

THE CONSTITUTION OF THE UNITED STATES

A STUDY OF THE FUNDAMENTAL IDEALS,
PRINCIPLES, AND INSTITUTIONS OF
THE AMERICAN GOVERNMENT

BY

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THE AMERICAN'S CREED

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I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic; a sovereign nation of many sovereign states; a perfect union, one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.

I therefore believe it is my duty to my country to love it; to support its constitution; to obey its laws; to respect its flag; and to defend it against all enemies.

The American's Creed, written in 1918 by William Tyler Page, Clerk of the House of Representatives, was selected from among the thousands which were submitted as the best brief statement of American political beliefs and principles. Mr. Page was awarded the \$1000 prize offered by the city of Baltimore, and his statement was publicly accepted by the Speaker of the House of Representatives as the National Creed

PREFACE

This book is intended primarily for use as a textbook in high schools, academies, and normal schools. It may be used to good advantage in connection with courses in American history and civics, or in general courses devoted to the social sciences.

It was written in the belief that a knowledge of the fundamental nature of the American constitutional system is essential to intelligent citizenship and should form part of the education of every American. It aims to reduce to a minimum the details of governmental organization and to place chief emphasis on the historical background of the American Constitution, on the ideals underlying American institutions, and on the practical problems of American government in its actual operation. The author is in sympathy with the recent movements in education which have substituted a treatment of the spirit and functions of government for a study of its mere form.

Recently several states have passed legislation requiring the teaching of the American Constitution in the schools. In the preparation of this book this requirement was kept especially in mind. Students who have read this text carefully and can answer the review questions found at the end of the book should be able to pass any ordinary examination on the

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Constitution of the United States and the fundamental principles of our government.

In the preparation of this book valuable assistance has been received from Mr. Will C. Wood, Superintendent of Public Instruction of the State of California, and from Mr. W. J. Cooper, Superintendent of Schools, Fresno, California.

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THE CONSTITUTION OF THE UNITED STATES

CHAPTER I

THE NATURE OF THE CONSTITUTION

1. Age of the United States Constitution. We usually think of the United States as a new nation, as compared with the old countries of Europe and Asia. Nevertheless, the constitutions of the thirteen original states, created between 1776 and 1780, and the Constitution of the United States of 1789 were the first written constitutions to be put into operation by any modern people. The United States was the first country to put into successful operation a federal form of government. The United States Constitution is the oldest federal constitution in existence. It was so wisely planned that it has served as the basis for our government without essential change for almost a century and a half. Only once in our history, at the time of the Civil War, was it seriously endangered. During the lifetime of the United States most of the other great nations of the world have passed through revolutions that have completely changed their systems of government. So successful has the American Constitution proved that many of its principles have been adopted by other countries in Europe, Asia, and Latin America.

2. Essentials of the United States Constitution. The purpose of a constitution is to put into written form the fundamental framework of the political system of a nation. It outlines the main organs of government, the method by which officials are chosen, and the duties which they perform. In the United States it also apporitions the respective powers of the national government and of the governments of the separate commonwealths. In addition the American Constitution contains a Bill of Rights, intended to safeguard the civil liberties of the people. Finally, it provides a method of amendment in accordance with which the Constitution may be legally revised, when changing conditions require such action. A good constitution should be definite, comprehensive, and brief. The Constitution of the United States fulfills these requirements. The successful operation of the American Constitution is largely due to the fact that it outlines only the fundamental principles of the government, leaving to the legislation of Congress details that need frequent revision.

3. Actual working of the United States Constitution. The study of the written Constitution of the United States is not sufficient to give a satisfactory idea of the actual working of the governmental system. The Constitution is merely the skeleton of our political organization. The muscles and sinews that move it, and the organs that control it and make it live, are to be found in large measure in political customs and practices that form what is often called the unwritten Constitution. The important part played by political parties illustrates this point. Moreover, the Constitution, while

but slightly changed by amendment, has been considerably expanded through interpretation by the Supreme Court. A large part of our actual Constitution is found in Supreme Court decisions. Many organs of government not provided for in the Constitution have been added by law. The numerous boards and commissions of our present system are examples. While a knowledge of the Constitution forms the background for the study of American government, this knowledge must be supplemented by a study of the system as it works in actual practice.

4. Value of the study of the United States Constitution. A knowledge of the system of government under which one lives, of how it came into existence, of the changes through which it has passed, and of how it actually works is one of the vital qualifications of a good citizen. Much of the criticism of the American system by radicals is based upon ignorance. In a democracy, in which nearly all adult persons have the right to take part in government, a knowledge of the fundamental principles of the system under which they live is essential. Such knowledge will show that the government is not merely an agency to levy taxes and to prevent crime, but that it is also engaged in performing many services for public welfare. The public-school teacher, the mail carrier, and the street cleaner are as much a part of the government as the policeman. A century ago, when life was simple and our population was small, the average man could form sound judgments on most problems of government by the application of ordinary intelligence and common sense. At

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present our civilization is complex, our problems are difficult, and the government has enormously expanded its activities. The United States has become a world power and therefore is called on to face difficult questions of international relations. Under these conditions a higher degree of intelligence is necessary for good citizenship, and a large amount of specialized knowledge is essential to able leadership. For such knowledge the study of the basic principles of the American governmental system is the foundation.

ADDITIONAL READINGS

- BORGEAUD, C. Adoption and Amendment of Constitution, chaps. i, vi.
BRYCE, J. The American Commonwealth, vol. i, chaps. xxxi-xxxv.
GARNER, J. W. Introduction to Political Science, chap. xii.
GETTELL, R. G. Introduction to Political Science, chap. xv.
KIMBALL, E. National Government of the United States, chap. i.
LOWELL, A. L. The Government of England, vol. i, chap. i.
SCHOULER, J. Ideals of the Republic, chap. vi.
STIMSON, F. J. The American Constitution, chap. i.
WILSON, W. Constitutional Government in the United States, chap. i.

QUESTIONS FOR CLASS DISCUSSION

1. What are the fundamental requisites of a good constitution?
2. Why has the Constitution of the United States stood the test of time better than many others?
3. What do we mean by the "unwritten Constitution"?
4. What conditions make a study of the Constitution of the United States especially important at the present time?

TOPICS FOR FURTHER STUDY

1. Compare the Constitution of the United States with the constitutions of other countries (see W. F. Dodd, *Modern Constitutions*, or H. L. McBain and L. Rogers, *The New Constitutions of Europe*).

2. Compare the constitutions of the forty-eight American states (see J. Q. Dealey, *Growth of American State Constitutions*, or C. Kettleborough, *The State Constitutions*).

CHAPTER II

EUROPEAN BACKGROUND OF THE CONSTITUTION

5. Importance of the European background. America was discovered as a result of economic and political conditions in Europe. It was explored in the interest of the European states. Missionaries labored to convert the natives to a belief in the religious doctrines of Europe. For three centuries Latin America remained a part of the European system. The thirteen original states that formed our own country were colonized from Europe; they existed for over a century and a half as part of a European empire; they drew their political ideas and institutions to a large extent from European models. Conditions in America modified these ideas, and immigration and westward expansion gave them a new direction; nevertheless, the beginnings of American history are to be found in European conditions. The influence of Europe, while growing less as time went on, has remained important throughout the whole development of the American nation. Therefore any study of the government of the United States should be preceded by a brief survey of the conditions in Europe that had an influence on the discovery and colonization of America and on the institutions there established.

6. English basis of American institutions. Although colonists from France, Holland, Sweden, and other

European countries came to America, the bulk of the settlers were Englishmen. The ideas upon which the American system of government was based were derived almost entirely from England. A study of conditions in that country is therefore especially important. Later, of course, the United States received immigrants from other lands, and the present population is descended from many racial stocks and comes from many countries. During the World War relatives of many Americans fought on opposing sides in the European armies. In this country descendants of hostile peoples lived together peaceably and, when we declared war, even fought side by side in the same company. To the civilization which has been built up here all nationalities have contributed.

7. European background of the discovery of America. America was discovered accidentally as a result of the effort of the commercial states of Europe to find a new route to the Orient, from which they derived valuable products. The coming of the Turks into the Mediterranean, and their capture of Constantinople, disturbed the established course of Asiatic trade and turned men's minds toward other sea routes to Asia. During the medieval period the Italian cities, especially Venice and Genoa, controlled the trade of Europe. With the closing of the old trade routes the importance of the Italian cities diminished, and Italian navigators in large numbers entered the service of the states on the Atlantic seaboard and by their discoveries laid the foundations for the colonial empires of the new European kingdoms.

8. Struggle of the European states for supremacy in America. During the sixteenth century the New World was monopolized by Spain and Portugal, whose explorers sought for precious metals. These adventurers exploited the natives, although their missionaries also labored earnestly to convert them. After the decline of Spain in the seventeenth century France, England, and Holland struggled for supremacy in the New World. While Spain and Portugal retained control of Central and South America, England and France secured control of the greater part of the northern continent.

9. The chartered companies. While Spain and Portugal carried on commerce with the New World as a government monopoly, France, England, and Holland chartered commercial companies, giving them land grants, commercial monopolies, and governing powers. These companies were dependent on the home governments for privileges and for constant protection and aid. In return they were expected to develop a profitable trade, to establish colonies, to increase shipping and provide material for the navy, to humiliate commercial rivals, and to preserve a favorable balance of trade. During the seventeenth century more than fifty such companies were chartered. The charters of the English companies gave them the right to make necessary laws for the government of any colony that might be established on their land grants, and to rule all the inhabitants of such a colony. These companies were the instruments by which many colonies were founded and by which a strong impress was given to the later

institutions of the colony. By bringing their charters to America the English colonists secured a basis for self-government and gave a stimulus to the idea of a fundamental written document upon which their system of government should be based.

10. English background of American colonization.

English colonists came to America in the largest numbers. This immigration resulted not only from the efforts of the commercial companies to increase the value of their grants in America, but also from disturbed conditions in England. The contest in England between king and Parliament, and between the Established Church and the Puritans, resulted in a civil war; during this period first one party to the conflict and then the other, when oppressed in England, migrated to America. In general the Puritan group settled in New England; the supporters of the king and of the Anglican Church, in the Southern colonies. Besides, Quakers settled in Pennsylvania and Catholics in Maryland. The Reformation awakened men's minds and brought about wars that led to emigration. This colonization of America by the English cannot be understood apart from the political and religious controversies which flamed in England during the seventeenth century. The doctrines worked out by English thinkers, especially Locke, Milton, and Harrington, in their efforts to replace the absolute rule "by divine right" of the Stuart kings with representative and republican government, were found useful in America in justifying the American Revolution and in serving as a basis for the new American government. The fundamental notion of the

right of representation was established in English practice. Likewise, from the English township and parish came the organization of local government within the colonies.

11. Contest of France and England in North America.

In contrast to the Spanish and French colonists the English in America drove out the Indians, made permanent agricultural settlements, received little aid from the home country, and became more self-supporting and independent. The contest for North America was finally fought out between the French, who held the valleys of the St. Lawrence and Mississippi, and the English, who held the Atlantic seaboard. It was part of a larger contest between these two rival nations for preëminence in Europe, control of the sea, and supremacy in India. Great wars on the continent of Europe found an echo in America in colonial wars between the French in Canada and the English colonists along the Atlantic. As a result of these colonial wars the French were driven out of America, while the English colonists secured valuable military experience, became more self-reliant, and began to develop a spirit of unity.

12. Commercial policy of Europe. During the seventeenth and early eighteenth centuries the dominant economic theory in Europe taught that colonies should exist for the benefit of the mother country, should trade with it alone, and should produce raw materials and buy finished goods from the mother country. It was generally believed that precious metals were the most desirable form of wealth, and that a favorable balance of trade, secured by an excess of exports over imports,