. People realized that city government had become cumbrous and top-heavy. They saw that the system of checks and balances, whatever its merits in state and national government, was not working well in the cities. Yet they had grown so accustomed to the complicated network of officials, boards, and councils that they hesitated to sweep the whole thing away in order to put some simple form of government in its place. So things drifted along until 1901, when the city of Galveston, driven to heroic measures as the result of a catastrophe, installed an entirely new scheme of government known as the commission plan.[74] The success of this experiment was so marked that other cities became interested and followed Galveston's example, until today the commission plan has been established in nearly four hundred municipalities, scattered all over the country.[75]

THE COMMISSION PLAN

The way in which the various branches of municipal administration are apportioned among members of the city commission is shown by the diagram on the other side of this page. The final administrative authority, however, is not vested with

these commissioners (or councilmen as they are sometimes called). It rests with the commission or council as a body. All the lines of administrative responsibility converge inward, which is what they ought to do in any well-organized government. Above the commission or council stands the electorate, the whole body of voters, which can exercise ultimate control over the whole city government by means of the initiative, referendum, and recall.



What the plan involves.

The commission plan is simplicity itself. The people elect a board or commission of five members. This commission has entire control of the city

government in all its branches with the exception of schools, which are usually left in charge of a school board. They pass the ordinances, vote appropriations, make appointments, and award contracts. For purposes of actual management the city's administrative work is divided into five general departments (public works, public welfare, public finance, public safety, and public health, or some other such division) and one of the commissioners takes immediate charge of each. The final authority in all matters, however, remains with the commission as a whole.

Advantages of the commission system.

Its Merits and Defects.—The outstanding feature of this scheme is that it lodges all power and responsibility in one place. There is no division of authority, no checks and balances, no complicated network of officials, boards, councils, and committees. The commission meets every day; does its business publicly; takes full responsibility for its actions, and when it makes decisions sees that they are promptly carried out. The plan is so simple that any citizen can understand it. It is truly democratic in that the voters are enabled to enforce responsibility when taxes are too heavy or public funds are wasted. The commission plan tends to bring better men into office and affords them greater opportunities for the exercise of their abilities.

Reputed defects of commission government.

The objection is made that the commission plan, by giving so much authority to a few men, may prove to be dangerous and result in establishing an oligarchy. But the commissioners, like mayors and

councils, are chosen by the people and cannot remain long in office unless the people re-elect them. Moreover, most cities that use the commission plan have established the initiative, referendum, and recall (see p. 107) as additional safeguards.

And so it is with the complaint that a commission of five members is not large enough to be representative of all classes among the people. Good representation is not merely a matter of numbers. Large bodies, in fact, can be easily handled by bosses. Congress with more than five hundred members has sometimes failed to reflect public opinion; the President on occasions has done this much better. Five men can find out what the people want just as well as fifty, and they are more likely to try. Quite as much to the point—they are in a better position to carry out the people's wishes when the time comes.

The most serious fault.

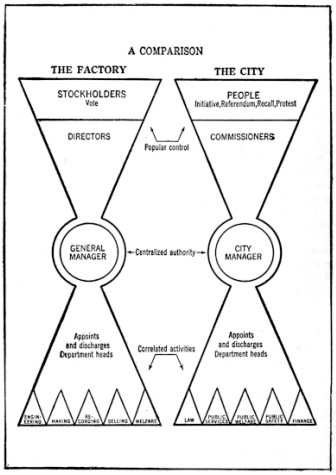
There is one serious defect in the commission plan, however, and it is this: The control of the various city departments is not brought to a single center but is parceled out into five separate hands. Each commissioner looks after a certain portion of the city's business; no one is supreme over them all. The commission as a whole is supreme, it is true, but it must trust its own individual members to handle their own branches of work. In other words, the commission plan establishes a five-headed executive; it leaves room for disagreements among the commissioners on a three-against-two basis, and does not make some one man responsible for getting a dollar's worth of value for every hundred cents expended. Dividing the responsibility among five men is better, of course, than dividing it among fifty

or sixty, as the mayor-and-council plan does; but putting it all upon the shoulders of one man is more effective still.

THE CITY-MANAGER PLAN

The diagram which is printed on the reverse of this page will make clear the analogy between the organization of a business corporation and that of a city in which the city-manager plan of government is followed. The people of the city correspond to the stockholders of the corporation in that they possess the ultimate power. This power is exercised in the one case through a board of directors, in the other through a council or commission. Administrative authority, however, in both cases devolves upon a manager, who, in turn, appoints and removes his subordinates. All the activities of corporate business and of city-manager government are linked together or correlated at a single administrative center.

This diagram should be studied in connection with the discussion on pages 203-206.



A COMPARISON
THE FACTORY THE
CITY

Position and powers of the manager.

The City-Manager Plan.—In keeping with the principle, therefore, that some one official ought to have direct charge of the city's administrative work, the city-manager plan has been devised. Under this plan the commission (or a small elective council) continues in full control, but its members do not divide the various functions among themselves. Instead they appoint a well-paid, expert official to act as general manager and he takes charge of all the city departments. The city administration, under this arrangement, is conducted like that of any ordinary business corporation. The commission or council serves as a board of directors; the city manager becomes, as it were, a general superintendent.[76] In selecting its manager a city often goes outside its

own limits; usually it chooses a man who is an engineer by profession because so much of the work is of a technical nature. When the manager is appointed he plans the work to be done, estimates the cost, awards the contracts, purchases the materials, and hires the labor. The city-manager plan has been adopted by more than a hundred cities, but only a few are large communities.[77]

Merits of the plan.

This scheme of city government has all the advantages of the commission plan and some of its defects. The detailed work falls on the city manager who is qualified to do it. There is a single, responsible head of the administration. When a citizen has any complaint to make, he knows exactly where to go. In all these respects it is an ideal arrangement. Two practical questions. But there are two practical questions connected with the plan which only the future can answer. 1. Will the cities pay adequate salaries? In the first place will cities be willing to pay the high salaries which they must pay in order to obtain the services of thoroughly competent managers? Men who are capable of handling the affairs of a great corporation, which a city is, cannot be secured without paying them the market price for their skill and experience. Private corporations pay high salaries to their general managers, and the cities, if they want the right men, must do likewise. But public opinion in most American cities is inclined to balk at high salaries. People who have to work hard for their own living do not see why anyone should get a salary of eight or ten thousand dollars a year from the city, and particularly they do not see why such a large salary should go to an outsider. In consequence many cities are striving to get good managers at low salaries,

which is a very difficult if not an impossible thing to do. The sentiment which strongly favors appointing a "local man" as city manager is also likely to work harmfully. Local appointments in the long run are almost certain to be influenced by local politics.

2. Is the plan applicable to very large cities?

A second limitation concerns the applicability of the city-manager plan to very large communities. A competent official can take charge of the entire administration in a place of fifty or one hundred thousand people. But how about a city of a million? Would the task be too big? This is a question which cannot yet be answered, because no very large city has yet tried the plan. It is pointed out that giant business enterprises, with operations extending into many countries, are sometimes managed by one capable man who ensures success by a careful selection of his subordinates. Until the experiment is made we are not safe in assuming that the city-manager scheme can be advantageously adopted by all communities of whatever size.

The Future of City Government.—What the final solution of the problem will be we cannot yet tell. The new plans of city government which have been described in the foregoing pages may be merely a prelude to something still newer. But at any rate the cities are making headway. They are simplifying their governments, making them more responsive to public opinion and better fitted to do the work which has to be done. American city government is no longer a conspicuous failure. Misgovernment and waste have not wholly or even largely disappeared, it is true; but conditions are far better today than they were twenty-five years ago. The people have

awakened; they are no longer misled by promises and excuses but are insisting upon knowing the facts. The crooked methods of a generation ago would not be tolerated today. The present task is to hold what we have thus gained and add to it. That is a duty which belongs to every citizen whatever his age, occupation, or party allegiance. The world is becoming a world of cities, and he who helps to make his home city a better place is performing one of the highest duties of patriotism.

General References

F. J. GOODNOW and F. G. BATES, *Municipal Government*, pp. 3-43;

W. B. MUNRO, *The Government of American Cities*, pp. 80-101;

C. A. BEARD, *American Government and Politics*, pp. 578-602; *Ibid.*, *Readings in American Government and Politics*, pp. 509-534;

H. G. JAMES, *Local Government in the United States*, pp. 300-357;

T. S. CHANG, *History and Analysis of the Commission and City Manager Plans of Municipal Government*, pp. 75-96;

HENRY BRUÈRE, *The New City Government*, pp. 171-204;

AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, *Commission Government and the City-Manager Plans*, revised edition, pp. 49-77;

EVERETT KIMBALL, *State and Municipal Government*, pp. 345-453.

Group Problems

1. The charter of your own city (or some nearby city). Study the main types of city charter. Examine the procedure by which your city charter was adopted; make a summary of its chief provisions; compare these with the main provisions in the charter of some other comparable city; point out what seem to be the chief merits and defects; state your conclusions as to desirable changes, and explain how these may be secured. **References**: NATHAN

MATTHEWS, *Municipal Charters*, pp. 97-163; H. G. JAMES, *Applied City Government*, pp. 39-53; H. A. TOULMIN, *The City Manager*, pp. 170-193; NATIONAL MUNICIPAL LEAGUE, *Municipal Program* (ed. C. R. Woodruff), *passim*. (Copies of the city charter can always be found in the public library and in all but the larger cities may usually be had from the office of the city clerk.)

2. The city-manager plan: what are its merits and its limitations? References: H. A. TOULMIN, *The City Manager*, pp. 73-97; C. E. RIGHTOR, *The City Manager in Dayton*, pp. 31-56; E. C. MABIE, *Selected Articles on the City Manager Plan of Municipal Government*, *passim* (Debaters' Handbook series); T. S. CHANG, *History and Analysis of the Commission and City Manager Plans of Municipal Government*, pp. 158-220; NATIONAL MUNICIPAL LEAGUE, *The Story of the City Manager Plan* (pamphlet); The Year Book of the City Managers' Association and the National Municipal Review also contain recent material.

Short Studies

1. **Characteristics of city populations.** W. B. MUNRO, *The Government of American Cities*, pp. 29-52.

2. **The city and the state.** C. A. BEARD, *American City Government*, pp. 31-51.

3. **The city charter.** H. G. JAMES, *Local Government in the United States*, pp. 304-311.

4. **The position and powers of the mayor.** W. B. MUNRO, *The Government of American Cities*, pp. 207-237; R. M. STORY, *The American Municipal Executive*, *passim*.

5. **The mayor as a human being.** BRAND WHITLOCK, *Forty Years of It*, especially pp. 205-236.

6. **The most striking mayor of his day.** TOM L. JOHNSON, *My Story*, pp. 108-143; CARL LORENZ, *Tom L. Johnson*, pp. 21-66.

7. **The city council.** F. J. GOODNOW and F. G. BATES, *Municipal Government*, pp. 179-229.

8. **Parties and politics in city government.** W. B. MUNRO, *The Government of American Cities*, pp. 153-179.

9. **The selection and training of city administrators.** HENRY BRUÈRE, *The New City Government*, pp. 335-361.

10. **How our cities have improved during the past twenty years.** W. B. MUNRO, *Principles and Methods of Municipal Administration*, pp. 1-29.

Questions

1. If you compare a city of 100,000 people with a rural district of the same population, which would have (*a*) the larger income per capita; (*b*) the larger proportion of property owners; (*c*) the greater number of illiterates; (*d*) the greater number of criminals? Give reasons for your answer in each case.

2. Compare a city charter with a state constitution, pointing out wherein they are similar and wherein they are different.

3. Name some branches of administration which you think ought to be wholly under the jurisdiction of the city and free from state interference.

4. Which do you think is the better, municipal home rule or the optional charter plan? Why do you think so?

5. In mayor-and-council cities what are the principal powers and duties of the mayor? What are the chief functions of the city council?

6. State which of the following officials ought to be appointed by the mayor and which of them elected by the people, giving your reasons in each case: superintendent of streets, chief or commissioner of police, head of the fire department, city treasurer, overseers of the poor, members of the school board, public library trustees.

7. "A city's affairs are of the nature of business, not of government." Is this statement absolutely correct? Why or why not?

8. "The commission plan embodied both a protest and a policy." Against what was it a protest? To what extent does it avoid the defects of the mayor-and-council plan?

9. What are the practical difficulties connected with the city-manager plan? Do you believe that preference should be given to a "local man" in choosing the manager? The salary of the mayor in a medium-sized city is usually not more than $5000. Should a city manager be paid more?

10. Explain what training and personal qualities a city

manager ought to have.

Topics for Debate

1. The head of the police department in large cities (over 100,000 population) should be appointed by the governor.
2. The city-manager plan is better than the mayor-and-council or commission form of government for cities under 100,000 population.
3. Home rule should be granted to cities in every state.
4. The members of the city council should be chosen from the city at large rather than from wards.

CHAPTER XI
MUNICIPAL PROBLEMS OF TODAY

The purpose of this chapter is to point out some of the difficult things which our cities have to do and to discuss the various ways of doing them.

The city's annual report.

Government or Business: Which is it?—At the close of each year the city authorities issue a printed volume, its pages well packed with figures of all sorts and interspersed with a good deal of very dry reading matter. This is called the annual report; it contains a statement of revenues and expenditures compiled by the auditor, a summary of what each department has done during the year, and a great many other facts about the work of the city officials. Very few people ever read these annual reports, and not many would understand them if they did. But any thoughtful man or woman who takes the trouble to look through one of these publications from cover to cover would be tempted to ask the question: Why do they call such things *government*? They are not government in any sense, nothing but *business*. Here is an account of how streets have been paved, water purified and distributed to the people, school buildings constructed, supplies purchased, contracts

awarded, labor employed, money collected and money paid out—why do they call these things government when they are simply business operations and nothing else? The problems that arise in connection with them are business problems; the methods needed are business methods; the organization best fitted to do the work is a business organization.

Most of the city's work is *business*.

Now there is a good deal to be said for this point of view. A large part of the work which the city officials perform is of a business rather than a governmental nature. Making laws and enforcing them is a relatively small portion of their task. The great majority of city officials and employees are engaged in rendering social and economic services—such as teaching in schools, caring for the public health, building streets, inspecting markets, attending to the water supply, putting out fires, and making out tax bills; all of which tasks are quite different in nature from the work which legislatures or governors or courts perform. It is work which, in order to be effective, must be done in accordance with the methods of everyday business with emphasis on intelligence, punctuality, and honesty.

But not all of it can be managed according to business principles.

Nevertheless we should be careful not to press this point too far. The aim of all organized business is to secure a profit, but the purpose of city administration is to promote the well-being of the citizens. It must be conducted in compliance with the desires of the voters, whatever these desires may be, and must give them what they want. Business can sometimes be

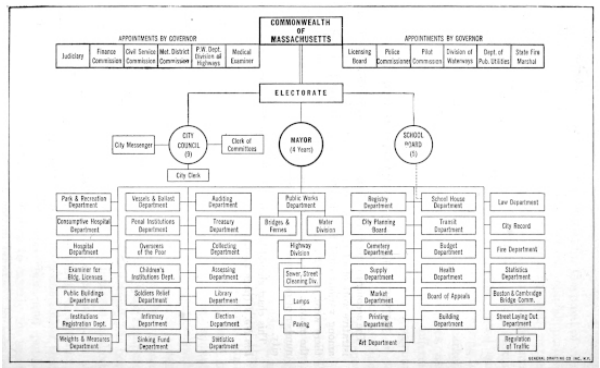
managed without any heed to public opinion, but municipal administration cannot. The science of municipal government is, to a considerable extent, that of keeping the people satisfied. The voters must have what they want and they do not always want what some expert may deem to be the best or the cheapest. Government by the best people is not necessarily the best government. There is no denying that business methods can be advantageously applied to city administration at many points (particularly in the awarding of contracts and the buying of supplies), but it does not follow that such departments as poor-relief, correction, and public health should be managed according to exactly the same principles as a railroad or a cotton factory. Success or failure in these departments cannot always be measured in terms of dollars and cents. The administration must be sympathetic and humane; it avails little to save a little money if the saving entails a great deal of human misery. The strict rules of business may easily be pressed too far.

MUNICIPAL ADMINISTRATIVE DEPARTMENTS

The accompanying diagram indicates the way in which the administrative work of a large American city such as Boston is distributed among various officials and departments. It will be noted that there were, in 1920, some forty departments under the control of the mayor. Some consolidation has since been made, but the number of

departments is still larger in Boston than in any other city.

This chart should be referred to in connection with *Group Problem No. 1* (page 223).



COMMONWEALTH
OF
MASSACHUSETTS

One reason for waste in city administration.

The Need for Better Co-operation among City Departments.—The greatest obstacle to satisfactory work on the part of city officials is the absence of close co-operation among the various city departments. Some heads of departments are elected; some are appointed. Even when they are all chosen in the same way they often fail to work in complete harmony. Each department is jealous of its own functions and anxious to follow its own policy.[78]

Some examples.

Each desires all the credit when things go right and wants none of the blame when things go wrong. The various departments, when unpleasant or unpopular tasks have to be performed, often try to put the responsibility on someone else. They have become very proficient in what is colloquially known as “passing the buck”. The result is that team play is usually lacking, and friction is not at all uncommon. How frequently we see examples of this failure to save the city’s money by co-operation! The street department puts down a new pavement; but the surface is scarcely dry before the water department proceeds to tear it up in order to lay new mains, or the sewer department sends its men along to dig a new manhole, or the gas and electric light employees come with picks and shovels to make excavations in it. Why not do all this before the new pavement goes down? In the city of Boston nearly ten thousand excavations are made in the streets during a single year. Some of these are unavoidable, no doubt, but many of them are simply the result of poor planning or no planning at all.

Or, take another illustration. Many city departments require materials and supplies of the same sort. Coal, for example, is needed in police stations, fire stations, the schools, the city hall, and all other public buildings. Why not get together, buy it all in one large order at wholesale prices, pay spot cash, and secure a discount, instead of having each department purchase its own supplies in relatively small quantities from local dealers? The answer is that each department, jealous of its own independence, usually goes ahead in all its activities without informing the others or consulting them. The situation is not nearly so bad nowadays as it was twenty or more years ago but there is still plenty of

room for more effective co-operation.[79]

City Planning and Public Works

The lack of planning.

City Planning.—A second defect in American city administration has been the lack of careful planning. The mayor and other city officials serve in office for short terms and their main concern is to do whatever happens to be urgent at the time, leaving the more difficult problems for their successors. Much of their work thus becomes makeshift in character,—a street is widened, a temporary schoolhouse is erected, a fire engine is bought, and a few new sewers put in—but no comprehensive plan for street improvement or schoolhouse construction or the motorization of fire apparatus or sewage disposal is usually made and followed. Public buildings are often badly placed because political influences rather than public convenience determines their location. The congestion of traffic on the down-town streets, the lack of parks and open spaces in certain sections of the city, the unsightliness due to the myriad of poles, wires, signs, and billboards in many of the city's thoroughfares—these things are all due in large measure to the absence of planning.

European cities are better planned.

Many cities take little or no thought for the morrow. They expect to grow bigger and busier, but they give small thought to the impending problems which growth is bound to bring. European cities have been far ahead in this respect. If Paris is

outwardly the most attractive city in the world, it is because the authorities, more than seventy years ago, set out to make it so. The best-built city in the United States is Washington, the streets and parks of which were all planned before a single building was erected.[80]

The broad scope of city planning.

What City Planning Includes.—City planning is the science of designing cities, or parts of cities, so that they may be better places for people to live in. It includes the arranging of streets, the locating of public buildings, the providing of parks and playgrounds, the devising of a proper transportation system, and the regulating of private property in such way as to promote the best interests of the whole community. It is, therefore, or ought to be, the center or focus of all the city's activities, each one of which should be carried on in harmony with the general plan. It is only in this way that a great waste of the city's money and serious inconvenience to all classes of citizens can be prevented.

Although city planning is not a new art it is only within recent years that American cities have given much attention to it. For many decades the cities and their suburbs were allowed to grow haphazard. What was once a country highway became a village road, then the main street of a town, and finally the chief business thoroughfare of a large city. To have widened it in early days would have been cheap and easy; but when a city has grown up on both sides of it the project becomes too expensive. Lack of planning is responsible for much of the traffic congestion with which the cities are wrestling nowadays.

The great

importance of streets.

The Streets.—The streets are very important factors in the daily life of every community, far more so than we commonly realize. They are the city's arteries. On their surface they carry vehicles of every sort. Their surface also affords locations for lamp posts, telephone poles, hydrants, and many other instrumentalities of public service. Underneath the street surface are sewers, water mains, gas pipes, and conduits; overhead are wires and signs and balconies. The streets give access to the shops and houses; they are likewise the principal channels for light and air, both of which are essential to life in the buildings alongside. Nearly every form of public service depends upon the streets; without them private property would have little or no value. About one-third of all the land in the city is occupied by the streets, so that proper street planning becomes a matter of great importance to the community.[81]

The layout of streets.

In most American cities the streets are laid out in rectangular form, with long, broad avenues running one way and narrower cross-streets the other. This means that each intersects the other at right angles and the city blocks become squares like those of a checker-board. This plan has been widely used in America because it takes less land for streets than any other plan would require and it makes all building lots of convenient rectangular shape.[82] The chief objection to this gridiron plan is that it makes traffic more congested at the junction of important thoroughfares. It also gives a sameness to the appearance of all the streets and hampers the development of architectural variety. European

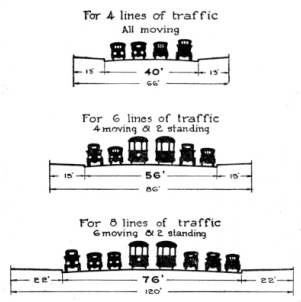
visitors often comment on this. Street after street in the shopping or residential districts all look alike to the stranger; all have been laid out with a pencil and ruler, the same widths (or nearly the same); every lot of land is of the same size; and the long rows of houses seem to be all of the same type. In the cities of Europe, on the other hand, the streets are more often curved or winding; some are very broad and some very narrow, so that each street has its own individuality. To some extent American cities are now laying out diagonal and winding streets in their newer suburbs on the principle that picturesqueness ought to be combined with utility.

The old and the newer methods of determining widths.

How Wide Ought a Street to be?—Until very recent years in all American cities, and even yet in some of them, the practice has been to lay out streets in widths of forty, sixty, or eighty feet,—always using multiples of ten. This is a mere rule-of-thumb method and bears no direct relation to the needs of traffic. The downtown streets of the older cities are, for the most part, too narrow; in the newer suburbs they are often a good deal wider than they need be. "But what harm is done by having more street space than is necessary?" it may be asked. Well, every square foot of street space costs money; it has to be paved, kept in repair, cleaned, and lighted. The proper policy in laying out streets is to adapt their width to the probable needs of future traffic. This cannot always be done with mathematical accuracy, because the density of traffic changes from decade to decade; but with careful study a fairly dependable estimate can usually be made.

The traffic "zones".

The best practice nowadays is to fix the width of new streets in terms of *traffic zones*, not merely in multiples of ten feet. A stream of traffic—motor cars, trucks, and other vehicles following one another—requires a certain sluiceway or zone to move in. This zone is ordinarily reckoned as ten feet in width. A zone of parked vehicles alongside the curb uses about eight feet. In order to allow full parking privileges and still have space for two streams of traffic to flow along easily (one in each direction) a street should be thirty-six feet in width from curb to curb. Anything less than this usually means that parking must be restricted or the thoroughfare must be made a one-way street. Anything more than this is useless unless a full zone of ten feet is added, and it is of relatively little value unless two additional zones are put on.[83]



The normal roadway width is based on an allowance of 10 feet for each line of moving vehicles and 8 feet for each line of standing

vehicles.

Where space is absolutely limited this unit allowance may be reduced to 9 feet for moving and 7 feet for standing vehicles.

The sidewalk width above suggested may be increased or reduced to meet special requirements as to pedestrian traffic or special demands for a tree and lawn strip.

TRAFFIC ZONES

The congestion of traffic in the downtown streets of our large cities is due to four causes: (a) the increased number of vehicles, (b) the different rates of speed at which different types of vehicles desire to move (horse-drawn vehicles, street cars, motor trucks, trucks, motor cars, motorcycles, etc.), (c) the inadequate width and faulty arrangement of streets due to the lack of planning, and (d) the improper driving and parking of vehicles.

The older streets cannot now be widened except at very great expense because the private property which fronts on them is so valuable. But new streets

can be planned to take care of future traffic growth. No city street should be laid out with less than fifty-six feet between curb and curb. The sidewalk space varies with the width of the street, as the accompanying diagram shows.

Types of pavement.

Street Pavements.—Apart from good planning and adequate width, the usefulness of a street depends to a considerable extent on its paving. The qualities of an ideal pavement are easy enough to specify, but not so easy to secure. To reach perfection a street pavement should be cheap to construct, durable, easy to repair, easy to keep clean, smooth, safe for traffic, noiseless, and attractive in appearance. Unfortunately there is no type of pavement possessing all these qualities. A pavement of granite blocks will last for many years under heavy traffic, but it is expensive to build, noisy, and hard to keep clean. The asphalt pavement is cheaper, cleaner, and easier to drive upon; but it is slippery in wet weather and breaks down very quickly when heavy traffic is allowed on it. Wood blocks have come into favor in many cities during recent years because they are believed to make a pavement which is sufficiently strong to stand the burden now placed on the streets by truck traffic and yet afford a surface which is easy to drive over, not difficult to keep clean, and relatively noiseless. There is no one best form of pavement for all sections of the city.[84] It would be absurd to lay asphalt in the dock and shipping districts where the streets are filled with

five-ton trucks, and just as absurd to put a granite-block surface on the streets of fine residential districts. The nature of the pavement should be adapted to neighborhood conditions.

The contract and direct labor systems.

When the pavement has been selected it can be laid in either of two ways—by contract or by city labor. Most pavements have been built by contract. The city officials prepare the plans, and call for bids; paving contractors submit their figures, and the contract is supposed to go to the one whose bid is the lowest. That, however, is not what always happens. Contracts for street paving have often been awarded, on one pretext or another, to contractors who were able to exert political influence.[85] In some cities the work is done by regular employees of the street department, the city buying its own materials. This plan is usually more expensive and it is not very practicable when a city wants a great deal of work done in a hurry; on the other hand it results, as a rule, in getting pavement of a better quality. Contract work, too often, is done hastily and proves defective. Direct construction by the city's own labor force is slower, and more expensive, but usually more durable.

Parks and Recreation Grounds.—Public parks are of two types, first the large open spaces which cover many acres and can be used by the whole city, and second, the small areas which are provided for use by a single neighborhood only. Every large city has parks of both types. The old-style park which served more for ornament than for use, is now out of favor. Cities are placing more stress on grounds which can be used for athletic games or for other

forms of recreation. In all communities which have the advantage of being located on the ocean, on a lake, or on a river, the water-front is a highly desirable addition to the available recreation spaces. Suitable bathing beaches in particular ought to be acquired by the cities for free use by the people. The development of street railway and motor transportation has lessened the pressure upon the downtown parks by making it more easy for the people to get out into the country.

The various classes of public buildings:

Public Buildings.—From the standpoint of suitable location the public buildings of a city may be divided into three classes. 1. Those which need central locations. First, there are those public buildings which ought to be centrally located so that they may be easily reached from every part of the community. This class includes the post-office, the city hall, the court house, and the public library. In a few cities these buildings, or most of them, have been brought together in a civic center; but as a rule they are scattered here and there all over the community, wherever they may chance to have been placed in obedience to the influences or whims of the moment. The desirability of bringing them together, both as a matter of good planning and for the public convenience, is easy to realize.

2. Those which must be scattered.

Second, there are many public buildings which must be located in different parts of the city rather than at a single center. These include the fire engine houses, police stations, elementary schools, and branch libraries. They must necessarily be scattered, but this does not mean that planning is superfluous.

Very often in the past these buildings have been located at inconvenient points because political influence rather than the public interest has determined the choice of a location. When a prominent politician has land to sell at a fancy price the city is usually a good customer. There is no good reason why police and fire stations should not, as a rule, be housed under the same roof. There is no good reason why the school, the playground, and the branch library should not be placed upon the same plot of ground, yet rarely are these three places of instruction and recreation within sight of one another. Haphazard location and slipshod construction have resulted in large amounts of needless expense in the case of public buildings.

3. Those which need special locations.

Third, there are certain public buildings which have to be placed in special locations. Public baths, for example, go to the water's edge, wherever it is. The hospital should be situated outside the zone of heavy traffic and continuous noise. The city prison, the poorhouse, the garbage disposal plant, and the other waifs among public buildings—nobody wants their company. They are not welcome in any neighborhood, yet they must be placed somewhere. Timely planning would help to solve this problem by securing convenient and spacious tracts of land before the city grows so large that all the available sites are occupied, but most of our cities give no thought to such questions until the problem becomes very urgent.

The private citizen and the "City Beautiful".

Regulating Private Property.—No matter what

the city authorities may do in the way of planning streets properly, and expending great care upon public buildings, the outward attractiveness of a community depends to a large extent upon the good taste and civic pride of its individual inhabitants. Within reasonable bounds a man can erect anything he pleases upon his own land. He may build something which is a notable adornment or, on the other hand, something which is an architectural eyesore to the whole neighborhood. He may keep his grounds and dwelling in perfect order, everything spick and span. Or he may let them go into ramshackle, the house unpainted, the lawn grown up in weeds, and signs of neglect apparent everywhere. Each section of the city is as its people make it. It is absurd for men and women to clamor for fine parks, monumental public buildings, and brilliantly-lighted streets if they do not obey the precept that civic pride, like charity, ought to begin at home.

The billboard nuisance.

One of the worst offenders against civic beauty and good taste is the flaming billboard which stares from every vacant lot into the faces of the passers-by. For the most part billboards serve no very useful purpose. The advertising which they carry ought to be given to the newspapers, which reach a far wider circle of people and are actively engaged in promoting the best interests of the community. These billboards often mar what would otherwise be an attractive avenue or landscape.[86] The cities of Continental Europe virtually prohibit them altogether. It is not possible to do that in the United States because of constitutional restrictions which protect private property; but billboards can be restricted by law and some American cities have

adopted the policy of so restricting them.[87] It is also possible to levy taxes upon them and thus to make billboard advertising less profitable.

The Municipal Utilities.—In addition to streets, parks, and public buildings every city maintains various other physical utilities. These include, in some cases, bridges, docks, markets, ferries, and so on. More important, however, are the so-called *utilities*, the water supply and the sewerage system. Both of these are intimately connected with the public health and can better be dealt with when we come to that general topic. Some cities own and operate their lighting plants, and in a few cases their street railways. But lighting and transportation are still, for the most part, in private hands and they present problems of such importance that they need a chapter to themselves (see pp. 474-481).

Beginning of the police system.

Police Protection.—The practice of maintaining in cities a body of professional, uniformed policemen who give their full time to the work of preserving law and order is less than a hundred years old. Until well into the nineteenth century the work of protecting life and property was performed by untrained constables and watchmen (in England and America), or by squads of soldiers (in most of the larger cities of Continental Europe).[88] London, in 1829, was the first city to install a regular police force, and this action met with great popular opposition. It was regarded as a step in the direction of tyranny.[89] But regular policemen proved to be so much better, as guardians of law and order, than the untrained constable in citizen's clothes, that other cities followed the example of London and eventually the system was established in the United States, the

first city to adopt the new plan being New York. Although New York was at that time a city of over 300,000 population the work of policing was largely performed by elective constables and by citizen watchmen until 1844.

Police organization today.

During the past three-quarters of a century the system of municipal police has been steadily improved. The police are organized on what is practically a military model, with a commissioner or chief in command. Under him are deputies at headquarters, captains and lieutenants in charge of stations, sergeants and patrolmen, who do the work of investigating, making arrests, handling traffic, and patrolling the streets. The patrolmen in most American cities are now selected by civil service tests; they have regular hours on and off duty, and are subject to strict discipline. The large cities have established training schools in which newly-appointed policemen receive instruction for a month or more before they are sent to do regular duty. The number of policemen in all large cities has had to be greatly increased during recent years because of the growing need for traffic officers. A considerable proportion of the whole force is now assigned to this duty at certain hours of the day. Policewomen are now being appointed in most of the larger cities because there are various forms of duty which it is believed they can perform more effectively than men.

State constabularies.

Police protection, until recent years, has been largely confined to the cities and towns; the rural districts have had to depend upon civilian constables

and the sheriff's deputies. Some states, however, have now established bodies known as state constabularies, the members of which patrol the country roads and perform the usual functions of police in cities. Pennsylvania, New York, Massachusetts, and other states have undertaken to give the rural districts adequate protection in this way. The men are equipped with motorcycles and are thus enabled to cover large areas of territory in the course of a day. The constabulary is under the control of the governor and may be used in any portion of the state. The establishment of these state police forces has been opposed by the labor organizations which fear that they may be used to coerce strikers during labor controversies.

Our enormous annual losses by fire.

Fire Prevention.—The annual loss by fire in the United States is larger than that of all European countries put together. Chicago and Paris are cities of about the same size; but the yearly fire-losses in the former are four or five times that of the latter. Whether New York has a larger population than London is still a disputed question but there is no dispute about which has the larger number of fires. New York City holds the world's record in fire-losses, seven or eight million dollars per annum.

In every part of the United States the losses are enormous year after year. It has been estimated that they amount to half a million dollars per day, taking the country as a whole. If all the buildings burned in the United States during a single year were placed side by side they would form an unbroken street from Chicago to New York. The loss of life in these fires is also appalling; it amounts to about three

thousand per year. What are the reasons for this situation; why is it so much worse than in other countries?

Reasons for this heavy loss.

There are two reasons for it; one of them we cannot control, the other we can. We cannot easily alter the fact that most of the buildings, whether in the cities or the rural districts of the United States, have been built of inflammable materials. Lumber has been cheap and it has been used lavishly. In Europe most buildings are of brick or stone.[90] With the depletion of the timber supply in America and the increased price of lumber fewer frame buildings will be constructed in the United States as time goes on. The other reason for our large fire-losses is one which can be controlled. It is summed up in a single word—carelessness. To some extent this carelessness is the fault of the public authorities; to a larger extent it is the fault of private individuals.

Public prevention measures.

The public authorities have not been sufficiently active in framing and enforcing measures for the prevention of fires. They have allowed certain neighborhoods to become veritable fire-traps, liable to be wiped out by a conflagration at any moment. During the past few years the state and city officials have been coming to realize the importance of prevention, however, and the laws relating to fire hazards have been growing more strict. Special rules are now applied to theaters, factories, garages, tenements, and other buildings in which fires are liable to result in the loss of life. Special fire prevention officials have been appointed in some of the larger communities; their duty is to inspect all

buildings in which fires are likely to occur and to enforce the fire prevention rules. An endeavor has also been made to educate the people to the need of exercising greater care. This is done by distributing circulars and by instruction in the schools.

The chief causes of fires.

The great majority of fires are the result of some individual's carelessness. Rubbish is left lying about near the cellar furnace; matches are placed where children can reach them; kerosene or gasoline is used to light the kitchen fire; chimneys are allowed to go unrepaired and uncleaned; ends of cigarettes are thrown on the floor or into the waste basket—individual carelessness may take many forms. But every fire is the same size when it starts and a trivial accident may cause the destruction of a whole city. Fire departments are necessary and they should be kept up to the highest efficiency, with well-trained men and motorized apparatus; but dollar for dollar the money spent in prevention brings far more return than expenditures for putting out fires after they occur.

The work of fighting fires is spectacular and makes an impression on the people; there is nothing spectacular about *fire prevention*, hence it obtains far less attention from the average individual. Newspapers devote great headlines to the bravery of the fireman who carries somebody down the sheer wall of a high building in the midst of roaring flames and blinding smoke, but the man who quietly builds his tenement so that no such rescue will ever be necessary—he gets no headlines at all. For this the newspapers are of course not to blame; they merely follow the trend of popular interest.

The City's Share in Health and Welfare Work.—

Many functions which formerly devolved wholly upon the city government have now been taken over to some extent by the state authorities. The state makes the general regulations and prescribes how things shall be done, but the city officials still remain largely responsible for putting the regulations into effect. The broadening field of municipal activity. This is true of public health protection, public utilities, poor-relief, correction, sanitation, and education, all of which are dealt with in later chapters of this book. No clear separation between state and local activities can be made nowadays, the two overlap and are intermixed. The city still retains, however, almost complete responsibility for the care of its streets, for street lighting, for the maintenance of parks, and for the provision of recreation. But whether it acts merely as the agent of the state or entirely on its own behalf the city's functions are being broadened year by year. It is expected to do more and more for the social welfare of its people.

A typical example.

Compare the American city of today with its prototype of seventy-five years ago. In 1845, for example, Boston was a city of more than 40,000 people. It had no paved streets, not one. There was no public water supply; the people brought enough for their daily needs from neighborhood wells. A few sewers had been built, wooden drains they were, and only in the more thickly-settled portions of the city. Provision for the care of the public health was altogether lacking; there was no regular police force and only a volunteer bucket-brigade to put out fires. Public playgrounds were unknown; so were public baths, neighborhood centers, band concerts, branch libraries, electric street lights, trolley cars, subways, and the long list of things which come within the

range of municipal enterprise today. Those were days of intense individualism when welfare work was left almost wholly to private auspices. Now the city has become a leader in almost every form of social and economic activity. This socializing of urban life has gone on, and still goes on, without attracting much attention, but it is one of the most far-reaching developments of the past century.

The problem of making both ends meet.

Where will the Cities Get the Money?—This expansion in municipal activities has brought with it an incessant need for more money—more money for streets, parks, playgrounds, schools, poor-relief, recreation, pensions, and for a dozen other things. Cities have many hard problems, but the hardest of all is that of making both ends meet. New enterprises mean new expenditures, and even the older activities keep steadily costing more.

The effect of high taxes.

Now it might be surmised that this problem of ways and means would be an easy one to solve. "Just raise the tax rate and get more money" someone may suggest. That betrays the existence of a very common impression, namely, that city tax rates have the sky as their limit. But the fact is quite otherwise. In most cases, to be sure, there is no legal limitation upon the amount of taxes which the city officials can exact from the people; the limit is a purely practical one. Most of the city's revenue comes from taxes upon real property—on lands and buildings (see pp. 445-446). By raising the tax rate on such property additional revenue can be secured up to a certain point. But when the tax rate keeps on increasing year

after year it finally reaches a level where it becomes an obstacle to the erection of new buildings; it deters new industries from coming to the city; it causes rents to rise and acts as a brake upon the expansion of business. Under such conditions the value of property stops rising and may even decline, so that further increases in the tax rate do not yield a proportionate revenue. The people, moreover, grow restive under the soaring tax rate on their homes; they manifest their displeasure by turning the elective city officials out of office and installing others who pledge themselves to cut the expenses down. Such pledges, as a matter of fact, can rarely be kept. Considerable economies are undoubtedly practicable in the government of all American cities without exception; but the big outlays are bound to go on increasing so long as the people keep making demands for more and better services.

Newer sources of revenue.

If more revenue must be had, how can it be best obtained? Taxes on property have now reached a point in many cities where they can hardly go much higher. Taxes on incomes are already levied by the nation and by some of the states; the cities can hardly look forward to laying a heavy tax on top of these. Some cities, notably Los Angeles, Cincinnati, and St. Louis are imposing business taxes—so much per year on every lawyer, doctor, merchant, dealer, broker, and so on, the rate varying in each case. Chicago obtains a considerable income from a wheel tax imposed on all automobiles which use the city streets. Everywhere the quest for new sources of revenue is being carried on earnestly but not with any great measure of success. One serious difficulty lies in the fact that some of the more lucrative

sources have already been tapped by the national and state governments. Congress and the state legislatures are keenly on the scent for new revenues; wherever the opportunity appears, they seize it. In this way the range from which the cities may draw their income is gradually being narrowed. It can fairly be said, therefore, that the problem of paying its way is the most difficult of all the problems which confront the American city at the present time.

General References

C. A. BEARD, *American Government and Politics*, pp. 603-637; *Ibid.*, *Readings*, pp. 535-555;

W. B. MUNRO, *Principles and Methods of Municipal Administration*, pp. 30-73 (City Planning); 74-121 (Streets); 260-313 (Police Administration);

H. G. JAMES, *Municipal Functions*, pp. 1-24;

F. J. GOODNOW and F. C. BATES, *Municipal Government*, pp. 316-396;

F. C. HOWE, *The Modern City and its Problems*, pp. 34-75;

EVERETT KIMBALL, *State and Municipal Government*, pp. 454-550.

Group Problems

1. Make a plan of administrative organization which will include the undermentioned municipal functions. Provide as few departments as possible without putting unrelated functions into the same department. Each department should include all functions which are actually related and none which are not related to its main work. Consider, for example, such questions as these: Should playgrounds be included in the school department or combined with parks in some other department? Where does poor-relief belong, in a department by itself or along with health or with prisons and correction? Where should we place the public library? If you desire to include all these functions within seven or eight departments, the public library cannot have a department all to itself. Where should it go? Think over carefully the proper placing of

such things as the inspection of weights and measures, auditing, pensions, printing, assessments and collection of taxes, billboards, care of hydrants, censorship of amusements, charities and poor-relief, child welfare, collection and disposal of ashes, excess condemnation, food and milk inspection, free employment bureaus, free legal aid, grade-crossing elimination, hospital administration, housing laws and their enforcement, licensing, limitation of building heights, management of bridges and ferries, municipal accounts, municipal budget making, municipal concerts, municipal courts, municipal purchasing, parks and playgrounds, paving, playground administration, prevention of incendiarism, prisons, protection of life and property, public lighting, public recreation, public water supply, registration of voters, garbage collection and disposal, regulation of explosives, regulation of the location of buildings, sewerage and sewage disposal, sinking funds, smoke prevention, snow removal, street construction, street widening, supervision of lodging houses, tree planting, vocational and industrial education, zoning.

2. Select three or four cities of approximately the same size as your own and compare the cost of public safety (police and fire department expenditures) on each of the following bases: (*a*) per capita; (*b*) per square mile of territory; (*c*) per $1000 assessed valuation. (The data for all cities having over 30,000 population can be found in the *U. S. Bureau of the Census: Financial Statistics of Cities* [latest edition].)

3. What we get for our city taxes. Make up from your own community's latest annual report a table showing the per capita cost for each form of public service (streets, parks, schools, poor-relief, etc.). The figures in the auditor's report divided by the population will give you the items. When your table is completed illustrate it by drawing a circle with sectors to represent the division of expenditure.

Short Studies

1. **City planning: its scope and importance.** W. B.

MUNRO, *Principles and Methods of Municipal Administration*, pp. 30-37.

2. **The city's streets.** C. A. BEARD, *American City Government*, pp. 212-260.

3. **The organization of a city police force.** RAYMOND FOSDICK, *European Police Systems*, pp. 99-148; E. D. GRAPER, *American Police Administration, passim*; RAYMOND FOSDICK, *American Police Systems*, pp. 188-216.

4. **How the public can help the police.** ARTHUR WOODS, *Policeman and Public*, pp. 162-178.

5. **What fire prevention means.** E. F. CROKER, *Fire Prevention*, pp. 1-37.

6. **The city's work for the social welfare.** H. G. JAMES, *Municipal Functions*, pp. 150-185.

7. **City parks and boulevards.** CHARLES ZUEBLIN, *American Municipal Progress*, pp. 241-275.

8. **The city's part in health protection.** HENRY BRUÈRE, *The New City Government*, pp. 314-334.

9. **Municipal recreation.** C. A. BEARD, *American City Government*, pp. 334-355; JOHN NOLEN, *City Planning*, pp. 139-158.

10. **Raising and spending the city's money.** W. B. MUNRO, *Principles and Methods of Municipal Administration*, pp. 403-478.

Questions

1. Make in parallel columns a list of municipal functions which you would classify as (*a*) political; (*b*) social; (*c*) economic or business functions.

2. Can you give, from your own observation, any examples of the needless expense or public inconvenience due to the failure of city departments to co-operate properly?

3. Take any atlas which contains the street plans of the larger cities and point out examples of the following: (*a*) gridiron or checkerboard planning; (*b*) diagonal avenues; (*c*) radial streets; (*d*) informal layout of streets.

4. Select some portion of your own city which seems to you to be well planned and some section which seems to be poorly planned. Give reasons for your selections.

5. Make a sketch plan for a residential suburb about one mile square on level ground with a small river, two hundred feet wide, running from east to west through it. Each building lot is to contain, on the average, about 20,000 square feet with access to both a street and an alley. Make provision for one double track street railway, conveniently located. Indicate appropriate locations for a one-acre park, an elementary school, a playground, a branch of the public library, a police station, a fire engine station, a bridge, a bath house, and an athletic field.

6. What is the geographical center of your community? The center of population? The center of access, that is, the point which, by reason of traffic facilities can be most quickly and easily reached by the largest number of people? If a civic center were being established, where ought it to be placed and why?

7. In the largest cities there are about 20 policemen for every 10,000 people, in smaller cities only 10 or 12. Why is this? Is the number of arrests made by a policeman an indication of his efficiency? Scandals are frequent in the police departments of large cities and this is sometimes explained by saying that the police are exposed to more temptations than any other city officials. Discuss this explanation.

8. What in your opinion are the most common causes of fires? Many schools set apart one day in the year as *Fire Prevention Day*. Make some suggestions concerning a suitable program for this occasion.

9. Can you think of any sources of revenue not now utilized by cities which might be drawn upon to meet an urgent need without arousing a great deal of opposition from the people?

10. What civic organizations in your community are helping the public officials to solve their problems? Give an account of the purposes and work of each.

Topics for Debate

1. A maximum limit should be imposed by the state law upon the tax rates of cities.

2. City employees, including policemen and

firemen, should (or should not) have the right to join a labor organization.

3. All public work should be done by contract (or by the city's own employees).

CHAPTER XII
STATE GOVERNMENT IN OUTLINE

The purpose of this chapter is to explain the relation of the states to the nation, to show how the state governments are organized, and what services they render the people.

Place of the states in the nation.

The Sovereign States.—It is customary to speak of the American Republic as made up of "sovereign states", but unless this expression is clearly explained it is apt to be misleading. On July 4th, 1776, the thirteen colonies became free and independent states, each entitled to frame its own plan of government. These new states were subject to no restrictions except the very mild ones which, by adopting the Articles of Confederation, they had agreed to place upon themselves. They were very jealous of their independence and disinclined to surrender any of their powers, even to create a unified nation. For this reason, when the national constitution was framed in 1787, the states reserved to themselves all powers not conveyed to the new federal government by the provisions of that document. It was intended that the preponderance of power should rest with the states, that most of the work of government should be performed by them, and that the first interest of the citizen should be in the affairs of his own state.

Relative strength of the national and the state governments.

But scarcely had the new federal government become established when it began to gather strength. By a series of decisions the Supreme Court gave a liberal interpretation to the powers of Congress as set forth in the constitution, each decision widening the authority of the central government. The state governments did not look with favor upon this development; but on the whole the people of the country approved it. Little by little the nation forged ahead of the states in its hold upon the interest and loyalty of the people. The Civil War was an important factor in all this, for the real issue in that conflict concerned the respective rights of the federal and the state governments. The union came out of the war much stronger than before and for the last sixty years it has kept gaining. Today people think of themselves as citizens of the United States, rather than as citizens of a particular state; their first interest is in matters of national government; they look to the nation for the solution of all the great problems and are disposed to give the national government even broader powers, as recent amendments to the constitution have shown.[91] In theory the place of the states in the nation is almost exactly what it was a hundred and thirty years ago; they still remain sovereign in name; but in actual fact their relative authority has been greatly diminished.

Present importance of state government.

Nevertheless the forty-eight states are even yet very from being mere administrative divisions as are the counties of England or the departments in

France. In these two countries the government is highly centralized; all power emanates from London or from Paris. In America the forty-eight state capitals are still the location of important governmental powers and in all probability will continue to be. This decentralization in government sometimes leads to friction and controversy; but it has the advantage of keeping the people in more direct control of their local affairs.

Territories made into states.

How States are Admitted.—In addition to the thirteen original states there was territory enough in 1787 for the creation of many more. All the land east of the Mississippi had been surrendered by Great Britain and although much of this was claimed by the states along the Atlantic seaboard they finally agreed to turn it all over to Congress. The national government thereupon made provision for governing this territory and expressly stipulated that it should be given rights of statehood whenever the growth of population might warrant that step. A little later the Louisiana territory was purchased; then Florida, and from time to time during the next fifty years additional areas were obtained in the Southwest, Northwest, and West. In every case these areas were administered by territorial governments under the authority of Congress, but always with the stipulation that the territories would become states as soon as they had obtained a sufficient population.

We do not commonly think of the United States as a colonizing power, in the sense that Great Britain has been such, nevertheless the whole history of the American people has been a chronicle of colonization. From the Alleghenies to the Pacific ocean the march of settlement went steadily on for

nearly a hundred years; lands were thrown open to settlers; territories were formed; and in the end each territory became a state.

Steps in admission to statehood.

The makers of the federal constitution had no idea, of course, that the union would ever become so large, but they did foresee that some day there would be more than thirteen states. Hence, they made provision in the constitution that new states might be admitted from time to time at the discretion of Congress. In keeping with this provision the usual first step is the sending of a petition to Congress from the people of the territory which seeks to be admitted. If Congress regards this petition with favor it passes an Enabling Act, which authorizes the people of the territory to draw up a tentative state constitution. This document, having been framed and ratified at the polls by the people of the territory, is then submitted to Congress. If Congress finds the constitution satisfactory, it may then, by resolution, declare the territory to be a state. Congress has been generous in granting full statehood to the home territories, in some cases even before they had acquired large populations, and this attitude has been wise. It has welded the country together as no other policy could have unified it.

The Newer Territories.—Down to 1867, therefore, the problem of territorial government was not difficult and it was always handled satisfactorily.

How the territories were governed.

Each territory was administered by a governor, who was appointed by the President, and by a territorial legislature which was elected by the people. Laws passed by the territorial legislature were subject to disapproval by Congress, but this right was seldom exercised. The

people of the territories quickly showed their capacity to govern themselves and Congress let them alone. But after the Civil War and particularly after the Spanish War, territorial problems of a new sort arose. The new insular territories. In 1867 the United States purchased Alaska from Russia; in 1898 Porto Rico and the Philippines were acquired from Spain; in the same year Hawaii was annexed, and during the past quarter of a century other distant possessions (Samoa, the Panama Canal Zone, and the Virgin Islands) have been added.

Can they be admitted as states?

These acquisitions differ from the old territories in two respects; they are outside the regular national boundaries (in some cases far outside), and they contain for the most part populations which have not had much experience in self-government.[92] All have been given some form of territorial government; but the question is: Can they be ultimately admitted as states of the union? If they should be so admitted, they must be given exactly the same rights as all the other states. There is no such thing as partial or qualified admission. If Porto Rico or Hawaii should be admitted to statehood they will have exactly the same status as New York or Pennsylvania.

Future of these islands.

Three courses are open. First, these territories may be admitted in due course to full rights of statehood. In the case of Alaska, Hawaii, and Porto Rico this policy may be the one adopted if their populations are deemed to be large enough. Second, the existing form of territorial government may be continued indefinitely. This means that they would have a large measure of control over their own local affairs but

not full control in the sense that the states have it. Third, they might be given their independence with a guarantee of American protection from outside enemies. In the case of the Philippines this is virtually what has been promised; but independence is not to be given until the islands prove entirely capable of governing themselves.[93] Apart from the Philippines none of these territories is asking for independence.[94]

The State Constitutions.—It has been pointed out that before any territory is admitted as a state it must frame a constitution. State constitutional conventions. This constitution is drawn, as a rule, by a constitutional convention composed of delegates elected by the people. Such a convention is called when a state enters the union and again whenever a general revision of the original document seems to be desirable. As a rule there is an interval of ten years or more between such conventions and sometimes an interval of thirty or forty years.[95] Due to differences in the growth and progress of the state a constitution may become out-of-date in one more rapidly than in another. If only slight alterations in the constitution are needed, it is not necessary or usual to call a convention. Individual amendments, as will be shown presently, can be made more easily.

What these Constitutions Contain.—These state constitutions are rather long documents, much longer than the constitution of the United States. In early days they were much shorter, but the state governments perform far more numerous functions today than they did fifty years ago. It has become the tendency, moreover, in recent years to cover many things in constitutions which formerly were left to be dealt with by acts of the legislature. This has meant a great lengthening of constitutional provisions.

In general a state constitution sets forth the form of government, prescribes the powers and duties of state officers, prohibits the legislature from doing certain things (such as changing the state capitol, for example), and guarantees certain fundamental rights to the citizens. But this is not all. Some of them contain long provisions relating to the powers of local governments, the pay of officials, the borrowing of money, and the regulation of banks. Putting such details into the state constitution is an unwise policy because constitutional provisions are difficult to change, whereas these various matters need to be dealt with somewhat differently from time to time.

The two methods of amendment.

How State Constitutions are Amended.—There are two common ways of amending a state constitution. The first, which exists in nearly all the states, is by concurrent action of the legislature and the people. The legislature takes the first step by proposing the amendment; then the people at the polls accept or reject the proposal.[96] The other way is by action of the people alone. By means of the initiative, as already described, the people may propose an amendment, have it put on the ballot, and accept or reject it as they desire. This method of amending the constitution is used in less than half the states and even there it is not employed with great frequency. The great majority of the amendments to state constitutions (scores of them are made every year in the country as a whole) are made by the first-named plan.

The states have the residuum of powers.

The Powers of the States.—Some years ago a

foreign student of government, desiring to find out what powers belonged to the legislature of Massachusetts, took a copy of the state constitution and began reading it carefully. Much to his surprise he found that it contained no list of the powers which the legislature might exercise but merely stated some things which the legislature must not do. The reason for this, of course, is simple enough. The states retain all the powers which they have not given to the national government. The way to find out whether a state possesses a certain power is to look in the constitution of the United States. If the power is there given exclusively to Congress or prohibited to the states, then the state legislature cannot exercise it. But if the power is not mentioned in the national constitution, either expressly or by implication, then the state legislatures have it.

On this basis a certain division of powers is made between the nation and the states. The general principles on which the division is made are easy enough to understand, but the exact distribution of powers is something that can only be mastered by studying it. Even lawyers do not always get hold of it accurately and newspapers are constantly making mistakes because they fail to realize just where the boundaries of the various governmental powers begin and end. So let us try to condense the matter into a nutshell, or, to be more accurate, into four nutshells as follows:

1. *Some powers belong exclusively to the nation.* These include the power to declare war, to regulate foreign and interstate commerce, to coin money, to establish post offices, and so on. No share in the management of these things belongs to the state governments.

2. *Some powers belong concurrently both to the nation*

and the states. Both the nation and the states, each within its own sphere, have the power to tax, to borrow money, to charter banks, to promote education, and to do many other things. These are called concurrent powers because the national and state authorities may both exercise them at the same time.

3. *Some powers are prohibited to the nation and some are prohibited to the states.* The national and state governments, for example, are forbidden to pass any bill of attainder, to grant titles of nobility, or to take private property for public use without compensation. The states, in addition, are forbidden to make treaties, coin money, or levy tariff duties. There are various other prohibitions upon both the nation or the states, as will be seen by reading carefully the provisions of the national constitution. [97]

4. *All other governmental powers are reserved to the states.* Every power which does not fall within the foregoing three classes belongs to the several states exclusively. This is not only in accordance with the theory of the national constitution as a grant of powers but it is expressly stated in the Tenth Amendment.[98]

Features which are similar in all the states.

The General Similarity of State Governments.—No two states, among the forty-eight, are governed alike. A description of state government in Massachusetts would not fit Illinois, much less Idaho or Nevada. On the other hand no two states are governed very differently; in all the essential features they conform to a single type. They all have constitutions; every state has an elective legislature of two chambers; each has an elective governor; and

they all have state courts. In all the states there is universal suffrage (save for the exclusion of negroes in the South); the secret ballot is used throughout the country; the same political parties are in existence everywhere from the Atlantic to the Pacific; and the principal laws are essentially the same. The citizen who moves from one state to another finds the difference so slight that it is hardly noticeable. It is not worth while, therefore, to spend any time in studying the points of difference between the government of one state and that of another. State government everywhere has now been reduced to a type which is uniform for all practical purposes.

Organization of the state legislature.

The State Legislature.—Every state has a legislature which is the paramount branch of the state government. It makes the laws, levies the state taxes, appropriates money for the management of state administration, and decides all questions of public policy. This legislature is composed of two chambers, which have substantially concurrent lawmaking powers. The upper chamber, commonly called the Senate, is the smaller of the two; its members are elected by counties or senatorial districts, usually for a term of two or four years. The lower chamber, which is variously known as the Assembly, or House of Representatives, or House of Delegates, is much the larger body; its members are also elected from counties or parts of counties. Nominations are made either by conventions or by a primary; the latter is now the more common method except in the Southern states. Sessions of the legislature are held every alternate year except in a few states where they are held annually.

The legislature's

powers.

The powers of the state legislature are in actual operation very broad. They comprise the whole field of lawmaking except in so far as it has been restricted by the national constitution or by the constitution of the state itself. The state laws come closer to the life of the individual than do those of the nation.[99] They make provision for the registration of a child's birth; they determine the age at which he must go to school; they establish the schools and fix the qualifications of the teachers. When the boy becomes a man he will find that the state laws regulate his profession or business. The state laws enable him to marry, to accumulate property, to vote, and to hold office. When he dies the state laws regulate the transmission of his property to his heirs. Thus from birth to death the citizen comes almost daily into contact with the lawmaking authority of the state. These laws determine most of the taxes that he pays; they safeguard his life, health, and property; they punish him when he does wrong; and they provide for his maintenance if he becomes poor or crippled or insane. Where the federal government touches the citizen once, the state government touches him a dozen times. The average citizen does not always appreciate this fact.

The process of state legislation.

The consent of both chambers of the state legislature is necessary to the making of laws. The process of lawmaking is very much like that used in Congress (see pp. 275-278). Bills are introduced, referred to committees, reported back to the legislature, and voted on by each chamber.[100] Disagreements between the two chambers are

adjusted by a conference committee. The rules of procedure are very complicated and new members of a state legislature often have some difficulty in understanding them. The purpose of the rules is threefold: To expedite business, to ensure the careful consideration of each measure, and to protect the rights of the minority party in the legislature. Despite the rules, however, legislative business is often unduly delayed; at other times measures are hustled through without proper consideration, and the rights of the minority are frequently over-ridden.[101] This is done by suspending the rules or by merely disregarding them.

The governor.

The State Executive.—The executive branch of the state government is made up of the governor and the heads of the various state departments. The governor is elected by the people for a term of two or four years. His powers are extensive. He is charged with the general supervision over the enforcement of the laws and the conduct of administrative affairs. He makes most of the important appointments to state administrative offices, the chief exceptions being the heads of state departments and the judges of the state courts, both of whom are in most cases elected by the people. The governor's appointments, before they become effective, usually require confirmation by the upper branch of the state legislature or by an elective executive council. Where the civil service system is in force, moreover, it places a limit on the governor's discretion in appointments. The governor also possesses the veto power over acts of the state legislature, but this may be over-ridden, as a rule, by a two-thirds vote of both chambers. In all essential features the veto power of the governor is much like

that of the President. The power to pardon offenders convicted in the state courts likewise belongs to the governor in most states; in some states, however, he must obtain the concurrence of a pardoning-board or some other authority, and in a few states the entire power of pardon is given to a special board. The governor is commander-in-chief of the state militia and may call it out for service in emergencies. Like the President the governor is removable from office by impeachment.

Officials and boards.

For carrying on its administrative work the state has, in addition to the governor, a considerable number of administrative officials and boards. These include the secretary of state, who keeps the official records; the treasurer; the auditor; the attorney-general, who conducts the legal affairs of the state; the state superintendent or commissioner of education; together with state boards of health, charity, public works, public utilities, and so on. The titles and functions of these various boards differ greatly from state to state. In Massachusetts there are only twenty-one state departments; in New York there are more than one hundred. Everywhere the number displays a tendency to increase, for the functions of the state are everywhere broadening. The officials and members of boards who perform all this administrative work are sometimes elected but more often they are appointed by the governor.

The State Courts: Their Organization.—In each state there are three gradations in the judiciary, and sometimes four. First, there are local courts, presided over by justices of the peace, or police justices. These courts try cases of minor importance. When persons charged with serious offences are brought before

them, the offenders are held for trial by the next higher court. These next higher courts are known as county or district or superior courts. They are empowered to conduct jury trials; they have prosecuting attorneys at their service; they have a wider range of jurisdiction to try important cases, and their decisions are usually final so far as the *facts* of the case are concerned. Finally, there is in each state a supreme court (sometimes called the Court of Errors) which hears appeals, chiefly on disputed points of *law*, from the courts below. This court is composed of from five to fifteen judges (the number is fixed by law in each state), and it has the last word in all cases save where an appeal may be taken to the Supreme Court of the United States.[102]

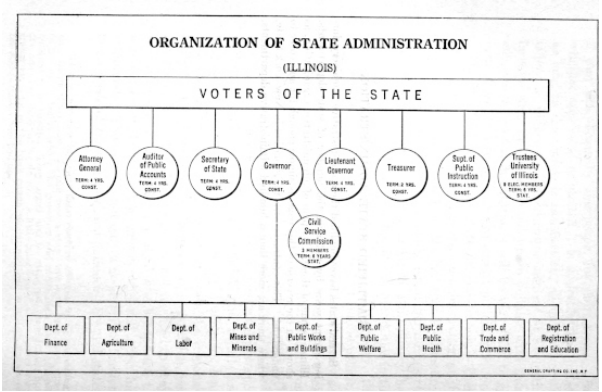
The election *vs*. the appointment of judges.

The Selection and Removal of Judges.—In more than three-fourths of the states the judges of these various courts are elected by the people. In the rest they are either appointed by the governor or chosen by the state legislature. One plan cannot be said, in general terms, to be better than the other. Good judges have been secured by all three methods of selection, and poor ones too. It is worth noting, however, that the judges of all the federal courts are appointed for life and that they are men of fine quality.[103] It is everywhere conceded that the courts ought to be kept out of party politics and this is much easier if the judges are appointed for life or for long terms than if they are chosen by the people for short terms. But whether appointed or elected it is desirable that judges, so long as their work is satisfactory, should be kept in office. If judges are denied reappointment or re-election because their

decisions do not prove popular with those who are influential in politics, it will be very hard to get men of ability and integrity to accept judicial positions.

SIMPLIFIED STATE ADMINISTRATION

Several states have simplified their administrative machinery during recent years by reducing the number of state departments. Illinois is one of these. Its plan of administrative organization, as shown on the reverse of this page, is simple enough for any voter to understand. This contrasts with the situation in New York State, where there are more than a hundred administrative departments.



ORGANIZATION OF STATE ADMINISTRATION

The present weakness.

The Need of Reform in State Administration.—There are two distinct weaknesses in state administration at the present day. One results from the fact that the functions of the state have been enormously expanded during the past fifty years while the administrative machinery has not kept pace. The state has taken over new duties in the field of public health, the regulation of industry, the administration of prisons, the control of public utilities, and many other matters. In each case it has merely set up one more department or bureau or board until the whole organization has become top-heavy. State administration, in other words, is now divided into too many compartments. The other weakness arises from the fact that these various departments are not all responsible to the governor or to any central head. Some officials and boards are appointed; some are elected. Some hold office for long terms, some for short. The governor bears the responsibility for the proper conduct of state administration, yet the work is done by officials who are not required to obey his instructions.[104] He is like a general who is expected to win battles without having officers who will obey his commands. The result is not only a good deal of friction but a waste of time, money, and patience. Several states have felt the need of reforming this condition and have proceeded to make changes in their administrative organization. These changes involve a reduction in the number of departments and the placing of them all under the general control of the governor.[105] In the national administration all departments are responsible to the President. The same principle

ought to be applied in state administration.

Can the system of commission government be applied to the states?

The Proposed Reconstruction of State Government.—The system of state government, as it now stands, is not obtaining satisfactory results. The state legislatures have declined in popular confidence during the past generation; men of inferior quality are frequently elected to them; the work of lawmaking is influenced too much by party considerations; the administrative departments are too numerous in most of the states and often fail to do their work efficiently. State taxes are everywhere going up rapidly and state debts are increasing. Various plans for a radical reconstruction in state government have been proposed in order to remedy these defects. One proposal is that the two-chambered legislature should be abolished and a single small body of representatives put in its place. It is argued that if fewer legislators were elected better men would be chosen and that the process of lawmaking would thereby be improved. Some have even gone so far as to urge that we should establish commission government for states as well as for cities. State government, they argue, has become so complicated that it now needs a smaller number of capable men giving their undivided attention to it. A two-chambered legislature, which meets for a few months every second year, cannot handle the business effectively. Nevertheless the people have become thoroughly accustomed to double-chambered legislatures, and where the proposal to establish a single chamber has been submitted to them (as in Oregon) they have rejected it.

Should the governor's powers be increased?

Another plan proposes the vesting of larger powers in the hands of the governor, giving him the initiative in financial matters and making all the state administrative departments responsible to him. Today the drift is very strongly in this direction. Already, in some states, the governor is a more important factor than the legislature, and this is strangely in contrast with the situation as it was a hundred years or more ago. James Madison, in his time, spoke of the governors as "little more than ciphers" and declared that the legislatures were omnipotent. In our day this has entirely changed, or is changing. The balance of power is steadily swinging from the legislative to the executive branch.

General References

C. A. BEARD, *American Government and Politics*, pp. 428-577; *Ibid.*, *Readings in American Government and Politics*, pp. 391-508;

EVERETT KIMBALL, *State and Municipal Government*, pp. 131-308;

W. B. MUNRO, *Government of the United States*, pp. 389-459;

A. N. HOLCOMBE, *State Government in the United States*, pp. 240-393;

J. T. YOUNG, *The New American Government and Its Work*, pp. 298-341;

WOODROW WILSON, *The State*, pp. 315-336;

P. S. REINSCH, *Readings in American Federal Government*, pp. 222-239;

J. M. MATHEWS, *Principles of American State Administration*, pp. 25-214;

W. W. WILLOUGHBY and LINDSAY ROGERS, *Introduction to the Problem of Government*, pp. 407-429.

Group Problems

1. A revision of your state constitution. Make a tabulation of the more important provisions in your state constitution, under the following heads: 1. Organization of the legislature. 2. Powers of the governor. 3. Relations between the governor and the legislature. 4. Organization of the state departments. 5. Control of state finances. Compare these in parallel columns with the corresponding provisions in the model state constitution of the National Municipal League. Discuss the relative merits of each provision. **References**: National Municipal Review, Vol. IX, No. 11, pp. 711-715, November, 1920. Copies of the state constitution may usually be had on application to the Secretary of State at the State Capitol. The state constitution is also published in the handbook or manual which is supplied to members of the legislature. For general discussions of the subject, see C. G. HAINES and BERTHA H. HAINES, *Principles and Problems of American Government*, pp. 321-338; 423-440; W. B. MUNRO, *Government of the United States*, pp. 522-534; J. M. MATHEWS, *Principles of American State Administration*, pp. 499-516; A. N. HOLCOMBE, *State Government in the United States*, pp. 106-142; Massachusetts Constitutional Convention, 1917-1918, *Bulletins*, Nos. 2, 4, 10, 15, 29 and 35; New York State Constitutional Convention, 1915, *Index Digest of State Constitutions*, *passim*.

2. What we get for our state expenditures. References: United States Bureau of the Census, *Financial Statistics of States* (issued annually since 1918); W. B. MUNRO, *Government of the United States*, pp. 445-472; R. T. ELY, *Taxation in American States and Cities*, pp. 13-24; J. M. MATHEWS, *Principles of American State Administration*, pp. 296-400.

3. Can the procedure in state legislatures be simplified? References: P. S. REINSCH, *American Legislatures and Legislative Methods*, pp. 126-158; H. W. DODDS, *The Procedure of State Legislatures*, pp. 36-62; A. N. HOLCOMBE, *State Government in the United States*, pp. 253-279; H. M. ROBERT, *Rules of Order*, *passim*.

Short Studies

1. **The place of the states in the nation.** W. B. MUNRO, *Government of the United States*, pp. 389-403.

2. **The organization and procedure of constitutional conventions.** Massachusetts Constitutional Convention, 1917-1918, *Bulletins*, No. 1 (The Procedure of Constitutional Conventions).

3. **Committees and committee work in state legislatures.** P. S. REINSCH, *American Legislatures and Legislative Methods*, pp. 159-182.

4. **The growth of executive power in state government.** J. M. MATHEWS, *Principles of American State Administration*, pp. 25-133.

5. **The drift of legislation in recent years.** F. J. STIMSON, *Popular Lawmaking*, pp. 117-123.

6. **Reasons for the popular distrust of state legislatures.** JAMES T. YOUNG, *The New American Government and Its Work*, pp. 643-651.

7. **How state administration has been simplified.** C. G. HAINES and BERTHA M. HAINES, *Principles and Problems of Government*, pp. 323-338.

8. **The government of the Philippines.** DEAN C. WORCESTER, *The Philippines, Past and Present*, Vol. I, pp. 325-407; Vol. II, pp. 768-791.

9. **The appointment and removal of judges.** S. E. BALDWIN, *The American Judiciary*, pp. 311-343; A. M. KALES, *Unpopular Government in the United States*, pp. 225-251.

10. **Plans for the reconstruction of state government.** W. B. MUNRO, *Government of the United States*, pp. 522-534; A. M. KALES, *Unpopular Government in the United States*, pp. 166-180.

Questions

1. The national constitution provides that the United States shall guarantee to each state a *republican* form of government. What does that mean? Would a state government be un-republican if it (*a*) raised the voting age to thirty years; (*b*) abolished the legislature and gave all lawmaking powers to an appointive board of five; (*c*) gave

up the system of trial by jury in the state courts; (*d*) abolished private property?

2. If you were redistributing the respective powers of the national and state governments today where would you place (*a*) marriage and divorce; (*b*) education; (*c*) the regulation of child labor; (*d*) the chartering of banks; (*e*) the punishment of counterfeiting; (*f*) the protection of foreigners in the United States; (*g*) the punishment of persons for lynching; (*h*) the control of the national guard?

3. Go through your state constitution and check off four or five provisions which you think might better be left to be dealt with by the laws.

4. How may your state constitution be amended? What amendments have been made within the last ten years and by which method? Are amendments, in your opinion, too easy or too difficult to make?

5. If every state is entirely free to determine its own form of government why are they all so much alike?

6. Make a list of all the steps in the passage of a law from its introduction in the legislature to its final enactment. Does the governor give any reason when he vetoes a bill? Should he be required to do so?

7. Put each of the following offices at the head of a column and insert under each a list of matters with which the officials have to do: Board of Public Works; Commissioner of Corrections; Public Utilities Commission; Fish and Game Bureau; Board of Labor and Industries; Industrial Accident Board; Department of Social Welfare; Board of Agriculture; Attorney-General; Civil Service Commission.

8. Make a list of all the activities in which your state government is engaged where it acts in the capacity of (*a*) a business man or corporation; (*b*) an arbiter between parties; (*c*) a benevolent agency. In which of these does it meet competition from private individuals?

9. Make a chart showing the organization of the courts in your state, the number of judges in each, and the general jurisdiction of each court.

Topics for Debate

1. The commission plan of government, as it now exists in many cities, should be applied to the states.

2. The United States should not acquire any territory which cannot ultimately be admitted as a state.

3. Which is the better plan of choosing Supreme Court judges: (*a*) appointment for life by the governor (Massachusetts), or, (*b*) election every six years by the people (Illinois)?

CHAPTER XIII
THE NATIONAL CONSTITUTION

The purpose of this chapter is to explain how the constitution was framed, how it has developed, and how it can be changed.

E pluribus unum.

The Achievement of Union.—The greatest achievement of the American people has been the welding of separate states into a single nation. To have brought into a permanent federation thirteen relatively small communities, containing less than four million people in all, may not seem to us to have been a remarkable feat. These thirteen communities had won their independence together in a common war; they were inhabited for the most part by people of the same race, speaking the same language, and accustomed to the same laws. Why should there have been any difficulty in getting them to form a union in order to provide for the common defence and promote the general welfare? Is not unification a natural process?

Well, if the gathering of different states into a single permanent union is an easy matter, why did not the warring cities of Ancient Greece unite? Why did they persist in their disunion, and through disunion ultimately fall a prey to their common

enemy? The whole of Attica was smaller than the single state of South Carolina. Why did not the various states of Central America, or of South America, form a union after they had won their independence from Spain? How different the history of these Latin-American countries would have been during the past hundred years if they had established a federal union like that of the United States!

The forming of the American union was not an easy task. It was brought about by dint of hard work, patience, a rare display of public spirit on the part of the leaders in the several states, and the common sense of the masses of the people. If the men and women of 1787 had regarded themselves alone and given no thought to posterity; if they had placed the immediate interests of the individual states above the ultimate well-being of the whole; if they had allowed themselves to be moved by prejudice rather than by patriotism, the American union would not have been formed.

Obstacles in the way of union.

Why the Task was Difficult.—The thirteen colonies were founded independently. Some of them grew out of trading-company operations. Others were founded by men and women who left their homes in the old country to escape religious persecution. Others, again, owed their beginnings to wealthy men who obtained large grants of land from the English crown in order to establish settlements. Founded in different ways, these various colonies had from the outset very little community of interest. Each had its own government and these governments differed somewhat from one another. The people did not travel about from one colony to another, for transportation was crude and traveling was difficult.

From Massachusetts to Georgia seemed a much longer distance in 1787 than a journey across the entire continent seems today. Each colony, moreover, was primarily interested in its own problems and gave little thought to outside affairs except when dangers threatened. It is true that the colonies also had some things in common, but the forces which tended to keep them apart were far stronger than those which tended to bring them together.

Early attempts at federation.

For this reason the first attempts at union resulted in no permanent federation. As early as 1643 the four principal New England settlements united themselves into a league of friendship known as the New England Federation, but this union went out of existence after the danger of Indian attacks had passed away. William Penn, in 1696, proposed a general union of all the colonies but nothing came of his suggestion. At various times during the next sixty years conferences were called and the matter discussed, the most important being the Albany Congress of 1754, at which a plan of union was framed in detail. Local jealousies, however, always proved too strong until the impending quarrel with the mother country showed the necessity of united action.

The Revolution as a unifying force.

How the War paved the Way for Union.—The attempt of the English government to tax the colonies without their consent brought home to them, for the first time, the fact that they were all in the same boat. If they should attempt to resist these taxes individually, they would be coerced one by

one. For this reason they hastened to consult with one another and in due course sent delegates to a Continental Congress which handled the common interests of the colonies during the war. The stress and strain of the war made unity essential for the time being, but it did not produce an organic union. The colonies were united in declaring their independence, but this declaration did not create a union of new states.

The Declaration of Independence.—The Declaration of Independence is one of the most famous documents in all history. Drawn by Thomas Jefferson it is at once a statement of political principles and a recital of the colonial grievances. Four outstanding political principles are set forth in the following words:

> "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness."
>
> "That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."
>
> "That whenever any form of government becomes destructive to these ends, it is the right of the people to alter or abolish it."
>
> "That governments long established should not be changed for light or transient causes."

Importance of the Declaration.

The Declaration of Independence is not the law of the land and never has been; its text is not legally binding upon Congress, the legislatures, or the courts. It is an assertion of fundamental principles. It did not create a united nation, save in sentiment. By

the declaration thirteen new sovereign states were established, each with the right to determine its own form of government. From a governmental standpoint these thirteen communities were less united after the declaration than they had been before it. Prior to 1776 there had been a single sovereign; after that date there were thirteen. But although the Declaration of Independence did not make any provision for the union of the several states it is none the less an immortal document because it boldly asserted principles that were new to the world. In 1776 there was very little democracy anywhere. The four truths above mentioned are commonplace today; but one hundred and fifty years ago they were a challenge to revolution in all despotic countries. In our time the greater part of the civilized world has come to accept them as the only sound basis of democratic government. The declaration, therefore, is not merely a landmark in the history of American democracy; it marks the beginning of a great epoch in the history of human freedom.

The Articles of Confederation.—Having given their pledge to common principles and having stood shoulder to shoulder through the dark hours of a hard-fought war, it might be thought that these thirteen states would have seen clearly the wisdom of welding themselves into a single, united nation. But they were not yet ready to drop their jealousies or abate their zeal for individual independence. The best they were willing to do, for the time being, was to give their assent to a plan for a loose confederation, something that was little better than an offensive and defensive alliance. Provisions of the articles. This plan, drawn up by the Continental Congress in 1777, was embodied in the Articles of

Confederation and sent to the several states to be ratified. It met with very little enthusiasm, and not until 1781 was it accepted by all the states. In truth, these Articles did not deserve much enthusiasm, for they provided an unworkable form of federal government. A Congress composed of a single chamber made up of delegates from the states was the sole organ of the Confederation. No provision was made for an executive or for a system of courts. In the Congress of the Confederation all the states, large and small, were given equal voting powers; the delegates were appointed by the states, paid by the states, and subject to recall at any time by the states. The people, as such, were given no direct share in the government; on the other hand the central government could not deal directly with the people, it could act only through the states.

Weakness of the Confederation.

The states were so jealous of their own sovereignty and independence that they withheld from the government of the Confederation most of the essential powers which a government must have in order to do its work. They gave it no power to tax and hence no certain means of procuring a revenue. They gave it no power to borrow money save with the assent of nine states. They gave it no power to regulate trade. The Articles of Confederation, although drawn and adopted in the midst of a war, gave the Congress no power to summon men into the army. When it needed troops it could only call upon the states to supply them. Sometimes the states responded to these calls, but more often they did not, and in the latter case the Congress had no way of enforcing its demands for men. Under the circumstances it is amazing that the government of

the Confederation managed to carry on the war and bring it to a successful conclusion.

The critical period.

The Drift to Anarchy after the War.—Despite the utter weakness of the Confederation the war continued to be a unifying force so long as it lasted. In the face of a common danger and with a common goal ahead of them the states kept their jealousies in the background. But as soon as the war was over the bickerings began in earnest. Each state began to look upon its own interests as the thing of greatest importance; each sought to gain advantages at the expense of its neighbors. Each was at liberty to impose its own tariff and to regulate trade at its own ports. So they began to quarrel among themselves over trading privileges and over disputed boundaries until a civil war seemed to be quite within the bounds of possibility.

Impotence of the Congress.

Why did not the Congress of the Confederation intervene to prevent this drift to anarchy? The Congress would gladly have done so but it had no power. It had no authority to intervene in disputes between the states, or even to prevent war among them. It had no army of its own, no money to raise an army. Some of the states, now that the war was over, took so little interest in the Confederation that they stopped sending delegates to the Congress altogether. Time and again it was found impossible to get a quorum in order to do business. The utter weakness of the Congress was tragically displayed in 1783 when it was driven out of its quarters at Philadelphia by a mob of soldiers clamoring for their pay.

The economic

disorder.

The whole country was in a bad way. During the war a huge debt had been created, and Congress now found itself with no money to pay interest on it. Millions in paper money had been issued, but nowhere was there any gold to redeem them. Prices had been high during the war, as prices always are during war time. When the war ended there was a general fall in prices with the result that the farmers got less for their products and became discontented. Farmers, in those days, formed ninety per cent of the population and they completely controlled the legislatures of the various states. They clamored for relief from the effects of the decline in prices, called for the issue of more paper money, for high tariffs, and for measures that would lessen the burden of mortgages on their lands. In some of the states there was open rioting and disorder. These years have been well called the "critical period" of American history. It looked for a time as though independence was to be merely a prelude to anarchy.

The leaders in despair.

No wonder the leaders of the people were discouraged and alarmed. Washington was in despair. "I am mortified beyond expression", he wrote, "when I view the clouds that have spread over the brightest morn that ever dawned upon any country.... I am lost in amazement when I behold what intrigue, ignorance, and jealousy are capable of effecting.... It is but the other day that we were shedding our blood to obtain the constitutions under which we now live—constitutions of our own choice and making—and now we are unsheathing the sword to overturn them.... What a triumph for the advocates of despotism to find that we are incapable

of governing ourselves!" These are bitter words, but the condition of the country quite justified them. Sensible men in all the states shared this alarm and felt that what had been won during the war might easily be lost, for if the states should fall to fighting among themselves, it would be very easy for Europe to take a hand in the fray and divide the spoils. The fate of Poland was fresh in the minds of those who had read history.

A Constitutional Convention called.

The Triumph of Public Spirit over Selfishness.—But presently there came a rift in the clouds. The four million people who formed the population of the thirteen states, despite their sectional prejudices, were possessed of common sense and patriotism. They were blessed, moreover, with as fine a group of leaders as ever carried a young nation through troublous years. Washington, Jefferson, Franklin, Madison, Hamilton, and the others of this notable galaxy held different views as to the best means of bringing order out of chaos; but they were ready, when the time came, to sink these personal differences in order that some effective form of central government might be established. They lent the weight of their great influence, therefore, to a movement for revising the Articles of Confederation in such a way that a better union of the thirteen states might be achieved. In truth it was a difficult task to induce the states to move towards unity, for they were all headed in exactly the opposite direction. But by the exercise of tact and patience, and after discouraging delays, twelve of the states finally sent delegates to a convention that was called to meet at Philadelphia in 1787 to see what could be done. If the states had been asked to join in the

making of an entirely new constitution and the establishing of a real federal union, there is no doubt that some of them would have declined. The convention was called to consider changes in the Articles of Confederation. But when the delegates set to work they soon found that no patchwork performance would ever solve the problem of welding the American people into a unified nation. So they proceeded to make an entirely new covenant containing provision for a real central government endowed with adequate powers.

The Constitutional Convention: Its Members.—In the convention there were fifty-five delegates representing twelve states. Some states sent six or seven delegates; others only two or three. The number did not matter much, for each state had one vote on all questions. The delegates were never all present at any one time; some of them came and soon went away; others kept coming and going; but the majority stayed right through the summer and attended the meetings regularly. The convention met in the old brick state house in Philadelphia, the building in which the Declaration of Independence had been signed eleven years before. It met behind closed doors and the delegates agreed that they would not tell what was going on. Day after day, from May to September, they wrestled with the problem of framing a new constitution and although their differences of opinion often seemed impossible to adjust, the convention finally managed to draft a document which a majority of the delegates were willing to sign.

WASHINGTON AT THE CONSTITUTIONAL CONVENTION OF 1787

By Violet Oakley

This picture is in the Pennsylvania State Capitol at Harrisburg.

It portrays the Fathers of the Republic at their great work of framing the national constitution. Washington, the presiding officer of the convention, is appealing to his colleagues with the notable words which encircle the top of the picture. Around and below him are Benjamin Franklin, James Madison, William Paterson, James Dickinson, Edmund Randolph, Robert Morris, and Gouverneur Morris, all of them in quaint costumes of the later eighteenth century.

The picture is symbolic of America's great aspiration—Let us raise a standard to which the honest can repair!



WASHINGTON AT THE CONSTITUTIONAL CONVENTION.

By Violet Oakley

Copyright by Violet Oakley. From a Copley Print, copyright by Curtis & Cameron, Boston. Reproduced by permission.

The Fathers of the Republic.

The men who took a prominent part in this convention performed a service of such value and permanence that their names can never be forgotten. Washington, who headed the delegation from Virginia, was chosen by the convention to be its presiding officer. This debarred him from taking an active part in the discussions on the floor, but his great personal influence was on many occasions

exerted in the interests of harmony. Benjamin Franklin, the wisest man of his time, was the senior member of the Pennsylvania delegation. His broad knowledge of men and affairs, gained through a long life of more than eighty years, made him one of the most valuable members. Then there was James Madison, still a young man but already a thorough scholar in matters of government. Among all the delegates Madison ranked first in point of active helpfulness and fully earned the distinction which posterity has given him as the Father of the Constitution. Alexander Hamilton, of New York, young and brilliant, with plenty of imagination and strong political opinions, was the orator of the convention; but oratory did not carry far with the delegates. They listened with rapt attention to Hamilton's impassioned speeches and applauded him generously at the end; but when the question was put to a vote he sometimes got nobody's vote but his own. Arguments counted for more than eloquence in this gathering. Among the delegates of ability and prominence were Robert Morris and James Wilson, of Pennsylvania, the former a wizard in financial matters, the latter a hard-headed Scotchman of great political sense; Roger Sherman, the shoemaker-statesman, of Connecticut; the two Pinckneys, of South Carolina, John Dickinson, of Delaware, and a dozen others whose names were known throughout the nation in their day. They were not all of the same mind on political questions, not by any means; some were conservative and some were radical; some looked far into the future and others only to the needs of the hour; some were always willing to compromise and others were not ready to compromise at all; but taken as a whole they formed an able, well-balanced group of men, fairly reflecting

the intelligence and patriotism of their time.[106]

The obstacles and the compromises.

How the Convention Solved its Difficulties.—In a body made up of men who held such widely-differing opinions it was inevitable that bitter controversies should arise. And that is what happened. Delegates from the smaller states disagreed with the delegates from the larger states on the question whether, under the new constitution, the voting power of the states should be equal, as it had been under the Articles of Confederation. Delegates from the North clashed with delegates from the South on the question of giving the new government power to regulate trade; for the South did not want export taxes placed upon tobacco, cotton, and the other plantation staples. The divergence of opinion was often very wide, and on one occasion the convention almost broke off its proceedings because there seemed to be no hope that any agreement could be reached. But patience and public spirit finally prevailed on all points and by means of one compromise after another the convention managed to finish its work without splitting its ranks wide open.[107]

The constitution drafted.

When all the main features had been agreed upon they were put together into a constitution which thirty-nine of the delegates were willing to sign. Of the others, some were absent; some refused to put their names to it. Even among those who signed it there were many who did so without the least enthusiasm. The provisions of the new constitution were not what any individual delegate wanted, but merely what a majority could be induced to agree

upon. What influenced the delegates most of all was the fact that everyone knew the existing situation to be bad; the new constitution, whatever its defects, was sure to be an improvement. The immediate thing was to get the states headed towards the center and not towards the circumference of a circle. This being accomplished, the leaders of the convention believed the future might be trusted to take care of itself. It was in this broad and patriotic spirit that thirty-nine men appended their names to what the English statesman, Gladstone, once called "the greatest achievement ever struck off in a given time by the hand and brain of man",—the constitution of the United States.

Ratification by the states.

The Final Step.—But by signing their names to this document the members of the convention did not make it the law of the land. Before the constitution could go into force it must be submitted to the states and adopted by them. And there was grave danger that several of the states would reject it. Public sentiment seemed to be about evenly divided; the small farmers were largely opposed to accepting the new government, while the people of the towns and the large property-owners were in favor of it. The Federalist. Some of those who had been leaders in the convention, notably Hamilton and Madison, organized a campaign to influence public opinion in favor of the new constitution, in the course of which they wrote numerous letters to the newspapers explaining and defending the various provisions. These letters were subsequently compiled into book form and published under the title of *The Federalist*. Even today they form an admirable exposition of what the various provisions of the

constitution express and imply. In the end the campaign for ratification was successful and notwithstanding strong opposition in some of the states all were finally induced to accept the constitution. This being accomplished the Congress of the Confederation dissolved and in 1789 the new federal government came into office with New York City as the temporary capital.[108]

A notable document.

The Constitution as a Whole.—The constitution of the United States as framed by the convention is a relatively short document. It is printed in the back of this book and can be read in about twenty minutes. It is the oldest and the shortest among republican constitutions in the great countries of the world. Napoleon Bonaparte once said that a good constitution should be "short and obscure", short, so that people would not have to waste time in reading it, and obscure so that rulers could interpret it in any way they chose. The constitution of the United States fulfils the first of Napoleon's requirements but not the second. It is a remarkably clear document, well-arranged, saying in a few words exactly what it means, and couched in admirable English. Let anyone read the first six lines of it, for example, and see if he can put the purposes of a free government into fewer and more telling words. It is the supreme law of the land, the last word on all questions of American government. No one can claim to know how the affairs of the United States are administered without mastering, at least in a general way, the contents of the constitution.

Factors in the development of the constitution:

How the Constitution has Developed.—But the constitution today is not what it was a hundred and twenty-odd years ago. Were that the case, it would be sadly out of touch with the needs of the nation. To be satisfactory a constitution must be capable of steady expansion and development; it must be able to keep step with political, social, and economic progress. This the constitution of the United States has been able to do through various agencies of development, usage, judicial interpretation, and amendment. Established for thirteen states containing four million people it has been expanded to cover the needs of nearly four times as many states and more than twenty-five times as many people. Framed in days of stage coaches and sailing ships, hand-industry and primitive methods of agriculture, it has carried through into the days of airships and tractors, giant factories and miracles of industry. It is endowed with dynamic qualities.

1. Usage.

Let us look a little more closely at these agencies of development. Usage is one of them. Alongside the written document there have grown up many practices which have practically the strength of written provisions. Take the method of electing the President, for example. Indirect election is provided in the constitution; by usage the election has become direct. The constitution provides that the President shall make appointments with the "advice and consent" of the Senate; but as a matter of usage its advice is never asked and its consent, in some cases, is never refused (see p. 298). The constitution says not a word about the Cabinet, but by usage a Cabinet system has grown up in the United States as in England. Nor does it say a word about political parties, nevertheless usage has given them a large

part in government. These illustrations could be multiplied. Why does no President seek a third term? Why does a President usually consult individual representatives before making local appointments? Why are non-residents in a congressional district practically never elected to represent it? Usage answers these and many other questions.

2. Interpretation.

The constitution has also been modified by decisions of the courts. The courts cannot change a single word in the constitution; they merely interpret its meaning. Their function is **jus dicere, non dare** (to interpret the law, not to make it), as the saying goes. But the fact remains that changes in the meaning of words are equivalent for all practical purposes to changes in the words themselves. The Supreme Court, in a long series of decisions, has greatly expanded the powers of the national government by the interpretation of words and clauses in the written constitution. It has decided that the power to borrow money includes the power to establish banks, that the power to regulate commerce includes the power to fix railroad rates, that the power to establish post-offices includes the power to punish those who use the mails for a fraudulent purpose, and so on. It has been the function of the court to make the words spell out new meanings to fit new situations. One cannot today obtain an adequate knowledge of what these words and phrases mean by merely reading the document; it is necessary to go through the decisions of the Supreme Court and find out just how this great tribunal has interpreted them.

3. Statutes.

The constitution has been developed by law. Many things were left in general terms in order that the

details might be settled by Congress or by the state legislature. Nothing is said in the constitution about the organization or procedure of the federal courts. All this has been built up by laws. Nor is anything said about the method of nominating congressmen, or the form of the ballot, or the duties of election officials. That, too, is arranged by law. Much of what we call the machinery of American government today rests upon ordinary laws which can be changed by Congress or the state legislatures at any time.

4. Amendments.

Finally, the constitution can be changed, and on nineteen matters has been changed by amending it. The constitution provides four possible methods of making and ratifying amendments,—two of initiating and two of ratifying. These various ways are stated in the document (Article V) more briefly and more clearly than they can be recapitulated here. But every one of the amendments thus far made has been proposed and adopted in one and the same way, namely, proposal by Congress and ratification by three-fourths of the state legislatures. Method of making amendments. The other plan of proposing amendments, that is by calling a constitutional convention, would open the gates for a general revision or for the submission of an entirely new constitution, which is something that public opinion has not yet seemed to favor. If, however, Congress should at any time endeavor to thwart the will of the people by declining to propose an amendment strongly demanded by public opinion its hand could be forced by resort to the convention method.

Nature of the nineteen amendments.

The Nineteen Amendments.—Of the nineteen amendments which have been made since the constitution went into force, the first ten were added in 1791. When the convention of 1787 finished its work and sent the document to the states for their approval there was a chorus of protest because no Bill of Rights had been included. “Where are there in this document”, the objectors cried out, “any provisions guaranteeing us free speech, trial by jury, freedom of the press, and the other securities against oppression?” The reply was that the people needed no guarantees against their own government but only against governments imposed upon them from outside. But this explanation did not satisfy, and assurance was given that if the constitution were adopted in its original form a Bill of Rights would be added. The first ten amendments represent the keeping of that pledge. The last of these amendments is of particular importance in explicitly proclaiming that all powers not given to the national government by the constitution, or prohibited to the states, are reserved to the states, respectively, and to the people.

The latest nine amendments require little comment although some are of great importance. Three of them, the thirteenth, fourteenth, and fifteenth, were needed to make permanent the results of the Civil War. One of these, the fourteenth, contains provisions, relating to the rights of citizens, which have been given a wide application and have been the cause of a great deal of litigation before the Supreme Court. Intended to protect the negro they have been used, in large measure, to secure for business corporations the equal protection of the laws. As for the negro he has gained very little from amendments which were primarily made for his

benefit. The fifteenth amendment was intended to secure him the right to vote; but in many of the states it has not succeeded in doing so. The two latest amendments, namely, the eighteenth, which established national prohibition, and the nineteenth, which provides for woman suffrage, have both been ratified since the World War.

Twenty years ago it was commonly urged that the process of amending the constitution ought to be made easier. It was pointed out in those days that no amendment had been made for more than a generation. But the adoption of four amendments during the past ten years seems to indicate that when the people demand an amendment the process of getting it is not too difficult. In each of these instances there was a strong popular demand.

Why Men Honor the Constitution.—Americans have a great respect for the constitution of their country even though many of them would like to see some changes made in it. And why should they not honor it? Its reign has been long in the land. No king ever ruled his people so long or kept faith with them so well. Under it the country has waxed great and prosperous; the government which it established has become increasingly democratic in form and in spirit; it has grown strong enough to protect its citizens at home and abroad, and it has become the model upon which several other governments of the world have been patterned.

It is easy enough to pick flaws in the constitution of the United States—or in the constitution of any country for that matter—but where are the Washingtons, Madisons, and Hamiltons of today whom we would trust with the task of making a better one? During the past few years a dozen countries of the world have framed new republican

constitutions,—Germany, Austria, Poland, Czecho-Slovakia, and so on. They have had the experience of an additional century to draw upon and the combined political wisdom of the world at their disposal. Is there any constitution in this list which the rank and file of the American people would prefer to their own? You can pick a line out of Shakespeare, here and there, and improve upon it. But when it comes to improving upon the whole of Shakespeare's work,—ah, that is quite a different proposition.

General References

JAMES BRYCE, *The American Commonwealth*, Vol. I, pp. 15-31; 360-410 (Abridged Edition, pp. 224-284);

CHARLES A. BEARD, *American Government and Politics*, 3d edition, pp. 1-77; *Ibid.*, *Readings in American Government and Politics*, pp. 1-69; *Ibid.*, *History of the United States*, pp. 139-161;

EVERETT KIMBALL, *National Government of the United States*, pp. 1-46;

W. B. MUNRO, *The Government of the United States*, pp. 1-70; *Ibid.*, *Selections from the Federalist*, pp. 1-17; 56-86;

MAX FARRAND, *The Framing of the Constitution of the United States*, especially pp. 42-67.

Group Problems

1. The means of securing co-operation among states and men as illustrated by the American government before, during, and after the Revolution. The obstacles to union. The cohesive forces. The influence and nature of leadership. Historical analogies in other parts of the world. The problem of forming a league of states compared with that of forming a league of nations. **References**: WOODROW WILSON, *The State*, pp. 267-298; JOHN FISKE, *The Critical Period*, pp. 50-89; MAX FARRAND, *The Framing of the Constitution*, pp. 65-112; A. C. MCLAUGHLIN, *Confederation and the Constitution*, pp. 35-52.

2. The Declaration of Independence: its origin, its

importance, and an analysis of its political principles. References: C. H. VAN TYNE, *The American Revolution*, pp. 50-87; JOHN FISKE, *The American Revolution*, Vol. I, pp. 147-197; *The Madison Papers*, Vol. I, pp. 19-27; H. FRIEDENWALD, *The Declaration of Independence, an Interpretation and Analysis*, pp. 121-151.

3. From what sources did the framers of the constitution borrow their ideas? References: C. E. STEVENS, *The Sources of the Constitution*, pp. 35-116; J. H. ROBINSON, *The Original and Derived Features of the Constitution*, pp. 203-210; S. G. FISHER, *The Evolution of the Constitution*, pp. 11-25.

4. How the constitution has developed. References: JAMES BRYCE, *The American Commonwealth*, Vol. I, pp. 360-410; W. B. MUNRO, *Government of the United States*, pp. 57-70; C. G. TIEDEMAN, *The Unwritten Constitution of the United States*, pp. 16-53.

Short Studies

1. **The spirit of America.** WOODROW WILSON, *History of the American People*, Vol. II, pp. 98-126.

2. **How England controlled the Colonies.** G. C. LEWIS, *The Government of Dependencies*, pp. 189-240.

3. **The New England Confederation.** EDWARD CHANNING, *History of the United States*, Vol. I, pp. 414-436.

4. **The Stamp Act.** EDWARD CHANNING, *History of the United States*, Vol. III, pp. 46-79.

5. **The Articles of Confederation.** C. H. VAN TYNE, *The American Revolution*, pp. 175-202.

6. **The weakness of the Confederation.** JOHN FISKE, *The Critical Period of American History*, pp. 90-133.

7. **The personnel of the constitutional convention.** MAX FARRAND, *The Framing of the Constitution of the United States*, pp. 14-41.

8. **The difficulties which confronted the convention.** *The Federalist*, No. XXXVI; (in W. B. MUNRO, *Selections from the Federalist*, pp. 109-116; also in C. A. BEARD, *Readings on American Government and Politics*, pp. 44-47).

9. **Contemporary objections to the constitution.** A. C. MCLAUGHLIN, *Confederation and the Constitution*, pp.

277-281; 287-288; P. L. FORD, *Pamphlets on the Constitution of the United States*, especially pp. 3-23.

10. **The political ideas of the Fathers.** H. J. FORD, *Rise and Growth of American Politics*, pp. 17-34.

11. **Outstanding features of the constitution as a document.** W. B. MUNRO, *Government of the United States*, pp. 44-56.

12 **How amendments are made.** C. A. BEARD, *Readings in American Government and Politics*, pp. 56-61.

Questions

1. Show how the form of government established by England in the American colonies compares with the form of government maintained by the United States in Alaska, Hawaii, and Porto Rico today.

2. In what respects did the colonies differ from one another and in what respects were they pretty much alike?

3. Make a critical examination of the four great political principles enunciated in the Declaration of Independence. How would you apply them today in the case of (*a*) Ireland; (*b*) the Philippines; (*c*) India?

4. Name the chief weaknesses of the Confederation.

5. Who is commonly called the "Father of the Constitution"? Does he deserve this title, and if so, why?

6. Read the constitution carefully and then answer the following questions, "yes" or "no," pointing out the provision on which you base your answer: (*a*) Must the Vice President be a natural-born citizen? (*b*) May an American citizen accept a foreign order of nobility? (*c*) May any one who is not a citizen vote at presidential elections? (*d*) May Congress pass a law impairing the obligations of contracts? (*e*) May the President and Vice President both be residents of the same state? (*f*) May the President pardon a person convicted of treason? May he pardon a federal official convicted of bribery?

7. What did you find in the constitution that you did not expect to find there? What did you expect and fail to find? What seems to you to be the most important section of the whole document?

8. Explain the procedure by which the constitution may

be amended. Classify the nineteen amendments into four groups and give a general title to each group.

9. Give some examples of constitutional development (*a*) by law; (*b*) by usage; (*c*) by judicial interpretation.

10. If we were to revise the entire constitution today what changes would probably be made?

Topics for Debate

1. A national convention should be called to revise the constitution.

2. The process of amending the constitution should be made easier.

CHAPTER XIV
CONGRESS AT WORK

The purpose of this chapter is to explain how the nation's laws are made.

The reason for two chambers:

Congress.—The lawmaking branch of the national government is made up of two chambers, the Senate and the House of Representatives. The Congress of the Confederation consisted of one chamber only; but the members of the constitutional convention were strongly impressed with the desirability of establishing a bicameral legislative body. There is a story that Thomas Jefferson, who believed a single chamber to be sufficient, was engaged in a friendly argument with Washington on this matter shortly after the constitution had been completed. The two were taking tea together and Jefferson, following a common practice of the time, poured some of his tea from his cup into the saucer. "Why do you do that?" asked the Father of his Country. "To cool it", replied Jefferson. "Quite so", added Washington, "and the Senate is to be the saucer into which the laws which come hot from the House of Representatives will be poured to cool." That story may or may not be true; but it gives a clue to the principal reason why there

are two branches of Congress instead of one. There is some significance, moreover, in the fact that every state of the Union, and every foreign country, has a legislature or parliament of two chambers.

1. To provide a safeguard.

The bicameral system is commonly justified on two grounds. In the first place, it is believed to afford a safeguard against hasty and unwise legislation. A single chamber might be moved by a passing wave of prejudice or enthusiasm to take action without sufficient reflection. When all measures have to be considered by two legislative bodies, this danger is not nearly so great. One chamber serves as a check on the other. 2. To permit two types of representation. A second reason is found in the desirability of having the lawmakers chosen in different ways, some by small districts and some by large districts, some for long terms and some for short terms. A good lawmaking body should be thoroughly representative; it should represent the whole country and all parts of the country; it should be kept in close touch with public opinion by frequent elections, but the entire body of lawmakers ought not to be changed at short intervals, for there would then be no steadiness of policy. The framers of the constitution tried to meet all these requirements by providing for a Senate, whose members should be chosen by the states for six-year terms, and a House of Representatives, made up of members elected by the people every two years.[109] The former represents the states on a basis of equality; the other affords them representation according to their respective populations.

Method of choosing senators.

The Senate: Its Organization.—In the constitution, as originally adopted, it was provided that each state should have two senators, elected "by the legislature thereof". For more than a hundred years that method of election was followed. The two houses of the state legislature chose the senators. But this plan became unpopular and in 1913 the constitution was amended to provide that the senators should be chosen in each state by popular vote. The term remains fixed at six years, but one-third of the senators retire every second year.[110] Every state, large or small, has two senators. Nevada, with only 80,000 population has equal representation in the Senate with New York, which has above ten million people. Proportionally, New York ought to have about two hundred and fifty senators. This may seem to be unfair to the larger states, but it was a necessary concession to the smaller states at the time the union was formed. The principle of equality. Population, moreover, is not the only thing that should be taken into consideration. A state may be large in area, with great natural resources and a splendid future before it, and yet be very thinly settled. The Senate was created to represent the states as such, and all the states are equal in rights, if they are not equal in area or population. At any rate the provision for equal representation is in the constitution and if you read the provision, you will see that it cannot be easily changed (Article V, last clause).

The Senate's procedure.

The Senate holds regular sessions each year at Washington. It may be called in special session, even when the House of Representatives is not sitting. This is because the Senate has some special powers

apart from those which it shares equally with the lower house. It makes its own rules of procedure, decides any disputes as to the qualifications of its own members, and has power, by a two-thirds vote, to expel any senator from its membership. Most of the Senate's routine work is done by committees, the members of which are assigned every second year by an unofficial "Committee on Committees" subject to the approval of the whole chamber. There are about thirty of these committees, but many of them are of small importance. The more important are those which deal with revenue measures, appropriations, foreign relations, and interstate commerce. Each committee has its own chairman.

The Senate: Its Exclusive Powers.—The Senate has three special powers in which the House of Representatives possesses no share. These powers relate to impeachments, the confirming of appointments, and the ratification of treaties.

1. Trial of impeachments.

The Senate, as the constitution declares, has "the sole power to try all impeachments". The procedure known as impeachment is of English origin and goes back to mediaeval times when the only way of holding a king to account was to impeach and punish his advisors. The framers of the American constitution regarded impeachment as a useful means of checking any arbitrary use of executive power and they, therefore, made provision that "the President, Vice President, and all civil officers of the United States" should be subject to impeachment before the Senate in case of wrong-doing. The term "civil officers" includes members of the cabinet, judges, ambassadors, even postmasters; but it does not include the members of either branch of

Congress nor, of course, does it include either state or local officeholders. Civil officers of the United States can be impeached only for “treason, bribery, or other high crimes and misdemeanors”; and if convicted can be punished only to the extent of being removed from office as well as disqualified from ever holding any federal position again. They cannot be put to death, or imprisoned, or fined.

When it is desired to impeach any civil officer, the charges against him are laid before the Senate by the House of Representatives. The Senate sets a date for hearing the case; the evidence is presented; and the Senate then frames its verdict behind closed doors. [111] A two-thirds majority is necessary for a conviction.[112]

2. Confirmation of appointments.

All the more important appointments made by the President require the confirmation of the Senate. The President sends to the presiding officer of the Senate the names of his proposed appointees and the Senate thereupon refers them to the appropriate committees for consideration. When the committees make their report the Senate then votes to confirm or reject. A bare majority, not a two-thirds vote, suffices. Rejections take place at times, but the great majority of the President’s nominations are confirmed without delay. The Senate understands that the chief responsibility for selecting federal officers rests with the executive branch of the government and that confirmation should not be refused without good reason. There is, however, a practice known as “senatorial courtesy”, which has frequently led to the rejection of names proposed by the President. According to this custom the Senate will not confirm the appointment of any local officer, such as

postmaster or internal revenue officer, unless the person named for the appointment is satisfactory to the senator or senators from the state concerned, provided, of course, that these senators are of the same political party as the President himself. Or, to put it more concretely, if a Republican President nominates as internal revenue officer at Philadelphia someone who is not approved by the Republican Senators from Pennsylvania, the Republican majority in the Senate will not permit the appointment to be confirmed. This unwritten rule of senatorial courtesy has been enforced at some times and not at others. Some presidents have been able to persuade the Senate to disregard it; but in general it is a custom which ties the hands of all presidents to a considerable extent. When the Senate is not in session, the President is free to make appointments at his own discretion. These are known as "recess appointments" and are temporary only. If the Senate, at its next session, fails to confirm them, these recess appointments lapse and the appointees get no pay for the time they may have served.

3. Ratification of treaties.

All treaties between the United States and other countries must be approved by a two-thirds vote of the Senate before they can go into effect. This gives the Senate an important influence in the control and direction of foreign affairs because the relations between the United States and other countries are fixed, to a considerable extent, by treaties. The whole subject of treaties and foreign relations is so complicated, however, that it may best be reserved for study in a later chapter.

Powers which are jointly exercised with the House.

The Senate: Its Concurrent Powers.—In all other matters, apart from impeachments, appointments, and treaties, the Senate has concurrent power with the House of Representatives. There is a provision in the constitution to the effect that all bills for raising revenue must "originate" in the House of Representatives, but that the Senate may amend such bills as it pleases. This is a partial reproduction of an ancient rule in the unwritten constitution of Great Britain which gives the House of Commons the initiative in all financial matters. By usage, also, all bills for spending money originate in the lower house. But the Senate, as a practical matter, uses its amending power so freely that it can virtually originate measures of either sort whenever it desires to do so. When a bill comes up from the lower chamber it can strike out virtually the whole measure, put a new bill in its place, and send this back to the House of Representatives. In matters which do not relate to revenue or expenditure the powers of the two chambers are precisely the same both in theory and in practice.

How the size of the House is determined.

The House of Representatives: Its Organization.—The House of Representatives is nearly five times as large as the Senate, having 435 members at the present time. It is much too large for the effective debating of measures.[113] Every ten years, after the population of each state has been determined by the census bureau, Congress by law fixes the total membership of the House for the ensuing decade. Dividing this figure into the total population of the country gives a "ratio of representation", that is the uniform quota of population which is entitled to one

representative. For example, if the population of the country is one hundred millions and the membership of the House is fixed at 400, the ratio would be one representative for every 250,000 people. Having found this ratio, it is a simple matter to determine how many representatives each state shall have. New York, with ten million people, would be allotted forty congressmen; Maine, with seven hundred and fifty thousand people, would get only three. Nevada, Wyoming and Delaware would not get any, if the ratio were strictly applied, but the constitution requires that every state, no matter what its population, shall be given at least one representative in the House. When the quota to which each state is entitled has been figured the several states proceed, through their legislatures, to lay out congressional districts and from each such district one congressman is chosen at the next election.

Congressional districts.

This work of "redistricting" the state gave rise at an early date to a practice commonly known as "gerrymandering".[114] The national laws require that all congressional districts within a state shall be approximately equal in population and that they shall be composed of contiguous territory. Apart from these restrictions, the state legislatures are free to map out the districts as they see fit and they do this, very frequently, with an eye to gaining advantage for the political party which happens to control the legislature. By adding one county or town and taking off another, always with party motives in mind, it is possible to "gerrymander" a district into such form that the candidate of the favored party will have an advantage over his opponent. True enough, these gerrymandered congressional districts,

when drawn on the map, often look like a lizard or a starfish, but there is nothing in the constitution or the laws of the United States which requires congressional districts to be uniform in shape.

The method of choosing congressmen.

How Representatives are Chosen.—Every second year elections are held in all the congressional districts of the country and one congressman is chosen from each. Each state determines how the nominations are made and is responsible for conducting the election. The qualifications for voting are the same as those established at state elections. There is no legal requirement that a representative must be a resident of the district which elects him; it is enough that he be a resident of the state in which the district is located. But as a matter of practice congressmen are nearly always residents of their districts. American usage in this respect differs from that of some other countries, particularly Great Britain, where members of the House of Commons are frequently chosen from districts in which they do not reside. The residence requirement. The advantage of this plan is that a capable statesman can secure a seat in the lawmaking body even though his own home district may be one which the opposite party controls. In the United States, on the other hand, if a capable man belonging to the Democratic party happens to live in a strongly Republican district, there is practically no chance of his ever being a member of the national House of Representatives no matter how strong his personal qualifications may be. One congressional district, moreover, especially in the residential portion of a large city, may have many capable men living in it. But only one of them,

under American usage, can sit in the House. The argument that, in order to know the needs of his district, a congressman must actually live in it, is on everyone's tongue, but it deserves no considerable weight. The first duty of a congressman is to promote the interests of the whole people and not merely those of his own district.

The Speaker and the Committees.—The House of Representatives elects its own presiding officer, who is known as the Speaker. He has general charge of the proceedings and until a few years ago appointed all the committees. All questions of procedure are decided by him and he determines which member of the House shall be "recognized", that is, permitted to speak, when several members desire to have the floor. The Speaker is always a prominent member of the majority party and usually one of its leaders. He has a considerable influence on the work of the House.

In a body of more than four hundred members, it stands to reason that a great deal of the business must be done by committees. There are now nearly sixty of these committees, the most important being those on rules, appropriations, ways and means, interstate and foreign commerce, post-offices, military affairs, naval affairs, and agriculture. The committees: how selected. Since 1910 these committees have been appointed by a complicated plan which places the selection in the hands of the whole House. [115] The majority party in the House obtains a majority on each important committee.

Stages in the making of a law:

The Process of Lawmaking.—The work of the committees may best be explained by describing the various stages through which a bill passes before it

becomes a law. 1. Introduction of bill. In the first place, any member of the House may introduce a bill (which is a draft of a proposed law) either for himself or for someone else. He does this by writing his name on the back of the bill and dropping it into a large basket at the Speaker's table. During the course of each session many thousand bills are placed in this "hopper" as it is called. One of the Speaker's assistants takes each bill from the basket and refers it to the proper committee. If the bill relates to taxation it goes to the Ways and Means Committee; if it relates to railroads it goes to the Committee on Foreign and Interstate Commerce. Every bill goes to some committee before the House looks at it.

2. Consideration by a committee.

When the various committees receive their bills they place them on a list for consideration and each is taken up in order unless the committee decides to give some bills the right of way. Hearings on the important measures are then held. The members of the committee meet in their committee room and listen to the arguments of those who desire to support or oppose the bill. Any citizen has the right to appear and be heard. Sometimes, in the case of some important bills, such as a tariff measure, the hearings may continue for several days or even for weeks. The committee hearings, however, are usually held in the mornings only, for the House is in session during the afternoons. When the hearings are concluded the committee decides what action it will take. It may recommend to the House that the bill ought to be passed, either with or without changes. Sometimes a committee completely redrafts a bill and reports it to the House in the entirely new form.

But in the great majority of cases the committees feel unfavorably towards the bills and make no report or recommendation on these bills at all. How bills are killed in committee. Such measures are merely "killed in committee" and never get before the House. The House can, of course, require any committee to send up a bill; but this it hardly ever does. Most of the bills introduced by congressmen are put to death in this way; in fact more than eighty per cent of them never survive the committee stage.[116] One committee acquired such a reputation for slaughtering bills that its committee room was nicknamed the "legislative morgue".

3. The committee's report.

But let us suppose that a bill is favorably regarded by a committee and duly reported to the House. What happens next? It is placed on one of the calendars or lists; printed copies are made; and when its turn comes, it is laid before the House. A debate on the bill may take place, amendments may be proposed, and votes taken.

4. Consideration in the House.

In considering measures, the House often sits as a Committee of the Whole. This merely means that the entire membership forms a great committee, but there are some important differences between the House in Committee of the Whole and the regular session. In Committee of the Whole the Speaker does not preside (but calls some member to the chair); the strict rules of procedure do not apply; one hundred members form a quorum (in regular session a majority of the members are needed to furnish a quorum) and there are no roll calls. In a word, the system enables the House to do business with less

formality. 5. Bills are then sent to the other chamber. At any rate if the measure safely passes the House, it is engrossed on parchment, signed by the speaker, and sent up to the Senate where it goes through the whole procedure of committee hearings and discussion on the floor.[117]

6. The executive approval.

Having passed the Senate it is signed by the presiding officer of that body and is then sent to the President for his signature. The President, as will be shown a little later, may sign it, veto it, or allow it to become a law without his signature.

Conference committees.

If one chamber amends a measure, and the other chamber agrees to the amendment, the bill also goes directly to the President. But what happens in case either the Senate or the House make amendments to which the other chamber does not agree? That is just what very frequently occurs. In such cases a conference committee is appointed, made up as a rule of three members from each chamber. These conferees meet and try to reach a common ground by compromise. Then, when they have agreed, they report to their respective chambers and the latter must accept or reject the conference report without further amendment.

The value of experience in Congress.

Some Tricks of the Lawmaker's Trade.—Lawmaking is a skilled profession; it takes the average congressman most of his first term to learn just how it is done. He must acquire a knowledge of the rules, written and unwritten, the traditions, and what may rightly be called the "tricks of the trade".

Ability as an orator does not count for much, particularly in the House. The house chamber is a big, noisy place where only a leather-lunged speaker can make himself clearly heard. Congressmen, moreover, do not take kindly to long speeches; they expect members of the House to say what they have to say in five or ten minutes. If a congressman desires to make an impression upon the voters of his home district by sending them accounts of his able speeches in their behalf, he can usually obtain from the House, by unanimous consent, permission to have his speech printed at the public expense and distributed without its ever having been delivered on the floor of the chamber at all. When long speeches are made it is usually to waste the time of Congress and prevent the passage of some measure to which the speakers are opposed.[118]

Filibusters.

Attempts to talk a measure to death are known as "filibusters". Both chambers are now able to put an end to filibusters by applying rules which shut off further debate when a specified majority of the members so desire; but in the old days, before these rules were adopted, senators sometimes kept the floor hour after hour all day and all night long, talking on every irrelevant matter, reading long extracts from books, and employing all their ingenuity to lengthen the debate. The proceedings in the Senate are often interesting; but the visitor to the House gallery is likely to be disappointed if he goes with the expectation of hearing some good speech-making. The real work of the House is done in committee.

Classification of congressional powers.

The Powers of Congress.—The powers of Congress, as the lawmaking branch of the national government, are set forth in eighteen clauses of the federal constitution. Hence it is customary to speak of the "eighteen powers of Congress", although there are in fact more than eighteen separate powers, as anyone will find if he takes the trouble to count them. These powers may be conveniently grouped together under eight heads: (1) *financial*, the power to levy taxes and to borrow money; (2) *commercial*, the power to regulate commerce with foreign nations and among the several states; (3) *military*, the power to declare war, to raise and support armies, to maintain a navy, and to provide for organizing, arming, and calling forth the state militia; (4) *monetary*, the power to coin money, to regulate the value thereof, and to protect the currency against counterfeiting; (5) *postal*, the power to establish post-offices and post roads; (6) *judicial*, the power to constitute tribunals subordinate to the Supreme Court; (7) *miscellaneous*, including powers in relation to bankruptcy, naturalization, patents, copyrights, and the government of the national capital; (8) *supplementary*, the power to make all laws which may be found "necessary and proper for carrying into execution the foregoing powers". This is a rather tedious classification of congressional powers, but the section which enumerates these powers is, by all odds, the most important part of the whole constitution and no one can claim to know much about the government of the United States unless he understands, at least in a general way, what these eighteen clauses express and imply.

Express and implied powers.

It will be noted that all the powers except the last

are *express* powers, that is, they are conveyed to Congress in so many words. The last is a grant of *implied* authority, in other words it is a provision for supplementing the express powers. Where Congress has the express right to tax, to borrow, to regulate interstate commerce, to raise and support armies, or to coin money, it has the implied right to make whatever laws may be "necessary and proper" to carry its express powers into full operation. Having the express power to borrow money, Congress may therefore establish a system of banks if this is needed to render more easy the operations of borrowing. Having the express power to support armies, it may place almost any sort of restriction upon industry in war time. By the implied powers clause of the constitution the authority of Congress is given great elasticity.

Are the Powers of Congress Broad Enough?—If the words of the constitution had been strictly interpreted, the powers of Congress would now be too narrow for the work which a strong national government must perform. It is easy to understand why the framers of the constitution were cautious about conferring broad powers upon the new government. They were anxious that no legislative despotism should be built up in America. But as time passed the express powers of Congress have been steadily widened by the process of interpreting them broadly so that today the real authority of Congress is much greater than one would suspect from a mere reading of the constitution. For all practical purposes they are broad enough although it is probably true that if the constitution were to be redrawn tomorrow, the authority of the national government would be increased. Nearly all the amendments proposed in recent years have been in the direction

of expanding the powers of Congress.

The handicaps to good work.

The Efficiency of Congress.—In comparison with the other great parliaments and legislatures of the world, the Congress of the United States does its work fairly well. It is rather too large in membership, and the House of Representatives would probably gain in efficiency if it were reduced in size. Another handicap to good work arises from the enormous grist of measures which comes forward at every session. Congress is always under constant pressure for time. Many millions are often voted in a single hour and it is impossible for the congressmen to go carefully through the long list of financial items. Until very recently, the absence of a budget system afforded an incentive to extravagance; but this defect has now been remedied.[119]

The lack of leadership.

Congress also lacks leadership. In European countries every parliament and legislature has a recognized leader, usually called the prime minister. He or his colleagues present the business and carry it through.[120] There is nothing of this sort in either the Senate or the House of Representatives. It is true that each political party has a floor leader, but he has not effective control over his followers. The chairmen of the various committees also supply a certain measure of leadership, but their work is not unified. The lobby. Mention should also be made of the pressure which is applied to individual members of Congress by the lobbyists. These lobbyists are hired workers, usually lawyers, who are paid to help get measures through, or in some cases to prevent the passage of certain laws. They are employed by corporations, or

by labor organizations, or by anyone who is deeply concerned in measures pending before Congress. They use every form of persuasion in their efforts to have congressmen see their side of the case. The "lobby" has been placed under various restrictions in recent years, but it is still an influential factor.

The influence of small groups in Congress.

The Congressional Oligarchies.—We are in the habit of assuming that the power in national lawmaking rests with the 531 men who constitute the Senate and the House of Representatives; but the dominating influence is in reality exercised by a relatively small group of men in both chambers. The chairmen of important committees and certain others of long congressional experience are the men whose influence counts. The rest follow their lead for the most part. Important measures, moreover, are often discussed in a caucus of the majority party, and the action of the caucus is considered binding on all who attend it. A member in either chamber, especially a new member, who displays a disposition to be wholly independent, and to disregard the advice of his party leaders or the decisions of his party caucus is not likely to get many favors for himself or for his district. The senator or representative who desires to be effective finds it necessary, therefore, to help others with their plans whether he approves them heartily or not, in order that he may be, in turn, helped with his own. It is almost always true that a group of thirty or forty members, on the majority side, can secure the passage of measures which they desire and can prevent the passage of measures to which they are opposed.[121] In this respect the Congress of the United States does not differ much

from legislative bodies the world over. Large deliberative bodies are invariably prone to follow the lead of some relatively small group in their own membership; otherwise they would never make headway, and the larger the chamber the more likely is this to be true.

General References

JAMES BRYCE, *American Commonwealth*, Vol. I, pp. 97-208;

WOODROW WILSON, *Congressional Government*, pp. 58-129;

C. A. BEARD, *American Government and Politics*, pp. 231-293; *Ibid.*, *Readings on American Government and Politics*, pp. 214-271;

EVERETT KIMBALL, *National Government of the United States*, pp. 308-378;

W. B. MUNRO, *Government of the United States*, pp. 146-218;

S. W. MCCALL, *The Business of Congress*, pp. 43-84;

LYNN HAINES, *Your Congress*, pp. 67-109.

Group Problems

1. Is it desirable to restrict the present powers of the Senate in relation to treaties? Reasons for giving the Senate special powers in relation to treaties. The meaning of "advice and consent". Washington's attitude and experience. The action of the Senate on important treaties during the past hundred years. The practical difficulty of obtaining a two-thirds majority. Confirmation as a barrier to secret diplomacy. **References**: RALSTON HAYDEN, *The Senate and Treaties*, pp. 169-195; H. C. LODGE, *The Senate of the United States*, pp. 1-31; EVERETT KIMBALL, *National Government of the United States*, pp. 549-551; 573; S. B. CRANDALL, *Treaties: Their Making and Enforcement*, pp. 67-92; *Congressional Record*, 1919-1922.

2. The personnel of Congress. References: Types of men elected. Their occupations at home. Their legislative experience. Are there too many lawyers? Length of service. How the personnel might be improved. (Material for this

study may be had in the *Congressional Directory*, and in the various autobiographical works such as JAMES G. BLAINE'S *Twenty Years in Congress*; CHAMP CLARK'S *Autobiography*, etc.)

3. The merits and faults of the committee system. References: JAMES BRYCE, *American Commonwealth*, Vol. I, pp. 156-166; S. W. MCCALL, *The Business of Congress*, pp. 43-60; L. G. MCCONACHIE, *Congressional Committees*, pp. 58-86; EVERETT KIMBALL, *National Government of the United States*, pp. 344-356; P. S. REINSCH, *Readings on American Federal Government*, pp. 257-264.

Short Studies

1. **The old and the new method of choosing Senators.** GEORGE H. HAYNES, *The Election of Senators*, pp. 36-129.

2. **The procedure in impeachments.** W. B. MUNRO, *Government of the United States*, pp. 168-173.

3. **The Speaker of the House.** C. A. BEARD, *American Government and Politics*, pp. 280-289; M. P. FOLLETT, *The Speaker of the House of Representatives*, pp. 296-330.

4. **The rights of minorities.** F. A. CLEVELAND and JOSEPH SCHAFER, *Democracy in Reconstruction*, pp. 446-467.

5. **The general powers of Congress.** W. B. MUNRO, *Government of the United States*, pp. 208-218.

6. **How Congress legislates.** EVERETT KIMBALL, *National Government of the United States*, pp. 350-356; P. S. REINSCH, *Readings on American Federal Government*, pp. 290-296.

7. **An Englishman's observation on the work of Congress.** JAMES BRYCE, *American Commonwealth*, Vol. I, pp. 191-208.

8. **The rules of the House and Senate.** EVERETT KIMBALL, *National Government of the United States*, pp. 333-344.

9. **Obstruction in Congress.** S. W. MCCALL, *The Business of Congress*, pp. 85-92.

10. **Party organizations in Congress.** W. W. WILLOUGHBY and LINDSAY ROGERS, *Introduction to the Problem of Government*, pp. 334-351.

11. **The lobby.** P. S. REINSCH, *American Legislatures and Legislative Methods*, pp. 228-298.

12. **The Library of Congress.** F. J. HASKIN, *American Government*, pp. 287-288.

Questions

1. Do the merits of the double-chamber system outweigh the objections? Why should the members of the two chambers be chosen by different methods? Name at least three different methods of selecting representatives.

2. What is the present value of equal representation of the states in the Senate? What legal and practical obstacles are there to changing this system?

3. Look up and explain the following terms which are commonly used in Congress: executive session; morning hour; union calendar; ranking member; filibuster; leave to print; pigeon-holing a bill; pork barrel; rider.

4. What are the practical difficulties which arise when the Senate declines to confirm appointments proposed by the President?

5. Explain the difference between an impeachment and a bill of attainder.

6. The Senate usually exercises more influence than the House in matters of lawmaking. Can you give reasons why this should be so?

7. Tell how congressional districts are mapped out. Mark on an outline map the districts in your state. Have any of them been gerrymandered?

8. The chairmanships of committees usually go to senior members. Do you think this a wise or unwise practice?

9. What would be gained, and what would be lost by lengthening to four years the term for which representatives are chosen?

10. Two women, Miss Rankin of Montana and Miss Robertson of Oklahoma, have sat in Congress. What are the arguments for and against electing women in future?

11. Members of the House of Representatives receive salaries of $7500 per year. Is this too much or too little? Give your reasons.

12. Congressmen are entitled to the free use of the mails.

(This is called the *franking* privilege.) Some years ago one senator sent nearly 750,000 copies of his speeches through the mails free. Do you believe this privilege should be withdrawn or retained?

13. Should the rules of the House provide for unlimited debate?

14. Can you suggest any practical way in which the work of Congress might be improved?

Topics for Debate

1. The English practice of choosing non-resident representatives is advantageous and should be adopted in the United States.

2. The states should be represented in the Senate according to their respective populations.

3. The provision relating to a reduction in representation, whenever citizens are excluded from voting (see Amendment XIV) should be enforced.

CHAPTER XV
THE PRESIDENT AND HIS CABINET

The purpose of this chapter is to explain how the President of the United States is chosen, what his powers are, and what functions his cabinet performs.

The President

The notable Presidents.

The Man and the Office.—Forty years ago, an eminent English writer on American government spoke of the presidency as the greatest secular office in the world "to which anyone can rise by his own merits".[122] In view of this fact, he asked, how does it come that the position is not more frequently filled by great and striking men? There have been twenty-nine presidents since the constitution went into force in 1788. Of these at least three, Washington, Jefferson, and Lincoln have won an assured place in world history. Five or six (including Adams, Jackson, Grant, Cleveland, and Roosevelt) displayed during their respective terms of office some qualities which marked them as men of uncommon force or ability. Three others are still living and their achievements cannot yet be fairly estimated. But taking all these

together, and even adding a few more for good measure, would it not still be a fair statement to say that at least half the presidents have been men whose names would be entirely forgotten nowadays were it not for the fact that they occupied the presidential chair?

Alexander Hamilton, Daniel Webster, John Marshall, Henry Clay, and John C. Calhoun are great and striking figures in American history although they never reached the presidency; on the other hand the nation has, at various times, bestowed its highest honor upon men of commonplace qualities. This, of course, was not what the Fathers of the Republic expected. It was their anticipation that the presidential office would always be filled by men of "pre-eminent ability and virtue".

Why has this expectation been in part disappointed? That is a question which can only be answered by a study of the methods by which presidents are chosen, the relations between the office and the party system, and the duties that presidents are required to perform.

Why the plan of indirect election was adopted.

How the President is Chosen.—The Articles of Confederation did not provide for a President; executive functions were performed by committees of the Congress. But this plan was found to be altogether unsatisfactory and the framers of the constitution decided in 1787 that the new federal government ought to have a single executive head. How to choose this head, however, was a problem which gave them great difficulty and they debated it for a long time. They did not approve a plan of election by direct popular vote, for they feared that

this might result in the choice of men who were personally popular but had no other qualifications. Their study of ancient and mediaeval republics made them averse to choosing the head of the nation by direct popular vote. They were not prepared to trust the people; in those days the risk seemed too great. On the other hand they did not desire to have the President chosen by Congress because this would give Congress control of the office, whereas their aim was to make the presidency a check upon Congress. So they finally decided upon the expedient of direct election by means of an electoral college.[123]

The presidential electors.

The Original Plan of Election.—Stated briefly the plan which they agreed upon and inserted in the constitution was as follows: Each state shall choose, in such manner as its legislature may determine, a number of electors equal to the state's combined quota of senators and representatives in Congress. A state having, for example, two senators and twelve representatives, is entitled to fourteen electors. On a definite date, once in four years, the electors meet in their respective states and give in writing their votes for President and Vice President. These votes are sealed up, sent to Washington, counted, and announced. This plan did not contemplate that nominations should be made in advance, or that political parties should have anything to do with the election, or that the various states, in choosing their electors, should pledge them to vote for any particular candidate. It was expected that the electors would meet, discuss the merits of all the available men for the position, and give their votes accordingly.

How the plan

worked in the earlier elections.

The Actual Methods of Election Today.—At the first two elections this plan was followed. There were no nominations and no campaign preceding the election. But at the election of 1796 it was well understood, even before the electors met, that the contest would be between John Adams and Thomas Jefferson. And as time went on the actual practice drifted further away from the original plan of free choice by unpledged electors. Political parties grew up; the electors were chosen with the definite understanding that they would vote for a particular party candidate, and their share in the election became purely nominal. In 1804 some changes were made in the method of election but they did not affect the general plan or the current practice. Gradually the people took into their own hands the function of choosing the President; everywhere the state legislatures turned the work of choosing the electors over to them, so that the presidential elections became, in everything but name and form, direct elections by the people.[124]

Five steps in the choosing of a President:

In the choice of a President there are now five steps, but only two of these are of any practical importance. First, each political party nominates its candidate at a national convention, as already described.[125] 1. The nomination of candidates. Second, in each state the political parties nominate, either by primaries or state conventions, their respective slates or groups of electors. 2. The nomination of electors. Third, the voters on election day decide which group of electors shall be given the formal function of electing the President. This the voters do on the

Tuesday following the first Monday in November every fourth year. 3. The polling. Each voter marks his ballot for a group of electors but what he really does is to indicate his preference for one of the candidates already nominated at the party conventions. This means, of course, that one or the other group of electors is chosen as a whole and the state's vote cast solidly. It rarely happens, for example, that a state casts ten electoral votes for one candidate and five for another; if it has fifteen votes they all go to one candidate. For this reason it sometimes happens that a candidate receives a majority of the electoral votes although not a majority of the popular votes, taking the country as a whole. 4. The action of the electors. Fourth, the electors meet in their respective states and cast their votes. Fifth, these votes are opened in Washington and counted in the presence of Congress. 5. Counting the votes. Among these five steps the first and third are the important ones. The last step is nothing but a formality unless it appears that no candidate has received a majority. In case this happens the House of Representatives proceeds to choose a President from among the three candidates who have stood highest. In the case of the Vice President the choice rests with the Senate.[126]

The "availability" of candidates.

Factors which Influence Presidential Nominations and Elections.—As matters have worked out it is not possible for anyone to be elected President without first obtaining a nomination from one of the two leading political parties. The party organizations and the party conventions are influenced by groups of political leaders and these leaders are often more interested in a man's strength as a candidate than in his personal qualifications for

the work which a President has to do. The consequence is that candidates have sometimes been nominated by party conventions because they were compromises on whom opposing factions of the party could agree, or because they could be counted upon to carry some important state at the polls, or for some other reason having nothing to do with the executive capacity of the individual concerned.

"Dark horses"

A big national convention, comprising more than a thousand delegates, cannot be expected to do its work with calm deliberation or to weigh carefully the personal qualifications of all those who seek to be nominated. If there is a prolonged contest between two or three strong candidates, no one of whom can obtain the requisite number of votes in the convention, the delegates in their impatience are likely to turn to a "dark horse", that is to someone less prominent on whom there is a chance of agreement.[127] This has often happened.

The real work of nominating candidates is not done on the floor of the convention. The plans are laid and put into operation by groups of leaders in private conferences, the delegates following these leaders when called upon. And the fact that a candidate possesses "great and striking qualities" does not always commend him to these party leaders. On most occasions they are likely to prefer a man who, if elected, will work in harmony with the party organization rather than take the reins of office wholly into his own hands.[128] By various combinations of circumstances, therefore, men of mediocre quality have sometimes been nominated.

The election may turn upon various things.

Narrowness of the People's Choice.—A nomination by one of the two leading parties is in some cases almost equivalent to election. There are times, of course, when the election turns chiefly upon the merits of the two leading candidates; but more often the result is determined by other factors entirely. Each candidate embodies the strength of his party as well as his own, and each political party is for various reasons stronger in some years than in others. When a party has been in power for a term of years the people usually grow disgruntled with its policy and refuse to support the candidate of that party at the next election no matter how capable he may be. There is every reason to believe that the Democratic candidate was doomed to defeat in 1920 no matter who he might have been. When one political party remains in power for eight or twelve years it makes many enemies; people find fault on one score or another and decide that they will vote for a change. Even a strong candidate in such circumstances has very little hope of winning.

Public opinion is a very fickle thing. It exalts a public man as a hero today and execrates him tomorrow. It is strong for one policy this year and often veers around to something quite different a year or two later. Men are borne into the presidential office on this surging tide, sometimes without much reference to their individual qualifications. They are nominated because they are acceptable to the party leaders, or because they come from some strong and doubtful state, or because they are agreed upon by compromise, or for any one of a dozen other reasons. The capacity of the man is not always, and indeed not usually, the chief factor in determining a presidential nomination.[129] Under the circumstances the wonder is that the country has obtained, in the

presidential office, such a high general level of personal capacity and character.

Presidential powers:

Powers of the President.—The actual powers of the President are greater than those of any other ruler in the world, whether hereditary or elective. He is the chief engineer of a great mechanism which controls an army, raises several billion dollars a year in taxes, enforces laws, regulates commerce, and employs the full time of more than half a million public officials. Congress makes the laws, it is true; but were it not for the President and those whom he appoints, the laws would not be enforced. Congress decides what taxes shall be levied; but the President and his subordinates collect them. Congress appropriates money out of the treasury; but the executive branch of the government, of which the President is the head, spends the money. The President, in other words, is the nation's chief executive—he is charged with the duty of executing the laws. This is a large responsibility and a good deal of the work is necessarily entrusted to subordinates whom the President appoints.

1. Appointments.

The appointing power is, then, an important phase of the President's authority. He names all the higher officials of the Government subject to confirmation by the Senate as has already been explained. He has the power to remove any national official. In the case of minor officials he may, and usually does, depend upon the advice of senators or congressmen both as regards appointments and removals; but in the case of all high officers these things must have the President's personal attention. Naturally they take a great deal of his time.

2. The executive

veto.

In relation to Congress the President has the right to make recommendations and to veto any measure which he does not approve. These recommendations he may make either by written message or by appearing before Congress in person. The veto power places a powerful weapon in the President's hands. Every bill or resolution which passes both Houses of Congress must be laid before the President. If he approves, he signs it. If not, he is entitled, at any time within ten days, to return the bill or resolution without his signature, giving his reasons for the refusal to sign. Scope of the veto power. When the President vetoes a measure in this way Congress reconsiders it and a vote is then taken to determine whether the action of the President shall be sustained or overridden. If two-thirds of the members present in both the Senate and the House vote to override the veto, the measure becomes effective; if less than two-thirds so vote, the measure becomes null.

The "pocket veto".

But suppose the President neither signs nor vetoes the measure within ten days after it is sent to him, what then? The constitution provides that in such case the measure shall become a law. If Congress adjourns before the ten-day period has expired, however, the bill does not become a law. It is not necessary for a President to veto any measure that may come to him during the ten days immediately preceding the adjournment of Congress. If he does not approve the measure, he merely withholds his signature and it dies on his table. This is known as the "pocket veto".

Its use and abuse.

The veto power has been used very little by some presidents and a great deal by others. During the first

forty years of the Republic only nine bills were vetoed. But during the past forty years presidential vetoes have been very common. When a measure has been vetoed there is great difficulty, as a rule, in obtaining the necessary two-thirds vote to override the veto; but vetoes, nevertheless, are occasionally overcome. The use of the veto, although it is an exercise of executive power, makes the President a vital factor in legislation. Under ordinary circumstances he can defeat any measure that is not acceptable to him.[130] There are exceptions to this rule, to be sure, but it is valid in the main.

3. The conduct of foreign relations.

Although the power of appointment and the veto power in normal times the two chief sources of the President's authority, he has others of considerable importance. He conducts relations with foreign governments and negotiates all treaties. Treaties do not become valid, however, until ratified by the Senate. He decides whether ambassadors and other diplomats sent to Washington from other countries shall be formally recognized. He has power to pardon offenders sentenced in the federal courts. He is commander-in-chief of the military and naval forces. All these functions are vested in the President by the constitution and the laws.

4. Other powers.

Other powers have been acquired by usage, for example, the right to have a large voice in controlling the policy of the political party to which the President belongs. The President is a party man, a party leader. He is elected on a party platform. The people expect the President to carry out the pledges which this platform contains. To do this the President finds it necessary at times to take the

initiative in securing the passage of laws by Congress and also to bring influence to bear upon the members of both Houses. Strictly speaking, the President has no formal share in the making of the laws; but as a matter of usage he has a highly-important influence upon legislation.

Succession to the Presidency.—In case the President should die, or resign, or be removed by impeachment, or be otherwise incapable of performing his duties, the Vice President succeeds. In the absence of the Vice President it has been provided by law that the members of the cabinet, beginning with the Secretary of State, have the right of succession according to the seniority of their offices.[131] No President has ever resigned or been removed from office. On several occasions, however, a Vice President has succeeded by reason of a President's death. Some presidents have been seriously ill during their terms of office, and President Wilson was absent in France for several months during 1918-1919; but in no case has the Vice President been called upon to exercise the presidential functions.

The Vice President.

The office of Vice President, apart from the right of succession which it carries, is not of much importance. In selecting their candidates for the office the two leading political parties have usually given very little thought to the problem of getting the most capable man. By the time the great task of nominating a candidate for the presidency has been finished, the delegates are in a mood to get home. They will not spend hours and days taking ballot after ballot for the second place on the ticket. Apart from presiding in the Senate the Vice President has no regular official duties, but there is the ever-

present chance that he may have to step into the chief executive position. For that reason the work of selecting candidates ought to be done more carefully than has usually been the case.

The Cabinet

The whole cabinet system rests on usage.

The Cabinet.—The constitution makes no definite provision for a cabinet. Its framers expected that the President would appoint subordinates to assist him in the performance of his numerous functions and they made allusion to these officials; but there was no anticipation that the officials in charge of the various departments would be formed into an organized branch of the government. So the cabinet rests upon usage, not upon the constitution or the laws. The same is true of the cabinet in England. It has no legal status, exercises no formal powers, keeps no records, and has no fixed membership. The prime minister selects, for membership in the cabinet, whomsoever he pleases, the only restrictions being that they shall have seats in parliament and that the cabinet as a whole shall have the support of a majority in the House of Commons. The President of the United States has an even wider range of choice in the selection of his cabinet. He is not bound to choose a group of men who control a majority in either branch of Congress. His cabinet may be as large or as small as he chooses to make it. By usage, however, the American cabinet consists of the heads of the national administrative departments, these

departments having been at various times established by law.[132] There are now ten such departments and hence ten members of the cabinet. The ten departments are as follows: State, Treasury, War, Navy, Post-Office, Interior, Justice, Agriculture, Commerce, and Labor. The head of each is appointed by the President with the confirmation of the Senate; but for more than eighty years this confirmation has never been refused. The heads of departments are responsible to the President alone and may be dismissed by him at any time. They are not permitted to have seats in either the Senate or House of Representatives.

The cabinet's functions:

The Functions of the Cabinet.—In describing the functions of the cabinet it is advisable to make, at the outset, a distinction between those duties which are performed by the cabinet as a whole, and those which pertain to the members of the cabinet individually, as heads of their own departments.

1. As a body.

The cabinet as a whole has no legal authority.[133] It is merely a group of high officials which the President calls together once or twice a week to discuss such matters as he chooses to lay before it, or matters which he permits individual members to bring up. The President may follow its advice or he may not. He does not need the approval of the cabinet for any of his actions. At the same time it has become the custom to consult the cabinet on practically all important questions of general policy and to give considerable weight to the cabinet's advice. How much this weight will be depends, in large measure, upon the temperament and attitude of the President himself.[134]

Meetings of the cabinet are not public; no records are kept or printed. Nobody knows what goes on at the meetings of the cabinet except those who are present. It is a point of honor among the members that no one will disclose the proceedings to outsiders. Thus the cabinet always presents an outward appearance of being unanimous. If any member cannot work in harmony with the President or with his fellow-members, he is expected to resign.

2. As individuals.

More vital than the functions of the cabinet as a whole are those which its members perform, as individuals, as heads of their departments. Every member of the cabinet, as has been mentioned, is the head of a department, and as such is given charge of some branch of the government's work, subject at all times, however, to the direction of the President. The functions of each department are indicated, in a general way, by their respective titles.[135] These duties are so numerous and so varied that the various departments are divided into bureaus, each bureau having charge of a certain division of the work. On all routine matters the head of the department has practically independent authority, but questions of general policy and those which affect more than one department are either discussed at cabinet meetings or taken to the President for his decision.[136]

Should the Cabinet be Enlarged?—Proposals are now under consideration for enlarging the cabinet by the creation of a department of education and a department of public health. It is contended, and perhaps rightly, that the work of the national government in these two fields is sufficiently important to warrant their being placed upon the same footing as agriculture, labor, and commerce. As

an alternative it has been suggested that education and public health might be combined into a single department of public welfare; but the objection to this is that the two things have no close relation to each other. There is a feeling, moreover, that the cabinet should not be made much larger than it now is. If every request for the creation of a new department were granted, the cabinet would soon become too cumbrous for the effective performance of its advisory functions.

American and English Cabinet Systems Compared.—The cabinet system in the United States is like that of England in some respects and different in others. These similarities and contrasts may be made clear by putting them in parallel columns.

SIMILARITIES

1. The American cabinet system rests on custom or usage.	1. The English cabinet system also rests on usage, having no basis in the laws of England.
2. Members of the American cabinet are chosen by the chief executive—the President.	2. Members of the English cabinet are selected in the name of the nominal chief executive—the king, by the actual chief executive—the prime minister.

3. Members of the American cabinet are heads of departments.	3. Members of the English cabinet are also heads of departments; but in England not all heads of departments become members of the cabinet.
4. The American cabinet advises the President.	4. The English cabinet, through the prime minister, advises the king.

Contrasts

1. Members of the American cabinet are not permitted to sit in Congress.	1. Members of the English cabinet must be members of parliament.
2. Members of the American cabinet are responsible to the President only; they do not have to resign if they fail to retain the confidence of Congress.	2. Members of the English cabinet are responsible to the House of Commons and must resign whenever they lose the support of a majority of that chamber.

3. The American cabinet does not prepare business for Congress nor assume any formal initiative in law-making.	3. The English cabinet is the "great standing committee" of parliament, preparing all important measures for its consideration and assuming a definite leadership in the making of laws.

Merits and defects of each plan.

Which is the Better Plan?—The relative merits of the American and English cabinet systems have been much discussed by writers in both countries. The American plan enables the executive branch of the government to retain its independence and thus prevents the lodging of too much power in the hands of Congress. The English system makes the House of Commons the supreme governing organ of the realm, with no legal checks upon its omnipotence. It affords, moreover, a degree of leadership in legislation which the American plan fails to provide. The American system, on the other hand gives the individual member of Congress greater scope for independent action in that he is not confronted, at the beginning of each session, with a cut-and-dried program arranged in advance by the cabinet.

No one can say that either system is of itself better than the other. As well might it be argued that an elephant is stronger than a whale. The strength of each depends upon its environment. The American cabinet system fits into the American scheme of government; the English system would not do this unless our whole plan of government were greatly changed.

The arguments in favor.

Should Members of the Cabinet Sit in Congress?—The chief defect of the American cabinet system, as thoughtful men now realize, is the fact that while members of the cabinet and members of Congress are deeply interested in the same work, they are kept at arm's length apart. Members of the cabinet have information of great value to Congress; and Congress is usually desirous of knowing their opinions on public questions. On the other hand the work of the various departments, over which members of the cabinet have supervision, depends largely upon the action of Congress. Congress votes them the money which they spend and makes the laws under which they spend it. Why not bring the two bodies into closer contact by permitting members of the cabinet to sit and speak, but not to vote, in both houses of Congress? This has frequently been proposed and it could be accomplished, if Congress so desired, by a change in the rules.

The arguments against.

There are practical objections, however, to any such arrangement. It would greatly increase the President's influence over the work of Congress by giving him ten agents—usually men of ability and experience—in each chamber. They would have no votes, it is true; but their argumentative powers would count. The President would doubtless select as members of his cabinet persons who, by their abilities and logic, could exert a strong influence upon the lawmaking bodies. It is also pointed out as an objection that members of the cabinet already have enough to do in attending to the affairs of their own departments. Were they to spend their time in

attending sessions of the Senate and the House, they could not give adequate supervision to their other work, and the administrative branch of the government would suffer in consequence. When Congress now desires information or an expression of opinion from any member of the cabinet, moreover, it is always possible to obtain what it wants by inviting him to appear before a congressional committee. This partly serves the purpose which would be attained by giving members of the cabinet the right to sit and speak in Congress.

General References

JAMES BRYCE, *American Commonwealth*, Vol. I, pp. 38-96;

WOODROW WILSON, *Congressional Government*, pp. 242-293; *Ibid.*, *Constitutional Government in the United States*, pp. 54-81;

W. H. TAFT, *Our Chief Magistrate and His Powers*, especially pp. 1-28;

C. A. BEARD, *American Government and Politics*, pp. 166-230; *Ibid.*, *Readings in American Government and Politics*, pp. 154-213;

EVERETT KIMBALL, *National Government of the United States*, pp. 140-270;

JAMES T. YOUNG, *The New American Government and Its Work*, pp. 10-44;

W. B. MUNRO, *Government of the United States*, pp. 88-145;

P. S. REINSCH, *Readings on American Federal Government*, pp. 1-78;

W. W. WILLOUGHBY and LINDSAY ROGERS, *Introduction to the Problem of Government*, pp. 178-195; 323-333.

Group Problems

1. The actual steps in the election of a President. The original plan of election. What the framers of the constitution intended. The early elections. Growth of a nominating system. The caucus. The convention.

Presidential primaries. Factors affecting the nomination. Doubtful states. Functions of the electors today. Counting the electoral votes. The part of Congress in presidential elections. Suggested changes in the system. Should the electoral college be abolished? **References**: MAX FARRAND, *The Framing of the Constitution*, pp. 160-175; *The Federalist*, No. LXVII; J. H. DOUGHERTY, *The Electoral System of the United States*, pp. 13-31; E. B. STANWOOD, *History of the Presidency*, pp. 1-19; C. A. BEARD, *Readings in American Government and Politics*, pp. 154-163; EVERETT KIMBALL, *National Government of the United States*, pp. 140-167; ARNOLD B. HALL, *Popular Government*, pp. 98-119 (The Presidential Primary).

2. The increased powers of the President in war time. References: *The Federalist*, No. 74; W. F. WILLOUGHBY, *Government Organization in War Time and After*, pp. 1-21; W. B. WEEDEN, *War Government*, pp. 319-358; W. WHITING, *War Powers under the Constitution*, pp. 66-83; EMLIN MCCLAIN, *Constitutional Law in the United States*, pp. 201-212; P. S. REINSCH, *Readings on American Federal Government*, pp. 22-31; ALLEN JOHNSON, *Readings in American Constitutional Law*, pp. 474-481; EVERETT KIMBALL, *National Government of the United States*, pp. 188-194.

3. The American and English cabinet systems. References: JAMES BRYCE, *American Commonwealth*, Vol. I, pp. 85-96; JOHN A. FAIRLIE, *National Administration*, pp. 54-69; C. G. HAINES and B. M. HAINES, *Principles and Problems of Government*, pp. 259-279; H. B. LEARNED, *The President's Cabinet*, pp. 9-43; JESSE MACY and J. W. GANNAWAY, *Comparative Free Government*, pp. 81-95; 395-402; 421-446.

Short Studies

1. **The personality of Presidents.** T. F. MORAN, *American Presidents*, pp. 9-115.

2. **Why great men are not elected.** JAMES BRYCE, *American Commonwealth*, Vol. I, pp. 69-76.

3. **The Hayes-Tilden contested election of 1876.** E. B. STANWOOD, *History of the Presidency*, pp. 356-393.

4. **The President's veto power.** ALLEN JOHNSON, *Readings in American Constitutional History*, pp. 370-379; E. C. MASON, *The Veto Power*, pp. 24-140; H. J. FORD, *Rise and Growth of American Politics*, pp. 175-187.

5. **The President's control of foreign relations.** E. S. CORWIN, *The President's Control of Foreign Relations*, pp. 84-125; ALLEN JOHNSON, *Readings in American Constitutional History*, pp. 393-404.

6. **The President's appointing power.** EVERETT KIMBALL, *National Government of the United States*, pp. 181-188; L. M. SALMON, "The Appointing Power of the President", in *American Historical Association, Annual Report (1899)*, Vol. I, pp. 67-86.

7. **The President as a party leader.** C. L. JONES, *Readings on Parties and Elections*, pp. 205-211; JESSE MACY, *Party Organization and Machinery*, pp. 25-42.

8. **Daily life in the White House.** BENJAMIN HARRISON, *This Country of Ours*, pp. 159-180.

9. **How a cabinet is formed.** H. B. LEARNED, *History of the President's Cabinet*, pp. 110-134.

10. **The cabinet's relation to the President.** EVERETT KIMBALL, *National Government of the United States*, pp. 207-217.

11. **Is there need for a readjustment between the executive and legislative branches of the government?** F. A. CLEVELAND and JOSEPH SCHAFER, *Democracy in Reconstruction*, pp. 423-445.

12. **The actual work of the administrative departments.** F. J. HASKIN, *American Government*, pp. 14-26 (The State Department); 27-39 (The Treasury Department); 78-90 (The Department of the Interior).

Questions

1. Study carefully Article II, Sections 2-7, also Amendment XII, of the constitution, and then answer these questions: (*a*) In what respects was the method of election changed by this amendment? (*b*) In case no candidate receives a majority of the electoral votes how is the President chosen? The Vice President? Explain how it would be possible to have a President from one party and a

Vice President from another. (*c*) If a retiring President or Vice President, immediately after election in November, should desire to have his successor take office at once, without waiting for the regular inauguration date in March, how could this be done?

2. Explain how a candidate for the presidency may obtain a majority of the people's votes at the polls and yet not be elected. (This has happened on more than one occasion.) Do you think it a fair arrangement?

3. What are the qualifications for the presidency: (*a*) legal requirements; (*b*) practical requirements? Compare them with those for the vice presidency under both heads.

4. Make a list of the qualities which you think a President ought to possess, placing them in order of their importance. Name the President whom you would regard as having each of these qualities in the highest degree. What qualities do you associate with the names of Madison, Jackson, Buchanan, Cleveland, Roosevelt?

5. Explain the veto and the pocket veto. Would you be in favor of abolishing either? Ought the opinion of a single man to prevail against the decisions of a majority of the senators and representatives?

6. Ought the President to give up all connection with his party on assuming office and be a non-partisan, representing all the people?

7. Explain why the President has so much greater power in war time than in time of peace.

8. Do you think that a President, in choosing members of his cabinet, should be guided by any of the following motives and, if so, how much weight should he give to them: (*a*) to have all parts of the country represented in the cabinet; (*b*) to obtain men of long political experience; (*c*) to reward those who have supported him; (*d*) to strengthen himself for re-election; (*e*) to give representation to both the radical and conservative elements?

9. Since the Attorney-General is always a lawyer, the Secretary of Agriculture usually a farmer, and the Secretary of Labor usually a member of a labor union, why should not the Secretary of War be a soldier and the

Secretary of the Navy a sailor?

10. Look up in the *Congressional Directory* and tell what department has jurisdiction over the following matters: consular service, pensions, the mint, animal industry, child labor law enforcement, education, forestry, the census, Indian affairs, lighthouses, rural free delivery, relations with the Philippine Islands, inspection of drugs, payment of interest on Liberty Bonds, naturalization, passports, dredging of harbors.

Topics for Debate

1. The President should be ineligible for re-election.

2. The following new departments should be created and given representation in the cabinet: (*a*) Public Health; (*b*) Education; (*c*) Public Welfare.

3. Members of the cabinet should be permitted to speak, but not to vote, in Congress.

CHAPTER XVI
THE COURTS, THE LAW, AND JUDICIAL PROCEDURE.

The purpose of this chapter is to show how the courts are organized and what systems of law they administer.

THE COURTS

The supreme justices.

The Highest Court in the Land.—Visitors to the Capitol at Washington on any week day from October to June are usually interested to see a group of nine distinguished-looking men, robed in silk gowns, passing at noon through the long corridor into a room where a clerk begins to call out, "Oyez! Oyez!"[137] This is the Supreme Court of the United States, the highest court in the land and the most powerful tribunal in the world. It consists of a chief justice and eight associate justices, all of them appointed for life by the President with the consent of the Senate. They cannot be removed from office except by impeachment. The court holds its sessions in the chamber which was used by the Senate in the days when that body was small. The justices sit in a row, the chief justice in the center, with four

associates on each side of him. There is no jury, and for the most part the court simply hears the arguments of attorneys on points of law in cases which have been appealed. The sessions begin at twelve o'clock, and continue, with a brief interruption for luncheon, until late in the afternoon. Every Saturday morning the court meets behind closed doors to agree upon its decisions and on Mondays the decisions are publicly announced. These nine justices are the supreme guardians of the constitution, entrusted with the duty of seeing that its provisions are duly respected by all officials of government from the President and Congress down to the humblest officeholder. Their mandate is binding upon everyone within the jurisdiction of the United States.[138]

The power to declare laws unconstitutional.

The Supreme Court's Power.—Congress, as has been pointed out, is the lawmaking branch of the federal government. With the approval of the President its power to enact laws, within the limits prescribed by the constitution, is complete and final. The state legislatures are the lawmaking organs of state government and with the approval of the governors the authority of the state legislatures to make laws within limits prescribed by the national and state constitutions is also complete and final. Yet the Supreme Court, by a majority vote of its nine justices, may nullify laws passed by either Congress or the state legislatures. It has done so on many occasions. Why have we given to this small group of men, appointed for life, the power to set aside the action of the people's representatives?

Reason for this authority.

The answer is this: American government, both in the nation and in the states, rests upon certain fundamental rules which are embodied in written constitutions. These rules determine, among other things, the powers and functions of government officers and bodies, including Congress and the legislatures. They have been placed in the national and state constitutions with the intent that they shall be obeyed, and if they were not obeyed one branch of the government would be encroaching upon the powers of the other. But how can powerful bodies like Congress and the state legislatures be held to the obedience of rules laid down in the national constitution? The Supreme Court performs this duty by declaring "unconstitutional" any law which, in its judgment, violates the provisions of that document. The constitution, for example, provides that Congress shall pass no bill of attainder. If Congress should enact a measure of that kind, the court would nullify it. The constitution stipulates that no state shall make any law impairing the obligations of contract. If any state legislature should enact such a law, the Supreme Court would declare it to be unconstitutional and void.

Limitations upon the discretion of the court.

Now this does not mean that the justices of the Supreme Court have the right to veto any measure at their discretion. They have nothing to do with the merits of a measure, nothing to do with the question whether it has been wisely passed. The only issue they decide is whether a law conforms to the provisions of the constitution. If they find that it does not, they have authority to set it aside. And so long as government is based upon written constitutions

there must be some body with power to decide whether a law is constitutional or not. Every branch of the government is under a natural temptation to extend its own authority. State legislatures would like to have a share in regulating the trunk railroads; Congress would like to decide how much money may be spent by candidates for senatorial nominations. Both of them have tried to extend their authority in these directions during the past few years although the constitution does not warrant their so doing. We must have some body, therefore, endowed with the right to say to all public officials and legislative bodies: "Thus far shall you go and no further; here is the point where your authority, under the constitution, comes to an end."

The Supreme Court's power is essential.

It is quite true that decisions of the Supreme Court are sometimes unpopular. People who are eager for humanitarian reforms, when they see the Supreme Court annulling measures which Congress has passed to protect women or children, or the weak or the poor, are in the habit of crying out that the court is an obstacle to progress and that its power to declare laws unconstitutional should be taken away. They overlook the fact that if there were no supreme tribunal to keep Congress within its constitutional limits, it would be easy for Congress, step by step, to take away all the powers now possessed by the states and to centralize at Washington the entire government of the country. Under a federal system of government, with powers divided between the nation and the states as they are in this country, disputes as to where a particular power belongs are sure to arise. How could we devise a more satisfactory plan of

deciding these disputes than by referring them to an impartial body of nine men chosen for life from among the ablest jurists of the land? Do we propose to abolish the powers of juries because they sometimes render unpopular verdicts? People sometimes question the wisdom of the Supreme Court, but no one has ever doubted its integrity.[139]

Scope of the federal courts' jurisdiction.

How Cases Come Before the Federal Courts.—The authority to try cases is divided by the national constitution into two parts, and each part is assigned to two separate systems of courts. Certain classes of cases are named in the national constitution as falling within "the judicial power of the United States" and these cases are tried in the federal courts. All other classes of cases (and this includes the great majority of legal disputes) are left to the state courts. The controversies named in the national constitution as matters for trial in the federal courts are those which it did not seem wise to let the various state courts decide, for example, cases arising out of treaties made by the United States, or controversies between two states, or between citizens of different states. This is a wise arrangement, for if the state courts could say the last word on the interpretation of treaties, the nation might easily find itself forced into trouble with foreign countries. If cases between citizens of different states were tried in the courts of either state, there would be a temptation for these courts to favor their own citizens. Even the rule which requires that cases affecting ambassadors shall be heard in the federal courts has a good reason, for the United States guarantees to all foreign ambassadors the privileges of international law and must be in a position to see that these guarantees are

respected. The entire list of cases over which federal courts have jurisdiction is so clearly set forth in the constitution that there is no need for repeating it here.[140]

How jurisdiction is determined.

When any dispute arises between individuals or corporations the lawyers who bring the suit determine whether the matter is one for the federal or the state courts to hear. This they do by considering whether the controversy comes within any of the classes named in the constitutional provision just mentioned. If they find that it does, the suit is usually commenced in the federal courts; otherwise it is begun in the state courts. Most suits begin in the lowest court, and, if the decision is not satisfactory, can be carried on appeal to the higher federal or state courts as the case may be, until finally a very small proportion of them reach the Supreme Court.[141] But not all cases which are heard in the lower federal courts, or in the state courts, can be brought up to the Supreme Court of the United States. If that were permitted, the Supreme Court would never be able to handle all the business which would come before it. From the lower federal courts only cases of great importance can be brought to it, and from the state courts only controversies in which some provision of the national constitution is involved.

The Lower Federal Courts.—The lower federal courts are called district and circuit courts. The country is divided into about one hundred judicial districts, in each of which there is a United States district court with a judge, a marshall, and a district attorney, all appointed by the President. Next above these courts are the circuit courts of appeals. There

are nine of these courts, each having jurisdiction within a certain section of the country. A circuit court of appeals has from two to four judges, appointed by the President, and also has its own court officials. These courts derive their name from the fact that they go "on circuit", that is, they move about from one large city to another within their respective sections of the country holding sessions in each. In most cases they have final jurisdiction.[142]

The Law

What is Meant by the Law.—Having outlined the organization and jurisdiction of the federal courts, the question next arises: What branches of law do American courts administer? We often speak of the courts as administering "justice ", and it is no doubt true that their decisions usually@ possess the quality of justice; but what the courts really administer is *the law*. The law may be just or unjust, and it is very difficult, if not impossible, for any court to wring justice out of an unjust law. Where injustice is done, the law and not the court is in most cases to blame.

How the common law developed.

The Common Law.—Speaking broadly the system of jurisprudence which American courts administer is made up of three branches, known as common law, statutory law, and equity. Of these the common law is made up of various time-honored usages, some of which go back many hundreds of years. The common law began its growth in mediaeval England when there were very few written rules, and the courts found it necessary to decide cases in accordance with the usages or customs of the people. Gradually these

decisions became uniform, one court following the example of another, until this body of usages interpreted by judicial decision became "common" or universal throughout the whole realm of England although it had never been so established by any action of parliament. Thus the rule developed that no man should be compelled to testify against himself, that mere hearsay should not (with certain exceptions) be received as evidence, that all witnesses should be put upon oath, that questions of fact should be decided by juries, that agreements to restrain trade in an unreasonable manner were punishable, and so on.[143] During several centuries a great body of legal rules developed in this way and the system of common law was brought by the English colonists to America, where it speedily took root and was administered by the colonial courts.[144] After the Revolution it was continued and it still remains the groundwork of the law in all the states except Louisiana. Of course it has been gradually modified during the past hundred or more years by court decisions and by statutes, and it still keeps on changing.

Statutory Law.—Second, there is statutory law. This is law made by definite action of the people or their representatives. Constitutions are in effect statutory law, supreme statutory law. Laws enacted by the people through the initiative and referendum are statutory law. Statutes. Most statutory law, however, consists of laws made by Congress, by the state legislatures, by city councils, and by other regular lawmaking bodies.[145] These enactments supplement or alter the common law. Until a statute is passed affecting any question, the common law prevails. Whenever a statute conflicts with a provision of the common law, the statute prevails.

But when ordinary statutes conflict with the constitution, the constitution prevails. Enormous numbers of statutes are enacted each year by Congress and the legislatures of the forty-eight states. They now form the larger part of the whole system of law.

The Need for Greater Uniformity in Statute Law.—In many matters of business the fact that the statutes are different in every one of the forty-eight states is a great disadvantage. When wholesale dealers sell goods on credit to merchants in far-off states they want to know just what the laws provide in the matter of collecting debts. The only way to do this is to enquire into the statutes of each state where goods are sold. So it is with wills, contracts, notes, and so on. In some states a will must have three witnesses; in others only two. The man who endorses a note in one state assumes greater liabilities than are assumed by endorsers somewhere else. To remedy this situation there is a strong movement to secure uniformity among all the states in the case of certain important statutes (for example, the statutes relating to sales). A commission of eminent lawyers has been at work for years preparing uniform laws on various subjects and some of these have been adopted by the legislatures of many states. A uniform statute relating to negotiable instruments (notes, bills of exchange, etc.) has now been adopted by more than forty states, and a uniform sales act by about a dozen of them.

Equity.—Finally, there is the branch of jurisprudence known as equity. People think of this word as implying something that is more just than the law, something which has its roots in the conscience of the judge rather than in the statute books. But equity as actually administered in the

courts is made up of formal rules which the judges apply in certain cases without having much discretion in the matter. The rules of equity are written in books just like the rules of law, and they are about as precise.

The origin of equity.

The origin of these rules is an interesting story which cannot be narrated here save in the briefest way. In early England there grew up, side by side with the common law, a set of unwritten rules administered by the chancellor, who was called the "keeper of the king's conscience" and to whom people could appeal for relief when they felt that they had not received justice in the courts of common law. At the outset the chancellor, whose office eventually grew into a Court of Chancery, decided every case on its own merits; but in due course all cases of the same kind came to be decided in the same way, and thus a set of rules or principles was gradually formulated. With further growth these rules of chancery or equity were gathered together, arranged logically, put into written form, applied by the English courts, brought to America in colonial days, retained after the Revolution, and they continue in force at the present time.

The differences between law and equity are too technical to be explained here; even lawyers sometimes fail to understand them thoroughly.[146] Cases in equity often result in the issue of injunctions and the issue of these injunctions in labor disputes has given rise to much complaint. (See pp. 407-408.) Both equity and law are usually administered by the same courts.[147]

Judicial Procedure

The Jury System.—When a legal dispute arises between individuals or corporations, or when some offence is charged against a person, there are usually two questions to be decided. The first question is: What are the facts? What actually took place? The second question is: What does the law provide with reference to these facts? If you charge someone with having done you a wrong, it is not enough to prove your charge; you must also convince the court that common law, or statutory law, or equity gives you the right to redress. The first question in most important cases, both criminal and civil, is decided by a jury; the second question by a judge.

How the grand jury is chosen.

The Grand Jury.—There are two kinds of juries, both of which are selected in much the same way, but their functions are quite different. The first is called the grand jury. It is a body of men, varying from seven to twenty-three in number, chosen by lot from among the qualified voters of the county or district, and charged with the duty of investigating whether crimes have been committed. Evidence is presented to it by the prosecuting attorney, or the grand jury may make investigations on its own behalf. Its work. It conducts an investigation, not a trial. If it decides by a majority vote that there are reasonable grounds for placing any person on trial, it submits to the court a true bill or indictment. If it believes that any conditions within the county or district are wrong and ought to be remedied, it submits to the court a statement of these conditions, which is called a presentment. When a person is indicted by a grand jury, this does not mean that he

has been proved guilty but merely that, in the grand jury's opinion, he ought to be placed on trial. The grand jury does not hear the accused person's side of the case. Its purpose is to protect individuals from being put to the inconvenience and humiliation of a public trial unless there are reasonable grounds for doing this.[148]

How the trial jury is chosen.

The Trial Jury.—The other jury is known as the trial jury or petit jury and practically always consists of twelve persons. The method of selecting a trial jury is, in general, as follows: Some public official who is entrusted by the law with this duty makes a list of the persons who are liable for jury service. This list is usually compiled from the roll of voters, leaving off all persons (such as lawyers, physicians, public officials, and so on) who are exempted by law from jury duty. From this list a certain number of names, perhaps fifty to a hundred, are then selected, usually by lot. These individuals are thereupon summoned to court, where they form what is known as the jury panel. One by one their names are called in court and the lawyers on either side of the case are given an opportunity to state their objections.[149] When twelve persons have been found to whom there is no objection from either side, these twelve constitute the jury and proceed to hear the facts of the case. Its work. The trial jury, however, may hear only such evidence as the judge permits it to hear, for the question whether any item of evidence can be permitted is a question of law. The value of the evidence, after the judge has allowed the jury to hear it, is for the jury to determine.

Jury procedure.

The usual procedure in a jury trial, therefore, is

this: When the jury has been chosen and sworn to decide the issue fairly, the prosecuting attorney (or, in a civil case, the counsel for the plaintiff) states briefly to the court what he intends to prove. Then the witnesses for the prosecution, or for the plaintiff, are called, put upon oath, and questioned. As each witness finishes his direct testimony the defendant's counsel takes him in hand for cross-examination. The purpose of this cross-examination is to test the witness, to see if he is telling the truth, or to induce him to say things which will weaken his original testimony.[150] When the witnesses for the prosecution have finished, the witnesses for the defendant are called and they likewise are cross-examined by the other side. After all the testimony is concluded the counsel on both sides make addresses to the jury, the judge explains to the jurymen the points of law bearing on the case, and the jury retires to consider its verdict. This it does in secret, remaining in a room which no one is allowed to enter or leave.

Second jeopardy.

In criminal cases the verdict must be unanimous one way or the other; if not, the case has to be tried all over again.[151] In civil cases unanimous verdicts are required in some states but not in others. The verdict, whatever it may be, is reported in open court and is ordinarily conclusive. In some cases, however, the presiding judge is empowered to set a unanimous verdict aside and to order a new trial.[152] Where an accused person is found not guilty by the unanimous verdict of a jury he may never, under any circumstances, be placed on trial for the same offence again.[153] If he is found guilty, on the other hand, he has in most cases the right to appeal, on points of law, to a higher court.

Value of the Jury System.—The jury system has great value but also some serious defects. Its value consists in assuring to everyone a fair determination of the facts by an impartial body of his neighbors, each one of whom is sworn to decide without fear or favor. It is a great safeguard against the tyranny of judges and public officials. On the other hand it makes judicial administration expensive (for the jurymen have to be paid); it results in making trials much longer than if the evidence were heard by a judge alone; and the requirement that verdicts shall be unanimous often results in no verdict at all. Exemptions from jury service have been given too freely, so that juries are sometimes made up of men who serve because they have no other work to do. The others are either exempted by law or ask to be excused by the court. Prolonged trials and close confinement make jury service a burden which many people try to evade. In serious cases the jurymen are sometimes not permitted to visit their homes for weeks at a time; they sleep in the courthouse, have their meals under the watchful eye of the sheriff, and are not permitted to read the newspapers while the trial lasts. Occasionally we have witnessed the absurd spectacle of a jury kept under guard while the prisoner was out on bail. Yet with all its faults the jury system affords a safer method of trying criminal cases than trial by a judge alone. On the other hand the use of jury trials in civil cases, particularly where the matters in dispute are not of great importance, tends to delay the work of the courts. It has been suggested that all such cases ought to be tried by the judge alone.

The Law's Delays.—Much complaint is heard nowadays because lawsuits are so long and involve so much expense. The courts are often so

overwhelmed with cases that a lawsuit which is brought today cannot be tried for many months. The privilege of appealing from the decisions of lower courts is so widely granted, moreover, that when lawsuits are once begun they may not be ended for years. The claim is often made that all this gives a great advantage to the rich man or the large corporation as against the ordinary individual who cannot afford the expense involved in prolonged litigation. Lawsuits require the hiring of lawyers by both sides and the assistance of lawyers is costly. Judicial procedure can be much simplified, and it ought to be. It probably would be simplified were it not for lawyers. Lawyers profit by the law's delays; the more lawsuits and the more prolonged they are, the more profitable it is for them. And lawyers form a large element in the legislatures which make the laws relating to court procedure. This is not to imply, however, that lawyers on the whole fail to promote the interests of justice. They do perform great services in this respect. The ends of justice would be far less perfectly served were it not for lawyers.

Reasons for these delays.

The main reason for the slowness with which justice is administered in the United States can be found in the great (and perhaps unnecessary) amount of care which is taken to assure every individual his legal rights. This has multiplied appeals, encouraged technicalities, and given the courts far too much to do. The right to be given a full and fair trial, to have a jury in most cases, to appeal, and to have due process of law with all that this implies—these are rights which the constitution guarantees and which we greatly value. Valuable they are, no doubt, but they make the course of justice slower in the United

States than in other countries where these constitutional safeguards do not exist. A famous Prussian king, Frederick the Great, once ordered that every lawsuit should be brought to an end within a year. Despots can make their courts move quickly in this way; but nothing of the sort is possible in a democracy.

Keep the courts incorruptible.

Yet the courts are, when all is said and done, the most important among the institutions of free government. Corruption and incompetence in legislatures, or in the executive branch of the government, are serious evils when they exist, to be sure; but when incompetence and corruption invade the judiciary they reach to the very heart of the Republic. The Great Charter of 1215 provided that "justice should not be sold, delayed, or denied to any man". That is a principle which must be maintained at all costs.

General References

C. A. BEARD, *American Government and Politics*, pp. 294-314; *Ibid.*, *Readings in American Government and Politics*, pp. 273-290; 488-508;

EVERETT KIMBALL, *National Government of the United States*, pp. 379-422;

JAMES T. YOUNG, *The New American Government and Its Work*, pp. 275-297;

W. B. MUNRO, *The Government of the United States*, pp. 342-371;

S. E. BALDWIN, *The American Judiciary*, especially pp. 3-124;

J. C. GRAY, *The Nature and Sources of the Law*, pp. 84-112.

Group Problems

1. What can be done to improve the work of the

courts? Present organization of the courts. How cases are brought. Figures concerning the number of cases. How far are the courts behind in their work? Causes of congestion. Has the jury system anything to do with it? The right to new trials. The right of appeal. Other factors which make for delay. The expensiveness of lawsuits. Justice and the poor. Proposed reforms in judicial procedure. Conclusions. **References**: S. E. BALDWIN, *The American Judiciary*, pp. 197-251; 365-373; C. A. BEARD, *Readings in American Government and Politics*, pp. 500-508; R. H. SMITH, *Justice and the Poor*, pp. 3-34; C. G. HAINES and BERTHA HAINES, *Principles and Problems of Government*, pp. 367-402; American Bar Association, *Report on the Reform of Judicial Procedure* (in Journal of the American Bar Association, Vol. VI, pp. 509-527, July, 1920); See also *The Cleveland Survey*, 1921.

2. The Supreme Court of the United States and its place in the American scheme of Government. References: W. B. MUNRO, *Government of the United States*, pp. 357-371; P. S. REINSCH, *Readings on American Federal Government*, pp. 703-720; C. A. BEARD, *Readings in American Government and Politics*, pp. 288-290; W. W. WILLOUGHBY, *The Supreme Court of the United States*, pp. 22-42.

Short Studies

1. **The Supreme Court at work.** F. J. HASKIN, *American Government*, pp. 325-336.

2. **The practice of declaring laws invalid.** C. G. HAINES, *The American Doctrine of Judicial Supremacy*, pp. 173-184; E. S. CORWIN, *The Doctrine of Judicial Review*, pp. 1-44.

3. **The influence of Supreme Court decisions.** P. S. REINSCH, *Readings on American Federal Government*, pp. 706-716.

4. **Law: its nature and development.** WOODROW WILSON, *The State*, pp. 69-93.

5. **The common law.** J. C. CARTER, *Law: Its Origin and Growth*, pp. 167-190; J. C. GRAY, *The Nature and Sources of the Law*, pp. 82-108; 266-292; SIR FREDERICK POLLOCK,

The Genius of the Common Law, pp. 1-26.

6. **Trial by jury.** S. E. BALDWIN, *The American Judiciary*, pp. 184-196.

7. **Criminal procedure.** *Ibid.*, pp. 226-251.

8. **The law's delays.** C. A. BEARD, *Readings in American Government and Politics*, pp. 500-505.

9. **Justice and the poor.** R. H. SMITH, *Justice and the Poor*, pp. 41-59.

10. **The courts and democracy.** J. H. TUFTS, *Our Democracy*, pp. 255-267.

Questions

1. Is it essential that a country with a government like that of the United States should have some body vested with the power to declare laws unconstitutional? Why or why not?

2. Under what circumstances might a murder case come to the Supreme Court?

3. Tell in each case whether the following controversies would come up in the federal or the state courts and give your reasons: (*a*) a man charged with murder on an American ship at sea; (*b*) a suit between the Standard Oil Company of New Jersey and the Ford Motor Company of Michigan; (*c*) a suit brought by Nicholas Nickleby, a citizen of Illinois, against the State of New York; (*d*) a charge of embezzlement brought against the cashier of a national bank; (*e*) a complaint against a railroad conductor for assaulting a passenger at a railroad station in Pennsylvania; (*f*) a charge against a foreign ambassador; (*g*) a suit brought by a citizen of Massachusetts against a citizen of California for non-payment of a note.

4. What are the subordinate federal courts? How are they organized? How are judges appointed and for what terms? How are they removed?

5. Describe all the steps in a criminal trial by jury, from arrest to conviction.

6. Explain the following terms, using a dictionary where needed: plaintiff; jury panel; venireman; demurrer; second jeopardy; appellate jurisdiction; writ of habeas corpus; affidavit; cross-examination; peremptory challenge; counsel

for the defendant.

7. Why should not every voter be required to do jury service when his turn comes? What classes of citizens are exempted in your state? Do you think that these exemptions are justified? Is it right that women should be called on for jury service? Are there any cases in which they should not serve?

8. To what extent should the right of appeal be limited?

9. If a person is found not guilty and a few days later confesses that he actually did commit the crime with which he was charged, he cannot be placed on trial again. Do you think this is right? Why does this rule exist?

10. What suggestions can you make for the prevention of existing delays in the administration of justice?

Topics for Debate

1. The power of the Supreme Court to declare laws unconstitutional should be taken away.

2. Trial by jury should be abolished in civil cases.

3. The loser in a law suit should not be compelled to pay all the winner's costs, including his lawyer's fees.

CHAPTER XVII
NATURAL RESOURCES AND CONSERVATION

The purpose of this chapter is to show what nature has done for the United States, and to explain the relation between national prosperity and natural resources.

The source of America's greatness:

The Things that Make a Nation Great.—Three things have contributed greatly to the upbuilding of the American nation. The first is the wide extent, the richness, and the varied character of American territory. The United States is not only a vast country, surpassed in area by very few other countries of the world, but it possesses great natural advantages. 1. The land and its resources. It contains, as will be seen presently, extensive regions which are well-suited for almost every form of human activity, including agriculture in all its branches, manufacture, mining, forestry, transportation, and trade. It is abundantly provided with natural harbors and waterways. In soil and climate there is great variety. No other country of the world can produce so many different things under such favorable conditions.

2. The initiative and industry of its people.

But it is not enough that a country shall have natural resources. It must have a people with initiative and industry to develop them. The American people have spent three centuries at the task of making the land yield its increase and they have much to show for it. Originally, for the most part, of Anglo-Saxon stock, the population has been enriched by the addition of immigrants from every country of the old world. This mingling of many races into one people has given the nation vigor and versatility. It has helped to develop among the American people that alert and progressive spirit which is one of their most valued characteristics; it has also given strength to democratic ideals.

3. The national deals.

The enduring greatness of a nation does not depend, however, upon its material achievements alone. It cannot be measured by figures of population and wealth. What a nation contributes to the progress and permanence of civilization depends not only upon its economic prosperity but in an even greater degree upon its spiritual and intellectual strength. This vast land, so richly endowed by nature and with its riches so fully utilized by man, has won and can retain its foremost place among the nations of the world by promoting justice and contentment among its people, upholding the reign of law, diffusing education among all, and holding true to the ideals of democratic government.

Importance of the soil.

The Land.—Soil is the fundamental resource of any country. Its fertility determines, in large

measure, the size of the population that can be supported. It is probable that more than thirty per cent of the American people are today engaged in earning their living from the soil; at any rate the whole population is in one way or another dependent upon it. From the soil comes almost our entire food supply.

The land of the country is privately owned.

Outside the original thirteen states practically the entire area of the country has been at some period in the hands of the national government as part of the public domain.[154] By far the greater part of it, however, has been sold or granted into private ownership. In the course of this disposal many corporations and individuals managed to obtain large tracts of land for very little outlay, because careful attention was not always given to the administration of the land laws; nevertheless the policy of selling land cheaply and giving it free to settlers helped to build up the great Western territories. Out of a public domain which at one time or another included nearly two-thirds of the entire United States only six hundred million acres now remain in the federal government's hands. Most of this is desert, mountain land, or land that is otherwise unfit for cultivation.

The Need of Conservation.—So long as land remained plentiful and natural resources seemed to be abundant, very little thought was given to the possibility that some day both of these things would become scarce. The land in some parts of the country was exhausted by wasteful methods of cultivation and then abandoned. Some examples of wasted wealth. There are thousands of abandoned farms in the New

England states. Coal, iron, and copper were mined in ways that permitted enormous wastage. Through negligence much of our forest wealth was destroyed by fire. By the beginning of the twentieth century it began to dawn upon the people that the natural resources of the country were rapidly melting away, that practically all the good land was gone, while the natural resources in the way of coal and timber were being so wastefully used that they would both be exhausted within relatively few decades unless something were done to conserve them. Accordingly a movement for the conservation of natural resources was started and since 1900 it has made considerable progress both in securing the passage of laws and in the education of the public to the urgency of the situation.

SCIENCE REVEALING THE TREASURES OF THE EARTH

By Edwin A. Abbey

From a mural painting in the Pennsylvania State Capitol at Harrisburg.

In this picture the artist portrays an open coal mine into which several mine-workers are descending. They are stalwart, young, artless pioneers, eager for discovery. They impart dramatic energy and realism to the picture.

Science is pointing the way. She is accompanied by Fortune,

the latter blindfolded and tiptoeing on her wheel. Grasping Fortune's right hand is Abundance, with an overflowing cornucopia, or horn of plenty, on her shoulder. These mythological figures lend the picture its symbolism.

The artist portrays a great truth. Human labor, wisely guided by science, has found fortune and abundance in the mines and quarries of the earth.



SCIENCE REVEALING THE TREASURES OF THE EARTH. By Edwin A. Abbey

Copyright by Edwin A. Abbey. From a Copley Print, copyright by Curtis & Cameron, Boston. Reproduced by permission.]

Conservation means three things:

What Conservation Means.—Conservation means three things: 1. Retention. First, that public lands still in the hands of the nation and the states shall not be thoughtlessly turned over to private corporations and individuals for their own profit, but shall be administered so far as practicable by the public authorities for the benefit of the whole country; second, 1. Retention. that such portions of our timber, coal, oil, and mineral resources as have already passed into private hands shall be so regulated by law as to prevent their wasteful exploitation; and 3. Replacement. third, that the government shall do its best to encourage the replacement of such natural resources as can be replaced (for example, by the reforesting of land and the restocking of lakes with fish).

Coal and iron.

The Mines.—No country can ever become great in industry unless it has ready access to minerals, especially iron and coal. It was the possession of iron and coal in great quantities that served to make England during the nineteenth century the industrial leader of Europe. Various regions of the United States possess these great stores of mineral wealth and have made good use of them. There is one great difference between mineral resources and other natural resources, namely, that when minerals are once taken from the earth there is no way of renewing them. Soil can be replenished, and forests regrown; but minerals form an endowment which, when once drawn from the bowels of the earth, can never be replaced. Hence the urgent need for a policy of conserving these important sources of national wealth. Coal and iron, while they are the natural resources upon which the growth of industry mainly depends, are not the only forms of wealth

drawn from below the surface of the ground in this country. Other minerals. In the mining of silver and gold the United States is one of the foremost among the various producing countries. Copper, lead, oil, zinc, aluminum, quicksilver, and other natural materials are also taken from the earth in large quantities each year.

The earlier practice.

The Conservation of Coal, Oil, and Minerals.—Until about fifty years ago, land containing coal or other mineral resources was sold and granted by the government like any other lands. The individual or corporation became the owner of whatever wealth might happen to lie beneath the surface. In this way an enormous amount of wealth was practically given away. It was not until a few years ago that the government decided to reserve for itself all coal and minerals which might be discovered in lands given to settlers. The present coal situation. But this action came too late, for most of the coal-bearing lands had already passed into private ownership. By its failure to take due thought for the morrow the government had sold, for a few dollars per acre, what might have been a source of enormous revenue. If the practice of reserving the right to all coal, oil, and minerals in granted lands had been adopted in 1810 instead of in 1910 the value of these rights today would be greater than the entire national debt.

A large and steady supply of coal is of the utmost value to industry; in fact modern industry depends upon it. Yet when coal is once taken out and burned it cannot be replaced; there is only so much of it in the country and when that is gone there will be no more. It took nature many millions of years to produce the coal that is there now. At the present rate of increase in yearly consumption all the coal

that is known to exist in the United States will be gone in about one hundred and fifty years. Some saving can be made by the use of oil and water power. Some economies in mining and in the use of coal are also possible. But these will hardly avail to prevent the ultimate exhaustion of the supply. At best we can only set that day a bit further off.

Conservation of oil.

Speaking of oil, the amount of crude petroleum or fuel oil now actually known to be available in the United States will be exhausted in less than fifty years if the present rate of consumption is maintained. There is every likelihood that this rate of consumption will be increased owing to the greater use of gasoline and kerosene for motor power. Large quantities of oil, however, are, available in Mexico. Within recent years it has been hoped that, with the progress of mechanical appliances, it will be practicable to obtain oil from shale rock.

The wastage of our forest wealth.

The Forests.—When the first European settlers came to America, the colonists depended heavily upon the forests. From the woods they obtained timber for their houses and barns, wood for fuel and, by hunting, a considerable part of their food supply. In all stages of civilization men have depended upon the forests to satisfy many of their diversified wants. Nowadays steel has taken the place of timber in the construction of buildings and ships; coal and oil have largely replaced wood as fuel; the days when men subsisted by hunting are past; and mankind is no longer so heavily dependent upon the forests as in the olden days. Yet the forests of America are still a great source of wealth even though the timber resources have been heavily drawn upon during the

past hundred years. This is one of the natural resources which has been wastefully used and it is only in recent years that attention has been given to conserving what is left of it. The forests are needed, not only as a source of timber supply, but in order to preserve the fertility of the soil and to retain in it the moisture which is otherwise evaporated or run off.

The earlier practice.

The Conservation of Timber.—In the days when so much of the land was covered with timber the chief concern was to get it out of the way so that the ground could be used for agriculture. No one seemed to realize that the day would ever come when forest land would be more valuable than corn land. Before 1878 the national government sold off many million acres of valuable forest land at low prices to individuals and corporations and they, in turn, used it in whatever ways would yield the largest profit to themselves. The Timber and Stone Act, 1878. By the Timber and Stone Act of 1878, however, it was provided that only a limited area of government land containing timber or stone could be sold to any one person or corporation and then only at a higher price than agricultural land. But even this did not prove a sufficient measure of waste-prevention, and in 1891 Congress adopted the policy of withdrawing large areas of government forest land from the market altogether. Forest reserves. These tracts were set aside as national forest reservations and today there are about one hundred and fifty million acres set apart to ensure the country's future supply of timber. The national government is also permitted to buy from private owners forest lands in the watersheds of navigable streams in order to protect the natural flow in such waterways. The administration of all the forest reservations is in the hands of the United

States Forest Service, which forms part of the Department of Agriculture.

Forest policy of the states.

The area of timber land owned by the states, by corporations, and by individuals is very much greater than that contained in the national reservations. It is here, moreover, that the greatest amount of waste is taking place. Forest fires, most of which are due to carelessness, burn up enormous quantities of timber every year. The states which still possess considerable forest resources, such as New York, Minnesota, and California, are also adopting the policy of creating reservations and everywhere more effective measures are being taken to prevent destruction by forest fires. These measures include the maintenance of fire patrols, the construction of fire-breaks on the ridges of hills, the clearing out of underbrush, and the stricter supervision of camping parties.

Timber, fortunately, is a natural resource which can be replaced. Lands which have been cut-over can be reforested and used to supply timber for future generations. Large trees take a long time to mature, however, and the lands which are being planted with seedlings today will not be yielding material for the sawmill until the middle of the twentieth century has faded into the past. Both the national and state governments are now reforesting on a large scale. To some extent private corporations and individuals have followed their lead.

Harbors, lakes, and waterways.

Other Natural Resources.—All the nation's wealth does not come, however, from the fields, the mines, and the forests. In fisheries America leads the

entire world. The harbors and the waterways of the country are as important to commerce as the soil is to agriculture. No other country is better provided with natural harbors, lakes, and navigable rivers than the United States. All the largest cities are located upon them, and were it not for the waterways, we would not have the great cities. Run over in your mind the ten or fifteen largest cities of the United States and see if you can name any that are not situated on one of the oceans, the Great Lakes, the great navigable rivers, or on the Gulf of Mexico. It is not a mere accident that none of the great industrial centers are without facilities for trade by water. Geography, not man, determines for the most part the situation of all great industrial communities. Water power is another natural heritage. Water power. From the giant Niagara to the smallest cataract, thousands of these water powers have been harnessed and made to function as the servant of man, running factories and generating electricity. Water power does the work of coal.[155] Its presence has often determined the location of large industries.

How geography determines a nation's progress.

Geography and the Future.—From what has been said in the last four sections it will thus be seen that natural resources are a great factor in determining the progress and prosperity of a nation. The energy of man cannot replace the bounty of nature. No amount of intelligence and industry on the part of the people will ensure rapid economic progress if they occupy a country which lacks a fertile soil, is devoid of minerals, possesses no forests or fisheries, and is deficient in natural harbors and waterways.

Man can do much, but his powers are limited without the aid of nature. Animals and plants can be carried from one part of the world to another and made to thrive in their new environment; but mineral resources were laid down many millions of years ago in certain definite places and there they have stayed. A country which has no mineral resources cannot create them by the genius or industry of its people. On the other hand, if great natural resources are at hand, progress becomes merely a question of applying human intelligence and industry to these resources. The rise of the American nation to its present position, therefore, is not surprising, although it has taken a relatively short period of time. It is the joint result of nature's bounty and man's efficiency. To which of these we owe the larger share of the nation's progress no one can say. If the country had lacked either, it could not have progressed in any such measure during the past three hundred years.

Natural resources and national power.

The same things have been true of other countries. England, during the greater part of the nineteenth century, was the leading industrial country of the world. This was unquestionably due not only to the enterprise of Englishmen but to the great natural resources of the country in coal and iron. When Germany defeated France in 1870 she took away from the French certain territories which were rich in minerals. With the aid of these materials Germany in the course of fifty years was able to become a great industrial power. Now, as the result of the World War, the French have recovered these territories and we may look for a marked revival in the industries of France. During the peace

negotiations more importance was attached to small areas of coal and mineral lands than to whole provinces of agricultural land.

As the mineral resources of older countries become exhausted it is altogether likely that industrial supremacy will pass with them. New countries, which today have unexplored possibilities in coal and iron, will then have their turn in industrial prominence. Who knows where the balance of industrial power will be lodged a hundred years hence. China, for aught we know, may be the chief manufacturing country of the world in the twenty-first century. If we knew exactly how long the natural resources of Europe and America will hold out, and if we knew also just how much mineral wealth there is in the Far East, we could predict these things with reasonable certainty.

How geography will influence the future progress of America.

Certain it is, at any rate, that the past history of America has been determined, in no small degree, by geographical conditions. The same factors are likely to influence the future. The country is becoming less agricultural, less dependent upon the soil. As it becomes more industrial our dependence upon its other natural resources, upon coal, iron, oil, copper, timber, and water power must necessarily increase. The commerce of the country keeps on growing, and with this growth the reliance of the nation upon its harbors and waterways will inevitably become greater. As population expands there will be a heavier demand upon the food supply and the time will doubtless come when the United States will have no food for export. Indeed the day may arrive when agricultural products will have to be imported from

outside. All this points to the need for emphasis upon conservation. It means that we should avoid all wastage of natural resources. The fertility of the soil should be preserved by scientific methods of agriculture. The mineral wealth of the country should be utilized in such a way as to give the greatest advantage over the longest period of time. We must reforest our unused lands. Harbors and waterways should be developed to aid commerce. If these things are done, America can face the future with confidence.

General References

GREGORY, KELLER, and BISHOP, *Physical and Commercial Geography of the United States*, pp. 252-350;

A. P. BRIGHAM, *Geographic Influences in American History*, especially pp. 70-104;

E. C. SEMPLE, *Influences of Geographic Environment*, pp. 51-71;

O. W. PRICE, *The Land We Live In*, pp. 99-138;

N. S. SHALER, *Man and the Earth*, pp. 1-19;

C. R. VAN HISE, *The Conservation of Natural Resources in the United States*, especially pp. 263-306;

T. N. CARVER, *Sociology and Social Progress*, pp. 174-270 (The Influence Exerted by Physical Laws over the Organization of Society and the Character of Individuals, by T. H. BUCKLE); *Ibid.*, *Principles of National Economy*, pp. 3-14; 123-152;

C. A. BEARD, *American Government and Politics*, pp. 405-416; *Ibid.*, *Readings in American Government and Politics*, pp. 368-374;

P. S. REINSCH, *Readings in American Federal Government*, pp. 538-589;

M. H. GREGORY, *Checking the Waste*, pp. 42-85;

ISAAC LIPPINCOTT, *Economic Development of the United States*, pp. 149-182.

ISAIAH BOWMAN, *The New World: Problems in Political Geography* (see index).

Group Problems

1. The civilization of the future as determined by the exhaustion and development of natural resources. When European and American resources in coal, oil, and iron give out, what substitutes can be used and to what extent? What countries have the resources to enable them to forge ahead when that time comes? Show the connection between industrial progress and each type of natural wealth. Consider whether there is any way in which a country may keep its industrial supremacy despite the exhaustion of natural wealth. **References**: *Encyclopedia Britannica*; *Statesman's Year Book*; GREGORY, KELLER, and BISHOP, *Physical and Commercial Geography*, especially pp. 252-350; 384-394; C. R. VAN HISE, *The Conservation of Natural Resources in the United States*, especially pp. 359-379; H. T. BUCKLE, *History of Civilization in England*, Vol. I (1868 edition), pp. 39-151; ISAIAH BOWMAN, *The New World*, *passim*.

2. Conservation and its apostles, especially President Roosevelt. References: H. R. BURCH, *American Economic Life*, pp. 101-108; C. R. VAN HISE, *The Conservation of Natural Resources in the United Stales*, pp. 1-14; 359-379; ELY, HESS, LEITH, and CARVER, *Foundations of National Prosperity*, pp. 19-20; GIFFORD PINCHOT, *The Fight for Conservation*, pp. 40-70; THEODORE ROOSEVELT, *Autobiography*, pp. 408-436.

3. The coal industry: its past, present, and future. References: W. J. NICOLLS, *The Story of American Coal*; PETER ROBERTS, *The Anthracite Coal Industry*, pp. 3-16; 212-227; ELY, HESS, LEITH, and CARVER, *The Foundations of National Prosperity*, pp. 191-209.

Short Studies

1. **The relation of human progress to geographic conditions.** GREGORY, KELLER, and BISHOP, *Physical and Commercial Geography*, pp. 126-179; T. H. BUCKLE, *History of Civilization*, I, pp. 174-270.

2. **What are the fundamental factors in national prosperity?** T. N. CARVER, *Principles of National Economy*, pp. 3-15; ISAAC LIPPINCOTT, *Economic Development of the*

United States, pp. 14-34.

3. **American forest reservations.** H. D. BOERKER, *Our National Forests*, pp. 170-232; O. W. PRICE, *The Land We Live In*, pp. 65-98; ERNEST BRUNCKEN, *North American Forests and Forestry* (1900), pp. 161-182; U. S. Department of Agriculture, Forest Service, *Circulars*.

4. **The oil situation.** DAVID WHITE, in the *Annals of the American Academy of Political and Social Science* (May, 1920); C. R. VAN HISE, *The Conservation of Natural Resources in the United States*, pp. 47-61.

5. **The growth of the iron and steel industry.** H. N. CASSON, *The Romance of Steel*, pp. 1-26; 72-100; J. R. SMITH, *The Story of Iron and Steel*, pp. 108-126; ANDREW CARNEGIE, *Autobiography*, pp. 130-197.

6. **The conservation of water power.** C. R. VAN HISE, *Conservation of Natural Resources in the United States*, pp. 144-161.

7. **The conservation of iron and copper.** ELY, HESS, LEITH, and CARVER, *Foundations of National Prosperity*, pp. 210-231.

8. **The settlement and use of the national domain.** ALBERT SHAW, *Political Problems of American Development*, pp. 87-115.

9. **The homestead system.** C. R. VAN HISE, *Conservation of Natural Resources in the United States*, pp. 279-287; G. M. STEPHENSON, *The Political History of the Public Lands*, pp. 190-245.

10. **The reclamation of desert and swamp lands.** H. R. BURCH, *American Economic Life*, pp. 93-99.

Questions

1. Mark on an outline map the chief geographical divisions of the United States. State the chief characteristics of each.

2. Locate on the map the chief agricultural areas, the chief mining districts, the chief industrial centers, and the chief harbors of the United States.

3. Why do the great railroads of the United States run east and west rather than north and south?

4. Do you approve of granting free lands to bona fide

settlers? Under what restrictions?

5. Mark on the map the location of (*a*) the principal coal areas; (*b*) the principal oil-bearing areas; (*c*) the national forests.

6. Show what natural resources are utilized in the building of a house, from cellar to garret, and tell what section of the United States is the largest center of production for (*a*) oak timber; (*b*) glass; (*c*) steel beams; (*d*) electric wire; (*e*) sewer pipe.

7. Name the harbors of the United States in the order of their (*a*) natural advantages; (*b*) commercial importance.

8. Compare the general geographical advantages of North and South America. To what extent has the difference in the relative economic progress of the two continents been due to geographical differences?

9. Which do you regard as the more urgent need at the present day: the conservation of timber or of coal or of oil? Give your reasons.

10. Compare the relative geographical advantages of the following cities: Pittsburgh, Detroit, Atlanta, San Francisco, Baltimore.

Topics for Debate

1. The United States should adopt a rental system for all public lands on which there are mineral resources or water powers.

2. The United States should insist upon free access to foreign natural resources (for example, in Mexico).

CHAPTER XVIII
THE AGRICULTURAL INTERESTS

The purpose of this chapter is to show the large part which agriculture plays in the life of the country and to discuss briefly some of the problems of agriculture today.

Importance of American Agriculture.—Agriculture has always been the most important single industry in the United States. The crops in earlier days. It was at one time practically the sole occupation of the people; even today it directly or indirectly engages the attention of more than half the adult male workers of the country. In colonial days the chief task of the people was to raise a food supply sufficient for themselves. Corn was their principal crop, the colonists having learned from the Indians the methods of cultivating it. Corn had the advantage of being well suited to the soil and climate; besides it grows well even in partially cleared land. But in colonial days and even for a time after the Revolution the country did not produce much grain beyond its own needs. The production of large quantities for export came with the opening up of the great agricultural areas of the West.

1. Mixed farming.

Types of Agricultural Activity.—American agriculture has developed, during the past three

hundred years, in five or six different directions. The earliest settlers in the northern colonies devoted themselves to general or mixed farming, in other words to the raising of grain, hay, and cattle on the same tract of land. This was because the environment and needs of the northern region alike favored this method. Mixed farming has continued to be the mainstay of agriculture east of the Alleghenies; in some measure it has spread to other parts of the country as well.

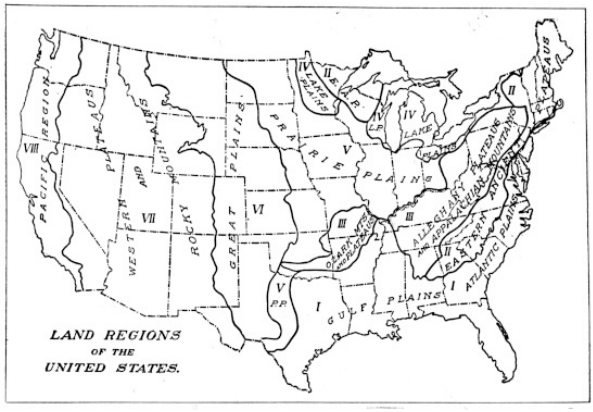
2. Staple or plantation farming.

A second type of agriculture, almost from the very outset, made progress in the South. This involved the raising of certain staple products, such as rice, tobacco, sugar, and cotton on large plantations. The soil, climate, and general environment of the southern colonies all lent themselves to this type of agriculture and it eventually spread itself over the whole region. Cotton in time out-stripped the other staples and became king of the whole South. This was largely because the invention of the cotton gin, an appliance for removing the seeds from the fibre, greatly reduced the cost of preparing cotton for the market. The scarcity of free labor to work these great plantations led to the importation of negro slaves and the institution of slavery had a profound effect upon the subsequent course of American history. Since the emancipation of the negroes, the plantation system has remained although many of the larger tracts have been broken up into small holdings.

3. Cereal growing.

The opening of the Middle West and Mississippi Valley brought in a third form of agricultural activity, namely, the production of cereals (such as corn, wheat, oats, rye, and barley) on great tracts of

prairie land. This form of agricultural production received a great impetus from the invention of labor-saving machinery, notably the power-reaper. The region of extensive cereal production today includes the Middle West, the Northwest, and the Mississippi Valley, making the richest grain-growing area in the world.



LAND REGIONS
OF THE
UNITED STATES.

LAND REGIONS OF THE UNITED STATES

The great geographical regions of the United States are indicated by this map. Starting from the East we have the Atlantic Plains and, just behind them, the Eastern Plateaus running north and south. Then come the Appalachian

Mountains and the Allegheny Plateaus, followed, still further westward, by the Lake Plains, the Prairie Plains, and the Great Plains. Southward, fringing the Gulf of Mexico, are the Gulf Plains. To the far west are three great land regions, namely, the Rocky Mountain area, the Western Plateaus, and the Pacific Slope.

This map should be used in connection with Question 1 (page 354).

---

4. Cattle raising.

As the frontier rolled westward to the foothills of the Rocky Mountains a fourth type of agriculture—using the term in its wider sense—began to make rapid strides. This was the stock-raising industry, the production of horned cattle and sheep on large tracts of grazing land or ranches. This branch of agricultural activity has made its greatest progress in the Middle Southwest and upon the upland states just east of the Rockies (Montana, Wyoming, etc.). Cattle are raised on the ranches, then shipped to the corn belt where they are fattened before being sent to the abattoirs at St. Louis and Chicago.[156]

Miscellaneous activities.

Other branches of agriculture which have developed largely within the past half century are dairying, market gardening, and fruit growing. These activities are not confined to any one section of the country but to a considerable extent are carried on

everywhere. Dairying and market gardening have made most progress within convenient distance of the large cities, although improved transportation facilities in the way of air-cooled and refrigerator cars now permit the shipment of dairy and garden produce over long distances.

From all this it can be seen that when one speaks of the interests of agriculture a great many different things are included. The agriculture of the United States is diversified to an extent that is found in no other country.

Size of the various crops.

The Value of American Agricultural Products.—The largest cereal crop produced in the United states is corn; the total in some years runs as high as three billion bushels. This is more than twice the amount of corn grown in all the rest of the world. Oats come next, with about one and one-half billion bushels in the best years, and wheat third, with a round billion or thereabouts. Cotton is the largest staple crop, with an annual yield of from ten to fifteen billion bales, each bale containing five hundred pounds. Of this nearly half is exported. More than twelve million cattle are received each year at the great abattoirs, besides an equal number of sheep and twice as many hogs.

The value of this enormous agricultural production, if stated in dollars and cents, would be misleading because prices change from year to year; the fluctuations are often considerable within a very short period of time.[157] But in any case the contribution which agriculture makes to the yearly income of the nation is enormous. Upon it the national prosperity depends in a very great measure.

How the war

stimulated American food production.

American Agriculture and the War.—American agriculture had a very important part in winning the World War. As this great struggle progressed the task of providing food for the Allied armies and for the civilian populations became month by month more difficult. Men were drawn off the farms of Europe to fight and the fields went uncultivated; practically the whole of Belgium and a considerable part of France were in the hands of the enemy; no supplies could be drawn from remote parts of the world such as Australia, South America, or the Far East because the available ships were needed to carry troops and munitions; so the American farmer had to speed up production in order to save the situation. When America entered the war the Allies had practically reached the end of their resources in foodstuffs; their populations were living under a rigid system of food rationing. Under the stimulation of this great emergency American agriculture rose to the occasion and the increased production of foodstuffs, together with the savings which were made through the observance of "wheatless" and "meatless" days enabled the United States not only to maintain an army of two million soldiers in France but to contribute largely to the food supplies of the Allied armies and civilian populations as well. The supply trains which fed the American army in France (and never on a single day did they fail to reach the front), started from Kansas City and Chicago, not from Brest or Havre. The American farmer was the great factor in this service of supply.

An example of *increasing returns*.

A Peculiarity of Agricultural Production—The

Law of Diminishing Returns.—There is one fundamental feature in which agriculture differs from industry. In industry, as a rule, the more labor and capital you apply the greater the amount of the produce. Many industries, indeed, are so constituted that by applying additional capital and labor you obtain more than proportionate returns. Take the book-binding industry, for example. A small shop, employing three men, might bind and stamp two hundred books per day at a cost of twenty cents per book. But a large establishment, employing a hundred workers with modern machinery can easily put through many thousand books at half the cost per volume. A manufacturer, if he is wise, finds out what branches of his business are most profitable. Then he applies more capital and labor in that direction so as to increase his earnings, and devotes less attention to the things which cannot be made so profitably. This is known as production under the *law of increasing returns*.

But in agriculture the situation is quite different. Any farmer or ranchman will tell you, if you ask him, that some of his land is better than the rest and yields him greater profit for the capital and labor applied to it. But if you thereupon suggest to him that he should devote all his attention to this particular piece of land, and neglect the rest, he would think very poorly of your intelligence. An illustration of *decreasing returns*. And rightly so, for if he applied more labor and capital to his best land, he would not be sure of getting a crop-increase in proportion; on the contrary, he would be quite safe in saying that, after a certain point, his extra labor and capital would bring him *less* than proportionate returns. An investment of ten dollars per acre may result in a crop of fifteen bushels per acre. It is very

doubtful whether by applying twenty dollars worth of capital and labor to the land this yield could be doubled and it is quite certain that it could not be trebled by spending thirty dollars per acre on the land. In other words, agriculture is carried on, for the most part, under the *law of diminishing returns*, which may be briefly defined by saying that, "if at any given time, the amount of labor and capital applied to agricultural land is increased beyond a certain point, the increased investment will yield less than proportionate returns". If this were not the case, no one would ever cultivate the poorer lands. We would raise our entire crops from the most fertile tracts. The point at which the returns will begin to diminish can never be exactly fixed, for improvements in the methods of agriculture may place it further ahead. These improved methods also bring into cultivation lands which otherwise would not be utilized.

Another Peculiarity of Agriculture—Limitations on Division of Labor.—In one other fundamental feature there is a difference between agriculture and industry. In industry, as will be seen presently, the individual worker confines his attention to one operation in the process of production. He does not make a shoe, but only part of a shoe. But in agriculture, this division of labor cannot be carried so far. Why division of labor does not apply to agriculture. The workers engaged in agriculture cannot be ploughmen, sowers, reapers, or threshers only; they must take a hand at all these things when the time comes. This is because the tasks connected with agriculture change with the seasons. Agricultural labor must, therefore, be much more versatile than labor employed in large-scale industry. Most industries, moreover, are able to run along at an even pace throughout the year, affording steady

employment to a fixed number of workers. But in most forms of agriculture, the amount of labor required is much greater at some seasons of the year than at others, thus giving the farmer a labor problem of great difficulty to contend with.

The chemical elements in soil.

The Exhaustion of the Soil.—The agricultural production of the country depends upon the fertility of the soil. Agricultural soil contains various chemical properties which are exhausted by long-continued cropping, particularly if only one type of produce is grown. These chemical elements are, more particularly, nitrogen, phosphorus, and potash. Some crops draw chiefly upon one of these chemical elements and some upon the others. Wheat and corn take large amounts of nitrogen from the soil, while potatoes draw a larger proportion of potash. The exhaustion of the soil is prevented in two ways, first by rotation of crops and, second, by the use of fertilizers. Rotation of crops involves the growing of different products in successive years, such as wheat, potatoes, and hay. It is not always practicable.

Fertilization. Fertilization involves the putting of chemical elements back into the soil. It may be effected by the use of natural manure or artificial fertilizers or by ploughing under the soil a green cover crop. Land retains its fertility to the degree that chemical elements are conserved in it.

The Effects of Agricultural Improvements.—During the past half century great progress has been made in all the processes of agriculture. The methods of treating the soil, the types of grain and other produce grown, the machinery available for use in agriculture, and the general intelligence with which the lands are cultivated—all have vastly improved

since our grandfathers' day. The increased yield of the soil. The results are apparent in an increased production. At the time of the Civil War the yield of wheat throughout the United States averaged only nine to ten bushels per acre; today it is nearly double that figure. Good farms and good farmers are now producing twenty-five bushels of wheat to the acre, sixty bushels of corn, or six hundred pounds of cotton. Similar progress has been made in the raising of cattle and in dairying. This has been accomplished by the selection and breeding of improved stock.

Year by year this improvement continues and it is certain that we have not yet nearly reached the limit of possibilities. On the highly fertilized lands of some European countries the wheat yield is as high as thirty or even forty bushels to the acre. In the case of root crops, fertilization of the land is an extremely important factor in production. Our future possibilities. One of the great present-day needs of American agriculture is a better and cheaper supply of nitrates for fertilizing the land and this has directed attention to the possibility of manufacturing nitrates in this country instead of importing them from abroad.[158]

The United States Department of Agriculture.—To assist the agricultural interests of the country a Commissioner How the national government helps the farmer. of Agriculture was appointed by the national government in 1862, and seven years later this office was expanded into a Department of Agriculture, with a member of the cabinet at its head. The work of this department at the present day covers a wide range. Its more important activities, carried on through various bureaus, may be summarized as follows: The Bureau of Plant Industry studies new agricultural methods, endeavors to find improved varieties of grain and plants, conducts research work on soil

fertility, and devises measures for the extermination of noxious weeds. It has combed the whole world for new grains and plants likely to thrive in this country. Its agents go about the country giving talks and demonstrations to the farmers with a view to educating them in all these matters. The Bureau of Animal Industry makes investigations into improved methods of breeding and raising live stock; it studies the problem of preventing communicable diseases among animals, and has charge of federal meat inspection. The Bureau of Entomology gathers and publishes information concerning insects which do harm to crops and cattle. It suggests methods of exterminating each form of insect pest. In this it has a giant task, for the ravages of insects like the gypsy moth and orange thrip are still costing the country millions of dollars per year. The work of the United States Forest Service, which is in this department, has already been mentioned. The Weather Bureau's work is also well known. It gathers information concerning the weather in all sections of the country and sends out timely forecasts of probable storms, heat-waves, frosts, and rainfall for the benefit of agriculture and navigation. Other bureaus make chemical analyses of soil, water, and foods, and compile all manner of agricultural statistics. The Department of Agriculture also maintains, in different parts of the country, sixty experiment stations, at which new methods are fully tried out before being recommended.

It will be seen that by far the greater portion of the department's work is scientific and educational. Its educational work is carried on not only by speakers and demonstrators who go about the country, but by the issue of bulletins and an annual volume known as the department's Year Book. This volume, which

may be had free of cost, contains more useful information on agricultural topics than any other book of its sort.

How the state governments help the farmer.

State Encouragement of Agriculture.—The encouragement of agriculture has not been left entirely to the national authorities. Most of the states also maintain departments of agriculture in charge of boards or commissioners. In most of the states, moreover, state colleges of agriculture have been established, and these may be attended, usually without the payment of tuition fees, by any qualified resident of the state. Short courses of instruction are given in various branches of agriculture for those who can spend but a few weeks or months at these agricultural colleges; extension work is carried on and scientific investigations made. This work has been, to some extent, assisted by grants of land and money from the national government. The chief individual factor in bringing both the federal and state agricultural authorities into touch with the farmers and cattle raisers is the county agent. He addresses them at their meetings, advises them on all agricultural matters, and helps them to form agricultural clubs.

The Problem of Agricultural Credits.—In agriculture, as in industry and commerce, a considerable amount of capital is needed. It takes capital to buy land, to improve it, to obtain machinery and live stock, to purchase seed, and to pay expenses during the period between seedtime and harvest. Until recently the agriculturist has been at a disadvantage, as compared with the manufacturer, in securing this capital. The banking

system of the country was organized mainly to assist the operations of industry and commerce; there were no special banks to assist agriculture. The Federal Farm Loan Banks. In 1916, however, a system of Farm Loan Banks was established. There are now twelve such banks situated in as many regions of the country. Their function is to loan money on the security of agricultural or grazing land at reasonable rates of interest, the loans to be repaid in installments over a term of years. This has placed agriculture on an equality with all other forms of production as regards loans based on the security of land; but for loans upon the security of cattle, crops, and other personal property, the agriculturist must still depend upon the regular banking institutions.

"Seasonal" character of agriculture.

The Problem of Agricultural Labor.—Mention has already been made of the fact that agriculture is a "seasonal" occupation to a very large extent. It is an occupation, moreover, in which the workers cannot at all times call eight hours a full day's work. At the busy seasons of seedtime and harvest the day of the farmer and his helpers is from before sunrise until after sunset. As a result of these features the securing of a sufficient labor force at the busy seasons is an agricultural problem of great and constantly-recurring difficulty. Time and again it has happened that valuable crops have gone to waste because men could not be hired to harvest them. During the war years the scarcity of labor was especially acute and the wages of farm workers went up very rapidly. It is believed that this problem of getting sufficient labor might be solved by some organized action such as the United States

government took during 1917-1918, recruiting labor in the cities, moving them from section to section in accordance with the demand, and effecting a more even distribution of the available workers.

Farmers' Organizations.—It is harder for farmers to organize than for men in most other occupations. They live apart from one another; they are not dependent upon one another to the same extent that townsmen are; and their manner of life tends to make them individually self-reliant. In organizing they have, therefore, been much less active than workers in industry and commerce. Nevertheless there are many farmers' associations in the United States at the present time and their membership is steadily increasing. Some of them are co-operative bodies, organized for the buying, selling, or manufacture of products. Others are agricultural societies formed for the purpose of holding fairs and meetings.

The Grange and the Farmers' Alliance.

Two farmers' organizations of a fraternal and social nature have spread all over the country. The first is the Patrons of Husbandry, more commonly known as the Grange. The other is the National Farmers' Alliance. Between them these two organizations include several million members. Their main purpose is to promote the social and economic interests of the agricultural population, but they are also, on some occasions, active in politics. Farmers' Institutes, which are being held under the joint auspices of the national and state agricultural departments in all sections of the country have also contributed to the facilities for popular education and recreation. These institutes are attended by more than two million persons per year.

The agricultural "bloc."

The Farmer in Politics.—While the farmers of the United States do not possess a political organization of their own they are able through the various bodies mentioned in the preceding paragraph and through other associations to exercise a very important influence upon the action of the government. Many senators and representatives come from sections of the country where the farmers constitute an important element among the voters and on matters affecting the interests of agriculture these legislators usually stand together. In recent years this group of congressmen from the agricultural areas has been commonly known as the "agricultural bloc"; they do not form an actual majority in Congress, but they have usually had enough strength to get what they want. At the session of 1921 they obtained a tariff duty on wheat, which is in effect a tax on bread, and any political organization which can put a tax on bread must be powerful indeed. The farmers' lobby at Washington is exceedingly strong.

Attempts have been made to unite the farmers in the rural districts with the workers in the cities into a regular political party. At the presidential election of 1920 a so-termed Farmer-Labor ticket was placed in the field, but it did not muster much strength. A combination of these two elements, if it could be effective, would be all-powerful. It is very doubtful, however, if any such political combination can be really made. The interests of the two elements are too far apart. The farmers are producers of food; the city workers are consumers. One wants prices to stay high; the other wants them to come down. It will be difficult to get two such groups to come together and to stay together.

The rural exodus.

The Special Problems of Rural Communities.—One of the chief problems of every rural community is to keep its young men and women from migrating to the cities and towns. In many parts of the country the agricultural population is steadily declining by reason of the constant exodus to the towns, and wherever population decreases there is usually a fall in the value of land.[159] Thereupon the community ceases to move forward; the lands are neglected; methods of agriculture fail to keep pace with the times, and the whole region takes on a shabby appearance.

Now the chief reason why young men and women leave the rural districts for the cities is to be found in the outward attractiveness of city life. This attractiveness is really not so great as it appears to be; but it is the appearances that often count. Rural comforts and conveniences have been all too few in the past; the hours of labor have been long and the work often disagreeable; the dearth of social recreations has also been a factor in making rural life seem monotonous to youth. These drawbacks, however, are not essential and permanent features of rural life. The balance of advantage which towns and cities have heretofore possessed is in fact being steadily reduced by the advent of things which greatly enhance the attractiveness of life in rural communities. The increasing attractions of rural life. The motor car, the paved roads, the parcels post and rural mail delivery, the extension of telephone service and electric lighting into the country, the tractor and other labor-saving devices, the organization of societies and clubs among the young people of the rural areas, the improvement and centralization of rural schools—all these are having

influence. The application of scientific principles to agriculture, moreover, has made it a skilled occupation, not a common industry. Routine farming by rule-of-thumb methods is not very interesting and not very profitable; but scientific farming is both. For these various reasons the exodus from the farms is not likely to be as great in the future as it has been in the past. This is a fortunate circumstance for, as President Roosevelt once declared, our whole civilization rests upon the attractiveness as well as the prosperity of rural life.

General References

H. R. BURCH, *American Economic Life*, pp. 209-232;
H. C. TAYLOR, *Agricultural Economics*, pp. 13-30;
G. F. WARREN, *Elements of Agriculture*, pp. 372-398;
SIR HORACE PLUNKETT, *The Rural Life Problem of the United States*, pp. 59-82;
JOHN PHELAN, *Readings in Rural Sociology*, pp. 162-183;
K. L. BUTTERFIELD, *The Farmer and the New Day*, pp. 1-29;
E. G. NOURSE, *Agricultural Economics*, pp. 210-223;
A. H. BENSON and G. H. BETTS, *Agriculture and the Farming Business*, pp. 1-12;
S. J. BUCK, *The Agrarian Crusade*, pp. 111-141.

Group Problems

1. How the national and state departments of agriculture help the farmer in your state. References: J. E. BOYLE, *Agricultural Economics*, pp. 312-327; L. H. BAILEY, *The State and the Farmer*, pp. 89-111; E. G. NOURSE, *Agricultural Economics*, pp. 553-565.

2. Making country life more attractive. References: C. J. GALPIN, *Rural Life*, pp. 212-260; J. M. GILLETTE, *Constructive Rural Sociology*, pp. 168-199; L. H. BAILEY, *The Country Life Movement*; University of Virginia, Alumni Bulletins, *Rural Life Conferences*, *passim*; *Report of the Country Life Commission*.

3. The farmer in politics. References: S. J. BUCK, *The*

Granger Movement, pp. 34-39; 80-122; F. L. MCVEY, *The Populist Movement*, in American Economic Association, Economic Studies, Vol. I, No. 3 (August, 1896), pp. 131-209.

4. Who owns the farms in the United States? References: H. C. TAYLOR, *Agricultural Economics*, pp. 238-269; P. L. VOGT, *Introduction to Rural Sociology*, pp. 61-100; T. N. CARVER, *Selected Readings in Rural Economics*, pp. 498-546; E. G. NOURSE, *Agricultural Economics*, pp. 665-673; WILLIAM KENT, *Land Tenure and Public Policy*, pp. 213-225.

Short Studies

1. **The farm population of the United States.** P. L. VOGT, *Introduction to Rural Sociology*, pp. 120-145; L. H. BAILEY, *The Country Life Movement*, pp. 31-60.

2. **The rural school and the rural community.** IRVING KING, *Education for Social Efficiency*, pp. 21-42; E. P. CUBBERLEY, *Rural Life and Education*, pp. 163-176; 226-255; MABEL CARNEY, *Country Life and the Country School*, pp. 133-148.

3. **The grange.** S. J. BUCK, *The Granger Movement*, pp. 279-301; MABEL CARNEY, *Country Life and the Country School*, pp. 72-89.

4. **The non-partisan league.** ANDREW A. BRUCE, *The Non-Partisan League*, *passim*; HERBERT GASTON, *The Non-Partisan League*, pp. 269-283.

5. **Community life in the country.** C. J. GALPIN, *Rural Life*, pp. 176-211; L. H. BAILEY, *The Country Life Movement*, pp. 97-133; T. N. CARVER, *Rural Economics*, pp. 334-382.

6. **The farmer of the Middle West.** JOHN PHELAN, *Readings in Rural Sociology*, pp. 27-44.

7. **The South and the negro farmer.** *Ibid.*, pp. 46-72.

8. **The New England farmer.** *Ibid.*, pp. 1-25.

9. **The farmer of the Rocky Mountain states.** W. E. SMYTHE, *The Conquest of Arid America*, pp. 19-30; 150-163; F. I. ANDERSON, *The Farmer of Tomorrow*, pp. 98-140.

10. **Marketing farm products.** E. G. NOURSE, *Agricultural Economics*, pp. 524-540; F. W. CARD, *Farm Management*, pp. 109-138; T. N. CARVER, *Selected Readings*

in Rural Economics, pp. 769-782; H. C. TAYLOR, *Agricultural Economics*, pp. 352-365.

11. **Women's place on the farm.** C. J. GALPIN, *Rural Life*, pp. 101-117; JOHN PHELAN, *Readings in Rural Sociology*, pp. 313-324; P. DEVUYST, *Woman's Place in Rural Economy*, pp. 23-42.

12. **Rural credits.** J. B. MORMAN, *The Place of Agriculture in Reconstruction*, pp. 310-347; E. G. NOURSE, *Agricultural Economics*, pp. 712-723; 789-795; M. T. HERRICK, *Rural Credits*, pp. 439-455.

13. **Agriculture and reconstruction.** J. B. MORMAN, *The Place of Agriculture in Reconstruction*, pp. 146-180.

Questions

1. Name the various types of agricultural activity and indicate on the map where they are chiefly carried on.

2. Place the following agricultural products in the order of their relative annual value (referring to the *World Almanac* for such information as is not given in the text); wood, cotton, rice, wheat, cattle, corn, sheep, sugar, tobacco.

3. Explain fully the law of diminishing returns as applied to agricultural land. Name some of its effects.

4. What are the chief chemical elements in agricultural soil? How are they saved from exhaustion? What is the order of crop-rotation practiced in your district and why is this order chosen? Explain how the "cover-crop" system helps the soil.

5. List, in what seems to you to be their order of importance, the services rendered by the National Department of Agriculture.

6. How are Farm Loan Banks financed? What functions do they perform?

7. Find out how a Grange is organized, what officers it has, and what members do at their meetings.

8. The government assures to the owners of the railroads a minimum return on their invested capital (see p. 367). Should it guarantee the farmer a minimum price for his products?

9. Do you believe that the farmers are justified in

organizing a “bloc” in Congress to promote their own interests? If the industrial workers, the shopkeepers, the manufacturers and so forth were to do likewise, how would this affect the party system?

10. Explain how the attractiveness of rural life has been increased in recent years.

Topics for Debate

1. The national government should (*a*) directly engage in improved road-building for the benefit of agricultural areas; or (*b*) assist the states by grants of money for this purpose; or (*c*) leave the matter entirely to the states and communities.

2. Farmers and cattlemen should be permitted to form organizations in order to prevent competition and keep up the prices of their products, although such agreements among manufacturers are forbidden.

CHAPTER XIX
THE ENCOURAGEMENT AND REGULATION OF COMMERCE.

The purpose of this chapter is to explain what commerce is, how it is regulated, and what the government does to promote it.

Who are engaged in commerce.

The Purposes of Commerce.—The people of the world spend a large part of their energy in supplying their material wants, including food, clothing, and shelter. We commonly think of the farmer and the manufacturer as the ones chiefly engaged in this task, but if you stop to think of it you will quickly realize that the farmers could not feed the world nor could the manufacturers clothe it without the aid of another important class, which includes merchants, traders, transportation workers—in a word, all who are engaged in commerce. The purpose of commerce is not to create things but to put economic goods into the hands of those who need them. It places commodities where they are wanted at the time when they are wanted. Commerce produces values. In this sense commerce is a great producer, a producer of values. It fetches the raw material from the mines

or agricultural areas to the industries. It brings the products of the factories to the merchant and from the merchant to the homes of the people. It helps to adjust the supply to the demand. Without commerce there would be an abundance of things in one place and a shortage in another. Commercial organization permits every part of the country, and indeed every part of the civilized world, to produce the things which it is best fitted to produce and to use these things in buying goods made elsewhere. Florida grows oranges and Massachusetts makes shoes, but through channels of commerce each secures what it needs from the products of the other.

Commerce in its earliest forms.

The Development of Commerce.—Now although the advantages of commerce are so easy to realize, the commercial system of the modern world took many centuries to develop. Primitive people did not have many wants and all of them they supplied by their own exertions. Each little group of people, each tribe or village, met its own needs. Then trade between different villages and tribes began. It grew slowly in the early ages because there were no easy means of transporting goods, and because neighboring tribes were so often hostile to each other. This early trade was conducted by barter, the direct exchange of one article for another, there being no general use of money as a medium of exchange.

As time went on the area of trade widened until it covered whole countries, and finally expanded into international trade or commerce between different countries. Inventions which have helped commerce to grow. This widening kept step with improvements in the methods of transportation from pack-horse to wagon,

from wagon to railroad, and from sailing vessel to steamship. The expansion of trade was also aided by the growth of strong governments which protected the trader and made the paths of commerce safe. Likewise the general use of money facilitated the operations of trade; so did the creation of a system of commercial credit. Without railroads and steamships, law and order, money and credit, it would not be possible to carry on commerce as we have it today. If the world can feed and clothe and shelter an enormously greater population than it could two hundred years ago this is not because the people work harder; it is because they work more intelligently and because they have created that gigantic system of economic co-operation which we call commerce.

Commerce includes exchange.

The Scope of Commerce.—It is an error to suppose that commerce is concerned only with the transportation of goods. Its scope is far wider. Commerce includes not only the moving of goods but the whole process of buying and selling. Wholesalers, jobbers, retailers, together with all those who work for them are engaged in commerce. Not only are the steamship lines, the railroads, and the motor trucks entitled to be called agencies of commerce, but the telegraph and telephone systems as well. The pipe lines which carry oil from the depths of the earth to the great cities are instrumentalities of commerce; so are the gas mains in the streets, the subways, and the street cars. The postal service, likewise, is one of the most important factors in expediting commercial transactions.

It depends upon currency and credit.

Commerce cannot be carried on, at least in any large measure, without currency and credit. Hence the whole system of money and banking links itself up closely with commercial organization. Goods are bought on credit by the wholesaler, and sold on credit to the retail merchant who, in turn, often sells on credit to his customers. The banks and other credit institutions provide the money to carry on these operations of trade. So when one takes all these things into account it will be seen that a considerable proportion of the people are engaged in one or another of the various branches of commerce.

Local, interstate, and international commerce.

The Three Fields of Commerce.—In order to clarify the relations of government to commerce it is necessary, at the outset, to distinguish between three fields or types of commerce. The first is *local or intra-state* commerce, which comprises all the trading operations carried on within the boundaries of a single state. Goods produced in Pittsburgh and marketed in Philadelphia are said to be within the sphere of local or intra-state commerce. As such they are wholly within the jurisdiction of the state of Pennsylvania. In the second place there is a large amount of commerce which, originating in one state, crosses into another. Shoes made in Massachusetts are shipped to Indiana; cotton grown in Georgia is sent to New York to be manufactured. This is called *national or inter-state* commerce and it is under the jurisdiction of the federal government. Finally, trade is carried on between the United States and foreign countries and this is known as *international* commerce. It also is subject to regulation by the federal government.

The state governments control local commerce.

Local Commerce.—Each state makes provision for the encouragement and regulation of commerce within its own territory. The communities and the state provide the improved roads which are essential for trade between country and town. The development of motor cars, motor trucks, and suburban trolley lines has greatly increased the facility with which this trade can be carried on. Each state, again, has control over the street railways, short-line railroads, and other channels of commerce within its own borders. This control is exercised through provisions of laws made by the state legislatures, but the enforcement of these regulations is usually placed in the hands of one or more boards, commonly known as public service commissions (see pp. 480-481). It is the duty of these commissions to see that the rates charged are reasonable and that adequate service is rendered. The jurisdiction of the state authorities, it should be repeated, does not extend over any commercial operations which are not strictly local; if the commerce concerns more than a single state it can be regulated only by the national government.

Interstate Commerce and the Railroads

Interstate commerce in early days.

Interstate Commerce.—During the years which

immediately followed the Revolutionary War the several states were free to make their own regulations for the encouragement and control of commerce. Accordingly they began to compete with one another for trade, each trying to increase its own prosperity at the expense of the others. This led to ill-feeling, of course, and finally to retaliation. One state would offer inducements to bring vessels into its ports; the others, in self-defence, held out even greater inducements. This rivalry soon got to the point where it looked as if some of the states might come to blows.[160] So, when the framers of the national constitution met at Philadelphia in 1787, they gave particular attention to the problem of ending this unwholesome rivalry by placing the regulation of all interstate and foreign commerce under a single, central authority.

The constitution places interstate commerce under federal control.

The national constitution, therefore, transferred this regulating power from the states to Congress, by vesting in it the power "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes". This is a very important provision in the supreme law of the land, and it has had a far-reaching influence in building up the commerce of the United States. One can realize what might have happened if every state had been left at liberty to put duties upon goods imported from other states and to bestow all sorts of advantages upon its own merchants. Under such an arrangement a closely-knit, unified country would have been impossible, for freedom of trade within a nation is an indispensable factor in bringing the whole people into close and friendly relations. The adoption of this

clause in the national constitution meant that all trade, from one end of the land to the other, could be carried on freely, without let or hindrance, subject only to such uniform regulations as Congress might provide.

This control is now very extensive.

In the days when the national constitution was adopted, the carriers of commerce were few and primitive. Trade between different states was conducted by wagon and sailing vessels; there were no railroads, steamships, street cars, motor trucks, telegraphs, telephones, or parcels post. The cost of transporting goods was so great that it did not pay to ship them far. Goods were made almost wholly for the local market. But when the constitution endowed Congress with the power "to regulate commerce" it gave to this body a right which has been sufficiently broad to cover all the great developments of the past hundred years. Whatever comes within the term "commerce", no matter howsoever carried on, is within the purview of Congress if it concerns more than a single state.

A large part of the commerce of the United States today does concern more than a single state. The great railroads traverse several states, sometimes a dozen or more of them. Goods sent from New York to Los Angeles pass through ten or twelve states on their journey. Even street car lines sometimes cross the state boundaries. To the trader a state boundary means nothing; it is only a mark on the map. Trade moves wherever the chance of profit appears. It pays no attention to political divisions within the country.

What interstate commerce includes.

Interstate commerce, then, includes all agencies of

trade among the states: steamships, sailing vessels, railroads, street railways, motor trucks, telegraphs, telephone systems, oil pipelines, power lines, and all passengers, goods, messages, or anything else carried by them. All persons who have to do with such things are engaged in interstate commerce. But interstate commerce does not include the manufacture of goods in any state, even though they be intended for sale in other states. Commerce does not begin until the product is finished and started on its way. Once started on their way, with a destination in another state, the goods pass under the supervision of the national government. Passengers traveling from Chicago to St. Louis, or goods shipped from one of these cities to the other, or messages exchanged between them by telegraph, for example, are under the supervision of the national government from start to finish. Illinois and Missouri have nothing to do with them.

Railroads and steamships were at first not regulated.

How Interstate Commerce is Regulated.—For many years after the constitution was adopted there was no need for the regulation of interstate commerce because so little of it was carried on. Not until the era of steamships and railroads did commerce develop to a point where any strict regulation was necessary. The earliest railroads, moreover, were short lines constructed and operated wholly within single states. They were built by corporations under charters granted by the states. Frequently these charters were given for an indefinite term, and they placed no limits upon the rates which the railroad might charge for the transportation of passengers and goods. The chief

concern of the people in those days was to get railroads built. As time went on, however, the state authorities became more strict in granting charters for the construction of railroads and, finally, most of them established commissions to protect passengers and shippers from unreasonable rates.

Meanwhile, however, another development was going on, namely, the consolidation of these small railroads into trunk lines or long stretches of railway. The reason for this consolidation was the opportunity to make larger earnings from through traffic and at the same time to give better service. The opening-up of the West led to the building of new trunk lines and to further consolidations, especially during the years immediately following the Civil War. In this way single railroads spread themselves far outside the territory of a single state; their tracks ran into many states. But this freedom from control was abused. The corporations controlling such trunk lines became big and powerful. They fixed rates to suit themselves and often favored one section of the country at the expense of others, or gave to large shippers an undue advantage over the smaller.[161] Where there was but one railroad in any district everyone was at its mercy. Exorbitant rates could be charged. On the other hand, where there were competing lines between two cities the rivalry of the roads often forced the rates down to a point where goods were carried at a loss. Sometimes the competing roads, realizing the folly of this competition, formed a "pool" or agreement to share the traffic proportionately, and then each put up its rates to a high level. These practices were inimical to the best interests of commerce. They gave rise to so much complaint that Congress eventually responded by placing the interstate railroads under government

regulation. This it did by the Interstate Commerce Act of 1887.

The beginnings of federal regulation.

The Interstate Commerce Act of 1887.—By the provisions of this act and the various amendments which have been made to it during the past thirty-five years, all corporations engaged in interstate commerce (which includes not only railroad companies, but express, sleeping car, telegraph, and telephone companies) must maintain reasonable rates; must make these rates public; and must not discriminate in favor of any locality or shipper. The formation of "pools" is illegal; the granting of free passes to other than railroad officials is forbidden; and all the important activities of the railroads are subject to governmental supervision. These various provisions were not all enacted in 1887. The legislation of that date merely made a substantial beginning. Several amending laws, passed from time to time during the past thirty-five years, have steadily extended the scope of regulation and have also endeavored to secure greater safety in the operation of the railroads.

Organization and work of the I. C. C.

The Interstate Commerce Commission.—Congress realized in 1887 that it was not enough to pass a regulatory law; it must also provide some means of enforcing the regulations. So a board, known as the Interstate Commerce Commission, was established and it has now become one of the most powerful regulating bodies in the world. At the outset it had five members; now it has eleven. They are appointed by the President. The commission's function is, in general, to see that the national laws

relating to carriers of interstate commerce are strictly observed. It fixes the maximum rates, hears complaints, adjusts disagreements, and prevents discrimination. In the case of the railroads its powers have recently been widened by the provisions of the Transportation Act of 1920, as will be seen presently.

Methods by which railroads consolidated.

Railroad Consolidation and the Sherman Act.—There are at least three ways in which railroad consolidations have been effected in the United States. The first and simplest method has been outright purchase, one railroad buying up another. The second is by lease, one road leasing another for a long term of years, thus becoming the virtual owner. The third is by forming what is commonly called a "holding company" which steps in and takes the controlling ownership of both roads. In this case neither road buys or leases the other, but both put themselves into the control of a new corporation which proceeds to have the lines operated as though they formed a single road. The objection to these consolidations is that, in many cases, they stifle competition and create a monopoly.

The Sherman Act.

So Congress in 1890 enacted the Sherman Anti-Trust Act, a measure which although it was not primarily aimed at the railroads, prohibited all combinations in restraint of trade or commerce among the several states. The Northern Securities Case. For several years, however, this law was left unenforced, but in 1904 it was invoked in the Northern Securities Case to dissolve a combination of two great railroads, the Northern Pacific and the Great Northern, both of which had passed into the

control of a holding company. The Supreme Court held the consolidation to be illegal and ordered that the roads should be restored to a competitive basis. The same process was applied to various other roads which had been merged in the years following 1890 and a general "unscrambling of omelets" took place.

Railroad competition, however, is often wasteful and actually results in higher rates. To consolidate two or more small railroads into a larger one may actually cheapen rather than increase the cost of transportation. The practical problem is to permit consolidation in such cases while preventing it in others. This was what the Supreme Court was endeavoring to do by a flexible enforcement of the Anti-Trust Act when the World War broke out and created new problems.

Government operation of the railroads,1917-1920.

The Railroads in War Time.—In 1917, when the United States entered the war, it seemed advisable that Congress should place in the hands of the President a wide range of authority in connection with the mobilization and transportation of troops and war supplies. By virtue of these powers President Wilson, in the closing days of the same year, took over the operation of all the important railroads in the country and placed them in charge of a director-general appointed by himself. The question of compensating the owners of the railroads was settled by providing that they should receive an annual payment equal to the average net earnings of the three preceding years. It was also stipulated that the railroads should be given back to their owners in as good physical condition as when they were taken over, this return to be made within twenty-one

months after the close of the war.

How this plan worked.

During the whole of the years 1918-1919 the railroads were operated by the government. From the standpoint of profit-making, government operation did not prove a success. The cost of labor and materials rose enormously during the war and continued to rise after the fighting ended. But passenger and freight rates were not proportionally increased, hence there was a large deficit which had to be paid out of the government treasury. The service given to the public by the railroads while they were operated by the government, moreover, was not very satisfactory; although in partial explanation of this it must be remembered that the carrying of troops and supplies during 1918 placed a great strain upon the whole transportation system.

The Plumb Plan.

But if government operation was not altogether satisfactory to passengers and shippers, it was popular with the railroad employees. They were much more generously treated under government operation than they had been when the roads were in private hands. Some of their leaders accordingly brought forward a plan which proposed that the roads should not be handed back to private operation but should be purchased by the government and managed by joint boards representing the government, the employees, and the public. This proposal was commonly known as the Plumb Plan. It had the support not only of the railroad brotherhoods, or organizations of railroad employees, but of other labor bodies as well. Congress, however, did not fall in with this scheme and decided to deal with the railroads in an

altogether different way.

The return of the railroads to private operation.

The Transportation Act of 1920.—The railroads were returned to private operation in the spring of 1920 under the provisions of the Transportation Act. This legislation gave the Interstate Commerce Commission complete authority over the fixing of railroad rates but stipulated that they should be high enough to enable the railroads in each section of the country to earn a net income of five and one-half per cent on their valuation and a further amount, not to exceed one-half of one per cent for improvements at the discretion of the commission for two years from March 1, 1921.[162] The act contained two new and very important provisions. The Railway Labor Board. It stipulated that a Railway Labor Board should be established, consisting of nine members appointed by the President. This board has the function of adjusting disputes between the railroads and their employees concerning wages or conditions of labor.[163] It also contained provisions allowing the consolidation of railroads in each section of the country with the consent of the Interstate Commerce Commission.

The importance of the railroads to industry.

The Future of the Railroads.—The railroads are the commercial arteries of the nation. Some idea of their importance may be gained from the fact that the railroads of the United States carry a billion passengers each year and nearly two billion tons of freight. Their mileage is greater than that of the railroads in the whole of Europe. If all the tracks of American railroads were placed end to end, they

would girdle the earth eight or ten times. They represent a huge investment of capital—nearly twenty billions—or nearly as much as the entire national debt. It is true that a good deal of our commerce is now carried on by steamships, canal boats, motor trucks, and electric railways, but we still place greater dependence upon the railroads than upon all these other carriers put together. Reasonable freight rates and good service are essential to the progress of industry. This being the case, it is imperative that there should be governmental control in the interests of passengers and shippers. On the other hand the railroads, to perform their service adequately, must be assured a sufficient revenue and given due scope for the exercise of private initiative.

Motor competition.

The railroads have been compelled, in recent years, to face a new form of competition, that of motor cars and motor trucks. These have a great advantage in that they use highways which have been built entirely at the public expense, whereas the railroads have to buy the land on which their tracks are laid and pay the cost of maintaining their roadbed. The use of the public highways for freight-carrying by heavy motor trucks imposes a heavy cost upon the taxpayer for the repair of roads.[164]

International Trade and Tariff Policy

The beginnings of American foreign trade.

International Commerce: Its Beginnings.—

Before the Revolution a considerable amount of trade was carried on between the American colonies and various European countries, chiefly Great Britain. After the winning of independence this foreign commerce began to grow rapidly because the hindrances that had formerly been imposed upon it were now removed. Moreover, the Napoleonic wars in Europe brought about an enormous increase in the demand for American foodstuffs. These wars retarded agriculture in Europe and forced the various countries to import supplies from overseas. American shipping developed greatly during the period 1790-1805, but it thereafter received a set-back owing to the blockades and the Embargo Act of 1807, followed a few years later by a four-years' war with England.

Tariff Policy.—During the period immediately preceding the framing of the constitution each of the thirteen states was free to regulate its own commercial relations. Each determined for itself whether it would permit imports to come in freely from other states and other countries or whether it would impose duties on such imports. The constitution empowers Congress to regulate foreign trade. This arrangement proved altogether unsatisfactory and the constitution gave to Congress complete authority to control commerce with foreign countries and among the states. This action was taken primarily to afford Congress an adequate revenue in the way of taxes on imports, although it was also designed to put an end to undue commercial rivalry among the states themselves. In 1792, therefore, Congress passed our first tariff law, a measure designed mainly to bring forth income for the new federal government but also to afford protection to American industries. This is done by tariffs. This act of 1792

marks the beginning of a long line of tariff measures, some imposing high duties on imports and some setting these duties at lower rates.[165]

The Tariff Commission.

The making of the tariff is in the hands of Congress but the function of studying the industrial needs of the country is entrusted to a Tariff Commission of six members appointed by the President. This commission is empowered to make recommendations to Congress, but Congress is under no obligation to follow its advice nor has it usually done so. Tariff rates are fixed, for the most part, in obedience to political pressure.

The case for protection.

The Argument for Protective Tariffs.—Why should American industry be given protection by tariff duties against foreign competition? The answer to this question was first given by Alexander Hamilton in his famous *Report on Manufactures* (1790) and it has been elaborated by many writers since Hamilton's time. 1. It develops young industries. The chief arguments in favor of protection are that it helps home industry, develops a home market, raises wages and keeps them high, provides employment for a country's own workmen, and makes a country independent of others. Protection, it is claimed, helps new industries or "infant industries" to get on their feet. These new industries, if not shielded against the pressure of foreign competition in their early stages would be unable to make headway, but if given adequate protection for a time they ultimately get well established and add to the nation's industrial strength. This industrial growth, it is argued, helps the farmer by creating a home market for his

agricultural produce. The growth of industry creates large cities and these centers of population form the farmer's best market.

2. It keeps wages up.

Those who favor the policy of protection also argue that if high duties were not imposed upon imports from other countries, the wages of the American workman would fall and many would be out of employment. Until recent years the general rate of wages in European countries has been much lower than in the United States, but since the World War the disparity has not been so great. The lower wages of labor in Europe have enabled goods to be produced more cheaply there than in America, and were it not for the protective tariff, the United States would be flooded with these products of underpaid European workers. In the end the American scale of wages would be forced down to the same level—so the protectionists argue.

3. It promotes an all-around economic development.

Finally, there is the nationalist argument for protection. To be strong and independent a country ought to have an all-around economic development. Its people ought not to devote their entire energies to agriculture alone. All branches of economic life ought to be fostered together. A country should aim to provide, so far as possible, for all its own needs; it should not be dependent on other countries for its food supply, its manufactured goods, or its shipping. It is difficult for a country to reach this condition of affairs in any case, and even a near approach to it can only be achieved by the artificial nurture of the weaker economic activities, which is what the

protective tariff endeavors to supply.

The case against protection:

The Argument for Free Trade.—Although the foregoing arguments for protection have carried great weight in the United States during the past fifty years there are many Americans who believe that trade with foreign countries ought to be free from all tariff duties, or, at any rate, free from all duties except such as may be needed to provide a revenue.

1. It creates artificial economic conditions. Those who believe in "free trade", or in a "tariff for revenue only" make the point that every country ought to devote itself to those industries which it can carry on most advantageously and should not try to produce for itself the things which can more cheaply be imported from other countries. Protection, they claim, merely diverts capital and labor into industries for which a country is not naturally adapted, and thus makes production expensive. 2. It keeps prices up. It keeps wages up by keeping prices up, and thus deprives the workman of the advantage which high wages are supposed to bring. 3. It fosters industrial monopolies. The policy of protection is also criticised on the ground that it fosters the creation of great industrial combinations, leads to the establishment of monopolies, and encourages corruption in politics by giving particular industries a financial interest in governmental action. The free traders believe that there is no more reason for protective duties upon trade between different nations than there is for similar duties upon trade among the several states of the Union.

Why foreign trade is important.

The Encouragement of Foreign Commerce.—

The work of the national government is not confined to the regulation and restriction of commerce; it is concerned with the encouragement and promotion of trade as well. This promotion of foreign trade is an important branch of the government's work because the prosperity of the United States depends to a considerable extent upon its commerce with other countries. America produces a large surplus of grain, meat, cotton, and other merchandise which must be marketed abroad. On the other hand there are many commodities, such as sugar, tea, coffee, rubber, and silk which cannot be produced in sufficient quantities here and hence must be imported. The aim of the government is to help our exporters find the best foreign markets for their goods and to facilitate the acquisition of such foreign products as the country requires. This help is rendered in various ways, by making commercial treaties with foreign countries, by maintaining a consular service, by giving encouragement to American shipping, and by the creation of a Department of Commerce in the national administration.[166]

Commercial Treaties.—From time to time the United States has established, by treaty, commercial relations with other countries. These treaties are made for the mutual advantage of both parties. They usually provide that citizens of each country may carry on trade with one another subject to the established tariffs, and that there shall be no governmental discrimination against such trade.[167] They allow each country to maintain consuls in the territory of the other. On a few occasions the United States has concluded reciprocity treaties providing for reciprocal free trade, in whole or in part, with other countries. An arrangement of this sort was made with Canada in 1854 but was brought to an

end twelve years later.

The Consular Service.—Commerce with foreign countries is assisted and facilitated by the consular service. The United States maintains consuls in all important foreign countries and these countries, in turn, send their consuls here. There are several classes of officials in the consular service; the more important are consuls-general, consuls, and consular agents. Consuls-general are stationed at the larger foreign ports and exercise a general supervision over consuls in their respective districts. Consuls and consular agents are maintained in less important foreign centers of trade. How consuls are appointed. All members of the American consular service are appointed by the President, but since 1906 the selections have been made by competitive examinations for the lower grades and by promotion for the higher.

Their duties.

Members of the consular service gather information concerning trade opportunities and send this information to Washington where it is printed and distributed to American merchants and manufacturers. Consuls verify the invoices of goods shipped to the United States so as to avoid delay at the custom house. They assist American citizens who may be traveling abroad, particularly those who go abroad to buy merchandise. In a word they are the sentinels of American foreign commerce.

Until 1906 the American consular service was not highly efficient because the appointment of consuls was usually made on political grounds. Men who had rendered service in party politics were often given important consular positions although possessed of no real qualifications for the work which they were expected to do. Moreover, whenever a change of

administration took place in Washington many consuls were removed from office and new ones appointed. This injured the service by preventing the development of experienced officials. Since 1906 the situation has greatly improved because appointments and promotions have been made upon a basis of merit alone.

The Merchant Marine.—In order that a country may build up a profitable foreign trade it should have vessels of its own in which to carry exports and imports. Trade that depends entirely upon the use of foreign vessels is insecure, because the outbreak of war between two or more foreign countries may keep these ships at home. So the development of American maritime commerce has seemed to make desirable the maintenance of a merchant fleet under the American flag. Early American shipping. Since the Revolution there has always been such a fleet; sometimes it has been large, but more often it has been small.[168] After 1915, when the German submarine campaign resulted in the wholesale sinking of British and French merchant vessels, the demand for ships became acute. The building of ships during the war. American shipyards once more grew busy and expanded rapidly. In 1916, moreover, Congress passed a Shipping Act, designed to foster the growth of the merchant marine, and when the United States entered the war in 1917 an Emergency Fleet Corporation was created to build a great flotilla of vessels at the public cost and a Shipping Board to operate them. The work was not completed when the war came to an end, nevertheless several hundred vessels were added to the list of America's ocean carriers. As a result of these efforts the merchant marine of the United States is once more the second largest in the world; but the problem now is to keep

these ships busy. Foreign trade began to fall off after the American forces had been brought back from Europe and hundreds of the new ships have remained tied up in American harbors. Some have been sold to private companies; others have been operated by private companies under lease; still others are being operated directly by the Shipping Board.[169]

The Bureau of Foreign and Domestic Commerce.—The progress of foreign commerce depends not only upon ships and ports but upon the possession of accurate knowledge concerning the course of markets and prices abroad. Data on such matters are gathered, as has been pointed out, by the American consular service. Statistics of trade—their value. This is supplemented, however, by statistics collected for the Bureau of Foreign and Domestic Commerce at Washington, an office which is maintained to provide American business men with accurate and up-to-date information concerning every branch of foreign commerce. The bureau collects and translates the tariff laws of foreign countries, makes investigations into the cost of producing goods both in America and abroad, and studies all possible methods of making American foreign trade more profitable. It affords a good illustration of the way in which the government, without itself engaging in trade, may assist the private enterprises of the people.

Future of Foreign Commerce.—Ocean transportation has made enormous strides forward during the past twenty years. What new inventions may do for trade. Wireless communication now enables ships to keep in touch with each other and with the shore, thus making navigation safer. It has been demonstrated by naval experiments that great ships

can be steered and their machinery controlled by radio apparatus in the hands of men several hundred miles away. Then there is the airship and the airplane, in both of which it has been shown to be possible to cross the Atlantic far above the surface without a stop. It seems to be beyond doubt that air carriers will, even within our own generation, be used to carry mail overseas as they are now being used on land, and probably passengers as well. The day may come when goods, also, will be ferried through the air from continent to continent in less than a single day. The march of invention in this as in other fields is so rapid that no one can tell today what the morrow may bring forth.[170] But of one thing we may be hopeful: that even as the era of rail transportation served to bring all parts of the country into more intimate relation, so may it come to pass that the world of the future will find all its distant parts brought into more friendly contact by the development of these twentieth-century miracles of rapid transit.

Commerce and Peace.—Commerce between countries helps to promote international good-feeling and friendship. It is true that commercial rivalries have sometimes inspired international jealousy and have even paved the way to war; but legitimate trade, honestly carried on between nations, is far more likely to prove a means of drawing them together. From their commercial intercourse nations derive mutual profit. By trading with one another they learn to understand each other. Isolation makes for suspicion and war. World commerce makes for peace.

General References

H. G. SELFRIDGE, *The Romance of Commerce*, pp. 230-239; 318-349;

C. F. CARTER, *When Railroads Were New*, pp. 33-74;

E. R. JOHNSON and F. W. VAN METRE, *Principles of Railroad Transportation*, pp. 492-534;

CLIVE DAY, *A History of Commerce*, pp. 485-517; 564-579;

E. R. JOHNSON, *American Railway Transportation*, 2d ed., pp. 52-68; 367-385;

ISAAC LIPPINCOTT, *Economic Development of the United States*, pp. 520-549; 611-634;

F. W. TAUSSIG, *Principles of Economics*, Vol. I, pp. 508-545 (Protection and Free Trade); Vol. II, pp. 363-396 (Railway Problems);

JAMES T. YOUNG, *The New American Government and Its Work*, pp. 119-140 (The Regulation of Commerce); 187-202 (Federal Power Over Interstate Commerce);

W. B. MUNRO, *Government of the United States*, pp. 246-264 (The Commerce Power);

H. R. BURCH, *American Economic Life*, pp. 273-296;

C. R. VAN HISE, *Concentration and Control*, pp. 4-34; 170-192;

I. L. SHARFMAN, *The American Railroad Problem*, pp. 100-186.

Group Problems

1. The problem of American railroads—government operation—the Plumb plan—the Transportation Act—what of the future? The growth of American railroads. Railroad consolidation. Development of government supervision. The Interstate Commerce Commission and its work. Why railroads were not permitted to consolidate. The government's experience with the railroads, 1917-1920. The Adamson law. Government operation. Labor problems under government operation. The Plumb plan. Why it was not adopted. The provisions of the Transportation Act (Esch-Cummins law). Difficulties now being encountered by the railroads. Proposed consolidations. The outlook for railroad transportation. **References**: JOHN MOODY, *The Railroad Builders*, pp. 211-241; J. J. HILL, *Highways of Progress*, pp. 114-139; C. F. CARTER, *When the Railroads Were New*, pp. 226-258; E.

R. JOHNSON and F. W. VAN METRE, *Principles of Railroad Transportation*, pp. 564-577; W. Z. RIPLEY, *Railroads, Rates and Regulation*, pp. 441-455; 457-521; OTTO H. KAHN, *Our Economic Problems*, pp. 67-118; I. L. SHARFMAN, *The Railroad Problem*, pp. 382-464.

2. What is commerce and how is it regulated? References: *The Federalist*, Nos. 7, 11, 12, 22, 42; JOHN FISKE, *Critical Period of American History*, pp. 134-162; C. A. BEARD, *Readings in American Government and Politics*, pp. 343-358; EVERETT KIMBALL, *National Government of the United States*, pp. 480-520; O. W. KNAUTH, *The Policy of the United States towards Industrial Monopoly*, pp. 66-92; L. H. HANEY, *Business Organization and Combination*, pp. 383-414; 419-437 (The Sherman Act); A. H. WALKER, *History of the Sherman Law*, *passim*.

3. The American Merchant Marine. How can it be developed? **References**: CLIVE DAY, *History of Commerce*, pp. 481-483; 492-494; 513-515; 545-546; N. S. SHALER, *The United States*, Vol. I, pp. 538-558; W. W. BATES, *American Navigation*, pp. 234-299; 335-350; W. L. MARVIN, *The American Merchant Marine*, *passim*.

4. How the tariff has helped the nation as a whole. References: F. W. TAUSSIG, *Tariff History of the United States*, pp. 194-229; D. R. DEWEY, *Financial History of the United States*, pp. 80-84; 161-164; 176-196; 237-238; 249-251; 262-266; 438-439; 463-464 and *passim*; IDA M. TARBELL, *The Tariff in Our Times*, pp. 294-330; E. STANWOOD, *American Tariff Controversies*, Vol. II, pp. 243-295; E. R. JOHNSON, *Ocean and Inland Water Transportation*, pp. 257-310; *Cyclopedia of American Government*, Vol. III, pp. 476-481.

5. Our consular service: its present value and future development. References: P. S. REINSCH, *Readings on American Federal Government*, pp. 651-675; C. L. JONES, *The Consular Service of the United States: Its History and Activities*, *passim*; F. VAN DYNE, *Our Foreign Service*, pp. 117-177; 217-284; F. J. HASKIN, *The American Government*, pp. 14-26; GAILLARD HUNT, *The Department of State*, pp. 331-349; A. H. WASHBURN, "Some Evils of Our Consular Service," in *Atlantic Monthly*, Vol. LXXIV, pp. 241-252.

Short Studies

1. **The commerce of colonial America.** GEORGE L. BEER, *The Commercial Policy of England toward the American Colonies*, especially pp. 66-90; J. R. H. MOORE, *Industrial History of the American People*, pp. 163-208.

2. **The commercial relations of the states under the Confederation.** JOHN FISKE, *The Critical Period of American History*, pp. 134-162.

3. **The embargo and non-intercourse policy of the years 1807-1811.** EDWARD CHANNING, *History of the United States*, Vol. IV, pp. 379-400; 415; 421.

4. **The clipper ships.** A. H. CLARK, *The Clipper Ship Era*, pp. 173-194; R. D. PAINE, *The Old Merchant Marine*, pp. 154-184.

5. **Some great railroad builders.** JOHN MOODY, *The Railroad Builders*, pp. 165-178 (James J. Hill); 193-210 (E. H. Harriman).

6. **Railroads and land grants.** E. L. BOGART, *Economic History of the United States*, pp. 348-360; J. B. SANBORN, *Congressional Grants of Land in Aid of Railways*, pp. 62-75.

7. **Railroad rate discrimination.** W. Z. RIPLEY, *Railroads, Rates and Regulation*, pp. 195-209.

8. **The work of the Interstate Commerce Commission.** P. S. REINSCH, *Readings on American Federal Government*, pp. 517-527.

9. **The Sherman Act and the Northern Securities Case.** JAMES T. YOUNG, *The New American Government and Its Work*, pp. 141-164.

10. **Our foreign trade today.** J. H. HAMMOND and J. W. JENKS, *Great American Issues*, pp. 195-209.

11. **The effects of the tariff on trade.** F. W. TAUSSIG, *Some Aspects of the Tariff*, pp. 3-49; J. H. HAMMOND and J. W. JENKS, *Great American Issues*, pp. 174-194.

12. **Our river and lake commerce.** G. S. CALLENDER, *Economic History of the United States*, pp. 313-326.

13. **International trade.** H. R. BURCH, *American Economic Life*, pp. 372-384.

14. **The Panama Canal.** F. A. OGG, *National Progress*, pp. 266-277; P. L. HAWORTH, *The United States in Our Own Times*, pp. 300-309; F. J. HASKIN, *American Government*, pp.

209-220.

15. **The Shipping Board and Emergency Fleet Corporation.** W. F. WILLOUGHBY, *Government Organization in War Time and After*, pp. 121-165.

16. **American commerce during the World War.** F. A. CLEVELAND and JOSEPH SCHAFER, *Democracy in Reconstruction*, pp. 397-419.

17. **Government operation of the Railroads.** 1918-1920. I. L. SHARFMAN, *The American Railroad Problem*, pp. 100-131.

Questions

1. Explain the various ways in which a bushel of wheat could be transported from Albany to New York City in 1750; in 1850; in 1920. State the approximate time required in each case.

2. What commercial functions are now performed by wholesalers, jobbers, retailers, agents, brokers, and money-lenders, respectively.

3. Apportion the following into three columns according to whether they figure, for the most part, in the local, the interstate, or the foreign commerce of the United States: bread, tea, oranges, milk, spices, firewood, brick, dyestuffs, automobiles, shoes, paper, tin, jute, gravel, glass, straw, potash, poultry.

4. Name the successive stages in the development of agencies for the transportation of (*a*) passengers; (*b*) goods; (*c*) information. State their relative merits in regard to speed, dependability, and cost.

5. What objections would there be to giving Congress authority over *local* commerce? Will the new agencies of transportation increase the power of Congress or of the local authorities?

6. Is there in your state a commission with authority over local commerce? How is it appointed and what are its powers?

7. What sort of cases come before the Interstate Commerce Commission? The Railway Labor Board? Give an example in each case.

8. Among the various arguments for protection which

one appears to be the strongest? Which seems the strongest argument for free trade? Can you suggest any argument on either side in addition to those given in the text?

9. Make a list of the reasons why the United States should have a large merchant marine, putting them in the order of their importance. Should the government sell or operate its ships?

10. If you were planning to fit yourself for the consular service, what subjects would you study? Show how each study would be of help to you in performing your duties as a consul. Why are appointments to the consular service made by competitive examination?

11. Explain what is meant by the following statements and give illustrations: "Trade follows the flag"; "Commerce makes for peace"; "Trade rivalries lead to war"; "Commerce does not create goods but values".

12. During the World War, and for a time thereafter, the exports of the United States greatly exceeded the imports. What effects do you think this had (*a*) upon prices in this country; (*b*) upon our stock of gold; (*c*) upon tariff policy?

13. Suggest any ways, not already utilized, in which the national government could help the development of (*a*) interstate commerce; (*b*) foreign commerce.

Subjects for Debate

1. The national government should own and operate the railways.

2. Our protective policy has benefited (or injured) the farmer.

3. The national government should operate its own ships even if it must operate them at a loss.

THE SPIRIT OF VULCAN

By Edwin A. Abbey

From a mural decoration in the Pennsylvania State Capitol at Harrisburg.

In this crowded and clanging hive of industry, where no semblance of order appears visible to the onlooker, Vulcan sits aloft on the clouds of smoke and steam directing the actions and energies of the workers to a common end. It is the co-operation of the toilers, the guidance of their skill and strength, that makes their work productive. Like a mentor the mythical patron of industry, Vulcan, presides over the busy centers of human toil.

The general impression which the artist has sought to convey is that of industry reaching its results, not through the unguided work of individuals, but by mutual effort under wise and kindly direction.



THE SPIRIT OF VULCAN. By Edwin A. Abbey

Copyright by Edwin A. Abbey. From a Copley Print, copyright by Curtis & Cameron, Boston. Reproduced by permission.

CHAPTER XX
THE ORGANIZATION AND CONTROL OF INDUSTRY

The purpose of this chapter is to explain how American industry is organized and how the government has endeavored to regulate this organization in the public interest.

The broad scope of industry.

What is Industry?—Industry comprises the whole process of converting raw materials into finished products. It includes the production of goods by hand in the workshops, and by machinery in the factories. Agriculture, mining, and forestry furnish the raw materials; industry works them up; commerce distributes them. In its widest sense industry includes not only manufacturing, as we ordinarily understand the term, but mining, lumbering, the fisheries, shipbuilding, and many other great branches of economic activity. It engages the attention of more than one-third of the American workers and is steadily growing to greater relative importance. The United States is now entitled to be called one of the great "industrial" nations of the world. As such its people have many difficult problems to face, including such things as the proper organization and

control of industry, the improvement of conditions under which it is carried on, and, most difficult of all, the maintenance of good relations between industrial labor and industrial management.

The Old Industry and the New.—One hundred and fifty years ago practically all industry was carried on by hand. The making of cloth was a home activity; the yarn was spun by hand and woven into fabric on the hand-loom. Shoes were made—soles, heels, and uppers—by the village cobbler. The local blacksmith made such agricultural implements as there were. Large factories did not exist. But with the application of steam power to industry all this began to change. Steam power began to be utilized in American industry right after the War of Independence; it was not widely used at the outset, but in the course of time it completely revolutionized the methods of industry throughout the world. It supplanted hand methods almost altogether, drove the village industries out of existence, and introduced factory production on a large scale. Factories containing machinery operated by steam power could produce cloth, shoes, implements, and almost every other sort of manufactured commodity more cheaply than they could be made by hand-industry in the homes or in small shops. So the factory system spread over the length and breadth of the land, drawing large investments of capital into its vortex, giving rise to great industrial corporations, creating a new labor class, fostering the growth of great cities, and compelling the government to take a hand in the regulation of industry. The Industrial Revolution in America. This great transformation in industry, which covered the course of the nineteenth century, is known as the Industrial Revolution, and a gigantic revolution it was. Nothing in modern times

has exerted a more profound or far-reaching influence upon the general course of civilization. The factory is the symbol of a new economic order. It has been said, and rightly, that three things,—steam, steel, and credit,—have revolutionized industry during the past hundred years.

Industrial Organization of Today.—In the days of hand-industry men needed no large amounts of capital in order to engage in the production of goods. The tools used in hand-industry were not expensive; nor was it necessary to buy raw materials in large quantities. The things that the workman produced, moreover, were sold almost as soon as they were made. The use of capital. With the advent of the factory system, however, capital in large amounts became essential because buildings and machinery, both of which are costly, had to be provided. Large stocks of materials must also be kept on hand, and workmen have to be paid before the goods manufactured by them are sold. So, whereas one man of relatively small wealth could carry on an industry under the old system, the combined resources of many men are required under the new. This need of combining the contributions of many persons into a large capital fund has given rise to the modern industrial corporation.

Corporate organization.

American industry of today is carried on for the most part, therefore, by corporations or companies. An industrial corporation or company is a group of persons, each of whom contributes a portion of the capital needed to carry on the business. These contributors receive shares in the corporation proportionate to the amounts of money which they invest. The man who contributes one hundred dollars

becomes the owner of one share; the man who invests a thousand dollars receives ten shares.[171] An industrial corporation with a capital of a million dollars is able to allot among its stockholders ten thousand shares of the par value of one hundred dollars each. It may have only a few shareholders, or it may have a great many. These shareholders, be they many or few, control the management of the business. They elect each year a board of directors, who, in turn, appoint the officers and managers. The latter purchase the raw materials, engage the workmen, supervise their labor, sell the finished goods, and distribute the profits among the shareholders in the form of a dividend declared upon each share. Every corporation has as its legal basis a charter, which is a document issued by the governmental authorities, usually by the state. This charter states the purpose of the corporation and authorizes it to do business. Charters of corporations may be revoked if the powers conferred by the charter are misused.

Ways of avoiding industrial competition

Industrial Agreements and Pools.—With large numbers of industrial corporations engaged in the same line of business it is inevitable that they should compete with one another for the sale of their respective products. This competition, quite naturally, tends to keep prices down, because each corporation does its best to get trade by underselling its rivals. But competition which forces down prices also results in reducing profits, and the industrial corporations often find that higher profits can be earned for their shareholders if some arrangement is made to limit this competition. Thus it came to pass

that the men who controlled large corporations in the same line of business got together and made informal agreements not to compete in such way as to force prices down. Gentlemen's agreements. These "gentlemen's agreements", so-called because they had no legal force but merely rested upon the honor of the various corporations, usually provided that a certain scale of prices would be maintained and that no concern would sell its products below this stipulated scale.

Pools.

These agreements, however, were not altogether satisfactory to the corporations. At the fixed scale of prices some companies, by reason of special advantages, were able to make large profits while others earned very little and became dissatisfied. Hence a new method, commonly known as *pooling* was devised to give every corporation its fair share in the earnings of the entire trade. Under this plan each company was allotted a certain territory within which it might sell its products without competition on the part of the others. Then, at the end of the year, the profits of all the companies were put into a "pool" or common fund and so distributed that no company would have a higher rate of earnings than the others. This was an ingenious method of ensuring substantial profits to each corporation, no matter how well or how badly it was managed. Incidentally, it deprived the public of the benefits which would have come to it, in reduced prices, if competition had been freely carried on. For this reason the practice of "pooling" was soon forbidden by law as an unreasonable restraint of trade.

Trusts.

Trusts, Holding Companies, and Mergers.—Not to be balked in this way the corporations devised a

new plan for checking competition. This took the form of a trust. Corporations agreed to place their shares in the hands of trustees and these trustees, by virtue of holding the shares, controlled the business of all.[172] Through this control the trustees were able to make sure that no price-cutting would result from competition among the various companies comprised within the trust. Holding companies. Another plan, not widely different, was to organize a "holding company", in other words a large corporation to hold all the shares of the smaller corporations not merely in trust but as the actual owner.[173] Mergers. Finally in some cases, the smaller companies were merged or consolidated outright into a single giant corporation. In such instances the smaller concerns passed out of existence and their former owners received shares in the new corporation.

Combinations stifle competition.

Why Industrial Combinations are Objectionable.—The chief objection to all these combinations, whether by informal agreement, pooling, trusts, holding companies, mergers is that they seek to restrain trade, to create monopolies, and to prevent the public from obtaining the advantages in the way of reduced prices and better quality which arise from free competition. So long as free competition exists the rise of prices is automatically checked. But when competition is stifled by monopoly, the public gets fleeced. When a monopoly is once created, moreover, free competition is difficult to establish again. The reason for this is that when anyone enters the monopolized line of business the holders of the monopoly cut their prices temporarily below the profit-making point and thus make it impossible for the new competitor to

continue. Then, when they have driven him out of business, they put prices up once more.

The value of large-scale production.

On the other hand we must not lose sight of the fact that large-scale production is more economical than production in small quantities, and that large-scale production almost inevitably leads to industrial combinations. Most manufactured commodities are produced under what economists call “the law of increasing returns”, that is to say the larger the quantity produced, the smaller the cost per article. There is a great deal of overlapping and waste when goods are manufactured in small independent shops or factories. Large industrial combinations can obtain capital more easily; they can buy raw materials in larger quantities and at better prices; they are in a position to secure and use modern machinery; and they can create better facilities for selling their goods. Large-scale production also permits a profitable use of by-products, such as coke in the manufacture of gas or scraps of leather in the making of shoes. Where industries are small these by-products are not sufficient to make their sale worth while; but large-scale industries realize considerable sums from the sale of their by-products. From almost every point of view the large manufacturing establishments have a great advantage, and if we were to insist that all industry be carried on in small concerns, the public would be the loser in the end. Large-scale production is not in itself to be frowned upon but rather encouraged. The trouble arises from the misuse of the power over prices which results from *monopoly*, and this misuse of power is what the laws are endeavoring to prevent.

Federal and state

control.

The Legal Control of Industrial Corporations.—The right to exercise control over industrial corporations, and thereby to protect the public against extortion, rests partly with the states and partly with the national government. Most corporations are created by state charters and this gives the state authority over them. So long, therefore, as a corporation confines its business within the limits of the state in which its charter was obtained, the national government has no control over it. But most large corporations, such as steel and oil companies, woolen and cotton companies, carry on their business in more than one state. They have factories scattered over several states. They buy materials in one state, manufacture them in another, and sell the products in a third. Wherever this is the case the national government does have authority over them, for the constitution gives to Congress the power "to regulate commerce among the several states".

Industrial Corporations and the Sherman Law.—To understand the relation of the laws to combinations and monopolies it is necessary to go back a little way into legal history. The common law rule against combinations in restraint of trade. By the common law of England, which was introduced into the colonies before the Revolution and became the basis of the American legal system, it was provided that combinations were illegal when formed to restrain trade *unreasonably*. This was the prevailing legal doctrine in the United States for a hundred years after the formation of the Union, but it did not suffice to prevent the steady growth of monopolies. In 1890, therefore, Congress decided to draw the line more strictly and to this end enacted the Sherman

Anti-Trust Law, which declared every contract or combination, in the form of a trust or otherwise, or conspiracy in restraint of trade or commerce among the several states, to be illegal. The rule in the Sherman Law. No distinction was made by the words of this law between reasonable and unreasonable restraint of trade; the Sherman Law simply forbade all trade-restraining combinations in interstate business. It applied to railroads and industries alike, but it was not enforced widely until 1904, when the Supreme Court applied its provisions in the Northern Securities Case (see p. 365).

This decision caused a great stirring among the dry bones of corporate industry. Many combinations and mergers had been formed in all parts of the country during the closing years of the nineteenth century, and it was argued that to tear these combinations apart would be exceedingly difficult. But the government proceeded against other consolidations, notably the Standard Oil Company and the American Tobacco Company, and secured their dissolution as well.[174] The rule of reason. In these latter cases, however, the Supreme Court gave hope for a less drastic interpretation of the Sherman Law by avowing its intention to decide each future case in accordance with the "rule of reason". In other words the court stated its belief that the Sherman Law was not intended to break up all combinations, good, bad, and indifferent, but only those which were contrary to the public interest. By this dictum the Supreme Court re-established in effect the old common law principle that a combination may be legal or illegal according as its purpose is reasonable or unreasonable. And such is the law of the land today.[175]

The Practice of Price-Fixing.—Meanwhile some

new abuses on the part of various large industrial corporations had arisen. Many manufacturers began the habit of dictating to retail merchants the prices at which goods should be sold. If a merchant refused to maintain these prices and sold goods at lower figures, the manufacturer would thereupon decline to supply him with any more merchandise. This was an effective way of bringing a merchant to terms, particularly in the case of patented articles which are made by only one firm and which cannot be obtained from anyone else. The Clayton Act. Here, again, the of the Clayton Act intervened by forbidding price discriminations wherever the effect of such action tends to lessen competition or to create a monopoly. The Clayton Act also prohibited manufacturers and wholesalers from dictating to retail merchants the sort of goods they may sell. The makers of a particular brand of flour, for example, are not permitted to say to the merchant: "You must sell our brand only, otherwise we will not sell to you."

The Federal Trade Commission.—The foregoing statutes, the Sherman and Clayton Acts, are examples of our attempt to regulate industry by law. The trouble with regulation by law, however, is its stiffness. Laws are hard and fast while the scope and methods of modern business are continually and rapidly changing. A law which is sufficient to meet one problem today proves quite inadequate to cope with another problem tomorrow. The strictest legal provisions, moreover, can usually be circumvented or evaded by some new device. Accordingly, the national government has reached the conclusion that it is better to have the laws lay down the general principles of industrial regulation, leaving the details to be applied by an administrative board or

commission. In conformity with this idea Congress in 1914 authorized the establishment of a Federal Trade Commission, the duty of which is to investigate all complaints regarding unfair methods of competition in interstate commerce (except in the case of banks and railroads) and to order that such unfair methods, if found to be in existence, shall be discontinued.[176] Decisions of the Federal Trade Commission are reached after a hearing at which both sides may be represented. The commission is also given power to compile and publish information concerning the organization, management, and policy of any industrial corporation engaged in interstate trade. Since 1914 it has rendered signal service in protecting the business men of the country, and the general public as well, against economic injustice.

The Control of Industrial Corporations by the States.—What has been said in the preceding pages relates only to corporations which are engaged in interstate business. This includes most of the largest industrial concerns. Smaller corporations which keep their operations within the bounds of a single state, are not subject to the provisions of the Sherman or Clayton Acts, neither do they come within the jurisdiction of the Federal Trade Commission. This does not mean, however, that the smaller industrial corporations are exempt from regulation altogether. Most of the states have their own anti-trust laws and their own legal regulations to prevent the growth of local monopolies. These rules differ from state to state; in some they are much more strict than in others. State regulation is beset with serious difficulties everywhere because in all the states industries are to some extent carried on by corporations which have obtained their charters from some other state and thus cannot be fully controlled

except by the national government.

The Greatest Problem of Modern Industry.—The most difficult industrial problems of today, however, are not connected with the question of government control. So far as the protection of the public against combinations and monopolies is concerned the government is bound to be, in the long run, successful in its efforts although even the strictest laws can work no miracle over night. Far more perplexing is the problem of determining the proper relations between industrial employers on the one hand and industrial workmen on the other. Although labor is a great and essential factor in industry it has hitherto had practically no direct voice in determining the conditions under which industry shall be carried on.

Taking American industry as a whole, labor has had no share in ownership or management. The human relation in industry. The relation of the worker to industry has been strictly that of a hired employee who does his job, takes his pay, and calls the account square. But of late years it has been becoming apparent that this relation does not satisfy the workman altogether and that he does not regard wages alone as a sufficient recompense for his share in industrial production. His leaders are asking, in some cases, for a share in the profits, for a voice in determining the conditions of labor and, ultimately, for some share in the management.

The representation of the workers.

Industrial Democracy.—In some large industrial concerns representation has already been given to the workers. They are permitted and encouraged to select a committee from among themselves whose function it is to take up with the management, in an

official way, all questions of wages, hours of labor, discipline, and conditions of work. In case of disagreement between the committee and the management impartial arbiters are called in. Thus the employees are given a fair share in the settlement of all matters affecting their work and welfare.

The success of such schemes will depend, of course, upon the degree of fairness which both sides display in conference. Just as the success of political democracy depends upon the exercise of tolerance on the part of those to whom power is given, so in any form of industrial democracy the abuse of power, whether by employers or workmen, will surely spell failure. It is essential to the well-being of the nation that the workers in industry shall receive their rightful share from the earnings of industry, that they shall have just conditions of employment and be treated like men. But it is also essential that the management of industry shall not be subjected to unreasonable demands and that a system of production which the world has spent a century in building up shall not be broken down until something well tried and tested by experience can be put in its place.

Profit Sharing as a Step toward Industrial Harmony.—One of the ways suggested for ensuring to the workman his full share in the earnings of industry is known as profit sharing. The usual provision is that after the current rates of interest, wages, and salaries are paid the surplus earnings shall be divided between the employers and the workers on some fair basis determined in advance. But the amount which goes to the workers is not necessarily paid in cash. Either in part or in whole it may be given to them in the form of shares in the business and on these shares they receive thereafter

the regular rate of earnings.

It was hoped that an arrangement of this sort would bring the employer and his workers more closely together. Profit sharing, indeed, was at one time proclaimed to be a solution of the whole labor problem. But on the whole it has not fulfilled expectations. For this there are several reasons. Why profit sharing has not made great headway. Some workers did their best, others scamped their work; but all shared alike. The employers did not find that labor responded with increased efficiency when a share of profits was given. The workers, on their part, found that profits sometimes declined greatly in spite of their hardest efforts. Bad judgment on the part of the management would offset hard work on the part of the men. Not having access to the books and figures the workers often suspected that their rightful share of the profits was being withheld from them. The trade unions, moreover, looked askance at the whole proposal and insisted, among other things, that no one who was not a member of the union should be a profit-sharer. So the movement has slackened, although it still has some strong advocates and seems to be losing none of the ground that it has gained.

Other Remedies for Industrial Unrest.—Several other remedies for industrial unrest have been suggested, and some of them are being given a trial. The relations of labor to industry constitute a large and difficult problem, however, and cannot be made clear in a single paragraph. They are, in fact, of sufficient importance to have a chapter to themselves.

Industrial opportunities.

Industry and the Individual.—The opportunities for capable young men and women in industry were

never greater than they are today. The operations of industry have become so complex that they afford openings for every type of individual skill and proficiency. The management of American business is no longer conducted by hit-or-miss methods; everything is worked out with scientific precision in buying materials, merchandising, manufacturing, marketing, and financing. American industry in all its branches is hiring brains as well as muscle.

The choice of a vocation

The success of the young man or woman who goes from school into industry depends in the first instance upon a wise selection at the start. Different types of industrial work call for altogether different tastes and abilities on the part of the individual. Some individuals are of a distinctly mechanical temperament; their interests run to machinery and the processes of working with material things. Others have no interest at all in that direction; but they may be tactful in dealing with other people, able to use their imaginations, with perhaps a penchant for figures. Others, again, have none of these qualities but are punctual, industrious, and can always be depended upon to carry out instructions to the letter. American industry has openings which exactly fit individuals of all temperaments and capacities; the big problem is to bring the man and the opportunity into touch with each other. A square peg will not go into a round hole; no amount of patience will put it there. But there are many square pegs trying to fit themselves into the round holes of industrial employment today because so many young men and women have taken the first job offered to them without reference to its real suitability. These first jobs very often lead up a blind alley. The time spent

in them by thousands of young men and women is time wasted.

Vocational guidance.

It is to help eliminate this enormous waste of human effort that facilities for vocational guidance are now provided by a great many schools. But no vocational counsellor can properly plan the start in life without assistance from the boy or girl immediately concerned. It is the duty of everyone to make a personal study of the opportunities which the various forms of industry afford, to reflect upon his own tastes, abilities, and ambitions, and to look at the problem as one of supreme importance to himself. A right start is half the victory.[177]

General References

R. T. ELY, *Outlines of Economics*, pp. 26-62 (The New Industrial System);

W. Z. RIPLEY, *Trusts, Pools, and Corporations*, pp. 78-96; 703-734;

F. W. TAUSSIG, *Principles of Economics*, Vol. II, pp. 419-442 (Industrial Combinations);

F. A. OGG, *National Progress*, pp. 58-75 (The Legal Control of Industrial Combinations);

L. H. HANEY, *Business Organization and Combination*, pp. 81-116;

E. D. DURAND, *The Trust Problem*, pp. 9-30;

J. R. COMMONS, *Labor and Administration*, pp. 120-148;

F. A. FETTER, *Modern Economic Problems*, pp. 427-457;

ISAAC LIPPINCOTT, *Economic Development of the United States*, pp. 469-490. See also U. S. BUREAU OF THE CENSUS: *Abstract of the Census of Manufacturers*, 1914, ch. vi, vii.

Group Problems

1. The advantages and defects of large industrial organizations. Advantages of large-scale production. Are large organizations essential to large-scale production? Large industrial organizations and monopoly. Some

examples. The distinction between "good trusts" and "bad trusts". Can large organizations be effectively regulated? Summary of merits and defects. **References**: F. W. TAUSSIG, *Principles of Economics*, Vol. II, pp. 419-442; L. H. HANEY, *Business Organization and Combination*, pp. 365-382; E. D. DURAND, *The Trust Problem*, pp. 60-85; W. Z. RIPLEY, *Trusts, Pools, and Corporations*, pp. 324-355; J. T. YOUNG, *The New American Government and Its Work*, pp. 141-186; JOHN MOODY, *The Truth about the Trusts*, pp. 102-132; E. S. MEADE, *Trust Finance*, pp. 193-217; THEODORE ROOSEVELT, *Autobiography*, pp. 476-515.

2. The position of women in industry—past, present, and future. References: EDITH ABBOTT, *Women in Industry*, especially pp. 1-9; 215-245; 307-323; T. S. ADAMS and H. L. SUMNER, *Labor Problems*, pp. 19-67; J. A. HOBSON, *Evolution of Modern Capitalism*, pp. 290-321; JOHN MITCHELL, *Organized Labor*, pp. 131-141; B. L. HUTCHINS, *Women in Modern Industry*, pp. 239-265.

Short Studies

1. **The far-reaching effects of machine industry.** L. C. MARSHALL and L. C. LYON, *Our Economic Organization*, pp. 106-126.

2. **Evils of the factory system.** W. C. TAYLOR, *The Modern Factory System*, pp. 177-227.

3. **The power of Congress to regulate corporations.** S. P. ORTH, *Readings on the Relation of Government to Prosperity and Industry*, pp. 208-220.

4. **Roosevelt and the trusts.** F. A. OGG, *National Progress*, pp. 40-75; THEODORE ROOSEVELT, *Autobiography*, pp. 476-515; OTTO H. KAHN, *Our Economic Problems*, pp. 317-322.

5. **The Clayton Act.** JAMES T. YOUNG, *The New American Government and Its Work*, pp. 173-178.

6. **The work of the Federal Trade Commission.** W. H. S. STEVENS, *Unfair Competition*, pp. 217-244.

7. **Politics and big business.** J. G. BROOKS, *The Social Unrest*, pp. 46-67.

8. **Competition and big business.** J. H. HAMMOND and J. W. JENKS, *Great American Issues*, pp. 160-173.

9. **Profit sharing in industry.** T. S. ADAMS and HELEN SUMNER, *Labor Problems*, pp. 333-378.

10. **The contribution of American industry to the winning of the war.** W. F. WILLOUGHBY, *Government Organization in War Time and After*, pp. 67-120.

Questions

1. Show why the rise of the factory system is entitled to be called a "revolution." Are people better or worse off as a result?

2. "Machinery has made life more varied," "Machinery has reduced life to routine." With which of these statements do you agree and why?

3. Make a diagram showing how a corporation is organized. If you owned one or more shares in a corporation, what would be your rights? Your duties? Your risks? What is meant by the statement that a corporation has "legal immortality"?

4. What is the difference between a pool, a trust, a holding company, and a merger? Is it better to forbid these things or to regulate them?

5. Why is it that the Chicago meat-packing concerns have been able to sell dressed meat to marketmen in the towns of the Eastern states more cheaply than it can be procured and slaughtered locally?

6. Explain what President Roosevelt meant when he said that there are good trusts and bad trusts. What service can a good trust perform? What harm can a bad trust do?

7. What are the chief provisions of the Sherman Law? The Clayton Act?

8. Show how regulation by a commission is likely to be more effective than regulation by law.

9. In determining a choice of a vocation what considerations are you going to keep in view? What tests have you applied to make sure that you know your own tastes and abilities? Have you made yourself acquainted with the industrial opportunities? See foot note on p. 397.

10. To what extent should the workers share in the management of industry?

Topics for Debate

1. The Sherman Law should be repealed.

2. The government should have the power to fix maximum prices in the case of all goods produced by industrial organizations which possess a monopoly.

CHAPTER XXI
LABOR AND LABOR PROBLEMS

The purpose of this chapter is to describe the organization, rights, claims, and problems of the American wage-earner.

Hand-industry created no labor problem.

Labor in the Old and the New Industrial Order.—So long as the system of hand-industry was in existence there was no sharp division of employers and laborers into two separate classes. The employer was himself a workman at the loom, the bench, or the forge. He might have as helpers a couple of apprentices who were learning the trade, and perhaps a journeyman or two; but rarely were there more than a half dozen men or women employed in a single establishment. The apprentices and journeymen, moreover, expected in due course to set up in business for themselves. There was no hard-and-fast labor class, and no labor problem as we have it at the present day. The employer and his helpers worked together, often lived together; no great gulf separated them in wealth, education, or social position.



THE CROWNING OF LABOR. By John W. Alexander

From a Thistle Print, copyright by the Detroit Publishing Company. Reproduced by permission.

THE CROWNING OF LABOR

By John W. Alexander

This picture forms one of the panels in a series of mural decorations, representing the achievements of labor, at the head of the great staircase in the Museum of the Carnegie Institute at Pittsburgh.

Pittsburgh, a great industrial community, is depicted as a knight in steel armor,

emblematic of strength and power. Labor having reached its highest expression in the prosperous industrial community, the city is being crowned with a laurel wreath and heralded by the winged figures which have arisen out of the smoke and steam. The whole picture is symbolic of the immense energy which is guided by labor into productive channels.

Labor problems came with the Industrial Revolution.

The advent of steam power, factories, and clanging machinery changed all this. The number of employers diminished; the number of employees increased. Hundreds and even thousands of workmen were brought together into great brick factories, working long hours, destined to be laborers throughout their entire lives, with no hope of ever being anything else. With this new organization of industry the relation of the employer to his helpers was completely changed. The old personal relation disappeared; the employer no longer possessed even a passing acquaintance with his men.[178] The new relation was simply one of dollars and cents. He gave them so much wages; they gave him so much work. Being only one among a hundred, or one among several hundred, the individual employee lost his industrial independence. Whether he liked his work

or not there was little for him to do but take the wages that were offered; he could no longer leave his employer and set up in business for himself as he could in the older days of hand-industry. The Industrial Revolution thus brought into being a new labor class, new conditions of labor, and a new labor problem.

Why Labor Organizes.—Organizations of workmen, now commonly known as trade unions or labor unions, were not in existence prior to the Industrial Revolution. There was no need for such associations then. But when the workers found that as individuals they could not bargain with their employers on terms of equality, they naturally sought to achieve this position of equality by combining together into groups or unions. The original purpose of a labor organization, therefore, was to enable its members to act unitedly in the interest of the worker, making a *collective* bargain with the employers. The aims of labor organizations. By this process of collective bargaining they aim to secure fair wages, reasonable hours of work, sanitary conditions in factories, and security against dismissal except for proper cause. In addition to seeking these advantages the labor organizations try to promote the social and intellectual interests of their own members.[179] They have supported the policy of free, public, education and have urged the prohibition of child labor in order that the children of the workers may be kept at school. They have advocated wholesome forms of public recreation, particularly the establishment of play-grounds. In a word the policy of organized labor is to support every movement which aims to make the worker self-respecting and independent while opposing everything that tends to reduce him to the ranks of a

mere cog in the great industrial mechanism.[180]

Unions and federations.

Organization Methods.—Trade unions are composed of the wage-earners in a particular trade or occupation.[181] A local union is formed among the wage-earners of each city or town. These unions, usually called "locals", hold regular meetings, elect their own officers, and collect small monthly dues from each member. In the earlier stages of the labor movement these local unions were not federated into any national body, but in 1866 the National Labor Union was formed by uniting many of the local associations. This national organization became too much involved in politics, however, and soon went to pieces. In its place arose another national organization known as the Knights of Labor, which gained considerable strength during the twenty years from 1870 to 1890. The Knights of Labor did not attempt to federate the local unions but took individual members directly into their own ranks. In the end the organization became involved in several unsuccessful strikes and gradually weakened, although even today it still maintains a nominal existence. Since 1890 the most important national organization in labor circles has been the American Federation of Labor. Meanwhile, however, the unions in particular trades (such as garment workers, mine workers, railroad trainmen, etc.) had begun to affiliate into individual national unions of their own. State and city federations had also been formed, made up of all the unions in a given state or city. All this made more easy the rise of a giant national federation.

How the A. F. of L. is organized.

The American Federation of Labor.—The American Federation was organized in 1881 but at first its growth was slow. Today it claims a membership of about four million workers. It is a federal organization comprising various national unions in particular trades, state federations of labor, city federations, and a large number of directly affiliated unions. Directly or indirectly the American Federation of Labor has brought into affiliation nearly thirty thousand local organizations throughout the United States and Canada. Every year it holds a convention made up of delegates from the component organizations, and this convention determines the Federation's policy. The annual convention also elects the Federation's general officers. The Federation has no compulsory authority of its own but merely exercises such powers as the organizations of which it is composed may concede to it. Its chief function is to bring representatives of unions together once a year for the discussion of common problems, to secure general agreement upon a common program, to give the labor movement greater strength through united action, and to represent the interests of labor before the public authorities.

The demands of "organized labor".

The Federation's Program.—The Federation's program comprises both economic and political aspirations. Among the former are included the demand for a rate of wages in all trades sufficient to enable the worker to live and bring up his family in accordance with "American standards of living"; the establishment of an eight-hour workday in all occupations, with a half holiday on Saturdays; the prohibition of paid labor by children under sixteen

years of age; the more effective inspection of workshops, factories, and mines in order that proper sanitary conditions may be ensured and industrial accidents prevented; and the establishment of a system of social insurance against sickness, disability, accident, and old age. Among the political changes advocated by the Federation are the nation-wide use of the initiative, referendum, and recall; the election of a President by direct popular vote; the restriction of the Supreme Court's right to declare laws unconstitutional; the prohibition of injunctions in labor disputes; and the extension of government control over railroads. The Federation also urges that greater attention be given to vocational training in the schools. It should be understood that the foregoing program is not fixed and inflexible; it may be changed by the annual convention at any time and is being constantly modified.[182]

The radical element in labor's ranks.

Revolutionary Labor Organizations.—In recent years it has become apparent that the relatively moderate program and the strictly peaceful methods of the American Federation do not satisfy the more radical elements in its own ranks. Repeated attempts have been made at the annual convention to displace Mr. Gompers, the head of the Federation, in favor of some leader with more radical views, but thus far these attempts have failed. In some of the labor organizations the radicals have from time to time got out of hand and have gone on strike in defiance of their leaders. Strikes of this sort are commonly known as "outlaw strikes".

The I. W. W.—its history and aims.

But more particularly the drift to radicalism in

labor's ranks has been shown by the organization and progress of the Industrial Workers of the World (the I. W. W.), which aims to supplant the American Federation of Labor and to combine all the workers of the country into "one big union". The history of the I. W. W. goes back to 1898, but it gained little strength as an organization until about 1910. Estimates as to the extent of its present membership are uncertain. The program of the I. W. W. includes the abolition of all capitalism, the control of all industry by the workers, and the union of workers throughout the world. The I. W. W. opposes the making of agreements with employers and is at war with the whole existing economic system. It favors the overthrow of the present system of government and the establishment of a proletarian dictatorship.

What "collective bargaining" means.

Methods and Policies of Labor: Collective Bargaining.—The prime purpose of the regular labor organizations, as has been said, is to enable the workers to bargain with the employers upon equal terms. Where the unions have acquired strength, therefore, they insist that all agreements as to wages, hours, and conditions of labor shall be made by the employer on the one hand and the officers of the unions on the other. That is to say they insist that the members of the union shall deal with the employers collectively, not individually, and that the employers shall agree to this method of determining all labor questions. The unions insist upon collective bargaining because they believe it to be the only way in which the workers can be prevented from competing among themselves and thus reducing the rate of wages below a reasonable minimum. The labor of today cannot be sold tomorrow. If it is not

sold today, it perishes and brings the worker no return. This inexorable fact places the workman in a position where, if left without protection, he would have to accept whatever terms are offered him. Many large employers of labor throughout the country have accepted the principle of collective bargaining, but many others decline to do so on the ground that it interferes with freedom of contract and restricts employment to the members of labor unions. Collective bargains between employers and workmen are made at joint conferences between the representatives of both sides, and the matters agreed upon at these conferences are embodied in trade agreements, which usually run for a term of months or years.

The theory and practice of strikes.

The Right to Strike.—The chief weapon in the hands of organized labor is the right to strike. A strike is a "concerted withdrawal from work by a part or all of the employees in an establishment, or several establishments, to enforce a demand on the part of the employees". Strikes are called by officials of the unions when it appears that the demands of the workers cannot be enforced in any other way. This can be done, as a rule, only after a vote of the members has been taken, and in most cases the approval of the national officers of the union must also be secured. While the men are "on strike" it is customary to grant them a small daily allowance for the support of themselves and their families. This is paid out of the treasury of the union where funds have been accumulated from monthly membership fees paid by the men. Picketing When a strike is called, "pickets" are stationed near the factory or plant against which the strike is being conducted.

These pickets or watchers are furnished from among the strikers; their purpose is to intercept "strike-breakers" or persons who may be going to take the places of the strikers, and to persuade them against doing this. So long as picketing is conducted peacefully and no intimidation or violence is practiced, the laws do not, as a rule, interfere.

Boycotts.

In addition to picketing, the strikers often persuade members of other unions to "boycott" the products of the establishment against which the strike is being conducted, in other words to refuse to transport materials for it or to buy from merchants any of its manufactures. It is becoming the general practice of organized labor to buy no goods which do not bear the "union label", which is a sticker or tag certifying that the merchandise was made by members of a union.

How the employer strikes back.

Lockouts and Blacklists.—But if the worker has his weapons, so has the employer. When the employer believes the demands of his workmen to be excessive he can shut down the establishment and lock the workers out. Then, if he can find men and women to work for him on more favorable terms, he takes them into his employ and starts up again. Lockouts are not now as common as they used to be. Another weapon of the employer is the blacklist, which contains the names of workmen who have been prominent in fomenting labor troubles and who are, accordingly, regarded by the employers as undesirable. This list is circulated by the employers from one to another and no workman whose name is on it will be given employment. When a worker's name goes in the blacklist it means that he has the

greatest difficulty in finding employment in his own trade anywhere.

Labor and the courts.

The Use of Injunctions in Labor Disputes.—A much-discussed question affecting the interests of labor relates to the use of injunctions in controversies between employers and workmen. An injunction is a writ or order issued by a court of equity. It commands a person or a corporation to do something, or not to do something. A court, for example, may by the issue of an injunction order an employer to reinstate a workman who has been wrongfully dismissed, or it may forbid the calling of a strike by the officers of a union if such action involves the breach of an agreement with the employer. Contempt of court. Anyone who disobeys an injunction is guilty of "contempt of court" and in most cases may be clapped into jail without formal trial by a jury. Members of labor organizations feel that injunctions are frequently used in the interest of the employers. The American Federation of Labor has strongly opposed the use of injunctions in labor disputes so long as men are not given a trial by a jury before being adjudged in contempt of court. The Clayton Act of 1914 provided that, in the federal courts, alleged violations of an injunction issued in connection with labor controversies should be determined by a jury trial. In the courts of most of the states, on the other hand, no such provision has yet been made and there is strong opposition to making it. Many people believe that labor is asking a special privilege in demanding that controversies in which it is especially interested shall have an exemption from the usual process of the courts.

The Closed Shop and the Open Shop.—The most

hotly-debated question in the whole range of labor problems today concerns the policy of the open versus the closed shop. Shall all shops and factories be closed to those who are not members of the union? Shall non-union men be virtually required to join the union or be refused employment unless they do? Or shall shops and factories be open to all competent workers no matter whether they belong to the union or not? A closed shop, so-called, is a factory or other industrial plant in which none but members of a labor union are employed.[183] An open shop is one in which the employer makes no distinction between those who are members of the union and those who are not. The unions insist upon the closed shop as the only way of maintaining the effectiveness of their organizations and of upholding the principles of collective bargaining. They believe it to be impracticable to have union men and non-union men working efficiently, side by side, in the same establishment. Many employers, on the other hand, maintain the open shop because they believe it is essential to proper discipline and gives every workman an equal opportunity. They believe that it is the inalienable right of every American to work for whom he pleases, on such terms as he pleases, without the necessity of joining any organization. Hence they have adopted the habit of calling the open shop system the "American plan" of industrial organization. In those trades where practically all the workers have become unionized the controversy over the open or closed shop does not usually arise; it is chiefly in those trades where a substantial proportion of the workers are not organized.

The amicable settlement of labor disputes.

Conciliation and Arbitration.—The frequency of strikes and lockouts has been diminished in recent years by an increasing resort to the settlement of industrial disputes by conciliation and arbitration. By conciliation is meant the action of some public authority, usually a state board, in tendering its assistance to smooth out the difficulty and effect a settlement. This assistance both sides often accept, although they are under no obligation to do so. By arbitration is meant an agreement to submit the dispute to some one man or group of men, and to abide by whatever decision may be rendered. An arbitration board is commonly made up of three members, one chosen by the employers, one by the workers, and a third mutually agreed upon as neutral. Some states maintain official boards of arbitration to which industrial disputes may be referred at any time by consent of the disputants. Even in cases where they are not called upon to arbitrate disputes these boards usually have the right to investigate the questions at issue and to make known their findings for the information of the public.

Industrial courts.

Compulsory Arbitration—The Kansas Plan.—Although the compulsory arbitration of industrial disputes has existed for some years in a few other countries[184] it has not been looked upon with favor by labor leaders in the United States. These leaders feel that compulsory arbitration would take from the worker his most effective weapon—the right to strike at an opportune time. In 1919, however, the legislature of Kansas passed a law establishing in that state an Industrial Court, with judges appointed by the governor.[185] This court is empowered to fix rules, regulations, and practices for the operation of

essential industries.[186] All industrial disputes, of whatever sort in these essential industries, must be submitted to it, and its decisions are binding upon employers and employees alike. If either side declines to accept the award, the state government is empowered to take over the industry and operate it until the controversy is settled. The Kansas law substitutes adjudication before a state tribunal for the usual method of redress by strikes and lockouts. It is based upon the doctrine that neither capital nor labor has the right to carry on industrial warfare at the expense of the public and that essential industries must be kept in operation because the whole community depends on them. The law has been held to be constitutional, but it is still bitterly opposed by the leaders of organized labor.

Are the laws unfriendly to labor?

Labor and the Law.—It is often alleged that the laws of the land are largely on the side of the employer. This may have been true of the common law which grew up in the days of hand-industry, but the statutes passed by Congress and by the state legislatures during recent years have done a great deal to ensure the just and humane treatment of the American worker. These laws have been concerned with such matters as the prevention of industrial accidents and the establishment of workmen's compensation, the limitation of the hours of labor for women, the prohibition of child labor, and the establishment of minimum wages in certain industries. In addition the laws have made provision for proper sanitary conditions in shops and factories, and have eliminated many of the abuses which grew up in the earlier days of the factory system. The general tendency of American legislation during the

past twenty-five years has been in the direction of protecting the workman in all cases where he cannot be counted upon to protect himself.

The old plan of dealing with injured workmen.

Industrial Accidents and Employers' Liability.—The use of high-powered and complicated machinery in modern times has greatly increased the danger of accident to the workers. By the terms of the common law an employer was obliged to grant compensation to any workman who met with an accident because of defects in the machinery or because of any other negligence on the employer's part. But he was not obliged to grant compensation when the accident was due to the employee's own negligence or to the negligence of a fellow-employee. In any event the only way in which an injured workman could get compensation, in case the employer declined to give it, was by bringing a suit in the courts, an expensive and uncertain method. This meant that large numbers of the workers who were disabled every year by accidents were left without any means of support for themselves and their families. It availed very little to say that they were themselves to blame for their plight, or that some fellow-employee was to blame. Placing the blame did not save the worker or his family from starvation. A great amount of hardship and suffering was caused in past generations by putting so much of the burden upon the hapless employee.

Why we have changed it.

When machines break down the employer has to pay the cost of replacing or repairing them. He, in turn, adds this expense to his cost of production and

in this way passes it to the public which buys his product. But men break down as well as machines. Every great industry has many human accidents each year. No matter how well the machinery is guarded or how careful the workmen may be, accidents are inevitable. An enormous amount of attention has been given to making railroad-operation safe by means of automatic couplers, air-brakes, electric signals, interlocking switches, and so on, yet it is said that one railroad employee is killed or injured each year for every mile of trackage operated. Why not, therefore, require the employer, and through him, the consumers of the finished products, to pay for what is an inevitable item in the cost of transportation and manufacture? The answer to this question is that it should be done, and in most of the states it is now being done, through the medium of workmen's compensation laws.

The new plan.

Workmen's Compensation.—The usual arrangement established by workmen's compensation laws is as follows: Every injured worker is entitled to compensation, according to the extent of his injury, no matter how the accident may have been caused. If the accident results in the death of the workman, his dependents are entitled to compensation. The amount of the compensation is either fixed by law, or adjusted to the amount of wages which the employee has been receiving, or determined by a state board. It is paid in installments, so much per week for a set period of time. In addition, an injured workman receives medical attention without any expense to himself. The employer usually arranges with a liability insurance company or with the state insurance department to pay this compensation in return for an annual premium which he remits to the

company or to the insurance department as the case may be. The cost of the insurance, in other words the amount of the annual premium, becomes one of the regular expenses of conducting business, like taxes, fire insurance, or interest. If the employer does not arrange for liability-insurance, he must pay the compensation from his own pocket. These workmen's compensation laws have been of incalculable service to the employees; at the same time the cost to the public, in the way of higher prices, has been so small as to be almost unnoticeable.

The need for special laws to regulate the employment of women.

Limitations on the Working Hours of Women in Industry.—The various industries of the United States now employ several million women, and the special protection of the laws has been extended to them in various directions. The reason for this is that women cannot work long hours without detriment to their physical welfare, and any break-down in the physical well-being of several million women would result in a serious injury to the physique of the whole race. Women in industry, moreover, are not as well able to protect their own interest as men are and for that reason also the laws have intervened in their behalf. Most of these laws have been directed towards limiting the hours of labor for women to a certain maximum per week, forbidding work at night, and improving the conditions under which women are employed. Factories, for example, have been required in some states to provide rest rooms, and stores are under obligation to furnish seats for the use of saleswomen whenever they are not busy at the counters. It may be urged that women, like men, should have the right to work as many hours as they

please; but the general welfare of society is paramount to the rights of any class, whether of men or women. It is the duty of society to protect itself against anything that tends to break down its physical or moral well-being.

The old iniquities of child labor.

Child Labor.—In the early days of the factory system children of twelve, ten, or even seven years were put to work for long hours under frightful conditions. Underpaid and underfed, deprived of schooling, they grew up to be physically and intellectually unfit and developed into inferior citizens.[187] Child labor was thought to be cheap, and from the employer's point of view it was; but in the long run society found it to be incalculably expensive. Unrestricted child labor increased the number of illiterates, promoted the spread of disease and crime, augmented poverty, and bred discontent. The child is the father of the man; and as our children are cared for so will the future manhood and womanhood of the nation be. No fewer than two million persons under fifteen years of age are engaged in some form of wage-earning occupation in the United States today. Since they are unable to protect themselves against overwork and underpayment, the state must see to it that they are treated by their employers with consideration and humanity.

Child labor laws of today.

The laws relating to child labor differ considerably in the various states; in some the provisions are much stricter than in others. In general the tendency is to prohibit the regular employment of children under fourteen years of age. Many of the states

forbid the employment of persons under sixteen years of age in night work or in certain dangerous occupations, such as mining. The hours of labor for persons under sixteen are also limited in some states to not exceeding eight per day. Many other provisions restricting child labor are now in force, and year by year new limitations are being added.[188] In 1916 Congress undertook to place a general restriction on child labor throughout the entire country by passing a law which forbade the transportation and sale in interstate commerce of any goods made in whole or in part by children under a designated age-limit. The Supreme Court of the United States held this law to be unconstitutional, however, declaring that the authority to regulate commerce among the states does not empower Congress to control the conditions of industry within the state boundaries. Congress has since placed a ban upon child labor in another way, namely, by providing that the profits of these industries which employ children shall be taxed more heavily than the profits of those concerns which do not.[189]

The arguments for minimum wage laws.

Minimum Wage Laws.—Investigations into the subject made some years ago disclosed the fact that not only were women and children frequently overworked in industries but that they were often underpaid as well. One reason for this underpayment was that many of the women and children workers lived at home and did not need to be entirely self-supporting. They merely contributed to the general family earnings. They were thus in a position to work for smaller wages than if they were entirely self-dependent. But there were also many thousands

of women and children who had to support themselves entirely from their own earnings and to these the low rate of wages meant hardship and suffering. It meant undernourishment, physical break-down, and premature old age. It led to pauperism and immorality. So the laws have once more intervened to protect the well-being of the race against the fruits of industrial injustice by providing that the wages of women and children in industry shall not fall below a certain minimum.

Nature of these laws.

Many of the states have put these minimum wage laws upon their statute books. Sometimes the minimum rate of wages is fixed in the law; more often it is determined in the case of each industry by a state board after an investigation. The minimum rate is set at such a point as will enable the wage-earner to be self-supporting. Here, again, the basic principle is that the actual cost of production, including the cost of protecting society against things detrimental to it, should be paid by the public which buys the goods. Some practical difficulties. One practical difficulty connected with the minimum wage plan is that it tends to throw the less efficient employees out of work altogether. The employer who is forced by law to pay a fixed minimum in wages, no matter how unskillful the worker may be, will promptly dismiss all those who do not give him, in work, the worth of their wages. If a minimum wage is established in all industries, where will the least skillful find employment?

Causes of unemployment.

The Problem of Unemployment.—The greatest of all economic wastes today is that which results

from unemployment. The ideal condition would be to have everybody employed all the time. If that could be accomplished we could produce a great deal more each year at lower cost. Unemployment means that idle men must use what other workers are producing. But it is not possible to do away with unemployment altogether. Some trades are seasonal in character, that is to say, busy at one period of the year and slack during others. In northern regions the building trades, bricklaying, outdoor carpentry, and so on, are in this category. The larger part of the unemployment, however, is due to other than seasonal causes. It is due rather to trade depressions which from time to time cause the shutting down of industrial establishments and it is caused in some degree by the lack of careful planning on the part of the employer. The number of unemployed workers throughout the country varies greatly from time to time. It may be as low as five per cent or as high as forty per cent of the entire number.

Some suggested remedies.

Various plans for lessening the evils of unemployment have been suggested, but they all present some practical difficulties. Better vocational training would reduce the number of unskilled workers; and it is the unskilled who contribute most largely to the ranks of the unemployed. The establishment of public employment offices has done something to bring workers into touch with available jobs. It is proposed that we have a more careful planning of state and municipal improvements so that the heaviest demand for labor on public works would come at times when unemployment is most prevalent—this, it is urged, would help alleviate the trouble even though it might not go very far in

solving the whole problem. Much would be accomplished by the better organization of industrial production and by some scheme of co-operation among employers which would enable workers to be transferred from one industry to another. Great practical obstacles are in the way of doing this on a large scale.

How progress toward a solution of the problem is being made.

Some large concerns have already adopted the plan of setting aside each week a certain percentage of the total pay roll as an unemployment reserve. Then, whenever workers are temporarily out of employment through the slackening of business and not through any fault of their own, a certain weekly wage is paid to them from this reserve. Something will also be accomplished in the way of reducing unemployment by better vocational guidance, for young men and women often go into employments which afford no chance of promotion and which they subsequently find to be unsuited to their tastes. Many large industries now bestow great care upon the selection of new employees. All applicants are dealt with through a special official known as the employment manager, whose function it is to make reasonably sure that the applicant is fitted for the position. Foremen and bosses are not allowed to discharge employees at will. The complaints must first be referred for investigation to the employment manager's office. This plan will also help alleviate unemployment if it becomes general.

Unemployment insurance.

Unemployment insurance has been tried in a few European countries and has been advocated in

America. This plan contemplates that each employer shall contribute to a fund from which a stated wage scale shall be paid to those who remain out of work through no fault of their own, or that the government shall provide such a fund from the proceeds of taxes. It is easy to see that a scheme of this sort might be seriously abused, yet so long as the problem of unemployment remains serious we must strive to find some way of solving it.

Old-Age Pensions.—Most wage-earners do not save enough to provide for themselves in old age. The result is that after long years of toil they are dependent upon their children, or must eke out a precarious existence by doing odd jobs, or must be supported by the public poor-relief funds. The experience of Great Britain and Germany. This is not a desirable state of affairs and in some European countries, notably in Great Britain and in Germany, systems of old-age pensions for workers have been established. In Germany the worker pays a small amount each week into the fund; the employer pays an equal amount and the government pays the rest. In Great Britain the employers and the government pay it all. Every wage-earner, on reaching old age, receives a small weekly allowance for the rest of his days.[190] The cost of an old-age pension system is enormous, but in the long run it is likely to represent real economy. Sooner or later the system will probably be established in this country; the only question is whether, when it comes, the wage-earner should be required to pay a regular contribution during the years in which he is able to do full work.

The patriotism of American labor.

American Labor and the War.—Among the various factors which helped to win the World War

the loyalty and enthusiasm of American labor should be accorded a high place. War always creates a great shortage of workers, partly because so many able-bodied men are taken into the army and partly because of the tremendous need for workers in munition plants and other war industries. During war, therefore, the labor organizations are always in a position to make demands which cannot well be refused. It is quite true that American labor took advantage of its opportunities during the World War; but so did the employers. The wages of labor rose everywhere, as did the profits of industry. Nevertheless it can fairly be said that labor co-operated with the government at all the essential points and produced the uninterrupted flow of materials which was needed to ensure victory. Certain it is that without this co-operation on the part of labor the United States could not have figured so prominently in deciding the ultimate issue of the great conflict.

General References

ISAAC LIPPINCOTT, *Economic Development of the United States*, pp. 491-511;

R. T. ELY, *The Labor Movement in America*, pp. 34-91 (Growth and Present Conditions of Labor Organizations);

T. S. ADAMS and H. L. SUMNER, *Labor Problems*, pp. 461-501 (Labor Laws);

F. T. CARLTON, *Organized Labor in American History*, pp. 11-44 (Epochs in the History of Organized Labor); pp. 169-197 (Labor Parties); pp. 198-225 (Ideals of the Wage Earner);

R. F. HOXIE, *Trade Unionism in the United States*, pp. 254-275 (Collective Bargaining);

JOHN R. COMMONS and J. B. ANDREWS, *Principles of American Labor Legislation*, pp. 35-90 (Individual Bargaining);

SAMUEL GOMPERS, *American Labor and the War*, *passim*.

Group Problems

1. The origin, growth, and aims of labor organizations. The organization of industry before the Industrial Revolution. Rise of the factory system. Creation of a labor class. Early conditions of factory employment. Beginnings of labor organizations. Early attitude of the law and the courts. Growth of labor organizations during the past half century. Central organizations and national bodies. Present-day aims of labor organizations—economic, social, and political. Specific features of organized labor's program. Labor as a factor in politics. The movements for industrial democracy. **References**: T.S. ADAMS and H.L. SUMNER, *Labor Problems*, pp. 214-279; SIDNEY WEBB, *History of Trade Unionism*, pp. 1-56; 431-541; MARY BEARD, *Short History of the American Labor Movement*, pp. 47-79; F. T. CARLTON, *Organized Labor in American History*, pp. 11-44; 198-225; R. F. HOXIE, *History of Trade Unionism in the United States*, pp. 211-252 (The Law in Relation to Labor); JOHN R. COMMONS (editor), *History of Labor in the United States*, *passim*; R. T. ELY, *The Labor Movement in America*, pp. 34-91; P. F. BRISSENDEN, *History of the I. W. W.*, pp. 83-112 (The I. W. W. *vs.* the A. F. of L.).

2. The American Federation of Labor: its history, aims, and achievements. References: SAMUEL GOMPERS, *American Labor and the War*, pp. 186-196; JOHN MITCHELL, *Organized Labor*, pp. 397-406; F. T. CARLTON, *History and Problems of Organized Labor*, pp. 75-82; MARY R. BEARD, *Short History of the American Labor Movement*, pp. 86-149; G. G. GROAT, *Organized Labor in America*, pp. 82-99; HELEN MAROT, *American Labor Unions*, pp. 11-28.

3. The arbitration of industrial disputes. References: T. S. ADAMS and HELEN SUMNER, *Labor Problems*, pp. 295-332; SIDNEY WEBB, *Industrial Democracy*, pp. 222-246; N. P. GILMAN, *Methods of Industrial Peace*, pp. 301-345; R. T. ELY, *The Evolution of Industrial Society*, pp. 374-397; JOHN MITCHELL, *Organized Labor*, pp. 337-346; F. W. TAUSSIG, *Principles of Economics*, Vol. II, pp. 303-322.

4. The general principles of labor legislation. References: W. S. JEVONS, *The State in Relation to Labor*,

pp. 1-32; F. W. TAUSSIG, *Principles of Economics*, Vol. II, pp. 285-302; JOHN R. COMMONS and J. B. ANDREWS, *Principles of Labor Legislation*, pp. 1-34; H. S. PERSON, *Labor Laws and Their Enforcement, passim.*

Short Studies

1. **The four epochs in the history of organized labor.** F. T. CARLTON, *Organized Labor in American History*, pp. 11-44.

2. **Labor and politics.** F. T. CARLTON, *History and Problems of Organized Labor*, pp. 169-197.

3. **The Knights of Labor: why they failed.** MARY R. BEARD, *Short History of the American Labor Movement*, pp. 116-126.

4. **The right to strike.** JOHN MITCHELL, *Organized Labor*, pp. 299-323.

5. **Collective bargaining.** *Final Report of the U. S. Industrial Commission*, pp. 843-847.

6. **The use of injunctions in labor disputes.** G. L. BOLEN, *Getting a Living*, pp. 548-580; J. R. COMMONS, *Trade Unionism and Labor Problems*, pp. 156-163.

7. **The Kansas plan.** H. J. ALLEN, *The Party of the Third Part*, pp. 16-91.

8. **Workmen's compensation.** JOHN R. COMMONS and J. B. ANDREWS, *Principles of American Labor Legislation*, pp. 356-385. See also the publications on this subject issued by the National Industrial Conference Board.

9. **Women and children in industry.** T. S. ADAMS and H. L. SUMNER, *Labor Problems*, pp. 19-67.

10. **The problem of unemployment.** E. T. TOWNE, *Social Problems*, pp. 140-159; W. H. BEVERIDGE, *Unemployment*, 3d ed., pp. 1-15 (Great Britain).

11. **Profit sharing as a solution of industrial problems.** T. S. ADAMS and H. L. SUMNER, *Labor Problems*, pp. 333-378.

12. **Old age pensions.** W. H. DAWSON, *Social Insurance*, pp. 128-165; F. W. LEWIS, *State Insurance*, pp. 148-170.

Questions

1. Explain why labor organizations came into existence

during the nineteenth century. On the whole have they been a benefit to industry or not? Give your reasons.

2. Give some reasons for expecting trade unions to be stronger in certain employments than in others. In which of the following employments would you expect the unions to be strong, and in which would you expect them to be weak: (*a*) railroading; (*b*) domestic service; (*c*) school teaching; (*d*) farming; (*e*) mining; (*f*) steel-making? Give reasons for your expectations in each case.

3. With what points in the program of the American Federation of Labor do you agree and with what ones do you disagree?

4. The closed shop is sometimes criticised as being "un-American" and the open shop has been called the "American plan". What does this mean?

5. Are there any employments, public or private, in which strikes should not be permitted?

6. Why should the consumer pay the costs of all industrial accidents? Explain how he does so where workmen's compensation acts have been passed.

7. In your opinion would the legislature be justified in limiting to eight hours per day the labor of (*a*) women in candy factories; (*b*) men who work on farms; (*c*) men who work in coal mines; (*d*) physicians; (*e*) waitresses in hotels; (*f*) female servants; (*g*) members of the fire-protection service in cities; (*h*) motormen on street cars? Give your reasons in each case.

8. Give your views as to the minimum age at which any person should be permitted to engage in regular employment for wages. At what age should employment in night work be permitted? Should persons under fourteen years of age be allowed to work for wages after school hours, on Saturdays, and during vacations?

9. A girl of sixteen has graduated from grammar school and could obtain a position as clerk in a millinery store at eight dollars a week. She is living at home and does not have to support herself. But the minimum wage for clerks in stores happens to be ten dollars per week and the owner will not pay so much. Is there any injustice here?

10. How can the evil of unemployment be reduced?

What abuses might arise in connection with unemployment insurance? Who pays the cost of unemployment now? Argue whether we should or should not place industrial unemployment on the same basis as industrial accidents.

Topics for Debate

1. The demand for collective bargaining is (or is not) justified.

2. A plan of old-age pensions, like that now maintained in Great Britain, should be established in the United States.

CHAPTER XXII
CURRENCY, BANKING, AND CREDIT

The purpose of this chapter is to explain what money is, what purposes it serves, how banks conduct their business, and how credit facilitates trade.

Money supplants barter.

The Origin of Money.—The use of money is one of the marks of civilization. In primitive communities money was unknown. Buying and selling was by barter, the exchange of one commodity for another. The man with too much corn exchanged corn for cattle or for a boat or for skins with which to clothe himself. But exchange by barter is a slow and clumsy method because it means that two persons must be found each of whom wants exactly what the other has to sell, a thing which does not easily happen. With the growth of trade, accordingly, it became necessary to find a *medium of exchange*, in other words some single commodity which is so readily exchangeable for all other commodities that it can be used to facilitate buying and selling. Some of the Indians of North America used the ends of shells, or wampum, for this purpose. The early colonists in Virginia chose tobacco as a temporary medium of exchange, it being in universal demand. People

accepted tobacco in exchange for things which they wished to sell, and gave tobacco for things which they desired to buy. This was not because they wanted tobacco for their own use but because of all commodities in the colony tobacco was the most easy to exchange for other things at a moment's notice. No ordinary form of merchandise, however, makes an entirely satisfactory medium of exchange and all of them in time gave way to the precious metals, gold and silver, which are now everywhere used for this purpose.[191]

Money as a standard of value and a measure of deferred payments.

The Functions which Money Serves.—Money, however, serves not only as a medium of exchange but as a standard of value and a measure for future payments. Money is the common denominator by means of which we express the value of different commodities. If money were not in existence, how could we state the value of anything? It would be of little avail to say that a suit of clothes is worth ten hats, for this would merely beg the question: How much is a hat worth? Money performs the function of providing a uniform scale into which all values can be translated. When we say, therefore, that a suit of clothes is worth forty dollars and that hats are worth four dollars apiece we are measuring both commodities according to the same standard of value. Money also facilitates the use of credit by providing a measure for deferred payments. People cannot well agree to indefinite future obligations; they must know exactly what a debt amounts to. The use of money enables men to borrow today with the understanding that they will repay the same amount at some future date.

The qualities which money must have:

Characteristics of Money.—Gold and silver are best adapted to facilitate exchange because they possess, in high degree, certain qualities which money must have in order to fulfil its functions properly. What are these qualities? 1. Value. To serve acceptably as money a substance must have, in the first place, some value in itself; it must therefore have utility as a basis of value. A worthless substance, which nobody wants, would not do. 2. Stability. Second, it must not only have value but stability of value. To serve efficiently as money a metal must not be subject to wide and frequent fluctuations in what it is worth. A substance which might be worth much today and little tomorrow would not be satisfactory. Gold and silver, being produced in limited quantities, are more nearly stable in value than any other metals, gold being particularly so. 3. Convenience. Third, the metal used as money must possess relatively high value in proportion to its bulk so that it can be easily passed from hand to hand. There was a tradition in ancient Greece that Lycurgus compelled the Lacedaemonians to use iron money in order that its weight might deter them from overmuch trading. If iron were used as currency today a dime would weigh more than a pound.[192] In a word the metal used as money must be portable, easy to carry around. 4. Durability. Fourth, it must be relatively indestructible, not subject to rapid decay or rusting. Gold and silver satisfy this requirement, for time does not destroy their value nor do they suffer much wear and tear through handling. It is believed that some of the gold which is in the coinage of European countries today served as money in the time of the Romans. 5.

Uniformity. Fifth, it must be homogeneous, that is, it must not vary in quality, otherwise equal amounts of it would not have the same value. In order that we may reckon things in terms of money the units must be equal and similar so that twice one will always make two. If we were to use diamonds as money, it would not always happen that two stones would be worth exactly twice as much as one. 6. Divisibility. Sixth, it must be easily divisible without loss of value, for we need small units of money as well as large ones. One great difficulty which primitive people found in using the skins of animals as money was that they could not be cut into portions without destroying their value altogether. Nobody would take, for example, a quarter of a skin in payment for a basketful of corn. But gold and silver can be divided at will and yet retain an exactly proportionate value. 7. Cognizability. Finally, it must be a metal or other substance the genuineness of which can be easily determined. If every person who receives money had to scrutinize, weigh, and test it, the processes of trade would be intolerably delayed. [193] Gold and silver may not themselves be readily cognizable by the uninitiated, but they are easy to stamp into coins with a stamp or design and this impression cannot be easily counterfeited. The various countries of the world adopted gold and silver as their chief media of exchange because these metals fulfil in the largest degree the foregoing requirements. For small units of currency nickel and bronze are utilized because subsidiary coins of gold and silver would be too small.

Gold is the American standard of values.

The Coinage of the United States.—In the United

States gold is the standard of values. This does not mean that gold is circulated from hand to hand in every transaction, but merely that all economic values are expressed in terms of gold coin. The actual payments may be made in paper notes, or in silver, nickel, or copper coins. The monetary system of the United States is based upon the decimal system, which was adopted in 1784 at the suggestion of Thomas Jefferson. This means that we reckon in fractions and multiples of ten—ten cents one dime, ten dimes one dollar, and ten dollars one eagle. For convenience there are also additional coins, such as nickels, quarter dollars, half dollars, and half-eagles. No gold dollars are now coined, as they were found to be too small for convenience.[194] The mint has also ceased coining quarter eagles but continues to make five, ten, and twenty dollar gold pieces although these coins remain for the most part in the banks where they are held as reserves. Very little gold coin is in circulation anywhere in the world today. The coining of money is wholly within the jurisdiction of the national government; no state is allowed to make or issue coins.

The United States mints.

The making of coins takes place at four mints, which are located at Philadelphia, New Orleans, Denver, and San Francisco.[195] If you look at the reverse side of a recently minted coin, you will find, near the base, a small letter indicating the mint at which the coin was struck; if there is no such letter, the coin was minted at Philadelphia.

The ratio between gold and silver.

The Controversy over Bimetallism.—In 1792, when the first American mint was established, Congress provided by law that there should be two monetary units, the gold dollar and the silver dollar

—the ratio between the two, in terms of weight, being fixed at fifteen to one. Any person bringing gold or silver bullion to the mint was entitled to have it made into coins at this ratio, which corresponded to the relative market value of the two In 1792. metals in 1792. Silver eventually cheapened in relation to gold, however, and in time only silver bullion came to be coined. In 1834. So Congress in 1834 reduced the weight of the gold dollar and made the ratio sixteen to one. This, in turn, proved to be an under-valuation of silver, and no silver now came to the mint to be coined.[196] In 1873. In 1873, after silver dollars had practically dropped out of circulation Congress abolished the free coinage of silver altogether.[197] Presently, however, there was a popular demand for a resumption of silver coinage and the minting of silver dollars was recommenced, [198] In 1893. but only on a limited scale; and in 1893 it was once more abandoned.[199]

This action on the part of Congress raised a great hue and cry in certain sections of the country, especially in the South and West. Free coinage of silver was desired not only by owners of mines who had silver to sell but by large numbers of farmers who believed that gold was becoming too scarce to serve as the sole standard of value. Scarcity of gold meant scarcity of money, and scarcity of money meant low prices for wheat. If money were plentiful, prices would go higher, and the way to get more money was to coin into dollars all the silver that would come to the mint. That was the farmers' argument.

The "Cross of Gold" Campaign.—The leaders of the Democratic party took advantage of this widespread agricultural grievance. At the national convention of that party, held at Chicago in the

summer of 1896, Mr. W. J. Bryan swept the delegates off their feet with his denunciation of the "few financial magnates who corner the money of the world" and his plea for the poor man's dollar. "You shall not press upon the brow of labor this crown of thorns", he declaimed. "You shall not crucify mankind upon a cross of gold." The delegates, amid tumultuous cheering and enthusiasm, thereupon nominated the young orator from Nebraska as their candidate for President and made the free coinage of silver at a ratio of "sixteen to one" a fundamental part of the Democratic platform in the election campaign. But Bryan was overwhelmingly defeated and the clamor for free silver soon subsided. Final settlement of the question in 1900. In 1900 Congress passed the Currency Act, which declared gold to be the sole standard and directed the secretary of the treasury to maintain all other forms of currency at a parity with gold. This means that every silver dollar, whether the silver which it contains be worth a dollar or not, is guaranteed by the national government to be worth a gold dollar.

Our early experience with paper currency.

Paper Money.—Our experience with paper money goes back to colonial days when bills of credit were issued by Massachusetts to pay the costs of the expedition against Quebec in 1690. But no great amounts were issued until the Revolutionary War; then the various state governments as well as the Continental Congress printed and issued notes to the par value of nearly half a billion dollars. In the earlier years of the war this paper currency circulated at its face value although there was no

gold or silver reserve behind it; but as the struggle dragged on and notes by the million kept being issued they began to depreciate until eventually this continental paper currency was worth only a fraction of a cent per dollar. Hence the origin of the slang expression “not worth a continental”. The notes for the most part were never redeemed; they merely became worthless and passed out of circulation.

What the constitution provides as regards paper money.

Naturally this experience made the people averse to paper money and when the constitution of the United States was framed it contained a provision that “no state shall emit bills of credit (or) make anything but gold and silver coin a tender in payment of debts”. It was strongly urged that the national government should also be prohibited from issuing paper money, but in the end it was decided not to make any express prohibition, so the constitution is silent as regards the authority of the national government to emit bills of credit. It neither gives this power nor denies it. In due course, however, Congress authorized the issue of legal-tender notes or greenbacks, and the Supreme Court upheld its right to do this on the ground that the constitution expressly gives Congress the power to borrow money and that the issue of paper money is a reasonable method of borrowing. But although the national government has itself the legal right to issue paper money, either with or without a reserve behind it, most of the paper money now in circulation is issued by the federal reserve board or by the federal reserve banks under authority granted by Congress.

The seven kinds of

paper money in use.

Paper Notes now in Circulation.—There are several kinds of paper notes now in circulation.[200] These include silver certificates, gold certificates, treasury notes, and greenbacks issued directly by the national government, national bank notes, federal reserve notes, and federal reserve bank notes. The provisions for the redemption of these different types of paper money vary greatly, and each is protected by a different reserve, but in actual fact the holder of any unit of paper money can obtain gold for it if he so desires. This is true even of the silver certificates which, strictly speaking, are redeemable only in silver dollars. The arrangements under which the national banks, the federal reserve banks, and the federal reserve board are permitted to issue paper money will be discussed presently.

Paper money has some advantages in convenience and cheapness.

Why do we have paper money? Chiefly because it is, in many respects, more convenient for use than metallic money. In large amounts it is not so bulky as silver or gold would be. There is also the advantage that when paper money wears out it can be cheaply replaced. If gold coins were continually in circulation from hand to hand, they would gradually wear down and the monetary loss would be considerable. Hence it is better to keep the gold in the bank vaults and circulate the paper, which represents gold, in its stead. But a sound system of paper money should always provide for the redemption of the notes, which means that the notes should have an adequate reserve behind them. This reserve should be in gold or in the equivalent of gold. Inconvertible paper money. Unredeemable paper money, issued without an

adequate reserve behind it, leads practically always to depreciation and thereby to heavy losses on the part of the people who have taken the money in good faith. That was what happened in the case of the assignats of the French Revolution, the continental currency in the American Revolution, and the paper money of several European countries during the World War.[201] It is folly to try to finance a war or any other national enterprise by issuing fiat currency, as it is called, which is paper currency with only the word of the government and no substantial reserve behind it. Better tax the people outright than make them take money as legal tender which is not worth what it purports to be.[202]

Why not abolish money?

Radicals sometimes say: "Let us do away with money altogether". Instead of money, they say, we might use "labor checks", each check representing a given amount of labor. One hour of labor, let us say, would then be the standard of value instead of 23.2 grains of gold. This arrangement, however, would not abolish money, but only change the nature of the basis upon which the value of money is calculated. The labor checks would be money in every sense of the word. There is only one way to abolish money and that is to go back to barter.

The Banking System

Banks serve:

What Functions do Banks Perform?—Banks are established and maintained to satisfy certain needs which arise wherever men carry on extensive trade

with one another. 1. As institutions of deposit.] In the first place when money is accumulated by people in the course of their business some safe place is needed to keep it. Banks, therefore, serve as institutions of deposit. 2. As agencies for loaning money. In the second place, as business develops, it becomes necessary for people to borrow money. Banks facilitate this borrowing. Their two primary functions are to receive deposits and to make loans. But in order that they may perform these two primary functions to the best advantage the banks have assumed other subsidiary functions as well. 3. Sometimes also as issuers of paper money. Frequently they issue bank notes, or the bank's own promises to pay, for use in general circulation. 4. To transfer funds from one place to another. They sell drafts or bills of exchange, thus enabling people to transfer funds from one city or country to another without the trouble and risk of sending the actual money. As a rule they provide safe-deposit vaults in which customers, on payment of a small sum, are permitted to keep their valuables. These vaults are fire-proof and burglar-proof. Banks also collect money which may be due to a customer from someone elsewhere. They help the national and state governments to sell their bonds. Frequently they act as trustees, holding property for children until they grow up or for other persons who are unable to look after the property for themselves. Without banks it would be difficult, if not impossible, to carry on the operations of modern business.

The Early American Banking System.—The national constitution contains no mention of banks or banking. Hence it was assumed that the power to charter banks would rest with the states. The states assumed this authority but the national government desired to exercise it also, and during the first thirty

years of its existence established two great banks, both of which became unpopular and ultimately went out of existence. The first Bank of the United States, established in 1791, ceased to do business in 1811; the second bank, chartered in 1816, incurred the wrath of President Andrew Jackson and went to the wall in 1836.[203] From this date to the Civil War the state banks, of which a large number were established in all parts of the country, had the field to themselves.

The National Banking Act of 1863.—During the Civil War, however, the national government encountered great difficulty in raising funds. When it issued bonds the people would not buy them readily. The state banks showed very little interest in marketing them. So Congress, in this emergency, decided to establish a system of national banks in order to facilitate the sale of war bonds. The National Banking Act, passed in that year, laid a heavy tax upon the paper money of all state banks, with intent to drive this currency out of circulation. It then provided that any bank chartered by the national government might issue untaxed paper money provided it bought United States bonds to a designated amount and deposited these bonds in Washington as security. In other words the Act of 1863 aimed to provide a uniform system of bank notes throughout the country, these notes to be backed by government bonds. The plan worked well and its main provisions have been retained to this day.

Present organization of the national banks.

National banks are owned by private individuals who subscribe the capital stock. These stockholders,

or shareholders, elect the bank's officers, who in turn manage the business. The profits go to the shareholders in the form of annual dividends. Each national bank must buy a designated amount of United States bonds and these bonds are deposited in Washington. In return the bank receives an equal amount of paper notes, with its own name engraved thereon, and these notes the bank pays out over its counters, thus putting them in general circulation. If the bank should become insolvent, the government would redeem the notes since it holds the bonds as security. Their functions. The national banks receive money on deposit, make loans, and perform the various other banking functions. They are strictly regulated by national law; they must make periodic reports and are frequently inspected by officials from Washington. Their reserves. One requirement is that they shall always maintain a certain "reserve" so that they may be in a position to make all payments which may be called for by their customers. The supervision of the national banks is in the hands of an official known as the Comptroller of the Currency, who is appointed by the President.

State banks and trust companies.

In addition to the national banks there are state banks and trust companies throughout the country operating under state charters. These institutions do not issue paper money but perform all the other banking functions.[204] Their business is regulated by the laws of the state in which they are located and they are supervised by state officials. The laws relating to state banks and trust companies differ considerably from state to state.

Defects of the national banking system due to the

concentration of reserves and lack of flexibility.

The Federal Reserve Banks.—Although the national banking system worked pretty well for fifty years after its establishment, certain defects came to be recognized. One of these defects, in actual practice, was the necessity of always keeping available a "reserve" amounting to a certain percentage of each bank's total deposits. It was not necessary to keep this reserve in the bank's own vaults; a part of it might be placed upon deposit in larger banks where it would draw interest. As matters turned out, a considerable portion of the reserves was usually deposited with large banks in New York City. In times when business was good and money plentiful, this arrangement worked very well, but when periods of business depression arrived and money became scarce every small bank naturally drew upon its reserve deposits in the larger banks, which found difficulty in paying them all at the same time. Moreover, it was found from experience that during times of business prosperity the country needed a large increase in paper money while the national banking system, as established in 1863, proved too rigid to meet the business needs of the country.

How the Federal Reserve system remedies these defects.

In 1913, accordingly, Congress made provision for the establishment of a Federal Reserve system which does not displace but supplements the operations of the national banks. By an act passed in that year provision was made for the establishment of twelve federal reserve districts, with a federal reserve bank

in each. The capital stock of each federal reserve bank is contributed by national or state banks within the districts, these contributors being then known as "member banks". The national government also subscribes a part of the capital stock when necessary.

The Federal Reserve Board. Each federal reserve bank is controlled by officials, some of whom are elected by the member banks and some appointed by the national government through a body known as the Federal Reserve Board. This board is composed of the Secretary of the Treasury, the Comptroller of the Currency, and five other members appointed by the President.

Functions of the Federal Reserve Banks.

These federal reserve institutions are bankers' banks. They do business with banks only, not with individuals. They receive deposits from banks and lend money to banks. The member banks now keep with them a portion of their reserves. In this way the reserves are mobilized at twelve different financial centers where they can be readily drawn upon.[205] The Federal Reserve Board has authority to increase or decrease the percentage of reserves which the member banks are required to maintain, thus giving the reserve system a large degree of flexibility. Whenever a member bank needs additional paper money for circulation it goes to the federal reserve bank of its district and deposits any sound "collateral", that is to say, any acceptable security, and receives federal reserve notes of like value in return. This collateral may be in the form of government bonds or it may be, and more often is, "commercial paper". How they give flexibility to the whole banking system of the country. By commercial paper is

meant the notes or other obligations of corporations and individuals which have been given to the member banks in return for loans made to such corporations and individuals. The federal reserve banks are authorized to issue *federal reserve notes*, to an unlimited extent on the security of this collateral provided they also keep a gold reserve amounting to forty per cent of the total notes issued. In addition they are empowered to issue *federal reserve bank notes* secured by United States bonds in the same way as national bank notes are secured. It is expected that in time the national bank notes will go out of existence altogether, their place being taken by these federal reserve bank notes.

Value of the Federal Reserve system.

Since their establishment in 1913 the work of these federal reserve banks has been of great value. They have enabled the banking operations of the country to expand and contract in accordance with changes in business conditions, thus obviating serious danger of financial panics. In helping the government to float the various Liberty Loans they rendered great service. There is no doubt that the system has improved and strengthened the banking facilities of the country.[206] This will appear more clearly when the relations of banking and credit are discussed a few pages further on.

Commercial and savings banks distinguished.

The Practical Operations of Banking.—There are some elementary things connected with the practical operations of banking which everyone ought to know. Generally speaking, there are two kinds of banks, commercial banks and savings banks; or, in

some cases the same bank may have two departments, a commercial department and a savings department. Both commercial and savings banks receive deposits; the former may or may not pay interest according to the amount of the deposit and the length of time it is left in the bank; the latter always pay interest if money is left on deposit a prescribed length of time. When money is deposited in a commercial bank the depositor is said to have an "account" and he may issue checks up to the amount of his deposit. Bank checks. A check is an order, addressed to the bank, and calling for the payment of a designated sum. This check may be cashed at the bank on which it is drawn, or the person who receives it may have it cashed at the bank where he has his account. Banks cash checks for their own customers no matter what bank the checks happen to be drawn upon.

One result of this is that every bank at the close of each day's business will have on hand a large number of checks drawn against other banks. The clearing house system. It receives payment on these checks through the medium of the "clearing house", an institution which is maintained by the banks in every large city. To the nearest clearing house a clerk takes each morning all the checks on other banks that have come in during the previous day. These are sorted out and exchanged for checks drawn on the bank itself which are held by other banks. Whatever difference there happens to be is paid in cash.

How bank loans are made.

When any person desires to borrow money from a bank he gives his note, which is a promise to repay the bank at a designated time. The bank may ask the borrower to obtain an endorsement upon his note,

that is, to have some responsible person put his name on the back of it, which means that the endorser assumes liability for the amount of the note if it is not paid by the maker on time. Or the bank may ask the borrower to deposit "collateral" as security for the payment of the note. This collateral may be in the form of bonds, stocks, mortgages, or any other intangible property that has sufficient value. The bank holds this collateral until the loan is repaid.

The process of "discounting."

When a bank lends money and takes a man's note, with or without collateral, it is said to discount the note. It gives the borrower the face value of his note less the interest, whatever it is, calculated at the current rate. Thus if the rate is six per cent and the person gives his note for one thousand dollars payable in six months, the bank would hand him $970 in money. Business men obtain large sums of money from the banks by getting their notes discounted; they borrow money in this way to buy goods and then pay off their notes when the goods are sold. Such notes are called "commercial paper".

"Rediscounting."

Now the federal reserve banks help the member banks by "rediscounting" this commercial paper for them. Suppose a small bank has loaned on notes all the money it has to spare. Then it receives applications from its customers for more loans. What does it do? It takes a bundle of business men's notes, or commercial paper, from its vaults and sends this to the nearest federal reserve bank. The latter does just what the member bank did in the first instance; it deducts the discount at current rates and gives the balance to the member bank in money, that is, in federal reserve notes. The member banks are

enabled, in this way, to loan a great deal more money than would be the case if there were no way of getting their commercial paper "rediscounted".

How the banks transfer funds.

Drafts or bills of exchange are used to make payments at distant points. If a person lives in San Francisco and wishes to pay a small bill in New York, he will probably go to the post office and buy a postal money order; but if the amount is large, he may find it more convenient and cheaper to go to a bank in San Francisco and buy a draft on some New York bank. This draft he then sends to New York in payment of his bill. A draft payable in a foreign country is usually called a bill of exchange. From any American bank one can buy a bill of exchange payable in Paris, Madras, Hong Kong, or elsewhere. When the money of one country is worth more than that of another, as is the case throughout the world at the present time, allowance is made for this difference. Bills of exchange are "cleared" through the great clearing houses in London or New York, and any balances are paid by the shipment of gold.

THE CREDIT SYSTEM

The five chief instruments of credit.

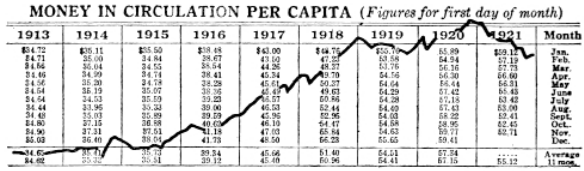
What is Credit?—Credit is simply the giving and taking of promises in place of money. The most common form is "book credit", which means that wholesalers and retail merchants give out goods with nothing but charge accounts on their books to show

for it. These accounts are merely the records of credit which has been extended to customers. But in many transactions something more than a book record is desired, in which case the person giving the credit may ask for a “promissory note”. This is a written promise to pay a designated sum either on demand or at a definite date. Bank checks are also instruments of credit; so are drafts and bills of exchange. Anything that expresses or implies a promise to pay a sum of money is an evidence of credit.

THE RELATION OF MONEY AND PRICES

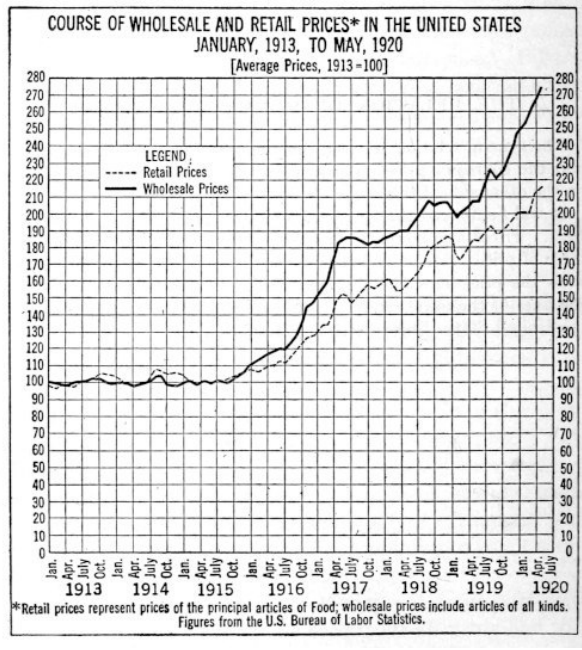
The general relation between the amount of money in circulation and the course of prices is shown by the two statistical diagrams on the other side of this page.

It will be noticed that per capita circulation began to decline in 1921. Prices also commenced to fall during that year, and if the table of prices were extended to cover the last year or two it would show the price-lines moving downward. The data for continuing the lines of the lower diagram may be found in the publications of the United States Bureau of Labor Statistics.


MONEY IN CIRCULATION PER CAPITA (*Figures for first day of month*)

1913	1914	1915	1916	1917	1918	1919	1920	1921	Month
$34.72	$35.11	$35.50	$38.48	$43.00	$44.70	$55.70	65.89	$49.12	Jan.
34.71	35.00	34.84	38.67	43.10	47.32	53.58	64.94	47.12	Feb.
34.66	35.04	34.55	38.54	44.26	48.57	53.76	64.16	47.73	Mar.
34.66	34.99	34.74	38.41	45.34	49.79	54.56	64.30	46.60	Apr.
34.56	35.20	34.78	38.28	45.61	50.37	54.64	64.44	46.31	May
34.64	35.19	35.07	39.36	45.67	49.63	54.29	64.42	46.43	June
34.54	34.93	35.19	39.23	45.57	50.86	54.28	64.18	43.42	July
34.44	34.96	35.33	39.00	46.53	52.44	54.69	63.43	43.00	Aug.
34.49	35.03	35.99	39.59	45.96	52.96	54.63	62.88	42.41	Sept.
34.80	35.15	36.88	40.63	46.10	54.47	54.58	62.45	42.45	Oct.
34.90	37.31	37.51	41.18	47.03	55.84	54.63	59.77	42.71	Nov.
35.03	36.40	38.04	41.73	48.50	56.23	55.65	59.41	.....	Dec.
34.62	35.17	35.73	39.34	45.66	51.40	54.51	57.34	.....	Average 11 mos.
34.62	35.32	35.34	39.17	45.49	50.96	54.41	57.15	55.12	

MONEY IN CIRCULATION PER CAPITA
(*Figures for first day of month*)



COURSE OF WHOLESALE AND RETAIL PRICES[207] IN THE UNITED STATES JANUARY, 1913, TO MAY, 1920

[Average Prices, 1913 = 100]

The Relation of Credit to Money.—A large part of the world's business is done on credit. If all debts had to be paid tomorrow, there would not be enough money in the world to pay one cent on the dollar. But all debts do not fall due at once, and a huge credit system is able to stand with comparative safety upon a relatively small amount of gold. There is a limit to the expansion of credit. There is a limit, however, to the expansion of credit and this limit is roughly determined by the amount of gold available to be held as a reserve. Hence it is that when the volume of gold increases, credit usually expands also. With their reserves full to overflowing the banks are more ready to lend money on notes, and the rate of discount goes down. Conversely, as the volume of gold declines, credit usually contracts. The rate of discount then goes up and business men find it harder to borrow money upon commercial paper. In the one case we speak of an inflation or expansion in money and credit; in the other we speak of a contraction or deflation.

Credit and Prices.—The general level of prices depends upon the value of money. The price of a thing is merely its value expressed in terms of money. To say that prices have gone up is to say exactly the same thing as that the value of money has gone down.[208] The general level of prices, to put the matter in another way, is determined by the *demand* for goods on the one hand and the *supply* of goods on the other. The demand for goods, however, is represented by the amount of gold currency available plus the amount of credit which is built upon this gold. The credit, as has been seen, bears a definite relation to the gold. How the general level of prices is determined. Hence it can fairly be said that the amount of gold is an index of demand for goods or

services. So, if the supply of goods remains approximately the same, any large increase in the available amount of gold would send prices up; and conversely, if the supply of goods is greatly increased, while the available amount of gold remains approximately the same, prices would go down.

The quantity theory of money and prices.

This is the so-called quantity theory of the relation between money, credit, and prices and it holds good in a general way although it does not work out as simply as it reads. The adjustment of supply and demand sometimes takes place very slowly. The volume of credit which can be built upon a given reserve of gold is not absolutely fixed, moreover; in some circumstances it may be more extensive than in others. Defects of the quantity theory as shown by recent experience. During the World War, for example, credit ran away from the gold reserve in all the European countries. Enormous amounts of paper money were issued with very little gold in reserve to protect them. Due to reduced production, the supply of ordinary goods sharply declined. A combination of these two things, inflation of credit (*i. e.*, potential demand for goods) and decreased production, sent prices sky-high.[209] In the United States credit was also inflated during the war and prices went up, though not to the same extent as in Europe. Since 1920 the process of "deflating" credit has been going on. This process of deflation is guided by the federal reserve banks, which are able to contract the volume of credit by charging higher rates for rediscount.

The Advantages and Dangers of Credit.—It is probable that at least two-thirds of the buying and

selling in the world is done on credit. Nearly all large transactions are put through by the use of credit for short or long terms. Credit affords many advantages to modern industry and commerce; without it, indeed, our whole economic system would break down. Four functions which credit permits. A few of these advantages may be mentioned: (*a*) It economizes the use of gold and silver, by doing away with the necessity of passing gold and silver coin from hand to hand at every transaction. (*b*) It enables large payments to be made at distant points without an actual shipment of metallic money. (*c*) It permits men to engage in business operations beyond their own means by borrowing capital and using it productively. (*d*) It enables people to invest their savings (by depositing in savings banks, lending money on mortgages, buying bonds or stocks, etc.) so as to secure a profitable rate of interest without great risk.

Credit may also harm.

But there are also some disadvantages. The credit system often encourages extravagance in that people are tempted to buy goods which they eventually find it hard to pay for; it tends to encourage speculation which frequently results in heavy losses; and it sometimes enables promoters to obtain capital when there is little or no chance of their being successful. By strict governmental supervision, however, the advantages can be retained and most of the dangers eliminated.

The Stock Exchange.—A word should be said about the place where instruments of credit are most commonly bought and sold, namely, the stock exchange. As its name implies, this is a market in which men buy and sell stocks, bonds, and other

securities.[210] There is a stock exchange in every large city. The buying and selling is done through brokers, who are members of the exchange and who receive a small commission for their work, this commission being paid by the persons for whom they buy or sell. A broker, at your request, will buy or sell on the exchange any security that is listed there. The amount of the purchase may be paid in full, or, if the buyer desires, a partial payment of five, ten, or twenty per cent may be made. Trading on margin. This is called "buying on margin". The current prices of all securities are kept posted on the exchange; they go up and down from day to day in keeping with market conditions. Shrewd investors try to buy when prices are low and to sell when prices are high, but in this they are not always successful. Many fortunes have been made—and lost—on the stock exchange.

General References

F. W. TAUSSIG, *Principles of Economics*, Vol. I, pp. 227-235 (Coinage); 236-251 (Quantity of Money and Prices); 265-273 (Bimetallism); 348-359 (Banking Operations); 375-385 (The Banking System of the United States);

ISAAC LIPPINCOTT, *Economic Development of the United States*, pp. 550-580;

H. R. BURCH, *American Economic Life*, pp. 336-371;

W. A. SCOTT, *Money and Banking*, pp. 1-116;

W. S. JEVONS, *Money and the Mechanism of Exchange*, pp. 3-41;

MARSHALL, WRIGHT, and FIELD, *Materials for the Study of Elementary Economics*, pp. 443-546;

C. J. BULLOCK, *Introduction to the Study of Economics*, pp. 224-246;

D. R. DEWEY, *Financial History of the United States*, especially pp. 383-413;

EVERETT KIMBALL, *National Government of the United States*, pp. 460-479;

HORACE WHITE, *Money and Banking* (5th edition), *passim*;

F. A. FETTER, *Modern Economic Problems*, pp. 31-163.

Group Problems

1. How money and credit are related to prices. The meaning of "prices". The quantity theory of money. Relation of money to credit. Reserves for paper money. Bank reserves. Discounting and rediscounting. How inflation of money and credit affects prices. Index numbers. American experience during the years 1914-1921. **References**: F. W. TAUSSIG, *Principles of Economics*, Vol. I, pp. 427-445; C. J. BULLOCK, *Introduction to the Study of Economics*, pp. 242-278; IRVING FISHER, *The Purchasing Power of Money*, pp. 8-32; *Ibid.*, *Stabilizing the Dollar*, pp. 1-12; J. A. HOBSON, *Gold, Prices, and Wages*, *passim*; DAVID KINLEY, *Money*, pp. 199-223.

2. The American banking system: how it is organized and how it functions. D. R. DEWEY, *Financial History of the United States*, pp. 320-328; 383-390; F. W. TAUSSIG, *Principles of Economics*, Vol. I, pp. 375-399; C. F. DUNBAR, *Theory and History of Banking*, pp. 132-153; C. A. CONANT, *A History of Modern Banks of Issue*, pp. 396-447; E. W. KEMMERER, *The A, B, C of the Federal Reserve System*, pp. 28-65; H. P. WILLIS, *The Federal Reserve System*, *passim*; A. B. HEPBURN, *History of the Currency and Coinage of the United States*, pp. 411-418; 511-544.

3. The controversy over free silver and its lessons for the future. D. R. DEWEY, *Financial History of the United States*, pp. 101-104; 210-212; 403-413; 436-437; 468; F. W. TAUSSIG, *Principles of Economics*, Vol. I, pp. 265-273; J. L. LAUGHLIN, *History of Bimetallism in the United States*, especially pp. 266-280.

Short Studies

1. **The early history of money.** W. S. JEVONS, *Money and the Mechanism of Exchange*, pp. 19-30; DAVID KINLEY, *Money*, pp. 14-26.

2. **The quantity theory of money.** F. W. TAUSSIG, *Principles of Economics*, Vol. I, pp. 236-251.

3. **American and foreign banking systems compared.** E. R. A. SELIGMAN, *Principles of Economics*, pp. 524-550; or F. W. TAUSSIG, *Principles of Economics*, Vol. I, pp. 360-385.

4. **Can the dollar be stabilized?** MARSHALL, WRIGHT, and FIELD, *Materials for the Study of Elementary Economics*, pp. 474-483; IRVING FISHER, *Stabilizing the Dollar*, especially pp. 12-30.

5. **The free-silver campaign of 1896.** C. A. BEARD, *Contemporary American History*, pp. 164-198; D. R. DEWEY, *National Problems*, pp. 220-237; 314-328.

6. **Banking operations and accounts.** C. F. DUNBAR, *History and Theory of Banking*, pp. 20-38.

7. **American institutions for saving and investment.** F. A. FETTER, *Modern Economic Problems*, pp. 146-166.

8. **Financial panics.** F. W. TAUSSIG, *Principles of Economics*, Vol. I, pp. 400-426.

9. **The high cost of living.** J. H. HAMMOND and J. W. JENKS, *Great American Issues*, pp. 143-159.

10. **Economic crises.** T. N. CARVER, *Principles of National Economy*, pp. 427-442.

Questions

1. Are the qualities of money given in this book in the order of their importance? If not, rearrange them so. Can you think of any other essential qualities? What objections would there be to the use of platinum as money? Pearls? Porcelain?

2. Gold dollars are not coined in the United States at all. How is it, then, that the gold dollar can be the legal standard of value?

3. Name all the different kinds of money that are circulated in the United States (including paper money) and tell when the issue of each kind was first authorized. Examine the money you have with you. Tell where each coin was minted. In the case of bills what is the security behind each? Can you detect counterfeit bills? How?

4. Why was the action of Congress in demonetizing silver called “the crime of 1873”?

5. At the Democratic National Convention of 1890 Mr. Bryan said: “You shall not crucify mankind upon a cross of

gold." Explain in full what he meant. Was there any good reason for believing that the free coinage of silver at a ratio of sixteen to one would (*a*) increase prices; (*b*) give relief to the debtor class; (*c*) benefit the wage earner?

6. Explain the process by which, under a dual system of coinage, the metal which is over-valued at the mint will drive the other out of circulation. Is it correct to say that "cheap money drives out dear money"?

7. If you were engaged in business as a manufacturer, name all the different dealings that you might have with a bank.

8. Explain what is meant by each of the following terms: demand note; endorser; trustee; commercial paper; rate of discount; rediscounting; collateral; deflation; coupon bond; preferred stock; broker; buying stock on margin.

9. Show how the volume of credit helps to determine prices and how the volume of credit is related to the amount of gold coin in hand. Why does the quantity theory of money not work out with mathematical accuracy in practice?

10. Does the argument in McCulloch *vs.* Maryland impress you as logical? Does the decision mean that officials of national banks and of federal reserve banks are exempt from state taxes? Does it mean that when a national bank occupies a leased building the landlord pays no taxes to the city?

Topics for Debate

1. All banking institutions should be brought under the supervision of the federal government.

2. A "compensated" dollar (adjusted to the general level of prices) should be established as a measure of deferred payments.

3. The national and state governments should guarantee depositors against loss in all banks chartered by the nation and the states, respectively.

CHAPTER XXIII
TAXATION AND PUBLIC FINANCE

The purpose of this chapter is to explain what taxes are, how they are levied, and how they are spent.

Taxation per capita.

The Cost of Government.—The cost of maintaining the national government and all its activities is now about four billion dollars per year, in other words about forty dollars per annum for every man, woman, and child in the country. The cost of maintaining state and local government varies in different parts of the country, but it would be safe enough to put it down as three billion dollars more, or thirty dollars per head. In round figures, therefore, the average tax payment every year for each individual in the United States is at least seventy dollars.[211]

The extent of the burden upon the income-earner.

Bear in mind, however, that only a small part of the whole population is earning the income which enables these taxes to be paid. When we eliminate all the children, all the women who are not employed in any income-earning occupation, all the public officials who are paid out of taxes, all the

delinquents, cripples, paupers, unemployed, and so on—when we subtract all these from the total it will be found that only one person in five is an actual income-earner. From the earnings of these twenty million people the entire seven billions in taxes must be paid; there is no other source from which the taxes can come. A little mental arithmetic will readily demonstrate, therefore, *that every income-earner in the United States pays, on the average, at least $350 per year in taxes of one sort or another, in other words about a dollar a day*.[212]

Everyone is a taxpayer, directly or indirectly.

Who Pays the Taxes?—"Oh yes", someone will say, "but most people earn small incomes and pay no taxes at all, or almost none. The heavy taxes are paid by wealthy men and women who own property and have large incomes." That is misleading. People who own property and earn large incomes are the ones who actually hand the collector his tax-money, to be sure; but they merely give him, for the most part, money which they have collected from others. The owner of an apartment house collects taxes from his tenants in the form of rent; the storekeeper collects taxes in the price of his goods; the lawyer and the doctor collect taxes when they charge fees. Taxes are an element in the cost of everything, an element just as certain as interest, wages, or profit. Everyone who rents a house, buys goods, or hires any form of service pays taxes. If you analyze the various items which make up the price of a suit of clothes, for example, you will find that they usually come in this order of importance; wages, cost of materials, taxes, profits, interest.[213] The chief factors which make up the rent of a house are interest, taxes, and profits in

the order named. Hence it is that while landlords, merchants, manufacturers, and others make the direct payment of taxes to the government, they in turn pass the burden to tenants and consumers.[214]

The way in which taxes are shifted.

The Incidence of Taxation.—Taxes, therefore, do not usually stay where they are levied. They are shifted from one shoulder to another until they finally reach someone, usually the ultimate consumer, who cannot unload the burden upon anybody else. This ultimate resting-place of a tax is called its *incidence*, and an important thing about any tax is to discover just what its incidence is; for the justice or injustice of taxation depends upon the ability of the actual taxpayer to bear the burden and not upon the wealth of the ostensible taxpayer. If the government were to levy a tax of one cent per loaf upon bread, there would be a storm of protest because everybody would recognize it as a direct tax upon one of the necessities of life. But a tariff duty on wheat, or a property tax on flour mills or bakeries, is just as certainly a tax on bread and is paid ultimately by those who buy it. The chief difference is that in the latter case the payment is made by the consumer without his knowing it.

Relation of taxes to rents and prices.

Most people pay taxes unknowingly. Their taxes are concealed in rents or prices, and they complain bitterly that these things are high. It does not occur to the average American wage-earner that if taxes were lower, rents and prices would be lower, and that if there were no taxes, it would be exactly the equivalent to finding every morning, on coming down to breakfast, a crisp, new dollar-bill on his

plate. Demagogues tell us that trusts, and profiteers, and other forms of organized avarice are responsible for high prices; but one of the biggest factors in the high-cost-of-living is the high-cost-of-government.

If waste were avoided the tax burden would be diminished.

If this enormous flow from the nation's earnings into the public coffers were wholly, or even largely, used to promote and encourage production, it would not be so bad. Much of it is wasted, or spent without adequate return. This takes place because the people do not keep close watch on the officials whom they elect to public office and do not hold them to a strict accountability when public money is squandered. More than a hundred years ago the most eminent of American jurists, Chief Justice John Marshall, pointed out that "the power to tax involves the power to destroy". He was right; the power to tax is the most far-reaching power that any government can possess. By the use of the taxing power a government can take from the people what they would otherwise save, thus preventing the increase of the nation's wealth and ultimately breaking down its prosperity.

Taxes are:

How Taxes Differ from other Payments.—Taxes differ from most other payments in two respects. (*a*) compulsory. First, they are compulsory. No one need pay interest, rent, wages, or prices unless he bargains to do so; but the payment of taxes is not the result of any bargain. Taxes are levied without any reference to the initiative or wishes of the individuals upon whom they may fall, except, of course, in so far as these individuals by their votes may have an

influence in determining the general taxing policy of the government. (*b*) levied without reference to service rendered. Second, taxes are not payments made to the government by individuals and corporations in return for services rendered. The man who rides a hundred miles on a railroad pays twice as much as one who goes half that distance, because he gets twice as much for his money. But the man who pays a thousand dollars in taxes does not get twice as much in benefits from the government as the one who pays only five hundred dollars.

The basis of taxation is ability to pay.

Nearly all payments that we make are in the form of a *quid pro quo*; they are in proportion to the benefits which we receive. This is the case in payments for all forms of goods or services—the one great exception is the payment of taxes. Taxes have no direct relation to benefit; those who pay very little in taxes, either directly or indirectly, sometimes receive a large return in the form of public services. Take for example the taxes that support the public schools. The fact that a wealthy man has no children, or prefers to send his children to a private school, does not relieve him of the obligation to pay his full share of what public education costs the community. On the other hand, a man whose contribution in taxes is very small may send a dozen children, one after another, through the public schools without any extra cost.

Why taxes cannot be adjusted to service.

It would not be possible to base taxation upon service, because there is no way of knowing how much benefit each individual receives from the

government's work. Do some individuals, for example, obtain more benefit than others from the maintenance of law and order or do all derive benefit alike? Who gets the greater benefit from clean streets, the rich man who drives his motor car over them, or the poor man whose children use the streets as a playground? Taxes could not be adjusted to benefit. Even if they could be so proportioned, it would be unwise to do so. The general interest requires that everyone should enjoy the benefits of police protection, the public schools, the parks, the playgrounds whether they are able to pay for them or not.[215] So taxes are levied in order to pay for these things, not on a basis of individual benefit, but simply by putting the heaviest burden in the first instance upon those who are best able to pay it, letting them shift it if they can.

Principles upon which Taxes are Levied.—How is the ability of individuals to pay taxes estimated? It is done by taking some such thing as property or income as the basis. Those who have more property or income are called upon to contribute more than those who have less. The basic principles of taxation according to Adam Smith. About a hundred and fifty years ago a famous writer on economics, Adam Smith, laid down four principles to which all taxation should conform. These maxims of taxation are now everywhere recognized as valid and are worth remembering. Briefly stated, they are as follows: People should be taxed according to their ability to pay; all taxes should be definite and not uncertain or arbitrary; they ought to be levied at the time and in the manner which causes the least inconvenience to the people; and they should be so contrived as to take out of the pockets of the people as little as possible over what is needed by the public

treasury. Those who make the tax laws do not always heed these maxims, and taxes are sometimes levied on the principle of getting the most money with the least trouble.[216]

Taxes on property.

Local Taxes.—The greater portion of the taxation levied by cities, counties, towns, and villages is in the form of taxes on property. This is a direct tax and as a rule it is levied on all private property, of whatever sort, at a uniform rate of so much per thousand dollars of valuation. The general property tax. A tax levied in this uniform way on all private property is called a *general property tax*. In some states, however, provision has been made for classifying the various kinds of property and taxing each kind at a different rate. Property is first classified into two divisions, real property, and personal property.[217] Real property (or real estate) consists of land, buildings, and other fixtures established on the land; personal property consists of, first, tangible things of a movable nature such as household furniture, machinery, merchandise; and second, intangibles such as bonds, mortgages, and bank deposits. The classified property tax. Where there is a classified property tax, each of these three forms (real property, tangibles, and intangibles) is taxed at a different rate. One reason for taxing them at different rates is that real estate requires a great deal more in the way of public services (for example, in paved streets, water supply, sewerage, etc.); another reason is that while real property cannot evade taxation intangibles can usually do so when the tax is too heavy.[218] If the rate of taxation on intangibles is lowered, the temptation to evade is not so great. It will usually be found that more money will come into the public treasury from a moderate rate of

taxes on stocks and bonds than from an oppressively high rate.

Other local taxes.

A few communities also obtain some revenue from another direct tax, the poll tax, which amounts to one or two dollars per year on each adult. In some cities franchise taxes are laid upon public service companies (such as gas, electric lighting, and street railway companies). The proceeds from these sources do not form any large proportion of the total revenue.

Assessments for purposes of taxation.

All collecting of taxes is preceded by a formal step known as assessment. No tax can be legally collected unless it has been assessed in ways prescribed by law. Property of all kinds is valued for taxation by officials known as assessors. Usually they are county or city officials, sometimes appointed, sometimes elected. They re-value property at stated intervals and set their assessment at what they believe to be the market value (unless they are instructed to assess at a percentage of the market value as is the case in some states). Income taxes, corporation taxes, and inheritance taxes are assessed by the tax officials on the basis of sworn statements made to them by the taxpayers.

Special assessments.

In the case of such public improvements as sewers, street pavements, and sidewalks it is the custom in many cities to levy a special assessment upon the owners of the property that is benefited. These special assessments are levied in proportion to the benefit received; they are not taxes in the ordinary sense. Taking property for public use. When the nation

or state or city requires land for public improvements it has the right to acquire it from the owner, even though he be unwilling to sell. The public authorities, by their right of eminent domain, can take land or other property for public use at any time, but must give the owner just compensation. If the amount of compensation cannot be agreed upon between the government and the private owner, it is fixed by the courts.

The sources of state revenue.

State Taxes.—The states obtain their revenue in various ways. One common method is by requiring the cities, counties, or towns to pay over to the state a certain fraction of the sums which they collect on property. Thus, when the citizen gets his bill for local taxes he finds it itemized—so much for state taxes, so much for county taxes, and so much for city or town taxes. Most of the states also levy taxes on corporations, including railways, telephone companies, insurance companies, and banks. These taxes may be calculated upon capital or net earnings or deposits or upon some other basis. A few states tax inheritances and a few levy a state income tax. Taxes on inheritances are usually progressive, that is, the rate is higher in the case of large inherited fortunes. State income taxes are levied upon the net earnings of individuals or partnerships, a certain minimum income being left exempt. Most of the states have other miscellaneous sources of revenue, some of them important, as, for example, the annual license fees imposed upon all owners of motor vehicles.

Income and excess profits taxes.

National Taxes.—The national government, by

reason of its need for larger revenues in recent years, has resorted to many forms of taxation. At the present time the principal sources of national revenue are the taxes on the incomes of corporations and individuals, the customs duties, the excises, and the inheritance taxes. The national income taxes are levied upon the net earnings of all individuals, partnerships, and corporations above a certain minimum. The rate of taxation, in the case of individual incomes, is progressive—a normal tax is laid upon all incomes up to a certain figure and surtaxes are levied upon incomes above this amount. [219] Under the original provisions of the constitution, the national government could not levy *direct* taxes unless it apportioned them among the several states according to their population, and according to a decision of the Supreme Court in 1894 an income tax is a direct tax.[220] But the Sixteenth Amendment, adopted in 1913, now gives the national government authority to tax incomes "from whatever source derived" without the necessity of apportionment among the states. Once a year every person or corporation earning a net income above the prescribed minimum must make a sworn statement setting forth the exact amount of such earnings, and upon this "income tax return" the legal rate is assessed.

Duties on imports.

Duties on imports still yield a large revenue, as they have done every year since 1790. No duties may be laid upon *exports*, such duties being forbidden by the constitution. This is in some respects unfortunate, because duties on exports go into the price of the exported goods and thus fall upon the foreign consumer. A tariff on exports (such as lumber, coal, and ore) would not only yield a considerable revenue

but would help to conserve the natural wealth of the United States. The excises are levied upon tobacco, theatre tickets, and other things which are rated as luxuries.[221] The national government also levies an inheritance tax, the rate of the tax depending upon the value of the property inherited. These various taxes bring in between three and four billion dollars per year.

Taxes for revenue and taxes for regulation.

The Two Purposes of Taxation.—The main object of all taxation is to produce a revenue. But this is not the only object. Taxation may also be used to bring about such social reforms as the nation or the community may deem desirable, and taxes are sometimes adjusted to this end. For example, the manufacture of goods by the use of child labor can be checked by placing a heavy excise tax upon such products.[222] It is believed that the growth of large fortunes can be checked by the imposition of heavy surtaxes on large incomes and on inheritances; the present national taxes on incomes and inheritances have been framed with this end in view to some extent. In other words the system of taxation can be used and is being used in some measure to secure such economic and social readjustments as Congress and the state legislatures think desirable. The question is: How far should the law-making bodies go in this direction? Many people believe that "swollen fortunes" are an evil in a democratic society and that all earnings above a certain point should belong to the community. Others feel that heavy surtaxes place a damper upon ambition, that they lessen the amount of money saved by the whole people, thus reducing the amount of capital available

for industry, and that they give the government large sums which are spent wastefully.[223]

Taxation and class prejudice.

Tax Exemptions and Extravagance.—When taxation is regarded as a means not only of raising a revenue but also of redistributing wealth it takes on grave possibilities of abuse. The majority among the voters can always find reasons for increasing the burdens on the minority; the wage-earners urge that more taxes ought to be placed on the rich and insist that they themselves be exempted from taxation upon their incomes. The chief evil in all this is not the injustice to the rich, for they usually manage to shift the burden down the line till it comes back upon the wage-earner; the unfortunate part of it is that the masses of the people, proceeding under the delusion that they pay none of the taxes, are quite unconcerned when they see large sums of money being collected by the government and spent wastefully. They do not realize that it is *their* money; that they earned every cent of it before the government obtained it to spend. If they could be induced to see matters in this light, they would never permit their representatives in Congress, in the state legislatures, and in city councils to throw money around with such a lavish hand. Tax exemptions and extravagance are twin brothers.

The single tax.

Proposed Reforms in Taxation.—Various new forms of taxation are proposed from time to time. Many years ago a well-known American social reformer, Henry George, advocated the placing of all property taxes on land alone, allowing buildings and personal property to go untaxed altogether. His argument was that the high value of land in cities

and towns is created by the community, not by the owner. Vacant land in the downtown portion of a large city is sometimes worth many hundred dollars per foot. What gives it this high value? Not the owner, for he has done nothing to improve it. The growth of the city round about this land has made it valuable. This "unearned increment" of value, therefore, Henry George proposed that the community should take by levying a very heavy tax upon it.[224]

Objections to the single tax.

The single tax proposition, as above outlined, has many earnest advocates; but it has made very little progress as a practical policy in this country. The objection commonly raised against the proposal is that it would be an outright confiscation of a certain form of private property, namely, vacant land; that the single tax on the site value of improved land, like taxes on buildings used for industrial or mercantile purposes, would merely be shifted to the tenant and by him transferred in the form of higher prices to the consumer; and that the amount derived from the single tax would not yield enough to relieve the people from paying other forms of taxation.

The proposed sales tax.

More recently a good deal of discussion has taken place concerning the desirability of a general tax on sales at a uniform rate. It is argued that such a tax would fall directly and proportionately on all the people; that it would be so small as to have only the slightest effect upon prices; that it would be easy to collect and hard to evade. Such a sales tax at one per cent would probably yield nearly a billion dollars per year to the national treasury. On the other hand the

objection is made that a tax of this sort would be a real hardship upon masses of the people who have small incomes and would be felt much less severely by the well-to-do.[225]

How money is appropriated.

The Spending of Public Money.—When taxes are collected they go into the public treasury of the nation, state, or community. Once in the treasury the money cannot be spent until it has been finally *appropriated* by Congress, by the state legislature, by the county board, by the city council, or by whatever body possesses the power to make appropriations. Appropriations are usually made once a year in the form of a budget, and the manner of making a budget is as follows: On or before a given date the various administrative departments (such as the parks department in cities or the departments of highways in states) make their estimates of expenditure for the next twelve months. Along with this, for purposes of comparison, a statement of probable revenue from taxes and other sources is prepared by the financial officers of the state or local government.

The estimates.

The estimates are put together and submitted to the mayor, the governor, or some other designated officer, who transmits them to the council or legislature as the case may be. The lawmaking body then considers the estimates, item by item, and finally votes the entire list after making such changes as it finds desirable. This budget, in cities and states, usually requires the approval of the mayor or the governor and may be vetoed like other measures. In some states the governor may veto individual items in the budget while letting the others stand, but as a

rule he is required to accept or reject the appropriation bill as a whole. The general tendency is to give the executive branch of the state and local governments larger powers in budget-making so that the responsibility for any extravagance may be better centralized.

The older method of making appropriations, in Congress.

The National Budget System.—Until 1921 the national government made its large annual expenditures without any regular budget system at all. Each department (war, navy, agriculture, and so on) prepared its estimates and sent them to the Secretary of the Treasury, who presented them to the President for transmission to Congress with whatever recommendations he might choose to make. In addition to this every senator and representative had the right to propose appropriations, and hundreds of such proposals were made in Congress at every session. The practice, prior to 1921, was to refer all the departmental estimates and all the individual proposals to various committees. All estimates and bills for army expenditures went to the Committee on Military Affairs; all such measures relating to the postal service went to the Committee on Post-Offices, and so on. Eight or nine committees each took a hand in considering these proposals to spend money; each did its work without reference to what the other committees were doing; and each made its own recommendations to Congress.[226]

Results of this method.

The result of this procedure was that no general plan for keeping down the expense could ever be effectively put into force, there being too many

independent committees to deal with. In 1921, however, Congress passed an act providing for the establishment of a national budget system and the rules of both chambers in Congress were altered so as to carry the new plan into effect. The new budget system. The departmental estimates now go to an official in the Treasury Department known as the Director. He puts them together into a budget and with the President's approval submits them to the House of Representatives. Here they are considered by a single large committee, known as the Appropriations Committee, and all proposals of expenditure made by individual congressmen (after they have been approved by the committees directly concerned) are also submitted to this committee. The latter then lays before the House a complete budget or plan of expenditures for the ensuing fiscal year. When this budget, with or without changes, passes the House, it is forwarded to the Senate, where it is likewise considered by a single committee. After it has been passed by the Senate it goes to the President for his approval. The President cannot veto individual items in the budget but must accept or reject it as a whole. This is a serious handicap because the rejection of the entire budget would leave the departments without funds with which to carry on their work. The great advantage of the new budget system is that it enables Congress to make a comprehensive plan of expenditure for the year and thus to hold the expenses within the estimated revenues.

Is it necessary for governments to borrow?

Public Debts: Why Governments Borrow Money.—Nearly all nations, states, counties, cities,

and even villages have debts. Why do they find it necessary to borrow money? Why should they not, like wise individuals, adopt a pay-as-you-go policy? The reason is that such a policy would be very unfair to the present taxpayers. Suppose, for example, that a town or city builds a new high school. The building will cost a great deal of money and may reasonably be expected to serve its purpose for twenty, thirty, or even forty years. Now there are two ways in which the community can defray the cost: It can levy a heavy tax rate upon the property of the people at once, doubling or trebling the usual tax rate if necessary, and thereby obtaining the money with which to pay cash for the school. Or, on the other hand, it may borrow the money and arrange that this amount (with interest) shall be repaid in annual installments over twenty or more years, thus spreading the burden over the whole period in which the building fulfils its purpose.

Proper and improper borrowing.

Which of these is the fairer method? The latter plan has the merit of placing the burden upon all those who get the benefit; but it has the defect of saddling the taxpayers of the future with a debt which they have had no share in creating. Governments, however, are much more concerned with the present than with the future, for it is the present taxpayer who decides the elections. Wherever practicable, therefore, they endeavor to finance public improvements by selling bonds rather than by increasing the present tax rates. State roads, public buildings, bridges, and other costly enterprises are financed by borrowing. The construction of the Panama Canal by the national government was not

paid for at the time; the money with which to build it was borrowed by issuing long-term bonds. Governments sometimes go further and borrow money to make good a shortage in current expenses. This is an unwise policy; not one honest word can be said in favor of it. Current expenses should be paid from the taxes of today, not from the taxes of ten years hence. When a government borrows money to pay current expenses it usually defends its action by saying that the people approved it at the polls. Of course the people will usually approve things of this sort. When you ask a man whether he prefers to pay for a thing himself or let somebody else pay for it, there is little doubt what his answer will be.

War is the greatest cause of borrowing. During the Civil War the United States government borrowed about three billion dollars, most of which was repaid within thirty years. During and immediately after the World War it secured, by the issue of Liberty Bonds and Victory Notes, about twenty-six billion dollars, all of which becomes repayable at various dates before 1950.[227]

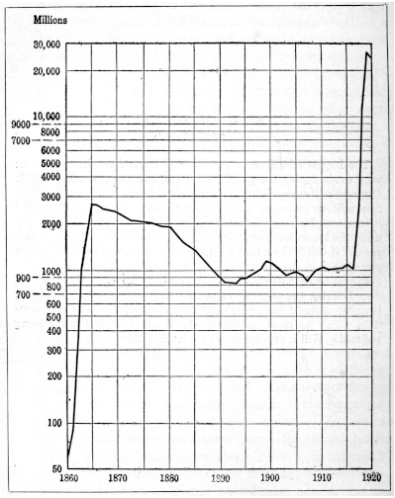
THE NATIONAL DEBT

1860-1920

The largest additions to the national debt of the United States were made during the years 1861-1865, and the years 1917-1919. During the former of these two periods the debt rose from less than fifty millions to nearly three billions; during the years 1917-1919 it

increased from one to twenty-seven billions or thereabouts. By using the logarithmic or proportional scale for comparing these two periods it will be seen that the ratio of increase was less in the later period than in the earlier.

It will be noticed that although the national debt was much reduced during the twenty-five years which followed the Civil War, it never dropped anywhere near its pre-war level. The enormous debt which we piled up during the World War is already being reduced. Will it ever be cut to the level of 1916?



THE NATIONAL DEBT
1860-1920

Long- and short-term loans.

How Borrowing Takes Place.—When governments decide to borrow money there are two ways of doing it. If the money is needed for a short time only, for example, to pay expenses until the taxes come in, it can be borrowed from the banks on short-term notes. The national government, for its short-term borrowing, issues treasury notes, running for a year or less. These bear interest and are sold to the banks which re-sell them to private investors. But if the money is needed for a longer period, the usual plan is to issue bonds. These bonds, as already pointed out (p. 445) are promises to pay, and the government pledges its credit to repay them promptly when they mature, with interest every year or every half-year meanwhile. National, state, and local bonds are for the most part exempt from taxation.[228]

How the war increased the national debt.

The Burden of the Public Debt Today.—The borrowing power of the national government is not limited by any provision of the constitution. Congress may borrow money up to any amount. The national debt today is about twenty-three billion dollars, as against only one billion before the war. The yearly interest on the present debt, in fact, is about as large as the whole of the old debt. Arrangements are being made, however, to lessen this interest-burden by obtaining interest payments

from foreign countries upon the loans made to them by the United States during the war.

Debt limits.

In the case of the states and cities the power to borrow money is not unlimited. The state constitutions usually contain provisions as to how much money may be borrowed and for what purposes. Sometimes they provide that state debts may not be created except by vote of the people. Cities are also, in most cases, bound by debt limits which are fixed by the state constitution or by state laws. The limit, as a rule, is flexible; it enables the city to borrow money up to a certain percentage of its assessed valuation, so that when the value of property goes up the borrowing power becomes enlarged. State and city debts have been increasing at a rapid rate; on the whole more rapidly than population or wealth.[229] The tendency is to put a large share of the burden on the shoulders of the next generation. It is right that future taxpayers should bear their share, as has been said; but they should not be called upon to do more than that.[230] It is probably within bounds to say that thirty to forty cents out of every dollar which we pay in taxes today goes for interest and debt repayments. Before long, if we keep on, half the taxes will go to pay for past obligations. The large cities are the worst offenders; some of them are mortgaging the future at an alarming rate. Stricter laws relating to local borrowing are needed, but more essential still is the awakening of public opinion to the realities of the situation.

How Public Debts are Repaid.—When bonds are issued by the public authorities some provision ought to be made for paying them at maturity; but this is not always done. Refunding. The national debt, when

portions of it become due, is sometimes refunded, that is, paid off by issuing new bonds. Sinking funds. In the states and municipalities the usual plan has been to establish a sinking fund when the bonds are issued, and then to pay a certain installment into this fund out of each year's taxes. By this process the sinking fund grows year by year until it is sufficient to pay off the bonds when they become due. Serial issues. A better plan is to issue the bonds in such form that they will fall due serially, that is, one or more bonds coming due in each successive year of the loan period. Then, instead of creating a sinking fund to pay off the whole debt at one time, the bonds are paid off one by one. The serial bond plan does away with the necessity of holding large sums in hand awaiting the maturity of the debt, and thus diminishes the risk of loss through poor investment or corruption.

Are Public Debts a Public Evil?—Alexander Hamilton, who was Secretary of the Treasury in Washington's first cabinet, propounded the doctrine that a public debt, if not too large, is a source of strength to the government. He argued that when government bonds are widely held by the people, all those who own the bonds are interested in the stability and prosperity of the nation. Other noted financiers at various times have contradicted Hamilton and have declared all public debts to be public evils in that they impose burdens on the people without giving them anything tangible to show for it. But the truth is that public debts do not fall entirely in either class. They are benefits in one sense and evils in another. The power to borrow, like any other power, may be used wisely or unwisely. In times of great emergency, or for public improvements of permanent value, money may very

properly be obtained by borrowing; always provided, however, that arrangements are made to pay off the debts within a reasonable time. The evil comes when governments borrow money in order to pay current expenses or to defray the cost of improvements which are not needed, and when they complacently allow the debt to pile up, year after year, with no thought of reducing it. "Sufficient unto the day is the evil thereof", it is said; but we can also make the evil sufficient unto the future as well.

General References

C. A. BEARD, *American Government and Politics*, pp. 358-378; *Ibid.*, *Readings in American Government and Politics*, pp. 323-342;

F. W. TAUSSIG, *Principles of Economics*, Vol. II, pp. 483-561;

EVERETT KIMBALL, *National Government of the United States*, pp. 445-479;

W. B. MUNRO, *Government of the United States*, pp. 233-245; *Ibid.*, *Principles and Methods of Municipal Administration*, pp. 403-478 (Municipal Finance);

C. F. BASTABLE, *Public Finance*, pp. 261-280;

E. R. A. SELIGMAN, *Essays in Taxation* (9th edition), pp. 66-99 (The Single Tax);

C. J. BULLOCK, *Selected Readings in Public Finance*, pp. 39-49; 143-157; *Ibid.*, *Introduction to the Study of Economics*, pp. 493-520;

C. C. PLEHN, *Introduction to Public Finance*, pp. 310-327;

American Academy of Political and Social Science, *Taxation and Public Expenditures*, pp. 1-283 (Annals, Vol. XCV, May, 1921).

Group Problems

1. Should the present rate of national income taxes and surtaxes be raised or lowered? The Income Tax Law of 1913. The increase in rates during the war. The changes made in 1921. Are the present exemptions fair? How do the surtaxes operate? Are they shifted by the taxpayers to

others? How? The flow of investments into non-taxables. Examples. Is a progressive rate justifiable in order to promote a greater approach to equality in net incomes? Conclusions. **References**: C. C. PLEHN, *Introduction to Public Finance*, 4th ed., pp. 270-309; G. N. WILSON, *The Income Tax*, pp. 1-11; F. R. FAIRCHILD, *Federal Taxation of Income and Profits* (American Economic Review, Vol. XI, No. 1, Supplement, pp. 148-159); R. M. HAIG, *The Federal Income Tax*, pp. 1-25; J. A. HOBSON, *Taxation in the New State*, pp. 95-110; American Academy of Political and Social Science, *Taxation and Public Expenditure*, pp. 180-187 (Annals, Vol. XCV, May, 1921).

2. How public budgets are made. H. J. FORD, *The Cost of Our National Government*, pp. 11-21; S. G. LOWRIE, *The Budget*, pp. 11-30; F. A. CLEVELAND, *Chapters on Municipal Administration and Accounting*, pp. 67-81; *Cyclopedia of American Government*, Vol. I, pp. 181-184; Massachusetts Constitutional Convention, 1917-1918, *Bulletins*, No. 2 (State Budget Systems in the United States); American Academy of Political and Social Science, *Public Budgets*, pp. 36-46 (Annals, Vol. LXII, No. 151); *Ibid.*, *Taxation and Public Expenditure*, pp. 228-250 (Annals, Vol. XCV, May, 1921); U. S. Bureau of the Census, *Financial Statistics of States*; *Financial Statistics of Cities*. (Each is published annually.)

3. A study of the per capita cost of selected administrative departments in your own state or community compared with those of other states or communities. (Adequate data for this study can be found in two annual publications of the U. S. Census Bureau, namely, *Financial Statistics of States*, and *Financial Statistics of Cities*. For an example of such a study, in brief form, see W. B. MUNRO, *Principles and Methods of Municipal Administration*, p. 457.)

Short Studies

1. **The principles underlying taxation.** F. W. TAUSSIG, *Principles of Economics*, Vol. II, pp. 483-496.

2. **The power of Congress to tax.** W. B. MUNRO, *The Government of the United States*, pp. 221-227.

3. **Income taxes in foreign countries.** E. R. A. SELIGMAN, *The Income Tax* (2d ed.), England, pp. 167-218; France, pp. 273-328; Germany, pp. 223-272.

4. **How the Civil War was financed.** D. R. DEWEY, *Financial History of the United States*, pp. 298-333.

5. **The mobilization of American finances during the World War.** W. F. WILLOUGHBY, *Government Organization in War Time and After*, pp. 50-66; E. R. A. SELIGMAN, *Essays in Taxation* (9th ed.), pp. 750-782.

6. **Excises as a source of revenue.** C. J. BULLOCK, *Selected Readings in Public Finance*, pp. 449-472.

7. **The general property tax.** F. W. TAUSSIG, *Principles of Economics*, Vol. II, pp. 528-549.

8. **The tariff as a source of revenue.** C. J. BULLOCK, *Selected Readings in Public Finance*, pp. 425-448.

9. **The single tax.** E. R. A. SELIGMAN, *Essays in Taxation*, pp. 66-99.

10. **The wastefulness of the old appropriation system.** P. S. REINSCH, *Readings on American Federal Government*, pp. 355-361.

11. **State debts and debt limits.** Massachusetts Constitutional Convention, 1917-1918, *Bulletins*, No. 15 (Constitutional Restrictions on State Debts).

12. **Municipal debts and debt limits.** *Ibid.*, No. 14 (Constitutional Restrictions on Municipal Indebtedness).

13. **Methods of borrowing: sinking funds vs. serial bonds.** *Ibid.*, No. 21 (Methods of Borrowing: Sinking Funds *vs.* Serial Bonds).

14. **The classification of property for taxation.** *Ibid.*, No. 20 (Classification of Property for Purposes of Taxation).

15. **The new national budget system.** F. A. CLEVELAND and A. E. BUCK, *The Budget and Responsible Government*, pp. 371-381.

Questions

1. Show how taxes are related to the cost of living. What forms of taxation are most closely related to it?

2. Can you add any other principles of taxation to those laid down by Adam Smith?

3. Select from the constitution all the provisions which relate to taxation and put them together in this form: "Congress may impose any sort of taxation except that——and that——and that, etc."

4. What is the incidence of (*a*) import duties; (*b*) export duties; (*c*) a tax on vacant land; (*d*) a tax on a factory; (*e*) a normal tax on incomes; (*f*) a poll tax; (*g*) a tax on inheritances; (*h*) a tax on the profits of theatres; (*i*) a tax on motor trucks?

5. Is it right that income from government bonds should be exempt from taxation?

6. Which of the following taxes is the wage-earner likely to feel the least, and why: tariff duties, a property tax, income taxes, a sales tax, a poll tax?

7. Should different forms of property (land, buildings, household furniture, stocks, bonds, automobiles, etc.) be taxed at different rates? Should factories be taxed at a different rate from homes? If all men are equal in the eyes of the law, why should they be taxed at different rates?

8. It cost only a billion dollars a year to run the government before the war. Interest on the debt now amounts to nearly another billion. But the government is spending about four billions. Why is this? Now that the war is over, why is it not possible (apart from interest on the war debt) to get back to the old scale of expenditures?

9. What are the chief defects in our present system of raising public revenues? What improvements can you suggest? Would you favor a sales tax? Do you believe that Congress was unwise in abolishing the tax on excess profits?

10. Enumerate all the different forms of taxation that any one man may have to pay in the United States at the present day.

11. How is the budget prepared and passed in your state? Compare the relative influence of the governor with that of the legislature in determining what the state government spends.

12. Explain treasury notes; refunding; debt limit; surtaxes; net debt; progressive taxation; sinking fund; serial bonds; special assessments.

13. Two cities of about the same size may have approximately equal amounts of net debt yet one may be in a much better financial position than the other. Account for this.

14. When Chief Justice Marshall said: “The power to tax involves the power to destroy”, what did he mean? Should the power to tax be used to secure a more nearly equal distribution of wealth and net annual incomes among the people?

Topics for Debate

1. The salaries of government officials should be taxed like the incomes of private individuals.

2. No man’s income should be twice taxed (once by the nation and once by the state).

3. Property should be taxed by a uniform rule and should not be classified for taxation.

4. No debt limits should be fixed for cities by state law, cities being allowed to decide for themselves how much they shall borrow.

5. Assessors should be appointive state officials and should not be elected by the voters of cities, counties, or towns.

CHAPTER XXIV
PUBLIC UTILITIES AND PUBLIC OWNERSHIP

The purpose of this chapter is to discuss the nature of public utilities, the various methods of regulating them, and the question whether they ought to be owned by the government.

Ordinary business is regulated by competition.

The Problem.—In the case of most ordinary business enterprises the factor which secures reasonable prices and good service to the customer is competition. The customer who finds that prices are high or that service is poor at one grocery store stops trading there and goes somewhere else. The merchant who finds one bank unsatisfactory moves his account to another bank. The wholesale dealer, if one factory does not send him goods promptly, or charges him too much, gives his future orders to some other factory. Stores, banks, and factories are in competition with other establishments of their own kind; in order to get business they are constantly trying to outstrip their competitors by lowering prices and improving service. In this sense "competition is the life of trade". The rivalry of those

who have goods or services to sell is in itself enough to afford the public protection.

Natural Monopolies.—But there are certain lines of business in which no real competition exists because they are monopolies. Monopolies, as has already been pointed out, are of three different types, natural, legal, or artificial (see p. 54); and all public service enterprises (railroads, telegraphs, telephones, lighting plants, etc.) fall within the first of these classes—they are *natural* monopolies. We call them public services or public utilities; but this is not merely because they are of great importance to the public. Bread and meat are also of vast public importance but we do not refer to the bakery and the meat market as public services. But public utilities are natural monopolies. Telephones, telegraphs, street railways are called public services or public utilities because they are monopolies by nature. The citizen has no alternative by reason of competition. If he wants to go from one place to another, he cannot usually find two lines of railroad, or if so, their rates are the same. If the rates for electric lighting are exorbitant, he cannot tell the company that he will buy electric light from someone else, for he is dealing with the only concern from which electric light can be obtained in that particular locality. The man who lives in Omaha can send to Chicago and buy his shoes there if he finds that prices and quality are not satisfactory in his own city; but he cannot get his telephone service or his electric light in that way. He is absolutely dependent on local service and, as a rule, on one local service alone.

Their nature excludes competition.

Public Utilities do not Compete.—Why do we

say that these public utilities are monopolies by nature? It is because their business, from the way in which it is carried on, virtually excludes competition. It would be physically possible to have two rival street railway companies operating on the same street, two gas companies, and two electric lighting companies; but imagine the congestion and inconvenience this would cause! Moreover, it would practically double the amount of fixed capital needed to provide the service and this would mean higher prices to the public in the end.[231] In years gone by many cities tried the plan of setting two public service companies in competition with one another, and in a few cities competing telephone companies still exist; but the competition is rarely in earnest and scarcely ever lasts very long. The rival public service companies, finding that competition is not profitable, presently form a combination and raise their rates. The controlling fact is that light, power, transportation, and communication (whether by telegraph, telephone, or post) can be more cheaply served by a monopoly than by competing companies. There can be, in fact, *no effective competition between public utilities operating in the same area.*

Being Monopolies They Must be Regulated.—Now if public utilities are monopolies by nature, and can never be anything else, it is essential that the government shall exercise, in one way or another, sufficient control over them to restrain them from abusing their power. Public utilities use public property. This is all the more easy to do because public utilities, unlike ordinary industrial or mercantile concerns, must come to the state or city government for certain privileges which they find necessary in order to carry on their business. Every public utility finds it essential to use property which belongs to the

whole people. A railroad must run its tracks across the highway; a gas company must lay its pipes beneath the pavements; an electric lighting company must put some of its poles in the streets; a street railway company, as its name implies, must make large use of the public thoroughfares. Moreover, they all desire the right to take whatever private property they may need for their terminals, power houses, tanks, and so on. This is a right which only the government can give.[232] So the public service companies, from the fact that they must ask privileges from the government, render themselves amenable to governmental control. It is not so with ordinary industrial monopolies such as the making of steel or sugar or tobacco. They also use the right of eminent domain. They do not, as a rule, ask for legal privileges of any kind; they do not need permanent rights in the public highways or demand that they be allowed to exercise the right to eminent domain; hence they are not so easily brought under public regulation.

How the Regulation is Effected.—In order to use the streets or any other public property, an individual or corporation must first obtain official permission. The merchant who puts a sign out from his building over the highway, the barber who sets his familiar red-and-white pole in the sidewalk, the contractor who blocks the public passage way when he is putting up a building—all must first get the city's permission. Permits and franchises. This is given by the city officials in the form of a license or permit. But the public service company must have a general permit covering rights in a great many streets and holding good for a number of years. Definition of a franchise. This general permission, which does not differ from an individual permit except in its broader

scope and longer duration, is called a *franchise*. A franchise is merely a grant of the right to use public property (the streets, particularly) either in perpetuity or for a term of years and subject to certain conditions. Before any public service company can begin operations it must first secure a franchise from the state, city, town, or township as the case may be. The company secures the rights and the government imposes the conditions.

The old-type franchise.

Franchises, Past and Present.—It was formerly the custom of states and cities to grant franchises for long terms of years without imposing strict conditions for the protection of the people. The reason for this was, in part, the strong desire of the community to get the service at once. When electric street railways first came into use, replacing the old horse-cars, they were regarded as a godsend to the suburban districts. There was a great popular clamor to have the horse-car lines electrified as quickly as possible. So the companies that were willing to provide this improved service obtained, in many cases, very liberal franchises running for long terms and without strict conditions. These were days, moreover, when city councilmen and state legislators often proved susceptible to corrupt influences. Valuable privileges in many cities were bartered away for next to nothing by dishonest or incompetent officials. How many million dollars in franchises have been practically given away by American states and cities during the past generation no one has ever been able to calculate. Certain it is, at any rate, that hundreds of private fortunes were made from these one-sided bargains.

The newer

methods.

But public opinion, in due course, became aroused to the injustice of this free-and-easy method, and laws were passed forbidding the grant of franchise privileges for longer than a designated term of years, or without first giving the opponents of the grant an opportunity to be heard.[233] In some cases the laws forbade the granting of any franchise without the consent of the people at the polls. Provisions were also made to ensure that in return for their privileges the companies should pay a share of their annual profits into the city treasury.[234] Finally, it became the practice to stipulate in the franchise that the rates charged by the company, the quality of the service, and various other features affecting the interests of the citizens, should be subject to public regulation. Franchises are still granted by legislatures and municipal councils but with much greater care than formerly.

Regulation by the terms of a franchise is not enough.

Administrative Regulation.—In spite of these various restrictions, however, it soon became apparent that a sufficiently close regulation of public utilities could not be maintained by merely inserting various conditions in their franchises. Franchises are granted for ten, twenty, or even fifty years, and conditions greatly change within this period. A provision in the franchise relating to the quality of gas, or the rate of fare on street railways, or the candle-power of electric lamps may be framed carefully to cover the needs of today, but no one can foresee what will be needed five or ten years hence. Progress is continually being made in the mechanism of public utilities as in all other branches of industry.

If regulation is to be effective, it must keep moving forward as new devices and methods come into use. A franchise has the defect of being a closed bargain. It stands still while the things which it tries to regulate keep marching on. No written document, furthermore, is self-enforcing, and unless some machinery is provided to make the companies live up to their agreements there are always loopholes through which they can evade the restrictions.

It must be supplemented.

In order to make the regulation of public utilities flexible and effective, therefore, it has become the practice to supplement the terms of franchises by a system of administrative regulation. Besides inserting a long list of conditions in the franchise the government now stipulates, as a rule, that the rates and the quality of service shall be fixed from time to time, in accordance with existing conditions, by a body of officials commonly known as a public service commission which is supposed to deal fairly with all parties.

State and municipal commissions.

Public Service Commissions.—Public service commissions are in some cases maintained by the cities; but more often they are state-appointed bodies. There are two reasons which make it desirable that the regulation of public utilities should be in the hands of the state rather than under the control of the cities. In the first place the jurisdiction of the city officials does not extend beyond the city limits, whereas public service companies often do a considerable part of their business outside. It is not uncommon, for example, to find the same street railway, electric lighting, and telephone company

operating in several neighboring communities.[235] Municipal regulation, in such cases, would subject the company to different rules in each community.

There is a second reason, namely, that public regulation is always expensive. A public service commission must have skilled investigators to assist it in deciding the technical questions which arise, and these experts are costly to employ. Large cities can afford it, but in the case of small communities it is better to have a single state commission perform the functions of regulation for them all. In this way, moreover, the regulations can be made uniform. Public service commissions consist of three or five members; in cities they are appointed as a rule by the mayor; in states they are usually appointed by the governor; but in some states they are elected by popular vote. Appointment is now regarded as the more satisfactory method.

Work of these commissions.

The work of a public service commission covers a wide range. Its chief function is to see that the companies live up to the terms of their franchises and obey the laws relating to public utilities. It hears complaints from city officials and citizens, investigates these complaints, obtains the company's side of the case, and makes such decision as the matter seems to require. It prevents discriminations in favor of one community against another, and insists that equally good service be given to all; it requires financial reports from the various companies and often has power to fix the maximum rates which they may charge. In some states it is the practice to grant "indeterminate" franchises, or franchises which run for no stated term of years, coupled with the provision that the franchise may be canceled at any

time by order of the public service commission if the company does not comply with the conditions. It can easily be seen, therefore, that public service commissions have a degree of authority which can readily be abused unless the commissioners are fair-minded and absolutely honest men. Their position is like that of judges, in a sense, for their function is to hold evenly the scales of justice between the companies on the one hand and the public on the other. Fairness is the essence of successful regulation.

Has regulation been satisfactory?

Public Ownership.—By the methods which have been described in the foregoing pages the government has been able to protect, fairly well, on the whole, the interests of the public. Railroads, telegraph companies, electric lighting plants, and other similar corporations are no longer able to do as they please. On the contrary their owners are inclined to feel that public regulation has gone too far and has become oppressive. Yet regulation has not always been satisfactory to the public. The complaint is often made that members of public service commissions are chosen for political reasons and that their work, in such cases, is neither effective nor impartial. The success of regulation has varied in different parts of the country. In some states it has been satisfactory to both sides; in others it has satisfied neither.

Would public ownership be better?

Because regulation has not proved successful in all cases the proposal is sometimes made that the utilities should be taken over and operated by the government itself. Those who support this policy of

public ownership believe that the national government should take over the railroads, telegraphs, and telephone lines, while the states and the cities should become owners of all the street railways, gas companies, and electric lighting concerns. These utilities should then be publicly managed, they argue, just as the postal service is now conducted by the national government, or as water supplies are now provided by the cities.[236]

Public ownership overseas.

European Experience in Public Ownership.—It is pointed out, in this connection, that the policy of public ownership has been widely followed in various European countries, particularly in Great Britain, France, and Germany. In Germany the railroads have been for many years owned and operated by the government. In all three countries the telegraphs are government-owned, and are operated in connection with the post-offices. The telephone service is also in public hands. Gas and electric lighting plants are to some extent owned by companies in various European cities, but the majority of them have been taken over by the municipal authorities. Even the street railways have been passing under municipal ownership. Many European cities, moreover, not only operate these various public services but conduct other municipal enterprises, such as abattoirs, bakeries, theatres, savings banks, and even pawnshops as well.[237]

American experience has been less extensive.

Public Ownership in America.—In the United States the policy of public ownership has not been nearly so popular. The railroads, telegraphs, and

telephones are owned and operated by private companies. They were managed by the national government for a time during the war, but when the emergency ended they were returned to their owners. Among the larger cities of the United States only five or six own and operate their gas plants; about twenty have municipal ownership of electric lighting plants.[238] Street railway lines are owned by the city in only three or four instances; but in several other communities they are being operated by the public authorities under leases from the owners.[239] When one bears in mind that the total number of public utilities in the United States runs up into the thousands it will be seen that the policy of public ownership has had a relatively small and slow development on this side of the Atlantic.

Arguments for Public Ownership.—The chief arguments in favor of public ownership in the United States may be briefly set forth as follows: 1. Regulation has failed. First, all public utilities, being natural monopolies, require a stricter measure of regulation than can ever be provided by any form of public supervision. So long as these utilities remain in private hands there will be a continual effort to evade public regulation and this effort will usually be successful because rich and powerful companies are exceedingly difficult to control under a democratic form of government. “We have tried regulation”, the advocates of public ownership say, “and it has not been satisfactory. Therefore, let us try the only other alternative, which is to buy out the companies altogether.” 2. Lower rates and better service. Second, under public ownership the people would obtain lower rates and better service. This would be possible because the government could procure capital more cheaply than private companies and

thus make a substantial saving in interest.[240] It would not be seeking for profits, but would strive to give service at actual cost. If the government owned all the utilities, moreover, it could buy supplies and materials in large quantities and hence at lower prices. Each street railway company now buys rails, cars, cables, coal, and so on for itself. If a state owned all the street railways within its territory, it would purchase these things on a much larger scale.

3. More just to labor. Third, public ownership means a fairer and better treatment of the employees. Wages, as a rule, are higher in public than in private employment (assuming the same degree of training and skill); the hours of labor are not so long (since the eight-hour day is now generally recognized in public employment); and there is better protection against arbitrary dismissal. For these reasons labor organizations usually favor public ownership. 4. The effect on politics. Fourth, the public service companies have had a detrimental influence upon American politics. They are seekers of public privileges, and in their zeal to obtain favors are under strong temptation to work in a quiet way for the election of public officials who will be friendly to them. They form a part of what Mr. Elihu Root once spoke of as the "invisible government". Through their paid agents and lobbyists they try to influence the action of legislatures and city councils in ways which are to their own financial advantage but detrimental to the public interest. The abolition of all franchises and the direct public ownership of all utilities would remove, it is asserted, a corrupting influence from American politics. These are the chief arguments used by the advocates of public ownership.

The Arguments Against Public Ownership.—But there is much to be said on the other side. 1. More

costly to the public. First, it is claimed that public ownership, by reason of higher wages and less efficient management, would prove to be far more expensive than private enterprise, and that in the long run the increased cost would have to be paid by the people. This higher cost might take the form of higher rates for the service or it might come out of the general taxes; but it would fall on the public in either case. When the national government operated the railroads during the war it kept the freight and passenger rates low; the result was a deficit amounting to about a billion dollars, which had to be made good out of the public treasury. The taxpayers carried a burden which should have been borne by the shippers and passengers. 2. Means retention of obsolete methods. Second, public ownership would mean poor service; the utilities would not keep up with modern methods; the public would be put to great inconvenience by reason of incompetent management. Private companies are alert, on the look-out for new economies, and always ready to adopt improved methods. The incentive to all this is their desire to make greater profits. They do not hesitate to spend money upon improvements if by so doing they can obtain more business and increase their earnings.[241] Remove this incentive, as is done when the government operates a public utility, and everybody takes his job easily. 3. Would not improve political conditions. Third, municipal ownership would merely substitute the influence of organized labor for that of organized capital in politics. The nation, states, and cities would have an enormous number of officials and employees on their respective pay rolls. The employees would also be voters. They would stand solidly for whichever political party offered them better wages, fewer hours of labor, and other

advantages. The interests of the public would have scant consideration in the face of organized political pressure from this huge array of government workers. Even today the city employees are an important factor in municipal politics. What would they be if their numbers were doubled or trebled? The railroad employees of the country number many hundred thousand. Count in their wives (who are also voters), their relatives and friends, the voters whom they can personally influence, and you will see that they would form no negligible factor in national politics. 4. European experience not applicable. Fourth, although public ownership has been moderately successful in European countries where the governments are highly centralized it does not follow that it would have the same success in this country. In the United States, where government is conducted on a democratic basis, with short terms of office and strong partisan forces at work, with the spoils system still flourishing in many states and cities, public ownership would result in gross mismanagement and extravagance. If the government is to engage in business it should first put itself on a business basis. Before it undertakes to operate the railroads or the telephone service it should introduce efficiency into its own governmental functions.

Weight of the foregoing arguments.

Summary.—In balancing these various arguments, one against the other, and in comparing the relative merits of public regulation with those of public ownership, much depends upon local conditions. It cannot be said that either policy is the better one at all times, in all communities, for all utilities, and

under all circumstances. Where public regulation has been satisfactory there is a good deal to be said for the policy of letting well enough alone. Where the policy of regulation has not been successful the arguments for trying the experiment of public ownership become stronger. It ought to be remarked, however, that if local conditions are such as to make regulation a failure they are not likely to make public ownership a success. A state or community which cannot hold capital under effective control is not likely to be much more successful in its dealings with a large body of public employees. No great weight should be attached to the fact that public ownership has succeeded in one city or failed in another. The success or failure of public ownership, as a policy, cannot be fairly judged from this or that adventure in it, any more than we can judge the outcome of a campaign from the winning or losing of a single skirmish. Banks sometimes fail, yet our banking system is sound. Speculators occasionally succeed, and make fortunes, but that does not prove speculation to be a profitable form of business.

So far as can be judged from the figures of profit and loss, public ownership is less economical than private management. The community which owns and operates a street railway or a lighting plant or any other public utility will not make a profit, in most cases, unless it charges higher rates than would be charged by a private company. The books may show a profit, but this is because not all expenses which ought to be charged to the plant are put down; they are saddled upon the taxpayer in some roundabout way. Public ownership cannot be justified as a matter of pennies and dimes. The question is not one of profit and loss alone. But profit and loss are not the only things to be considered. The

question as to which plan is better for the public is much more than a question of surplus or deficit. The fair treatment of labor, the reliability of the service, the removal of sinister political influences—these should be reckoned with as well. And that is where people with different points of view fail to agree. The advisability of public ownership is an intensely practical issue which cannot be solved by appealing to any set rules or principles. It is entirely logical for one to favor public ownership of the water supply while opposing its extension to the street railway. One is closely related to the public health; the other is not. In a well-governed community, where the service rendered by a private company has proved to be unsatisfactory, the policy of public ownership may be entirely justified. This does not mean, however, that the people of boss-ridden cities, with the spoils system in full operation, should take over public services which are doing well enough under private management. Conditions, not theories, should determine which is the wise policy.

Guild Operation.—In recent years another alternative to private ownership has been put forth. It is known as guild ownership. Knowing that many people are disinclined toward public ownership because they fear that it would merely mean the mismanagement of the public services by politicians, some labor leaders have proposed that the utilities should be owned and operated by the organized employees. In brief they suggest that the government should supply the capital (receiving interest on it, of course,) and that the employees should operate the utilities through officials chosen by them, or chosen by themselves and the government jointly. The Plumb plan, put forward in 1919 as a solution of the railroad problem, was a proposal of this nature.

Some advocates of guild operation believe in applying this policy not only to public utilities but to all industries.

General References

F. W. TAUSSIG, *Principles of Economics*, Vol. II, pp. 397-418;

CLYDE L. KING, *The Regulation of Municipal Utilities*, pp. 3-55;

H. G. JAMES, *Municipal Functions*, pp. 246-281 (Public Utilities); pp. 282-295 (Municipal Ownership);

Massachusetts Constitutional Convention, 1917-1918, *Bulletins*, No. 22 (Municipal Ownership in the United States);

E. M. PHELPS (editor), *Government Ownership of Railroads* (Debaters' Handbook Series). Contains material on both sides of the question. See also K. B. JUDSON (editor), *Government Ownership of Telegraphs and Telephones*, and J. E. JOHNSON, *Municipal Ownership*, in the same series;

F. C. HOWE, *The Modern City and its Problems*, pp. 149-164.

Group Problems

1. Government ownership of telegraphs and telephones. History of the wire services. How the telegraph and telephone companies are organized. Present methods of regulation by the national, state, and local authorities. Public ownership of telegraphs and telephones in Europe. The results of European experience. American experience during the war. Summary and conclusions. **References**: K. B. JUDSON (editor), *Government Ownership of Telegraphs and Telephones* (Debaters' Handbook Series); A. N. HOLCOMBE, *Government Ownership of Telephones in Europe*, pp. 441-463; H. R. MEYER, *Public Ownership and the Telephone of Great Britain*, pp. 239-268; W. W. WILLOUGHBY, *Government Organization in War Time*, pp. 191-198.

2. State regulation of public utilities. References: H. G. JAMES, *Municipal Functions*, pp. 246-281; C. L. KING, *Regulation of Municipal Utilities*, pp. 253-263; G. P. JONES,

State Versus Local Regulation, in Annals of the American Academy of Political and Social Science, LIII (May, 1914), pp. 94-107; *Proceedings of the Conference of American Mayors*, 1915, pp. 123-162; H. M. POLLOCK and H. S. MORGAN, *Modern Cities*, pp. 225-249.

3. Municipal ownership in Europe. References: G. B. SHAW, *The Common Sense of Municipal Trading*, pp. 17-42; LEONARD DARWIN, *Municipal Ownership*, pp. 33-66; DOUGLAS KNOOP, *Principles and Methods of Municipal Trading*, pp. 95-106; F. C. HOWE, *European Cities at Work*, pp. 37-67; YVES GUYOT, *Where and Why Public Ownership Has Failed*, pp. 55-71; W. H. DAWSON, *Municipal Life and Government in Germany*, pp. 208-259; C. D. THOMPSON, *Municipal Ownership*, pp. 15-25; *National Civic Federation Report* (1907), Part I, Vol. I, pp. 261-302.

Short Studies

1. **Franchises.** *Cyclopedia of American Government*, Vol. II, pp. 44-48.

2. **A model street railway franchise.** C. L. KING, *Regulation of Municipal Utilities*, pp. 165-181.

3. **Gas and electric lighting franchises.** W. B. MUNRO, *Principles and Methods of Municipal Administration*, pp. 247-257.

4. **Germany's experience in public ownership.** W. H. DAWSON, *Municipal Life and Government in Germany*, pp. 208-259.

5. **Great Britain's experience in public ownership.** DOUGLAS KNOOP, *Principles and Methods of Municipal Trading*, pp. 306-365.

6. **Municipal ownership in the United States.** Massachusetts Constitutional Convention, 1917-1918, *Bulletin*, No. 22; National Civic Federation, *Shall the Government Own and Operate the Railroads, the Telegraph and Telephone Systems? The Affirmative Side*; *Ibid.*, *The Negative Side*.

7. **Guild ownership.** G. D. H. COLE, *Guild Socialism*, pp. 42-77.

8. **Public service commissions.** S. P. ORTH, *Readings on the Relation of Government to Industry*, pp. 308-343.

9. **The danger of giving government too much to do.** OTTO H. KAHN, *American Economic Problems*, pp. 235-275.

10. **The Plumb plan.** Public Ownership League, *Bulletin*, No. 12, pp. 86-100; *Ibid.*, *Bulletin*, No. 14, pp. 59-74; 127-130.

Questions

1. Name all the principal public service industries of the present day. Would you say that the following are public utilities: abattoirs; grain elevators; coal mines; pipe lines for conveying oil from city to city; wireless telegraph establishments; airships carrying passengers; automobiles; taxicabs; jitney busses; hotels; steamships; docks; banks; hospitals? Why or why not in each case?

2. Make a definition of public utilities which will square with your answer to the previous question.

3. If a merchant should install an electric generator to provide light for his own store, would he be then engaged in a public service and would he require a franchise? If he desired to sell current to his neighbors (without crossing a street) would he then require a franchise? Give your reasons.

4. Certain industries are particularly suited to public management (for example, the postal service and water supply). Name some others. Why are they suited?

5. What provisions should be made in a street railway franchise as regards term, fares, service, contributions by the company to the public treasury, disposal of the plant when the franchise expires, and regulation during the franchise term?

6. Can you give any reasons why the government should carry mail but not telegrams? Parcels by post but not by express?

7. Name some reasons why the effective regulation of public utilities is difficult.

8. What public utilities are operated in your city? By what companies? When do their franchises expire? Who regulates them? Would any of them be better managed under public ownership?

9. Which of the arguments for municipal ownership

seem to you to be the strongest, and why? Which of the arguments against?

10. Would it be consistent for an Englishman to favor municipal ownership of street railways in London but to oppose it in New York after becoming a resident there?

Topics for Debate

1. Street railways should be (*a*) owned and operated by private companies, or (*b*) owned by private companies and operated by the government, or (*c*) owned and operated by the government.

2. Guild operation should be applied to all public utilities.

CHAPTER XXV
EDUCATION

The purpose of this chapter is to explain why education is made compulsory, how the schools are managed, what they cost, and what they are trying to do.

In a democracy education is essential.

Education and Democracy.—No matter where one may go, in any part of the world, it will be found that political democracy and public education tend to keep pace with each other. In despotisms one will rarely find a system of universal, free, public education; or, if it is found, one can be sure that the despotism will not last very long. Education is the friend of democracy and the foe of despotism. Indeed it can fairly be said that without a system of public education no democracy can be sure of its own permanence. This is because the maintenance of democratic government depends upon the ability of the people to think straight and to see things clearly. The more political freedom you give a people the greater is their opportunity for abusing it.

Free government depends on intelligence.

In a real democracy the only safeguard is the

common sense of the people, and a system of free, public education will do more for the diffusion of common sense among the people than anything else can do. It is unsafe to place the ballot in the hands of people without giving them the opportunity to acquire that degree of enlightenment which is necessary to enable them to use the ballot intelligently. The voter who cannot read a newspaper or understand the public questions which he is called upon to decide is a poor foundation upon which to build a government. More than fifty years ago, when England practically adopted manhood suffrage, some of the old-fashioned statesmen bemoaned the fact that the multitudes of the people would be “masters” of the government. “Well, then”, said a certain member of Parliament, “educate your masters!” That is the only way to keep a democratic government honest, intelligent, orderly, and capable.





THE EVOLUTION OF THE BOOK. By John W. Alexander

From a Copley Print, copyright by Curtis & Cameron, Boston. Reproduced by permission.

THE EVOLUTION OF THE BOOK

By John W. Alexander

These three mural paintings are in the East Corridor of the Library of Congress.

The first depicts the spread of knowledge by oral tradition. A seer, or wise man, narrates by word of mouth to his tribesmen

the story of the race. This was, in earliest times, the only way of imparting knowledge. Then, after many centuries, came the making of manuscript books on parchment. The monks of the Middle Ages, as shown in the central picture, spent much of their time in the laborious task of making books—each letter being printed by hand. Finally came the invention of printing. In the third picture Gutenburg, the inventor, is inspecting one of the pages just completed by the primitive press which the boy is turning by hand.

If so, why are intelligent men sometimes corrupt in politics?

But someone may interpose to ask this embarrassing question: If education helps to make people more intelligent in political matters, why is it that well-educated and intelligent people are often found among corrupt and selfish politicians, and that even college graduates sometimes become notorious political bosses? The answer is that in this, as in other things, a general truth does not cease to be a general truth because there are exceptions to it. Many well-educated men are unable to earn a living, but would any sensible person argue that education, as a general rule, renders no aid toward the gaining of a livelihood? As well might one urge that

newspapers render no service in disseminating the truth because some of them occasionally print lies. It is quite true that men are not politically wise in exact proportion to the extent of their education. The man or woman who is only a grammar school graduate may have more political wisdom than the most finished scholar in the land. But this does not impair the fundamental truth that knowledge is preferable to ignorance in all countries, at all times, and in every field of human activity.

The general purpose of education.

Education and Personal Efficiency.—To make men and women intelligent in matters of government is not, however, the only purpose of education. The general prosperity of the country depends, in the long run, upon the individual ability of its citizens. Every individual who proves able to earn his own living, establish a home, bring up a family, and by his savings add something to the nation's capital is a contributor to the national prosperity. Every individual who fails to make his own way and becomes dependent, either in whole or in part, upon the efforts of others, is a drag upon the community. In its own interest, therefore, it is the duty of the whole people to see that everyone is not only enabled but encouraged to become personally efficient, able to make his own way in the world, and capable of pulling his own weight in that many-oared boat which carries the progress of society along.

The specific purposes of education:

The Purpose and Value of Education.—The purpose of education therefore is three-fold. 1.

Economic. First, it aims to give young men and women the sort of training which will enable them to earn a living. This is a primary and fundamental purpose, because earning a living is one of life's great problems. But it is not the only purpose of education; an educational system would be very defective if it confined itself to this and nothing more. 2. Personal. The second purpose of education is to develop the personality of the individual, his own resources and mentality, so that he may enjoy those durable satisfactions of life which are not directly connected with the work of earning a livelihood. The enjoyment which men and women derive from life is not entirely dependent upon the amount of their incomes; one need only to look about the community to realize that this is so. Even a large fortune does not of itself guarantee happiness. To live a full and contented life it is necessary to know what is going on in the world, to appreciate its significance, and to understand the many things which, to the uneducated man or woman, are hidden mysteries. Education helps an individual to know himself, to know what is going on around him, to understand the motives which govern the actions of his fellow-men, and to adjust himself to the environment in which he lives. Knowledge is power. It is power in the hands of everyone who possesses it. 3. Social. The third purpose of education, the social purpose, is also of great importance. Education aims to train the individual so that he may better serve his fellow-men. Democracy, as has been said, rests upon the intelligence of the people. A democratic government exacts from its citizens a sort of service which education alone can teach them to give.[242]

The illiteracy of bygone days.

The Growth of Public Education.—For many centuries in the history of the world the masses of the people were afforded no opportunity for even the elements of education. Not one person in ten thousand could read or write. Even kings on the throne were illiterate. There is a well-known picture of King John, with a crown on his head and a quill pen in his hand, signing the Great Charter. It is an altogether fanciful picture, because John Plantagenet could not write a single word, not even his own name. No copy of Magna Carta or any other document has ever been found with his signature on it. The only persons who could read or write in those days were the monks and other officers of the Church together with a very few laymen who were educated by them. Even after the invention of printing, education spread slowly and it was not until the nineteenth century that the desirability of providing free schools for the masses of the people came to be generally recognized. Prior to that time education was almost everywhere regarded as a luxury to be bought and paid for by the relatively few individuals who could afford it.

The first American schools.

In the United States free education goes back to colonial days. As early as 1647 the colony of Massachusetts Bay provided that a schoolmaster should be appointed and paid out of the taxes in every town of more than fifty families and that this schoolmaster should teach all the children “to write and reade”; but this example was not generally followed in the other colonies. It has been estimated that not more than half the population in the colonial days could read and write. The proportion of illiteracy among women was especially large because

very little provision was made for educating girls. Even after the Revolution the system of free, public schools spread slowly and not until the middle of the nineteenth century did it cover the greater portion of the country. Since the Civil War, however, the policy of making education not only free but compulsory has been adopted in virtually every part of the United States. The total enrolment in the public schools is now more than twenty-two millions, and the cost of educating the vast array of young citizens is considerably over a billion dollars a year.

The function of the state in education.

The Control and Management of Education.—As the national constitution gives the federal government no power to control education the responsibility rests with the several states. Every state has established a system of free, public education, but the methods of control and management differ greatly from one state to another. Some states have centralized the management of the schools in the hands of the state authorities; others leave this very largely to the school officials of the counties, cities, or districts. Everywhere there is a state department of education, with a board or a superintendent in charge, some states having both. The local educational unit may be the city, town, township, school district, or (especially in the Southern states) the county. A school board, usually elected, erects the school buildings, chooses a school superintendent, appoints principals and teachers (on the recommendation of the superintendent), and appropriates money for the support of the schools. The detailed work of managing the schools rests primarily upon the superintendent.[243]

Where should the

chief control be lodged?

Central vs. Local Control of Schools.—To what extent should the public schools be under the control of the state authorities? Is it advisable that local school boards should be left free to manage the schools as they think best, without interference from the state? These are questions upon which the opinions of educators differ. It is argued that the school board, in every city, town, or township knows best the needs of its own community and hence ought to be given a free hand in meeting these needs. This policy, moreover, affords each school a chance to try experiments and it is through experiments that progress in education, as in everything else, is usually made. On the other hand it is logical to assert that if the state laws make education compulsory and if the state treasury grants money to local schools it is the right of the state to see that the money is properly spent. If every city, town, and village were left free to manage its schools without any central control there would be no uniformity in the subjects taught, in the qualifications of teachers, or in the organization of the schools. It would be difficult in that case for a pupil to transfer from one school to another, outside the same community, without finding himself a misfit in the new institution. A certain amount of central control seems therefore to be desirable, but it is not for the best interests of education that every school throughout the state should be conducted in exactly the same way. A system of that sort tends to deaden the whole process of education. There is a great deal to be said for home rule in education, provided there is a sufficient amount of state supervision to keep the schools up to a proper standard.

Keeping the schools out of politics.

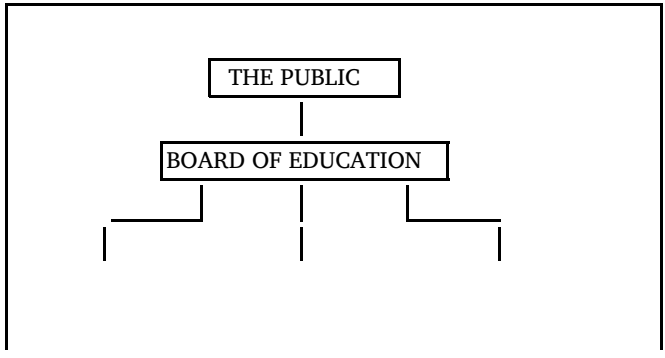
School Boards and Politics.—It is generally agreed that party politics should have no place in the management of the public schools. There may be justification for party politics in lawmaking bodies; but in school boards there is none. There is an efficient way of managing the schools and an inefficient way; but there is no such thing as a Republican way or a Democratic way. Yet elections to school boards are, in many communities, contested upon party lines. Men and women are nominated and elected, very often, because they belong to one or the other political party, not because they have good judgment or a deep interest in school affairs. In this, however, public sentiment is gradually changing. In many places the school board elections have become non-partisan; party designations have been taken off the ballots, and it matters little which party a candidate belongs to. Why should it? What relation is there between a man's views on the tariff or the league of nations and his ability to serve his own neighbors acceptably as a member of a local school board? There is no visible relation. Taking the schools out of politics means that the taxpayers get greater value for the money which is spent in maintaining the schools, that all questions are decided upon their merits and not by political favoritism, and that every pupil gets the benefit of better schools, better teachers, and better educational methods.

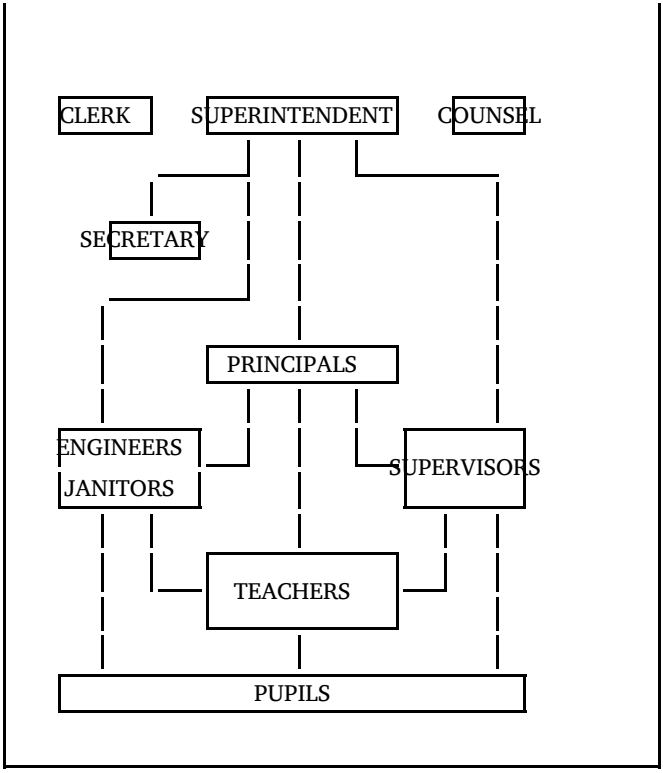
Educational Work of the National Government.—The national government, as has already been pointed out, possesses no formal powers with respect to education in the states. Nevertheless it has done a good deal to promote the interests of public

education by publishing the results of investigations into educational problems, and by rendering advisory assistance to the state authorities. The national Bureau of Education. It maintains a Bureau of Education which is now within the jurisdiction of the Interior Department. At the head of this bureau is a Commissioner of Education appointed by the President. The functions of the bureau are almost wholly of an informal character; it collects data for the use of educators and publishes this material in annual reports and bulletins.[244] There has been a strong movement to make this bureau a regular Department of Education, with a member of the cabinet at its head, and to increase its powers considerably; but this movement has not yet been successful.

Federal Aid to Education.—Within the last few years there has been a good deal of controversy, both in Congress and outside, over a proposal to appropriate further funds from the national treasury for the promotion of general education in the states, particularly in those states where the common school system needs toning up. The Towner-Sterling Bill: its merits and defects. This proposal is embodied in a measure which has been before Congress for some time but upon which no favorable action has yet been taken.[245] In favor of the measure it is argued that public elementary education is a national necessity and that if any state cannot raise sufficient money to keep its common schools up to a proper standard the interests of the whole nation will suffer in the end. There is just as much reason, and more, it is asserted, for federal aid to state schools as for such aid to state roads. On the other hand it is objected that the policy of large federal subsidies to education would involve the taxing of the populous and

thriving states of the East, the Middle West, and the Pacific Slope for the benefit of those other states, especially in the South, where the school system has heretofore been backward through lack of funds. Most of the federal government's income is provided by the taxpayers of states like New York, Illinois, Pennsylvania, Ohio, and Massachusetts. But in these states the public school system has already been brought up to a standard where there is no urgent need for federal assistance. The chief gainers under the new plan would be the states which contribute very little of the revenue. In other words, we should be taxing some states for the benefit of others. A somewhat more weighty objection, to some minds, is found in the possibility that if the national government begins the practice of making large annual grants to the states for educational purposes it may, in due course, undertake to exercise control over the public school systems of the entire country. When a government grants money for any purpose it has an undeniable right to make sure that the money is being properly spent. To do this it must create some system of inspection. Inspection leads to supervision, and supervision sooner or later merges into actual control. It is feared in some quarters that this would be the ultimate outcome of federal aid to common school education on any large scale.





HURON PLAN OF SCHOOL ORGANIZATION

THE CONTROL OF EDUCATION

This diagram illustrates a common type of municipal school administration. The voters choose a Board of Education, or School Board. This body, in turn, appoints a Superintendent of Schools who has supervision over all matters of school management. In some cities the members of the Board of Education are appointed by the mayor. In the larger municipalities there are, as a

rule, one or more assistant superintendents.

Make a similar chart showing the organization of the school system in your own community.

A series of present-day questions.

Some Problems of School Organization.—Several problems of great importance are engaging the attention of the school authorities at the present time. The more conspicuous among them may be indicated by a series of questions which are under discussion wherever educators come together, but which are also of direct interest to the pupils and to the community. To what age should school attendance be made compulsory? How can pupils be kept from leaving school before they have received a sufficient amount of education? How should the school course be divided? Should we have junior high schools and junior colleges as well as regular high schools and regular colleges? How may the training of teachers be improved? Can the work of the schools be brought into closer and better contact with the resources of the public library? Is it possible to use the school plant, after school hours, for various forms of community service? Can greater use be made of the school plant during the school day? And where are we going to get the money with which to carry on all these new enterprises if we ultimately agree that they are desirable? This list of questions may seem to contain some that are not related to one another, but they all point to different aspects of the same great problem and may be summed up in the one broad query: What changes in

school organization will better enable education to fulfil its three-fold purpose?

Compulsory school attendance.

The School Age.—To what age should attendance be made compulsory? In most of the states this age is now fixed at fourteen years (or grammar school graduation) although some Southern states still maintain the twelve-year limit. Many believe that even the fourteen-year limit is not high enough and are urging that it be raised. In some states a step in this direction has been taken by requiring that all persons under sixteen years of age who engage in any form of wage-earning employment must either present a certificate of graduation from grammar school or must attend continuation classes for so many hours per week. More urgent than any raising of the school age, however, is the need for more strictly enforcing the rules which now exist. In some communities the present age limit of fourteen years is not insisted upon, with the result that many thousands in the backward rural sections and in the crowded districts of cities are growing up in illiteracy. Whatever the age limit it ought to be enforced to the letter.[246]

The present school divisions.

Re-arranging the School Divisions.—But we should not depend wholly upon the stern arm of the law for the solution of a problem like that of keeping pupils at school. When normal boys and girls strongly dislike going to school, when they stay away at every opportunity and leave school as soon as they can, we may well suspect that there is something wrong with the school system itself. Graduation from grammar school has hitherto been looked upon as

the natural point at which to break off. The majority of pupils leave the schools at that stage; only a minority go on with the regular school course. Our whole system of school divisions has therefore brought it about that there is no logical breaking-off point between the ages of thirteen or fourteen on the one hand (grammar school graduation) and seventeen or eighteen (high school graduation) on the other. It is believed by many educators, moreover, that the last two grades of the grammar schools have not been so organized as to awaken in the average pupil a desire to go further. The upper grades of grammar schools do not differ essentially in their methods of instruction from the lower grades although the much greater maturity of the pupils would seem to warrant the use of different methods.

The junior high school system.

To improve this situation it is now proposed to divide the school course into three parts by establishing junior high schools, and many communities have already adopted this plan. The junior high school as usually organized takes the last two grades of the grammar school, adds on the first year or the first two years of the regular high school course, and thus provides a three-year or a four-year program which carries pupils through to the ages of fifteen or sixteen. The methods of instruction are those of the regular high school.[247] This plan is said to have two marked advantages: it induces pupils to continue their schooling one or two years longer, and it gives them a type of instruction which is better suited to their age and interests. Objection is sometimes raised against the junior high school system on the ground that it involves the introduction of elective studies and hence may result

in the neglecting of fundamentals. It may also result in bringing all the customary social and athletic diversions of the high school into the lives of younger pupils. Whether this is an advantage or a defect may be regarded as an open question.

The junior college.

What becomes of the regular high school if its first year or two years are lopped off? There are two alternatives. It may become simply a senior high school with a three-year or a two-year course, or it may add on two additional years covering work which has hitherto been done by freshmen and sophomores in colleges, thus providing what has come to be known as a junior college course. Where this policy is pursued the pupil can be carried two years beyond the old high school graduation and enabled, on entering a college or university, to obtain a degree in less than the usual time. All this involves a considerable increase in the expense of maintaining the school system, of course; but it also increases the service rendered to the community.

The Training of Teachers.—In the last analysis the success of education depends upon the teacher. Suitable buildings, a well-planned curriculum, good text books, all contribute their share towards the efficiency of a school; but these are inanimate things. Without capable teachers they are of little avail. Now effective teaching requires two attainments on the part of the teacher, a knowledge of the subject and ability to impart this knowledge to others. Both of these things are essential and both are in large measure the result of training. Normal schools. It is for this reason that all the states maintain normal schools in which prospective teachers are trained in the art of giving instruction. For teachers who are already in service many of these normal schools

provide courses during the afternoon and evening hours so that teachers may keep abreast of the most modern methods in education. Extension courses. The universities also provide extension courses and summer instruction with the same end in view. All this is highly desirable and should be carried even further. We are inclined to spend our school appropriations on buildings, books, supplies, and facilities for the pupils and to feel that the community discharges its full obligation to the teachers when it pays them salaries that are by no means proportionate to the importance of the work in which they are engaged. But human knowledge is moving forward at a rapid pace and anyone who does not keep close on its trail is sure to be left far behind. Unless the teachers are afforded the opportunity of keeping in touch with everything that is new it is difficult to see how their instruction can keep pace with the times.

The School and the Public Library.—The public library is an institution of great educational value and its relation to the schools ought to be more intimate than is usually the case. Too often the public library is merely an ornate building with a miscellaneous assortment of books (mostly fiction) on its shelves. It is regarded as a place for adult readers primarily. But the way to enlarge this circle of adult readers is to bring them into touch with the resources of the library when they are young, and the public schools are the natural channels through which this can be accomplished.

How the public library can help the schools.

In well-managed public libraries this is now being done. Many of them have established juvenile

departments in which an expert carefully chooses books that are likely to interest the young. Reading lists of interesting and timely subjects are also kept posted; the pupils in the schools are encouraged to use the library in connection with their studies; illustrated lectures are provided in the late afternoon hours and on Saturdays, and the whole atmosphere of the library becomes one of welcome to readers of every age. It should not be thought, however, that all public libraries are rendering this degree of service. Many of them are unprogressive in these things.

The school as a neighborhood center.

Wider Use of the Schools.—Under ordinary conditions, how many hours of use does a community obtain from its school buildings in the course of a year? Five hours per day, five days per week for about forty weeks in the year. That makes a total of about a thousand hours—a year contains more than eight times as many. When used for school purposes only, school buildings are empty seven-eighths of the time. But the cost of maintenance (interest, care, etc.) goes on all the time just the same. These buildings are admirably suited for many after-school purposes; they are centrally-located, well heated and ventilated, clean and commodious. Why not make use of them outside of school hours? The answer to this query is that many cities are now making use of them for evening classes, for public meetings, and neighborhood recreation. The high schools in many cities have become evening social centers for the section in which they are located. This means that the classrooms, assembly hall, and gymnasium are opened for lectures, entertainments, games, and

dances, all under the supervision of officials (usually teachers) who are appointed and paid by the school board. The complaint is sometimes made that this wider use of the school plant is not education in the customary sense, but recreation or amusement, and that the taxpayers should not be required to pay for adult amusement under color of supporting a public school system. There is some force in this contention, but so long as the work is of value to the community, and worth what it costs, the particular heading under which the money is expended does not matter a great deal. These evening activities are placed in charge of the school authorities as a matter of convenience and not because they are exclusively of an educational character.

The Gary System.—Do we make sufficient use of the school facilities within the available school hours of the day? The usual school program does not cover more than five hours, although there are eight hours between eight in the morning and four in the afternoon. Schools on an eight-hour basis. In Gary, Indiana, a few years ago the school authorities decided that schooling, like labor, should be put upon an eight-hours-a-day basis. Pupils were therefore kept at school from eight until four, spending half their time in the classrooms and the other half at vocational work or at organized play. In this way the classrooms were made to accommodate twice the customary number of pupils. The Gary plan was based on the idea that even as regards their play the school can be of service to pupils and that time spent in learning something useful should be substituted for time spent in roaming the streets. Especial emphasis is placed by the Gary plan upon letting each pupil follow his own line of interests both in the classroom and in the vocational work.

But the system has not, on the whole, proved popular elsewhere with either parents or pupils. The labor organizations also dislike it, suspecting that the plan is a capitalist scheme for getting the children of the worker more rapidly into the shops and factories.

The old curriculum.

Vocational Education.—The foregoing topics do not exhaust the list of things which educators are earnestly considering today. There is also the important question as to what should be taught in the schools and how it should be taught. For some years the whole curriculum of the public schools has been in process of change. The training of the old-time American school was in large measure literary and intellectual, without any direct relation to the present or future interests of pupils. It came to us from a past generation, when education was the prerogative of the well-to-do alone, the privilege of the leisure class, designed to give culture and erudition. But inasmuch as nearly ninety per cent of all the pupils in the public school go directly into some form of industrial or mercantile employment (not into the learned professions) it can readily be seen that a school program of strictly cultural studies does not satisfy the real needs of the community. Hence the demand for vocational education, for such study and practice as will connect the pupil directly with his future life work.[248]

The new curriculum.

In response to the demand for vocational studies the old school curriculum has undergone a striking change. Today it is the disposition of educators to challenge every subject to demonstrate its value. A subject which cannot demonstrate that it helps to fulfil some one of the recognized purposes of

education is given a subordinate place in the curriculum or taken out altogether. In keeping with this attitude the vocational studies have come into great prominence during the past twenty years or more, for they are regarded as connecting the pupil with his future life-work. Shopwork, millinery, sewing, cooking, stenography, mechanical drawing, and a dozen other branches of vocational work have been brought into the school program. They are crowding the older high school studies, particularly the classical languages, into the background. Special schools of commerce and industry have been provided in many of the large cities, and special schools of agriculture in the rural districts.[249]

No sensible person should regret that the schools have moved in this new direction; the only question is how far they ought to go. If the only purpose of education were to teach the art of earning a living it would be another matter; but do purely vocational studies afford sufficient scope for the attainment of the other educational purposes? Man does not live by bread alone. The cultural studies have their value although this is often overlooked because it does not appear in plain sight to the naked eye. Even in the vocational school there should be a proper balance between the definitely vocational studies and the so-called cultural subjects.

The Newer Methods of School Instruction.—Forty or fifty years ago all American education, in schools and colleges, was on a prescribed basis. Definite subjects were laid down to be studied and everybody studied them. But the plan of allowing students to choose some or all of their studies was adopted by the colleges and in due course this elective system worked its way down into the schools.

The elective system.

There is a good deal to be said in favor of the elective system; it permits a choice of work in accordance with individual interests and capacities. After all, the school is created for the pupil, not the pupil for the school. The *pupil* is the true unit of instruction, not the *subject*. On the other hand the elective system may be carried to extremes; in some colleges that was the case and it has now been found necessary to put restrictions on the plan. A system of free and unguided electives leads to a patchwork education, desultory in character and without depth. It is all right to know a little about everything; but it is even more important to know some one thing well. Certain subjects form the groundwork of knowledge, and to go ahead with others before first mastering them is like building the roof of a house before you have dug the foundation or erected the walls. Without a grounding in the great languages, the English language particularly, and a fair proficiency in mathematics, history, and the elements of science no one is entitled to call himself an educated man.

The socialized recitation.

The classroom methods have also changed considerably in the last generation, and they have changed for the better. The older methods sought to drill facts into the pupil's mind and resulted, very often, in merely over-stocking his memory. Today the aim is to utilize, wherever possible, a method of approach through the interests of the individual and to show him how every shred of knowledge fits into the whole fabric. The old methods of classroom instruction laid the entire emphasis upon individual study and recitations; today much greater emphasis is being placed upon group activity, which includes

group discussions, group investigations, and group reports. This does not mean, however, that the individual pupil carries less responsibility than under the older system. It still remains true that there is no royal road to knowledge and no system of rapid transit either. No system can make an educated individual without self-effort. Education is one of the very few things in the world which *anyone can obtain* but which *no one can give away*.[250]

Financing the Schools.—All new educational enterprises mean increased expenses. Public education in the United States has become enormously more expensive during the past twenty years. The newer methods of school organization and instruction, the wider use of the schools, the extension of vocational education, the providing of free text books, the progress of health work in the schools, the establishment of evening schools, continuation schools, vacation schools—all these things have caused the cost to keep mounting year after year. A billion dollars a year for education. The public schools of the United States now cost the taxpayer more than a billion dollars per annum. That is twice what they cost ten years ago. If the expenses double once more in the next decade, where will the money come from? Practically all of it is now obtained by taxation; but taxation spreads itself out through rents and prices upon the whole people as has already been shown. A billion a year seems to be a large sum. It is a large sum but, strange to say, it is less than the American people spend every year for tobacco. Money for the schools, it is safe to predict, will be forthcoming when people understand what education means to individuals and to the nation. If present sources of revenue will not stand the strain others must be found. There is no more profitable

way in which the nation can invest its wealth.

General References

E. P. CUBBERLY, *Public School Administration*, pp. 3-65;

S. T. DUTTON and DAVID SNEDDEN, *The Administration of Public Education in the United States*, pp. 25-95;

F. J. GOODNOW and F. J. BATES, *Municipal Government*, pp. 335-354 (Educational Administration);

A. J. INGLIS, *Principles of Secondary Education*, pp. 340-383;

JOHN A. FAIRLIE, *Local Government in Counties, Towns, and Villages*, pp. 215-224;

W. E. CHANCELLOR, *Our City Schools*, pp. 25-77;

W. B. MUNRO, *Principles and Methods of Municipal Administration*, pp. 356-402;

GEORGE F. SWAIN, *How to Study*, pp. 1-21;

The Annual Reports of the United States Commissioner of Education, the Bulletins of the United States Bureau of Education, and the Annual Reports of the State Superintendents of Education contain much useful information.

Group Problems

1. The purpose, progress, value, and limitations of vocational education. The old curriculum, its merits and defects. The rise of manual training. Its value. Beginnings of industrial education. Its progress. Its scope. Its place in the school system. Its relation to industry and the attitude of industry toward it. The attitude of organized labor. Limitations on the scope of vocational education. **References**: P. H. HANUS, *Beginnings in Industrial Education*, pp. 3-27; DAVID SNEDDEN, *Vocational Education*, pp. 1-104; MEYER BLOOMfiELD, *The School and the Start in Life* (United States Bureau of Education, *Bulletin*, 1914, No. 4, pp. 117-133); S. T. DUTTON and DAVID SNEDDEN, *The Administration of Public Education in the United States*, pp. 404-425; IRVING KING, *Social Aspects of Education*, pp. 144-176; A. H. LEAKE, *Industrial Education, its Problems, Methods, and Dangers*, pp. 3-39; United States Senate and House Committees on Agriculture, *Vocational Education*

(Report of Hearings, 1912). See also the Proceedings of the National Society for the Promotion of Industrial (Vocational) Education (published annually).

2. How far should the state control the public schools? References: S. T. DUTTON and DAVID SNEDDEN, *The Administration of Public Education in the United States*, pp. 41-72; E. C. ELLIOTT, *State School Systems* (U. S. Bureau of Education, *Bulletin*, 1910, No. 2, pp. 31-68); A. C. PERRY, *Outlines of School Administration*, pp. 16-28; J. M. MATHEWS, *Principles of American State Administration*, pp. 296-334.

3. The school as a social center. References: *Irving King, Education for Social Efficiency*, pp. 262-279; C. A. PERRY, *The Wider Use of the School Plant*, pp. 3-16; 335-380; E. J. WARD, *The Social Center*, pp. 302-314; National Society for the Study of Education, *Tenth Yearbook* (1913), Part I, pp. 1-69.

Short Studies

1. **The social aim of education.** IRVING KING, *Education for Social Efficiency*, pp. 11-20.

2. **The organization and functions of school boards.** W. B. MUNRO, *Principles and Methods of Municipal Administration*, pp. 359-372.

3. **How teachers are appointed.** F. W. BALLOU, *The Appointment of Teachers in Cities*, pp. 8-41.

4. **Vocational guidance.** IRVING KING, *Education for Social Efficiency*, pp. 177-205.

5. **How schoolhouses should be constructed.** F. B. DRESSLAR, American School Houses (U. S. Bureau of Education, *Bulletin*, 1910, No. 5, pp. 17-38 and *passim*).

6. **The Gary system.** General Education Board, New York City. *The Gary Schools, a General Account*, pp. 17-72.

7. **Has popular education failed in America?** C. W. ELIOT, *American Contributions to Civilization*, pp. 203-236.

8. **The educational lessons of the war.** F. A. CLEVELAND and JOSEPH SCHAFER, *Democracy in Reconstruction*, pp. 212-243.

9. **Education and economic success.** J. ELLIS BARKER, *Economic Statesmanship*, pp. 143-179.

Questions

1. Explain why public education is necessary for the preservation of popular rights and liberties.

2. If democracy and public education usually go together, why is it that Germany had an excellent system of public education and yet remained an autocracy down to 1918?

3. Do the laws of your state provide for compulsory school attendance? If so, between what ages? What is your opinion as to the proper age limits?

4. Explain the organization and functions of your state board (or department) of education and your local school board.

5. Give a summary of what the federal government is now doing for education. Do you believe that it ought to do more? If so, what?

6. How are funds for school purposes raised in your community? On what basis does the state make its contribution?

7. What suggestions can you make for keeping the schools out of politics?

8. Do you believe that teachers should be appointed under civil-service rules?

9. Do you approve or disapprove of the Gary system? Give your reasons.

10. Make some suggestions for bringing the school and the public library into closer relations.

Topics for Debate

1. The Towner-Sterling Bill should be passed by Congress.

2. School discipline should be placed in charge of a student council.

3. The age limit of compulsory school attendance should be raised to sixteen years.

CHAPTER XXVI
PUBLIC HEALTH AND SANITATION

The purpose of this chapter is to point out what things endanger the public health and what means are taken to safeguard the people against them.

Health and efficiency.

A Highly Important Matter.—Nothing among all the activities of modern government is more important than the care of the public health. Its importance cannot be measured in dollars and cents or in figures of any kind. The health of the individual is the greatest of all factors in personal efficiency; no man, woman, or child can do the best work in any field of activity if hampered by disease, however slight. The health of the community is likewise essential to its progress and prosperity. Health protection, accordingly, is not a matter which can safely be left to everyone's discretion. Some people would realize the necessity of safeguarding themselves and their families against disease; but others would not, and their neglect would entail danger to the whole community. Some people would know how to avoid ill-health, so far as it can be avoided; but others would not possess this knowledge and would suffer for lack of it.[251] A

man's religious or political belief may be his own personal concern; but his ideas of cleanliness and disease prevention are not. People who lay themselves open to disease constitute a danger to all those around them. In earlier days, when the population was scattered and not brought into contact the need for social control of the public health was less imperative. Today, when millions of people live in crowded cities where they come hourly into contact with one another the safeguarding of the public health constitutes a governmental task of the first importance and magnitude.

Old and New Ideas Concerning Health Protection.—No science has made greater progress during the past hundred years than the science of preventive medicine. In early times all diseases were looked upon as due to the same cause, namely, the anger of the gods for some misdoing on the part of the individual or the community.[252] The usual course, when a pestilence came upon the people, was to go through ceremonies and offer sacrifices in order that this anger might be appeased.

The great plagues of olden days.

Great plagues swept over Europe almost unchecked for a thousand years. In every community there were healers and medicine-men, who claimed to possess magic arts in dealing with all human ailments but, as a grim truth, nobody had the remotest idea as to what brought these epidemics, or how they were spread, or what might be done to prevent them. It is said that the Black Death in the fourteenth century carried off one-third of all the people in England. Whole towns were swept out of existence. Knowledge concerning the nature of

disease and the methods of preventing it developed very slowly for many centuries, because many superstitions had to be broken down, and only within quite modern times did health protection reach the stage where it could properly be called a science.

The germ theory of disease.

Health protection did not attain a scientific basis, in fact, until the germ theory of disease was worked out and accepted. This theory, which is simple enough in its elementary principles, completely reconstructed the ideas of the human race concerning the causes and methods of preventing bodily ailments. It provided a complete explanation for many things which had been looked upon as utter mysteries. The wonder is that the world spent so many centuries in discovering it. Even in the days of the Roman Empire intelligent men suspected that there was some connection between filth and pestilence; but just what this connection was they never were able to trace out satisfactorily, nor did anyone manage to do it for more than fifteen hundred years after them.[253] How long it has sometimes taken the world to move from one step in knowledge to the next!

Explanation of this theory.

The Causes of Disease and Infection.—The germ theory of disease may be concisely stated in this way: Innumerable small organisms (known as microbes, bacteria, bacilli, or germs) exist in the air, and in or upon nearly all substances. These organisms or germs are so small that they are invisible to the eye unless a powerful microscope is used. They are so small that thousands of them can assemble on the head of a pin

or in the smallest drop of water. Harmless bacteria. Most of them are harmless; and some of them render useful service. Without the aid of these little organisms we could not make cheese or vinegar. On the other hand nearly all organic decay, of whatever sort, is caused by the action of bacteria. When apples rot, or milk grows sour, or butter becomes rancid, it is all due to bacterial action. Bacteria multiply with extraordinary rapidity wherever the temperature and other conditions are favorable; most species increase by division, that is, one micro-organism divides itself into two, these two into four, and so on by geometrical progression. As successive divisions often take place within a few hours it is easy to see how a very few germs today may number millions tomorrow. Under the microscope most of the different species can be identified, for they assume varying shapes and display a variety of characteristics.

Harmful bacteria.

But although most of these diminutive organisms are harmless, many of them are what scientists call *pathogenic* germs, in other words, they are a menace to health when they gain access to the human body. The human body, in fact, is the most favorable environment for these disease-bearing bacilli, and most of them can live but a short time outside of it. Access may be gained in various ways, but principally through the food and drink we consume, or through the bites of germ-carrying insects. The bacteria, when they gain lodgment in the tissues of the body, often multiply with great rapidity, creating poisonous substances, and thus increase the normal bodily temperature—a condition which we speak of as fever. When the body is strong and vigorous, it can sometimes overcome and throw off the effects of

this bacterial action, for the human blood, under normal conditions, possesses powers of resistance to pathogenic germs; but when people are frail or exhausted, this power of resistance is greatly diminished and the bacilli are enabled to gain the upper hand.

Water-Borne Diseases—Typhoid Fever.—One way in which pathogenic bacilli gain access to the human body and produce disease may be illustrated by the case of typhoid fever. Fifty years ago this disease was one of the most common in all countries; today it has been almost entirely eradicated in civilized lands. Both armies in the Civil War lost thousands of men through its ravages, but in the American army during the World War there were only a few cases. Accurate knowledge of the way in which typhoid is transmitted has given mankind an almost complete mastery over this scourge of many centuries.

The causes of typhoid and the remedies.

Typhoid is caused by a germ which is most commonly found in polluted water, but sometimes makes its way into milk through the use of water in washing cans and utensils. It does not come from bad ventilation, sewer gas, ash piles, or exposure to cold, as some people imagine. The typhoid bacilli, being taken into the stomach with water, milk, or any other contaminated nourishment, find their way into the intestines and cause inflammation there, thus producing a fevered condition. If the sewage from hospitals and homes where there are typhoid patients is not carefully guarded, it gets into lakes, rivers, or wells, polluting them and spreading the disease. The elimination of typhoid is, therefore, very

largely a problem of protecting the water supply against contact with human sewage. This is one reason why progressive communities are giving so much attention and spending so much money upon modern methods of sewage disposal and upon the rigorous protection of their public water supplies. An epidemic of typhoid is always the outcome of somebody's ignorance or neglect. It has been suggested, with a good deal of force, that for every such epidemic somebody ought to be put in jail.

Insect-Borne Diseases.—Another way in which disease-bearing bacilli obtain access to the human blood is through the bites of insects. The scourge of yellow fever. Fifty years ago yellow fever was the great scourge of all tropical countries. When the French built a railway across the Isthmus of Panama in 1885 it is said that the work cost one life for every tie in the road, so great were the ravages of yellow fever among the laborers. But the United States, twenty-odd years later, succeeded in digging a canal across the Isthmus without the loss of a single life from this disease. Under Spanish rule, Cuba was never free from yellow fever; the island has been free from it since the Americans cleaned it up.

The war upon insects.

The change has been brought about by the discovery that the germs of yellow fever are carried by a certain species of mosquito which transmits the infection from a diseased person to others. The cleaning-up of stagnant pools in which the mosquitoes breed, and the careful screening of doors and windows has practically eliminated the disease wherever these measures have been taken. Substantially the same thing is true of the disease known as malaria so far as causes and remedies are

concerned. Typhus, a fever which has long been the pestilence of backward countries, is transmitted from person to person by the common body-louse or "cootie". Cities, armies, and even whole countries have been set free from this plague by delousing operations, that is by the wholesale disinfection of clothing and persons.[254] Bubonic plague, the Black Death of the Middle Ages, which has swept over Asia and portions of Europe so many times, is transmitted by rat fleas. Other diseases besides yellow fever, typhus, and bubonic are known to be spread by insects, and still others are believed to be. The common house-fly is undoubtedly a carrier of typhoid germs from filth and sewage to the water, milk, and food supplies in homes and stores. The world would be far better off if the whole category of disease-carrying insects, mosquitoes, lice, fleas, and flies, could be made as extinct as the dodo.

The Wide Range of Disease and Causes.—Not all diseases, of course, are caused by polluted food and drink or by the transmission of insect-borne bacilli. Some are undoubtedly caused by pathogenic germs whose methods of infection we do not yet know. There are various theories as to what carried influenza from one end of the world to the other during 1918 but none of them satisfactorily explain all that happened. The epidemic in one case broke out upon a sailing ship, far off at sea, six weeks after it had left port. So disease still has its mysteries, yet unsolved. Things which cause and spread disease. We know, however, that many ailments are either directly caused or are facilitated by poor nourishment, bad ventilation, lack of cleanliness, physical exhaustion, and lax attention to personal hygiene. Some are due also, in whole or in part, to certain forms or conditions of work, and are

commonly known as occupational or industrial diseases. Such, for example, is lead poisoning in paint factories; such also is the illness which often overcomes men working in tunnels and other places where compressed air is used. The spread of tuberculosis, the great white plague of today, is undoubtedly due in some measure to dust and bad ventilation. The relations between diseases and occupations have not received careful study until recent years, but it is believed that we shall ultimately find the causes of many human ailments in the conditions under which some forms of industry are carried on.

Industry and ill health.

Hygiene of Factories and Workshops.—Because of the unsanitary conditions which have been found by investigation to exist in workshops and factories, particularly in the large cities, various states have made laws and regulations to protect the health of employees in such establishments. Some trades, such as the making of poisonous phosphorous matches, have been prohibited altogether. Others, by reason of their danger to the health of the workers, have been subjected to strict regulation. The "sweat-shops" or tenement rooms in which women and children formerly worked long hours for a mere pittance, crowded together with almost no ventilation—these industrial dungeons have been legislated out of existence almost everywhere. Workshops and factories must now be commodious, well-lighted, clean, and properly ventilated. Adequate sanitary equipment must be provided. It is the duty of the state factory inspectors to see that all these requirements are fulfilled.

The Prevention of Disease—Individual

Precautions.—Without the co-operation of individuals no government can maintain a high standard of health among the people. All that the public authorities may do will prove inadequate unless individuals themselves, young and old, understand and observe the means of disease-prevention. Physical fitness. Physical fitness is one of the greatest blessings any man or woman can have, and it is largely the product of strict attention to the upbuilding of the body in early years. Theodore Roosevelt was a frail, sickly lad in his boyhood days. He realized, as he explains in his autobiography, that he could never make a marked success in life without building up his physical vigor, so he set about doing it, and by the time he had reached full manhood he was a model of physical ruggedness. How did he manage it? Regular habits, out-of-door life, prompt attention to minor ailments, a zest for every form of wholesome sport,—these things transformed a weakly youth into the sturdiest man that ever sat in the presidential chair.

There is no need to lay down any definite rules as to how the young men and women of America may gain and maintain a high standard of health and bodily vigor. Common sense will suggest most of them. The besetting sin of youth is its prodigality, the wasting of strength that should be saved for years to come, and the failure to realize that an individual's health at the age of forty or fifty depends very largely upon what use is made of health opportunities during the years from fifteen to twenty-five. The glory of a young man is his strength; he does not usually let his mind run ahead to the day when he will be neither young nor strong. No investment that young people can make will pay higher dividends than that which is represented by

the time, the thought, and the care spent upon the task of keeping well in early years.

Quarantine.

The Prevention of Communicable Diseases: Quarantine and Disinfection.—First among the measures taken by the public authorities to prevent the spread of communicable diseases are the quarantine regulations which are enforced at all the seaports under the authority of the national government. Day and night throughout the year, the health officers stand guard at these ports to see that no disease-bearing persons are permitted to land. Vessels leaving foreign harbors for the United States must secure a bill-of-health from the American consul before they sail; and the first person who goes on board an incoming vessel after it takes on its pilot is the quarantine officer. This official permits no passengers to be landed until he has made sure that there are no persons afflicted with communicable disease aboard. If there are any such cases, the passengers are held until the danger is past. The various states and cities also maintain systems of health-inspection and quarantine. Certain diseases (including tuberculosis, smallpox, typhoid, scarlet fever, pneumonia, whooping cough, diphtheria, measles, mumps, and so forth) must be promptly reported to the local health authorities. The local health regulations require that in case of the more readily communicable diseases the house be placarded. In extreme cases, the patients may be removed to an isolation hospital.

Disinfection.

After the illness has terminated, the regulations usually provide that the premises shall be disinfected under the supervision of an official from the health department. Every state, as well as every city and

town, maintains general regulations relating to quarantine and disinfection, these being enforced by the state health authorities. For the most part, however, this work is supervisory, the detailed enforcement of the rules being left to the health officers of the various communities, although in the case of epidemics, involving several municipalities, the state health authorities usually assume direct control. Similarly, when epidemics spread or threaten to spread from one state to another, the national health authorities step in.[255]

Vaccination and Inoculation.—The practice of vaccinating and inoculating healthy persons as a safeguard against disease has been used for more than a century. Vaccination consists in introducing vaccine into the blood of a healthy person, usually by making an abrasion of the skin. The vaccine is obtained from health laboratories, where it is produced from the blood of artificially-infected cattle. Inoculation of the human blood is also widely used nowadays in order to prevent or to mitigate diphtheria, typhoid, pneumonia, and rabies. All members of the American expeditionary forces during the World War were given the anti-typhoid inoculation. It consisted of injecting into the blood a quantity of dead or greatly-weakened typhoid bacilli. They were not sufficient to produce the disease but they were enough to set the resisting-powers of the blood in motion so that the latter would be fully developed to meet a real infection if it should come.

Should vaccination be compulsory?

Vaccination against smallpox is compulsory in several of the states and in many communities, although there is a good deal of objection to it among certain sections of the people. If smallpox

were completely wiped off the face of the earth there would be no need for universal vaccination; but so long as numerous cases exist, as they still do in many countries, compulsory vaccination is likely to prove a justifiable measure of public safety.

Importance of the milk supply.

Milk Inspection.—Among all the foods of humanity, milk is probably the most important. It is the chief nutrition of children until they reach school age, and sometimes even longer. It forms a large factor in the diet of invalids. Even in the daily fare of robust adults, it is an item of no small importance. Yet no article of everyday commerce is more easily contaminated, and in the case of no other article are the results of pollution likely to be so serious. For when the germs of disease get into milk, they multiply with appalling rapidity and they go directly into the diet of those who have the least power to withstand infection, the children and invalids of the community.

The danger of pollution.

From its source on the farms milk passes through several hands before reaching the consumer, and at each of these points may be contaminated. Careless milking, the storing of milk in unsanitary places or in unclean utensils, the lack of adequate precautions in transporting or delivering the milk—any of these things may result in pollution. Strict rules and frequent inspection help to safeguard the milk supply at the source and during its journey to the consumer, but the problem of careful inspection is rendered difficult by the fact that the milk supplies of large cities are now drawn from a wide area outside the municipal limits. New York City, for example,

obtains its supply of nearly two million quarts per day from about forty-five thousand farms scattered throughout eight different states.

Milk and the infant death rate.

It is easy to appreciate the difficulties involved in the supervision of the milk supply under such conditions. Nevertheless, this supervision is being carried on in all large communities and it has resulted in a marked lowering of the infant death rate. Infant mortality and the milk supply are closely related, in fact it can fairly be said that the rate of the one depends in a large measure upon the purity of the other. The establishment of milk-distribution stations in large cities has been of considerable value in enabling the people of the crowded sections to obtain pure milk at reasonable prices.

The Inspection of Food.—The marketing of impure or adulterated food is everywhere forbidden by the laws and the health regulations, but until comparatively recent years these rules were not always strictly enforced. One reason for this is to be found in the fact that many articles of food are subjects of interstate commerce, produced in one state to be sold in another, and hence are not easily made amenable to local control. The Food and Drugs Act, 1906. In 1906, however, Congress passed a comprehensive law known as the Food and Drugs Act, by the terms of which the national government assumed the duty of eliminating impure food from general commerce. This act prohibited the adulteration of food and drugs; it made provision for the inspection of meats at the great packing plants; it required that all packages of food and drugs shall be branded correctly and that when artificial preservatives are used, the label shall state the fact.

All impure, adulterated, or wrongly-branded articles are excluded from interstate commerce under the provisions of this law.

State inspection of food.

The supervision of the national government does not extend, however, to articles of food which are produced, distributed, and sold within the territory of a single state. As regards such articles, the task of protecting the public against impurity and adulteration rests with the state and local health officers. These officers perform their work by frequent inspection at places where food is produced and sold. Makers and vendors of impure or adulterated foods are prosecuted in the ordinary courts.

The Drug Evil.—The indiscriminate and unchecked sale of narcotic drugs (morphine, opium, etc.) in past years led to serious evils. Persons who regularly use any of these narcotic drugs become slaves to the habit; they are unable to get along without daily use of them, and in the end become physical wrecks. The drug habit became, a few years ago, such a widespread public evil that the national government took the manufacture and sale of these narcotics under its own supervision. Such drugs cannot now be bought or sold except under strict regulations which involve the written request of a qualified physician. Nevertheless a good deal of trade in narcotics is still carried on through illicit channels.

Prohibition as a health measure.

Prohibition of the Liquor Traffic.—The relation of the liquor traffic to the public health is a matter upon which men have not entirely agreed; but it is a well-recognized fact that the general use of

intoxicating liquors led in many cases to poverty, and poverty in turn brought under-nourishment and disease in its train. The action of the states in adopting the Eighteenth Amendment, by which the manufacture, transportation, and sale of all intoxicants is forbidden, may therefore be looked upon as a step which, in the long run, will conduce to the betterment of the public health. The excessive use of alcohol impaired the physical vigor of many thousands among the population and rendered them less capable of resisting disease. The statistics of hospitals during the period that has intervened since prohibition went into effect show that, from a health standpoint, the Eighteenth Amendment has had a beneficial effect.

Waste Disposal and Sewerage.—Every community produces each day a large amount of waste which must be collected and disposed of in a sanitary manner if the interests of the public health are to be fully protected. Some of this waste contains little or no element of danger—ashes, waste paper, and rubbish of all sorts, for example. The removal of this material is a matter of public convenience rather than of public health protection. As a rule it is drawn away and either used for filling marsh land or incinerated. Garbage. Another form of waste is garbage, which includes the discarded material from markets, bakeries, hotels, restaurants, and private dwellings. This garbage decomposes quickly and must be gathered at frequent intervals. In some communities the garbage is disposed of by incineration; in others it is sold to farmers for feeding swine; a few cities utilize it in reduction plants, where the grease and oil is extracted for commercial use.

Sewage.

Sewage, which includes both surface water and the liquid waste from places of human abode, is by far the most dangerous waste of all. Although it is more than ninety-nine per cent water, every ounce contains the possibility of spreading disease. Older methods of disposal. This effluvia, which passes through the sewers and drains, was at one time everywhere disposed of by turning it into the ocean, lakes, or rivers. Even yet many cities of the United States get rid of their sewage in that way. The method is not objectionable in the case of ocean discharge, provided the outfall sewer is carried a sufficient distance from the shore, although even in such cases some of the sewage may be borne landward by the incoming tides to pollute the shellfish beds and the beaches. The sewage of many cities along the Great Lakes is discharged into these extensive bodies of fresh water where the amount of dilution is so great that no serious harm results, provided no water for human consumption is drawn from the immediate neighborhood of the discharge points. The time will doubtless come, however, when the increasing volume of sewage will compel these cities to adopt other methods of disposal. The discharge of untreated sewage into rivers and small streams is now generally regarded as a public nuisance, and the abandonment of the practice is being required by the laws wherever practicable. Many cities, however, yet resort to this method.

Modern sewage systems.

Modern, scientific methods of sewage disposal have taken several different forms. A common plan is to conduct the sewage into huge reservoirs, basins, or tanks, where the solids are allowed to settle and form a sludge while the liquid is run off into the

ocean or a lake or a river. The settling process is sometimes hastened by the use of chemicals. This does not free the waterways from danger but it is a good deal less objectionable than the practice of turning untreated sewage into them. Some cities pump the sewage upon filter beds (tracts of land which have been dug out and filled with slag or other porous substances). A few use their sewage for the irrigation of dry farming lands. No particular plan of sewage disposal can be regarded as the best under all circumstances. Local conditions differ from one community to another, and each case requires special study. Ordinarily a large town or city will produce nearly two hundred gallons of sewage per day for every man, woman, and child in its population. This means an enormous total in the course of a year and the problem of handling it safely, without excessive expense, is often a difficult one. It may well be repeated, however, that so far as the public health is concerned, sewage is the most dangerous substance known to man, and its safe disposal is one of the most important problems of the government in every civilized community.

The Protection of the Public Water Supply.—The great importance of an adequate and safe water supply is something which hardly requires a long argument. In the rural districts and in small villages the neighboring wells and springs may be utilized, but in large communities, especially those having numerous industries, a public supply must be provided. How much water is needed? It is customarily figured that large towns and cities require approximately and on the average one hundred gallons of water per capita every day in the year. Half-a-ton of water per day per person! What is done with it all? Not all of it, of course, is used for human

consumption. By far the greater part is utilized for public, industrial, and general sanitary purposes. Sprinkling parks and lawns, putting out fires, flushing sewers—all these activities require large amounts of water. Factories, laundries, railroads, and other such establishments make heavy demands on the total supply. So does the modern sanitary equipment which is now being installed almost everywhere in hotels, stores, and houses. The amount of water required for human consumption is very small compared with the quantities used in these other ways.

The first essential of a satisfactory water supply, therefore, is that it be adequate, which means that large cities must often go a long distance in order to obtain water in sufficient quantities. Sources of supply. New York City derives a large part of its water from the Catskill Mountains; Los Angeles brings its entire supply from the Sierra Nevadas, more than two hundred and fifty miles away.[256] Many other cities obtain their water close at hand: Chicago, for example, draws from Lake Michigan, and Cleveland from Lake Erie. Adequacy, however, is not the only consideration. For use in the industries, water must be clear in color and not too hard. When it is turbid or hard, it has to be clarified and softened by storage and the use of chemicals. The relative purity of the water, its freedom from pollution, is the most important consideration of all.

The treatment of water for human use.

There are various ways of making sure that water is fit for human consumption. One way is to secure the supply from a source which is by nature free from pollution, from deep-driven wells or from

mountain lakes which are above the level of probable contamination. Water supplies drawn from very large bodies of water, like the Great Lakes, are normally safe enough if the intake is set far out from shore, because the diluting power of these vast water areas is sufficient to render harmless even a considerable amount of pollution by sewage discharge. Where a water supply of sufficient natural purity cannot be had within reasonable distance the only safe plan is to subject the water to such length of storage, or to such mechanical or chemical treatment as will ensure its fitness for use. The storage of water in a reservoir, exposed to the light and air, will render it safe, under normal conditions. The length of time required for this purpose will depend, of course, upon the quality of the water which is put into the reservoir. A period of three months is ordinarily regarded as sufficient where the raw water has not been badly contaminated. The mechanical treatment of water is commonly known as filtration, and there are several forms of public water-filtration plants now in use by American cities. The simplest is the system of slow sand filters in which the water is treated by allowing it to percolate slowly through a bed of sand and crushed stone, thereby becoming rid of noxious bacteria. A more complicated method involves the use of rapid sand filters in which the raw water is forced through filterbeds of crushed stone under pressure.[257]

Smoke Abatement.—Pure air is another essential to the maintenance of the public health. Rural parts of the country encounter no difficulty on this score, but the larger cities are now finding it necessary to protect the air which their citizens have to breathe. In these days of smoke-belching industry, the very atmosphere of the large city is laden with a menace

to health and cleanliness. An investigation made in New York some years ago disclosed the fact that sulphur dioxide (a poisonous gas) was being discharged into the air by the smokestacks and chimneys of the city at an appalling rate. The elementary student of chemistry can well testify that SO_2 is not a substance that human beings thrive upon. And apart from the menace to health there is the heavy damage done by soot-laden atmosphere to the furnishings of houses and the contents of shops. Hence the agitation in the large cities for an abatement of this smoke nuisance and the establishment of regulations which now, in many places, require the use of mechanical smoke consumers by all large industries. The enforcement of this requirement is not at all difficult, because any violation is visible to the naked eye.

Overcrowding and disease.

The Housing of the People.—By the homes of a town or city you may judge its people. The proper housing of the population has a close relation to many things, but to none is this relation closer than to the public health. When the people are herded together in tenements, with dark and narrow hallways, with rooms badly ventilated and often without sunlight, we have a fertile soil for the spread of tuberculosis. More than ten thousand persons die each year in the tenement districts of New York City from the Great White Plague alone. The children who grow up in congested quarters, moreover, go out into the world handicapped in both body and soul. Their powers of resistance to disease are often seriously impaired by the crowding, poor ventilation, and lack of proper sanitary arrangements. An investigation of housing conditions made in New

York City over twenty years ago led to the enactment of a comprehensive Tenement House Law (1901) in order to prevent overcrowding, and the main provisions of this law have since been copied by most of the larger cities of the country.[258]

Housing experiments abroad.

In some European cities, notably Glasgow and London, many municipal tenements have been erected. Crowded slums have been demolished and model houses, each accommodating one or more families, have been erected in their place by the use of public money. These tenements are then rented to workers at reasonable rates. This plan has not yet been tried on any large scale in the United States nor would it be likely to prove very satisfactory so long as city administration, in all its branches, is conducted so wastefully as it is in America today. During the World War, however, the federal government built many hundreds of workmen's dwellings in different parts of the country, particularly in the neighborhood of the great shipbuilding plants. After the war they were sold to private buyers.

It is often urged that instead of building model tenements in crowded sections, the authorities of large cities ought to promote the growth of suburbs by giving them good transportation facilities, and by promptly supplying these suburban districts with sewers, water supply, gas, electricity, and paved roads. People who go to the suburbs not only have more room, but they are much more likely in the course of time, to own their homes. The importance of owning a home. Home-owning is a practice which ought to be encouraged, not only for reasons of

health and recreation, but to steady the political temper of the people as well. The man who owns a piece of the earth's surface, with a house on it that he calls his home, is not often a believer in violence or revolution. A great deal of honest sentiment clusters about the American home, but very little can ever attach to three or four rooms in a tenement house.

Other Measures of Public Health Protection.—The foregoing list does not exhaust the various measures taken by the authorities of the nation, state, and city for the protection of the public health. The laws and regulations which now prohibit the use of public drinking-cups on trains, in schools, and in other public places may be mentioned. The common cup has been, in the past, an active spreader of infection. Its use ought to be forbidden everywhere. Measures for the elimination of mosquitoes and house-flies have been taken by all the more progressive states and cities with aid at many points from the national government. The statement has been made, upon what seems to be good authority, that mosquitoes, flies, and other insect pests are directly or indirectly responsible for a hundred thousand deaths in the United States every year. Whatever their number, these deaths are preventable, because a diligent campaign will suffice to banish both flies and mosquitoes from any part of the country. The medical inspection of children in the schools is another health measure of great importance. In many of the larger cities this inspection includes all school children, of whatever age, and is made at frequent intervals. It permits the early detection of symptoms and thus allows remedies to be applied promptly. It has done a great deal to protect the schools against the frequent

outbreak of epidemics.

How Health Measures are Enforced.—The duty of enforcing measures for the protection of the public health rests first of all upon the local health officers.

Local boards of health.

The laws of most states now require that a board of health or some similar authority shall be maintained in every township, village, town, and city. One of the members of this board of health must usually be a physician. In large towns and cities a qualified health officer, who is always a physician, is employed on part time or full time. The local boards of health and the health officers have charge of quarantine and disinfection, the inspection of food and milk, and the enforcement of sanitary regulations. They also grant permits for the maintenance of slaughter-houses and other establishments which have a direct or indirect relation to the public health.

State health officers.

In practically all the states, moreover, there is a State Department of Health. This department is usually under the supervision of a State Board of Health, but in a few states a single health commissioner has been placed in charge. The powers and duties of these state departments vary a good deal throughout the country, but in a general way they assist the local health authorities, especially when an epidemic threatens to spread beyond local control. A good deal of their work is advisory in character.

The United States Public Health Service

The United States Public Health Service was established in 1912, although health work had been

carried on by the national government through other agencies prior to that date. It is, rather strangely, a bureau of the Treasury Department. The Public Health Service has charge of the port quarantine system; its assistance may be obtained by the states at any time in coping with epidemics; and it maintains well-equipped research laboratories for the study of all questions affecting the public health. It is believed by many physicians that the work of this bureau is so important that it ought to be made a regular department of the national administration with a member of the cabinet at its head.[259]

What the schools can do.

Education and the Public Health.—The basis of successful public health work is the education of people in hygiene and sanitation. If the people can be brought to realize the transcendent importance of the work, their co-operation will be given cheerfully. Where the health regulations are now disobeyed it is largely because their value to the individual, as well as to the community, has not been made clear. An effective method of educating the public is by means of health exhibits which demonstrate, with the aid of pictures, especially motion pictures, the value of proper hygienic conditions in the workshop and the home. But the ultimate education of the whole people in this field, as in all others, must be primarily the work of the schools. It is easier to teach hygiene and sanitation to children than to grown-ups. Adults have acquired habits of life and attitudes of mind which are hard to alter. Hence the education of children in all that relates to clean living, wholesome food, modern sanitation, and the avoidance of disease should be part of the regular work in schools throughout the country. Upon this

will depend, in no small degree, the future physical well-being of the nation.

General References

H. G. JAMES, *Municipal Functions*, pp. 68-92;

HOLLIS GODFREY, *The Health of the City*, especially pp. 1-29;

W. H. ALLEN, *Civics and Health*, pp. 3-32;

Cyclopedia of American Government, see under *Health*, *Contagious Diseases*, *Quarantine*, *Tenement House Regulation*, etc.;

W. B. MUNRO, *Principles and Methods of Municipal Administration*, pp. 122-166 (Water Supply); pp. 167-210 (Sewerage and Sanitation);

H. B. WOOD, *Sanitation Practically Applied*, especially pp. 205-232 (Pure Foods); pp. 233-277 (Clean Milk);

IRVING FISHER and L. B. FISK, *How to Live*, pp. 119-168;

WALTER CAMP, *Keeping Fit All the Way*, pp. 3-41;

CHARLES BASKERVILLE, *Municipal Chemistry*, pp. 1-19;

MILTON J. ROSENAU, *Preventive Medicine and Hygiene*, pp. 716-745;

W. T. SEDGWICK, *Principles of Sanitary Science and the Public Health*, pp. 89-107;

E. B. HOAG and L. M. TERMAN, *Health Work in the Schools*, pp. 133-191.

Group Problems

1. How can the spread of communicable diseases be prevented? Are the vital statistics of your community carefully and promptly compiled? The local health authorities,—who are they and what are their functions? What control is exercised over the agencies which spread disease? Examine the status of each in your own community. **References**: MILTON J. ROSENAU, *Preventive Medicine and Hygiene*, pp. 134-158; H. B. WOOD, *Sanitation Practically Applied*, pp. 66-152; WOODS HUTCHINSON, *Preventable Diseases*, pp. 83-122; HOLLIS GODFREY, *The Health of the City*, pp. 158-193; G. C. WHIPPLE, *State Sanitation*, Vol. I, pp. 88-112; see also the United States Public Health Service, *Reprints on the Notifiable Diseases*,

and the reports of the state and local Boards of Health.

2. Public water supplies. References: W. B. MUNRO, *Principles and Methods of Municipal Administration*, pp. 122-166; H. G. JAMES, *Municipal Functions*, pp. 217-227; H. B. WOOD, *Sanitation Practically Applied*, pp. 278-337; ALLEN HAZEN, *Clean Water and How to Get It*, 2d ed., pp. 73-99; CHARLES BASKERVILLE, *Municipal Chemistry*, pp. 33-89; F. E. TURNEAURE and H. L. RUSSELL, *Public Water Supplies*, pp. 141-172.

3. Modern methods of sewage disposal. References: W. B. MUNRO, *Principles and Methods of Municipal Administration*, pp. 183-210; H. G. JAMES, *Municipal Functions*, pp. 227-237; H. B. WOOD, *Sanitation Practically Applied*, pp. 338-378; JOHN A. FAIRLIE, *Municipal Administration*, pp. 245-255; CHARLES BASKERVILLE, *Municipal Chemistry*, pp. 276-299; W. P. CAPES and J. D. CARPENTER, *Municipal Housecleaning*, pp. 33-89; G. W. FULLER, *Sewage Disposal*, pp. 175-183; LEONARD METCALF and H. P. EDDY, *American Sewerage Practice*, Vol. II, pp. 78-127; A. P. FOLWELL, *Sewerage*, pp. 300-332; L. P. KINNICUT, C. A. E. WINSLOW, and A. W. PRATT, *Sewage Disposal*, pp. 204-232.

4. The milk question. References: CHARLES BASKERVILLE, *Municipal Chemistry*, pp. 90-118; H. B. WOOD, *Sanitation Practically Applied*, pp. 233-277; HOLLIS GODFREY, *The Health of the City*, pp. 30-57; M. J. ROSENAU, *The Milk Question*, pp. 1-22; J. S. MACNUTT, *The Modern Milk Problem*, pp. 1-30; H. N. PARKER, *City Milk Supply*, pp. 28-90; G. C. WHIPPLE, *Typhoid Fever*, pp. 41-91.

5. Housing in its relation to public health. References: HOLLIS GODFREY, *The Health of the City*, pp. 302-345; F. C. HOWE, *The Modern City and Its Problems*, pp. 273-288; JACOB A. RIIS, *How the Other Half Lives*, pp. 7-27; LAWRENCE VEILLER, *Housing Reform*, pp. 3-46.

Short Studies

1. **The germ theory of disease.** C. V. CHAPIN, *The Sources and Modes of Infection*, pp. 1-38; C. B. MORREY, *The Fundamentals of Bacteriology*, pp. 18-31.

2. **Typhoid fever.** Illinois State Board of Health, *Typhoid*

Fever: Its Cause, Prevention, and Suppression, pp. 2-17.

3. **Insects and disease.** H. B. WOOD, *Sanitation Practically Applied*, pp. 420-444.

4. **Vital statistics.** *Ibid.*, pp. 25-65; G. C. WHIPPLE, *Vital Statistics*, pp. 308-337.

5. **Sources of water supply.** W. B. MUNRO, *Principles and Methods of Municipal Administration*, pp. 122-142.

6. **The disposal of garbage.** *Ibid.*, pp. 167-183.

7. **The inspection of food.** H. B. WOOD, *Sanitation Practically Applied*, pp. 205-232.

8. **The smoke nuisance.** HOLLIS GODFREY, *The Health of the City*, pp. 1-8. (See also United States Bureau of Mines, *Bulletin*, No. 49.)

9. **Tenement-house reform.** C. A. BEARD, *American City Government*, pp. 287-310.

10. **Municipal housing abroad.** HOLLIS GODFREY, *The Health of the City*, pp. 263-301; F. C. HOWE, *The Modern City and Its Problems*, pp. 284-304.

11. **The work of local health authorities.** MOSES N. BAKER, *Municipal Engineering and Sanitation*, pp. 248-258; HENRY BRUÈRE, *The New City Government*, pp. 401-413.

12. **Health and education.** H. B. WOOD, *Sanitation Practically Applied*, pp. 445-462; F. W. BURKS and J. D. BURKS, *Health and the School*, pp. 73-102; E. B. HOAG and L. M. TERMAN, *Health Work in the Schools*, pp. 1-35.

Questions

1. From your reading of history and literature give some examples of the way diseases were dealt with in the olden days.

2. What are bacilli? Make a list of the things, beneficial, harmless, and harmful which are due to their activities.

3. Explain the various ways in which disease may be communicated. How are the following measures related to the control of communicable diseases: (*a*) quarantine; (*b*) the draining of marshes; (*c*) the removal of filth; (*d*) the extermination of rats; (*e*) the enforcement of regulations to prevent overcrowding in tenements?

4. What are vital statistics and what is their value? How are they compiled and by what means may they be

improved?

5. Explain what is meant by vaccination. By inoculation. Give some evidence to prove that both have been effective.

6. Why is milk inspection of supreme importance? In what various ways may milk become infected? Why should milk be kept in a cool place?

7. Do you understand the following terms: adulteration; artificial preservatives; misbranding; ptomaine; narcotics?

8. Name the various wastes which the community produces each day and explain how each may be safely disposed of.

9. In what ways may water be treated so as to make it safe for human consumption?

10. Why and in what way is it necessary to regulate the housing of the people in large cities?

11. What are the duties of the local board of health in your community? The state department of health?

12. Ought hygiene to be a compulsory study in the public high schools?

Topics for Debate

1. Vaccination should be made compulsory throughout the United States.

2. American cities should construct and maintain municipal tenements.

3. Free medical attendance should be provided at the public expense for all who cannot afford to pay for it.

CHAPTER XXVII
POOR-RELIEF, CORRECTION, AND OTHER WELFARE PROBLEMS

The purpose of this chapter is to describe the way in which American communities are dealing with the problems of poverty, crime, and delinquency.

Poverty and Pauperism.—Poverty is one of the very oldest among human problems; two thousand years ago, in Biblical times, the world was trying to find a solution for it and it has not ceased to try ever since. In all ages and in all countries there have been groups of unfortunate people who, through their own fault or the fault of others, are not able to provide for their own subsistence. It is to the condition of such people, whose earnings do not enable them to maintain the normal standard of living, that we apply the term poverty. Not all who are poor, therefore, are in poverty, but only those who are so poor that their health and physical efficiency are being impaired by lack of earning power. Some of those who are in poverty become dependent upon private or public charity, and these we call paupers. Pauperism, in other words, is a condition of dependence upon the agencies of poor-relief. Many thousands of persons live in poverty, yet are not paupers. They struggle along, able only to make the

barest sort of living, and often suffer great privations rather than apply for any form of charity.

The Extent of Poverty and Pauperism in the United States.—There are no accurate figures showing the extent of poverty in the United States.

The number of paupers in public institutions.

The census of 1920 listed nearly a million persons in charitable institutions of one sort or another, of whom about one hundred thousand were paupers in public almshouses. But this census made no computation of the number receiving poor-relief in their own homes, which must be several times as large as that in institutions. It would probably be within bounds to say that five persons out of every hundred in the United States are partly or wholly dependent upon private or public aid. Probably as many more are in a condition of poverty, but continue to struggle along without assistance from others. We may say, therefore, that poverty holds about ten per cent of the whole population in its iron grip; hence it is no exaggeration to speak, as social-workers often do, of the "submerged tenth".

Comparison with Europe.

Compared with other countries, however, this is not an excessive proportion. In the countries of Europe the percentage of paupers is much larger. Poverty is usually more widespread in thickly-populated regions where there are large groups of industrial workers. In London it has been estimated that at least thirty per cent of the people are below the poverty line; in New York City the estimate is twenty-five per cent. The cities everywhere contribute far more than their due proportion to the impoverished classes. Poverty is least prevalent, as a rule, in the agricultural districts.[260]

The Causes of Poverty.—The causes of poverty are numerous and complicated but they can all be grouped into two general classes: First, those which are traceable to the individual, and second, those which are attributable to the environment in which he lives. These we may distinguish by calling them *individual* and *social* causes.

1. Individual causes of poverty.

Among the individual causes of poverty the most common are illness, accident, old age, degeneracy, bereavement, intemperance, shiftlessness, and ignorance. Illness is probably the most important single cause. The figures compiled by poor-relief organizations show that it is the immediate reason for at least one-quarter of all the applications which come to them for assistance, and is a contributory reason in the case of many more. Accidents which result in either temporary or permanent incapacity to do full work have also been an important cause of poverty in the past, but they are no longer so to the same extent in those states which have made provision for workmen's insurance (see p. 411). Old age comes to all in time and there are many thousands who make no provision for its coming. This class includes many who have worked hard all their lives, have reared families, and have been useful citizens, but who have been either unable or unwilling to save. In some European countries, as has been pointed out, provision is made for them by means of old age pension systems. Bereavement, particularly the loss by death of the family's main support, has been a frequent cause of poverty among women and children. To some extent this has been alleviated by the practice of making provision for mothers' pensions and by the increasing extent to

which men who have dependents are now securing life insurance.

Mental and moral degeneracy.

Degeneracy, which is also an important cause of poverty, may be defined as inherited mental or moral weakness. Feeble-minded parents often transmit this defect to their children, who start life with a handicap which they are not usually able to overcome. It has been estimated that nearly one-half of all the inmates of public institutions are below the normal standard of mentality. Many years ago a careful study was made of a certain family—the Jukes—through four generations, great-grandparents, grandparents, parents, and children. Among seven hundred persons in this family, beginning with degenerate great-grandparents, no fewer than five hundred became at some time or other recipients of public poor-relief. Incidentally, it may be mentioned that they also contributed far more than their due proportion to the prisons and insane asylums.

Physical handicaps.

Then, again, some people who are neither mentally nor morally degenerate, are born with physical handicaps or acquire these handicaps early in life; such, for instance, are the deaf-mutes, the blind, and the crippled. They are the ones whom we most commonly meet on the public streets begging or selling trinkets, or playing some sort of instrument as an excuse for what is really begging. Intemperance, too, has figured largely among the causes of poverty during many centuries, but so far as the United States is concerned it is not likely to do so in the future. Alcohol is one of the important factors in the problem of poverty which can be placed under control by the action of society.

Shiftlessness, ignorance, bad habits, and vice are all causes of varying importance, but in the main they are only immediate causes; the underlying causes are usually to be found in some mental, moral, or physical defect of the individual, or they arise from a poor environment.

2. The social causes of poverty.

The social causes of poverty are also numerous. Unemployment is one of them, and it is in many cases due to no fault of the individual worker. More often it is the outcome of a serious imperfection in our industrial organization (see p. 417). The underpayment of the worker, particularly the underpayment of women and children in industry, has also contributed to the problem of poverty. It means that the workers are under-nourished and therefore unable to maintain their normal strength; they are unable to save anything for use in case of sickness or old age, and hence have to fall back upon the agencies of private or public assistance whenever misfortune comes. Minimum wage laws (see p. 416) aim to protect society from having to pay the penalty which results, both directly and indirectly, from the underpayment of labor. Unsanitary conditions of living, bad housing, and overcrowding are causes of poverty—they are social causes because society creates such conditions and permits them to continue. Unsanitary conditions lead to illness, and illness results in unemployment. But they are also, in a sense, the effects of poverty; they are conditions of life to which, under our present social and economic organization, the poor are compelled to submit by reason of their poverty.

Defects in our educational system have been productive of more poverty than people commonly

imagine. It is not without significance that poverty is always widespread in those countries and those regions where illiteracy and ignorance are prevalent. Compulsory public education is one of the greatest measures for the prevention of poverty that the world has ever devised. Relation of the school system to poverty. While the system of public education in the United States is exceedingly efficient on the whole, it is nevertheless true that many thousands of children are growing up without enough education to ensure them a fair chance of success in life.

Some would also include our immigration policy among the social causes of poverty. Until recent years these immigrants were permitted to come in almost unrestricted numbers; they concentrated, for the most part, in large cities; they contributed to overcrowding and by their competition for labor forced down the level of wages in unskilled employments. The causes of poverty, in short, are not all traceable to the faults or misfortunes of the individual. Society as a whole is responsible for some of them.[261]

How We Deal with the Problem of Poverty.—The public attitude in regard to the problem of poverty has undergone a marked change during the past fifty years. For many centuries poverty was looked upon as the result of human perverseness, the outcome of purely individual causes which were likely to endure as long as human nature remained the same. Older methods of dealing with the poor. It was taken for granted that the poor would be with us always; that poverty could not be prevented by any action on the part of society, and that the only thing to do was to punish the shiftless while helping the worthy poor by giving them public and private aid. The measures for the relief of the poor taken by the

governments of various European countries and by most American communities until comparatively recent years were based upon this attitude. Those who could work and would not were branded as vagrants and put in jail. Those who were in poverty through sickness, accident, old age, degeneracy, intemperance, or other individual causes were taken into such institutions as hospitals, infirmaries, almshouses, homes for inebriates, and the like. The people were everywhere encouraged to give alms to the poor, but the prevention of poverty by organized social action received little or no attention.

The modern attitude.

The public attitude, especially the attitude of the more enlightened part of the public, has now changed or is changing. We know from a careful study of the problem that poverty is no more an essential concomitant of civilized life than were piracy, slavery, bubonic plague, or universal drunkenness in years now long gone by. Poverty can be eradicated as these things have been, although not by any means so easily. The individual causes of poverty, of course, will always be at work. Old age will continue to come upon mankind, and we can hardly hope under any circumstances to get rid of sickness and accidents entirely. But society can at least bring it about that old age, illness, and accident, not to speak of unemployment and other social causes, will no longer bring inevitable poverty in their train. Attention is now being given, therefore, to measures of prevention; and almsgiving has come to be recognized as a mere makeshift way of dealing with the problem. It is like trying to put an end to all diseases and to wipe illness off the face of the earth by merely giving people medicine after

they become sick.

The Temporary Remedies.—The only permanent solution for the problem of poverty is the removal of the underlying causes. This, however, cannot be accomplished in a day, and in the meantime various measures of temporary alleviation must be provided by the public authorities and by private organizations.

Indoor relief.

Public provision for the care of the poor takes two forms known respectively as indoor and outdoor relief. By indoor relief is meant the care of the poor in institutions maintained by the state, county, or city. There was a time when paupers of all types were herded together into the same poorhouse, but it is now the policy to provide, so far as practicable, different public institutions for the sick, the mentally defective, the aged, and the young. Hence, in many states we have hospitals for chronic cases, institutions for the feeble-minded, homes for the aged, institutions for the care of orphans, schools for the blind, and so on.

Outdoor relief.

By outdoor relief is meant the giving of assistance to the poor in their own homes. Many years ago this was the more common plan of dealing with the problem; it still exists in many American communities. People who are in need apply to the overseers of the poor or to some other public authority from whom they receive, after proper investigation, such assistance in the form of food, clothing, fuel, or medicine as they may urgently require. Some of the larger cities have abandoned altogether the giving of outdoor relief at the public expense because they have found this system open to grave abuses. Unless administered with great care, it

encourages shiftlessness and results in the expenditure of large amounts from the public funds. The tendency nowadays is to leave outdoor relief to be provided by private organizations although some communities still take care of the most urgent cases from the public funds. These private organizations are sometimes connected with the churches but more often they are entirely non-sectarian, made up of generous men and women who give both time and money to the work.

Private outdoor relief often leads to indiscriminate almsgiving, thus lending encouragement to wastefulness and imposture. People who are too lazy to earn an honest living apply to various organizations for help and sometimes obtain it from several of them. The organization of relief agencies. To eliminate this overlapping central bodies known as Charity Organization Societies, or Associated Charities, or Family Welfare Societies have been formed in many of the larger American communities. Their function is to serve as a clearing house of information concerning all applicants for assistance and in other ways to make the work of the individual organizations more efficient.

The Permanent Remedies.—The permanent solution of the problem of poverty must be sought in comprehensive measures of prevention. Some of these measures are already being taken in the more progressive states; others have been proposed and are steadily gaining public support. Social insurance. Insurance against sickness and accident, minimum wage laws, mothers' pensions, are already doing their share in the prevention of poverty. Old age pensions have been established abroad and in time will doubtless be provided for the American worker. Insurance against unemployment may be inadvisable

(see p. 418) but the organization of industry can be so improved as to reduce the amount of unemployment now existing. Other remedies. The prohibition of the liquor traffic has marked an important step in the direction of reducing poverty. Vocational schools for the deaf, the blind, and the crippled, are now training these unfortunates in the art of earning their own living. The enforcement of laws relating to compulsory education will reduce illiteracy and thus decrease the class from which poverty secures most of its recruits. Present restrictions upon immigration, if they are continued, will render more easy the maintenance of American standards of living among those who toil with their hands. By the segregation of degenerates in public institutions, moreover, we can prevent the propagation of degeneracy.[262] Overcrowding and unsanitary conditions of living are being prevented by modern city planning and good housing laws.

Now it is doubtful whether all of these measures put together will avail to wipe out poverty entirely, but if they are vigorously applied the amount of poverty in the United States will certainly be much reduced. The danger of too many remedies. There is always a danger, of course, that laws and regulations designed to promote the well-being of the poor may over-reach themselves, and may result in placing additional burdens upon the wage-earning classes. Attempts to narrow the gulf between the rich and the poor by the levying of discriminatory taxes do not usually succeed; in the end they merely augment the hardships of the poor. It is customary for sociologists to speak of poverty as a “social disease” and to assure us that like any other disease it can be eradicated. That is all very true. But diseases are not eradicated by striking at the heads of healthy people

in order that they may have a smaller advantage over the sick. Neither will the plague of poverty be cured by measures which strike at the well-to-do for the mere reason that they are so much better off than the poor. The poor can never be made rich by the simple expedient of making the rich poorer.

The Problem of the Mentally Defective.—There are various forms of mental defectiveness, ranging from feeble-mindedness to violent insanity. The total number of mentally defective persons in the United States is estimated to exceed half a million. Until relatively recent years no careful distinction was made between persons afflicted with different forms of mental trouble; all were treated in much the same way. Old and new methods of dealing with the insane. The usual plan was to bring them together in large asylums where the violently insane were kept under close restraint while the "harmless" inmates were given somewhat greater freedom. This crude method of dealing with unfortunates who needed medical treatment far more than they needed restraint and confinement has now been almost everywhere abandoned, and the treatment of mental defectiveness is being carried on in accordance with more scientific methods. These scientific methods involve the careful study and diagnosis of each particular case and the substitution of medical care for mechanical restraint. In response to this treatment a considerable proportion of the cases have proved capable of marked improvement, and sometimes entire recovery. It should be mentioned, however, that some forms of insanity are not curable by any known form of scientific treatment. A permanent reduction in the number of mentally-defective persons can best be achieved by preventing the transmission of hereditary defects, by the proper

treatment of mental ailments as soon as the first symptoms appear, and by the removal of two things which have contributed greatly to the spread of insanity in the past, namely, alcoholism and the drug habit.

The Problem of Crime.—A crime is an offence against society. In early days all offences were regarded as having been committed against individuals. The person who stole something was looked upon as having wronged the owner, and the owner was entitled to secure his own redress. But with the development of organized society there grew up the idea that the whole community had an interest in the prevention of wrong-doing, and that wrongs which were ostensibly directed against single individuals were in reality committed against the whole people. Evolution of the criminal law. So society took upon itself the responsibility for making laws to protect the rights of individuals, and for the imposition of punishment whenever these laws are violated. A crime is an offence against society because it involves some violation of a law which has been made in the interest of all. An act may constitute a crime, therefore, without being morally wrong. It is not morally wrong to park an automobile alongside a hydrant, but it is in most cities a violation of the law to do so, and punishable in the courts. The courts enforce the law whatever it is.

The Classification of Crimes.—It was formerly the custom to classify all crimes as treasons, felonies, or misdemeanors. A treason was an attempt to overthrow the state by rebellion or otherwise; a felony was a serious offence against persons or property, such as murder or burglary; while the term misdemeanor was used to include all the less serious violations of the law, such as selling milk without a

license or disregarding a sign to keep off the grass in the public parks. Nowadays, however, a more elaborate grouping of crimes is usually made. The various types of offences. This grouping usually includes (*a*) offences against the public peace and order, such as treason, rioting, and any obstruction of the officers of the law; (*b*) offences against the public health and morals, such as bigamy, gambling, the sale of intoxicants, or the pollution of public water supplies; (*c*) offences against the person, such as murder, manslaughter, or assault; and (*d*) offences against property, including burglary, theft, fraud, and so on. This list of offences does not include such things as breaches of contract, libel, and failure to pay debts, for these are not crimes but torts or civil wrongs. They are still regarded as offences against individuals and not against society. The aggrieved individual brings his own suit in the courts, and the courts merely act as arbiters to see that justice is done between man and man.

The Causes of Crime.—The causes of crime, like those of poverty, are both individual and social. 1. Individual causes of crime. Men sometimes take to wrongdoing because they are mentally or morally defective, having inherited traits of degeneracy. Handicapped by these defects in making an honest living they often resort to crime at an early age. Bad training in the home, habits of truancy acquired during school age, and aversion to work are all individual causes which promote criminality. 2. Social causes of crime. The social causes include poverty, the influence of bad companions, the lack of efficiency on the part of police in cities, the undue leniency of the courts in some cases, and the difficulty which even honest men sometimes encounter in obeying the host of laws which our

lawmakers are turning out every year. It is significant that crimes against property, such as burglary and theft become less frequent when the country is prosperous and more numerous in times of depression when so many persons are out of employment. Among illiterates the proportion of offenders against the law is very high, so that the failure to enforce rigidly the laws relating to school attendance must also be set down as one of the social causes of criminality.

The Extent of Crime in the United States.—More than half a million persons are sent to jails or reformatories in the United States every year. The number of those who are let off with the payment of fines is much larger. Even these two figures put together do not give us the number of crimes committed, however, for it is probable that the majority of crimes do not result in the detection of the guilty person, and many minor crimes are not reported to the police at all. The cost of maintaining police systems for the prevention of crime, courts for the trial of accused persons, and prisons for the incarceration of the convicted, is about a billion dollars per year, or about as much as the country spends upon education.

Are crimes on the increase?

Whether the number of crimes, taking the country as a whole, is increasing more rapidly than the growth of population we do not know. This is because the figures in some states are not carefully or uniformly kept. But crime has been increasing in the large cities during the past few decades. This is partly because the crowded cities afford unusual opportunities to escape detection and partly because police inefficiency or corruption has encouraged the

commission of crimes with impunity. The number of crimes committed in the United States is much greater, in proportion to population, than in any of the chief European countries.[263]

The Theory of Punishment.—Among primitive people punishment was regarded as a retaliation or vengeance, but as civilization developed this notion gave way to one in which punishment was looked upon as a means of warning other people from committing similar crimes. In either case the feeling was that punishment ought to be severe. The old severity. Severity, rather than certainty of punishment was depended upon to deter people from committing crimes. A century ago in England, for example, men were put to death for stealing small sums of money and were sent to jail for long terms when they failed to pay their debts. But even this severity of punishment did not achieve the desired end, for crimes were relatively more numerous in England a century ago than they are today.

What is the purpose of punishment?

In due course the public intelligence was led to the conclusion that *certainty* of detection and punishment, rather than severity, was the best way of securing the observance of the laws.[264] Since the prime object of punishment is neither to visit the wrath of society upon the offender, nor yet to reform him (although this is an incidental object), but to protect the people against the commission of crimes, it follows that the penalty should be no more severe than is necessary to achieve this object. Hence there are gradations of punishment, each adjusted to the degree in which the offence constitutes a challenge to the well-being of society. If murder is more severely penalized than manslaughter, it is not

because the victim suffers more in one case than in the other. He has lost his life in either case, and no penalty can restore it. It is not the atrociousness of a crime that makes it serious, but the degree of danger to the whole community involved.

Prisons and Prison Reform.—Until a generation ago the treatment of prisoners in all parts of the country was inhuman. Offenders of all types, old and young, were thrown together into the same institutions. They were brutally treated by those in charge, confined in narrow, damp cells, given poor food to eat and rarely set to work at any useful employment. Even yet these conditions have not wholly disappeared from every part of the United States. But the movement for the reform of prisons and prison methods has made notable progress during the past twenty years.

The main features of prison reform:

The main features in prison reform may be briefly stated. 1. Classification of prisoners. First, in point of importance, is the classifying of prisoners and the sending of each class to a special institution instead of herding them all together in one county jail. Some prisoners are hardened criminals and not easy to reform. Others are first offenders, persons who have never been previously convicted. With humane treatment and the opportunity to learn a trade these prisoners can often be sent out into the world, when their terms expire, with the likelihood of their becoming good citizens. There are others who also need to be segregated, such as juvenile offenders and those who are mentally defective. Prison reform involves the separation and special treatment of each class.



JUSTICE AND MERCY. By A. R. Willett

Copyright by A. R. Willett. Reproduced by permission of the County Commissioners, Mahoning County, Ohio, from a photograph by the Youngstown Art Engraving Company.

JUSTICE AND MERCY

By A. R. Willett

From a mural decoration in the Mahoning County Court House, Youngstown, Ohio.

There is enough realism in this picture to obviate the need of much interpretation. The prosecuting attorney, with the book of the law in his hand, asks that judgment be given. He is in no angry mood, but is merely performing a stern duty. To the right, a wife and mother pleads that justice be tempered with mercy.

"And earthly power doth then
show likest God's,
When mercy seasons justice."
—The Merchant of Venice.

---

2. The new discipline.

Another feature of prison reform is the humanizing of discipline. It has been the general custom in prisons to punish any serious breach of the rules by placing the offender in solitary confinement for days or even weeks. Better results are now being obtained by giving privileges to those prisoners who behave properly and taking these privileges away from all who do not. This plan involves the grading of prisoners according to their conduct, the best-behaved men being placed in the first class and allowed various privileges. A system of marks and demerits is used to determine the grade of each prisoner. Solitary confinement is reserved for the incorrigibles only.[265]

3. Internal reforms.

Along with the system of classifying and grading prisoners, a general betterment of internal prison conditions has been taking place. It is now generally recognized that all prisoners should be kept employed at useful labor, that wherever practicable those who have not already learned a trade should be taught one during their prison terms, that those who are illiterate should learn to read and write, that the labor of prisoners should not be farmed out to employers as has so often been the case in the past,

that prisoners should not be subjected to unnecessary humiliation, and that they should be given such measure of self-government as can be safely entrusted to them. Outdoor employment on state farms and state roads is replacing, to a considerable extent, the activities of the prison workshop.

Indeterminate Sentences and the Parole System.—Two marked improvements in correctional methods have been introduced by the use of indeterminate sentences and releases on parole. The old plan was to sentence every prisoner for a fixed term, two years, ten years, or some such period. The convict then served out his full term, no more and no less, irrespective of his behavior. This plan is now being abolished. Instead it is becoming the general practice to make the sentences indeterminate, as for example, not less than two nor more than five years. By good behavior the prisoner is then enabled to secure his release when the minimum period has expired. This method is particularly desirable in the case of young offenders who are sent to reformatories. The parole system is also used as a means of encouraging good behavior and reformation on the part of prisoners. Where this system is in operation the prison officials are permitted to release prisoners, even before their minimum terms have expired, upon promise to give society no further trouble. If the paroled prisoner should violate this promise, he is brought back to finish his term. It has been found that very few paroled prisoners fail to keep their promises.

The Probation System.—The number of persons committed to prison has been considerably reduced by the use of probation. In the case of first offences, where the crime is not serious, it is now the usual practice in many courts to place the offender on

probation for a given period. This means that instead of being taken to jail he is placed under the surveillance of a probation officer. These probation officers are attached to the courts; their duty is to help probationers, keep a watchful eye on them, and report from time to time how they are getting along. [266]

The Problem of Juvenile Delinquency.—Great progress has been made during the past twenty-five years in the treatment of juvenile offenders. Persons under eighteen years of age were formerly dealt with by the regular criminal tribunals; in many of the larger cities they are now brought before a special Juvenile Court. Where such courts do not exist it is the usual practice to have juvenile cases brought before the regular court at a special session. The offenders, in serious cases, are usually sent to reform schools or other institutions where vocational instruction is given. For minor offences, particularly where there is no previous record of appearance in the juvenile court, the offender is placed in charge of a probation officer. The purpose of the probation system is to secure the reformation of the offenders, not to enforce punishment.[267]

Why divorces are becoming more common.

The Divorce Problem.—The steady increase in the number of divorces has tended to make juvenile delinquency more difficult to handle; in other respects also it constitutes a social problem of the first magnitude.[268] Several economic and social changes have tended to make divorces more common. The development of industry is one of them. Before modern industry afforded employment for women, the household was almost the sole center of feminine activity. But under present economic

conditions most women find no great difficulty in earning their own living and this has engendered a feeling of self-reliance. Mention may likewise be made of the fact that the rights and privileges of women have been more strongly stressed by law and custom during recent years. Women have been given the legal right to own property, to vote, and to hold office. These things have helped to develop a spirit of independence. Social conditions have also changed. In the old days men who divorced their wives and women who divorced their husbands were frowned upon by their neighbors, but this weapon of social ostracism has been gradually losing its power because society has come to recognize the justice of granting divorces for adequate reasons.

Can the causes of divorces be reduced?

How May the Situation be Remedied?—In seeking a remedy for any political, social, or economic evil we must first turn to the causes. The increase in the number of divorces has been due in considerable measure, as already pointed out, to the growth of industrial opportunities for women and to the readiness with which society tolerates the granting of divorces. It is also due, in some degree, to the conditions of life in large cities where the nervous strain caused by over-crowding makes it more difficult to meet the complex domestic problems patiently. It is significant that divorces are much more common in the large cities than in the rural districts. In part it is due also to the lax divorce laws of some states, where the courts are permitted to grant divorces on the flimsiest pretexts, and to the absence of sufficiently strict regulations designed to prevent hasty marriages.

Some specific remedies.

Some of these causes are hard to remedy. The economic independence of women is a new condition which cannot be changed. Some progress has been made in various cities of the country by the establishment of special tribunals known as Courts of Domestic Relations whose function it is to adjust family quarrels. These courts have proved their value by keeping many cases out of the divorce courts. It has been suggested that we ought to amend the national constitution so as to provide that no divorces shall be granted except by the federal courts. This would make the rules uniform throughout the United States and prevent the securing of divorces on trivial grounds. A proposal for such an amendment is now being considered by Congress. Meanwhile some of the states have come to the conclusion that a check should be placed upon hasty marriages and have consequently made laws requiring that persons intending to be married shall file notice of their intention a certain number of days before the marriage takes place. These various remedies are good enough so far as they go, but the only permanent and effective remedy is the education of public opinion to a point where it will use its influence to check the stream of divorces. Social ostracism is a powerful weapon in the hands of any community that wishes to use it. The immediate need is to educate the American people in the homes, in the schools, and in the churches, so that they may appreciate the gravity of the problem and insist upon its being properly solved.

General References

E. T. TOWNE, *Social Problems*, pp. 285-307 (Poor Relief); pp. 184-207 (Mental Defectives); pp. 208-234 (Crime and

Correction);

H. R. BURCH and S. H. PATTERSON, *American Social Problems*, pp. 200-250 (Poor Relief); pp. 271-288 (Mental Defectives); pp. 237-270 (Crime and Correction);

CHARLES A. ELLWOOD, *Sociology and Modern Social Problems*, pp. 299-325 (Poor Relief); pp. 326-353 (Crime and Correction);

A. G. WARNER, *American Charities*, especially pp. 36-63;

C. R. HENDERSON, *Dependent, Defective, and Delinquent Classes*, especially pp. 1-39;

F. H. WINES, *Punishment and Reformation*, especially pp. 121-132 (The Reformation of the Criminal);

MAURICE PARMELEE, *Poverty and Social Progress*, pp. 168-187.

Group Problems

1. The causes of poverty and how we may get rid of them. Relative importance of the various causes in your own state and community. Analyze each of these causes and ascertain what measures have been taken to deal with each. Study the experience of foreign countries with old-age pensions and unemployment allowances. Note the effect, if any, of workmen's insurance, mothers' pensions, and minimum wage laws in various American states. Suggest further steps for removing the fundamental causes of poverty. **References**: E. T. TOWNE, *Social Problems*, pp. 290-301; H. R. BURCH and S. H. PATTERSON, *American Social Problems*, pp. 205-216; E. T. DEVINE, *Misery and its Causes*, pp. 1-50; ROBERT HUNTER, *Poverty*, pp. 1-65; W. H. DAWSON, *Social Insurance*, *passim*.

2. The care of dependent children. References: A. G. WARNER, *American Charities*, pp. 220-228; C. R. HENDERSON, *Dependent, Defective, and Delinquent Classes*, pp. 98-120; G. B. MANGOLD, *Child Problems*, pp. 293-345.

3. Prison reform: how far should it be carried? References: E. H. WINES, *Punishment and Reformation*, pp. 312-363; T. M. OSBORNE, *Within Prison Walls*, pp. 24-58; *Ibid.*, *Society and Prisons*, pp. 185-235; C. R. HENDERSON, *The Dependent, Defective, and Delinquent Classes*, pp. 276-307.

4. The divorce problem in its social and economic aspects. Early history of the problem. The spread of divorce in the United States. Comparison with other countries. Causes of divorce. Relative importance of these causes. Effects on family organization. Effects upon the children concerned. Economic results of divorce. The possible remedies. Probable effectiveness of these remedies. Conclusions. **References**: C. A. ELLWOOD, *Sociology and Modern Social Problems*, pp. 147-166; W. F. WILLCOX, *The Divorce Problem, passim*; J. P. LICHTENBERGER, *Divorce; A study in social causation* (Columbia University Studies in History, Economics, and Public Law, Vol. XXXV, No. 3, pp. 52-96, 151-171); J. Q. DEALEY, *The Family in its Sociological Aspects*, pp. 73-108; United States Bureau of the Census, *Report for 1910* (See *Abstract*, *Sections on Marital Conditions*); H. BOSANQUET, *The Family*, pp. 260-314; W. GOODSELL, *The Family as a Social and Educational Institution*, pp. 456-496.

Short Studies

1. **The treatment of the poor in earlier days.** THOMAS MACKAY, *Public Relief of the Poor*, pp. 35-68.

2. **Unemployment as a cause of poverty.** E. T. DEVINE, *Misery and its Causes*, pp. 113-146.

3. **Old-age pensions abroad.** W. H. DAWSON, *Social Insurance in Germany*, pp. 1-21.

4. **The problem of the deaf and the blind.** E. T. TOWNE, *Social Problems*, pp. 161-181.

5. **Poor relief organizations in the United States.** C. R. HENDERSON, *Modern Methods of Charity*, pp. 380-451.

6. **The problem of the mental defectives.** H. R. BURCH and S. H. PATTERSON, *American Social Problems*, pp. 271-288.

7. **Theories of crime and punishment.** T. N. CARVER, *Sociology and Social Progress*, pp. 654-673.

8. **The work of Jeremy Bentham.** A. V. DICEY, *The Relation Between Law and Public Opinion in England*, pp. 167-209.

9. **Prison self-government.** F. H. WINES, *Punishment and Reformation*, pp. 364-412.

10. **Fundamental factors in the prevention of crime.** F. H. WINES, *Punishment and Reformation*, pp. 413-461.

11. **Juvenile courts.** BERNARD FLEXNER and R. N. BALDWIN, *Juvenile Courts and Probation*, pp. 12-78; T. D. ELIOT, *The Juvenile Court and the Community*, pp. 1-41.

Questions

1. What is the difference between poverty and pauperism? Has the distinction any importance?

2. Place the individual causes of poverty in what seems to you to be their order of consequence and give your reasons for so placing them.

3. What is meant by the minimum standard of living? Make an estimate of what it costs to maintain this minimum standard in your own community at the present time.

4. To what extent are overcrowding and unsanitary conditions the *cause* of poverty and to what extent are they the effect?

5. What are the advantages and the disadvantages of private poor relief organizations? In what way may the disadvantages be overcome?

6. In what ways are poverty and a poor educational system related?

7. Why is it desirable to separate the different types of mental defectives?

8. What is the difference between crimes and torts? Which of the following are crimes and which are not: telling a falsehood; blasphemy; throwing rubbish in the streets; refusing to obey the orders of a policeman; building a house on another man's land; ringing in a false alarm; telling false stories about a neighbor; playing ball on Sunday? Can you make a classification of crimes apart from that given in the text?

9. Place the causes of crime in what seems to you to be their order of importance. Compare this with the answer to Question 2.

10. Explain the difference between indeterminate sentence, parole, and probation.

11. Make a list of prison reforms which meet your

approval. What could you do, as a citizen, to secure the adoption of these reforms.

12. Why are juvenile courts desirable? What disposition do they make of cases which come before them? What are the duties of a probation officer?

Topics for Debate

1. The public authorities should assume all responsibility for poor relief and do away with private charity organizations altogether.

2. County jails should be abolished and all prisoners sent to state or federal institutions.

3. The Osborne plan of prison self-government should be adopted throughout the country.

CHAPTER XXVIII
THE NATIONAL DEFENCE

The purpose of this chapter is to show why an army and navy are needed by the United States; how they are organized; and what they cost.

What we spend each year for military purposes.

The Stupendous Cost of Armaments.—Although the people of the United States dislike war and desire peace the national government is now spending about $750,000,000 every year to maintain the country's military and naval forces. Seven dollars per head of population is our annual contribution for national defence. The people of the United States are spending far more on national defence, on payments for past wars, and on preparations for wars of the future, than they are expending upon all branches of civil government. The cost of a single battleship is greater than that of all the school buildings in a state like Ohio or California. And this does not reckon the loss caused by the withdrawal of more than two hundred thousand able-bodied young men from the farms and factories. Why is it necessary to support armies and navies? The leading nations of the world, at the Washington conference of 1921-1922, reached an agreement for the reduction of naval armaments.

Would it not be practicable for the world to abolish armies and navies altogether? We have all heard the arguments of the pacifists to the effect that great armaments are not necessary, that they are in fact an encouragement to war, and that they merely impose upon the people a grievous burden in taxes without any substantial advantage in return.[269]

Let us first look at this problem from a different angle, close at home. We spend large sums of money in all American cities for the maintenance of police, police courts, and prisons. Why do we do it? If people would only obey the laws, respect the rights of others, and refrain from interfering with their neighbors, there would be no need for these armed guardians of the law. The trouble is, however, that without police and prisons we would have disorder, injustice, and oppression. A community certainly would not promote the cause of law and order by leaving itself helpless against those who set out to do wrong. Now the army and the navy are our police writ large. They are, against wrong-doing from without, what the police are against wrong-doing from within—a measure of protection and security.

A nation cannot leave itself defenceless.

Defence is an Essential Function of Government.—Many years ago one of the Fathers of the American Republic, James Madison, stated this point in a single sentence. “Security against foreign danger”, he wrote, “is one of the primitive objects of civil society. It is an avowed object of the American union.” We set great value in this democracy on the right to “life, liberty, and the pursuit of happiness”, but no people can be secure in their rights to any of these things so long as they permit themselves to

remain defenceless against the assaults of their enemies. When one citizen injures another there are courts to render justice. But when one nation treats another unjustly the injured country has no such redress; it must depend upon its own strength to assert its rights. The impulse to self-defence is deeply implanted in human nature. A man's first care is to defend himself and those dearest to him. So a nation's first care should be for the safety of those within its borders. A country that is not ready and able to protect its own citizens can scarcely be said to deserve their patriotism. Fear God and take your own part! is a good motto.[270] A man who cannot take his own part, when occasion demands, is a weakness in any community, for his impotence is an encouragement to wrongdoers. The same applies to nations. A country that cannot defend itself against external injustice puts a premium on aggression.[271] The day may come when, as it is written in the Scriptures, "nation shall not lift up sword against nation, neither shall they learn war any more"; but until that long-looked-for time arrives it is the duty of every land to make sure that its territories shall not be invaded with impunity. Wanton or unjust war is an abhorrent evil, and even a just war of self-defence brings immeasurable suffering. The permanent avoidance of war is assuredly a goal which human effort should strive by some means or other to attain.

Do armaments engender militarism?

National Defence and Militarism.—It is often said that armaments lead to militarism and the encouragement of a warlike spirit among the people, and that the nation which keeps a sharp sword is

always under a temptation to unsheathe it. The history of European nations proves that there is a measure of truth in this assertion. Huge armies are not merely an economic burden, a source of enormous expense; but they create suspicion and distrust among a nation's neighbors. During the fifty years preceding 1914 the various countries of Europe kept each other's tempers constantly on edge by reason of their being armed to the teeth. The standing armies of Germany, Austria, Russia, France, and Italy prior to the outbreak of the World War totalled nearly two million men. These men had to be fed, clothed, and supported by the labor of those who were not in the military service. How much better it would have been if most of them had spent their time behind the plough!

What another world-war would mean.

The Causes of War.—Intelligent people everywhere are agreed that war is the greatest curse of humanity and that some means of prevention must be found. If the world, within the next generation, should have the misfortune to engage in another titanic conflict like the last, it will not much matter who wins. Victor and vanquished will alike go down in a welter of blood and chaos. There is no difference of opinion among thoughtful men of all nations on this point. So far as the desirability of permanently avoiding war is concerned, there is entire agreement between pacifists and other people. But how is war to be permanently avoided? One way, and probably the only effective way, is to remove the causes of war.

The chief motives in war.

In past years a great many different things have drawn nations into war. Greed for territory has been a prolific cause of armed conflict during many centuries. Governments, like individuals, often violate the tenth commandment and covet the possessions of their neighbors. Rivalry in trade sometimes leads to ill-feeling, suspicion, and in the end to hostilities. The press, or certain sections of it, is sometimes given to fomenting this bad feeling and so are politicians occasionally. The misgovernment of a helpless people has at times led to outside intervention on their behalf, as when the United States in 1898 interposed to terminate Spanish oppression in Cuba. Alliances among nations, particularly secret alliances, have aroused jealousy to a point where some relatively minor mishap sufficed to send armies forth to battle. In the case of the World War the murder of an Austrian archduke at Serajevo was the match which set Europe aflame; but it was not the underlying cause of the conflict. The real causes are to be found in the rivalry, the jealousies, and the militarism which turned Europe into a huge armed camp during the years preceding 1914.

Can these motives be removed?

There is no reason why nations should be natural enemies. Like men they can live together in amity if, like men, they learn to secure respect for their own rights by respecting the rights of others. Up to a certain point rivalry between different countries makes for progress, but when rivalry engenders bitterness it becomes a menace to peace. A large part of the mutual suspicion which exists among governments would be obliterated if secret diplomacy were abolished and the burden of great

armaments removed.

The Regular Army of the United States.—Until these causes of war are permanently removed by some agreement among the nations of the world no country can venture to give up reasonable measures for its own defence. For military protection the United States relies first of all upon the regular army. In proportion to the total population of the country this army has never been large in time of peace. The policy of the United States has always been to maintain a standing army of very moderate size and to depend, in emergencies, upon the assistance of units raised from among the able-bodied men of the civilian population.[272] How the regular army is organized. The size of the regular army is fixed from time to time by Congress; it is always recruited by voluntary enlistment and has never contained any regiments raised by conscription. Enlistments are for a term of years, at the end of which time an honorable discharge is given if the soldier has served faithfully. The regular army is completely and at all times under the control of the War Department; its officers are appointed by the President as commander-in-chief; its discipline is regulated by federal law and its entire cost of maintenance is borne by the national government.

The National Guard.—But the military forces of the United States do not consist of the regular army alone. Each state maintains a militia in which every able-bodied citizen between the ages of eighteen and forty-five is under obligation to serve when called upon. The effective portion of this militia, however, consists of organized units known as the national guard. In time of peace the national guard is under the control of the states, the governor in each state being its commander-in-chief; but Congress has

authority to provide for the arming and disciplining of this force so that it may be serviceable in time of war. The present regulations relating to the size, organization, arming, and disciplining of the national guard were framed by Congress in 1916. Its officers, in time of peace, are appointed in each state by the governor; but the national government furnishes the arms and equipment besides giving an annual money grant to each state. The national guard, like the regular army, is recruited by voluntary enlistment. In time of war or other emergency it may be called into the service of the federal government and then becomes, for all practical purposes, an integral part of the United States army.[273]

The Volunteers.—During practically all the wars in which the United States was engaged prior to 1917 a call was made for volunteers. In the Civil War more than a million soldiers were brought to the colors in response to the six successive calls which President Lincoln issued. But recruits did not always come readily and it was necessary on occasions to offer bounties or money grants to all who would volunteer. During the war with Spain in 1898 volunteers were again called for, and many regiments were raised in this way, notably the First Volunteer Cavalry, better known as the Rough Riders.[274] The serious defect of an army raised in this way is that no one can foretell the number of men who will respond. The volunteer system, moreover, rests upon the idea that military service is an optional, not a universal duty, on the part of citizens.

The draft in 1917-1918.

The National Army.—When the United States entered the World War in 1917 it was realized that a

sufficient military force could not be obtained by using the regular army, by ordering out the national guard, or by calling for volunteers. So, on May 18, 1917, Congress passed the Selective Service Act which authorized the President to summon all male citizens between the ages of twenty-one and thirty-one to be registered. It further provided that the President should call into service (subject to certain exemptions made in the act and in accordance with regulations which he might frame) a sufficient number of men to form a national army. How the draft was applied. The first registration took place in June, 1917, and immediately thereafter the local draft boards, under the supervision of the Provost-Marshal-General, selected the persons who were called into service. In due course it was found advisable to classify all the registrants and to summon, first of all, unmarried men without dependents who were not engaged in any essential occupation. In the summer of 1918 an extension of the age limit was authorized by Congress, to include all men between the ages of eighteen and forty-five; but it did not prove necessary to call into service any considerable number of men from among these later registrants. The classification of the men, the physical examinations, and the order in which men were called to the colors were all provided for in the body of rules known as the Selective Service Regulations.

The men drafted under these regulations were sent to military camps or cantonments located in different parts of the country. There they were organized into military units, equipped, and trained. As soon as each division had completed its preliminary training it was sent to Europe. Forty divisions of the national army, mobilized in this way, were in Europe before

the armistice was signed. These, with the non-combatant troops, made up a total of about two million men. The American army in the war. In the spring of 1918, when the last great German drive against the French and British armies took place, there were only half a million American troops in Europe. The need for more was urgent and America was asked to hurry. By almost superhuman effort great bodies of troops were rushed from the camps to the Atlantic ports and sent across the water during the summer at the rate of more than two hundred thousand men a month. When the final united assault of the Allied armies carried them through the German lines in the autumn the strength of the American forces contributed decisively to the ultimate victory. The speed with which America drew a great army from the ranks of her citizenship, trained it, sent it overseas, used it to turn the scale, and brought it home again—these things made a profound impression upon the whole world.

The President as commander-in-chief.

The Control of the Army in War.—According to the constitution of the United States the power to declare war rests with Congress. The usual method of declaring war is the passage of a resolution by both houses of Congress, signed by the President. War may begin, however, without a formal declaration on either side. It may begin by an act of war, an attack by one nation upon another, or by one section of a country upon another. The Civil War began with the firing upon Fort Sumter; there was no declaration of war by either side. Once war is declared the movements of the army depend upon the discretion of the President. He appoints the officers who

command it and has the final decision as regards the course of military operations. Congress votes the money for carrying on a war, but the President directs the spending of it. Congress determines the size and character of the army, but as commander-in-chief the President controls all its operations in the field.[275] This division of functions might possibly lead to friction and even to disaster if Congress and the President did not work in harmony, but on the whole the two branches of the government have always shown a spirit of co-operation in war-time.

The army as an aid to the civil power.

The Use of Armed Forces in Time of Peace.—In time of peace the regular army and the national guard may be used under certain conditions to put down riot or disorder. The President has the right to use United States troops within the limits of any state in order to enforce the national laws, to facilitate the carrying of the mails, or to maintain any other function of the national government. This he may do without the invitation or permission of the state government, or even against the wishes of the state authorities. In 1894 when a railway strike in Chicago interfered with the free passage of mails, President Cleveland sent a detachment of regular troops to the state of Illinois and cleared the way. The Supreme Court held that he was within his rights. If a state is invaded, the President may also act on his own volition; but when internal disorders occur, it is the primary function of the state authorities to suppress them. The governor is vested with authority to call out the national guard for this purpose. Federal troops cannot be sent in such cases except upon the request of the state authorities, unless, of course, the disorders reach a point where they obstruct the

national government in the performance of its functions. In any event, troops are not called out for active service in time of peace save under conditions of serious emergency. Soldiers are not well qualified to handle ordinary disturbances; they have not been trained for that purpose and their presence is likely to make mild disturbances more serious. Bodies of state constabulary, like those maintained in New York, Pennsylvania, and Massachusetts, are better adapted to use in such situations.

The articles of war.

Military Law.—The citizen, under normal conditions, is subject only to the law of the land. But the soldier (and this term includes officers) is subject not only to the ordinary laws but to a special code of military law the provisions of which are embodied in the Articles of War and are administered by courts-martial. The Articles of War are enacted by Congress, and anyone entering the army, whether as a commissioned officer or an enlisted man, becomes subject to their provisions both in time of war and in time of peace. These articles deal with such matters as desertion, disobedience of orders, neglect of duty, absence without leave, the wrongful use of military equipment, and kindred military offences.

Courts-martial.

Military law is not enforced by the ordinary courts but by special courts known as courts-martial, which are composed of army officers.[276] Punishment may be inflicted in the form of dishonorable discharge from the army, or imprisonment—even the death penalty may be imposed in extreme cases during war. The accused person has the right to have his own counsel and the customary rules of evidence are followed, as in the civil courts.

What martial law

implies.

Martial Law.—Military law and martial law are often confused with each other, but they are in fact wholly different. Martial law is the entire legal administration which is applied to any area of conflict or insurrection by order of Congress, or by the President in case such action is urgently needed before action by Congress can be taken. It is not proclaimed except in case of invasion, insurrection, or civil or foreign war, and then only in districts where the ordinary laws and courts prove themselves unable to secure the public safety.

Its effects.

When martial law is proclaimed in any district the ordinary laws cease to function there. The orders of the commanding military officer take the place of the laws. Special military tribunals are usually appointed to enforce these orders; but if practicable, the ordinary courts may be retained. Martial law applies to everybody within the district, soldiers and civilians alike. The commanding officer issues his orders and, whatever they are, they must be implicitly obeyed. He may order, for example, that there shall be no public gatherings, no traffic in the streets after nightfall, and no keeping of weapons in private houses. He may require every inhabitant to carry a pass signed by the military authorities. There is no definite code of martial law; the will of the commanding officer is supreme so long as the citizen is not deprived of his rights as guaranteed by the constitution of the United States. This constitution, however, is the supreme law of the land and not even the army can disregard it. Martial law is never proclaimed except in urgent circumstances when it appears to be the only way of securing public order and protecting property. During the Civil War it was

administered in some sections of the South which were occupied by the Northern armies.[277]

The Navy.—The navy is commonly called the "first line" of the national defence inasmuch as the most vulnerable boundaries of the United States extend along two great seacoasts.[278] Like the army its organization is under the jurisdiction of Congress, which appropriates the money for its maintenance; but the President is also the commander-in-chief of the navy and is responsible for directing its operations. In this he is assisted by the Secretary of the Navy who in turn is advised by a staff of naval officers. Men are enlisted in the navy, and officers are commissioned as in the army, but with different ratings and ranks. Administration of the navy. The navy also has its code corresponding to the Articles of War and its system of courts-martial. The Marine Corps, which in organization, drill, and discipline, is really a military organization, comes under the control of the Secretary of the Navy because it is primarily intended to furnish a landing force after attack. The marine, as Kipling says, is "a soldier and sailor too". In connection with the work of the navy mention should also be made of the coast defences which are located at points where they may serve to protect the commercial seaports. These consist of concealed land batteries, floating batteries, channels guarded by mines, submarines, and naval airplanes.

The history of the issue.

The Problem of Disarmament.—Is there any reasonable ground for the hope that the burden of maintaining an army and navy may be reduced at some time in the near future? Proposals for a general disarmament by international agreement have been put forth at various times for a hundred years or

more. Following the long Napoleonic Wars which exhausted the chief countries of Europe, the Czar of Russia suggested that the nations should agree to place a limit upon their respective armaments. But nothing came of this proposal, and although the question of disarmament was discussed during the next three-quarters of a century in unofficial circles no concrete plan for an international conference on the matter was formulated until 1898, when Russia once more brought to the attention of the other European powers the urgent desirability of considering some effective measures for disarmament.

The two Hague conferences.

As a direct result of this action delegates appointed by all the leading governments of the world assembled at the Hague in the following year and discussed the possible methods of securing international disarmament. A resolution was adopted affirming the desirability of such action but no definite plan was formulated. A second Hague Conference was held eight years later but it likewise managed to procure no definite promises of disarmament because Germany refused to enter into any such agreement, believing that more could be gained by war than by disarming. So the feverish activity in preparations for war continued until the great world conflict began. In the negotiations which took place at the close of this war it was generally agreed that a reduction of armaments on the part of all countries should begin at the earliest practicable moment, but the disordered state of affairs in several European countries, notably in Russia, delayed any important steps in that direction. This led President Harding, in the summer of 1921, to propose that the

chief naval powers should send delegates to a conference at Washington in order that some plan of limiting naval expansion might be prepared.

The conference on naval armaments.

This conference assembled in the autumn of 1921 and at once proceeded to consider a proposal, made on behalf of the United States, that a fixed tonnage of capital ships agreed upon and that this limit should not be exceeded during the next ten years. With some slight amendments the American proposal was ultimately accepted and embodied in an international treaty. The conference also framed agreements for the future limitation of submarine warfare, the prohibition of poison gas in war, and the restriction of fortifications in the Pacific regions. No action was taken towards the limitation of armies.[279]

Universal Military Training.—If the leading nations do not agree upon a plan of general disarmament, is it desirable that the United States should adopt a system of universal military training? There is a popular aversion to the maintenance of a large regular army. On the other hand it would be folly to permit the United States to stand unprepared if other nations go on arming themselves as in the years preceding the World War. The Swiss plan. The suggestion has been made that we could avoid the necessity of maintaining a large regular army and yet secure the advantages of military preparedness by adopting the plan used in Switzerland where every able-bodied young man is required to undergo a short period of military training. This training would be taken at some convenient time between the ages of eighteen and twenty-one; it would last from three to six months. The claim is made that this training

would have educational as well as military value and that it would conduce to the physical upbuilding of American manhood. In opposition to the plan of universal military training it is contended that anything of this sort would involve a great waste of energy, would withdraw large numbers of young men from productive labor, would foster militarism, and would involve enormous expense.

New wars being new methods.

What is Real Preparedness?—Under present-day conditions one must recognize that preparedness for war does not consist in merely training men to march and shoot. No war is ever like any previous war. No amount of human ingenuity or foresight can avail to train men for "the next war", because nobody knows where, when, or how the next war is going to be fought. The Civil War was fought in the open; it was a war of movement. The World War was fought, for the most part, in trenches; it was a war of positions. In the Civil War, cavalry played an important part; in the World War cavalry had very little share. Artillery was the great factor. For example, it has been estimated that all the artillery ammunition used during three whole days at the battle of Gettysburg would have lasted the American artillery just about thirty minutes in one of the Argonne battles! New weapons and devices are brought forth in every new conflict, and they greatly change the conditions of warfare. The great European struggle utilized the airplane, poison gas, incendiary bombs, gas shells, hand grenades, liquid flame, tanks, wireless telegraphy, wireless telephony, dirigible balloons, submarines, seaplanes, and artillery with a range of over fifty miles—none of these things figured in any previous war.

The “next war”, if it comes.

It has been predicted that the next war will be fought, for the most part, in the air and under the sea; that the entire populations of great cities may be wiped out during a few days by a deluge of poisonous gas-bombs hurled from the sky;[280] that science under the pressure of war emergency will discover some form of lethal ray (we have X-rays, light rays, heat rays,—why not rays of a deadlier sort?) which will be shot from the clouds to shrivel and poison human beings by the thousands; that disease germs will be called into service to spread pestilence among the people;—all these things have been soberly predicted as likely to feature the next great conflict if one ever comes.[281]

How the progress of science affects warfare.

Progress in science and in the arts completely changes the methods of warfare in one generation after another, If General Hooker had possessed a single airplane, you may be sure that “Stonewall” Jackson would never have slipped around his flank at Chancellorsville. A squadron of “tanks”, if the Army of the Potomac had been provided with them in 1863, would probably have cleared the road to Richmond within a week. Who can tell what weapons, appliances, and tactics the nations will need for use in the next war, if another war should ever come? Preparations of a strictly military sort are essential, to be sure, but it is not wise to place entire reliance upon an army which is trained to use certain tactics in a prescribed way. That, of itself, does not constitute true “preparedness”.

Three words sum up the reasons for the Allied victory in the World War; these words are *men*,

munitions, and *morale*. France, Great Britain, the United States, and Italy had civilian reserves to draw upon. They had great peace-time industries which they converted into munition factories. Above all things the moral strength and steadfastness of free peoples counted in the long struggle against autocracy. What real "preparedness" means. The lesson to be drawn from this is that if a country builds up a vigorous manhood, both physically and mentally; if it creates great, varied, and well-managed industries; if it fosters patriotism and a sense of righteousness through its system of public education; if it cultivates intelligently all the progressive arts of peace—if a nation does all these things, it is accomplishing real preparedness for whatever may come. Great wars are won, paradoxical as it may sound, in times of peace.

The War-Time Powers of Government.—There is an ancient Latin maxim: *inter arma silent leges*. It means that under the stress of armed conflict the ordinary laws give way. In the United States this maxim does not strictly apply; the constitutional rights of the citizen remain intact and the ordinary laws of the land continue to apply in war-time. Nevertheless it is true that a state of war requires strict vigilance on the part of the government and this may lead it to impose upon individual freedom various restrictions which would not be imposed in time of peace. Limitations on civic liberty during wars. During the World War, for example, the national government laid certain restrictions upon the consumption of food, the use of coal, and the manufacture of luxuries. This it did under its constitutional authority "to raise *and support* armies". The Espionage and Sedition Acts. Congress also passed the Espionage and Sedition Acts which provided penalties for making or circulating false statements

with intent to injure the United States or using "abusive language about the government or institutions of the country". By these laws, in brief, it was made a crime to favor the cause of the enemy by any word or act. In some quarters this legislation was regarded as an unwarranted interference with freedom of speech but on the whole it was a justifiable war-time precaution. Those who found their personal freedom restricted by the Espionage and Sedition Acts suffered very little hardship compared with that borne by the soldiers and sailors who went into active service.

There can be no absolute freedom of speech at any time.

Freedom of Speech in War-Time.—During the World War there was considerable complaint in some quarters because the national government placed certain limitations upon freedom of speech, and a good deal of discussion arose as to what freedom of speech really means. The issue is one which cannot be argued in general terms, for it is not a question of principle but of practical policy. On the one hand it is generally agreed that men ought to have all reasonable liberty to express their own thoughts in their own way; on the other hand it is just as fully agreed that people must not be allowed to go about preaching treason, uttering slanders, and by word of mouth infringing the rights of others. The question, then, is not whether we should grant freedom of speech or deny it; but how much of it we should grant or deny.

But the presumption should be in favor of free speech.

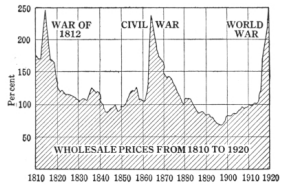
In a democracy the presumption should be in favor

of freedom. It should be curtailed no further than is clearly demanded by the general interest. Just where that point comes is something that cannot be fixed by any general rule. In time of peace, for example, we may safely permit a greater freedom of speech than in time of war. We may rightly allow a citizen, whose loyalty is not in doubt, a greater latitude than a foreigner who professes his hatred of the United States. The problem is an exceedingly difficult one and the courts may at times do injustice in dealing with outspoken persons; but the nation in its sober senses is not likely to let the fundamental right of free speech be permanently restricted beyond a reasonable point.[282]

The various war boards, 1917-1918.

Mobilizing the Economic Forces.—In order to ensure victory it also becomes necessary to mobilize all the economic forces of a country, the industries, the means of transport, and even the professional skill. During the years 1917-18 the government of the United States established a War Industries Board whose function it was to supervise and speed up industrial production; likewise a Food Administration, a Fuel Administration, a War Labor Board, a Censorship Board, a Committee on Public Information, a War Finance Corporation, an Alien Property Custodian, and various other war-time authorities with duties which are in a general way indicated by their titles. Both the work and the authority of a government enlarge under the stress of war.





PRICES IN THE
UNITED STATES
FROM
1810 TO 1920
(Prices in 1914 = 100)

Retail prices are based on wholesale prices.

Three times have wholesale prices in America risen to more than double the normal.

1. During the war of 1812, which was in reality the country's participation in the Napoleonic wars—one of the great world wars.
2. During the Civil War, in 1861-65, a long and costly struggle.
3. During the recent World War.

Not less notable than the great rise of prices during these great wars has been the long and continued fall of prices extending over a generation of time which followed the great rise.

THE RISE OF PRICES IN WAR TIME

The diagram on the reverse of this page

illustrates the way in which war disturbs a nation's economic life. It sends prices sky-high by reason of the monetary inflation which almost invariably accompanies war. This rapid rise in prices causes industries to expand. Wages rise with prices, and for the moment we have an era of prosperity or "good times" as it is usually called. But when the stimulus of war inflation is removed, the general level of prices begins to decline, and with this fall in prices the industries slacken. Wages also come down, although more slowly than prices, and we have an era of industrial depression or hard times.

The greatest of all human tragedies.

War's Aftermath.—War is waste. It destroys life and property, uses up the accumulated wealth of nations, and saddles them with huge debts which future generations have to pay. The cost of a war can never be reckoned in full until long after the treaty of peace has been signed. The Civil War came to an end more than fifty years ago, but we are still paying

more than two hundred million dollars per annum in pensions to veterans of that struggle or to their widows. The number of Civil War pensioners and their widows now on the roll is more than five hundred thousand. It was not until 1906 that the last surviving widow of a veteran of the Revolutionary War died. The burden of pensions growing out of the World War is just beginning to accumulate; the country will not feel its full weight for many years to come. A generation born after this war ended will be required to defray its cost. War also leaves, as its tragic aftermath, large numbers of wounded, disabled, or invalided soldiers who must be cared for at the public expense. No nation which values its own honor can afford to leave its veterans unaided in suffering and want. In the United States we have made provision for affording medical care to those soldiers of the World War who require it and for giving vocational education to those partially disabled men who need it in order to fit them for success in life.

General References

C. A. BEARD, *American Government and Politics*, pp. 342-357; *Ibid.*, *Readings in American Government and Politics*, pp. 308-322;

EVERETT KIMBALL, *National Government of the United States*, pp. 423-444;

W. B. MUNRO, *The Government of the United States*, pp. 265-276;

A. B. HART, *Actual Government*, pp. 459-480;

P. S. REINSCH, *Readings in American Federal Government*, pp. 610-650;

EDWARD F. ALLEN and RAYMOND FOSDICK, *Keeping Our Fighters Fit*, *passim*;

B. A. FISKE, *The Navy as a Fighting Machine*,

passim;

R. M. JOHNSTON, *Leading American Soldiers*, especially pp. 3-65;

E. H. CROWDER, *The Spirit of Selective Service*, pp. 59-92;

R. R. MCCORMICK, *The Army of 1918*, pp. 207-243.

Group Problems

1. In what ways did the World War differ from previous wars? What predictions have been made concerning the weapons and tactics of the next war? How can preparedness best be made for such a war? **References**: J. F. RHODES, *History of the Civil War*, pp. 1-46; B. CROWELL and R. F. WILSON, *How America Went to War*, Vol. I, pp. 3-14; WILL IRWIN, *The Next War*, pp. 33-66; EMORY UPTON, *The Military Policy of the United States*, *passim*; ERICH VON LUDENDORFF, *Ludendorff's Own Story*, *passim*; BARON HORFF VON DEWITZ, *War's New Weapons*, pp. 5-48; W. L. MCPHERSON, *The Strategy of the Great War*, pp. 80-118; D. W. JOHNSON, *Topography and Strategy in the War*, pp. 1-40.

2. How can the causes of war be removed? Should we have international disarmament? **References**: G. L. DICKINSON, *The Choice Before Us*, pp. 166-186; H. M. KALLEN, *The Structure of Lasting Peace*, pp. 141-187; A. T. MAHAN, *Armaments and Arbitration*, pp. 15-35; F. W. HOLLS, *The Peace Conference at The Hague*, pp. 66-92; J. B. SCOTT, *The Status of the International Court of Justice*, pp. 1-30; JOHN BAKELESS, *The Economic Causes of Modern Wars*, pp. 177-195.

3. The National Army of 1917-1918: how it was raised, trained, and used. References: E. H. CROWDER, *The Spirit of Selective Service*, pp. 115-175; *Selective Service Regulations* (revised edition), pp. 1-30; R. B. PERRY, *The Plattsburg Movement*, pp. 173-214; LEONARD P. AYRES, *The War with Germany*, pp. 13-48; R. R. MCCORMICK,

The Army of 1918, pp. 1-57.

Short Studies

1. **The War Department.** JOHN A. FAIRLIE, *National Administration*, pp. 133-151.

2. **The war powers of the President and Congress.** *Cyclopedia of American Government*, Vol. III, pp. 646-648; G. GLENN, *The Army and the Law*, *passim*.

3. **The growth of the navy.** G. R. CLARK, *History of the United States Navy*, pp. 406-444; E. S. MACLAY, *History of the United States Navy*, Vol. III, pp. 11-36.

4. **Great American soldiers.** R. M. JOHNSTON, *Leading American Soldiers*, pp. 137-192 (Grant); 256-310 (Lee).

5. **The Grand Army of the Republic.** W. H. WARD, *Records of Members of the Grand Army of the Republic*, pp. 5-15.

6. **The American Legion.** G. S. WHEAT, *The Story of the American Legion*, pp. 12-30; 193-211.

7. **How the nation mobilized in 1917-1918.** P. L. HAWORTH, *The United States in Our Own Time*, pp. 422-440.

8. **Military law, martial law, and military government.** EVERETT KIMBALL, *National Government of the United States*, pp. 434-444.

9. **The human cost of the war.** HOMER FOLKS, *The Human Costs of the War*, pp. 119-167.

10. **The use of regular troops in labor troubles.** GROVER CLEVELAND, *Presidential Problems*, pp. 79-117.

11. **The Hague Conferences.** F. W. HOLLS, *The Peace Conferences at The Hague*, pp. 1-35; J. H. CHOATE, *The Two Hague Conferences*, *passim*.

12. **The United States Food Administration.** 1917-1918. W. F. WILLOUGHBY, *Government Organization in War Time*, pp. 258-292.

13. **How the National Army was drafted.** E. H. CROWDER, *The Spirit of Selective Service*, pp. 115-175; see also *Second Report of the Provost*

Marshal General (1918).

14. **Military pensions.** JOHN A. FAIRLIE, *National Administration*, pp. 205-208; W. H. GLASSON, *History of Military Pension Legislation*, pp. 70-107.

15. **Freedom of speech in war time.** ZECHARIAH CHAFEE, JR., *Freedom of Speech*, *passim*.

Questions

1. Classify the chief causes of war and indicate which class of causes was mainly responsible for: the French and Indian Wars; the Revolutionary War; the Napoleonic Wars; the War of 1812; the Mexican War; the Civil War; the Spanish War; the Russo-Japanese War; and the World War.

2. What did President Roosevelt mean when he said that a defenceless nation is a temptation to injustice. Give some examples to illustrate this proposition and also to illustrate the reverse.

3. Why would it not be better to abolish the national guard and have only a regular army?

4. Explain the various steps by which civilians were taken into the national army under the provisions of the Selective Service Law.

5. Is it right to use the armed forces of the nation in quelling labor troubles? What are the objections to so doing?

6. Explain the system of trial by court-martial under the following heads: (*a*) who may be tried; (*b*) on what charges; (*c*) how the court is organized; (*d*) who prosecutes; (*e*) who defends; (*f*) what sentence may be imposed; (*g*) who reviews the sentence.

7. What is the difference between proclaiming martial law in a district and establishing a military government over it?

8. Outline the history of the United States navy. What are the characteristics of (*a*) battleships; (*b*) battle cruisers; (*c*) gunboats?

9. What would be (*a*) the political and (*b*) the economic advantages of disarmament? What difficulties stand in the way of an international

agreement to disarm?

10. Make a list of the special governmental agencies which were established in the United States during the World War, and name the functions performed by each.

Topics for Debate

1. The United States should adopt the system of universal military training.

2. A declaration of war should require a two-thirds vote of Congress.

3. The national government should pay pensions to veterans of the World War in the same way that it has provided pensions for veterans of the Civil War.

CHAPTER XXIX
FOREIGN RELATIONS

The purpose of this chapter is to explain what international law is, what obligations it imposes, and how the United States carries on its relations with other countries.

Trade has brought nations together.

The Contact of Nations.—In all ages the nations of the world have been brought into relations with one another. During the early centuries their contact was not very close, as a rule, because differences in race, religion, and language, together with the lack of facilities for travel and transportation served to keep the people apart. But the Phoenicians, the Greeks, and the Romans all traded with their neighbors, and this trade, which began around the eastern shores of the Mediterranean, gradually widened east and west. After the fall of the Roman empire chaos reigned over the greater part of Europe; commerce declined, and incessant warfare prevented the growth of friendly intercourse among the people of different religions. These were the so-called Dark Ages, in which travel was fraught with

danger and trade was at the mercy of bandits. Gradually, however, intercourse between different regions revived and expanded. The highways and waterways became safe again. Nations were once more brought into friendly relationships. During the past three or four hundred years this intercourse of nation with nation has been steadily becoming more extensive, broken only from time to time by the waging of wars. The steamship, the railroads, the automobile, the telegraph, and the telephone have all served to reduce distances and bring the various parts of the world closer together.

The origin of international law.

International Rules and Customs.—Just as social and economic relations among men gave rise to customs and usages which everyone now obeys for the common good, so the growth of intercourse among the nations brought into existence, little by little, a body of usages and rules which guide them in their relations with one another. Even the Greeks and Romans recognized the necessity of some such rules to prevent misunderstandings. Since ancient times these usages, rules, and agreements have been gradually becoming more definite until they now form that body of jurisprudence which is known as International Law. In a strict sense international law is not law at all; its rules have not emanated from any definite source such as parliament or a legislature, and there are no courts with power to enforce its provisions.[283] Some of its rules are of long standing custom; others have come

into effect as the result of agreements among nations. The provision that the ambassador is exempt from the jurisdiction of the state to which he goes is very old,—as old as the Achaean League. It is an ancient custom, now called law. On the other hand the rule that a blockade of enemy ports is not valid unless maintained by an adequate force is a relatively modern rule and rests upon international agreement.

What international law includes.

International Law.—International law may therefore be defined as that body of usages and rules which the civilized nations of the world are accustomed to observe in their dealings with one another. These rules and usages relate to a great many things. The laws of war. They provide for friendly communication between nations in time of peace by means of ambassadors and other diplomatic envoys. International law declares the high seas to be free to all, but stipulates that a country may exercise jurisdiction over its adjacent seas for a distance of one marine league from the shore. The usages and rules of international law also provide for the protection of aliens, the collection of debts, the carrying on of trade, and many other questions which arise between nations at peace.

When nations are at war they are called *belligerents*, and the rules of international law restrict the ways in which war may be carried on. They forbid a belligerent to put poison in wells, or to bombard undefended towns, or to kill prisoners of war. It is quite true that these

so-called “laws of war” are sometimes set at naught in the heat of conflict, and it is also true that when a nation violates them there is no regular redress; but the rules are well established and the public opinion of the world always condemns any country which indulges in barbarities contrary to the rules of war.

The laws of neutrality.

Nations which are not at war when war is going on are called *neutrals*. Their rights as neutrals are defined and their duties as neutrals are prescribed by the rules of international law. Neutrals are permitted to carry on trade with belligerents subject to two limitations, namely that their ships must not try to enter any blockaded port and must not carry contraband of war. Contraband of war includes weapons, munitions, military supplies, and any other merchandise which a belligerent can use directly or indirectly in carrying on the war. The citizens of neutral states are also debarred from serving in the armed forces of belligerents.

International law, in short, deals with a great variety of matters which arise in peace, including emigration and travel, trade, naturalization, diplomatic intercourse, the extradition of criminals, treaties, and so forth, as well as with questions which arise during war such as blockades, captures at sea, the rules of land warfare, and the rights of neutrals. It is considered by the United States to be a part of the law of the land, and its rules are enforced within American territory by the federal courts.

The federal government alone controls foreign relations.

The Control of Foreign Relations.—All relations with foreign countries are under the control of the national government. No state of the Union can make any treaty, or declare war, or enter into an alliance, or send ambassadors abroad. No state, moreover, may maintain ships of war in time of peace or armed forces except as provided in the constitution. War can be declared by Congress alone. These provisions are wisely inserted in the national constitution, for if every state were permitted to deal independently with foreign countries, we should get into endless complications and difficulties. But in spite of the fact that no state can make a treaty or have any formal diplomatic negotiations with a foreign country it is nevertheless true that a state can and sometimes does create a situation which requires diplomatic action on the part of the national government. Prolonged negotiations between the American and Japanese governments have had to be carried on, for example, as the result of California's having restricted the privileges of Japanese citizens in that state (see p. 32). So, also, although the constitution gives Congress the sole power to declare war, the President through his command of the army and navy can bring about a situation which leaves Congress no choice whatsoever. On one occasion President Roosevelt threatened that if German warships did not leave the coast of Venezuela within forty-eight hours, he would send the American

fleet there. Had the German ships remained and a conflict ensued, the action of Congress in declaring war would have become a mere formality.

How Foreign Relations are Conducted.—The conduct of foreign relations rests with the President, whose right-hand man in such matters is the Secretary of State. But the President's discretion is limited by the fact that all appointments require confirmation by the Senate and all treaties must be approved in that body by a two-thirds vote before they become valid. For this reason, the President usually finds it advisable to keep in touch with the leaders of the Senate while he is handling foreign affairs of importance. He is under no legal obligation to do this, but it is politically expedient. Failure to do it has on occasions led the Senate to reject agreements which the President has concluded after prolonged negotiations.[284]

The Department of State. The Department of State is the President's immediate agency in the conduct of all diplomatic intercourse, and is so recognized by all foreign governments. It is through this department that all official correspondence with other governments is carried on. The Secretary of State is often called the "premier" of the cabinet, but the function of leadership and the ultimate responsibility for the cabinet's work rests with the President. In handling the details of foreign relations the State Department is assisted by a body of officials who constitute the diplomatic service.

The Diplomatic Service.—It is the custom of every civilized country to send and receive

diplomatic officials. The United States sends a representative to every important foreign capital; in return, every foreign country maintains a diplomatic agent in Washington. In the case of the most important countries these representatives are given the rank and title of ambassador. Ambassadors and ministers. There is an American ambassador stationed at Paris; a French ambassador at Washington. In the case of less important countries the diplomatic representatives are usually given the rank and title of minister. There is an American minister at Copenhagen; a Danish minister at Washington. The difference between ambassadors and ministers is in rank, title, and salary; there is no important difference in their functions. When an ambassador or minister is absent, the diplomatic official who is left in charge is called a *chargé d'affaires*. If some special negotiations are to be carried on, a country may send an envoy, or an "envoy extraordinary", as he is called.[285] Each ambassador or minister is assisted by one or more secretaries and a force of clerks.

Duties of diplomats.

Diplomatic officials, whether ambassadors or ministers, have the duty of serving as channels of official communication between their own government and the government to which they are accredited. They act always in accordance with instructions sent to them from home. If a foreign government has any communication to make to the government of the United States, it addresses itself either to the American diplomatic representative at its own capital, or to its own diplomatic representative at

Washington. In either case the diplomatic representative presents the communication, orally or in writing, to the Secretary of State. The heads of nations, whether presidents, kings, or emperors, sometimes communicate with each other by personal letter; but important matters are not usually handled in that way.[286]

In addition to forwarding communications the members of the diplomatic service have various other duties. An ambassador or minister is expected to keep his own government well informed concerning all that is going on at the foreign capital where he is stationed. He renders any necessary assistance to American citizens who may become involved in difficulties or danger. He represents his own country on all occasions of ceremony and has many social duties to perform. These duties are prescribed by the usages of the diplomatic service and are the same at all national capitals. Finally, he co-operates with the consuls of his own country and does what he can to make their work more effective.[287]

How members of the diplomatic service are chosen.

All American ambassadors, ministers, and other diplomatic officials are appointed by the President with the consent of the Senate. In European countries it is the custom for young and capable men to enter the lower ranks of diplomatic service and work up, step by step, to the higher posts. But although lower posts in the diplomatic service of the United States are

filled by competitive examination, the higher positions are usually given to men who have had no previous diplomatic experience. Men whom the President selects as ambassadors or ministers are, as a rule, drawn from civil life, and their appointments are often looked upon as rewards for political service. This does not mean, however, that they fail to make capable ambassadors or ministers, despite the lack of experience; on the contrary, the system has worked astonishingly well on the whole. This is because men of marked ability and distinction in civil life are usually selected by the President for the more important diplomatic posts. Among the list of those who have served as American ambassadors to Great Britain one finds the names of Charles Francis Adams, James Russell Lowell, John Hay, and Joseph H. Choate. Among the notable American diplomats during the earlier years of the World War were James W. Gerard at Berlin, Henry Morgenthau at Constantinople, Brand Whitlock at Brussels, and Paul S. Reinsch at Pekin.

The official establishment of an ambassador is called an embassy; that of a minister is known as a legation. The immunities of diplomats. An embassy or a legation is exempt from local jurisdiction; it cannot be searched by the police, and the officials connected with it are exempt from arrest except for very serious crimes. A country cannot, according to international usages, decline to receive a diplomatic official from any other country, but it can, and sometimes does, object to receiving some particular individual as ambassador or minister on the ground that he is *persona non*

grata. Similarly a country may request that any diplomatic official who has been sent to it shall be recalled by his own government and such requests have occasionally been made.[288]

Consuls.

In addition to diplomatic officials the United States sends and receives consuls. The consular service is concerned with commercial rather than diplomatic relations; hence the consuls are stationed, for the most part, at ports of entry. The functions of consuls are closely related to the development of American foreign trade and they have been described in an earlier chapter (p. 373).

Secret and Open Diplomacy.—The traditional policy of the diplomatic service in all countries has been to do its work in secret. To some extent this has been necessary, because of the nature of the negotiations carried on. Why secrecy is deemed essential. There are times, of course, when the publication of what is going on in the way of negotiations between different countries would lead to serious misunderstandings and might cause the negotiations to be broken off altogether. It is natural, for example, that each government, when it begins negotiations on any question, should ask a good deal more than it expects to obtain. Only as the discussion proceeds through the channels of diplomacy does each country give way a little and in the end they reach an agreement. Now, if these negotiations had to be carried on before the eyes of the whole world an agreement would be very difficult because no government likes to back down, even slightly, from its original demands.

So secrecy is in some cases necessary. But there has been too much of it in the past. Many important matters have been withheld from public knowledge even after the negotiations have been finished, and pledges have been made by rulers without informing their people. The experience of Europe. It was because of secret diplomacy that the various European countries, prior to 1914, became enmeshed in a maze of intrigues and semi-secret alliances which drew them steadily toward the brink of war.[289] The United States, happily, has had very little experience with secret diplomacy. Every treaty or agreement must be submitted to the Senate and when so submitted it cannot be kept secret. Nothing can be kept secret after it is laid for discussion before a body of ninety-six men, at least it cannot remain secret very long. The American tradition of open diplomacy. The Senate, moreover, has always insisted on making these agreements public, although the discussions may be held behind closed doors. One of the reasons why the government of the United States has acquired a good reputation for frankness and sincerity in its relations with other countries is to be found in this avoidance of secrecy in international agreements. This policy should never be abandoned.

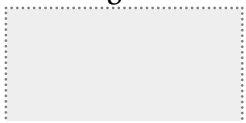
Treaties.—A treaty is a formal agreement made between two or more countries and binding upon each. There are many kinds of treaties, including treaties of peace, treaties of alliance, treaties providing for reciprocity in trade, for the mutual surrender of fugitive criminals, postal treaties, treaties of arbitration, and so on. How treaties are made.

There are three stages in the making of a treaty, namely, the negotiation, the signature, and the ratification. The negotiations are usually carried on through members of the diplomatic service, but in the case of important treaties it is customary to appoint special envoys for the purpose. When all details have been agreed upon the treaty is engrossed on parchment and signed by the official representatives of the respective countries. But it does not go into effect until it is ratified and, so far as the United States is concerned, this ratification cannot take place until the treaty has been approved by a two-thirds majority of the Senate.[290]

Whenever a treaty has been concluded on behalf of the United States, therefore, it is transmitted by the President to the presiding officer of the Senate by whom it is referred to the Committee on Foreign Affairs. This committee, in due course, makes its report to the Senate whereupon a discussion takes place.

The power of the Senate over treaties.

When the discussion is finished the Senate votes to give or withhold its assent. If it acts favorably, the President notifies the other government and the treaty becomes effective; if the Senate rejects the treaty, it fails to go into force. The Senate, strictly speaking, cannot amend any treaty, but it may ask the President, and through him the other government, to accept certain changes. As a rule the Senate has ratified treaties without amendment but it has sometimes insisted on alterations, and on some notable occasions it has rejected treaties altogether.[291]



The roots of American diplomacy.

American Foreign Policy.—When Washington finished his second term as President in 1796, he delivered to his countrymen a Farewell Address in which he gave them some sound advice. Among other things he pointed out that the primary interests of America were very remote from those of Europe and advised that the United States should "steer clear of permanent alliances with any portion of the foreign world". Not long afterwards Jefferson reiterated this principle and urged that the policy of America should aim at "honest friendship with all nations, entangling alliances with none". This attitude of Washington and Jefferson embodied the best interests of the United States in the early days of the Republic and undoubtedly reflected the sentiment of the people. In keeping with this principle of "political isolation" the United States remained neutral during the European wars which followed the French Revolution and strenuously endeavored to avoid taking sides in the struggle between England and France. The United States government, in 1807, went so far as to shut off all trade with both these warring countries. But in 1812, the continued violation of America's rights as a neutral exhausted the patience of the people. These rights were violated by France and England alike; the English violations, however, were the ones which stirred up the greatest amount of popular resentment. So the United States engaged in war with England for the maintenance of the principles of neutrality.

The Monroe Doctrine.—Being resolved not to meddle in the political affairs of Europe so long as American rights were not infringed, the United States felt in a position to insist, at the appropriate time, that Europe should refrain from interference in the affairs of the Western Hemisphere. Origin of the doctrine. The occasion for announcing this principle of "hands off" came in 1823. During the years preceding this date the Spanish colonies in Central and South America had revolted. They declared their independence of Spain and drove out the Spanish authorities, setting up in each case a republican form of government. Spain naturally desired to retain her sovereignty over these territories and sought assistance of other European countries for that purpose. There appeared to be a possibility that France, Austria, Prussia, and Russia—a combination known as the Holy Alliance—would join with Spain in the subjugation of the revolted South American territories. The government at Washington became alarmed over the possibilities of large military and naval forces being sent across the Atlantic by a coalition of monarchial countries, believing that this would not only be a blow to the republican form of rule but a serious danger to the United States as well. President James Monroe accordingly authorized the issue of a declaration setting forth the interest of the United States in the matter.[292]

The salient passages in this declaration are as follows:

"In the wars of European powers in matters relating to themselves we have never taken any

part, nor does it comport with our policy to do so.... With the existing colonies or dependencies of any European power we have not interfered and shall not interfere.... But with the governments which have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as a manifestation of an unfriendly disposition towards the United States.... The American continents, by the free and independent condition which they assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers."

This doctrine has remained the cornerstone of American policy with reference to the countries of Central and South America for one hundred years. Its application. On several occasions it has been invoked to protect these countries against armed pressure. During the Civil War, for example, the French government sent an army to Mexico and maintained an imperial administration there in defiance of the Mexican people. While the conflict between North and South continued the government of the United States was unable to take any firm action in this matter, but in 1866 France was requested to withdraw her troops from Mexico, which she did. Again, in 1895, President Cleveland informed the government of Great Britain that the United States would support Venezuela against any attempt to settle a

boundary dispute otherwise than by arbitration.

Its status.

The Monroe Doctrine is not a part of international law. It is not even a law of the United States. It never received the approval of the Senate, which is supposed to be a check upon the President in deciding the permanent features of American foreign policy. Its validity has never been formally recognized either by the countries of Europe or by the states of South America whom the doctrine immediately concerns.[293] Its maintenance rests upon the vigilance and strength of the United States. In guarding the smaller states of the New World against European aggression the United States is taking what the American people regard as an essential measure of self-protection.

Is the Monroe Doctrine Obsolete?—We are sometimes told nowadays that the Monroe Doctrine is behind the times, that we have outgrown it, and ought to give it up.[294] When the doctrine was announced, a hundred years ago, the states of South America were too weak to defend themselves; the various countries of Continental Europe were governed despotically and maintained large standing armies. The states of Central and South America, likewise, were at that time glad to have American protection. But now, we are told, all this is changed. The Spanish-American states are strong and able to look out for themselves. They do not want our guardianship. The nations of Continental Europe, moreover, are no longer despotisms but republics and limited monarchies. They have enough problems to

keep them employed for the next generation without interfering in the affairs of the New Hemisphere. So it has been suggested that the doctrine be given up, particularly as no one knows exactly what it means at the present day.[295] But the doctrine is deeply imbedded in the diplomatic traditions of the American people and there is nothing to be gained by giving it up unless the situation becomes very different from what it is today.

American Contributions to International Law.—The United States has rendered signal service in making the rules and usages of international law more enlightened and more humane. 1. Neutral rights. At all times the American government has been a champion of neutral rights and particularly has insisted upon liberal rules concerning neutral commerce on the high seas. 2. Laws of war. It has lent its influence to the movement for making the laws of war more human and for prohibiting all practices which needlessly endanger the lives of non-combatants. It has stood for freedom of trade and the "open door". 3. Arbitration. Among the nations of the world the United States has been foremost in the advocacy and use of arbitration as a means of settling international disputes. In keeping with this policy arbitration treaties have been concluded between the United States and twenty other countries, each treaty providing that all disputed questions, of whatsoever nature, shall be submitted to arbitration if they cannot be adjusted by diplomatic negotiation, and that no resort to war shall in any event take place until after the processes of

arbitration have been exhausted. 4. Recent contributions. At the Peace Conference which assembled in 1919 after the close of the World War, moreover, it was the United States that first put forward in definite form the plan for a League of Nations. And in 1921 it was the United States which took the initiative in calling the international conference which arranged for a great reduction in naval armaments.

General References

CHARLES A. BEARD, *American Government and Politics*, pp. 315-341; *Ibid.*, *Readings in American Government and Politics*, pp. 291-307;

EVERETT KIMBALL, *National Government of the United States*, pp. 540-573;

A. B. HART, *Actual Government*, pp. 430-445;

JOHN W. FOSTER, *The Practice of Diplomacy*, especially pp. 34-54;

P. S. REINSCH, *Readings in American Federal Government*, pp. 651-682;

E. S. CORWIN, *The President's Control of Foreign Relations*, *passim*;

GAILLARD HUNT, *The Department of State*.

Group Problems

1. The Monroe Doctrine. Is it obsolete? The international situation during the years 1815-1823. The Holy Alliance, its organization and aims. Spain in America. The revolt of the Spanish Colonies. Preliminaries of the declaration. Canning's suggestion. Scope of the doctrine as announced. Subsequent applications and extensions. The French in Mexico. The Venezuela controversy. Present scope of the doctrine. Attitude of Europe toward it. Attitude of the Spanish-American states. Its value for the future. Conclusion. **References**: HIRAM BINGHAM, *The Monroe Doctrine: An Obsolete*

Shibboleth, pp. 3-55; A. B. HART, *The Monroe Doctrine*, pp. 55-83, and *passim*; A. C. COOLIDGE, *The United States as a World Power*, pp. 95-120; C. H. SHERRILL, *Modernizing the Monroe Doctrine*, pp. 64-76; C. L. JONES, *Caribbean Interests of the United States*, pp. 323-351; J. H. LATANÉ, *The United States and Spanish America*, pp. 292-334; D. C. GILMAN, *James Monroe* (American Statesmen Series, Standard Library Edition), pp. 156-174; THEODORE ROOSEVELT, *American Ideals*, pp. 220-237; *Cyclopedia of American Government*, Vol. II, pp. 456-468; DEXTER PERKINS, "Europe, Spanish America, and the Monroe Doctrine" in *American Historical Review* (January, 1922).

2. The diplomatic service and how it can be improved. References: J. W. FOSTER, *The Practice of Diplomacy*, pp. 34-54; JOHN A. FAIRLIE, *National Administration*, pp. 77-91; E. VAN DYNE, *Our Foreign Service*, pp. 45-113; *Cyclopedia of American Government*, Vol. I, pp. 593-595; P. S. REINSCH, *Readings on American Federal Government*, pp. 651-658; 675-682.

3. The chief rules of international law; how can their enforcement be ensured? References: G. B. DAVIS, *Elements of International Law*, pp. 19-30; T. J. LAWRENCE, *Principles of International Law*, pp. 119-138; G. G. WILSON and G. F. TUCKER, *International Law* (7th ed.), pp. 44-60; A. S. HERSHEY, *The Essentials of International Public Law*, pp. 143-169; A. H. SNOW, *The American Philosophy of Government*, pp. 113-154; 267-283. See also the General References to Chapter XXX.

Short Studies

1. **The rights and duties of neutrals.** G. B. DAVIS, *Elements of International Law*, pp. 376-395 (Rights of Neutrals); pp. 396-445 (Duties of Neutrals).

2. **The privileges of diplomats.** J. W. FOSTER, *The Practice of Diplomacy*, pp. 159-174.

3. **How treaties are made.** G. B. DAVIS, *Elements of International Law*, pp. 223-249.

4. **The power of the Senate in relation to treaties.** RALSTON HAYDEN, *The Senate and Treaties*, especially pp. 169-195; J. W. FOSTER, *The Practice of Diplomacy*, pp. 262-283.

5. **The Venezuelan controversy.** GROVER CLEVELAND, *Presidential Problems*, pp. 173-281.

6. **Arbitration as a method of settling International disputes.** R. L. JONES, *International Arbitration as a Substitute for War between Nations*, pp. 218-269; J. W. FOSTER, *Arbitration and The Hague Court*, pp. 39-57; J. B. MOORE, *American Diplomacy*, pp. 200-222.

7. **The Hague Conferences.** G. B. DAVIS, *Elements of International Law*, pp. 258-263; 519-524; 525.

8. **The proposed codification of international law.** A. H. SNOW, *The American Philosophy of Government*, pp. 395-418.

Questions

1. What is international law? Is it properly a system of law? Explain the sense in which you use the term *law* in the following expressions: law of gravitation; law of the land; law of supply and demand; law of fashion.

2. Look up and explain the following terms: *belligerent*, *contraband*, *unneutral service*, *filibustering*, *blockade*, *three-mile limit*, *diplomatic immunity*.

3. Make a list of (*a*) the rights of neutrals; (*b*) the duties of neutrals, and show how each right involves a duty.

4. Draw up, in the form of a diary, a day's happenings in the American embassy at Tokyo, putting down at least six things done by the ambassador during the day.

5. Explain what is meant by secret diplomacy. To what extent has the United States avoided it and why?

6. Give an account (from your studies in American

History) of some important treaty to which the United States was a party. Tell how it was negotiated, signed, and ratified.

7. Is the principle set forth by Washington and Jefferson concerning the true policy of the United States in foreign affairs applicable at the present time?

8. Are the following statements true of the United States today:

(*a*) "In the wars of European powers in matters relating to themselves we have never taken any part."

(*b*) "With the existing colonies or dependencies of any European power we have not interfered"?

9. What is meant by the saying that "the covenant of the League of Nations does not destroy the Monroe Doctrine but extends it to the whole world"? Is that statement correct?

10. What seems to you to be the most important among American contributions to international law?

Topics for Debate

1. All members of the diplomatic service, including ambassadors, should be chosen under civil service rules.

2. A majority vote in the Senate should be made sufficient for the ratification of treaties.

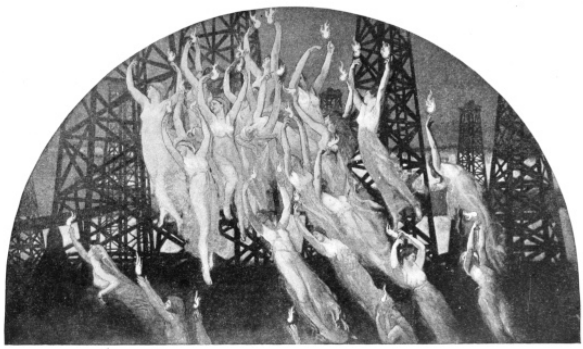
3. It would be a violation of the Monroe Doctrine if Great Britain were to sell the island of Jamaica to Germany.

CHAPTER XXX
THE UNITED STATES AS A WORLD POWER

The purpose of this chapter is to answer the question: What are the relations of the United States to the rest of the world?

The Old Policy of Isolation.—For more than one hundred years it was the settled policy of the United States to keep aloof from all entanglements in the affairs of the rest of the world. The doctrines of Washington and Jefferson. This tradition of aloofness was given a definite form by Washington, who solemnly warned his countrymen against getting mixed up in the "ordinary" conflicts of European states, and it was subsequently endorsed by Jefferson.[296] Yet even in Jefferson's own administration it became apparent that if the United States intended to carry on trade with all parts of the world, the government must intervene for the protection of its own citizens whenever this should become necessary. So, in 1803, the American fleet was sent to the Mediterranean, where it bombarded a nest of pirates who had been interfering with American commerce. Then came the War of 1812, which grew out of foreign interference

with American trade. On several subsequent occasions during the nineteenth century the policy of protecting and promoting foreign trade drew the United States into negotiations with various countries of Europe and Asia. In a sense, therefore, the United States has never pursued a policy of complete isolation; on the other hand no permanent alliances have been made with any country, and the principle of independence in all matters of foreign policy has been consistently maintained. So far as diplomatic matters did not directly concern North, Central, or South America, the statesmen of the world could safely leave the United States out of their reckonings during the greater part of the nineteenth century. In diplomacy the United States belonged, so to speak, to a different world.



THE SPIRIT OF LIGHT. By Edwin A. Abbey

Copyright by Edwin A. Abbey. From a Copley Print, copyright by Curtis & Cameron, Boston. Reproduced by permission.

THE SPIRIT OF LIGHT

By Edwin A. Abbey

From a mural painting in the Pennsylvania State Capitol at Harrisburg.

This is a very striking picture, one of the artist's best. In the background are the huge derricks which lift the oil from the bowels of the earth. In front of them golden-haired figures, robed in gauze with torch in hand, are swirling upward in joyous energy like a swarm of fireflies.

In making this picture the artist took infinite pains. Each figure was first drawn from a living model. Each was then photographed and by the use of a lantern the figures were projected upon the canvas where they were manœuvred into place for the artist's guidance. The whole picture is successful in conveying the impression of spontaneity combined with lightness and grace.

Why Isolation was Possible.—This substantial isolation was made possible for

more than a hundred years by three features.

1. The fortunate geographical position of the United States. The first is the favored geographical position of the country. The United States, as a strong nation, has stood alone in the Western Hemisphere. Her only neighbors were European colonies and the struggling states of Latin-America. So long, therefore, as the powerful nations of Europe could be held at arm's length there was no reason why the United States should give much thought to problems of defence, alliances, and diplomacy. Nature gave the United States an advantage in this respect which is not possessed by any other strong nation with the exception of Japan. Countries like England, France, and Germany could not have pursued a policy of isolation even if their people had desired it, for they are too close to each other.

2. The abundance of land.

In the second place the United States was encouraged to hold aloof from the older countries of the world by the fact that there was plenty of room for expansion at home. For a hundred years there was no need to go abroad seeking new territories. It took the United States a whole century to develop and populate the solid block of country which extends from the Atlantic to the Pacific. When other countries desired places of overflow for their population and new fields of investment for their capital, they engaged in a race for colonial possessions. The United States had no such need or ambition; there was quite enough opportunity at home.

3. The absence of European intervention.

Finally, the traditional policy of isolation was made possible by the good fortune which prevented European interference at critical times, notably during the American Civil War, when there was serious danger that Great Britain and France might combine to aid the South. If that had actually happened, it is not unlikely that Russia would have come to the aid of the North, and the Civil War would then have developed into a world conflict. In that case American isolation would have ended more than a half century ago. But good fortune, aided by competent diplomacy, enabled the United States to settle its own troubles without foreign interference and to continue the traditional policy of incurring no obligations to any other country. In a word there was the will to keep aloof and, what is quite as important, the opportunity to do it.[297] From the War of Independence down to the year 1917 the United States entered into no military alliance or association with any other country; when the American armies fought, they fought alone.

America's Entry into the World War.—The World War created a situation which the United States had never faced before. The old policy of isolation comes to an end. All Western Europe burst ablaze; one country after another was drawn in; and hostilities soon spread beyond the borders of the Old Continent. From the outset the United States endeavored to maintain a strict neutrality; but American commerce was subjected to interference by the

belligerents on both sides. Particularly offensive to the United States, however, was the German practice of sinking without warning passenger vessels upon which American citizens were traveling. The torpedoing of the British liner Lusitania, and the consequent loss of many American lives, stirred public opinion throughout the United States. This and other offences against the law of nations moved President Wilson to demand from the German government a pledge that the practice of sinking vessels without warning should cease, and this pledge was conditionally given. Early in 1917, however, the German government decided to inaugurate, as a desperate stroke, a campaign of "unrestricted submarine warfare", and the government of the United States was informed that even neutral vessels, unless they observed certain strict precautions, would be torpedoed without warning.

This action settled the matter of America's continued neutrality. The declaration of war in 1917. Diplomatic relations with Germany were broken off and in April, 1917, Congress passed a declaration of war. The events of the next eighteen months are still fresh in everyone's mind. America entered the struggle with a determination to turn the scale, and on November 11, 1918, the German military authorities were brought to terms. By signing an armistice they acknowledged defeat and agreed to terms dictated by the Allied and Associated Powers.

The Fourteen Points.—Some months before the signing of this armistice President Wilson,

in an address to Congress, set forth the principal aims of the United States in the war. These aims were grouped under fourteen heads and soon came to be known as the Fourteen Points. Every one of them had to do with matters which, prior to the war, would have been deemed of no immediate concern to the United States. Taken as a whole, however, they outlined the principles upon which, in President Wilson's opinion, a durable peace could be erected and the future security of the world maintained. The German government, in asking for an armistice, declared its acceptance of these principles.

The Treaty of Versailles.—After the armistice had been signed on behalf of the various belligerents a conference was convened at Versailles to draw up a definite treaty of peace. This conference included delegates from the countries which had shared in the winning of the war. Germany and her allies, the vanquished, were not represented. For several months the conference wrestled with the problems involved in the making of a treaty—the rearrangement of boundaries, the recognition of new states, the disposal of German colonies, the payment of reparations, and, most difficult of all, the forming of a league of nations to prevent future wars. When the work was finished the German representatives were called in and were required to sign the treaty substantially without any changes. The treaty was then communicated to the various countries to be ratified and in due course it was ratified by all the important countries except the United

States.

Why isolation is no longer possible:

The New World Order.—The war and the changes which accompanied it served to alter the whole world environment. America was brought into more intimate contact with Europe than ever before. Even before the war, however, it had become apparent that the traditional policy of isolation could not be permanently maintained. To all intents and purposes the world has become much smaller in these latter days. In point of miles America is just as far away from Europe as ever, but a thousand miles count for less nowadays than did a hundred in our great-grandfathers' time. During the summer of 1918 the United States transported to Europe in less than four months a million men. Fifty years ago that would have been deemed to be an utterly impossible achievement. 1. The annihilation of distance. The fast steamship of today can cross the ocean in a hundred hours; in Washington's time the fleetest sailing-ships could not skim the Atlantic in less than three weeks on the average. The time is soon coming, in all probability, when men can be in London one day and in New York the next. This is not a mere dream; it is well within the range of possibilities. So we can no longer talk of geographical isolation. The progress of mankind has virtually annihilated distance.

2. The acquisition of overseas possessions.

Again, the United States is no longer, as in

the old days, devoid of tangible interests in distant parts of the earth. Beginning in 1898, Porto Rico, the Philippines, and Guam were acquired from Spain, and Hawaii was annexed. Later the Panama Canal was built and a zone of territory on both sides of it acquired. More recently, the Virgin Islands were purchased from Denmark. All this has involved a departure from the traditional policy of acquiring local interests only. It has given America, in the case of the Philippines, an outpost several thousand miles away. Whatever, therefore, concerns the Malay Archipelago or, indeed, any part of the Far East, concerns the interests of the United States. Isolation is no longer possible because the United States has surrendered, in this case at any rate, the geographical advantage of isolation.

3. The acquisition of interests through the war.

Finally, during the past few years, the relation of the United States to the rest of the world has been changed by reason of the interests acquired through the war. The fact that the Treaty of Versailles did not receive the approval of the Senate does not in any way impair the rights and interests which the United States acquired as one of the victors in the war. Those interests, obtained at great sacrifice and acknowledged by Germany in the separate treaty which the United States made with that country in 1921, are spread over virtually the entire world. They are of incalculable value, present and future. No

policy of isolation is now possible unless the country is ready to abandon these privileges altogether, and, for reasons which will presently be stated, the surrender of these various American interests is out of the question. In the new world order the United States cannot hold off from the rest of the world. The policy of a nation is determined by what it regards as its own vital interests.

Wide scope of these interests.

The New American Interests.—Some important interests in various parts of the world were acquired by the United States before the war; others have been obtained or intensified as a result of it. The scope and nature of these interests may best be explained, perhaps, by grouping them under four main heads, according to their general geographical location, namely, Europe, Central and South America, the Far East, and the Near East. It is not possible to arrange them in the order of their relative importance, for only the future can determine what this order of importance may turn out to be. Certain it is, however, that in all four world-areas the interests of the United States are of vast consequence not only to the American people but to the cause of world peace and prosperity. Above and beyond all, moreover, is the vital interest of America in the maintenance of international amity. Apart from the loss of life, America's participation in the World War cost the country, directly and indirectly, more than thirty thousand million dollars. That is indeed a heavy price to pay for helping to settle a quarrel which the United

States had no part in promoting. It surely requires no argument to prove that America has a vital interest in avoiding another such calamity.

America's interests now extend to everything that may threaten peace.

America and Europe.—The war resulted in placing Great Britain, France, Italy, and the other victorious countries of Europe under heavy obligations to the United States. To a certain extent these obligations are sentimental; in return for America's help towards winning the war the other victorious countries are under a natural obligation to give the United States an adequate share in determining the permanent conditions of peace. This they have been willing to do; but it involves responsibilities which the United States has shown no great willingness to accept. The old tradition of non-interference in strictly European affairs is still strong and this has led the American government to distinguish, wherever possible, between questions of local and of world-wide concern. The distinction, however, is practically impossible to make. The boundaries of some small European state may seem to be a matter of no concern at Washington; but if a disagreement over this question should bring once more a general European clash of arms, the importance of the issue would speedily be recognized. So long as the general preservation of world-peace is among the primary interests of the United States, as it seems bound to be, no menace to peace, anywhere, at any time,

can be lightly regarded by the people of America.

The Loans to Associated Nations.—But the war did not result in the creation of sentimental obligations only. Obligations of great importance and a tangible nature on the part of Europe to America grew out of it. During the conflict the United States loaned large sums of money to Great Britain, France, Italy, Russia, and the other Associated Powers. [298] These loans were made generously, in the midst of a grave emergency; but nothing definite was arranged as to when or how they should be repaid. How the loans were made. In view of the disorganized conditions in Europe created by the war no request for the payment of interest was made by the United States during the conflict or for some years after its close. In 1922, however, Congress authorized the President to appoint a commission of five persons to arrange with the European countries for the funding of the debts by the issue of bonds. These bonds will be given to the United States.

Now it must be reasonably clear to anyone who gives the matter a moment's thought that until these bonds are paid off by the various European countries (which will be thirty or forty years hence) the United States will be vitally interested in what Washington called the "vicissitudes" of the Old World. America's mortgage on Europe. America, in effect, holds a mortgage on Europe, and it is the practice of mortgage-holders to keep a sharp eye on their invested funds. Great Britain, France, and the other debtor countries expect to redeem these

loans, in considerable part, out of reparation payments made to them by Germany. If Germany does not pay them, it will be much harder for them to pay America.[299] In this roundabout way, therefore, the United States has acquired a tangible interest in the pledges made by the German government.

America's Interest in the Industrial Reconstruction of Europe.—The sum total of America's interest in the peace and prosperity of Europe is not represented, however, by these ten billion dollars of loans. The commercial relations of the two continents have become so intimate that whatever is an injury to the one is a detriment to the other. Europe is America's best customer. Our exports there are greater than to all the rest of the world put together.

Importance of Europe as a market. The farmer, the cotton grower, the manufacturer—all depend in part upon the European market. There is not sufficient demand at home for all the foodstuffs, materials, and manufactured goods which the United States can now produce. The European market, however, has been broken down as the result of the long conflict and it is greatly to the interest of the United States that it should be built up again. This can only be done by keeping the world at peace until the damage done by the war has been repaired. For that commercial reason, if for no other, the United States cannot well afford to remain entirely isolated from the rest of the world.

The United States and Latin-America.—The relations of the United States with most of the Latin-American states have been at all times friendly. We have never been at war with

any of them except Mexico. When these various countries revolted against Spanish control about a hundred years ago, the people of the United States, remembering their own experience, were in sympathy with them. The announcement of the Monroe Doctrine was regarded by Latin-America as an act of friendliness. And for more than a century since that time the United States has served as a protector to the sister republics of the southern continent. When the War with Spain began in 1898 Congress announced that the United States had no intention to annex Cuba and this pledge, at the close of the war, was kept. Cuba was given her independence. Naturally this evidence of good faith made a strong and favorable impression upon the Central and South American states.

Relations with Mexico.

With Mexico, however, relations have not been cordial for several years. Ever since the invasion of their country by an American army in 1846 the Mexican people have been suspicious of American aggression; but the relations between the two governments remained cordial enough so long as President Diaz continued in power south of the Rio Grande, which was from shortly after the close of the American Civil War until well into the twentieth century. Diaz ruled Mexico in the fashion of a dictator; but he kept the country peaceful as well as on good terms with the outside world. Since the expulsion of Diaz the Mexicans have had several changes in the presidency and for ten years the government

has been denied recognition by the United States. The successors of Diaz have professed their desire to place the government of the country on a truly democratic basis and to some extent they have succeeded in doing so; but they have not managed to maintain order and justice with a firm hand. Twice during the past decade it has been deemed necessary to send American troops into the country. The government of Mexico is republican in form, but elections have not, as a rule, been fairly conducted. The leaders who have control of the government try to manipulate the elections so as to maintain their own hold upon the country, and they usually succeed.

The situation today.

Between Mexico and the United States there are today no questions of great importance in dispute. The United States is ready to recognize the existing government of Mexico but only upon condition that certain pledges are made in writing. These include assurances that payments will be made by Mexico as compensation for the lives and property of American citizens destroyed during the troubles of the past ten years; that there shall be no confiscating of property without legal reason in the future; and that payments of interest on Mexico's foreign obligations shall be resumed. These do not appear to be unreasonable conditions.

There are large American investments in Mexico, particularly in the oil and mining districts. Some of those who hold these investments would like to see the United States intervene by force of arms, but it is quite

unlikely that there will be anything of the kind unless all other means of securing the rights of Americans in Mexico prove unavailing. The United States has a certain moral responsibility for the good behavior of Mexico, even though the Mexican government may not recognize the existence of such an obligation. Mexico and the Monroe Doctrine. If the Monroe Doctrine gives the United States the right to keep European countries from interfering in Mexican affairs, even when their citizens have been wronged, it may also be said to carry the duty of seeing that Mexico does not abuse this protectorship.

Panama.

In the region of the Isthmus the interests of the United States are especially important because of the Canal. The Panama Canal is not only of commercial but of military value to the United States, and no serious disturbance of the peace in this section of Central America can well be tolerated.

The Pan-American Congress.

Many years ago the United States government made the suggestion that from time to time a Pan-American Congress made up of delegates from all the republics of the New World should be held to discuss matters of common interest. The suggestion was accepted and several Congresses have been held during the past three decades. There has also been established at Washington a Bureau of American Republics whose function it is to carry out the resolutions of each Congress and to spread information concerning the common

interests of all the countries.

The United States and the Far East.—In ordinary usage the term "Far East" includes the Japanese and Chinese empires, Siberia and the other Russian territories to the north of China, and the Malay Archipelago to the south. Until a quarter of a century ago the interests of the United States, whether political or commercial, were relatively small in this part of the world.

The Philippines. But the acquisition of the Philippines and the growth of American trade with the Orient have combined to alter the situation. Another factor which has impelled the United States to pay greater attention to the Orient today is the progress of Japan. The rapid growth of this empire in military and naval strength means that the United States has a rival for the mastery of the Pacific. During the nineteenth century the eyes of America were turned entirely towards Europe; in the twentieth they will have to be turned towards Asia as well.

China and Japan.

Apart from affairs in the Philippines the problems of the Far East, so far as the United States is concerned, center around two present-day international phenomena, the weakness of China and the strength of Japan. China is a vast country with at least three or four times the population of the United States. Although nominally a republic its government is weak, inefficient, unable to exercise firm control over all parts of the country, and without effective means of national defence. Quite naturally, therefore, China offers a temptation to any strong country desiring exclusive trade

advantages for itself. Her nearest neighbor, Japan, would speedily be able to secure entire control of the Chinese Republic and make China a vassal state were it not for the deterring influence of the other great powers of the world.

In 1899, after the close of the Spanish War, the government of the United States addressed a note to all the great powers urging that they agree to seek no further special trade advantages in China, that the integrity of Chinese territory be preserved, and that the principle of "equal and impartial trade" should be adopted. The "open door." To this suggestion all the powers agreed. This policy thus accepted has become known as the policy of the "open door", and until the outbreak of the World War it was substantially followed, except that the various powers retained the commercial advantages that they had already acquired.

During this war, however, Japan attacked and captured Kiao-Chao, a port which had been leased by China to Germany for a long term of years, and this territory the Japanese continued to hold after the war was over. Not until the Washington conference of 1922 did Japan agree to give it up. Recent developments. In 1918, moreover, the government of Japan made a list of twenty-one demands upon China for special privileges, and although some of these demands were later modified or withdrawn entirely, several important privileges were wrung from the Chinese. In connection with these negotiations the United States government gave assurance in the so-

called Ishii-Lansing agreement that the United States would recognize the “special interest” of Japan in Chinese affairs. It is avowedly the policy of Japan to acquire, if she can, the same predominance in Asia that the United States has exercised in North and South America.

The Conference on Pacific Problems. Regarding it as highly desirable that all controversies affecting the Far East and the Pacific should be amicably settled, thus forestalling the growth of large naval armaments on both sides of the Western ocean, President Harding in the summer of 1921 proposed that the Washington conference should discuss these questions and should endeavor to secure a satisfactory solution of them. The Washington conference. The conference did so, and embodied the results of its negotiations in certain agreements, particularly in what is commonly known as the “Four Power” treaty. By the terms of this treaty the United States, Great Britain, France, and Japan mutually agree to respect the integrity of each other’s possessions in the islands of the Pacific. [300] The nations represented at the conference also agreed to refrain from the erection of fortifications in certain places now unfortified.

Out of the negotiations at Washington, moreover, came the agreement on the part of Japan to restore Kiao-Chao and the adjacent province of Shantung to China. First and last, therefore, the Washington conference succeeded in promoting an amicable agreement on most of the questions at issue. It did not, however, take up the question of Japanese immigration to the Pacific Coast of

America, nor did it discuss the grievances of the Japanese immigrants already there. These matters are left for further negotiation through the regular diplomatic channels.

America and the Near East.—The expression "Near East" is commonly regarded as including the areas which lie at the eastern end of the Mediterranean and thereabouts; it comprises Turkey, Armenia, Syria, Palestine, Arabia, Mesopotamia, and other territories in the same general region. As a result of the war the Turkish Empire has been disintegrated; most of its territories have been virtually placed under the control of Great Britain, France, Italy, and Greece through the instrumentality of mandates (see p. 636). The United States was offered the mandate for Armenia, but declined to accept it.

The oil question.

Now some of these territories are rich in natural resources. Mesopotamia, for example, is known to possess extensive oil fields. The question arises, therefore, whether the European countries which hold the mandates are to have the lion's share of this natural wealth. And it is a question of considerable importance when one bears in mind the fact that the oil fields of the United States will probably be exhausted before many decades have passed (see p. 330). The direct interest of the United States is less immediate, perhaps, than in the other areas (Europe, Central and South America, and the Far East), but it is sufficiently vital to deserve mention.

The Wide Scope of America's Interests.—From this brief and general survey some idea

of the scope of American interests can be gained. But the preceding paragraphs have not listed them all. The people of the United States have a sentimental interest in many foreign problems where no economic considerations are at stake. Ireland is an example. America's interest in a just and peaceful settlement of the Irish question is not inspired by economic motives. It arises in large part from the sentimental desire to see a people, with whom there are close ties of kinship, attain contentment and prosperity. So with Poland and the new Slavic countries of Continental Europe. America would regret to see them lose a status of independence which was gained at so great a sacrifice.

There is no part of the world, in fact, to which the interest of the United States, direct or indirect, sentimental, political, or economic, does not now extend. The enormous strength and prestige of America, as disclosed during the war, have made a profound impression in every part of the globe and have given the United States a potent influence upon the destinies of mankind. The United States has become a world power of the first order. Whether the American people like it or not, that inexorable fact remains.

General References

A. T. MAHAN, *The Interest of America in International Conditions*, pp. 127-185;

W. E. WEYL, *American World Policies*, passim;

A. C. COOLIDGE, *The United States as a World Power*, pp. 95-120;

C. E. JONES, *Caribbean Interests of the United States*, pp. 148-192;

J. H. LATANÉ, *America as a World Power*, pp. 255-268; *Ibid.*, *From Isolation to Leadership*, pp. 3-39;
H. H. POWERS, *America Among the Nations*, pp. 197-239;
W. A. DUNNING, *The British Empire and the United States*, pp. 357-371;
A. B. HART, *Foundations of American Foreign Policy*, pp. 1-52;
WOODROW WILSON, *State Papers and Addresses*, pp. 464-479;
P. S. REINSCH, *World Politics*, pp. 327-362.

Group Problems

1. How the United States became a world power. Early relations with Europe. The Monroe Doctrine. The opening of Japan. The war with Spain and the new acquisitions. John Hay and the "open door." The World War and its aftermath. Scope of American interests today. **References**: J. H. LATANÉ, *America as a World Power*, pp. 3-28; 63-81; *Ibid.*, *The United States and Latin America*, pp. 61-291; A. C. COOLIDGE, *The United States as a World Power*, pp. 121-147; J. W. FOSTER, *American Diplomacy in the Orient*, pp. 399-438; W. M. FULLERTON, *Problems of Power*, pp. 11-43; P. S. REINSCH, *World Politics*, pp. 309-336.

2. How foreign trade affects the national welfare. Foreign trade and national prosperity. Foreign trade and world power. "Dollar Diplomacy." Trade and imperialism. **References**: C. M. PEPPER, *American Foreign Trade*, pp. 3-32; 62-89; 110-139; J. D. WHELPLEY, *The Trade of the World*, pp. 391-425; A. J. WOLFE, *Theory and Practice of International Commerce*, pp. 495-522; C. L. JONES, *Caribbean Interests of the United States*, pp. 1-16; L. C. and T. F. FORD, *The Foreign Trade of the United States*, pp. 1-27.

3. How the building of the Panama Canal extended American interests abroad. References: LINCOLN HUTCHINSON, *The Panama Canal and*

International Trade Competition, pp. 46-97; F. A. OGG, *National Progress*, pp. 246-265; A. B. HART, *The Monroe Doctrine: An Interpretation*, pp. 340-348; W. M. FULLERTON, *Problems of Power*, pp. 300-315.

4. The open door in China. What it means. Obstacles in its way. **References**: K. K. KAWAKAMI, *Japan in World Politics*, pp. 117-166; J. H. LATANÉ, *America as a World Power*, pp. 100-119; W. W. WILLOUGHBY, *Foreign Rights and Interests in China*, pp. 245-266; A. B. HART, *The Monroe Doctrine: An Interpretation*, pp. 282-298; W. R. THAYER, *The Life and Letters of John Hay*, Vol. II, pp. 231-249; A. C. COOLIDGE, *The United States as a World Power*, pp. 327-374; K. K. KAWAKAMI, *Japan and World Peace*, pp. 160-196; JOHN DEWEY, *China, Japan, and the United States* (*New Republic* Pamphlets, No. 1).

Short Studies

1. **Pan-Americanism.** What it means. R. G. USHER, *Pan-Americanism*, pp. 203-231; J. V. NOEL, *The History of the Second Pan-American Congress*, pp. 9-30; Pan-American Union, *Bulletins*, March, 1911.

2. **The United States as an international policeman.** THEODORE ROOSEVELT, *Autobiography*, pp. 543-553; D. C. MUNRO, *The Five Republics of Central America*, pp. 227-264; A. B. HART, *The Monroe Doctrine: An Interpretation*, pp. 223-242.

3. **Our Mid-Pacific possessions.** E. J. CARPENTER, *America in Hawaii*, pp. 192-251; J. M. CALLAHAN, *American Relations in the Pacific and the Far East*, pp. 114-145.

4. **World competition for oil.** F. A. TALBOT, *The Oil Conquest of the World*, pp. 17-34; F. R. KELLOGG, *The Mexican Oil Situation* (in Clark University Addresses, *Mexico and the Caribbean*, pp. 54-72).

5. **The United States in Panama.** C. L. JONES, *Caribbean Interests of the United States*, pp. 193-228; RALPH PAGE, *Dramatic Moments in American Diplomacy*, pp. 227-259; THEODORE ROOSEVELT, *Autobiography*, pp. 553-571.

6. **America's interest in China.** W. E. GRIFFIN, *America in the East*, pp. 203-225; B. A. ROBINSON, *America's Business Opportunity in China* (in Clark University Addresses, *Recent Developments in China*, pp. 237-255; also Clark University Lectures, *China and the Far East*, pp. 95-119).

7. **The United States and the Latin American republics.** J. H. LATANÉ, *America as a World Power*, pp. 269-284; C. E. JONES, *Caribbean Interests of the United States*, pp. 106-124.

8. **Isolation as an American policy.** A. B. HART, *Foundations of American Foreign Policy*, pp. 1-52; J. H. LATANÉ, *From Isolation to Leadership*, pp. 3-53.

9. **America's maritime power.** E. N. HURLEY, *The New Merchant Marine*, pp. 122-166; A. T. MAHAN, *The Interest of America in Sea Power*, pp. 3-27.

10. **America's interest in the reconstruction of Europe.** D. J. HILL, *The Rebuilding of Europe*, pp. 236-282; WALTER WEYL, *The End of the War*, pp. 50-72; R. S. BAKER, *What Wilson Did at Paris*, pp. 3-35.

Questions

1. Give reasons why a policy of isolation was possible during the first three-quarters of the nineteenth century.

2. Was the entry of the United States into the war in 1917 in keeping with American traditions or a departure from American traditions? Give your reasons.

3. Look up the Fourteen Points. Indicate the ones which were incorporated in the Treaty of Versailles. Name the ones which were not so incorporated.

4. Explain why America is interested in the reconstruction of Europe. How can this reconstruction be best aided by the United States?

5. It has been suggested that the loans made by the United States to European countries ought to be canceled. Why is this proposal made and what is

your opinion of it?

6. What policy do you think the United States ought to pursue toward Mexico? Has the United States any responsibility for the good behavior of Mexico towards European countries? Why or why not?

7. To what extent should America insist upon the maintenance of the "open door" in China? Has Japan a special interest in the Orient similar to that of the United States in the Western Hemisphere?

8. What did the Washington Conference accomplish? Why did it not accomplish more?

9. Was the United States wise or unwise in declining to accept any mandates from the League of Nations?

10. Does the strength and prestige of America entail any responsibilities of leadership? If so, give some idea as to how these can be carried out.

Topics for Debate

1. The United States should maintain the Monroe Doctrine.

2. The United States should recognize a Japanese "Monroe Doctrine" in the Far East.

3. The United States should not participate in international conferences dealing only with European questions.

CHAPTER XXXI
THE UNITED STATES AND THE LEAGUE OF NATIONS

The purpose of this chapter is to describe the relations of the United States to the most ambitious experiment in government that the world has ever attempted.

The Desire to End War.—Since the dawn of human history mankind has been divided into independent tribes and nations ready to hurl themselves upon one another in warfare. No mind can comprehend the immeasurable suffering which war has brought upon the human race during the past three thousand years. From the days when the Assyrian charioteers crushed their enemies under horse and wheel to those tragic years of yesterday when the hospitals of Europe were filled with the victims of high explosive shells and poison gas,—in all this long interval there has been no cessation of warfare among men and no era of peace on earth.

Small wonder it is, therefore, that in the anguish of the World War men of all races should have cried out for some such settlement as would put an end to war and all its horrors

forever.[301] The cry for a permanent peace. Soldiers in the ranks called it a "war to end war" and gave up their lives unflinchingly in the hope@@ that future generations would be spared a repetition of the world-wide misery. But how might such a blessing be obtained for future generations of mankind? That was one of the great problems which the soldiers bequeathed to the statesmen.

How strife between individuals has been diminished.

Can this Desire be Realized?—Now it is believed by many that war can never be permanently abolished except by applying to nations a principle which men have applied to themselves as individuals, that is to say, by establishing an organization whereby all controversies can be settled without resort to force. Treaties of amity and arbitration among nations are valuable so far as they go; but so long as there is no high authority with power to administer justice between nation and nation each must look to its own self-preservation. This means that each feels obliged to regard war as a possibility and to be prepared for it. Without sufficient assurance against the possibility of war it is idle to expect that nations will wholly disarm. And when interests clash and the passions of men are aroused they will use the weapons which are at hand.

The motive behind the League of Nations.

The primary motive of those who urged the formation of a League of Nations was the

desire to avoid war by substituting another method of adjusting disputes, but they also hoped that such an organization would enable the vast sums hitherto spent each year on warlike preparations to be applied to the development of industry and commerce, to education, to the protection of the public health, to the betterment of labor conditions, and to promoting all the arts of peace. They harbored the hope, moreover, that great constructive tasks which are beyond the power of any one nation to accomplish might be achieved by the nations of the world in co-operation. As an ideal it is truly great. The Italian poet, Dante, dreamt of it six hundred years ago. Perhaps we can best appreciate what the realization of such an ideal would mean to the world by glancing for a moment at what tribulations the world passed through during the course of a single century, from 1814 to 1914.

The Great Wars of a Century Ago.—A little more than a century ago the various nations of Europe engaged in a long and exhausting war. First and last all the chief countries of the world were drawn into it. How the Napoleonic Wars failed to eliminate the causes of war. The chief cause of this great struggle was the ambition of Napoleon, who sought to make France dominant in the political affairs of Europe and by his aggressions finally managed to array all the other leading nations in an alliance against him. When France was finally vanquished by the combined efforts of England, Prussia, Russia, Austria, and Spain, a congress of the nations was held at Vienna to determine the

detailed arrangements by which the future peace of the continent might be preserved, and after prolonged discussions this congress agreed upon a general settlement. The principal motive which actuated the delegates at the Congress of Vienna was that of strengthening the four powers to whom the overthrow of France had been chiefly due, thus establishing a combination which would be able to impose its will upon the rest of the continent in the interests of peace. Great Britain, Prussia, Austria, and Russia dominated the congress and for some years after 1815 virtually remained in a quadruple alliance to see that the terms of peace were observed. But the Congress of Vienna took no action in the way of establishing a league or confederation to which all the nations, great and small, should be admitted. It left the peace of Europe in the hands of four powerful states with the hope, a futile hope it turned out to be, that these four states would agree among themselves.

The Rise of the Alliances.—The map of Europe, as rearranged by the Congress of Vienna, paid no attention to the right of self-determination. Territories were taken from one state and given to another without reference to the desires of their inhabitants. The chief aim was to strengthen the powers that had won the war, giving each of them boundaries that could be easily defended. The interests of military defence, not those of nationality, prevailed.

The rivalries of the nineteenth century.

Because of this action the congress left many

openings for friction and jealousy among the various states, yet provided no regular means whereby disputes could be adjusted. In the course of time, moreover, the interests of the four great powers which dominated the work of the congress drew apart. England preferred to hold aloof from the diplomatic intrigues of the continental states, devoting her energies to the upbuilding of an empire in other parts of the world. France, moreover, regained her old-time strength and once more became recognized as one of the leading European powers. Italy, which had been left by the Congress of Vienna a mosaic of small independent states, eventually achieved its unity, and the kingdom of Prussia expanded into the German Empire. Thus, the four great powers of 1815 grew to six before the end of the nineteenth century—Great Britain, Russia, Austro-Hungary, France, Italy, and Germany.

With these six great states progressing side by side, ambitious for power and jealous of one another, it was inevitable that alliances and counter-alliances should be formed. These combinations took many twists and turns during the diplomatic manoeuvres of the nineteenth century, but in the end the six leading nations of Europe gravitated into opposing camps. The first, known as the Triple Alliance, included Germany, Austro-Hungary, and Italy. The second, commonly called the Triple Entente, was made up of Great Britain, France, and Russia. These alliances were based upon treaties or understandings of which certain portions were made public and the rest kept secret.



The "armed peace."

The Balance of Power.—For many years the preservation of European peace rested upon the observance of a principle known as the "balance of power". This principle is not easy to define, but in general it meant that no single state or combination of states should be allowed to become strong enough to outweigh a rival state or its combination. The balance could never be exact because some states, by virtue of their more rapid increase in population and prosperity, were always outrunning others, hence the situation developed into a race wherein each group of powers sought to strengthen itself by bringing smaller states into its circle, by welding its members more closely together, and by the creation of great armaments. The purpose of the alliances, based upon the principle of balance of power, was not to prevent war but rather to prevent any state from being attacked by a combination of other states and having to defend itself single-handed. Under the terms of the Triple Alliance and the Triple Entente it remained quite possible for single states to go to war and fight it out alone; but both alliances protected their members against combined attacks. In a word, the situation became such that any war, wherever it might start, was very likely to become a general war.

The nations in the recent war.

The Realignments of 1914-1918.—On the outbreak of the World War in 1914 the Triple Entente held together, but the Triple Alliance was weakened by the action of Italy in refusing

to be drawn into a cause which the Italian people did not approve. Italy, a little later, joined with France, Great Britain, and Russia. Meanwhile Japan had also taken the side of these allies and eventually the United States became associated in the war with them. Thus the Triple Entente developed into a powerful allied combination including not only the five powers named but many smaller states as well. Before the close of hostilities twenty-five states had declared war upon the German government. Germany and Austro-Hungary, the remaining states of the Triple Alliance, had the aid of two other states only, Turkey and Bulgaria. The course of events showed, therefore, that not only were alliances ineffective in preserving the peace but that they actually helped to extend the area of conflict over a whole continent.

The War to End War.—When the United States, after long hesitation, decided to throw its strength on the side of the Allies, one of the chief actuating motives was the desire to see the struggle settled in such a way that there would never be another great war. Idealism in this war. As the spokesman of the American people, President Wilson repeatedly declared that out of the war some general agreement and league for the permanent preservation of world peace must come. In this he undoubtedly reflected the sentiment not only of his own country but of the great masses of the people in the other warring states as well. Everywhere there had been going on, practically throughout the world, a popular agitation for the establishment of some general covenant

which would make future wars impossible. It was now felt that the balance of power was gone, that individual treaties among nations were not sufficient protection, and that something more effective must be found. There was no great difference of opinion as to the ideal. It was welcomed everywhere. The problem was how to translate the ideal into a reality. This task President Wilson believed to be the most important and yet the most difficult among all the problems of peace-making. To help with its solution he took the highly-unusual course of himself attending the conference which was held at Paris to determine the conditions of peace.

How the League was brought into existence.

The Framing of the Covenant.—When the members of this conference assembled it was agreed, after some deliberation, that a commission should be appointed to prepare a plan for a League of Nations and that this plan, when accepted by the conference, should become an integral part of the peace treaty. This latter point was particularly insisted upon by President Wilson and was agreed to as the result of his insistence. The commission was appointed; it prepared a plan; the plan was laid before the peace conference, and before being adopted was published to the world. In the United States it met with strong support in some quarters and vigorous opposition in others. The Senate, by which the whole peace treaty would have to be approved before it could be binding upon the United States,

discussed the details of the plan and thirty-one senators signed a declaration that some of the provisions were unacceptable. In the end, however, the original covenant, with some modifications, was adopted by the peace conference and incorporated as a part of the treaty of peace.[302] As such it was subsequently accepted by all the leading powers to whom it was submitted, except the United States. In its scope the League of Nations is designed to include, ultimately, all the countries of the world. Provision is made in the covenant for the immediate admission of most countries by their simple acceptance of the covenant; others may be admitted to membership by a two-thirds vote of the league assembly. Fifty-one states are now members.[303]

An analogy and contrast.

The League as a Scheme of Government.—What are the important features in this scheme of super-government? This question may best be answered, perhaps, by taking as our background the federal system with which we are most familiar in the United States, noting the outstanding points of resemblance and contrast. At the time of its formation, indeed, the American federal government was looked upon by the several states as a super-government and they were very jealous of it. It was not until many years had passed that this jealousy died down. This same designation was given to the scheme of organization established by the League Covenant. The government of the United States has its deliberative, executive, and judicial departments; so has the

League of Nations. But there the resemblance ends. The methods of constituting the organs are different; so are their powers, and so are their relations to one another.

The Assembly and the Council.

The League's Deliberative Organs.—The League of Nations has two deliberative bodies,—an Assembly to which each member-nation may send not more than three delegates, and a Council, made up of one member from each of the five great powers,—the United States, Great Britain, France, Italy, and Japan (these five nations being always represented), and one member from each of four lesser powers to be designated from time to time by the Assembly. Since the United States has not joined the League, the Council now consists of only eight members, the four nations constituting the second group being at present Belgium, Brazil, Spain, and China. Unless otherwise stated in the covenant, any decision either of the Council or the Assembly requires a unanimous vote. The Council must meet at least once a year; the Assembly meets at stated intervals determined by itself. The Assembly has decided to meet annually on the first Monday in September and the Council is now holding quarterly sessions. Geneva has been selected as the League capital.

The Secretariat.

The Administrative Organization.—By the terms of the covenant certain functions of an executive nature are given to the Council, but the administrative work devolves upon the Secretariat of the League. This body comprises

a permanent secretary and numerous officials appointed by him. The Secretariat performs the clerical work, registers all treaties, carries on the correspondence with the member-nations, and prepares business to be laid before the Council and the Assembly.

The League's judiciary.

The Court of International Justice.—The covenant also makes provision for a permanent world court, composed of judges selected by the Assembly from among eminent jurists nominated by the different member-countries. At the second Assembly session, held during 1921, the eleven regular judges and four alternate or deputy judges were chosen. Controversies come before this court whenever nations agree to submit their disputes to it for decision.

Outstanding Features of League Organization.—In comparing the general organization of League government with the American federal system some striking contrasts appear. Equality of all nations in the League Assembly. First of all, it is significant that in the Council and in the Assembly each nation has one vote only. Each nation may send to the Assembly one, two, or three representatives; but whether it sends one or three its voting power is the same. In the American Senate all the states have the same voting power, but in the House of Representatives the states with larger populations have proportionate voting strength. Equality of voting power is natural in a political union that is just starting. The nations of the world, being accustomed to

sovereignty and legal equality were not willing to recognize gradations of rank. The same feeling was manifested among the American colonies when, under the Articles of Confederation, it was provided that every state, small or large, while it might send from two to seven delegates to the Congress, should have the same voting power as any other. There was a long fight over this question in the Constitutional Convention of 1787, the smaller states demanding equal power with the larger, the larger asking that representation should be based upon population. The matter was settled by giving the smaller states equal representation in the Senate, and conceding to the larger states the right to dominate the House. But the framers of the League Covenant could not accept a compromise of this sort; for if representation according to population were made the rule in either the Council or the Assembly, India and China would have far more delegates than the United States, England, and France put together. So all were given equal representation in the Assembly, while representation in the Council was confined to nine nations only.

Other marked contrasts should be noted. In the House of Representatives and in the Senate of the United States measures are passed by a majority vote; The requirement of unanimity. in the Assembly and Council of the League, unless otherwise specified, a unanimous vote is necessary for action. This is a mark of the distrust with which the nations regard one another. The provision for unanimity means that nothing can be carried through the

Assembly if a single nation disapproves, for a solitary vote can block action. The same is true of the Council as respects each nation represented in it. This, of course, establishes a very cumbersome and slow-working scheme of government. Decisions of the Council or the Assembly, moreover, have no absolute binding force, as have the enactments of Congress. There is no centralized executive authority, with power to see that decisions are obeyed—no executive authority in the national sense. The League has no army to enforce its will. Even the International Court of Justice has no jurisdiction save when the suitors, of their own accord, come to it. It lacks the coercive power of a Supreme Court.

Provisions for the Prevention of Wars.—The prime purpose in establishing the League of Nations was a desire to lessen the danger of wars. To that end the covenant contains several provisions of high importance which may be briefly summarized.

1. Armaments.

First, there is a provision for the reduction of armaments. The Council is directed to have a study made by experts and to report upon the amount of armed strength needed by each nation. The various governments, however, are not bound to accept the Council's recommendations. In any case, all members of the League agree to keep one another informed as to the extent of their respective armament programs. This represents, of course, a very modest step in the direction of actual international disarmament.

2. Territorial

integrity.

Second, the members of the League agree to protect one another against any seizure of their territories or any destruction of their independence by outside attacks. This is the famous Article X. Whenever such attack occurs, the Council is to advise as to how the pledge of integrity can be fulfilled.

3. Conciliation.

Third, if a dispute which cannot be settled by diplomatic negotiations arises between members of the League, the members agree to refer it to arbitration if it is suitable for such disposition; or, if not, then to the Council of the League for inquiry. The members of the League agree to refrain from hostilities until three months after the Council has rendered its decision.

4. Coercion.

Fourth, if any member-nation resorts to war in violation of the preceding provisions, the other members of the League agree to boycott it and to withdraw from relations with it; in extreme cases, the Council is authorized to consider and recommend means of compulsion by armed force.

5. Registration of treaties.

Fifth, a very important provision is that by which all treaties hereafter entered into by members of the League shall be registered with the Secretariat and published. Until this has been done, no treaty is to be considered binding. This, of itself, embodies no small step in the direction of eliminating a prolific source of friction and strife. Secret treaties have been

the mainspring of many wars.

Duties of the mandatories.

The System of Mandates.—In previous wars it has been the habit of victorious nations to divide all the conquered territory among themselves, each taking a portion in full ownership. The Peace Conference of 1919, however, agreed to try a new plan, namely, that of placing the League of Nations in charge of some former German and Turkish territories. It was provided that by means of mandates each of these territories should be directly governed, on behalf of the League, by one of its member-countries, with the understanding that eventually complete self-government should be given in certain cases. The mandatory, or country holding the mandate, is required to present an annual report to the League and a permanent commission is provided to examine these reports. In accordance with these arrangements, several mandates have been granted. Great Britain, for example, has been made the mandatory for Palestine, France for Syria, and New Zealand for certain former German colonies in the South Pacific.

A territorial trust.

The possession of a mandate does not give the mandatory any exclusive commercial privileges in the territory concerned, but merely creates a trust which is to be exercised for the benefit of the people who inhabit it. Whether this new experiment in the government of dependent territories will work out successfully no one yet can tell. Much will

depend upon whether the League acquires prestige and power. If it should collapse, there is little doubt that these various territories would merely pass into the full ownership of the countries which now hold the mandates.

The League and Labor.—The widely-differing policies hitherto pursued by various countries in relation to labor have long been a cause of international distrust and friction. When any one country endeavors to accord greater privileges to its workers—such as the adoption of a shorter working day or the guarantee of a minimum wage—this action places it at a disadvantage in trade competition with other countries not so progressive. It is, therefore, provided that a permanent International Labor Office shall be established and that members of the League shall send representatives to a labor conference at least once a year. Such measures for the protection of labor as may be recommended by this conference are to be presented to the government of each member-country for adoption. Each government may adopt or refuse to adopt the recommendations as it sees fit; but where a recommendation is adopted, a country must live up to it and provisions are made for ensuring this. The first labor conference. The first meeting of the labor conference took place at Washington in 1919. Since that time two further conferences have been held. Recommendations have been made in favor of the eight-hour day, the prohibition of child labor, and an effective system of factory inspection. In most of the discussions concerning the League these great

opportunities which it presents for the improvement of labor conditions were entirely overlooked.

The League and the Protection of Health.—Great improvements in the science of health protection have been made during the past generation by all civilized countries, as a previous chapter has indicated. But no matter how watchful a country may be in guarding the health of its own people, it can never feel safe so long as epidemics are allowed to rage unchecked in other lands. The ravages of disease stop at no national boundaries. Trade and travel carry infection across even the best-protected borders. In recognition of this the League covenant pledges the member-countries to take steps for the international prevention and control of disease. The international health office. This is to be accomplished by the establishment of a permanent International Health Office. The function of this office is to gather data relating to public health questions, to promote the acceptance of the best health regulations by the different countries, and to secure common action in the case of dangerous epidemics.[304] The League is also authorized to wage a war upon the use of opium and other harmful drugs, likewise to take measures against the traffic in women and children.

American Objections to the Covenant.—When the provisions of the covenant were finally adopted by the Peace Conference, objections were urged in various countries, but more particularly in the United States. To what features was objection made? Some objected to the provision which gives the British Empire

six votes in the Assembly of the League while the United States had but one.[305] Article X of the covenant, by which the nations who enter the League must guarantee one another's territory and independence against outside aggression was also objected to, for it seemed to pledge the United States to defend boundary lines in all parts of the world. Many feared that this provision would some day require the use of American soldiers in distant places. Objection was also raised against certain provisions of the peace treaty, such as that which turned over to Japan the territorial and other rights in the Chinese province of Shantung, which had been held by Germany.[306] And in general there was a feeling that if the United States were to enter the League, this action would involve a continual entanglement in European affairs and a complete abandonment of America's traditional policy.

The proposed reservations.

It was at first believed that by making reservations on these various points the United States could overcome the more important objections, ratify the treaty, and enter the League. But President Wilson declined to accept such reservations and in the end the whole document, treaty and covenant together, failed to receive the requisite two-thirds vote in the Senate.

The presidential election of 1920 was fought out on this issue. The Democratic candidate declared in favor of entering the League with suitable reservations, while the Republican candidate made no explicit pledge as to what

course he would pursue although he seemed for a time to favor the formation of a new association on a somewhat different basis. The ultimate decision. After the election, which resulted in a decisive Republican victory, President Harding announced that the United States would not enter the League; the project of a new association was quietly dropped; and a separate peace with the new German republic was concluded.

The League at Work.—The refusal of the United States to assume membership was a severe, and possibly a fatal, blow to the strength and prestige of the League. It is as though the state of New York, a century and a quarter ago, had declined to ratify the constitution, leaving the other twelve states to form a union by themselves. What the League has done. Nevertheless, the League of Nations seems to be a going concern; it has established headquarters at Geneva; its Secretariat has been organized; its Council has held many sessions; its Assembly has been twice convoked; its court has been established; labor conferences have been held; mandates have been allotted; commissions have been appointed; and a good deal of important business has been transacted. Its members are very anxious to have the United States join with them and would doubtless go a long way in accepting whatever reasonable reservations this country might choose to make. But there is no immediate probability that America will become a member on any terms. The problem which now engages the attention of the American government is that of arranging,

through treaties and conferences, for the removal of the various dangers to peace in the future.

Can the work be done by a series of conferences?

The League and the Washington Conference.—The calling of the Washington Conference was the first step in this direction. The agreements reached at this conference represent a very substantial step in the direction of avoiding future wars but they do not cover the whole field of possible controversy. They leave untouched the whole question of land armaments and deal with none of the chief European problems. It is taken for granted that other conferences will be called from time to time, each for the purpose of dealing with some specific set of international questions, and there are many who believe that the primary purposes which the League of Nations was intended to fulfill can be served in this way. One advantage of the conference plan is that it allows each nation to retain greater freedom of action; but this is also a defect, for it permits any single country to block progress by merely declining to join with the others when a conference is called. The Washington Conference demonstrated how easy it is to reach agreements in the common interest when nations come together for a free and frank discussion.

A lost opportunity.

Will the League of Nations Live?—Will the League slowly acquire strength despite the

failure of the United States to become a member? Or will the League gradually lose all its reason for existence, save as an agency for carrying out the terms of the peace treaty, and when these terms are fulfilled, pass out of existence? These are questions which no one can answer today. The close of the war gave the world its greatest opportunity to devise a plan which would forever put an end to the curse of war and usher in a long era of international amity. Men labored long and diligently to provide such a plan, but they failed to achieve a full measure of success.

Where the blame for this partial failure belongs is not a matter that it can profit the world much to discuss. The opportunity came and has gone. Whether the partial failure can ever be retrieved, whether the League devised at Paris will survive the severe setback given to it by the action of the United States, are things which only the next generation can determine. In spite of its handicap, however, the League must strive to maintain its existence, for its continuance is essential to the enforcement of the peace treaty. Those nations which are interested in seeing the provisions of the treaty fulfilled must either use the League, or provide other machinery in its place, or else revise the terms of peace, and on the whole, the first alternative seems to be the easier one. To the exhausted nations of Europe it offers some hope of relief from the burden of great armaments, and to small countries throughout the world the League stands as a means of obtaining a fair hearing for their grievances. It is easy enough to pick flaws in the covenant;

but is there any likelihood that a different document would gain the adhesion of fifty-one states? No such number ever agreed to anything of the sort before.

The attitude of the United States was not dictated by self-interest alone, or by party politics. There was, and still is, a strong conviction in the minds of a large element among the American people that the covenant of Versailles will not prove to be a safeguard against war, but may, indeed, lead to intensified rivalries and bitterness. Many Americans, and many Europeans also, feel that the terms of peace which were arranged at Paris contain many unwise, unjust, and even impracticable provisions. They believe that a League of Nations, charged with the duty of enforcing these provisions, is bound to encounter difficulties of a serious character.

General References

F. C. HICKS, *The New World Order*, especially pp. 3-91 (The Peace Treaty, including the Covenant, is printed in the appendix);

W. H. TAFT, G. W. WICKERSHAM, and others, *The Covenanter: An American Exposition of the Covenant of the League of Nations*, *passim*;

S. P. DUGGAN, *The League of Nations*, p. 1-17; 96-111;

J. A. HOBSON, *Towards International Government*, pp. 11-57;

Annals of the American Academy of Political and Social Science, *The Place of the United States in a World Organization for the Maintenance of Peace* (July, 1921), pp. 1-29;

G. G. WILSON, *The First Year of the League of Nations*, pp. 1-55;

R. B. FOSDICK, GEORGE RUBLEE, J. T. SHOTWELL,

LÉON BOURGEOIS, and others, *The League of Nations Starts*, pp. 1-28;

L. OPPENHEIM, *The League of Nations*, pp. 28-48;

D. L. MORROW, *The Society of Free States*, pp. 137-154;

T. J. LAWRENCE, *The Society of Nations*, pp. 33-57;

RAY STANNARD BAKER, *America and World Peace*, *passim*.

Group Problems

1. The idea of a league of nations in history. Ancient Greek leagues. Dante's De Monarchia. The Great Design of Henry IV. William Penn's plan. The proposed confederation of Europe after the Napoleonic wars. Kant's "Everlasting Peace." The Holy Alliance. The federation of Central America (1824). The Hague Conferences. **References**: ELIZABETH YORK, *Leagues of Nations, Ancient, Mediaeval, and Modern*, pp. 114-179 (see also *Bibliography*, pp. 331-337); WILLIAM LADD, *The Peace of Europe*, pp. 1-11; W. A. PHILLIPS, *The Confederation of Europe*, pp. 145-156; F. C. HICKS, *The New World Order*, pp. 66-78; J. H. CHOATE, *The Two Hague Conferences*, pp. 3-44; D. L. MORROW, *The Society of Free States*, pp. 12-32.

2. A study of the merits and faults of the Covenant. References: Senate Debates during the period June 2 to October 6, 1919, in *Congressional Record* (66th Congress, 1st Session, Vol. 58), *For the League*: SENATOR SWANSON, of Virginia (pp. 2532-2542), SENATOR HITCHCOCK, of Nebraska (pp. 6403-6427); *Against the League*: SENATOR JOHNSON, of California (pp. 501-509), SENATOR LODGE, of Massachusetts (pp. 3778-3784).

Short Studies

1. **The League of Nations and American ideals.** A. H. SNOW, *The American Philosophy of Government*, pp. 155-172.

2. **The League of Nations and American**

interests. OTTO H. KAHN, *Our Economic Problems*, pp. 354-367.

3. **The League and the Monroe Doctrine.** S. P. DUGGAN, *The League of Nations*, pp. 273-303; Annals of American Academy of Political and Social Science, *The Place of the United States in a World Organization for the Maintenance of Peace* (July, 1921), pp. 31-44.

4. **The international labor conferences.** F. C. HICKS, *The New World Order*, pp. 270-279.

5. **The League and disarmament.** Annals of the American Academy of Political and Social Science, *The Place of the United States in a World Organization for the Maintenance of Peace* (July, 1921), pp. 45-67.

6. **The League at work.** ARTHUR SWEETSER, *The League of Nations at Work*, pp. 29-62.

7. **Some examples of international government.** L. S. WOOLF, *International Government*, pp. 179-265; F. B. SAYRE, *Experiments in International Administration*, pp. 18-62.

8. **The "Concert of Powers" in Europe.** T. J. LAWRENCE, *Principles of International Law*, pp. 268-279.

9. **The system of mandates.** R. B. FOSDICK, GEORGE RUBLEE, J. T. SHOTWELL, LÉON BOURGEOIS, and others, *The League of Nations Starts*, pp. 110-125.

10. **International public health and sanitation.** R. B. FOSDICK, GEORGE RUBLEE, J. T. SHOTWELL, LÉON BOURGEOIS, and others, *The League of Nations Starts*, pp. 155-169.

11. **The League of Nations as a scheme of government.** L. OPPENHEIM, *The League of Nations*, pp. 28-48.

12. **Small nations and the League.** S. P. DUGGAN, *The League of Nations*, pp. 161-183; Annals of the American Academy of Political and Social Science, *The Place of the United States in a World Organization for the Maintenance of Peace* (July, 1921), pp. 68-97.

Questions

1. What is meant by "applying to nations a principle which men the world over have applied to themselves as individuals"?

2. Explain what was done at the Congress of Vienna and why there were so many wars during the hundred years which followed that congress.

3. Explain the following expressions: *balance of power*, *Triple Alliance*, *Entente*, *concert of powers*.

4. Make a diagram showing the organization of the League of Nations. Explain by means of this diagram the contrasts between the League's organization and that of a federal government.

5. What are the weak features in the League organization?

6. Summarize the provisions which were placed in the Covenant for the prevention of future wars and give your opinion as to the value of each.

7. Explain the relation of the League to (*a*) labor problems, (*b*) health protection, (*c*) the suppression of the drug traffic.

8. Make a list of the chief American objections to the League and indicate how much importance you attach to each.

9. Do you regard the refusal of the United States as a death-blow to the success of the League? Give your reasons.

10. If the League fails, how can international peace be best secured?

Topics for Debate

1. A scheme of universal arbitration should be substituted for the League of Nations.

2. The United States should call another conference to effect an international agreement for the reduction of armies.

CHAPTER XXXII
POLITICAL AND ECONOMIC RECONSTRUCTION

The purpose of this chapter is to discuss some present-day problems of world democracy.

Why the people are now thinking new thoughts.

The War and the New Era.—The world has spent the years since the war in a condition of political and economic unrest. This is not surprising because this herculean contest rocked the foundations of civilized society. It let loose the primitive passions of men, hurled monarchs from their thrones, turned industry upside down, drew millions of men out of life's normal routine, and wasted as much wealth as the whole world can create in twenty or thirty years. Small wonder it is that people should ask themselves whether a social order which permitted all this to happen is in reality the best type of organization for the civilized countries of the world. Self-examination usually takes place among men and nations after a great disaster. Things which have been assumed to be true are inspected; old traditions

are overhauled, and new proposals receive a more ready welcome than at other times.



THE GRADUATE. By Edwin H. Blashfield

From a Copley Print, copyright by Curtis & Cameron, Boston. Reproduced by permission.]

THE GRADUATE

By Edwin H. Blashfield

From the mural painting in the Great Hall of the College of the City of New York.

Wisdom sits enthroned, a globe in her hands. Her placid head, covered with a fold of her mantle, is lighted from below by the flame on the altar at her feet. The light also illumines the globe

which she holds. On either side of her pedestal, in a long curved row, sit the great centers of learning (Paris, Rome, Oxford, etc.) represented by graceful female forms, and in front of them are some illustrious representatives of the arts and sciences—Petrarch, Galileo, Shakespeare, and others. In the immediate foreground are young men of today—students on the right and aspirants on the left.

Directly in front of the altar is the Graduate, with academic cap and gown. Beside him stands Alma Mater, handsome and dignified, in a figured Venetian mantle, bearing a shield with a seal of the college and holding a scroll. She bids the young graduate go forth into the world, bearing the torch which he has lighted at the altar of Wisdom. In front of both, and a little to the right, is Discipline, or Self Control, holding in one hand a scourge and in the other a

sword. She stands ready to accompany the young graduate on his journey through life.

Below the picture is the inscription: "Doth not Wisdom cry? She standeth in the top of the high places, by the way of the places of the paths. She crieth at the gates at the entry of the city, at the coming in at the doors."

The Growth of Radicalism.—Two working principles have hitherto furnished the basis for political and economic organizations in such countries as the United States, Great Britain, and France. Democracy and individualism. Democracy, by which we mean the control of government by the whole people, acting chiefly through their representatives, has been the accepted basis of political institutions. Individualism, by which we mean an economic system founded upon the individual ownership of private property and, through private property, the individual control of industry has been in general the recognized foundation of economic institutions. By the masses of the people in all free countries the principles prefigured by these two words, democracy and individualism, have been tacitly accepted for fifty years or more as the groundwork of political and economic activity. Both were challenged from certain quarters; the socialists,

for example, attacked the whole system of economic individualism; but in no country was the policy of individualism overthrown.

Should they be displaced?

During and after the war, however, the demand for a reconstruction of the world's entire political and economic structure became more insistent. Radical ideas as to what ought to be done, and radical proposals as to how it ought to be done were brought forth and spread. The world found itself, almost in a day, face to face with demands for the complete repudiation of democracy as an ideal and of individualism as a principle of economic organization. Proposals for state socialism, guild socialism, communism, and a dictatorship of the proletariat were put forth aggressively on every hand. No country proved to be immune from this radical movement, although in some it made far greater headway than in others.

The Soviet Plan of Government in Theory. [307]—Among the various countries, Russia has gone the farthest, of course, in the radical demolition of the old political and economic order. The overthrow of the Czarist empire was presently followed by the establishment of soviet government and a system of economic communism. This action naturally attracted world-wide attention and it has exerted, during the past few years, a profound influence upon the attitude of men toward political and economic problems everywhere. Why should Americans care to know anything about it? It has given new inspiration to radicalism in the

United States. We ought, therefore, to know something about this extraordinary overturning of the old political and economic structure in Russia; otherwise we cannot grasp the far-reaching significance of radical movements in our own country.

What is the soviet form of government and what is meant by communism as applied to industry?

The soviet form of government is a repudiation of the entire scheme of government which has been described in this book. Why the Bolshevists object to democracy. Its supporters regard democracy as a mere weapon of the capitalist by means of which he exploits the worker. The only way in which the workers can obtain their rights, they declare, is by establishing a "dictatorship of the proletariat", in other words, a government absolutely dominated by themselves to the exclusion of all others. This, in the first instance, must be done by violence; but, eventually, they hold, the people will accept it peaceably.

The difference between soviet and democratic government.

Soviet government differs from democratic government in two all-important respects. In a democracy all adult citizens, whatever their occupation, are equally entitled to a share in the control of the government. Democracy stands on the principle of universal, direct, and secret suffrage. The soviet form of government repudiates the doctrine of political equality. It asserts that all power must be vested in the

hands of the peasants and workers, and that the *bourgeoisie* (by which they mean capitalists, storekeepers, employers of any kind, including even farmers who employ hired labor) are entitled to no share in the control of the government. Democracy and equal suffrage, the soviet apologists proclaim, are merely instruments by which the strong oppress the weak. For a system of government by the people, they would substitute government by a portion of the people. In Russia this has meant, as a matter of fact, government by a very small fraction of the people.

The soviet system also differs from democracy as respects the way in which the officials of government are chosen. Representation in democracies is based upon areas of territory. The soviet basis of representation. All the voters of a town, country, or district join in electing a single representative. The people who live in a given territorial area are assumed to have a common interest by reason of their living close together. Under the soviet system this is considerably changed. Occupation as well as territory is the basis of representation. Groups of voters unite in choosing delegates because they work at the same trade, not because they live in the same neighborhood. For example, all the workers in a particular factory, or all the farmers in a certain district begin by choosing one or more representatives. These representatives come together and form the city workers' soviet or the township soviet. The city workers' soviet is made up of one or more delegates from every factory. Each local soviet, moreover, appoints

delegates to higher soviets and these, in turn, choose delegates to the All-Russian Congress of Soviets, which is the supreme governing body. As this congress is too large to do the routine work of government, it delegates this function to a cabinet or Council of Peoples' Commissars. [308]

The Soviet Plan of Government in Practice.—This is the theory of soviet government. The supreme political authority is constituted by the *workers* alone, through a long process of indirect election. The national executive is several steps removed from the control of the people. He is not directly responsible to the people as in the United States. In actual fact, moreover, this elaborate plan of indirect representation has become, in Russia, little more than a scheme on paper. Many of the provincial Soviets have chosen no delegates at all. There is no assurance that those who now hold the reins of power in Russia are the real representatives of the masses of the people. To keep themselves in office the Commissars have throttled all opposition. Some results of the soviet rule. They have set at naught all the securities for personal liberty which exist in democratic countries. Arrests have been made without warrants, thousands of them; men and women have been held in prison and put to death without public trial; freedom of speech, freedom of the press, and freedom of assembly have been denied. The soviet leaders admit all this but argue that these measures are necessary in order to prevent a counter-revolution.

The Economic Aspects of Communism.—

The Russian revolution did not confine itself to political reconstruction alone. It was an economic revolution as well. Relation of communism to industry. All private trade, of whatever sort, was, in theory at least, abolished throughout Russia and all industries taken over by the government. The factories, shops, stores, and all other instrumentalities of business were placed in charge of officials to be managed for the benefit of the workers. These workers were assigned to the various industries by the soviet authorities, compulsory labor being decreed by law and a fixed standard of wages established. Trade unions and co-operative societies were put under the ban. Workers received their pay in the form of requisitions or orders on the government stores for food and other supplies. Strikes were forbidden on penalty of imprisonment. All land was declared to be owned by the state, but the peasant farmers were allowed to retain their farms upon giving the government a share in the produce.

Breakdown of communism in Russia.

Although the government did its best to carry through the foregoing program, economic communism in Russia broke down. [309] Factories and stores went out of business; the peasants could not be coerced into supplying food for cities; foreign trade stopped almost entirely; the railroads failed to function; everywhere there was misery and starvation. So the soviet authorities in 1921 decided upon a partial return to the system of privately-

managed industry. Factories and shops, to some extent, have been reopened under individual ownership; the trade unions have been permitted to reorganize; the rules relating to compulsory labor have been relaxed; and differences in the rate of wages paid to different workers are once more permitted. The country has swung back to a modified form of individualism and capitalistic production.

The Russian lesson.

The great lesson of communism in Russia is that no system of economic organization can long survive unless it succeeds in producing enough to feed, clothe, and shelter the people. When the incentive of private gain is taken away, some equally strong incentive to production must be put in its place; otherwise production will decline and there will not be enough to go around. That is what happened in Russia. Neither compulsion nor appeals to the loyalty of the worker availed to keep production up. Fewer goods were produced and there was less to distribute. Equality of distribution avails nothing when there is too little to be distributed.

The International Aims of the Communists.—Communism is not merely national in its aim; it is international. Its motto is: "Workers of the World, Unite!" Its goal is the violent overturning of the existing political and economic organization in all countries so that soviet governments may be established and all private industry abolished. Program of the Third International. This is the program of the *Third International*, a body made up of communist delegates from all over the world.

In order to promote this program the Russian authorities have endeavored to carry on a propaganda in all other countries, sending out literature and agents wherever possible. The communists realize, however, that the prospects for such a revolution are not good in countries like the United States, Great Britain, and France so long as the trade union movement makes progress and gains advantages for organized labor. Hence they aim to secure the destruction of unions, to promote "outlaw" strikes, and to encourage every form of industrial discontent.

Socialism and communism are widely different.

Moderate Socialism and Communism Distinguished.—Communism, as it has been exemplified in Russia during the past few years, should be distinguished from socialism as the latter term is commonly understood, although extreme forms of socialism may go substantially as far. Socialists do not propose that all except the workers shall be excluded from a share in government. They do not propose to wipe out the political rights of the individual, or to destroy trade unionism, or to provide for labor conscription. Orthodox socialism does not aim at a "dictatorship" of any kind.

Socialism defined.

State Socialism.—The program of the moderate socialists is commonly known as state socialism. Briefly stated, it proposes that all the land, the mines, the forests, the factories, the railroads, and every other

instrumentality of production or distribution should be managed in the interests of the whole people. Under the system of individualism, according to the socialist argument, these things are now managed primarily in the interest of private owners. The worker creates values in far greater proportion than the wages he receives. This surplus value goes to the employer in the form of profits. The socialist would abolish profits. The entire net earnings would go to the worker. The basis of government would not, however, be revolutionized. With some changes to make democracy more effective (for example, the wider use of the initiative and referendum), state socialism would leave government about as it is. The workers, being in the majority, would control government through their numerical superiority at the polls; they would not deny the suffrage to non-socialists. State socialism proposes the doing of all this through the ballot-box, not by violence or armed revolution.

The Case for Socialism.—Many books have been written in advocacy of state socialism and many arguments advanced in its behalf. The case for socialism rests largely upon certain propositions which may be briefly stated as follows: The present industrial injustice. Wealth is largely the product of labor, yet labor does not get its rightful share in the product. Capital and management, on the other hand, get more than their rightful share. Hence the rich are growing richer, and the poor are growing poorer. The control of industry, and with it the well-being of many million workers, is passing

steadily into the hands of a very few men. Inequalities of wealth lead to discontent; the present organization of industry results in unemployment; and men are engaged in a perpetual class war with one another. Great wastes, moreover, result from the system of competition. Several milkmen, for instance, go up and down the same street, each serving a few families. Think of what the postage rates would be if we had a similar state of affairs under free competition in furnishing postal service! Socialism, it is claimed, would unify production and distribution, thus preventing waste.

What socialism proposes as a remedy.

Now the remedy for this is to abolish private capitalism, to have the government take over the industries, divide the earnings fairly, giving every worker his rightful share, thus securing a more nearly equal distribution of wealth and happiness. By this means, also, poverty and unemployment would be abolished. If all the products of labor were given to the worker (rent, interest, and profits being abolished), there would be enough to give everybody a reasonable day's work and a comfortable living. There would be steady employment for all. The great majority of the people are workers. Their welfare should be the first care of organized society; but their welfare can never be secured so long as practically complete power over the conditions under which the workers labor and live is exercised by the private owners of industry. Socialists

also claim that a moral gain would result, inasmuch as the present class conflict would give way to a recognition of human brotherhood. Co-operation, not conflict, would be the watchword of industrial society.

The Case Against Socialism.—The advocates of socialism, in their arguments, frequently assume something which they have not been able to prove. Are the poor growing poorer? They proclaim that the rich are growing richer and the poor are growing poorer, that the middle class is being crushed out, and that soon there will be only two groups, the very rich and the very poor. It is true that wealth is increasing and that there are more rich men today than ever before in the history of the world; but it is also true that the middle class is more numerous and the worker much better off than at any previous time. The standard of living among American wage-earners today is higher than it was among well-to-do people a hundred years ago. The average worker is better housed, better clothed, better fed, and has more of the comforts of life than the employer of a century ago.

The chief argument against socialism.

But apart from this the crucial question concerns the way in which production would be maintained and how the earnings would be distributed under a socialist system. Today the main incentive to work is the expectation of reward. Most men work because they expect to be paid for it. Cut down their pay and they will usually stop work and try to persuade other

people from working. There are exceptions to the rule, of course; but when men and women work hard and try to do their best it is because they hope to get promoted, to get their wages raised, to secure an easier job at higher pay.[310] Socialism would abolish this exact relation between skill and wages. Everyone would work at whatever task he was best fitted to perform and would be given enough to live on comfortably. Or, as the socialists put it, everyone would produce according to his ability and be paid according to his needs.

Some practical questions.

This, however, begs some very important questions of a practical nature. Who would determine the work that you or I should do? Who would determine that you must labor in the coal mines while I go abroad, as a foreign ambassador? Who will determine your needs and mine, so that we may be rewarded accordingly?

Socialism and compulsion.

The answer is that authorities would have to be established with power to settle these things and to apply compulsion where necessary. We would have industrial autocracy. Men and women would have no complete freedom to choose their own occupations. The socialists say that if the existing wage system were abolished everyone would do his best to increase production in order to make the new plan a success; but where socialistic experiments have been tried the contrary is true; the workers do less and produce less. Let

us remember, also, the increased danger of corruption which would come if the authorities were given so great an increase in power. The whole resources of the country would be placed in the control of an official class; the entire labor-force of the nation would be put at their disposal. The socialist answers that if officials proved arbitrary or corrupt the people would turn them out of office. Does our experience with other forms of government warrant any such expectation?

Socialism and human nature.

Two methods of getting work done have been tried by the world at one time or another. In ancient and mediæval times most of the work was done by slaves. The slave got no wages; he did his work because he was compelled to do it. In modern times, since slavery and serfdom no longer exist among civilized people, most of the work is done by free men who do it because they expect to be paid for doing it. And since there are differences in the abilities of different men, some get more pay than others, even though the opportunities be the same for all. If the capable worker were not paid more than the less competent, he would not exert himself to do his best. To get the best out of any free man he must be given the hope of a reward in proportion to his efficiency, and for the great majority of people this means a reward in dollars and cents. That is human nature.

Can human nature be changed?

It is sometimes said that human nature may

change and that, in a new environment, men might work unselfishly for the common welfare without reference to their rate of wages or profits. True enough the motives of men may and do change somewhat; but when we trace the course of human history through twenty centuries we find that the dominant traits of mankind have altered very little in all that time. Human nature itself affords the greatest obstacle to the success of a socialist system.

Socialism and Liberty.—Liberty does not include political freedom alone. It comprises the right of the individual to choose his own career, to make his own bargains, and to become his own employer if he can. An industrial system in which all men are compelled to do as some higher authority dictates would establish the very negation of liberty. Under socialism the complete control of all economic life would be vested in some supreme authority. It matters little how that authority might be chosen; the concentration of such vast powers anywhere, in the hands of any group of men, would make individual liberty a meaningless expression. It may be replied that under our present system of private industry the worker has in fact very little liberty; that many employers are despots and that the worker is subjected to tyranny. That is to a certain extent true. But in so far as there is an undue and needless restriction under present conditions of industry the remedy is to promote the liberty of the worker through the power of his own organizations and by the laws of the land.

Socialism and Democracy.—Socialism and

democracy can never be good friends. Democracy is government *by the people*; in other words it is government by amateurs. It is not government by a professional class. The government of the German Empire before the war was largely in the hands of a professional class, a bureaucracy it was called. Now a democratic government, being managed by the rank and file of the people, is often wasteful and clumsy in its handling of business affairs. We have had some notable examples of this in the United States; for example, the building of airplanes and ships during the war, the operation of the railroads during 1918-1920, and the construction of public buildings. A bureaucratic government, conducted by professional administrators, is much more efficient. Socialism would professionalize the government. It is not improbable, therefore, that socialism, by placing upon the public authorities the entire management of every form of industry, including factories and shops as well as railroads and telegraphs, would mean the breakdown of the democratic ideal and the professionalizing of government. The entire industrial system of the country could not be successfully managed by amateurs. To save it from collapse under socialism the government would have to be reorganized on bureaucratic lines.

Can Democracy Solve Its Problems?—But if not socialism, what then? Certain it is that we are facing great problems both at home and abroad today; and these problems must be solved in the interest of human happiness. We cannot close our eyes to them and trust that

somehow or other they will work out their own solution. Can democracy and our present system of private industry master them? Well, democracy and our present industrial system have overcome a great many obstacles in the past and it is only by studying the past that we can make any forecast of the future. The land surveyor, when he wants to project a straight line from a given point, walks back some distance so that he may align his pickets in the ground. Let us for a moment pursue the same plan, walk back a dozen decades in American history and take a sight along the great landmarks to the present time. What have democracy and individualism contributed to the well-being and happiness of the American people?

Democracy and American progress.

What America Has Done.—In the past one hundred and twenty years the people of the United States have increased their territories ten-fold, their numbers twenty-fold, and their wealth at least a thousand-fold. They have, with one great exception, composed their internal quarrels peaceably during the whole of this long period. They have developed a government based upon the consent of the governed and have placed the capstone upon it by the grant of universal suffrage. They have kept the various branches of government within their own respective fields and have thus prevented the growth of despotic power anywhere. The people's direct control over the policy of the government, moreover, has been greatly augmented during the past generation.

It is indeed doubtful whether Washington, Hamilton, and Madison, if they were to arise from their graves, would recognize the present government of the United States as their own handiwork, so far has it moved along lines of greater democracy. In the states and the cities this steady drift to more direct popular control has been very marked. One need only mention such things as the initiative, referendum and recall, direct primaries, popular election of senators, the short ballot, the commission and city-manager forms of government, and the extension of suffrage to women—all of which are the product of the last twenty-five years—to indicate how strong has been the tide of popular control.

Most striking of all American achievements, however, has been the wide diffusion of material comforts among the masses of the people. In no other country is there anything approaching it. The standard of living among wage-earners is higher than it is anywhere else, much higher. The average American worker is better housed and better provided with food than is the typical workman in any other country. He and his children get better educational opportunities and a better chance to rise in the world. The way in which immigrants have been flocking to our shores during the past hundred years is a proof that millions of men and women have looked upon America as a land of opportunity. This is not to imply, by any means, that there are no slums in American cities, no poverty, no misery, and no industrial oppression. We have, in truth, far too much of all these things. But it is also the

truth that we have relatively less of them than any of the other great industrial lands.

Not all of this progress and prosperity is due, of course, to the political and economic system which America has maintained during the past century. The rich natural resources of the country and the steady industry of its people have been fundamental factors. But no matter how vast their resources or how unremitting their industry a people cannot achieve lasting prosperity and contentment unless they possess a political system and an economic organization which is well suited to their needs.

What Democracy Has Failed to Do.—It would be idle to regard democratic government everywhere as an unqualified success. No scheme of political organization will of itself secure a government which is both efficient and popular. The active efforts of the people are required to achieve this end. Not merely the consent of the governed but the participation of the governed is essential. By reason of popular indifference the institutions of democracy in America have frequently been perverted and abused by men whom the people have placed in power. Some examples. What passes for public opinion is at times nothing but propaganda, organized to promote some selfish interest. Democracy has not yet succeeded, moreover, in preventing wars or inducing all nations to deal justly with one another. It has not prevented the rise of opposing classes among the people, or kept groups of individuals from setting themselves in antagonism to each other. Democracy has

not reconciled labor and capital; it has not carried its principles very far into our industrial organization. These are serious failings, no doubt; but the friends of democracy can fairly say, "Would any other system have done better?" Democracy is what the people make it, and its faults point to the defects of human nature.

The Citizen's Duty in a Democracy.—No form of government gives the citizen so much as democracy, and none makes greater demands upon him in return. We are far too much concerned about the rights of men and women; far too little concerned about their obligations to society, to the state, and to their fellow-men. Voting at elections is but a small part of the citizen's duty. His share in the forming of a sound and enlightened public opinion constitutes an obligation upon him every day in the year. When public opinion takes an unwise course it is because the people make up their minds hastily, without careful thought, and without the guidance which should be provided by the educated men and women of the land. Every individual is a unit in the forming of public sentiment; he can be a helpful factor if he will. Education is the chief corner-stone of democratic government, and it must also be the chief prop to any plan of industrial democracy which hopes to be successful and permanent. Education makes men and women tolerant of other people's opinions, gives them confidence in mankind, and faith in what mankind can accomplish.

Democracy has passed through many raging storms. In the dark days of the Civil War there

were many who feared that in America it was about to perish utterly. But it survived and grew stronger than before. Without the faith of the people in it, and the work which is the exemplification of faith, democracy can accomplish nothing; with these things there is no problem that it need fear to face.

General References

E. M. FRIEDMAN, *American Problems of Reconstruction*, pp. 45-55;

BERTRAND RUSSELL, *Proposed Roads to Freedom*, pp. 186-212;

R. C. K. ENSOR (editor), *Modern Socialism*, pp. 65-89;

N. P. GILMAN, *Socialism and the American Spirit*, pp. 46-89;

H. G. WELLS, *What is Coming*, pp. 96-124;

O. D. SKELTON, *Socialism: A Critical Analysis*, pp. 16-61;

JOHN SPARGO, *Social Democracy Explained*, pp. 1-49;

C. J. BULLOCK, *Selected Readings in Economics*, pp. 668-705;

J. R. COMMONS, *Industrial Government*, pp. 110-134;

F. A. CLEVELAND and JOSEPH SCHAFER, *Democracy in Reconstruction*, pp. 165-192;

SIDNEY and BEATRICE WEBB, *A Constitution for the Socialist Commonwealth of Great Britain*, *passim*;

WILLIAM MACDONALD, *A New Constitution for a New America*, pp. 127-139.

Group Problems

1. What industrial democracy means. The traditional organization of industry. Relations of employer and employee. The representation of the workers in the management of industry. Methods of securing this representation. Shop councils. Merits

and defects of the plan. Other proposals. Effects of industrial democracy upon production. **References**: G. D. H. COLE, *Guild Socialism Re-stated*, pp. 42-77; *Ibid.*, *Self-Government in Industry*, pp. 24-47; R. W. SELLARS, *The Next Step in Democracy*, pp. 246-272; J. R. COMMONS, *Industrial Government*, pp. 77-109; IDA M. TARBELL, *New Ideals in Business*, pp. 134-162; SIDNEY and BEATRICE WEBB, *A Constitution for the Socialist Commonwealth of Great Britain*, pp. 147-167.

2. The worker in the socialist state. References: HARTLEY WITHERS, *The Case for Capitalism*, pp. 138-168; H. G. WELLS and others, *Socialism and the Great State*, pp. 69-119; R. W. SELLARS, *The Next Step in Democracy*, pp. 135-156; O. D. SKELTON, *Socialism: A Critical Analysis*, pp. 177-219; JOHN SPARGO, *Social Democracy Explained*, pp. 50-84.

3. The newer problems of democracy. References: F. A. CLEVELAND and JOSEPH SCHAFER, *Democracy in Reconstruction*, pp. 25-66; E. M. FRIEDMAN, *American Problems of Reconstruction*, pp. 447-464; F. J. C. HEARNSHAW, *Democracy at the Crossways*, pp. 11-78; GRAHAM WALLAS, *Our Social Heritage*, pp. 158-186; L. T. HOBHOUSE, *Democracy and Reaction*, pp. 167-187; H. F. WARD, *The New Social Order*, pp. 35-75; J. H. TUFTS, *Our Democracy; its Origins and its Tasks*, pp. 268-298.

Short Studies

1. **How the workers manage business enterprises.** C. R. FAY, *Cooperation at Home and Abroad*, pp. 222-237.

2. **Anarchism: its teachings and methods.** BERTRAND RUSSELL, *Proposed Roads to Freedom*, pp. 32-55; F. J. C. HEARNSHAW, *Democracy at the Crossways*, pp. 262-287.

3. **Syndicalism: its organization and aims.** JOHN SPARGO, *Social Democracy Explained*, pp. 244-277; J. G. BROOKS, *American Syndicalism*, pp. 73-105.

4. **Communism.** LEO PASVOLSKY, *The Economics of Communism*, pp. 1-17; 48-83.

5. **Bolshevism.** R. W. POSTGATE, *The Bolshevik Theory*, pp. 13-41; BERTRAND RUSSELL, *The Practice and Theory of Bolshevism*, pp. 119-156; JOHN SPARGO, *Bolshevism*, pp. 262-323.

6. **The soviet experiment in Russia.** H. N. BRAILSFORD, *The Russian Workers' Republic*, pp. 37-79; FRANK COMERFORD, *The New World*, pp. 118-169; 281-305.

7. **Guild socialism.** G. D. H. COLE, *Guild Socialism Re-Stated*, pp. 9-41; HARTLEY WITHERS, *The Case for Capitalism*, pp. 189-235; GRAHAM WALLAS, *Our Social Heritage*, pp. 102-121.

8. **Marxian socialism.** B. L. BRASOL, *Socialism* vs. *Civilization*, pp. 61-110; JOHN SPARGO, *Socialism Explained*, pp. 123-157.

9. **State socialism: the arguments for and against.** HARTLEY WITHERS, *The Case for Capitalism*, pp. 138-168; A. E. DAVIES, *The Case for Nationalization*, pp. 12-29.

10. **The individual and the new society.** A. B. HART (editor), *Problems of Readjustment After the War*, pp. 98-128.

11. **Women in the new social order.** H. G. WELLS, *What is Coming*, pp. 159-188; H. A. HOLLISTER, *The Woman Citizen*, pp. 142-178.

12. **Fiscal reconstruction.** E. M. FRIEDMAN, *American Problems of Reconstruction*, pp. 427-446.

Questions

1. Why has the movement for political and social reconstruction become stronger in recent years?

2. Explain how "the soviet form of government is a repudiation of the entire scheme of government which has been described in this book".

3. Make a diagram showing the organization of the soviet government in Russia. Show how much more direct is the control of the people over their government in the United States.

4. What is the lesson of the economic breakdown in Russia?

5. Explain what is meant by the *International*. What are its aims?

6. State any arguments for socialism which are not given in the text. Any arguments against socialism. Is it true that "as a general rule there are only two ways of getting work done in this world"? In a socialist state what would be the incentive to work? Would it be sufficient?

7. Would the establishment of socialism necessarily involve the abandonment of democracy? Argue the point.

8. Name the principal achievements of American democracy during the past hundred years. Which of them do you regard as the most important and why?

9. Name some present-day political and economic injustices which you would like to see set right. Suggest what might be done about them.

10. Are you a more earnest or a less earnest believer in democracy by reason of your having studied *Social Civics*?

Topics for Debate

1. Representation in government should be based on occupations rather than on territorial divisions.

2. The laborers should be given a voice in the management of their respective industries.

3. The condition of the laborer is better under private capitalism than it would be under socialism.

APPENDIX
CONSTITUTION OF THE UNITED STATES

PREAMBLE

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I
LEGISLATIVE DEPARTMENT

Section 1. Two Houses

1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. House of Representatives

1. The House of Representatives shall be composed of members chosen every second

year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors[311] of the most numerous branch of the state legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three-fifths of all other persons*[312]. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative; and, until such enumerations shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to

fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

Section 3. Senate

1. The Senate of the United States shall be composed of two Senators from each state chosen by the legislature thereof[313] for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.[314]

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United

States, who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other

officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

Section 4. Elections and Meetings of Congress

1. The times, places, and manner, of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof: but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section 5. Powers and Duties of the Houses

1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

2. Each House may determine the rules of the proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and, from time to time, publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section 6. Privileges of and Restrictions on Members

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to, and returning from,

the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person, holding any office under the United States, shall be a member of either House during his continuance in office.

Section 7. Revenue Bills: Veto of President

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for

and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8. Legislative Powers of Congress

The Congress shall have power:

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare, of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States:

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the Unites States:

7. To establish post-offices and post-roads:

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court:

10. To define and punish piracies and felonies, committed on the high seas, and offences against the law of nations:

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

13. To provide and maintain a navy:

14. To make rules for the government and regulation of the land and naval forces:

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress:

17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places, purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings:—And

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Section 9. Prohibitions upon the United States

1. The migration or importation of such persons, as any of the states, now existing, shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or *ex post facto* law, shall be passed.

4. No capitation, or other direct tax, shall be laid, unless in proportion to the *census* or

enumeration hereinbefore directed to be taken. [315]

5. No tax or duty shall be laid on articles exported from any state.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties, in another.

7. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Section 10. Prohibitions upon the States

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and

the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II
EXECUTIVE DEPARTMENT: THE PRESIDENT AND VICE-PRESIDENT

Section 1. Term: Election: Qualifications: Salary: Oath of Office

1. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives, to which the state may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit, under the United

States, shall be appointed an Elector.

3. [The Electors shall meet in their respective states, and vote by ballot for two persons, of whom one, at least, shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one, who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the

Vice-President.][316]

4. The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive, within that period, any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

9. “I do solemnly swear (or affirm), that I will faithfully execute the office of President of

the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Section 2. President's Executive Powers

1. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Section 3. President's Executive Powers (*continued*)

1. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section 4. Impeachment

1. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III
JUDICIAL DEPARTMENT

Section 1. Courts: Terms of Office

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall

hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Section 2. Jurisdiction

1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state,[317] between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not

committed within any state the trial shall be at such place or places as the Congress may by law have directed.

Section 3. Treason

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

ARTICLE IV
RELATIONS OF STATES

Section 1. Public Records

1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2. Rights in One State of Citizens of Another State

1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.[318]

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Section 3. New States: Territories

1. New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Section 4. Protection to States by the Nation

1. The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V
AMENDMENT

1. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first Article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

NATIONAL DEBTS: SUPREMACY OF NATIONAL LAW: OATH

1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII
ESTABLISHMENT OF CONSTITUTION

1. The ratification of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so

ratifying the same.

AMENDMENTS[319]

ARTICLE I
FREEDOM OF RELIGION, OF SPEECH, AND OF THE PRESS: RIGHT OF PETITION

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II
RIGHT TO KEEP ARMS

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III
QUARTERING OF SOLDIERS IN PRIVATE HOUSES

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

ARTICLE IV
SEARCH WARRANTS

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V
CRIMINAL PROCEEDINGS

No person shall be held to answer for a capital, or otherwise infamous, crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war, or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just

compensation.[320]

ARTICLE VI
CRIMINAL PROCEEDINGS (*continued*)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE VII
JURY TRIAL IN CIVIL CASES

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

ARTICLE VIII
EXCESSIVE PUNISHMENTS

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual

punishments inflicted.

ARTICLE IX
UNENUMERATED RIGHTS OF THE PEOPLE

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X
POWERS RESERVED TO STATES

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ARTICLE XI[321]
SUITS AGAINST STATES

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII
ELECTION OF PRESIDENT AND VICE-PRESIDENT

1. The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign, and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such a majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the

Vice-President shall act as President, as in case of the death, or other constitutional disability, of the President.[322]

2. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators; a majority of the whole number shall be necessary to a choice.[322]

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States,

ARTICLE XIII[323]
SLAVERY

Section 1. Abolition of Slavery

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Power of Congress

Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV[324]

CIVIL RIGHTS: APPORTIONMENT OF REPRESENTATIVES: POLITICAL DISABILITIES: PUBLIC DEBT

Section 1. Civil Rights

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Apportionment of Representatives

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of

male citizens twenty-one years of age in such state.

Section 3. Political Disabilities

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

Section 4. Public Debt

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Section 5. Powers of Congress

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV[325]
RIGHT OF SUFFRAGE

Section 1. Right of Negro to Vote

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

Section 2. Power of Congress

The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI[326]
INCOME TAX

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

ARTICLE XVII[327]
SENATE: ELECTION: VACANCIES

The Senate of the United States shall be

composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, That the legislature of any state may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

ARTICLE XVIII[328]
NATIONAL PROHIBITION

SECTION 1—After one year from the ratification of this article the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SECTION 2—The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

SECTION 3—This article shall be inoperative unless it shall have been ratified as an

amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years of the date of the submission hereof to the States by Congress.

ARTICLE XIX[329]
WOMAN SUFFRAGE

SECTION 1—The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

SECTION 2—Congress shall have power to enforce this article by appropriate legislation.

INDEX

A

Accidents, industrial, 411-412

Admission of new states, 227-228

Agriculture, the federal Department of, 299 *n*

scope and methods of, 339-342
special characteristics of, 343-345
improvements in, 345-346
government encouragement of, 346-348
financial aids to, 348-349
problems of, 349-352

Agricultural bloc, in Congress, 282 *n*, 350-351

Alaska, government of, 229 *n*

Albany Congress, 248

Ambassadors, appointment and duties of, 591-595

Amendments, to state constitutions, 232

to national constitution, 260-262

American Federation of Labor, 403-404

Americanization, the public schools as agencies of, 28

purpose and methods of, 33

"American Plan" in industry, 409

Anti-Trust Law. *See* Sherman Act

Appointments to office, methods of, 99-101

confirmation of, 270-271
presidential, 293-294

Appeals, judicial, 311-312

Appropriations in Congress, 463-465

Arbitration, of labor disputes, 409-410

compulsory, 410-411
international, 601-602

Aristotle, classification of governments by, 66-67

Armaments, the cost of, 563-564

Army, various divisions of the, 567-571

control of, in war, 571-572

Army in peace, 572-573

Articles of Confederation, 249-251, 287

Assessments for taxation, 456-457

Athletics, value of, in training citizens, 86-88

Attorney-General, office of, 299 *n*

Australian ballot, 132

B

Balance of power in Europe, 629

Ballot, history of the, 131-132

reform of, 132-133
preferential, 133-134

Banks, functions of, 434

organization of, 435-437
federal reserve, 437-439
work of, 439-442
See also Farm Loan Banks

Bargaining, collective, 405-406

Billboards, regulation of, 214-215

Bill of Rights, 261

Bimetallism, the controversy over, 428-430

Blacklists, industrial, 407

Blackstone's *Commentaries*, 314 *n*

Bloc. *See* Agricultural bloc

Blue-sky laws, 446 *n*

Boards, in counties, 169-170

in cities, 192
in state government, 238-239
of education, 498
of health, 534

Bonds, defined and explained, 445 *n*

government, 466-467
serial, 469

Bonaparte, Napoleon, on the qualities of a good constitution, 258

Bosses, political, their origin, 29

their methods, 160-161

Boycotts in labor troubles, 407

Brindell Case, 404 *n*

Bryan, William J., on free silver, 430

Budgets, how made, 462-463

in Congress, 463-465

Buildings, public, in cities, 212-214

Bureau of Animal Industry, 347

of Foreign and Domestic Commerce, 376
of Child Welfare, 415 *n*
of Education, 499
of American Republics, 617

Burke, Edmund, on the function of a representative, 98-99

Business taxes, 222

C

Cabinet, organization and functions of, 297-303

Campaign funds, 161-162

Capital, as a factor in production, 48-50

Center of population in the United States, 21

Chancery. *See* Equity

Charters, municipal, 186-190

Checks and balances, 232-234

Child labor, the restriction of, 414-415

Chief justice, duties of, in presidential impeachments, 270 *n*

China, economic resources of, 335

open door in, 618-620

Circuit courts, 313

Cities, drift of population to, 22-23

growth of, 183-184
character of population in, 184-186
relation to state, 186-190
government of, 190-199
administrative problems in, 203-222
taxation in, 455-457

City councils, 193-194

City government, development of, 182-184

present organization of, 184-199
See also Municipal problems

City-manager plan, 197-198

City planning, 206-298

Citizenship, rights of, 79

qualifications for, 81
dual, 82 *n*
obligations of, 83-84
training for, 84-88

Civil liberty, origin and nature of, 78-81

relation of direct legislation to, 111

Civil War, effect of, on relations between nation and states, 227

on the constitution, 261-262
martial law during, 574-575
naval progress during, 575 *n*
cost of pensions after, 583
danger of foreign intervention during, 608

Civil service, federal, 104

in counties, 173
See also Merit system

Clayton Act, 391, 408

Cleveland, adoption of city manager plan in, 197 *n*

Grover, use of armed forces in labor troubles by, 572-573

Closed shop, the question of, 408-409

Coal, the conservation of, 329-330

Codes of law, 315 *n*

Coinage in the United States, 427-430

Colbert, Jean-Baptiste, on the art of taxation, 455 *n*

Collective bargaining, 56, 405-406

Colleges, training for citizenship in, 87-88

Commerce, purposes of, 356-357

development of, 357-358
scope and nature of, 358-359
regulation of, 359-360

agencies of, 364-368
effect of tariffs on, 368-372
the encouragement of, 372-378

Commission government, in cities, 194-196

in states, 241-242

Commissions, public service, 480-481

Committees, party, 156-158

in the Senate, 268-269
in the House, 275
of conference, 277-278
on budget matters, 464-465

Communism, economic aspects of, 650-652

Common law, 314-315

Companies, commercial, 50-51

See also Holding companies

Competition, the nature of, 54

among public utilities, 475-476

Conciliation in labor disputes, 409-410

Confederation, Articles of, 249-251

Confirmation of appointments, 100

Congress, of the Confederation, 248-252, 257

of the United States, influence of public opinion on, 95-96
organization and work of, 266-282
committees in, 268-278

agricultural bloc in, 350-351
new budget system in, 464-465
of Vienna, 627-628

Conservation of natural resources, 326-336

Consular service, 373-374

Constitution of the United States, events leading to, 246-253

makers of, 254-255
nature of, 257-258
development of, 258-260
methods of amending, 260-262

Constitutions, state, 230-232

Consumption of wealth, 39-40

Constabulary, state, 217

Constitutional Convention of 1787, 253-257

Continental Congress, 248

Contract, freedom of, 55-56

Conventions, party, state, 129, 156-157

national, 158-159

Coroner, office of, 172

Corporations, the nature of, 50-51

citizenship of, 81 *n*
industrial, 384-385
control of, 389-393

Council, in cities, 193-194

County districts, 177

County government, 167-174

County manager plan, 170

Courtesy of the Senate, 270-271

Courts, county, 170-171

state, 239
federal, 308-313

Courts-martial, 573-574

Covenant. *See* League of Nations

Credit, agricultural, 348-349

relation of money to, 442-443

Credit, relation of prices to, 443-444

advantages and dangers of, 444-445

Crime, classifications of, 550-551

causes of, 552-553
methods of dealing with, 553-557

"Crime of 1873", 429 *n*

"Cross of Gold" campaign, 430

Currency, paper, history of, 430-431

present forms of, 431-432
advantages of, 432-434

Currency Act (1900), 430

Custom, the influence of, 9-10

D

Darwin, Charles, theories of, 2-4

Debts, public, necessity of, 465-466

nature and amount of, 466-468
repayment of, 468-469

Declaration of Independence, influence of John Locke on, 64-65

assertion of civil rights in, 80
political doctrines of, 248-249

Defence, national, cost of, 563-564

need for, 564-567
methods of, 567-583

Degeneracy as a cause of poverty, 542

Demand and supply, relations of, 40

Democracy, true and false types, 68

progress of, 69
justification of, 70
relation of education to, 492-493
relation of socialism to, 657-658
achievements of, 658-660
citizen's duty toward, 660-661

Departments, in city government, 191-192, 205-206

in state government, 238-239
in federal government, 299

Diminishing returns, the law of, 343

Diplomatic service, organization and functions

of, 591-595

Direct legislation, progress of, 107-108

procedure in, 109-110
merits and defects of, 110-112

Disarmament, international, 576-577

See also Washington Conference

Disease, the germ theory of, 516-517

transmission of, 517-520
in industry, 521-522
the prevention of, 522-524

District attorney. *See* Prosecuting attorney

of Columbia, government of, 230 *n*
courts, federal, 313

Divine right, theory of, 63-64

Division of labor, 44-46

in agriculture, 344-345
of powers, 232-234

Divorce problem, 557-560

Domestic relations, courts of, 559

Drug evil, the, 526

Duties on imports, 459

See also Tariffs and Tariff problems

E

Economics, the subject-matter of, 38-39

Education, relation to democracy, 492-493

to personal efficiency, 493-494
purpose and value of, 494-495
growth of, 495-496
control and management of, 496-498
national government's work for, 498-499
federal aid to, 499-500
problems of, 500-507
vocational, 507-508

Educational tests for voting, 122-124

Elections, in counties, 169

procedure at, 129-137
corrupt practices at, 137-138
of senators, 267-268
of representatives in Congress, 273-274
presidential, 288-290
See also Ballots, City Government, Voting

Emergency Fleet Corporation, 375

Employers' liability, 411-412

England, local government in, 227

cabinet system in, 301

Environment, the influence of, 5-9

Equity, origin and nature of, 316-317

Espionage Act, the, 581

Europe, relations with, 613

Evolution, theory of, 1-5

in political institutions, 66

Excess profits, taxation of, 458-459

Exchange, the theory of, 53

Expatriation, the doctrine of, 83

F

Factories. *See* Industry

Family, as a fundamental social group, 11-12

its place in the evolution of government, 66

Far East, American interests in the, 617-618

Farm Loan Banks, 348-349

Farmers' Alliance. *See* National Farmers' Alliance

Institutes, 350

Farmer-Labor party, 351

Federalism, the nature of, 67-68

Federalist, The, 257

Federal reserve banks, organization and work of, 437-439

Trade Commission, 341-392

Filibusters, 278-279

Filtration of water supplies, 530-531

Fire prevention, the need for, 217-218

methods of, 218-219

Fisheries, economic importance of, 333

Fittest, survival of the, 3-4, 11

Food, the inspection of, 525-526

control of, in war time, 582

Foreign policy, American traditions relating to, 606-607

nature of, 587-590
control of, 590-591
how conducted, 591-602

Forests, economic importance of, 331

See also Reserves

Four Power Treaty, 619-620

Fourteen Points, the, 609-610

France, local government in, 227

Franchises, taxation of, 456

public service, 477-480

Freedom of speech in war time, 581-582

Free silver, the fight for, 428-430

Free trade, arguments for and against, 370-372

G

Garbage, disposal of, 527-528

Gary system, 506-507

General property tax, 455-456

“Gentlemen’s agreement”, with Japan, 32

in industry, 386

Geography, influence of, 8-9, 333-336

George, Henry, social views of, 461 *n*

Germany, social insurance in, 419

Gerrymander, origin and use of, 273

Gladstone, W. E., opinion of the national constitution, 256-257

Gompers, Samuel, 405

Government, the importance of, 13

as a factor in production, 51-52
the basis of obedience to, 63-65
origin of, 65-66
classification of, 66-69
purpose of, 70-72
functions of, 72-73
the study of, 74

Governor, position and powers of, 237-238

Grand jury, 318

Granges. *See* Patrons of Husbandry

Greenbacks, the, 431

Guidance, vocational, 396-397

Guild operation, 488-489

H

Habeas corpus, the writ of, 317 *n*

Habit, influence of, 10

Hague Conferences, the, 577

Hamilton, Alexander, 255, 257

Report on Manufactures, 370

Hawaii, government of, 229 *n*

Hayes-Tilden election, 290 *n*

Highways in counties, 168

Hobbes, Thomas, defender of absolutism, 65

Holding companies, 387

Holy Alliance, 598-599

Home rule, municipal, 187-190

House of Representatives, federal, organization and work of, 272-283

Housing, municipal control of, 531-533

I

Ideals, national, economic influence of, 327

effect of urban growth on, 184-186

Illiteracy in the United States, 502 *n*

Immigration, the course of, 23-24

causes of, 25-26
effects of, 26-29
restriction of, 29-30, 32

Impeachments, federal, 269-270

Income taxes, 458-459

Increasing returns, law of, 388

Incidence of taxation, 451-452

Individualism as an economic system, 14, 73

Index numbers, 443 *n*

Industrial accidents, 411-412

courts, 410-411
democracy, 393-394
Revolution, nature of, 383-384
Revolution, effect on labor, 400-401, 414 *n*
Workers of the World (the I. W. W.), 405

Industry, definition of, 383

development and organization of, 384-386
combinations in, 386-389
government regulation of, 389-393
present-day problems of, 393-397
the hygiene of, 520-521

Inheritances, taxes on, 458

Initiative and referendum, origin and spread of, 107-108

how used, 109-110
value of, 110-111
objections to, 111-112

Injunctions, use of, in labor disputes, 407-408

Insular possessions, government of, 229-230

Insane, problem of the, 549-550

Insects as disease carriers, 518-519

Insurance, against accident, 413

against unemployment, 418
against old age, 419

Interest on invested capital, 49-50

Interior Department, its work, 299 *n*

International, The, 651-652

International law, nature and scope of, 588-590

Interstate commerce, growth of, 359-361

regulation of, 362-364
Commerce Commission, jurisdiction and work of, 363-364

Interpretation, development of the constitution by, 259-260

J

Jackson, Andrew, removals from office by, 102

Japan, relations with, 618-620

Japanese, problem of the, on Pacific slope, 32-33

Jefferson, Thomas, believer in social contract theory, 65

on entangling alliances, 598, 606

Johnson, Andrew, impeachment of, 270 *n*

Judicial procedure, 317-323

Judicial supremacy, the doctrine of, 310-311

Judges, selection and removal of, 239-240

Jukes, the, 542-543

Junior high schools and colleges, 502-503

Jury, grand, 318

trial, 318-319
merits and defects of, 317-321

Justice, Department of, its work, 299 *n*

Juvenile delinquency, 557

K

Kansas plan of arbitration, 410-411

Knights of Labor, 402-403

L

Labor, as a factor in production, 43-44

division of, 44-46
perishable nature of, 46-47
federal department of, 299 *n*

Labor in agriculture, 349

changes in the conditions of, 400-401
organization of, 401-403
American Federation of, 403-404
the radical element in, 404-405
methods and policies of, 405-410
problems of, 410-419
services of, during the World War, 419-420
relations of, to League of Nations, 637

Latin-America, relations with, 615-617

Law, branches of the, 314-315

military, 573-574
martial, 574-575
relations of labor to, 411

League of Nations, origin of the, 625-630

covenant of, 630-632
as a scheme of government, 632-636
system of mandates, 636-637
relation of labor to, 637
public health work of, 638
American objections to, 638-639
work of, 639-640
relation of Washington Conference to, 640-641
future of, 641-642
relation of Monroe Doctrine to, 600 *n*

Legislative reference bureaus, 237 *n*

Legislatures, state, decline of confidence in, 108

organization of, 235-237

L'Enfant, Major, planning of Washington by, 207

Liquor traffic, its effect upon the public health, 526-527

Loans to European countries, 613-614

See also Debts

Lobbying, 237 *n*

Local government in Europe and America compared, 178-179

Locke, John, his theory of political obedience, 64

Lockouts, industrial, 407

Lockwood Committee, its investigations, 55 *n*

London, first civil police established in, 216

poverty in, 541

Los Angeles, origin of recall in, 114

Louisiana Purchase, 228

Lusitania, sinking of the, 609

M

McCulloch *v.* Maryland, the case of, 435 *n*

Machines, political, 159-160

Madison, James, on the need of national defence, 564

contributions to *The Federalist*, 257

Magna Carta, 79, 323, 495

Maine, Sir Henry, on the rise of men from status to contract, 56

Management, industrial, as a factor in production, 50-51

Mandate (*mandamus*), the writ of, 317 *n*

Mandates, the system of, 636-637

Martial law, 574-575

Mayor, position and powers of the, 190-191

Mentally defective, the problem of the, 549-550

Merchant marine, 375-376

Mergers in industry, 387

Merit system, origin of, 103-104

workings of, 104-105
value of, 105-106
in the consular service, 374

Metropolitan counties, 173-174

Mexico, relations with, 615-617

Military government, 575 *n*

Military law, 573-574

Militarism, the encouragement of, 565-566

Milk, inspectors of, 524-525

Mines and minerals, economic importance of, 329-340

their relation to conquest, 334-335

Minimum wage laws, 416-417

Minor political parties, 152-153

Mints in the United States, 428

Money, origin of, 424-425

functions and characteristics of, 425-427

Money, forms of, in the United States, 427-433

relation of credit to, 442-443
quantity theory of, 444
See also Currency

Monopolies, types of, 54

effects of, 55
industrial, 387-388

natural, 474-475

Monroe Doctrine, origin and nature of, 596-599

present status of, 600-601

Municipal problems, 203-222

See also City government

N

National banks, organization and work of, 435-439

Farmers' Alliance, 350
Guard, relation of federal authorities to, 568-569

Naturalization, requirements for, and procedure in, 81-82

Natural monopolies, 474-475

resources, 326-336
selection, the principle of, 3-4

Navy, growth and organization of, 575-576

See also Disarmament

Near East, American interests in, 620

Negroes, migration of, to the United States, 27

present numbers and distribution, 30-31
problems of, 31-32
voting rights of, 261-262

Neutrality, laws of, 589

American contributions to the rights of, 601

New England town, the government of, 175-176

New York City, population of, 23

poverty in, 541

New Zealand, compulsory arbitration in, 409 *n*

Nominations, history of, 120-121

methods of making, 127-129
See also Conventions, Primary

Normal schools, 504

Northern Securities Case, 365-390

O

Oil, the conservation of, 329-330

Old age pensions, 419

Open shop, controversies over, 408-409

Optional charter system, 189 *n*

Oregon, direct legislation in, 110

Organization, of industry, 50-51, 384-385

of labor, 401-405

Ownership, public. *See* Public ownership

P

Pacific, problems of the, 618-620

Panama Canal, the, 617

Pan-American Congress, 617

Parks and recreation grounds, 212

Parole system, 555-556

Parties, political, nature and functions of, 145-150

history of, 150-151
programs of, 151-154
the voter's relation to, 154-155
organization of, 156-161
finance of, 161-162
reform of, 162-163

Partnerships, business, 50

Patents, 55

Patrons of Husbandry, 350

Pauperism, nature of, and remedies for, 540-549

Pavements, 210-212

Peel, Sir Robert, first civil police system established by, 216 *n*

Penn, William, plan of colonial union proposed by, 248

Pensions, the cost of, 583

old age, 419

Petitions, for direct legislation, 109

Picketing during labor troubles, 407

Playground, training for citizenship on the, 86

Philippines, government of the, 229 *n*, 230 *n*

Plumb Plan, 366, 489

Pocket veto, 294

Police, history of, 215-216

organization of, 216-217

Poll taxes, 456

Pools in industry, 386-387

Poor relief, history and methods of, 540-549

Popular sovereignty, 94-95

Population, growth of, 19-20

distribution of, 20-21
center of, 21
drift of, to the cities, 22-23

"Pork barrel", in Congress, 464 *n*

Porto Rico, government of, 229 *n*

Poverty, extent and causes of, 540-545

methods of dealing with, 545-549

President of the United States, position and powers of, 286-297

control of army, 571-572
control of navy, 576

Preparedness for war, the true nature of, 578-580

Price-fixing by governments, 391

Prices, relation of, to value, 53-54

to money and credit, 443-444
to taxes, 452

Primary, the different forms of, 127-129

Prisons and prison reform, 554-555

Private property, regulation of, 214-215

Probation system, 556-557

Production, economic, 41-42

the factors in, 42-52
large-scale, 388-389

Profit sharing, 394-395

Profits, nature and basis of, 51

Property, private. *See* Private Property

Proportional representation, 134-136

Prosecuting attorney, 171-172

Protective tariffs, arguments for, 370-371

arguments against, 371-372

Public buildings, in counties, 168

in cities, 212-214

Public domain, 327-328

Public health, importance of, 514-515

progress in the protection of, 515-516
menaces to, 516-520
methods of safeguarding, 521-534
enforcement of regulations relating to, 534-535

Public Health Service, federal, 534-535

Public libraries, 504-505

Public opinion, nature and influence of, 94-96

Public ownership, in Europe, 482

in America, 483
arguments for, 483-485
arguments against, 435-437

Public service commissions, 480-481

Q

Quantity theory of money and prices, 444

Quarantine, methods of, 522-523

R

Races in the United States, 19-33

Radicalism, growth of, 646-647

Railroads, the beginnings of, 362-363

relation of, to Sherman Act, 364-365
in war time, 365-366
government operation of, 366-367
return to private operation of, 367
future of, 368

Railway Labor Board, 367

Ratio of representation, 272

Recall of officers, 113-114

Recess appointments, 271

Reciprocity with Canada, 373

Reconstruction, economic, in Europe, 614-615

political and economic, 646-661

Redistricting, 273

Refunding of public debts, 468

Registration of voters, 125-126

Regular army, 567-568

Removals from office, 106

Rent, its nature, 43

Representation, proportional, 134-136

Representatives, effect of direct legislation on the quality of, 112

the choice of, 96-97
proper function of, 98-99

Reserves, forest, 332-333

Restraint of trade, 389-390

Resources, natural, 326-336

Revolution, American, as a unifying factor, 248

Rings, political, 160-161

Rome, ancient, prestige of citizenship in, 80-81

Roosevelt, Theodore, on national defence, 565 *n*

in Venezuela controversy, 590

Rule of reason, the, 390

Rural exodus, the, 351-352

Russia, the new government in, 647-652

S

Sales tax, as proposed, 462

Schools. *See* Education

Second jeopardy, 320

Secret diplomacy, 595-596

Selective service in war time, 570-571

Selectmen, boards of, in towns, 176

Senate of the United States, organization and powers of, 267-272

rejection of treaties by, 631

Senatorial courtesy. *See* Courtesy of the Senate

Sewage, collection and disposal of, 527-528

Sheriff, office of, 171

Sherman Act, 364-365, 389-390, 391 *n*

Shipping Board, 375

Single tax, as proposed, 461-462

Short ballot, 132-133

in county elections, 174

Sinking funds, 468

Smith, Adam, on the canons of taxation, 455

Smoke abatement in cities, 531

Social contract, theory of, 65

control, 14-15
control, the limits to, 72-73
insurance as a means of reducing poverty,

548

Socialism, defined and explained, 652-653

arguments for, 653-654
arguments against, 654-658

Socialist party, its rise and present status, 154

Society, its origin and nature, 1-13

Soil, economic importance of, 327-328

exhaustion of, 345

Soviet system in Russia, 647-650

Speaker, office of, 274-275

Special assessments, 457

Spoils system, 101-103

in the consular service, 374

State Department, its work, 591

States, nature of, 62-63

relation of local government to, 186-190, 219-220
relation to national government, 226-227
admission of, 227-230
constitutions of, 230-232
functions of, 232-233
legislative organization in, 235-237
executive organization in, 237-238
judicial organization in, 239-240
encouragement of agriculture by, 348
control of corporations by, 392
tax systems of, 457-458

educational work of, 496-497
supervision of public health by, 534

Statutes and statutory law, 315-316

Steam, revolution in industry caused by, 384

Stock exchange, functions of, 445-446

Streets, planning of, 208-209

width and arrangement, 209-210
paving of, 210-212

Strikes, how organized, 406-407

Succession to the presidency, 296

Suffrage, history of, 119-120

negro, 120-121
universal, 121-122
See also Elections, Voting

Supreme Court of the United States, its constitutional functions, 259-260

its organization and influence, 308-311

T

Tariffs and tariff policy, 368-372

Taxation, in cities, 220-222

the burden of, 450-451
the incidence of, 451-453
special nature of, 453-454
principles of, 454-455
local, 455-457
state, 457-458

national, 458-459
the two purposes of, 459-460
exemptions from, 460-461
the reform of, 461-462

Taxes, on immigrants, 30

as an element in the cost of production, 52

Teachers, the training of, 503-504

Tenements. *See* Housing

Territories, the government of, 229-230

Timber, the conservation of, 331-332

Town government, 175-176

Towner-Sterling Bill, 499 *n*

Township government, 176-177

Trade unions. *See* Organization of labor

Traffic zones, 210

Transportation Act, 364, 367

Treasury, Department of the, 299 *n*

Treaties, ratification of, by the Senate, 271

commercial, 373
how made, 596-597

Trial by jury, 318-321

Tribe, its place in political evolution, 66

Triple Alliance, 628-629

Trusts, industrial, 387

Tweed, William M., 161 *n*

Typhoid fever, its cause and method of transmission, 517-518

U

Unemployment, the problem of, 417-418

Unions, labor, aims and methods of, 401-410

Universal military training, merits and defects of, 578

Usage, development of constitution by, 258-259

Utility, the principle of, in determining demand, 40-41

Utilities, public, 215

the nature of, 474-476
regulation of, 470-477
franchises of, 477-480
public ownership of, 481-488
guild operation of, 488-489

V

Vaccination and inoculation, effects of 523-524

Value, definition of, 53

Versailles, Treaty of, 610, 631 *n*

Vice president, election of, 288

duties of, 270 *n*
functions of the, 296-297

Veto power, the President's, 294-295

Vocation, the choice of a, 396-397

Vocational education, 507-508

See also Guidance, vocational

Volunteers, use of, in war, 569-570

Voting, preferential, 133-134

qualifications for, 122-125
absent, 138
compulsory, 138-139
by machine, 139-140
in Congress, 278 *n*
See also Registration of voters, Suffrage

W

Wages, factors affecting the rate of, 47-48

War, the cost of, 563-564

the causes of, 566-567
preparedness for, 578-581
the laws of, 588-589
humanizing of, 601
measures for the prevention of, 635-636
See also Arbitration, Hague Conferences, League of Nations, Washington Conference

War Industries Board, 582

Washington Conference, 575 *n*, 577, 619-620

Washington Conference, relation of League of Nations to, 640-641

Washington, George, as a non-partisan President, 102

on the weakness of the Confederation, 252

at the constitutional convention, 254
on two-house legislatures, 266
advice on foreign policy, 597-598, 606 *n*

Waste disposal, methods of, in cities, 527-528

Water supply, sources and methods of, 529-530

Wealth, definition of, 39

Weather Bureau, importance of its work, 347

Wellington, the Duke of, on the value of organized play, 87

Wider use of the school plant, 505-506

Whitehall, Indiana, center of population, 21

Wilson, Woodrow, on the aims of America in the World War, 609-610

See also Fourteen Points, League of Nations, World War

Woman suffrage, the winning of, 262

Women, in industry, the protection of, 413-414

Workman's compensation, 413

World power, the United States in relation to, 606-621

World War, rise of wages during, 48

American agriculture during, 342-343
American labor during, 419-420
public debts resulting from, 466
powers of the government during, 580-583
America's part in, 608-609
cost of, 612
problems created by, 646-661

Writs at law, 317 *n*

Y

Year Book of the Department of Agriculture, 347

Footnotes

1. For example, by covering Chapters i, ii, iv-xvi, xxviii-xxix, in the first term and Chapters iii, xvii-xxvii, xxx-xxxii in the second.

2. Charles Darwin, a distinguished English student of biology, was born in 1809, and died in 1882. His theory was set forth in two famous books, *The Origin of Species* and *The Descent of Man*.

3. The most interesting general account of the beginnings of life and the ancestry of man is that given in H. G. Wells' *Outline of History*, Vol. I, pp. 3-103. A brief summary of the evidence on which the doctrine of evolution rests may be conveniently found in H. R. Burch and S. H. Patterson, American Social Problems, pp. 12-32.

4. For a discussion of these other factors see Vernon Kellogg, *Darwinism Today*.

5. There has been much discussion among scientists as to whether acquired characteristics can be transmitted at all. The best opinion seems to be against such transmission, but some biologists still hold to the belief that transmission is possible, particularly in the lower organisms. For a further discussion see W. E. Castle, *Genetics and Eugenics*, pp. 26-27.

6. One of the best things ever written is the chapter on "Habit" in William James's *Psychology*. No

one will regret the time spent in reading it.

7. The following table shows the increase, by decades, in round figures:

1790—3,900,000	1840—17,000,000	1890—62,900,000
1800—5,300,000	1850—23,100,000	1900—75,900,000
1810—7,200,000	1860—31,400,000	1910—91,900,000
1820—9,600,000	1870—38,500,000	1920—105,000,000
1830—12,800,000	1880—50,000,000	

From this it will be seen that the ratio of increase is declining. The population increased about one-third in each decade from 1790 to 1860; by about one-fourth in each decade from 1860 to 1890; by about one-fifth in the two decades from 1890 to 1910; and by less than one-sixth in the decade from 1910 to 1920.

8. It is customary to think of India and China as very densely populated; but both have fewer than 225 inhabitants to the square mile.

9. A map showing the progress of the center from East to West will be found facing this page.

10. Mr. H. G. Wells, in his interesting book entitled *When the Sleeper Wakes*, gives a picture of what the world will be like if all its inhabitants live in cities, and the country workers are carried back and forth by rapid transit.

11. In 1880, for example, only about four per cent of the immigrants were Italians while about thirty per cent were Germans; in 1910 the Italians had risen to more than twenty per cent while the German immigrants had declined to less than five per cent.

12. From 1783 to 1820 it is estimated that not more than 250,000 immigrants came to the United States. P. F. Hall, *Immigration*, p. 4. The total population in 1820 was ten millions.

13. The monotony of labor, however, is to some extent a matter of temperament. Some workers find even routine tasks interesting because they are constantly trying to attain greater expertness at the particular job. Others find work of a very varied character to be monotonous.

14. There are two other forms of productive organization, neither of them very common. One is the co-operative association, with or without capital stock; the other is the organization of production under the direct management of the public authorities. The organization of the postal service is an example.

15. The Lockwood Committee, which made its investigations during 1920 in New York, found that excessive costs of building construction were due in considerable measure to the existence of artificial monopolies among producers of building materials.

16. It has been suggested that instead of giving inventors the exclusive right to make and sell their appliances, this right should be given to everybody with a provision that a fixed rate of royalty should be paid to the inventor. This would afford an incentive to the inventor while preventing the creation of legal monopolies.

17. The doctrine of the divine right of rulers was based upon certain Biblical texts, particularly Romans xiii, 1-7, and was put forth in the Middle Ages to support the secular rulers against the Church. The Bourbon kings of France, especially Louis XIV, asserted it, as well as the Stuart kings of England. The House of Hohenzollern in Germany maintained

the doctrine, and the former Kaiser on more than one occasion alluded to himself as a ruler by divine right. Those who are interested in pursuing this topic further will find a great deal about it in J. N. Figgis, *The Divine Right of Kings* (London, 1896) and in *The Political Writings of James I* (ed. C. H. McIlwain, Cambridge, 1915).

18. For example, E. L. Godkin, *Unforeseen Tendencies of Democracy* (N. Y., 1898), p. 46; Emile Faguet, *The Cult of Incompetence* (N. Y., 1911), pp. 35-36; A. M. Kales, *Unpopular Government in the United States* (Chicago, 1914); A. B. Cruikshank, *Popular Misgovernment in the United States* (N. Y., 1920), and Alleyne Ireland, *Democracy and the Human Equation* (N. Y., 1921), pp. 75-79.

19. Corporations, as well as individuals, are citizens in the eyes of the law. The Standard Oil Company of New Jersey is a citizen of New Jersey and as such is entitled to all the "privileges and immunities of citizens of the United States".

20. Some children although born in the United States are not subject to American jurisdiction. The children of a foreign ambassador, serving in the United States, are for this reason not citizens, even though born here. Children born on board a foreign warship in an American harbor are not deemed to be "subject to the jurisdiction" of the United States. But with a few unimportant exceptions of this sort all persons born in the United States are born within its jurisdiction, and hence are citizens by birth.

One may be an American citizen by birth, moreover, without having been born in the United States. The children of American parents, even though born outside the territory of the United States, have the right to claim this citizenship. Children of American parents, born on the high seas,

or on American war vessels in foreign ports, or children of American ambassadors born abroad, are citizens of the United States by virtue of their parentage. Children of American parents, born on foreign soil, have the right to choose between American citizenship and citizenship of the country in which they were born.

21. On rather rare occasions a large body of people, not citizens by birth, have become citizens of the United States by what is called collective naturalization. When Louisiana (1803), Florida (1819) and Alaska (1867) were acquired, for example, the treaties which provided for their acquisition stipulated that all inhabitants of these territories should be admitted to American citizenship without becoming individually naturalized. On the other hand, when Porto Rico and the Philippine Islands were ceded to us by Spain in 1898 there was no such provision. In the case of the Porto Ricans, citizenship was conferred by an act of Congress in 1917; in the case of the Filipinos the full status of American citizenship has not yet been granted. The Filipinos are called “nationals” of the United States, which means that they have the protection of the federal government, but are not entitled to all the other privileges and immunities of citizenship as provided in the constitution. Collective naturalization may thus be provided for by treaty or granted by act of Congress.

22. The leisure hours of pupils may also be utilized to secure excellent lessons in good citizenship. Unfortunately they are not always so used. Many of the recreations which are now popular with the young people of the United States afford neither physical exercise nor mental inspiration, neither do they conduce to the strengthening of character.

23. Attention should be called to the inducement which in some schools is given to broad civic training by awarding to pupils a rank which is based upon proficiency in all their activities, scholarship, athletics, debating, good influence upon others, qualities of leadership, and so on. Student self-government may also be used in schools to afford training in the fundamentals of good citizenship.

24. In doing this they do not take editorials, resolutions, and letters too seriously. Some newspapers merely reflect the opinion of their owners, not public opinion. Societies often adopt resolutions without hearing both sides of the case. Congressmen sometimes receive several hundred letters in a single day, most of them saying exactly the same thing, which means that they have all been inspired from the same quarter.

25. The President of the United States is to all intents and purposes chosen directly by the voters although as a matter of form the choice is made indirectly (see pp. 288-290).

26. The appointment of officials is sometimes made by legislative bodies, although this plan is not common. In a few states the judges are named by the legislature. In some others the legislature elects the state treasurer, the secretary of state, the comptroller, or the auditor. Where the commission form of city government has been adopted all appointments are made by the commission. The general theory of American government is, however, that the choosing of administrative and judicial officers should not be vested in the hands of a legislative body. It is regarded as undesirable that the body which enacts the laws should have anything directly to do with the selection of those officers who enforce or apply the laws. But this principle ought

not to be applied inflexibly; there are good reasons at times for making exceptions to it.

27. Washington was not a party man and cared very little about the political views of men whom he appointed to public office. His immediate successors, Adams and Jefferson, did not preserve this strict impartiality; on the other hand, they were disinclined to treat public office as a mere means of rewarding their own supporters. They did not remove office-holders in order to make room for their own political friends.

28. The story is often told, and it may well be true, that at a critical time in the war a visitor to the White House remarked to Lincoln that the responsibilities of the great struggle must be a heavy burden upon his shoulders. "No," replied the President, "it is not the war that is giving me the greatest worry at this moment. It is the problem of filling that postmastership at Little Rapids, Indiana."

29. No method of appointment will secure the best results, however, unless it is accompanied by a fair system of promotions. This has not yet been arranged for on any large scale. Appointments are to a large extent based upon merit, but promotions are still determined, in many cases, by personal or party favoritism. Rarely is there any examination or other test to decide who will be promoted when a vacancy occurs higher up. It is desirable, therefore, that the merit system of appointment should be supplemented by a merit system of promotions. Many capable young men and women will not enter the public service today because there is no certain chance of promotion on the basis of ability and industry. A merit plan of promotion would help to attract better candidates. The public treasury, moreover, ought to provide pensions for those who

retire by reason of old age after many years of faithful service. Some large private institutions are now doing this. The nation, state, and city ought to adopt the same practice, not only because it is the humane way of treating aged employees but because it would make the public service more attractive as a career.

30. In a sense, however, the terms initiative and referendum are merely new names for very old institutions. The right of petition, which is the foundation of the initiative, has always existed in the United States. The referendum, in other words the submission of questions directly to the people, is as old as the New England town meeting; indeed it goes back to the time of ancient Athens. All early democracy, in fact, was direct democracy; the people decided things without legislatures. But as communities grew in size this system of direct democracy became impractical; hence they resorted to representative government. Now, when representative government fails to satisfy, we go back again in a roundabout way to the old method.

31. Only five of these states, however, lie east of the Mississippi River. Why is it that so many of these new movements, political and economic, originate somewhere in the West? Direct legislation, the recall, woman suffrage, popular election of senators, free silver, the single tax, Populism, the Non-partisan League,—the list would be a considerable one if given in full. It is often said that the growth of industrial communities, with large bodies of propertyless workers, tends to promote radicalism; but the West is still predominantly agricultural. What new political or economic movements have had their origin in industrial states like Massachusetts, Connecticut, or Pennsylvania during the past twenty-

five years?

32. Here are some of the matters submitted to the voters of a certain Western city at one election: to pension firemen; to grant a street railway franchise; to abolish grade crossings; to exempt certain city officers from being citizens of the United States; to define the powers of the municipal court; to exempt certain officers from the civil service rules; to regulate the sale of bonds; to change the method of passing ordinances; to allow the city to acquire property outside the city limits, etc. Is the average voter likely, or unlikely, to know much about things of this sort?

33. In 1921 the voters of North Dakota recalled Governor Frazier from office before the expiry of his term.

34. See p. 31.

35. In England full suffrage has been granted only to women who are thirty years of age or over. This was purposely done in order that the male voters should be in the majority.

36. New York State in 1921 joined the list of states which impose the literacy test.

37. Various classes of people, although qualified by citizenship, age, and residence, are debarred from voting on other grounds. Among these are insane persons, criminals, and, in some states, those who have been convicted of bribery or other serious offences against the election laws. In some states, also, soldiers of the regular army and enlisted men of the navy are denied the right to register as voters on the ground that they are not really residents but merely representatives of the national government temporarily quartered within the state boundaries. Civil officials of the national government are not debarred.

38. This gives the party workers an opportunity to investigate all suspicious names on the list and be ready for action when election day comes.

39. Sometimes annual registration is required in the cities but not in small towns or rural districts. In Ohio there is an annual registration in cities of over 100,000 population; a registration every four years in smaller cities, and no general registration at all in the rural districts. In the latter the same list is used year after year with such individual changes as may be necessary.

40. In most cases they take the voter's say-so as sufficient proof of his party allegiance.

41. At the New York state primaries of September, 1920, the candidate who won the Democratic nomination for governor received fewer than 200,000 votes; at the November election he received more than a million, and yet was not elected.

42. In a few cities, for example in Boston, there are no primaries before the municipal elections. Candidates for the office of mayor may be nominated by presenting a petition signed by not fewer than 5000 qualified voters; candidates for the city council must have at least 2500 signatures.

43. This roundabout way of fixing the election date is used in order to make certain that the election shall not take place on the first day of the month, a time when those who work in banks, offices, etc., are particularly busy.

44. It is sometimes arranged that local elections shall take place in the odd years, while national and state elections come in the even years.

45. A ward boss in a certain American city some time ago was urging his followers to vote the "straight ticket", but knowing that some of them could not read and recalling the fact that the figure

of an eagle stood at the top of his party column, he bellowed at them “Now when you go to the polls put your cross right under that chicken with the short legs”.

46. For a further discussion, with additional data, see C. A. Beard, *American Government and Politics*, p. 673.

47. Proportional representation should also be distinguished from *limited voting* and *cumulative voting*. Under the limited voting plan a voter is permitted to mark his ballot only for some smaller number of candidates than there are places to be filled. For example, if seven councilmen are to be chosen by the electorate of the city at large, each voter might be permitted to vote for not more than four. The outcome would very likely be that the strongest party would elect four councilmen and the next strongest three. This gives a certain amount of *minority* representation, but does not ensure proportional representation. *Cumulative voting* is an arrangement under which each voter is given as many votes as there are candidates to be elected but is permitted to allot all or any of his votes as he pleases. Thus, if three assemblymen are to be elected, the voter will have three votes. He may give all three votes to one candidate; or two votes to one candidate and one vote to another; or one vote to each of three candidates. This plan also gives reasonable assurance of minority representation, because the weaker party will concentrate its votes upon one candidate, but the usual outcome is that the majority, whatever its strength, will have twice as many representatives as the minority. It does not, therefore, ensure proportional representation. This plan has been used in Illinois.

48. In Ashtabula (Ohio), Boulder (Colorado), West

Hartford (Connecticut), and Sacramento (California). Cleveland, the fifth largest city in the United States, adopted in 1921 a new city charter in which provision is made for using proportional representation at council elections. The first election under the new plan will be held in the autumn of 1923.

49. Various other things, not in themselves wrong, have been made illegal by statute because they are regarded as contrary to good public policy in that they tend to render an election undignified, or unfair, or unnecessarily expensive. Canvassing and distribution of campaign literature is forbidden within a certain radius of the polling place. Campaign advertisements must not be printed in some states unless they bear the name and address of a qualified voter. Candidates are required to file with the proper authorities a statement of their campaign expenses and it is illegal to spend more than a prescribed sum even for purely legitimate purposes, such as the hiring of halls and the printing of posters. The purpose of these provisions is not only to render the election a dignified affair, as becomes an exercise of popular sovereignty, but to give every candidate, rich or poor, as nearly equal a chance as the laws can ensure. These regulations are sometimes evaded, it is true, but on the whole they are well respected both by party organizations and by candidates. In Senator Newberry's case the United States Supreme Court ruled that Congress could not limit the campaign expenses of candidates for election to the Senate or the House. Control of these elections rests with the several states.

50. They try to persuade the existing parties into helping them gain their object; if they fail in this, they frequently organize a new party. Thus the

Liberty and Free Soil parties were organized to abolish slavery; the Prohibition party to get rid of the liquor traffic, and the Progressive party to put through various political and economic changes which the older parties would not father.

51. That, indeed, is what does actually happen at times in spite of the party system. A President, elected by one political party, negotiates a treaty; a Senate controlled by the other political party declines to ratify it. A governor insists that pledges made by him during the election campaign shall be carried out; but the legislature (having a majority of the opposite faith) declines to pass the necessary laws. A mayor tries to make an appointment, and his political opponents in the city council refuse confirmation. Such things happen now and then. As a general rule, however, when a political party gains control of one branch of the government it gains control of the other too.

52. There have been some critical issues at different times in American history, such as nullification, slavery, secession, reconstruction, green-backs, free silver, the regulation of trusts, imperialism, the league of nations, and so on. Most of the leading issues in recent years have been economic in character; they have been concerned with such matters as the railroads, the merchant marine, the regulation of industry, immigration, relations with Mexico, banking reorganization, the extension of aid to agriculture, conservation, budget methods, and international trade.

53. This is quite a contrast with what has happened in France, Germany, Italy, and the other countries of Continental Europe. In these countries there are several parties and they continue in existence for long periods of time. No two parties

ever manage to get the field of politics largely to themselves. It is significant that the two-party system has flourished in the English-speaking countries, that is, in Great Britain, the British colonies, and the United States. Everywhere else there are from three or four to a dozen parties. Why should there be this difference?

54. Until recent years the state convention also had the function of nominating the party candidates for state officers, but in most of the states this prerogative has been taken away from the convention and the nominations are made by the party voters at state-wide direct primaries. In the others the nominations are still made by the conventions. Even where the primary is used, however, it is sometimes the practice of a convention to adopt an "unofficial" slate of candidates which it recommends to the voters for their endorsement at the primary (see p. 129).

55. At the Republican national convention of 1880 it took thirty-six ballots to nominate Mr. Garfield. In 1912, at the Democratic national convention, Woodrow Wilson was not nominated until the forty-sixth ballot. Sometimes the very first ballot results in nominating the candidate as happened with Mr. Wilson in 1916. How many ballots were taken before the nomination of Mr. Harding at Chicago in June, 1920, and before the nomination of his opponent, Mr. Cox, at San Francisco, a few weeks later?

56. Rings and bosses are not American inventions. Pericles was a political boss, and a very successful one in his day. There were bosses in ancient Rome; they could even get together and form a ring (they called it a triumvirate). Simon de Montfort, the so-called "father of the House of Commons", was a boss and a rather skilful one at that. Pitt, the younger,

was a boss of the first order, a corrupt one, too. In America we have had many political bosses from Aaron Burr down, but most of them have operated in state and city politics. There is no national party boss; the field is too large for any one man to control. Perhaps the most notable of all American bosses was William M. Tweed, who dominated the politics of New York City a half century ago. “He was an American by birth, a chairmaker by trade, a good fellow by nature, a politician by circumstances, a boss by natural process of evolution, and a grafter by choice.” As the boss of his party he sold nominations openly, assessed public officeholders for contributions to his campaign funds, gave out contracts to his friends, looted the city treasury, and finally went to jail. New York’s experience with Tweed cost the city about fifty million dollars in less than five years.

57. The campaign fund of the Republican party, when it elected Abraham Lincoln in 1860, was a little over $100,000. The amount raised by the Republicans for the campaign of 1920 was about $4,000,000. The Democratic campaign fund was considerably smaller, but it also ran into the millions. The laws provide that the treasurers of these funds must publish, before the election, the names of all contributors who give more than $100, and after the election must file a statement of all moneys expended. Corporations are forbidden to contribute to any federal campaign fund.

58. These costs mount up quickly. A torchlight procession in a large city costs several thousand dollars. To send a single circular, with a one-cent stamp on the envelope, to every registered voter in a city the size of Boston costs for printing, stationery, stamps, and labor about $10,000. Some large halls

cost $500 per night, yet halls for meetings have to be hired night after night during the latter part of the campaign.

59. In Louisiana, however, the counties are known as parishes.

60. The largest county in the United States is San Bernardino county, California, which covers more than 2000 square miles. The smallest is Bristol county, R. I., with about 25 square miles. Cook county, which includes Chicago, has the biggest population and Cochran county, Texas, with less than 100 people, has the smallest.

61. In some states he is known as the district attorney, state's attorney, or county solicitor.

62. To discontinue a prosecution the prosecuting attorney files in court a statement known as a *nolle prosequi*, indicating that he does not wish to press the case to trial. The right to do this gives the official a great deal of power, which has been in some cases abused.

63. A deed is a document by which one person conveys land to another. It is the duty of the purchaser to make sure that his deed is valid and that the seller has a good title to the land which he sells. This he can ascertain by examining the records in the registry of deeds. In some states a plan known as the Torrens System is in operation. Intending purchasers submit their deeds to the registration official, who examines them. If he finds that the title is good, he registers the deed and thereafter the title may not be questioned. Where the Torrens System is not in operation a purchaser can get his title insured by paying a premium to a title insurance company.

64. There is a widespread impression that the government of the New England towns, being a close approach to a direct democracy, has been a great and

consistent success. These towns have been pictured by some writers as little Utopias, free from state interference, and privileged to manage their own affairs in their own way. Unhappily this portrayal does not square with the facts. Small agricultural communities, such as the New England towns used to be, can manage their local affairs satisfactorily under almost any form of government. But when population grows, and factories come in, and local activities are multiplied—then the problems of a town are akin to those of a city and have to be handled in the same way.

65. In some of the New England states there are places of twenty, thirty, or even forty thousand people which are still governed as towns. (See p. 175.)

66. See the chart facing this page.

67. According to the census of 1920 these twelve cities are as follows: New York, 5,612,151; Chicago, 2,701,212; Philadelphia, 1,823,158; Detroit, 993,737; Cleveland, 796,836; St. Louis, 772,897; Boston, 747,923; Baltimore, 733,826; Pittsburgh, 588,193; Los Angeles, 575,410; San Francisco, 508,410; Buffalo, 505,875.

68. If you make your home in a rural community, you will become acquainted with most of your neighbors within a week; you will know all about them, and (if they can find it out) they will know all about you. But if you go as a stranger to live in a city apartment, with only thin walls separating you from your neighbors, you may remain there for months or even for years without becoming acquainted with any of them. You may not even know your neighbor's name, save for seeing it on his door. Neighborliness is a trait of human nature which disappears in the great cities. In the city a man's

friends are not his neighbors as a rule, but persons of his own occupation or interests who may live a considerable distance away. This is an important difference, for it means that townships and villages have a unity which the wards and districts of large cities do not possess.

69. The shortest city charter ever granted is the charter of London, given by William the Conqueror in 1066. It contains exactly sixty-six words. The longest is the present charter of New York City, which fills a closely-printed book of 1478 pages.

70. It was understood that by applying a general charter law or municipal code to all the cities of a state, or to all the cities of a certain class, the legislature would be discouraged from enacting special laws for particular cities. But that is not what resulted. Legislatures adopted the plan of passing laws which were *general in form* but which by the nature of their provisions could apply to some one city alone. For example: The Ohio legislature on one occasion provided that "Any city of the first class, having a population of more than 150,000, wherein a public avenue of not less than 100 feet in width is now projected, to be known as Gilbert Avenue, is hereby authorized to issue bonds, etc." This law, on its face, applied to all cities of the first class; in reality it gave special privileges to one particular city.

71. A few states, although unwilling to grant municipal home rule, have gone part way in that direction by establishing what is known as the Optional Charter system. The legislature, under this plan, draws up several different types of charter. A city may by popular vote adopt any one of these but is not permitted to make a special charter for itself. The merit of this plan is that it allows a city a

considerable amount of choice without opening the door for all manner of rash local experiments, many of which bring controversy and lawsuits because they run foul of the state constitution or laws. The various optional charters are so framed as to be in harmony with the general laws of the state. This plan is used in New York, Massachusetts, and Virginia. Ohio has both the home rule and the optional charter system; in addition there is a general charter law for such cities as do not take advantage of the other opportunities.

72. Surprisingly few mayors have ever gone any higher in the public life of the state or nation. Most mayors, when they finish their terms, drop but of sight. There are some exceptions, of course, the most noteworthy being Grover Cleveland, who served as mayor of Buffalo before he was elected governor of New York and, later, President of the United States. Before becoming Secretary of War in President Wilson's cabinet, Newton D. Baker served two terms as mayor of Cleveland, and Brand Whitlock was thrice mayor of Toledo before he became minister to Belgium. A few other mayors have become governors, ambassadors, or members of Congress; but when we remind ourselves that nearly 400 men have held the office of mayor in the fifty largest cities of the United States since 1900, we may well wonder what became of all the rest. Apparently the office of mayor is not a good political stepping-stone. Is the fault with the office or with the men who usually occupy it?

73. The objection may also be overcome by using the system of proportional representation described on pp. 134-136.

74. In September, 1900, a tidal wave swept in from the Gulf of Mexico and destroyed about a third

of the city. Galveston was already overburdened with debt, and by this disaster, which wrecked much city property, became practically bankrupt. The leading citizens came together and decided that radical measures would have to be taken. They, therefore, petitioned the Texas legislature to abolish the old city government, placing entire charge of all municipal affairs in the hands of five trustees or commissioners. The legislature complied and the new plan went into effect in 1901.

75. The largest of these cities are Buffalo, New Orleans, and St. Paul. Among the 400 commission-governed cities there are only fifteen with populations exceeding 100,000. The plan has proved most popular in places of small and medium size.

76. See the diagram which faces p. 198.

77. The plan originated in Sumter, N. C., but the first large city to adopt it was Dayton, Ohio, about ten years ago. In the autumn of 1921 Cleveland adopted a city-manager charter which will go into effect in January, 1924.

78. For an example of the way in which the city's administrative work is divided, see the diagram facing this page.

79. Some cities have established a central purchasing office which buys all supplies of every sort, thus securing a concentration of the work. A considerable saving is made in this way. But in most cities each department still does its own buying.

80. More than a hundred and twenty-five years ago, when it was decided to build the nation's capital on the shores of the Potomac, President Washington sent to France for Major L'Enfant, an engineer who had served in the American army during the Revolution, and entrusted to him the task of laying out the new city. L'Enfant took great pains to provide

for wide streets; he designated the location of the important public buildings (such as the Capitol and the White House) and left plenty of open spaces in his plan.

81. In Washington, thanks to L'Enfant's sagacious planning, the streets occupy about one-half the entire area.

82. This plan also renders it easy to find one's way about, and this is particularly true when the streets are known by numbers rather than by names.

83. See the illustrative diagram facing this page.

84. PAVEMENTS ARRANGED IN THEIR APPROXIMATE ORDER OF DESIRABILITY FROM DIFFERENT POINTS OF VIEW

Economy in construction	Economy in Repair	Durability	Cleanliness	Noiselessness	Safety
Macadam	Granite	Granite	Asphalt	Wood	Granite
Asphalt	Brick	Wood	Brick	Macadam	Macadam
Brick	Wood	Brick	Wood	Brick	Brick
Wood	Asphalt	Asphalt	Granite	Asphalt	Wood
Granite	Macadam	Macadam	Macadam	Granite	Asphalt

85. A common pretext is to allege that the lowest bidder is not a reliable contractor, or that he underpays his workmen, or that on some previous contract he failed to do a good job. Any such excuse is good enough for city officials who desire to favor their own friends at the public expense. City charters sometimes provide that contracts must be given to the lowest bidder, but a hard-and-fast requirement of this kind may sometimes lead to difficulties.

86. The unsightliness of the billboards is not their only objectionable feature. Unless they are firmly

anchored in the ground they are often blown down by heavy winds; they afford places of concealment for footpads; and they become the nucleus of a rubbish heap. Land is rented for billboard space which otherwise would be improved and built upon. Billboard space is given over very largely to the advertising of non-essentials. If you will make a survey of say fifty billboards in your own community, you will find that by far the greater portion of the space is given to advertising luxuries. Local merchants use billboard advertising very little. Outside concerns take most of their surface.

87. Restrictions may legally be placed upon private property in the interest of the public safety, health, or morals. But people cannot be prohibited from using their own private property in ways which merely offend the public taste.

88. The watchmen were very unreliable. In London it was said that most of them spent the greater part of the night in the ale-houses while thieves prowled around in the streets. In order to keep the watchmen on their patrols it became the custom to have them call out the hours as they went along. These watchmen's cries, "Three o'clock, a misty morning", etc., were a quaint feature of London life a hundred years ago.

89. Sir Robert Peel, who established the first regular police force in England, made himself very unpopular for a time by this step. The members of the new police force, by way of ridicule, were called "peelers" and "bobbies", and these nicknames persist in England to the present day. They wore (and still wear) blue coats with copper buttons, for which reason the London youngsters also referred to the policeman as "the copper". In America we have shortened it to "the cop".

90. In Berlin, for example, 98 per cent of the buildings are of brick, stone, concrete, or other fire-resisting material. In the average American city such buildings do not usually form more than 25 per cent of the total.

91. Take the income-tax amendment, for example; or the prohibition amendment. Both of them show a popular willingness to place great powers in the hands of the federal government. The people would not have agreed to direct election of senators a hundred years ago; but they did it in 1913.

92. Hawaii and Alaska are both governed in the same way, and exactly like one of the old territories. Porto Rico has a slightly different form of government, in that certain high officials besides the governor are appointed by the President. The government of the Philippines differs still further in that the higher administrative officials are appointed by the governor who, in turn, is named by the President.

93. During 1921 a study of Philippine conditions was made, at President Harding's request, by Major-General Leonard Wood and the Hon. W. Cameron Forbes, former governor-general of the islands. These two eminent investigators, after a careful survey, found much to say in praise of the Filipinos; but their general conclusion was that the islanders needed further training in self-government under American supervision before they could wisely be given complete independence. The entire text of the Wood-Forbes report is printed in The Times "Current History" (January, 1922), pp. 678-694.

94. An area which is neither a state nor a territory, a zone nor an insular possession remains to be mentioned. This is Washington, or the District of Columbia as it is officially called, the home of the

nation's government. It has neither mayor nor aldermen. The government of the District is in the hands of three commissioners appointed by the President, one of them being an officer of the army. These three commissioners carry on all the work of municipal administration.

95. In some states, in Ohio, for example, the question of calling a constitutional convention must be voted upon every twenty years.

96. In some states the legislature, in proposing an amendment, must pass it in two successive sessions, or by a two-thirds vote, or must conform to some other special requirement.

97. See especially Art. I, Sec. 9; and Amendments I-XV, XIX.

98. These four propositions may perhaps be made more understandable by the accompanying table, which does not purport to be a complete enumeration but only an illustration of the way in which the propositions work out.

Exclusively National Powers	Concurrent Powers	Prohibitions upon the Nation	Prohibitions upon the States	Exclusively State Powers
To conduct foreign affairs. To raise and support armies.	To tax. To borrow money. To promote education.	To abridge freedom of worship or of the press or of assembly or of petition.	To keep troops or ships of war in time of peace. To entry into any treaty.	To make and enforce the ordinary civil and criminal laws. To establish

To maintain a Navy.

To regulate foreign and interstate commerce.

To coin money.

To establish a postal service.

To grant patents and copyrights.

To admit new states.

To encourage agriculture.

To charter banks and other corporations.

To enforce the Eighteenth Amendment.

To establish and maintain courts.

To deny any of the other privileges enumerated in the Bill of Rights (see Amendments I-X).

To permit slavery in any territory within the national jurisdiction.

To abridge the suffrage of citizens on account of sex.

To coin money or issue bills of credit.

To pass any law impairing the law of contracts.

To lay any tax or duties on imports.

To abridge the privileges or immunities of citizens of the United States, or

and control local government.

To conduct elections.

To regulate commerce and industry within the state.

To protect the life, health, and morals of the people (the "police power").

		deprive them
	To give preference to one state over another in matters of commerce.	of life, liberty, or property without due process of law or deny to persons within their jurisdiction the equal protection of the laws. To abridge the voting rights of citizens on account of race, color, previous condition of servitude, or sex.

		To pass any bill of attainder or *ex post facto* law. To grant letters of nobility. To levy duties on exports.

99. A wide range of authority is included, for example, within the term "police power", which is the power of the state to take measures for protecting the safety, health, and morals of the people.

100. Any member of the legislature may introduce a bill, but not many of them know how to draft one properly. That is not surprising, for state legislatures are not made up of lawyers alone but of farmers, shop-keepers, and other plain citizens who have had no previous experience in lawmaking. In order to help the members of the legislature some states have established *legislative reference bureaus* in charge of expert bill-drafters. These bureaus keep on file all the latest information concerning what is being done in other states, including copies of laws which have been passed there. At the request of any member the bureau officials will prepare a bill embodying the member's ideas.

101. A good deal of the trouble is due to party leaders and to lobbyists who plague the members into voting for measures or against them. Lobbyists are paid agents of corporations, labor organizations, women's leagues, reform associations, granges, and so on, who hang around the lobby and argue with the legislators, trying to influence their action by persuasion or threats as may seem likely to be most effective. At any state capitol one may count these lobbyists by the dozen.

102. In New York State the Supreme Court, paradoxically, is not supreme. Final authority among

the state courts rests with a still higher court, known as the Court of Appeals.

103. The jurisdiction of the federal courts is explained on pp. 311-313. All other cases besides those named in the constitution come within the authority of the state courts.

104. When a governor instructs these elective officials to do something, they frequently refuse. In one case a state treasurer kept large sums of money in banks which the governor and other high state officials believed to be unsafe. They urged him to withdraw these funds, but the treasurer declined to do so. A little later two of these banks were closed by order of the bank commissioner and half a million dollars of the state's money was tied up.

105. See the diagram facing this page.

106. There were some notable absences. Thomas Jefferson and John Adams were not there; both were serving their country as diplomatic representatives abroad, the one in France and the other in England. Nor was John Hancock, whose flashing signature first meets the eye among the signers of the Declaration. Neither was Patrick Henry present, for he was strongly opposed to the convention's being held at all and declined to be a delegate from Virginia.

107. Three of these compromises, commonly known as "The Great Compromises", stand out prominently and are fully described in all books of American history, so that they do not need to be given in detail here. There were compromises on many minor points as well.

108. North Carolina did not ratify, however, until 1789, and Rhode Island not until 1790.

109. A congressman who is elected in November does not take his seat until a year from the following

December. This is because, although elected in November, his term does not begin until the ensuing fourth of March. By that time the winter session is over. Thus it happens that men who are defeated at the polls often continue to make the nation's laws.

110. No one is eligible for election to the Senate unless he is at least thirty years of age. He must also have been a citizen of the United States for at least nine years and at the time of his election an inhabitant of the state from which he is chosen. The governor of the state may be empowered by the legislature to fill any vacancy which may occur through the death or resignation of a senator, this temporary appointment to be valid until a senatorial election is held.

111. The Vice President of the United States presides over the Senate when trying impeachments, as at other times; but when the President is being impeached the Chief Justice of the Supreme Court serves as temporary presiding officer. Who would preside in case the Vice President were impeached? The constitution does not say. Presumably the president *pro tempore* of the Senate would preside.

112. Nine civil officers of the United States have been impeached at one time or another during the past hundred and twenty-five years. The most notable case was that of President Andrew Johnson in 1868. He was charged by the House of Representatives with having violated the laws relating to appointments (particularly the Tenure of Office Act), but was acquitted. The Senate voted thirty-five to nineteen for his conviction, but this was one vote short of the necessary two-thirds majority.

113. Despite the desirability of keeping the membership down, there is a constant temptation to increase it in order that no state shall have fewer

representatives than it has become accustomed to having.

114. When Elbridge Gerry was governor of Massachusetts in 1812, the state legislature rearranged the congressional districts in such a way that one of them had a dragon-like appearance. The boundaries of this district had been marked on a map in a local newspaper office. Gilbert Stuart, the famous painter, happened to come in and with his pencil added a head, wings, and claws to the figure. “That will do for a Salamander,” he said. “Better say a Gerry-mander,” replied the editor, and the outlandish name, thus accidentally coined, passed into the English language.

115. The plan at present (1922) is as follows: the Republican members of the House from each state select one of their members to represent them in choosing the committees. This representative from each state becomes a member of the Committee on Committees and at meetings of this committee casts a vote equal to the number of Republican Representatives from his state. This Committee on Committees selects the Republican members of the various committees. A caucus of the Democratic members of the House, sometimes through the medium of a Committee on Committees, selects the Democratic members of the Committees. Then the House as a whole accepts the joint list.

116. On many bills the committees do not even hold hearings; if they did, they would never get through with their work. Measures by the hundred are introduced each year by congressmen simply to please people in their districts and without the slightest expectation that they will ever be passed.

117. When bills are introduced in the Senate, they are considered there first and then sent down to the

House. Except in the case of bills relating to revenue and expenditure any measure may be introduced in either chamber.

118. Another way to delay business is to keep continually asking for roll-calls to see if a quorum is present. Calling the names of 435 members takes a lot of time. Some years ago a bill was introduced to provide for the installation of electric apparatus by means of which every member could register "Yes", "No", or "Present" by merely pressing a button at his seat. On the wall there were to be electric bulbs set opposite each congressman's name. Pressing the button would indicate the congressman's answer to a roll call by flashing a red or white or blue light on the wall. Congress did not adopt the plan.

119. See pp. 463-465.

120. On the question whether members of the American cabinet should sit in Congress, see p. 302.

121. During the past year or two a group of congressmen, both senators and representatives, from the agricultural states has been voting solidly and without regard to party affiliations on many important measures. This group is known as the "agricultural bloc". Its avowed aim is to see that the interests of the farmers are properly safeguarded in all legislation. For a brief discussion of this topic from a different angle, see p. 350.

122. JAMES BRYCE, *American Commonwealth*, Vol. I, Ch. VII.

123. When the constitution was finally drawn and made public many features of it were strongly criticized, but nowhere was there any objection to this method of electing the President. Everyone seemed to feel that this method of choice by an electoral college was an admirable one. Yet curiously enough it turned out to be one of the poorest things

that the convention did. It has completely failed to work out as the convention intended. Direct popular election, which the constitution endeavors to avoid, is exactly what we have. The convention, moreover, placed no limit upon the number of terms which a President might have. But Washington set the example by declining a third consecutive term and no President since his time has ever served three terms. From time to time it has been suggested that the President's term should be lengthened to six years and that he should then be made ineligible for re-election, just as, in some of our larger cities, the mayor is ineligible to succeed himself. This suggestion, however, has never found much favor.

124. If the original plan were now followed, this is about what would happen: After the presidential election in November the people and the newspapers would be discussing the probable attitude of the electors, wondering whom they would choose and making various suggestions to them. Some electors would be announcing their preferences; others would be keeping silent. With great interest we should await the meetings of the electors in January; the newspaper reporters would crowd outside the door to gain the first inkling of their decisions in each state; the returns would come in one by one from the forty-eight state capitals and would be figured up with breathless interest. But what actually does happen is very different from this. On the evening of the presidential election the fight is all over. Nobody knows, and nobody cares who the electors are. We only know that a majority of them will vote for the Republican or for the Democratic candidate when the time comes. In January they meet, almost unnoticed, cast their votes as a matter of form, and get a small paragraph somewhere on the inside pages

of the newspapers.

125. See p. 158.

126. The House votes by states; the Senate by individual members. See Amendment XII. In 1800 there was a tie, Thomas Jefferson and Aaron Burr, each having an equal number of votes. The House of Representatives decided the tie by electing Jefferson. Then the Twelfth Amendment was adopted. In 1824 no candidate received a majority, and on this occasion the House chose John Quincy Adams as President. The system worked thereafter without mishap for over fifty years, but in 1876 there was a serious muddle because twenty-two electoral voters were in dispute, namely, the votes of Oregon, Louisiana, South Carolina, and Florida. From each of these states two sets of electors claimed to have been chosen. The controversy was decided by a special commission of fifteen members, five from the Senate, five from the House, and five from the Supreme Court. By a vote of 8 to 7 this commission decided in favor of Rutherford B. Hayes and he became President.

127. In the Republican national convention of 1920, for example, General Leonard Wood and Governor Lowden polled the largest number of votes on the first ballot. Senator Hiram Johnson of California was third and Senator Harding of Ohio was fourth. But neither of the two leading candidates could obtain a majority although ballot after ballot was taken. Finally, when the delegates were becoming tired and impatient, some of their leaders came together and agreed to unite on Senator Harding. They advised their supporters to swing over to him and on a subsequent ballot he was nominated.

128. The delegates sometimes resent this attitude on the part of the leaders. They may make a

strenuous fight in the convention or they may bolt altogether. Thus, in 1912, the leaders of the Republican convention decided to renominate President Taft and, after a hard fight, managed to get a majority of the delegates recorded in his favor. But a very strong minority desired to nominate ex-President Roosevelt, who was believed to be far more acceptable to the rank and file of the party throughout the country. When they failed in the convention they left the hall, formed a new party, and nominated Colonel Roosevelt as the Progressive candidate. But this merely split the Republican ranks wide open and made certain the success of the Democrats at the forthcoming election.

129. During the past fifty years there have been eleven presidents. Of these, six came from Ohio and three from New York. One came from Indiana (but was a native of Ohio), and one from New Jersey. Only four states, therefore, have contributed occupants to the presidential office during half a century.

130. England is a monarchy and the United States a republic, yet the English monarch has no veto power like that of the President. By usage the king must sign every bill that is laid before him. Someone has said that the king of England would be under obligations to sign his own death warrant if parliament should send it up to him. The President of the United States is given his far-reaching power to override the wishes of a majority in Congress because he is an elective officer and in the exercise of his veto acts for the people, not for himself.

131. When Mr. Harding was elected in November, 1920, President Wilson was slowly recovering from a severe illness. Great problems were awaiting attention and by many it was deemed unfortunate

that the newly-elected President could not take hold of them for four months. So Mr. Bryan suggested that Mr. Harding should be appointed Secretary of State and that thereafter the President and Vice President should resign. This, under the rules of succession, would have enabled Mr. Harding to take office at once. But the suggestion was not accepted.

132. On assuming office in 1921 President Harding invited the Vice President to attend all meetings of the cabinet.

133. When President Wilson was ill in 1920 the Secretary of State, Mr. Robert Lansing, called the cabinet together to discuss some urgent matters of business. In due course the President heard of this action and resented it. In a letter to the Secretary of State he called attention to the fact that without the President there was nothing that the cabinet could legally do.

134. President Lincoln, for example, did not consult the cabinet in the framing of the Emancipation Proclamation; he merely read it to the cabinet after it was finished. General Grant treated his cabinet as though it was merely his general staff with the function of carrying out orders rather than giving advice. President Roosevelt usually had his own mind made up on matters of policy, and the members of his cabinet, although they differed from him in temperament, did not often differ from him in opinion. President Wilson, in choosing his cabinet, made it a point to get men whose minds ran along with his own. On the other hand, President Hayes, President Harrison, and President McKinley were considerably guided by the advice of their cabinets and consulted them freely.

135. The State Department deals chiefly with foreign and diplomatic affairs as well as with

relations between the nation and the states; it also promulgates the laws passed by Congress. The Department of the Treasury collects the revenues, pays the government's bills, attends to the borrowing of money when necessary, issues the currency, and has general supervision over the national banks. The War Department has charge of the armed forces, the land fortifications, the purchase of munitions, and the whole upkeep of the army. The Department of the Interior has functions of a very miscellaneous nature, so much so that it has been jocularly called the "department of things in general". It has charge of national parks and forests, patents, pensions, the geological survey, and various other things which have little relation to one another. The Postmaster-General assumes the oversight of the entire postal service. The Department of Justice has an Attorney-General at its head. He is the government's chief legal advisor and represents it in all legal controversies. The Navy Department has charge of all the nation's armed forces afloat. The Department of Agriculture has to do with the promotion of agricultural interests throughout the country (see pp. 346-348). The Department of Labor has charge of immigration, naturalization, and the execution of the federal laws relating to labor. The Department of Commerce is concerned with the development of foreign and domestic trade, the inspection of steamboats, the publication of consular reports (see pp. 373-374), and so forth.

136. In addition to the ten regular departments there are other branches of the national administration whose heads are not members of the cabinet. These include such bodies as the Interstate Commerce Commission (p. 364), the Federal Trade Commission (p. 391), the Civil Service Commission

(p. 103), the Tariff Commission (p. 370), besides various bureaus of one kind or another. Members of these boards and heads of the independent bureaus are all appointed by the President, responsible to him, and removable by him.

137. This is old French for *Hear Ye! Hear Ye!* The custom of opening a court session with these words goes back to the time of the Plantagenets in English history.

138. It may be well to explain briefly some of the terms commonly used in connection with the law and the courts. The parties to a suit at law are usually known as the *plaintiff* and the *defendant*. A *criminal case* is one in which some crime is charged; in a *civil case*, the issue concerns the private rights of individuals (for example, when a man is sued for debt). A court has *original* jurisdiction where cases come before it in the first instance without having already been heard by some other court; it has *appellate* jurisdiction when cases come up from some other court on appeal.

139. In more than one hundred and thirty years only one Supreme Court justice has been impeached and he was acquitted. The charges in this case, moreover, did not reflect upon the integrity of the judge.

140. Article III, Section 1.

141. A few cases come directly before the Supreme Court, for example, suits between two states of the Union; but the great majority of cases come up on appeal, or on writ of error, which is a method of appeal.

142. There are, in addition, some special federal courts, such as the court of claims, the courts which try cases in the District of Columbia, and the courts of the insular possessions.

143. These rules were gathered together and put into written form by various commentators, chief among whom were Glanvil, Bracton, Coke, Littleton, and Blackstone. Blackstone's *Commentaries on the Common Law of England*, compiled before the American Revolution, is still the standard work, known to every lawyer.

144. The colonists looked upon the common law as a bulwark of individual freedom. Edmund Burke, in one of his speeches, mentioned as a significant indication of the colonists' familiarity with the common law the fact that almost as many copies of Blackstone had been sold in America as in England. The Declaration of Rights adopted by the First Continental Congress in 1774 spoke of the colonies as entitled to all the provisions of the common law.

145. Where may these laws be found? Statutes passed by Congress are printed in the Statutes-at-Large, one or more volumes for each session. State statutes are printed in volumes known as Session Laws, or simply as Laws of Pennsylvania or Acts and Resolves of Massachusetts. From time to time, usually every ten years, these state laws are revised, rearranged, and consolidated into one general compilation, usually published as the Revised Statutes or Revised Laws. A similar publication is issued periodically containing the revised national statutes. City councils enact legislation by means of ordinances, which are put together in a volume of Revised Ordinances. When all the national or state laws relating to a certain subject (for example, criminal law, or civil procedure, or municipal affairs, etc.) are brought together into one compilation this is usually known as a code. Thus we speak of the Criminal Code or the Code of Civil Procedure or the Municipal Code.

146. In general, equity applies only to certain classes of civil actions and never to criminal cases; its procedure is simple; a jury is not ordinarily summoned to hear the facts; evidence in writing may be submitted; judgment is given by the issue of an order or decree and not by awarding a certain sum in damages. A further explanation may be found in the *Cyclopedia of American Government*, Vol. I, pp. 673-675.

147. Courts of law, in addition to awarding punishment in criminal cases and damages in civil cases are empowered to issue *writs*. Writs are orders or decrees commanding certain things to be done or left undone. They are addressed to other courts, or to public officials, or to individuals. The best-known of these writs is the writ of *habeas corpus*, an order issued to a jailor or other custodian commanding him to produce a person in court and show why he is held in custody. If the court finds that the person is wrongfully held in custody it orders his release. Another common writ is the writ of mandate (*mandamus*) issued to public officials to compel them to perform some duty which is imposed upon them by law. A *writ of error* is issued in order to carry a case from a lower to a higher court.

148. In some county courts the grand jury is not now used (see p. 172).

149. These objections are called *challenges*. The judge decides whether they are well-founded. Both sides are usually allowed a certain number of *peremptory challenges*, that is, objections for which no reason at all need be given.

150. There are two or three things which you ought to remember when going on the witness stand. Tell what you know about the case simply and briefly; tell only what you actually know, not what

you think, or what somebody told you. Don't venture your own opinion unless you are asked for it. When you are being cross-examined, think over every question before you answer it. If you answer everything quickly and without thought you will probably fall into a trap and appear to be contradicting yourself. The opposing lawyer is playing a game of chess with you. Watch his moves and take your own time in making yours. If you make any slip, correct it there and then; don't let it pass with the idea that it will never be noticed. The witness stand is a place where a man needs to have his wits about him.

151. If the case is not very serious the prosecuting attorney sometimes recommends that there be no further trial and the accused person is then freed.

152. For example, where the jury has disregarded the judge's instructions on points of law or where the jurymen have reached their verdict in some improper way.

153. A prisoner was once charged with setting fire to his own home and burning it down, thus causing the death of his father and mother. The prosecuting attorney first put him on trial for the murder of his father; but the jury acquitted him. Another jury was then summoned and the attempt was made to place him on trial for the murder of his mother. The prisoner's counsel argued that this was placing him on trial the second time (or in second jeopardy as it is called) for the *same offence*. The prosecuting attorney argued that it was a *different offence*, the murder of a different person. Which was right?

154. After the Revolution the different states claimed vast tracts of western lands but they ultimately surrendered these claims to the national government. The lands were surveyed and offered for

sale at low prices. Many years later Congress adopted the homestead system by which actual settlers might get lands for almost nothing.

155. It is said that if all the available water power of the United States were put to use, it would take the place of all the coal that is now being used in supplying industries with power. “White coal” it is called, and there is an abundance of it.

156. In early days the slaughtering of cattle was done locally, but the use of refrigerator cars has led to the centralizing of the meat industry at a few great centers.

157. We have had a striking illustration of this in recent years. During the World War the prices of all agricultural products rose enormously and they continued high for a short time after the war came to an end. Then they dropped quickly to a low level and by so doing left the American farmer in a hard situation. Labor and supplies cost him nearly as much in 1921 as in 1919, while he received in some cases only half as much for the products of his land.

158. A large part of our nitrate supply comes from Chile, but owing to the lack of shipping during the war not much could be brought from that quarter. The United States government built a huge nitrate-making plant at Muscle Shoals, Ala., but it did not get into operation before the close of the war. It has now been offered for sale to private capitalists. There has been some discussion of the possibility of making nitrates by the electric fixation of the nitrogen which is in the air, using water power to generate the electric power cheaply. It is an interesting fact that certain types of bacteria gather nitrogen from the air at the roots of leguminous plants (peas, beans, alfalfa, etc.), and in order to ensure the presence of these bacteria the seed is frequently inoculated

before planting.

159. An investigation of the exodus from Ohio farms a few years ago showed that as many as 60,000 men and boys left the rural districts in a single year, while fewer than 9000 went from the cities and towns to the farms.

160. There is a somewhat similar situation in Europe today. The various new states which were created at the close of the war all have their tariffs, their rivalries, and their jealousies.

161. They did it, sometimes, in this way: Suppose A and B are towns of about equal size and about the same distance from Chicago, or that A is a little further away.



A railroad desiring to build up A and make it an important industrial center would merely give it lower freight rates to and from the western metropolis, despite the greater distance.

162. The act further provides that all net profits above the rate of six per cent upon the valuation of the railroads, as fixed by the Interstate Commerce Commission, shall be divided in equal shares between the railroads and the government. The share received by the government is to go into a fund for the benefit of those railroads which are not able to earn the normal net income.

163. Of the nine members three are representatives of the railroad owners, three of the railroad employees, and three of the public. This board has its headquarters at Chicago, which by reason of its location may properly be termed the

railroad capital of the country. When the board hears both sides in a labor dispute it makes its recommendations but has no power to enforce these recommendations. It is believed, however, that the pressure of public opinion will give sufficient force to its decisions.

164. Canal transportation, which declined after the railroads were built, seems now to be gaining a new lease of life. The State of New York is improving the Erie Canal and proposals have been made to enlarge the canals between the Great Lakes and the Gulf of St. Lawrence so as to permit through traffic from Europe to the Lake ports.

165. The general course of American tariff policy may be marked off into four main periods. The first, which extended from 1792 to the close of the War of 1812, was a period of relatively low tariff duties. The duties levied during these years did not greatly hamper imports. While the United States and England were at war, however, some new industries were established in America, and it was deemed advisable to afford these new industries protection against English competition when the war was over. Accordingly, a more strongly protective policy was adopted in 1816, and this action ushers in the second period, which lasted till about 1842. During the earlier part of this interval the duties on imported manufactures remained relatively high. The high duties created strong opposition, however, especially in the Southern states, and in time a reaction took place with the result that the rates were gradually lowered to a general level of about twenty per cent in 1842. From this date until the outbreak of the Civil War the duties remained low, so that the third period saw the virtual abandonment of protection in favor of a tariff for revenue only. Then the outbreak

of the Civil War changed the situation. The need of a great increase in revenue became imperative, and high duties on imports seemed to be a ready way of obtaining national funds. A series of tariff measures put the rates higher and higher. When the war was over the high rates for the most part remained and they have remained relatively high throughout the fourth period, which carries us to the present day. Since 1865 many tariff measures have been passed by Congress; some have raised the duties, while others have lowered them. In 1913 duties were considerably reduced by the Democrats; in 1921 they were put up again by the Republicans. The question of tariff rates has been an issue at many national elections. But, with all its ups and downs, the tariff has remained *protective* both in its purpose and effect.

166. In 1920 Congress enacted two important measures to aid the revival of foreign trade. One of these measures relieved foreign trade from some of the anti-trust restrictions; the other authorized the lending of government funds to exporters.

167. Many of the commercial treaties which the United States has concluded with other countries contain what is known as the “most favored nation clause”. This is a provision that if either of the treaty-making countries should grant to a third nation any special trading privilege, this same privilege shall at once accrue to the other treaty-making country. For example, if the United States and Brazil conclude a commercial treaty containing the “most favored nation clause” and Brazil should subsequently grant to Mexico the privilege of shipping oil into Brazil without payment of duty, the United States would become forthwith entitled to the same privilege or favor.

168. In the days of wooden vessels, propelled by sail, America had natural advantages in shipbuilding, particularly in the abundant supply of ship-timber. Many such vessels were built and the once-famous American "clipper ships" carried our commerce to all parts of the world. During the period from 1815 to 1860 the American merchant marine reached its zenith in size and prosperity. In 1860 it was second to that of Great Britain and served not only to carry the entire commerce of the United States but the trade of other countries as well. The Civil War interfered greatly with the progress of American shipbuilding, however, and with the advent of iron vessels, propelled by steam, the United States began to drop behind in the construction of ships for ocean service. European countries, particularly Great Britain, forged far ahead during the period from 1865 to 1900. Of the tonnage which cleared for foreign countries from the seaports of the United States in 1900 less than one-fifth was American. This decline in the size of the merchant marine inspired the government of the United States to stimulate the construction of ships by the grant of subsidies, but no great success attended these efforts. The shipbuilding industry did not make renewed progress until it received a great impetus from the World War.

169. As a means of facilitating commerce the national government also maintains various aids to navigation. It provides lighthouses, buoys, landmarks, and lifesaving stations. It has made surveys of the coasts and furnishes charts for the use of navigators. It trains and licenses pilots and makes rules to ensure the safety of vessels entering or leaving American ports. Much money has also been spent by the national government in the deepening and improvement of harbors. Mention should

likewise be made of the greatest enterprise ever undertaken by any country for the promotion of maritime commerce, namely, the building of the Panama Canal, which connects two oceans and cost the United States more than three hundred and fifty million dollars.

170. In illustration of this it may be mentioned that in all the years from 1000 A. D. to 1750 A. D. there were only three inventions of remarkable value or interest; namely, printing, gunpowder, and the steam engine. But what of the period since 1750? The railroad, the steamship, the telegraph, the cable, the telephone, radio communication, the electric light, the electric motor and the trolley, the submarine, the airplane, the cinematograph, the phonograph, the internal combustion engine and motor vehicles of all kinds, the X-ray, and so on. These, moreover, are only the landmarks of *mechanical* progress, which is a relatively small item in the sum-total of human advance.

171. The customary par value of a share is one hundred dollars, but it may be fifty, ten, or five dollars. Occasionally shares of no par value are issued.

172. The stockholders in the original corporation received “trust certificates” in place of their shares.

173. During the presidential campaign of 1896 there was a good deal of popular outcry over the asserted failure of the government to “curb the trusts”. When Mark Hanna, chairman of the Republican National Committee, replied, “There are no trusts”, he was laughed at from one end of the country to the other. But he was right, for most of the trusts had been converted into holding companies.

174. In the long run this action did not amount to

much, however, for the companies reorganized in a way which kept them within the letter of the law.

175. In order to evade the provisions of the Sherman Act many large corporations resorted to the plan of "interlocking directorates". While forming no combination, merger, or holding company, they merely arranged that the various companies should elect the same men to their respective boards of directors, thus placing control of the companies in the hands of the same group of men. To put an end to this practice Congress in 1914 enacted the Clayton Act, which provided, among other things, that no person may serve as a director in two or more large competitive interstate corporations except banks and railroads, these latter being under separate regulations.

176. The Federal Trade Commission is made up of five members, each appointed by the President, with the advice and consent of the Senate, for a term of seven years.

177. For those who are willing to look at the matter in this light, bearing in mind the old adage concerning the kindliness of fate to those who help themselves, the following helpful books are suggested: FREDERICK J. ALLEN, *A Guide to the Study of Occupations* (Cambridge, 1921). A survey of all the best literature on the subject. FREDERIC M. GILES and I. K. GILES, *Vocational Civics* (N. Y., 1920). A brief, interesting account of the opportunities in different occupations.

178. The employer, in fact, was often a corporation with neither body nor soul. The factories were in charge of managers whose function was to earn profits, not to look after the well-being of the employees.

179. In America the unions also serve as schools of

citizenship. They gather together into their membership men and women of all races and creeds, and they encourage their members to become American citizens.

180. The labor union movement began in England because it was there that the Industrial Revolution first brought in the factory system. At the outset the formation of unions was bitterly opposed by the employers and laws were enacted declaring such organizations to be illegal. In the closing years of the eighteenth century any English worker who joined an organization, in order to secure better wages or fewer hours of labor, was liable to be arrested and punished by the courts. In due course the labor organization movement spread to America, where also it encountered strong opposition during the first half of the nineteenth century. Attempts to secure better wages by forming labor associations were held to be conspiracies in restraint of trade and those who openly took part in the organization movement were frequently imprisoned. After 1830, however, the opposition began to grow less intense and by 1870 it had become generally recognized that labor organizations were here to stay. In one state after another they began to receive legal recognition and today the right of the workers to organize for the promotion of their own interests is not denied in any part of the country.

181. Most writers use the term “trade union” to include only such labor organizations as are composed of men and women who work in the same trade or occupation; but some employ the term to include all labor organizations whose object is collective action in the interest of their members.

182. Although this program does not contain anything that savors of violence, or of arbitrary

control of industry by the workers, or of dictatorial methods towards the public it sometimes happens that individual labor organizations or their leaders are guilty of these things. While professing disapproval of violence, the labor leaders have on occasions (though not as a rule) tolerated it. Labor leaders, moreover, in some cases have exacted money from employers under threat of calling men off their jobs; the Brindell case in New York City is a recent illustration. On some notable occasions labor leaders have been convicted and sent to jail for resorting to organized terrorism against employers. All this, however, does not condemn the program of labor organizations as a whole. No body of men, particularly when it numbers several million members, can in fairness be judged by the wrongful acts of a few.

183. It should be borne in mind that not everyone who desires to work at a particular trade is entitled to membership in the trade union. He must apply for admission to membership and the initiation fee for membership is often as high as a hundred dollars or more. Moreover, he must satisfy the union that he is properly skilled in the trade, if the trade requires skill. Some unions, commonly called “open unions,” take in practically all who apply; but these unions exist, for the most part, in unskilled trades only.

184. In New Zealand, for example. For a time it was looked upon as a great success in that country, but in recent years it has not prevented numerous strikes.

185. This was the sequel to a strike on the part of the Kansas coal miners, which threatened to leave the people without fuel for the winter. When the strikers refused to return to work a call was sent out for volunteers and men of all occupations came

forward to work in the mines. When the emergency was past the legislature decided that the rights of the public ought to be protected in the future against both employers and workmen.

186. These include all industries affecting food, clothing, fuel, and transportation.

187. "The children were kept working for fourteen, and even sixteen, hours a day; they were beaten for the slightest mistake or offence; and sometimes they were tortured by the overseers, who would tie them to a beam close over the whirling machines by way of teaching them to hold their feet up, or would rivet irons on their ankles and hips to teach them not to try to run away. Locked in the factory while they worked, and in neighboring barracks while they slept, these pitiful martyrs were as absolutely abandoned by their kind as though they had been adult convicts on the way to Botany Bay, or negro slaves on the middle passage." G. H. PERRIS, *The Industrial History of Modern England*, p. 207.

188. Congress has established a Bureau of Child Welfare in the Department of Labor with the duty of encouraging the enactment of laws to protect children.

189. The Supreme Court has decided that this action also is unconstitutional.

190. ROBINSON and BEARD, *Outlines of European History*, II, 640.

191. Many sorts of merchandise have been used as money at one time or another. In early times cattle often served as the standard of value. This was undoubtedly the case among our Indo-European ancestors, as is shown by the survival of certain words in the English language at the present time. The word "pecuniary," for example, comes from the Latin "pecunia," meaning money, which is in turn

from “pecus,” cattle. The word “fee” is merely a rendition of the old German word “Vieh,” which also means cattle.

192. The Chinese use copper money, which they call “cash.” The coins have a hole in the center so that they can be carried on a string like beads.

193. That was what had to be done in the old days before gold and silver were stamped into coins of known weight and fineness. You remember the Scriptural story of the patriarch Abraham’s weighing out the four hundred shekels of silver to pay the sons of Heth for Sarah’s grave. If not, read it in Genesis, xxiii, 2-19.

194. The weight of the gold dollar, as fixed by law, is 23.2 grains of pure gold.

195. Anyone may take gold to these mints and have it coined. Pure gold would be too soft for use as money, however; so an alloy of silver is mixed with it. The mixed metals are then heated and rolled into strips. These strips are next put into a stamping machine which forms them into so many little gold cakes, ready to be placed in another machine which stamps an impression upon them. In the case of gold and silver coins the edges are “milled” to prevent their being clipped or scraped by dishonest people. In the United States this is in the form of a raised and serrated edge; in European countries an inscription is often printed on the edges of the coins. The German twenty-mark piece before the war had the legend, “Gott mit uns,” in this form. The silver, nickel, and copper for American currency is bought by the mint and made into coins at a profit. This profit is called seigniorage and it is sufficient to make all the mints self-supporting. The amount of metal in a nickel, for instance, costs only a fraction of five cents. When coins are lost or destroyed—by shipwreck, fire, etc.—

the government is just so much to the good, and a great many coins are permanently lost or destroyed every year.

196. With a dual system of coinage the ratio at the mint must be exactly that of the open market, otherwise the metal which the mint overvalues is the only one which will come in to be coined. If mine-owners who produce silver, for example, can get more gold in exchange for it in the open market than they can get dollars for it at the mint, they will naturally exchange it in the open market. But it is difficult to keep the legal ratio in exact accord with the market value because the latter fluctuates somewhat from year to year.

197. In this same year a severe commercial panic took place and the action of the government in demonetizing silver was blamed for it. Hence the frequent reference in later years to “the crime of 1873.”

198. Provision for the coinage of silver on a limited scale was made by the Bland Act (1878) and the Sherman Act (1890). These acts merely provided that the Treasury should buy so much silver each year and coin it, a very different thing from free coinage.

199. Curiously enough there was another financial panic in 1893; but this had nothing whatever to do with the stoppage of silver coining.

200. The paper money is made at the Bureau of Engraving in Washington, not at the mints. Every working day in the year this Bureau turns out a million dollars or more in notes. A special kind of paper, made by a secret process, is used, and in the manufacture of this paper small strands of red silk are imbedded in the fabric. The notes are printed from mechanical copies of engraved plates, the

originals of which are made by hand. It takes several expert engravers a whole year or more to make one of these originals, with its portrait, seal, symbols, and myriad of fine lines. All these precautions are taken to prevent counterfeiting. On its way through the presses the bills are counted and checked many times to make sure that none go astray or are pocketed by employees. So carefully is this done that only once in the last twenty years has a single bill been unaccounted for. When a paper note is permanently lost or destroyed after being issued Uncle Sam is very much the gainer, for it costs him, on the average, only about one cent to print a dollar bill. If the bill is only torn or partly destroyed, the government will redeem it. Full face value is given if at least three-fifths of the original bill is presented, or half the face value if two-fifths is handed in. If less than two-fifths of the bill is presented, it will not be redeemed except by proving the circumstances under which the rest of the bill was destroyed. When bills get dirty or worn the banks send them back to the Treasury. Some years ago the practice was to burn them in the furnace; but there was a rumor that charred pieces of the bills were in the habit of flying off through the chimney to be found by people who presented them for redemption. Now the worn money is put into a macerator or chewing machine, which masticates them to a pulp at the rate of about a million dollars a mouthful.

201. The German paper mark, for example, depreciated to less than one-fiftieth of its face value in gold; the Austrian crown depreciated even more. Even more striking has been the depreciation of the Russian paper rouble which has fallen more than a thousand-fold.

202. Money which, according to law, must be

accepted in payment of debts, is called legal tender. Gold coin, silver dollars, and certain notes are legal tender up to any amount. Half dollars, quarters, and dimes must be accepted in payment up to the amount of ten dollars. Nickels and pennies are legal tender to the amount of twenty-five cents only.

203. The establishment of this second bank led to the raising of a very important constitutional question. The constitution, as has been said, contains not a word about banks. Hence the power to establish banks might be assumed to remain entirely with the states in view of the rule that powers not delegated to the nation by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people. Congress having gone ahead, however, and established a bank, the State of Maryland proceeded to levy a tax on the bank's paper money. This tax the cashier of the Baltimore branch of the bank, McCulloch, refused to pay, whereupon he was held liable by the courts of Maryland and appealed to the Supreme Court. The latter tribunal went into the whole issue thoroughly and rendered one of the most important legal decisions ever given in this country.

The decision in McCulloch *vs.* Maryland was that Congress, having been given by the constitution the express power to collect taxes, to borrow money, and "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers," was thereby vested with implied authority to establish banks as a means of facilitating the collection of taxes or the borrowing of money. This being so, the Supreme Court decided, no state can be permitted to interfere with an instrumentality through which the national government is legally carrying on its work. They must not interfere by

taxation or otherwise. “The power to tax involves the power to destroy,” declared Chief Justice Marshall in rendering this decision. If the states could tax one agency employed by the national government in the execution of its powers, the chief justice explained, they could tax every other one. They could tax the post office, the custom houses, the forts, the ships of war. By taxing these things heavily enough they could cripple the national government and eventually drive it out of existence altogether. The court was unanimous in affirming that Congress had the right to establish banks and that with such action no state could interfere.

204. Trust companies were established to act as trustees or guardians of funds belonging to widows, orphans, and others who could not look out for their own investments. Then they began the practice of accepting deposits from others and paying interest on these deposits, whereas national banks and most of the regular state banks usually paid no interest to their depositors. Gradually the trust companies became banks in every sense of the term, and they have gradually increased in number during recent years. As a rule they can do a wider range of business than is permitted to national or state banks.

205. The locations of these twelve federal reserve banks are as follows: Boston, New York, Philadelphia, Cleveland, Richmond, Atlanta, Chicago, St. Louis, Minneapolis, Kansas City, Dallas, and San Francisco.

206. A further addition to the banking facilities of the United States was made in 1916, when Congress inaugurated the federal farm loan bank system. This is under the control of a federal farm loan board composed of the Secretary of the Treasury and four other persons appointed by the President. Two systems of lending money on mortgages are provided under the supervision of this board, one working through twelve farm land banks situated in different parts of the country and the other through joint stock land banks. Provision is also made for the forming of farm loan associations composed of farmers who wish to borrow money on the security of their lands. See also p. 348.

207. Retail prices represent prices of the principal articles of Food; wholesale prices include articles of all kinds.

Figures from the U.S. Bureau of Labor Statistics.

208. For this reason it is often said that gold is not a good measure of deferred payments. For example, if somebody were to give you a note for a thousand dollars, payable five years from now in gold coin, the amount of goods which you will be able to buy with the proceeds of this note when it is paid may be much greater, or much less, than what you could buy today. Thus you would get your money back, but it would not have the same purchasing power, and purchasing power is what counts. To determine the actual purchasing power of gold at different dates, figures known as "index numbers" are compiled by various economic organizations. Index numbers are compiled in this way: Take a certain amount of various things which are in common use, say a barrel of flour, ten pounds of butter, a bushel of potatoes, so much steel, leather, lumber, and other commodities,—make the list long enough to cover the general range of prices. Add together the current prices of these things today and you have an index number. Ten years from now, if you take exactly the same amounts of exactly the same commodities and add together the prices, you will have another index number. By comparing them you can say that the purchasing power of money has gone up or gone down, as the case may be. The index number more than doubled during the years 1914 to 1919; that is to say, the purchasing power of money was cut in two.

209. People are in the habit of thinking that the high cost of living is due largely to "profiteering" and monopoly. To some extent, no doubt, this is true. But the three most important factors in the high cost of living are: (*a*) the inflation of money and credit; (*b*) decreased production; and (*c*) heavy taxes. It is these things that give the profiteers and monopolists their

opportunity.

210. Bonds are promises to pay a certain principal sum at the expiry of a certain term of years. They are issued by governments and by business corporations. They bear interest annually or semi-annually. In the case of registered bonds the name of the bondholder is inscribed on the books of the government or company and a check for the interest is sent to him. Coupon bonds, on the other hand, are payable to bearer and small tickets or coupons must be cut off by the holder and presented on each interest date. Stocks are merely shares in a business corporation and do not carry an obligation to pay a definite sum at any given time. There are two kinds of stock, preferred and common. The preferred stock is entitled to a stated dividend; the common stock takes what is left of the net profits if there are any.

Bonds, as a rule, yield a smaller return than preferred stock, because the security is better. The man who holds common stock takes the greatest risk of all and for this reason expects the largest rate of dividend. When you invest money the income which you get from it is proportioned to the risk which you take. An absolutely safe investment like government bonds brings in only four or five per cent annually; the preferred stock of railroads or industrial corporations may yield six or seven per cent; the common stock of some companies pays as high as eight or ten per cent. When you find that an investment promises a large income you may be sure that the risk is proportionately large. All sorts of “get rich quick” schemes are placed before the public by promoters who promise high rates on “safe” investments. Such investments are not safe; if they were, the banks and large capitalists would put their money into them. To protect the public from these

frauds, some states have passed “blue-sky laws,” which require that every stock-selling concern shall be investigated by the state authorities before it is allowed to take money from the people.

211. If anything, this estimate is probably too low. In 1921 the tax commissioner of Massachusetts estimated the tax burden in that state to be $117 per capita.

212. The cities spend a great deal more than the rural districts and the per capita burden there is consequently much heavier.

213. In the case of some heavily-taxed forms of merchandise, such as tobacco, more than half the price is made up of taxes.

214. There are some cases, of course, in which the tax cannot be shifted; for example, taxes on vacant or unimproved land, or taxes on fixed incomes and salaries. But all this is a small element in the total tax bill.

215. Many public services which are now paid for out of the general taxes were at one time supported by charging only those who made use of them. Many of the first macadam roads were built by private companies, which collected a few cents in toll from every person using them. Toll bridges were not uncommon a generation ago and they still exist in some places. Fees were charged in many places by the schools, so much per pupil. Before regular police forces were established, well-to-do people hired watchmen to patrol the streets around their property, the poorer sections of the city being left without any protection at all.

216. The French statesman, Colbert, chief minister of Louis XIV, once said that the art of taxing the people was like that of plucking a goose, namely, to get the largest amount of feathers with the least

amount of squawking. There is more truth than fiction in that remark.

217. In a general way the distinction between *real* and *personal* property is simple enough, but the exact line between the two is not as a practical matter so easy to draw. For example: Is grain growing in the field real or personal property? Which is it after it is cut by the reaper? To which class do the trees in the forest belong (*a*) before they are cut down, (*b*) after they have been felled? Would it be correct to say that cattle grazing in the field are converting real estate into personal property?

218. Real estate is in plain sight and cannot be concealed from the taxing authorities; but stocks, bonds, notes, and so forth, are kept in a safe where no one sees them but the owner. There is no way of knowing how much taxable wealth a man has hidden away unless he is honest enough to tell. In some states the plan of taxing intangibles has been given up altogether on the ground that such taxes are too easy to evade. As a substitute these states impose a tax on *the income* from intangibles and require every person to make, once a year, a sworn statement of such income.

219. The exemptions, allowances, and rates change from time to time. The existing rules can be found in the latest edition of the *World Almanac*. They cannot be briefly stated without serious danger of inaccuracy.

220. See *Cyclopedia of American Government*, Vol. III, p. 492. The court held that a tax on land was a direct tax; that a tax on the income from land was in effect a tax on land, and hence also a direct tax.

221. During the years 1918-1921 these excises were also laid on railway tickets, telegrams, and sales at soda fountains. The excess profits tax, which

also brought in a large revenue during the years 1918-1922 was levied upon all business profits above a designated standard.

222. Every state undoubtedly has power to lay such a tax. There is some doubt whether the national government also possesses it, because a tax on the products of labor is in reality a means of regulating the conditions of labor, and the constitution gives the national government no authority to regulate the conditions of labor; such authority belongs to the states. The question whether the national government can levy a tax on the products of child labor is now pending before the Supreme Court. See also p. 415.

223. People who have large fortunes may invest them in non-taxable investments, such as state and municipal bonds, thus evading the heavy surtaxes on incomes.

224. Henry George advocated that on all land a tax should be levied equal to the full amount of its ground rent (see p. 43) and that all other taxes should be abolished. This, in effect, would do away with the private ownership of land, making the government the real owner. Mr. George endeavored to prove that nearly all our economic troubles are due to the private ownership of land and land monopoly. “What I therefore propose”, he said, “as the simple yet sovereign remedy which will raise wages, increase the earnings of capital, extirpate pauperism, abolish poverty, give remunerative employment to whoever wishes it, afford free scope to human powers, lessen crime, elevate morals and taste and intelligence, purify government and carry civilization to yet nobler heights, is—to appropriate rent by taxation.” *Progress and Poverty*, Book VIII, Ch. ii. This is a good example of the extravagant and

Utopian hopes held out by reformers who are carried away by a single idea. If earth could be changed into heaven by merely taxing one thing instead of another, the transformation would have been made long ago.

225. President Harding, early in 1922, suggested the imposition of a sales tax as a practicable method of obtaining money with which to pay a bonus to veterans of the World War.

226. It was the custom to take such individual measures as were approved by the various committees and put them all together into what was called an "omnibus bill", providing for many millions of dollars to be spent upon the erection of new post-offices, the dredging of harbors, and so on. In these bills every congressman expected to get something for his district, whether there was need or not. Such grants of money were commonly known as "pork barrel" appropriations. One way of keeping congressmen in Washington until the very last day of the session was to hold back these appropriations until just before adjournment. Every senator and representative would then stay at his post lest by some mishap his particular item might be dropped out.

227. About ten billion dollars of this total was loaned by the United States to England, France, and other countries to help them carry on the war (see pp. 613-614).

228. There are some exceptions. The income from the first issue of Liberty Bonds is entirely exempt from national taxation; the income from the other issues is exempt up to a certain amount for a designated period of years. All the bonds issued by the national government are exempt from state and local taxation. Bonds issued by states, counties,

cities, and other municipalities are exempt from national taxation; they may or may not be exempt from state and local taxes, depending usually upon where the owner resides. For example, if a man owns bonds issued by the city of San Francisco and resides in California, the income from these bonds is exempt from state and local taxes; but if the owner resides in some other state which has an income tax, the income is taxable.

229. The debt of New York state is about one hundred and thirty-five millions; no other state has a debt half as large. A few states have no debts at all. The total net debt of the counties, cities, towns, villages, and other communities is nearly five billions. It would be conservative to say that the total public indebtedness of the American people today is about twenty-eight billions. From this may be subtracted, of course, the ten billions owed to the United States by other countries. But even allowing for this, the debt is about $700 per family.

230. It is a sound rule of public finance that bonds ought not to run for a longer period than the estimated life of a public improvement. For example, if a new street pavement is estimated to be good for twenty years, the bonds should all be repayable within that term. Very often, however, the taxpayers of American cities have been paying off paving bonds long after the pavements have completely worn out.

231. The cost of any public service is made up largely of two items, overhead charges and running expenses. In the case of electric light the overhead charges include interest on the capital invested in power houses, machinery, wires and poles, conduits; also such things as insurance, taxes, and rentals, which go on whether the plant produces much or little. Running expenses include the cost of labor,

coal, supplies, etc., and these things, of course, vary with the amount of business done. Overhead charges often make up half the cost of producing electric current; so if you double the overhead, the price to the consumer would go up, not down.

232. Public service companies, when the government gives them the power to take private property by right of eminent domain must pay just compensation for what they take. The government could not give a company power to take private property without compensation, for it does not itself possess that power.

233. Franchises were often granted in *perpetuity*. When the laws forbade the granting of perpetual franchises the attempt was sometimes made to evade this restriction by granting them for 999 years. Sometimes the grant of a franchise was put through the board of aldermen or the city council without any notice being given to the public. Loud protests then followed, but they availed little after the grant had been made.

234. These payments are arranged in a variety of ways. Sometimes a gas company pays the city so much per year for every mile of gas-mains or so much per million cubic feet of gas sold. Street railway companies occasionally pay so much each year per mile of track. More commonly the payment is based upon gross earnings or upon the value of the company's capital stock, or upon the estimated value of its franchise. In some instances the franchise is sold to the highest bidder, that is the company which offers to pay most for the privilege of using the streets gets it.

235. The street railway system of Boston, for example, operates in more than twenty other cities and towns. A single telephone company sometimes

controls the telephone service in all the cities and towns of the state or even in several states.

236. Fifty years ago these water supplies were usually controlled by private companies operating under franchises. Today there are very few public water-supply companies in the country. Among the sixty-five cities of over 100,000 population there are only six which do not have municipal ownership of this service.

237. The city of Glasgow, in Scotland, is sometimes cited as an example of a community which has gone the longest distance in the way of municipal ownership. The citizen of Glasgow, it is said, may be born in a municipal tenement, be fed on milk from the municipal dairy (which is warmed on a municipal gas stove), be transported to school on municipal tramcars, and when he dies be carried off in a municipal hearse to the municipal cemetery.

238. There are about thirty municipal gas plants and several hundred municipal electric lighting plants in the United States; but the great majority of them are in small communities.

239. There are municipal street railways in San Francisco, Seattle, and New Orleans. Public operation of street railways, without public ownership, is the policy of Boston and several other cities. These street railways are operated on a *service-at-cost* plan. The government of the state or city takes over the street railway, appoints officials to manage it, and charges whatever fares are necessary to pay the expenses of operation (including whatever rate of interest is to be paid to the owners of the street railway). When wages go up, fares go up. In some cases service-at-cost has been proved to be a costly plan. When wages went up during and after the war, fares rose correspondingly. But although wages have

come down since 1920 in private employments, they have not been reduced to the same extent on publicly-owned street railways, hence the fares remain where they were. To be fair to the public, the system ought to work both ways.

240. The national, state, and municipal governments can borrow money at five per cent or less; the companies have to pay six or seven per cent under present conditions.

241. Notice the way in which gas and electric lighting companies try to increase their business by selling gas stoves, electric irons, and other appliances at low figures and on the installment plan. Telephone companies place public pay-stations in every nook and corner to pick up a few extra nickels and dimes. Telegraph companies give special rates on night letters to get messages which would be sent by mail if the regular rates were charged. Can you imagine the post-office keeping open at night in order to obtain more business?

242. By naming these three purposes of education, first, second, and third, it is not intended to imply that this is their order of importance. Some would put service to the community first of all. Over one of the main gates at Harvard University, through which the students pass out into the world after they have been graduated, is this timely inscription: “Depart to serve thy country and thy kind.”

243. The laws and the practice differ greatly from state to state, and sometimes from one community to another. It would be futile to attempt the task of presenting here even the most important variations. Those who desire to know exactly how the schools are controlled and managed in different parts of the country will find full information in S. T. Dutton and David Snedden, *The Administration of Public Education*

in the United States.

244. In 1917 Congress provided that each year a grant from the federal treasury should be made to the several states in order to encourage vocational education. This money is distributed among the states on condition that each shall contribute an equal amount, the distribution being made, not by the Bureau of Education, but by a body known as the Federal Board for Vocational Education. This board is made up of seven persons, the Secretaries of Agriculture, Commerce, and Labor, the Commissioner of Education and three other persons appointed by the President. A considerable part of its work for the present is connected with the providing of vocational training for American soldiers and sailors who were disabled in the World War.

245. The Smith-Towner Bill, now the Towner-Sterling Bill.

246. According to the census figures only one person in fifteen (above school age) is unable to write; but the experience of army officers with drafted men during the war showed that the proportion must be a great deal larger. The census enumerators take a man's word for it; the army authorities at the various camps applied an actual test. They found that about one man in every five was unable to write a simple letter of a dozen lines.

247. The essential differences between grammar school and high school instruction are these: the work of the grammar school grades is practically all prescribed; in the high school there are some elective studies; in the grammar school grades one teacher gives the instruction in all the subjects, whereas in the high schools the various subjects are taught by different teachers, each one a specialist.

248. A proper system of vocational education

involves three things: (*a*) a broad and practical foundation in elementary education of the ordinary type; (*b*) a study of the social and civic forces which control the life of the people; and (*c*) definite training in some particular vocation or trade. In order to help the pupil choose his life work more intelligently, many schools have made provision for vocational guidance. A vocational director or counsellor studies the special aptitudes and abilities of each pupil, points out what opportunities are open, and advises as to the best means of training for the work selected.

249. The demand for vocational education has come from several sources: namely, from parents who believe that education ought to be directly related to earning-power; from teachers who are convinced that there is little or no educational value in drilling pupils in studies which do not interest them; from the general public which thinks the schools would render a larger social service in training pupils to vocational efficiency; and from enterprising employers who see in this form of education a chance to get a supply of trained workers without having to break them in as apprentices. Organized labor at first looked with suspicion upon the movement, but is now more favorably disposed toward it. Vocational education should be clearly distinguished from manual training, which is merely a general education in the principles of skilful hand work without regard to any particular vocation or trade. Vocational education does not turn out a fully-trained worker, but only one who has practically finished the apprentice stage.

250. There is a current notion that those who stand highest in their studies at school or in college

usually do poorly when they get out into the world, and that those who take a prominent part in school or college activities, even though their scholarship be very poor, are the ones who rise to the top in later life. The evidence is all to the contrary. Every investigation that has ever been made into this matter indicates that in the vast majority of cases the boy who does well at school does well in his college studies if he goes to college; and that students who stand high in their college studies are much more likely to succeed in later life than those who stand low. Three great Eastern universities, Harvard, Yale, and Princeton, gave the nation three successive Presidents during the years 1901-1921, Roosevelt, Taft, and Wilson. Nobody thought it worth while to mention that each of the three was a scholar of high rank at graduation; but if anyone of them had been graduated near the bottom of the list, we should have heard comment in plenty. The exceptions are too often singled out for notice; the instances that prove the rule are so numerous that they pass unobserved.

251. Measures for the promotion and protection of the public health have a marked effect upon the death rate. Fifty years ago it was not at all uncommon to find, in American cities and towns, an annual death rate of thirty persons per thousand of population. Today this rate has everywhere been cut in two. Even in large centers of population like New York and Chicago the annual death rate, in normal years, is now below fifteen per thousand. This means, of course, that the average duration of life, taking the population as a whole, has been lengthened. The lowered death rate has probably added seven or eight additional years to the average life-span. It is easy to see what an enormous gain this

has meant to the productive power of the country.

252. Recall, for example, the passage in Homer's *Iliad*, where the sun god in anger raised his terrible bow and with every twang of the bow-string sent men to their death by pestilence.

253. It was the same with many other things. The Romans, for example, used seals with which to stamp impressions on documents and coins. That is the essence of printing. Yet the world did not learn the next important step, how to print books, for a thousand years.

254. During the earlier years of the World War, before the armies of the Central Powers overran Serbia, that country was stricken with typhus from one end to the other. The Allied countries equipped a great sanitary expedition which went through the land and virtually disinfected the entire population. Trains of box cars were fitted up as bathing and delousing plants, with hot water and steam from the locomotive. These trains went along from village to village, stopping at each long enough to put the inhabitants, one by one, through the scrubbing process and their clothing through the steam vat.

255. In order that measures for preventing the spread of disease may be effective, they must be based upon a well-organized and accurate system of vital statistics. These statistics include figures relating to births, deaths, and illness. They are compiled in the offices of the health authorities from the reports sent in by physicians. These reports, to be of real value, must not only be accurate but prompt. By means of these statistics the health authorities can sense the beginnings of an epidemic, can often determine its source or cause, and can immediately set the machinery in motion to ensure its control. When one physician reports a case of typhoid this

may not be of great significance; but if a dozen cases are reported on the same day, the necessity of an immediate investigation into the water and milk supplies becomes apparent.

256. The city of Glasgow obtains its supply of pure water from Loch Katrine, immortalized in *The Lady of the Lake*.

257. The choice between the two kinds of filtration depends upon local conditions. Where the raw water is excessively turbid or bad-colored, the rapid sand filter is more commonly used. The chemical treatment of water involves the use of chlorinated lime (better known as bleaching powder) or some other chemical disinfectant which kills the noxious bacteria. Only small quantities are required in proportion to the volume of water used. Chemical treatment is not commonly used except in emergencies; it is not regarded as a satisfactory permanent plan of water treatment.

258. These housing regulations now provide, as a rule, that houses designed to accommodate more than two families shall not occupy more than two-thirds of the lots upon which they are built, the remaining space being left for light and air. They also require that such houses shall not be of highly inflammable construction, that they be provided with lighted hallways, that sanitary equipment be installed, and that no rooms be used for ordinary living purposes unless they have one or more windows. A further provision in some of these tenement-house laws is that houses may be condemned as unsanitary if they contain less than so many cubic feet of air space for each person living in them. This last provision is difficult to enforce except by frequent inspection, yet it is very important because no matter how well a house may be

constructed, there will be a danger to the public health if it is seriously overcrowded.

259. At the Peace Conference in 1919 the protection of the public health throughout the world was considered so important that provision for it was included in the Covenant of the League of Nations (see p. 638).

260. An exception to this must be made in the case of the negro population of the South. The amount of poverty among the Southern negroes is large, although most of them live in rural communities.

261. Poverty, in a way, reproduces itself. Some years ago a New York social worker gave the following rather cogent description of the way in which one generation passes its poverty on to the next. “A child, reared in a poor home, is taken out of school and sent to work at an early age. He drudges away, brings home every cent of his pay, is allowed to keep little or none of it, and gets no fun out of life. After a while he gets tired of this; he meets some girl who has been brought up in the same way; they get married; but neither of them has saved any money nor has the slightest idea of how to manage a home. They rent a small flat, buy some furniture on the installment plan, and then find that they are not able to pay for it. They get into debt and when either falls sick or the husband is out of work there is nothing to eat. When children come they grow up on improper nourishment; they are slapped in the face and scolded at all hours; they get no home training and very little schooling; as soon as they are able to earn a few dollars a week they are hauled out of school and put to work—and so history just repeats itself.”

262. The marriage of feeble-minded or other mentally defective persons ought to be prevented, for the results of such marriages are bad for the whole

community. They help to fill the poorhouses, the asylums, and the jails. There are some who believe that the government ought to go further and lend its influence towards the promotion of greater care in determining the marriage of persons who are not mentally defective. Marriage, as has been shown in an earlier chapter, is the basis of the home and hence the foundation of the whole social order. It is an institution of exceedingly great importance to the well-being of society. Yet we leave the whole thing to the caprice of individuals, or their passing fancy, or to the accidents of chance friendships. Whatever may be the inspiration to marriage it can truly be said that many unions of man and woman contribute nothing to the well-being of present or future society. Is it right that an institution of such importance to the human race, both present and future, should be so little controlled by law, by custom, or by public opinion and so largely left to the discretion of individuals? Can the race be improved in that way? Beyond preventing the marriage of mentally degenerate persons is there any further action that society ought to take?

263. Many explanations are offered for this. We are a relatively new country, with a population made up of many races. Court procedure is slow and cumbrous; it takes a long time to punish offenders, and they have a fair chance of escaping punishment altogether. Police have been under the control of politicians and have been lax in enforcing the laws. We have emphasized the idea of liberty so strongly that it has benefited even the criminal. We have not made punishment certain enough or severe enough to deter people from evil-doing. All these excuses have some force, no doubt, but do they fully account for our poor showing in comparison with other

countries?

264. The reformer who first educated the public to this doctrine was Jeremy Bentham, an English writer on social topics who lived in the early years of the nineteenth century.

265. The most conspicuous figure in this branch of prison reform during recent years is Mr. Thomas Mott Osborne, who was for a time in charge of the state prison at Auburn, N. Y. Mr. Osborne entirely abolished the old system of discipline and established a scheme of self-government among the prisoners. But public opinion was not quite ready for such a radical experiment as Mr. Osborne inaugurated, and his work was bitterly criticised in many quarters, although it was commended in others. In the midst of the controversy he gave up his post and his successor did not continue his policy.

266. A good many people are beginning to wonder whether the reaction against the old-fashioned methods of dealing with offenders has not been carried too far. Persons charged with crime are now given a fair trial with liberal opportunities for appeal. When convicted they are frequently given indeterminate sentences and then, after a short term of confinement, are released on parole. In prison they are well housed, properly fed, given various privileges, provided with motion picture entertainments, and given other forms of recreation. The complaint is made that we have made the path of the transgressor altogether too easy and that the sort of punishment which is now meted out to offenders is inadequate to serve as a deterrent to crime. The increase in crime, particularly in the larger American cities, is by some attributed to this leniency of treatment.

267. One of the first of these courts, and the best

known of them all, is the Juvenile Court of Denver, Colorado, which was for some years presided over by Judge Ben B. Lindsey. For a time the success of this court seemed to be remarkable, for Judge Lindsey possessed the knack of getting wayward boys to tell him the truth; but in his zeal for giving them a chance to reform he appeared to many citizens of Denver to be unduly lenient. The Juvenile Court was retained, but another judge was put in charge of it.

268. In number of divorces the United States, unhappily, leads the world. More divorces are granted each year in this country than in all other civilized countries put together. This is one of the things which gives us no occasion for boasting, because it points to a serious weakening in the stability and strength of the family as a social unit. Not only is the number of divorces very large, but it is rapidly increasing year by year. Fifty years ago the number per annum in the United States was only about twenty thousand; now it is over one hundred and twenty thousand. On the average there was one divorce for every thirty marriages in 1870; today the ratio is one in ten. At the present rate of increase it has been estimated that by 1950 no fewer than one-fourth of all marriages will be terminated by divorce, and if the same condition of affairs should continue until the end of the twentieth century, one-half of all the marriages would eventuate in that way. This would indeed be an ominous outlook were it not that conditions are likely, sooner or later, to undergo a change. When a social problem becomes very serious, as this one is now becoming, it is the habit of society to seek out and apply appropriate remedies.

269. Since its foundation in 1788 the national government has spent, in round figures, about sixty-

seven billion dollars. Of this entire sum fifty-eight billions have been spent for war, that is, for maintaining the army and navy, for carrying on the nation's various wars, for pensions, and for interest on war debts.

270. THEODORE ROOSEVELT, *Fear God and Take Your Own Part* (N. Y., 1915), Ch. I.

271. History is full of examples to support this statement. When Carthage proved unable to defend herself against Roman aggression, the victors left not one stone upon another. Look at Poland, ripped apart during the seventeenth and eighteenth centuries by her avaricious neighbors and now restored to nationhood by the armed forces of France, England, Italy, and America. And what of China today? Are her four hundred million people happier and more prosperous because they happen to be citizens of a defenceless country?

272. The War of Independence was won by a volunteer army. On the conclusion of peace this army was disbanded, but the absence of a defence force was deemed a serious danger. Accordingly, when the constitution was framed in 1787, it provided that the new Congress should have power "to raise and support armies." During Washington's first term a Department of War was established in the national government and a small regular army was created under the supervision of this department. The size of this army was not above five thousand men of all ranks, barely sufficient to keep the Indian tribes from giving trouble. But the Napoleonic wars in Europe led Congress to increase its size as a measure of precaution, and during the War of 1812 an endeavor was made to raise the regular army, by enlistment, to about 35,000 men. Recruits, however, did not come readily because the

war was unpopular in some parts of the country, and it therefore became necessary to call out the militia organizations of the several states. After 1816, when peace was made, the regular army was greatly reduced, and until 1860 it remained small with the exception of the years in which the United States was at war with Mexico. The Civil War necessitated a considerable expansion of the regular army, but the larger portion of the fighting force was obtained by calling out the state militia and by raising regiments of volunteers. When the war was over, Congress fixed the maximum strength of the regular army at 25,000, and there it remained until the outbreak of the war with Spain, when it was more than doubled. In 1916, during the World War, but before the United States entered the conflict, a further increase to a maximum of 175,000 was authorized. This figure subsequently rose to 225,000 but in 1921 it was cut down by Congress to 150,000, at which point it remains today, although a further reduction is now being considered.

273. Prior to 1916 the national guard could not be called upon for service outside the United States, but only for defence against invasion and for the suppression of internal disturbances. But in 1916 it was provided by the National Defence Act that whenever Congress authorizes the use of armed forces in addition to the regular army, the President may draft any or all members of the national guard into the service of the United States and may employ them outside American territory.

274. Theodore Roosevelt was serving as Assistant Secretary of the Navy when the war with Spain began in 1898. He offered to raise a volunteer cavalry regiment of cowboys from the cattle country and his offer was accepted by the government.

Resigning his position in the Navy Department he organized this regiment of Rough Riders and became its lieutenant-colonel. The Rough Riders went to Cuba, where they gave a good account of themselves.

275. The actual organization and disciplining of the army during peace, as well as its movements and operations in war, are under the immediate direction of the General Staff. This body consists of a Chief of Staff, who is appointed from among the high officers of the army, and numerous other army officers who are detailed for this service. The General Staff is so organized that in the event of war one section of it can take charge of operations in the field while the other keeps building up the army at home. General Pershing, who commanded the American Expeditionary Forces in the World War is now Chief of Staff, his principal assistant being Major-General Harbord, who commanded the First Army overseas.

276. For minor offences an enlisted man is tried by summary court-martial before a single officer. For more serious offences a special court-martial of from three to five officers is convened. If the offence is very serious, or if the accused person is a commissioned officer, the trial takes place before a general court-martial of from five to fifteen officers, who must be, wherever possible, at least of equal rank with the accused. The verdict, or finding, of the court-martial, together with its recommendations for punishment in case of conviction, is transmitted to the officer by whose order the court was convened. This officer has power to diminish but not to increase the punishment recommended by the court-martial.

277. There is still another phase of military jurisdiction which must be distinguished from both military law and martial law. This is called military government. It may be explained as follows: When

any territory is conquered and held by an invading army it must obviously be given some temporary form of government. The former government usually flees and something must be put in its place. Under such conditions the commander-in-chief of the occupying force sets up a temporary administration. In 1919, when a portion of the American Expeditionary Force advanced into German territory under the terms of the armistice, a military government with its headquarters at Coblenz was established for the area occupied by the American troops. A military government may even be set up in home territory during a civil war or insurrection. After the fall of the Confederacy military governments were maintained in the South until the state governments were reconstructed, hence we commonly speak of the "reconstruction" period. Military government is always a temporary arrangement, never intended to be permanent, although it may last for several years. It does not, like martial law, supplant the ordinary laws of the occupied territory, but merely means that the occupying army, through its commander-in-chief, takes over the administration.

278. The beginnings of the American Navy go back to the time of the Revolutionary War, when a few frigates were placed in service; but when the war was over these ships were sold and the navy abolished. In 1794, however, Congress authorized the building of six new frigates, and four years later a Department of the Navy was created, with a member of the Cabinet at its head. The number of vessels increased very slowly and when the War of 1812 began the United States had only sixteen war vessels, some of them too small to be of great usefulness. This small navy, nevertheless, gave a

good account of itself during the course of the war at sea. From 1815 to the outbreak of the Civil War little attention was paid to the upbuilding of American naval strength, but during the course of this struggle a great expansion took place. The invention of the iron-clad *Monitor* revolutionized naval construction. But when the South had been subdued the Navy was once more allowed to dwindle and it was not until after 1885 that the United States again made a serious attempt to build up a strong naval establishment. Since that date naval progress has been steady and today the United States navy ranks second in point of size among the sea forces of the world. By the terms of the agreement concluded among the chief naval powers of the world at Washington in 1922 it has been arranged that the United States, Great Britain, and Japan shall each destroy certain war vessels now built or in process of building, and that each shall refrain from building new capital ships (except for purposes of replacement), during the next ten years. At the end of this period the navies of the United States and Great Britain will be approximately equal in strength, while that of Japan will be about three-fifths as strong. See also p. 577.

279. For the action of the conference with reference to matters in the Far East, see p. 619.

280. Brigadier-General Mitchell of the United States Army Air Service, in his testimony before a committee of Congress in 1920, declared that a few planes could visit New York City and rain down enough phosgene gas to kill every inhabitant "unless we provide some means of repelling them."

281. See the quotations from various military authorities given in *The Next War*, by WILL IRWIN, pp. 46-66.

282. There is a tradition in England that if a person goes into Hyde Park, London (a large open space in the center of the city), he may gather a crowd around him and say anything he pleases, subject only to the chance that he may be roughly handled if his hearers do not like what he says. For this reason, Hyde Park is sometimes referred to as the "safety valve" of the English government. Anyone who has a grievance, real or imaginary, can go there and blow off steam. Having had his say, without let or hindrance, the speaker feels better about it. Somewhere in this country we ought to have a Hyde Park.

We must be careful not to judge the liberties of the citizen and the severity of a government by what may happen in war-time or in time of civil insurrection. War inflames popular passion and impels both the officers of government and the people to do unwise things, sometimes to violate the laws of the land in the name of patriotism. An excited nation, like an excited man, is entitled to some allowance. Nevertheless, it is the duty of all who understand the meaning of free government to stand firmly against the wrongful curtailment of personal rights at any time; for the true interests of free government are never promoted by resort to injustice or oppression.

283. This is a great and fundamental weakness of international law, that there is no executive authority to apply it and there are no courts to enforce its rules when nations disobey. During the World War the rules of international law were violated on many occasions, for example, in the use of poison gas, the bombing of hospitals, the sinking of hospital ships, the forcing of prisoners to labor

on military works, and the illegal detention of neutral ships. Yet in spite of these violations international law emerged from the war stronger than it was before. The nations which violated international law most shamelessly were the ones that lost the war, and their defeat was due in no small measure to the resentment which was aroused throughout the world by reason of these violations.

284. Illustrations are too fresh in everyone's mind to require any extended comment. In 1918 President Wilson took with him to the peace negotiations at Paris no member of the Senate. He did not keep in touch with the leaders of the majority party in this body. But in 1921 when President Harding appointed the four American delegates to the Washington Conference he named two of them from the Senate.

285. In addition to regular envoys, it is sometimes customary for a country to send an unofficial representative to conduct negotiations informally. During the years before the United States entered the war, Colonel Edward M. House, of Texas, was sent to Europe by President Wilson on at least two occasions in order that certain confidential discussions might be carried on without using the regular diplomatic channels. When unofficial representatives are sent in this way no public announcement is made.

286. Communications between diplomats and their own governments are not usually sent by mail if the matters dealt with are of great importance. They are sent by special couriers or messengers. When diplomatic

communications are sent by telegraph or cable they are transmitted in cipher, that is, in a secret code of words which no outsider can read. Nations occasionally get hold of one another's diplomatic codes and decipher communications which they are not supposed to read. For example, the German government in the spring of 1917, before the United States declared war, sent a wireless message to its official representative in Mexico, telling him in substance that if America entered the war, he was to stir up Mexico against the United States by promising that when the war was over Mexico would be rewarded with some American territory. This message was in secret code; but the American officials caught it from the air, deciphered it, and at the appropriate time put the German government in an embarrassing situation by publishing the message in plain English to the whole world.

287. When two countries go to war they at once withdraw their diplomatic representatives from one another's capitals. The embassy or legation and its archives are put under the care of some neutral ambassador until the war is over. During the years 1914-1917 the American ambassador in Berlin and the American minister in Brussels looked after the interests of Great Britain at these two capitals. The work of Mr. Brand Whitlock at Brussels was notable, and the services which he rendered to the Belgian people during the years of their country's captivity will long be remembered in that heroic little land.

288. In 1915, for example, the Austro-Hungarian ambassador to the United States,

Dr. Dumba, endeavored to stir up trouble among certain Hungarian immigrants who were working in American munition factories, making weapons and military supplies for sale to Great Britain and France. When the United States government discovered these intrigues, Dr. Dumba was dismissed from the country.

289. The making of secret treaties continued, in fact, after the war began. By secret treaties France and Great Britain promised that Italy should have certain territories which were held by Austria and that Russia should have Constantinople. When the war was over the new government at Vienna permitted the publication of a whole volume of secret treaties that had been made during the preceding fifty years. The Bolsheviks in Russia also published all the secret treaties of the Czar that they could find.

In the covenant of the League of Nations it is provided that every treaty between nations which become members of the League must be registered and published.

290. There are some cases in which the approval of the House of Representatives is also needed before a treaty can go into effect. In the treaty which provided for the purchase of Alaska in 1867 and in the treaty which closed the war with Spain in 1898, provision was made for the payment of money by the United States. Now no money can be appropriated from the treasury without action on the part of the House, and if the House had declined to appropriate the money, the conditions of these treaties could not have been fulfilled. In both cases, however, the

House did actually vote the necessary funds.

291. In 1870, for example, President Grant concluded with the government of San Domingo a treaty which provided for the annexation of that island to the United States. The Senate, after a hard fight, rejected the treaty altogether. Even more notable, of course, was the Senate's action in declining to ratify the treaty which President Wilson signed at Paris in 1919.

292. The English government proposed that the United States and Great Britain should issue the declaration jointly, but President Monroe and his secretary of state, John Quincy Adams, thought it better that the United States should make the declaration alone.

293. At the Peace Conference in 1919 the European countries were willing to concede what was virtually a recognition of the Monroe Doctrine, and the covenant of the League of Nations contains a provision that nothing in that document shall affect the validity of "regional understandings, like the Monroe Doctrine, for securing the maintenance of peace" (Article XXI).

294. HIRAM BINGHAM, *The Monroe Doctrine: An Obsolete Shibboleth* (New Haven, 1913).

295. No one knows exactly what it means today because its scope has been rather indefinitely extended at various times. No doubt it would be further extended if the occasion should arise. For example, the original doctrine was directed against European powers only. But if Japan should attempt to acquire territory in Central or South America, the Monroe Doctrine would

unquestionably be invoked as applicable to an Asiatic power as well.

296. Washington was well aware that the United States might have to take a hand in European quarrels if they should assume an extraordinary importance. Notice the exact wording of the passage in his Farewell Address. “It would be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her (Europe’s) politics, or the ordinary combinations and collisions of her friendships or enmities.” Washington was not in the habit of wasting words, and he did not twice insert the limitation “ordinary” without good reason. By the way, he did not use the phrase “entangling alliances”. That expression was first used by Jefferson in his inaugural address (March 4, 1801).

297. From 1815 to 1914 all the great wars were localized. The Crimean War (1854-1855), although five nations took part in it, was confined to the territories around the Black Sea; the War of 1859, in which the French and Italians on the one side fought the Austrians on the other, was settled in Northern Italy. The other important wars were, for the most part, individual duels between two nations or between two sections of a single nation.

298. The total amount loaned to European governments by the United States during the war was about ten billion dollars, of which nearly half was loaned to Great Britain.

299. The payments made by Germany to Great Britain, France, and Italy, as well as the payments made by these countries to the United States, must inevitably take the form of

payment in goods. There is not enough gold in Europe to make payment in gold. All this means that so long as the reparations and loans are being liquidated large imports of goods from Europe are likely to come into this country.

300. By the terms of a supplementary treaty, this does not include the main Japanese islands themselves.

301. It is said that the Thirty Years' War reduced the population in some sections of the warring states to one-half or one-third of what it had been when the struggle began. The losses of all the countries engaged in the World War have been estimated to be almost ten millions, more than the entire population of Canada from ocean to ocean. Millions more died from famine and under-nourishment at home. Is it not strange that nations should work for years with might and main to increase the size and prosperity of their populations, then turn around and undo a large part of what they have been able to accomplish? In peace nations labor to alleviate each others' distress; in war they labor to cause it. Patiently through the decades men of science wrestle with the problem of relieving pain and suffering; then, in an instant, all their skill is devoted to killing, maiming, and suffocating men by the million! There is no wisdom like the wisdom of man, and no folly like it either.

302. The covenant was made an integral part of the peace treaty, largely at President Wilson's insistence, for two reasons: First, because it was believed that this would be a surer way of obtaining the assent of all the

great nations to the provisions of the covenant; second, because many of the terms of the treaty (for example, those relating to boundaries and mandates) were framed on the assumption that a League of Nations would be in existence to carry them into effect. Taken together, the treaty and the covenant make the longest international document ever framed, a printed book of 87,000 words—about half the size of this text-book. Nearly a thousand diplomats, experts, and clerks spent more than three months in drafting it.

303. Invitations were not extended to Germany, Austria, Hungary, Bulgaria, Turkey, Russia, or Mexico. Austria, however, has since been admitted to membership.

304. When, for example, a typhus epidemic broke out in Poland, and the Polish authorities found themselves unable to control it, the League sent a commission of health experts to assist them.

305. This is because not only Great Britain herself but India, Canada, Australia, South Africa, and New Zealand are members of the League. It was assumed that the six British votes in the Assembly would always be cast together; but, as a matter of fact, the various British dominions insisted upon having separate votes in order that they might vote according to their own particular interests. In most international matters the interests of Canada, Australia, and South Africa are not at all certain to coincide with those of England.

306. Since the treaty and the covenant were joined together, the objections to one applied to the other. Concerning Shantung, see also p.

620.

307. The term “soviet” means council or meeting. The constitution of the Russian Socialist Federated Soviet Republic may be found in FRANK COMERFORD, *The New World*, pp. 281-305.

308. Nikalai Lenin is now the head of this Council; Leon Trotzky is Minister of War in it. Each member of the Council is head of a department.

309. The breakdown was due in part, no doubt, to the disorganization wrought by the war and the internal revolts which broke out in Russia after the war. To make matters worse there were crop failures, with resulting famines, in some of Russia’s best grain-producing regions.

310. It is quite true that some men and women work because they like to work and dislike to be idle, or because they feel that what they do is of value to the community, or for some other reason not directly connected with their pay. They form, however, a very small fraction of the total body of wage-earners.

311. Voters.

312. Annulled by the Thirteenth and Fourteenth Amendments.

313. Superseded by the Seventeenth Amendment.

314. See Seventeenth Amendment.

315. See Sixteenth Amendment.

316. Superseded by the Twelfth Amendment.

317. Modified by the Eleventh Amendment.

318. Compare Fourteenth Amendment.

319. The first ten Amendments, known as

the Bill of Rights, were adopted in 1791.

320. See Amendment XIV, Sec. 1, which extends part of this restriction to the States.

321. Adopted in 1798 to protect the sovereignty of the States.

322. Adopted in 1804, superseding Article II, Sec. 1.

323. Adopted in 1865.

324. Adopted in 1868.

325. Adopted in 1870.

326. Adopted in 1913.

327. Adopted in 1913.

328. Adopted in 1919.

329. Adopted in 1920.

Transcriber's Note

The index entry regarding the duties of the Vice President refers to a note on p. 270, but no such note exists.

The index entry regarding compulsory arbitration in New Zealand refers to a note on p. 419. The note appears on p. 409.

Other errors deemed most likely to be the printer's have been corrected, and are noted here. The references are to the page and line in the original. Where the error is in a footnote, the original note is included and the line within it.

71.32	protect a[rg/ gr]iculture	Transposed.

80.2	It wa[s] a long and grim struggle	Restored.
82.34	In the case of the Porto Ricans[,] citizenship	Added.
105.10	They are practical[in] their nature.	Added.
179.33	and[and] the county-manager plans.	Removed.
193.7	that i[s/t] encourages	Replaced.
250.26	[I/i]t could act only	Replaced.
316.13	many states[.]	Added.
329.8	restocking of lakes with fish)[.]	Added.
353.33	*The Non-Partisan League*, pp.269-283[;/.]	Replaced.
379.33	and future development[.]	Added.

418.10	a certain p[re/er]centage of the total	Transposed.
465.12	to the present taxpayers[.]	Added.
468.n2.2	life of a public i[n/m]provement	Replaced.
470.10	*Public Finance,* [pp.]261-280.	Added.
471.11	p. 457.[)]	Added.
618.6	mastery of the Pacific[.]	Added.
673.29	I do solem[n]ly swear	Inserted.
683.6	a Senator or Represen[t]ative	Inserted.

*** END OF THE PROJECT GUTENBERG EBOOK SOCIAL CIVICS ***

Updated editions will replace the previous one—the old editions will be renamed.

Creating the works from print editions not protected by U.S. copyright law means that no one owns a United States copyright in these works, so the Foundation (and you!) can copy and distribute it in the United States without permission and without paying copyright royalties. Special rules, set forth in the General Terms of Use part of this license, apply to copying and distributing Project Gutenberg™ electronic works to protect the PROJECT GUTENBERG™ concept and trademark. Project Gutenberg is a registered trademark, and may not be used if you charge for an eBook, except by following the terms of the trademark license, including paying royalties for use of the Project Gutenberg trademark. If you do not charge anything for copies of this eBook, complying with the trademark license is very easy. You may use this eBook for nearly any purpose such as creation of derivative works, reports, performances and research. Project Gutenberg eBooks may be modified and printed and given away—you may do practically ANYTHING in the United States with eBooks not protected by U.S. copyright law. Redistribution is subject to the trademark license, especially commercial redistribution.

START: FULL LICENSE

THE FULL PROJECT GUTENBERG™ LICENSE

PLEASE READ THIS BEFORE YOU DISTRIBUTE OR USE THIS WORK

To protect the Project Gutenberg™ mission of promoting the free distribution of electronic works, by using or distributing this work (or any other work associated in any way with the phrase “Project Gutenberg”), you agree to comply with all the terms of the Full Project Gutenberg License available with this file or online at www.gutenberg.org/license.

Section 1. General Terms of Use and Redistributing Project Gutenberg electronic works

1.A. By reading or using any part of this Project Gutenberg electronic work, you indicate that you have read, understand, agree to and accept all the terms of this license and intellectual property (trademark/copyright) agreement. If you do not agree to abide by all the terms of this agreement, you must cease using and return or destroy all copies of Project Gutenberg electronic works in your possession. If you paid a fee for obtaining a copy of or access to a Project Gutenberg electronic work and you do not agree to be bound by the terms of this agreement, you may obtain a refund from the person or entity to whom you paid the fee as set forth in paragraph 1.E.8.

1.B. “Project Gutenberg” is a registered trademark. It may only be used on or associated in any way with an electronic work by people who agree to be bound by the terms of this agreement. There are a few things that you can do with most Project Gutenberg electronic works even without complying with the full terms of this agreement. See paragraph 1.C below. There are a lot of things you can do with Project Gutenberg electronic works if you follow the terms of this agreement and help preserve free future access to Project Gutenberg electronic works. See paragraph 1.E below.

1.C. The Project Gutenberg Literary Archive Foundation (“the Foundation” or PGLAF), owns a compilation copyright in the collection of Project Gutenberg electronic works. Nearly all the individual works in the collection are in the public domain in the United States. If an individual work is unprotected by copyright law in the United States and you are located in the United States, we do not claim a right to prevent you from copying, distributing, performing, displaying or creating derivative works based on the work as long as all references to Project Gutenberg are removed. Of course, we hope that you will support the Project Gutenberg mission of promoting free access to electronic works by freely sharing Project Gutenberg works in compliance with the terms of this agreement for keeping the Project Gutenberg name associated with the work. You can easily comply with the terms of this agreement by keeping this work in the same format with its attached full Project Gutenberg License when you share it without

charge with others.

1.D. The copyright laws of the place where you are located also govern what you can do with this work. Copyright laws in most countries are in a constant state of change. If you are outside the United States, check the laws of your country in addition to the terms of this agreement before downloading, copying, displaying, performing, distributing or creating derivative works based on this work or any other Project Gutenberg work. The Foundation makes no representations concerning the copyright status of any work in any country other than the United States.

1.E. Unless you have removed all references to Project Gutenberg:

1.E.1. The following sentence, with active links to, or other immediate access to, the full Project Gutenberg License must appear prominently whenever any copy of a Project Gutenberg work (any work on which the phrase “Project Gutenberg” appears, or with which the phrase “Project Gutenberg” is associated) is accessed, displayed, performed, viewed, copied or distributed:

> This eBook is for the use of anyone anywhere in the United States and most other parts of the world at no cost and with almost no restrictions whatsoever. You may copy it, give it away or re-use it under the terms of the Project

Gutenberg™ License included with this eBook or online at www.gutenberg.org. If you are not located in the United States, you will have to check the laws of the country where you are located before using this eBook.

1.E.2. If an individual Project Gutenberg electronic work is derived from texts not protected by U.S. copyright law (does not contain a notice indicating that it is posted with permission of the copyright holder), the work can be copied and distributed to anyone in the United States without paying any fees or charges. If you are redistributing or providing access to a work with the phrase “Project Gutenberg” associated with or appearing on the work, you must comply either with the requirements of paragraphs 1.E.1 through 1.E.7 or obtain permission for the use of the work and the Project Gutenberg trademark as set forth in paragraphs 1.E.8 or 1.E.9.

1.E.3. If an individual Project Gutenberg electronic work is posted with the permission of the copyright holder, your use and distribution must comply with both paragraphs 1.E.1 through 1.E.7 and any additional terms imposed by the copyright holder. Additional terms will be linked to the Project Gutenberg License for all works posted with the permission of the copyright holder found at the beginning of this work.

1.E.4. Do not unlink or detach or remove the full Project Gutenberg License terms from this work,

or any files containing a part of this work or any other work associated with Project Gutenberg.

1.E.5. Do not copy, display, perform, distribute or redistribute this electronic work, or any part of this electronic work, without prominently displaying the sentence set forth in paragraph 1.E.1 with active links or immediate access to the full terms of the Project Gutenberg License.

1.E.6. You may convert to and distribute this work in any binary, compressed, marked up, nonproprietary or proprietary form, including any word processing or hypertext form. However, if you provide access to or distribute copies of a Project Gutenberg work in a format other than “Plain Vanilla ASCII” or other format used in the official version posted on the official Project Gutenberg website (www.gutenberg.org), you must, at no additional cost, fee or expense to the user, provide a copy, a means of exporting a copy, or a means of obtaining a copy upon request, of the work in its original “Plain Vanilla ASCII” or other form. Any alternate format must include the full Project Gutenberg License as specified in paragraph 1.E.1.

1.E.7. Do not charge a fee for access to, viewing, displaying, performing, copying or distributing any Project Gutenberg works unless you comply with paragraph 1.E.8 or 1.E.9.

1.E.8. You may charge a reasonable fee for copies of or providing access to or distributing Project Gutenberg electronic works provided that:

- You pay a royalty fee of 20% of the gross profits you derive from the use of Project Gutenberg works calculated using the method you already use to calculate your applicable taxes. The fee is owed to the owner of the Project Gutenberg trademark, but he has agreed to donate royalties under this paragraph to the Project Gutenberg Literary Archive Foundation. Royalty payments must be paid within 60 days following each date on which you prepare (or are legally required to prepare) your periodic tax returns. Royalty payments should be clearly marked as such and sent to the Project Gutenberg Literary Archive Foundation at the address specified in Section 4, “Information about donations to the Project Gutenberg Literary Archive Foundation.”

- You provide a full refund of any money paid by a user who notifies you in writing (or by e-mail) within 30 days of receipt that s/he does not agree to the terms of the full Project Gutenberg™ License. You must require such a user to return or destroy all copies of the works possessed in a physical medium and discontinue all use of and all access to other copies of Project Gutenberg™ works.

- You provide, in accordance with paragraph 1.F.3, a full refund of any money paid for a work or a replacement copy, if a defect in the electronic work is discovered and reported to you within 90 days of receipt of the work.

- You comply with all other terms of this agreement for free distribution of Project

Gutenberg™ works.

1.E.9. If you wish to charge a fee or distribute a Project Gutenberg™ electronic work or group of works on different terms than are set forth in this agreement, you must obtain permission in writing from the Project Gutenberg Literary Archive Foundation, the manager of the Project Gutenberg™ trademark. Contact the Foundation as set forth in Section 3 below.

1.F.

1.F.1. Project Gutenberg volunteers and employees expend considerable effort to identify, do copyright research on, transcribe and proofread works not protected by U.S. copyright law in creating the Project Gutenberg™ collection. Despite these efforts, Project Gutenberg™ electronic works, and the medium on which they may be stored, may contain “Defects,” such as, but not limited to, incomplete, inaccurate or corrupt data, transcription errors, a copyright or other intellectual property infringement, a defective or damaged disk or other medium, a computer virus, or computer codes that damage or cannot be read by your equipment.

1.F.2. LIMITED WARRANTY, DISCLAIMER OF DAMAGES - Except for the “Right of Replacement or Refund” described in paragraph 1.F.3, the Project Gutenberg Literary Archive Foundation, the owner of the Project Gutenberg™ trademark, and any other party distributing a Project Gutenberg™ electronic work under this agreement, disclaim all liability

to you for damages, costs and expenses, including legal fees. YOU AGREE THAT YOU HAVE NO REMEDIES FOR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTY OR BREACH OF CONTRACT EXCEPT THOSE PROVIDED IN PARAGRAPH 1.F.3. YOU AGREE THAT THE FOUNDATION, THE TRADEMARK OWNER, AND ANY DISTRIBUTOR UNDER THIS AGREEMENT WILL NOT BE LIABLE TO YOU FOR ACTUAL, DIRECT, INDIRECT, CONSEQUENTIAL, PUNITIVE OR INCIDENTAL DAMAGES EVEN IF YOU GIVE NOTICE OF THE POSSIBILITY OF SUCH DAMAGE.

1.F.3. LIMITED RIGHT OF REPLACEMENT OR REFUND - If you discover a defect in this electronic work within 90 days of receiving it, you can receive a refund of the money (if any) you paid for it by sending a written explanation to the person you received the work from. If you received the work on a physical medium, you must return the medium with your written explanation. The person or entity that provided you with the defective work may elect to provide a replacement copy in lieu of a refund. If you received the work electronically, the person or entity providing it to you may choose to give you a second opportunity to receive the work electronically in lieu of a refund. If the second copy is also defective, you may demand a refund in writing without further opportunities to fix the problem.

1.F.4. Except for the limited right of replacement or refund set forth in paragraph 1.F.3, this work is provided to you ‘AS-IS’, WITH NO OTHER WARRANTIES OF ANY KIND, EXPRESS OR

IMPLIED, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR ANY PURPOSE.

1.F.5. Some states do not allow disclaimers of certain implied warranties or the exclusion or limitation of certain types of damages. If any disclaimer or limitation set forth in this agreement violates the law of the state applicable to this agreement, the agreement shall be interpreted to make the maximum disclaimer or limitation permitted by the applicable state law. The invalidity or unenforceability of any provision of this agreement shall not void the remaining provisions.

1.F.6. INDEMNITY - You agree to indemnify and hold the Foundation, the trademark owner, any agent or employee of the Foundation, anyone providing copies of Project Gutenberg™ electronic works in accordance with this agreement, and any volunteers associated with the production, promotion and distribution of Project Gutenberg™ electronic works, harmless from all liability, costs and expenses, including legal fees, that arise directly or indirectly from any of the following which you do or cause to occur: (a) distribution of this or any Project Gutenberg work, (b) alteration, modification, or additions or deletions to any Project Gutenberg work, and (c) any Defect you cause.

Section 2. Information about the Mission of Project Gutenberg

Project Gutenberg is synonymous with the free

distribution of electronic works in formats readable by the widest variety of computers including obsolete, old, middle-aged and new computers. It exists because of the efforts of hundreds of volunteers and donations from people in all walks of life.

Volunteers and financial support to provide volunteers with the assistance they need are critical to reaching Project Gutenberg's goals and ensuring that the Project Gutenberg collection will remain freely available for generations to come. In 2001, the Project Gutenberg Literary Archive Foundation was created to provide a secure and permanent future for Project Gutenberg and future generations. To learn more about the Project Gutenberg Literary Archive Foundation and how your efforts and donations can help, see Sections 3 and 4 and the Foundation information page at www.gutenberg.org.

Section 3. Information about the Project Gutenberg Literary Archive Foundation

The Project Gutenberg Literary Archive Foundation is a non-profit 501(c)(3) educational corporation organized under the laws of the state of Mississippi and granted tax exempt status by the Internal Revenue Service. The Foundation's EIN or federal tax identification number is 64-6221541. Contributions to the Project Gutenberg Literary Archive Foundation are tax deductible to the full extent permitted by U.S. federal laws and your state's laws.

The Foundation's business office is located at 41

Watchung Plaza #516, Montclair NJ 07042, USA, +1 (862) 621-9288. Email contact links and up to date contact information can be found at the Foundation's website and official page at www.gutenberg.org/contact

Section 4. Information about Donations to the Project Gutenberg Literary Archive Foundation

Project Gutenberg™ depends upon and cannot survive without widespread public support and donations to carry out its mission of increasing the number of public domain and licensed works that can be freely distributed in machine-readable form accessible by the widest array of equipment including outdated equipment. Many small donations ($1 to $5,000) are particularly important to maintaining tax exempt status with the IRS.

The Foundation is committed to complying with the laws regulating charities and charitable donations in all 50 states of the United States. Compliance requirements are not uniform and it takes a considerable effort, much paperwork and many fees to meet and keep up with these requirements. We do not solicit donations in locations where we have not received written confirmation of compliance. To SEND DONATIONS or determine the status of compliance for any particular state visit www.gutenberg.org/donate.

While we cannot and do not solicit contributions from states where we have not met the

solicitation requirements, we know of no prohibition against accepting unsolicited donations from donors in such states who approach us with offers to donate.

International donations are gratefully accepted, but we cannot make any statements concerning tax treatment of donations received from outside the United States. U.S. laws alone swamp our small staff.

Please check the Project Gutenberg web pages for current donation methods and addresses. Donations are accepted in a number of other ways including checks, online payments and credit card donations. To donate, please visit: www.gutenberg.org/donate.

Section 5. General Information About Project Gutenberg electronic works

Professor Michael S. Hart was the originator of the Project Gutenberg concept of a library of electronic works that could be freely shared with anyone. For forty years, he produced and distributed Project Gutenberg eBooks with only a loose network of volunteer support.

Project Gutenberg eBooks are often created from several printed editions, all of which are confirmed as not protected by copyright in the U.S. unless a copyright notice is included. Thus, we do not necessarily keep eBooks in compliance with any particular paper edition.

Most people start at our website which has the main PG search facility: www.gutenberg.org.

This website includes information about Project Gutenberg, including how to make donations to the Project Gutenberg Literary Archive Foundation, how to help produce our new eBooks, and how to subscribe to our email newsletter to hear about new eBooks.