

# AMERICAN CITIZENSHIP



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# AMERICAN CITIZENSHIP

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AND

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## PREFACE

IN view of the large number of textbooks on civics already available, some very decided reasons should be forthcoming from those who venture to add another one to the long list. Our first plea in justification of this volume is our belief that the books on government now offered to the schools have certain fundamental defects.

An examination of the extensive collection of texts in the Library of Congress, which embraces all of the most recent books on civics, shows that they fall into two groups: those which are formal and legal, and those which are "sociological," in character. The authors of the first group err, in our opinion, in treating government as a multitude of rules already well settled which, when committed to memory, are calculated to make good and wise citizens. The authors of the second group, it seems to us, in their revolt against the mechanistic theory of government, err just as much in minimizing those concrete political and administrative processes by which social work of a public character is accomplished and in emphasizing in civics private activities which are remote from official operations. For example, the principle of the separation of governmental powers, so scorned by the sociological school, is in fact more important, as we try to show, than half of the beneficent enterprises undertaken in the name of modern collectivism.

And both groups of books are equally in error in so far as they seem to regard civic life as static or settled rather than dynamic and progressive. By treating government in all its manifestations as a machine rather than a process, and by treating

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social institutions as accomplished facts rather than as phases of social evolution, we must obviously put the pupils in the position of automatons moving in a world already finished — whereas we should regard them as creative factors in social life.

We are also unable to agree with those who view civics as a mere community study. In our opinion this is liable to be both superficial and anti-social, in so far as it stresses street-cleaning, gas plants, and local charitable institutions to the almost total exclusion of the fundamental outside influences which condition the life of the community. Just as the mother cannot act intelligently in the home unless she knows about the play of outside forces on the home, so the citizen cannot act intelligently in the community unless he views it in its proper relation to the state and nation. Perhaps the garbage cart is the only community institution which is purely local in character. All other essential matters — water, milk, food, clothing, shelter, education, income, and freedom — cannot be determined by community action; they are of state and national concern. The simpler community matters might very well be taken up in the eighth grade in place of some of the history now given there.

Another serious objection to the books on civics now available is that they are written almost wholly from a masculine point of view and appeal only to boys, destined to be voters. As a matter of fact, the vast majority of pupils in the high schools are girls, and if civics concerns only potential voters the subject should be confined to boys except in those states where women are enfranchised. But, in truth, civics concerns the whole community, and women constitute half of that community. They are mothers whom society holds largely responsible for the health and conduct of citizens; they are engaged in industries and professions of all kinds; they are taxpayers; they are subject to the laws; they suffer from the neglect of government as much as do the men; and they are just as deeply interested in government — whether they vote or not. Any work on civics which ignores the changed and special position of modern women in the family, in industry, before the law, and in the

intellectual life of the community is, therefore, less than half a book.

Although we believe that the spirit of a book and the method of approach are more important than any technicalities in arrangement, we have not adopted the general plan which follows without considering those problems of proportion, induction, and progressive development which have thus far drawn a great deal of attention from teachers of civics. There is, for instance, the vexed question whether the immature student should begin with local or national government. We have not been oblivious to the long and eloquent arguments which teachers have made over this issue; but it has seemed to us that both sides are so equally balanced that a discriminating person may decide either way.

The chief point usually made in favor of approaching through local government is that it is more concrete and simpler. We have come to the conclusion, on carefully weighing the matter, that this argument is largely illusory; that the concreteness and simplicity are more imaginary than real. The federal post office is as concrete as the town hall and the ways of Congress are not more mysterious than the devious methods of the town caucus which constitutes the "invisible" local government. The tariff sheets of charges posted at the local railway station under orders of the Interstate Commerce Commission may not be as concrete as the living, breathing poundkeeper or road supervisor of the village; but any civics which treats them as any less *real* is worse than wrong—it is pernicious. Then take the family with which the apostles of simplicity would fain begin. Is there in all the world anything more complex than the really important truths about this ancient institution?

No method of approach to government can in fact be simple. Our first word, as Pollock and Maitland say at the beginning of their *History of English Law*, must cut a seamless web too large for any human eye, and all we can do is to watch the whence and whither of the few threads which fall under our eyes. In very truth, it would seem that all subjects save mathematics and

languages are beyond the grasp of the immature pupil, and even the mathematicians and philologists have their warnings for us. But in a democracy it is essential that the citizens should have as clear an outlook as possible upon government and its problems and, though the complexity of all approaches to civics would bid us halt, the need of things must overcome our scruples. We have simply chosen to start with the individual and his position in industry and his rights under the law. A score of other ways might have been chosen with equal justification, perhaps, but a beginning had to be made somewhere.

We have given little consideration to the problem whether ours is the best government in the world, not because we are wanting in proper patriotic sentiments, but because the answer to that question is of little moment as compared with that greater question: is ours the best government which it is possible for the American people to establish and maintain?

We have tried throughout this book to emphasize the great principles of government rather than to give a description of the intricate details of political organization and social work which will be obsolete in all probability before high school students have reached the voting age.

At the close of each chapter we have placed some simple questions based on the text, and we have given a few leading topics with references to one or more standard works, a complete list of which appears in the appendix.<sup>1</sup> In the appendix also will be found an extended list of questions which require more or less research on the part of the students, and the teacher will make use of them or not, according to the amount of time which may be devoted to the course.

In our opinion, civics should be taught in the first year of the

<sup>1</sup> Unfortunately, most of the live material on practical civics is in the periodical literature; but knowing full well the difficulties which confront the teacher of large classes who attempts to make use of scattered articles, we have confined our bibliographical references to a few books which are readily available. We have appended a copy of the federal Constitution with amendments, and we have constantly cited it in the text. It is important that the student should acquire the habit of examining its language carefully on every point covered by it.

high school for two fundamental reasons. The first is that a large number of pupils drop out after the first year, and if the purpose of instruction in civics is good citizenship, the subject should be placed in the course of study at the point where the most students will be reached. The second reason is that a study of the concrete political and social life of our age and country ought to precede, not follow, the more abstract study of past ages and of countries which we have never seen.

This volume, therefore, does not fit into the accepted scheme in which civics is disposed of by a few general and cursory reflections made during the closing weeks of the American history course at the end of the fourth year. It is an invitation to teachers to introduce the subject during the first term of the first year of the high school, and by the use of the additional topical references they can make the course as advanced as the circumstances warrant.

C. A. B.  
M. R. B.

NEW YORK,  
January, 1914.





# TABLE OF CONTENTS

## PART I

### HUMAN NEEDS AND THE GOVERNMENT

CHAPTER	PAGE
I. THE NATURE OF MODERN GOVERNMENT . . . . .	3
II. FOOD, CLOTHING, AND SHELTER . . . . .	8
III. THE FAMILY . . . . .	21
IV. CIVIL LIBERTY . . . . .	34
V. PROPERTY RIGHTS . . . . .	54
VI. POLITICAL LIBERTY . . . . .	64

## PART II

### THE MACHINERY OF GOVERNMENT—OFFICERS, ELECTIONS, AND PARTIES

VII. THE GREAT PARTS OF AMERICAN GOVERNMENT . . . . .	79
VIII. THE NATIONAL GOVERNMENT . . . . .	95
IX. STATE GOVERNMENT . . . . .	121
X. THE GOVERNMENT OF CITIES . . . . .	130
XI. GOVERNMENT IN COUNTRY DISTRICTS . . . . .	140
XII. POLITICAL PARTIES . . . . .	145
XIII. REPRESENTATIVE GOVERNMENT AND DIRECT DEMOCRACY .	159

## PART III

### THE WORK OF GOVERNMENT

XIV. THE SERVICES RENDERED BY THE FEDERAL GOVERNMENT .	173
XV. THE WORK OF THE STATE GOVERNMENT . . . . .	219

CHAPTER	PAGE
XVI. HOW THE CITY GOVERNMENT SERVES THE COMMUNITY	242
XVII. THE WORK OF RURAL GOVERNMENT . . . . .	271
XVIII. THE GOVERNMENT AND PUBLIC OPINION . . . . .	287
RESEARCH QUESTIONS . . . . .	298
THE CONSTITUTION OF THE UNITED STATES . . . . .	312

## LIST OF ILLUSTRATIONS

### FACING PAGE

Those on whom we depend for Coal . . . . .	6
Shucking Oysters for the Market . . . . .	12
Congestion in a Smaller City . . . . .	12
How Thread is spun To-day . . . . .	16
A Little Mother . . . . .	30
A Home Factory . . . . .	30
Freedom of Speech and Assembly . . . . .	42
An Event in the Lawrence Strike of 1912 . . . . .	60
Dorr calling upon his Followers to take up Arms for the Right to Vote . . . . .	<i>page</i> 70
President Wilson reading his Message to Congress . . . . .	87
The White House . . . . .	110
Justices of the Supreme Court . . . . .	118
Open-air Voting in the Eighteenth Century . . . . .	<i>page</i> 151
A National Irrigation Plant . . . . .	194
The New York Bread Line . . . . .	228
A Victim of an Industrial Accident . . . . .	230
Night Work in a Glass Factory . . . . .	230
A Chicago Court for Delinquent Girls . . . . .	246
A Policewoman . . . . .	250
A Municipal Milk Station . . . . .	258
Food Inspection . . . . .	258
The Need of Healthful Play . . . . .	262
An Exhibit showing the City as a Farmer . . . . .	266
Good and Bad Roads . . . . .	275
In the Southern Cotton Fields To-day . . . . .	278
Mass Meeting in Cooper Union, New York . . . . .	288



## PART I

# HUMAN NEEDS AND THE GOVERNMENT



## CHAPTER I

### THE NATURE OF MODERN GOVERNMENT

- I. The old notion of the government as a mystery.
    - 1. Government formerly conducted for the benefit of a ruling class.
    - 2. Our political terms recall older days.
  - II. Government now viewed as the people's servant.
    - 1. The government not a mystery.
    - 2. Necessity for government grows out of our dependence upon one another.
    - 3. We perform duties and secure rights through the government.
    - 4. The government helps where the individual cannot help himself.
  - III. The plan of this book.
  - IV. The purpose of the teaching of civics.
    - 1. Private virtues in public service.
- 

**The old notion of government as a mystery.** — Until recent times government was everywhere regarded as something mysterious and beyond the ken of ordinary mortals. Indeed it is so regarded in many countries of the world to-day, and as we call to mind the pomp and ceremony which surround the courts of kings, we ourselves are likely to be impressed with what the old writers called "the majesty and divinity of sovereigns." Military display, gilt and tinsel decorations, and gorgeous pageantry have been regularly employed by rulers to keep the people in awe of public authority and to prevent them from becoming too familiar with affairs of state. Even writers on political science have often warned their readers against inquiring too closely

into the origin and nature of government and have sought to instill a spirit of veneration quite apart from any understanding of the government.

*Government formerly conducted for the benefit of a ruling class.* — Many generations ago in England, to which country our government owes its origin, the king and his nobles were the government, and they held that it was the business of the mass of the people — the peasants, merchants, and artisans — to pay taxes to support the rulers and to bear arms in wars waged for their benefit. The people there are still called “subjects,” not citizens; the army is the “royal army”; the navy is called the “royal navy”; and as a wag once said “nothing but the debt is national.” This calls to mind the olden times when the government was little more than a big policeman and tax-collector, and its purpose was to benefit the ruling class.

*Our political terms recall older days.* — Many of our terms of politics are derived from older days, when the people were regarded as subjects under a government rather than citizens coöperating through a government. Even the word “government” itself comes from the Latin word *gubernare*, meaning to rule, which implies some as masters and others as subjects. The great word “patriotism” comes from *pater*, or father, which carries with it the notion of authority above rather than the more democratic idea of fraternity or coöperation among equals.

**Government now viewed as the people’s servant.** — By a long and gradual process, which cannot be described here, the power of government was wrested from the king and his nobles and declared to be vested in the people, or, to speak more accurately, in the voters. So it has come about in the United States that the government is not a special group of persons selected by exalted royal authority and empowered to rule over us, but is simply a certain number of citizens set aside in each village, township, county, city and state,



and in the nation, and instructed by the voters to undertake certain tasks for the people. These officers are either elected directly by the voters or appointed by officers who derive their authority from the voters. Moreover, we now speak of our people, not as "subjects," but as "citizens," and of the government not as a "sovereign," but as a "servant," doing those things which the voters decide should be undertaken by public authorities.

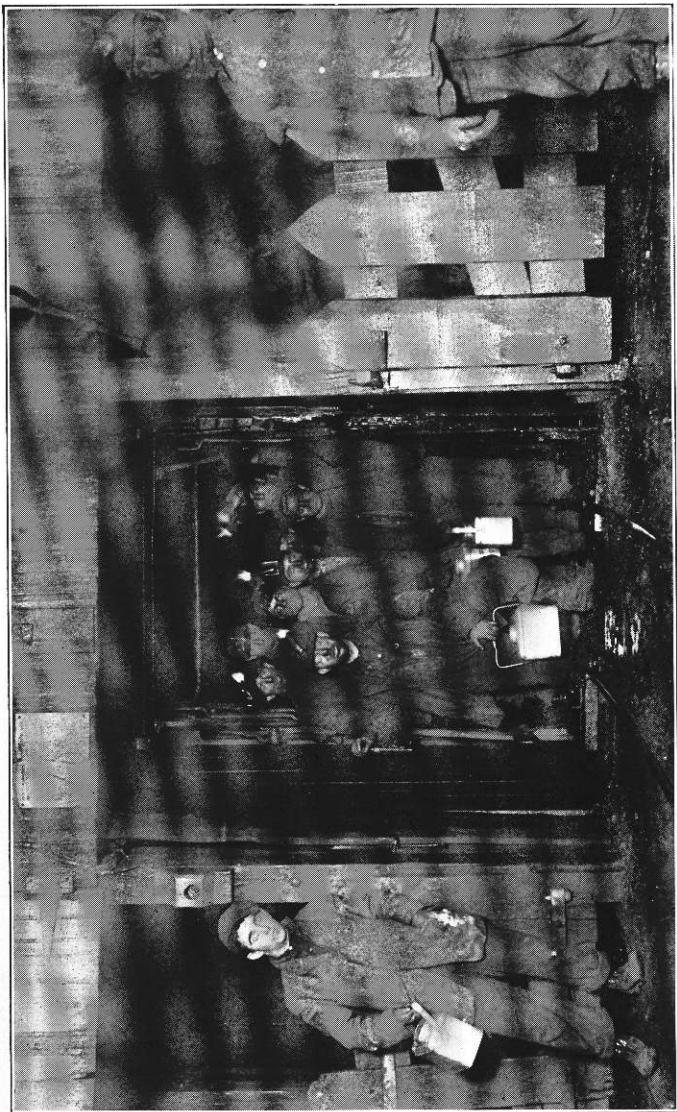
*The government not a "mystery."* — Under the circumstances, we do not regard the government as a mysterious institution, but simply as an agent to serve the community, — to do work for the good of the people, — work which cannot be done as well by private persons and companies. It is true that this ideal is not perfectly carried out in practice, but it is a great gain to have established the principle that the purpose of government is not to sustain a ruling class, but to satisfy the needs of the people which cannot be better met in some other way.

*The necessity for government grows out of our dependence upon one another.* — We have a government in the United States simply because we all have needs which we cannot satisfy by our own individual efforts. Only a Robinson Crusoe can live without a government of some sort. Every American family cannot produce its own food, build its own shelter, protect itself from criminals and epidemics, educate its own members at home, carry its own products to the consumers, and fetch its purchases from the four corners of the earth. We are, in fact, dependent upon one another for liberty, health, and safety, as well as for the necessities of life. We cannot see or know all those persons upon whom we are dependent, — the miners down in the depths of the earth, the girls in the cotton mills of New England, the farmers on the Western plains. We cannot meet them face to face and know that they have been fairly paid or justly treated for their labors from which we have benefited.

*We perform duties and secure rights through the government.* — It is just because we cannot individually do justice to those who serve us or secure justice for ourselves that we must have a government. The farmer, for example, cannot be sure that the coal that keeps him warm in winter has been dug only in mines where proper safety appliances have been used to prevent the great loss of life among the miners, unless the government makes certain wise laws and carefully inspects all of the coal mines. The purchaser of food and other commodities cannot know whether the rates charged for freight by railways are just and fair, but the government may investigate this matter and fix rates that are proper.

*The government helps where the individual cannot help himself.* — To sum up, the purpose of government, as we view it in our day, is to do those things which cannot be done well or justly by individuals working alone, and to regulate the doings of private persons in such a manner as to improve the general standard of life, labor, and education. The very essence of government, according to the democratic ideal, is coöperation or union of effort for the common good. This does not mean that the individual should be less industrious, temperate, or virtuous, but that whenever and wherever we can accomplish better results or have great and beneficent work done more easily by uniting our efforts in the government, we should do so. When the government builds a levee or regulates railway rates, it does not take away the courage or virtue of any citizens. It simply does what the citizens, no matter how courageous or virtuous, cannot do without combining to do through a central committee or bureau called the government.

**The plan of this book.** — In viewing the government as an agent of common welfare, we have divided this book into three parts: to show (1) which of our personal needs are beyond complete individual satisfaction and involve govern-



*Courtesy of National Child Labor Committee.*

THOSE ON WHOM WE DEPEND FOR COAL



mental action; (2) how the great branches of the government, national, state, and local, are organized to deal with these needs; and (3) what work the government now undertakes in recognition of these needs.

**The purpose of the teaching of civics.**— In considering our government under these three heads, we shall try to give some idea of its history and its various branches. But above all we shall endeavor to show how our daily work brings us into touch with the government, what principal issues the voters are thinking about to-day, and how the citizen and voter can take part in controlling the government and in creating the public opinion to which the government must yield. What is perhaps most important of all is that the student should know that there is always work to be done to increase the efficiency with which the present government performs its tasks, to perfect the machinery of government, and to improve its functions as a public servant. In the proper study of civics, therefore, the citizen not only learns how the government works, but acquires an interest in helping to improve it.

*Private virtues in public service.* — It is an ideal of every good citizen to leave the world a little better than he found it. Intelligent voting is one way of attaining this ideal; for by intelligent voting, old and established public work may be improved and new and beneficent services may be undertaken. Religion, education, interest in one's fellow-men, and all those virtues which lift mankind above the brute kingdom may be as nobly employed in advancing the common good through governmental service as in elevating private conduct through precept and example.

**Questions**

1. What is the advantage in having the government regarded as a mystery?
2. Why do we have a government at all?
3. For whom does the government exist?
4. Which is better: to be regarded as a citizen or as a subject?
5. What is meant by "public servants"?
6. Name a country where people are still regarded as subjects.
7. Name a country besides ours where people are regarded as citizens.
8. What is meant by coöperation?

**Additional Reading**

THE GOVERNMENT A MEANS OF COÖPERATION AMONG INDIVIDUALS:  
Ward, *The Social Center*, pp. 1-18.

## CHAPTER II

### FOOD, CLOTHING, AND SHELTER

- I. The connection between food, clothing, and shelter.
- II. Changes in industry bring changes in government.
- III. Life and work in olden times.
  1. How the family took care of itself.
  2. A livelihood reasonably certain.
  3. Old-fashioned workshops and factories.
  4. Commerce and trading of less importance.
- IV. The industrial revolution.
- V. The division of labor.
  1. How the division of labor brings the government into action.
  2. Increased travel and transportation.
  3. The government and the quantity of goods produced.
  4. The demand for foreign markets raises questions of foreign policies for the government.
- VI. The factory system.
  1. The consumers' interest in the factory system.
  2. The owner's interest.
  3. Owners who do not manage their factories.
  4. The laborer's interest in industry.
  5. The wages system.
  6. The capital and labor question.
- VII. How the government becomes interested in housing.
  1. The majority of people in cities do not own their homes.
  2. Public regulation of housing.
  3. Rural homes.

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**The connection between food, clothing, and shelter and the government.** — It may seem strange at first thought to connect food, clothing, and shelter with government, but in fact the way we obtain these necessities determines, in a

large measure, the nature of the government and the work which it has to do. We have only to compare the government of a big city with that of a rural region to discover an obvious illustration of this truth. It is the different ways which people have of living and working in cities that require many more public services, such as waterworks, gas plants, street lighting, tenement inspection, sewers and collection of wastes, and a score of government activities which are not required in the country at all. Then one could go on to multiply illustrations by calling attention to the disposal of government lands, the regulation of railway rates, the tariff, labor laws, forest conservation, dairy inspection, and innumerable other matters which bring our struggle for food, clothing, and shelter into contact with the government.

**Changes in industry bring changes in government.** — Furthermore, it is the *changes* in our ways of securing food, clothing, and shelter that are principally responsible for *changes* in the nature and work of government. It is because the ways of meeting these great human needs now in use are so different from the methods employed in other ages, that our governments have so many problems totally different from those of governments a generation or more ago. These problems are very troublesome and difficult to understand, but it is necessary to try to grasp them, because the work of modern government would otherwise be meaningless. We can, perhaps, best approach the matter by noting the most important industrial changes which have come over our country since independence from Great Britain was obtained.

**Life and work in olden times.** — Our early American ancestors lived in the country or in very small towns surrounded by the fields from which their principal food supplies came. They produced at home almost everything that was needed. The men and women, assisted by their children, grew their own food and made all their coarser clothing.



The men hewed down the forests and built their own houses and made their simple furniture. The women spun and wove, helped in the fields, made bread and soap and carpets and candles, and did their own sewing by hand. The children were not compelled to go to school, and if they went at all, it was only for a few months in the winter.

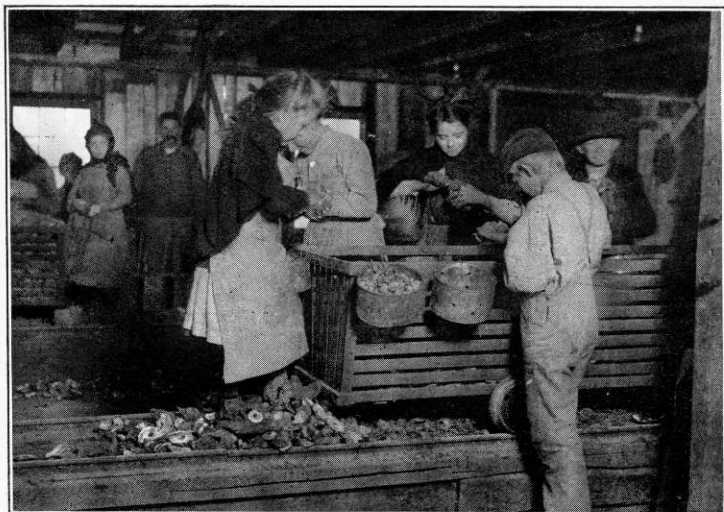
*How the family took care of itself.* — Each family was then practically self-supporting and independent of the outside world for the real necessities of life. There can still be seen here and there in the North, old-fashioned homes which show how independent the former dwellers were of merchants, travelers, manufacturers, and railways. In the great fireplaces, wood from the neighboring forest was burned, so that there was no dependence upon coal miners and railways for fuel. In the huge "Dutch" ovens, the family baking was done. In the spacious attic or in a special house stood the spinning wheels, reels, looms, and dye vats where carpets and coarse cloth were made and dyed. In the tool house there was a forge and the blacksmith's tools, where the simple agricultural and domestic implements were wrought by hand. In the cellars and closets stores of food were laid by for the winter from the field and orchard and, in the smokehouse, bacon, hams, and quarters of beef were cured for the family use. In the South, similar conditions existed, except that the labor on the large plantations was performed by slaves. One who wishes a mental picture of the old days needs only to visit the home of Washington at Mount Vernon, where all the old tools, implements, and household equipment are preserved intact.

*A livelihood reasonably certain.* — Luxuries like tea and silks were imported by the well-to-do families, but the fundamental needs were supplied at home. Not without hard labor, it is true, but certainly by hard labor the family was secure against the bitter sting of poverty, with its dire uncertainty. Helpless old people were cared for by their

children or by their neighbors, and the families helped one another in times of illness, or when specially laborious tasks had to be performed.

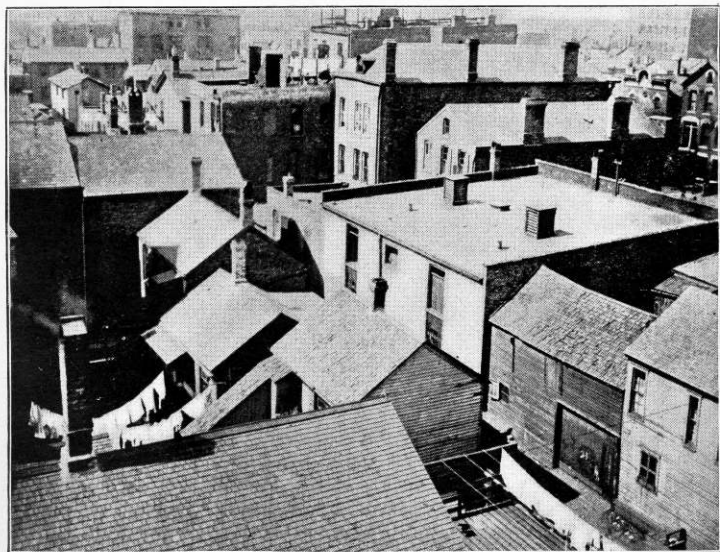
*Old-fashioned workshops and factories.* — When Washington was inaugurated President, only three per cent of the people lived in towns of over eight thousand. In the country, where most of the people dwelt, the men, women, and children did not work for wages, but in order to satisfy their own wants. They were thus their own masters for the most part, because they owned the land and the tools with which they worked. Even the artisans in the towns were frequently independent because they worked with hand machinery which they owned themselves or expected to acquire at the end of an apprenticeship. Moreover, the poor of the towns and the country regions of the East could look forward to a life of independence by acquiring cheap land in the West. Slaves were, however, without property and bound to the soil.

*Commerce and trading of less importance.* — Money did not circulate as it does to-day. Barter and trade ran through the whole system of business. Country people brought their produce to the stores; the retailers passed it on to the wholesalers in exchange for manufactures. For example, the corn and bacon of the Middle West were shipped down the Mississippi to New Orleans, where they were exchanged for molasses, whisky, tea, coffee, and other commodities. There were but few joint-stock companies or corporations engaged in business. The manufacturer or business man superintended his own plant. Outside of the government securities there were only a few stocks and bonds to be sold on stock exchanges, so that the field of finance and banking was very narrow. Great riches were made principally out of land speculation and fortunate shipping ventures at sea, or by trading with the Indians. There was relatively little travel, and if any considerable number of people did not



*Courtesy of National Child Labor Committee.*

### SHUCKING OYSTERS FOR THE MARKET



### CONGESTION IN A SMALLER CITY



like the rates of a stage driver, they could easily encourage the establishment of a competing concern.

**The industrial revolution.** — One has only to imagine the ways of living and working in those old days and compare them with the modern ways to realize how great has been the change. Indeed, writers call this break with old methods “the industrial revolution,” and justly point out that it has wrought vaster changes in human life than all the previous revolutions since the beginning of civilization. It was, however, such a peaceful revolution, and came about so rapidly, that many people still think the thoughts of the old world while they perform their daily labor in a new one, and sometimes declare that inasmuch as it was not necessary for the government to concern itself with regulating the safety of stage coaches, it should let railways conduct their business with the same freedom from interference. To realize the connection between government and ways of gaining a livelihood, let us bring together here a summary of changes which were brought about by the industrial revolution.

**The division of labor.** — The first great change we should note is the division of labor, for this destroyed that old independence of the family from the outside world, and made us all dependent upon one another. Nowadays the individual specializes in one or two trades. There are people, for instance, who spend their lives watching machines stick pins into papers, or put heads on matches, and who could not possibly make a whole pin or a match. Instead of each family performing all, or nearly all, of the tasks necessary to produce the articles the members use, we have the family dependent upon some very special trades, such as cotton spinning or automobile manufacturing. Of course we are speaking now mainly of manufactures, but even in the farming regions, the people no longer make their clothing and their farming implements. There are not many

farmers to-day who can shoe a horse, sharpen a plow-share, and half-sole a pair of boots.

This specialization is geographical as well. There are countries and regions which specialize in grain production, so that we have great areas exporting wheat and corn and importing other foodstuffs and manufactures. Some regions specialize in iron and steel; others in fruits and dairy produce, and so on. Such specialization requires large receiving and distributing centers, warehouses, canneries, and markets.

*How this division of labor brings the government into action.*

— This specialization touches the government in many ways. In the old days, for example, when people produced and cooked their own foods, they knew what ingredients entered into them. They could attend to the purity of their food without laws about the subject, or, if they chose to be dirty and careless, the guilty parties were the principal sufferers. In our day, on the other hand, the canners of food and packers of meat do not have to eat their own products, and consumers in order to be sure of certain standards of purity have demanded pure food laws and the inspection of manufacturing concerns and shipments to prevent adulteration.

*Increased travel and transportation.* — A further result of this specialization, which also involves the government very directly, is the necessity for extensive transportation systems. Food must be sent from place to place by train and steamer, and the rates and arrangements for freight handling affect both the producer and consumer of foodstuffs. The element of what is called "monopoly" enters in here, because the number of railway lines between two centers is necessarily limited, and not even one line can be built without the approval of the government. In fact, in the United States the governments — federal and state — have contributed enormous sums of money and vast areas of land to the companies which have constructed the transportation sys-

tems. Thus a double link is formed between the government and the transportation of food.

*The government and the quantity of goods produced.* — Another important element in the production of foodstuffs is, of course, the quantity. Even here it is not merely the industry of individuals which counts. The government may foster certain industries, such as sugar production, by tariffs and bounties. By its system of taxation it may encourage or discourage agricultural improvements. By agricultural colleges and experiment stations and model farms, it may spread knowledge which will enable the farmers to increase their crops. The conservation of the forests in a proper manner affects rainfall and the washing away of rich soil. Irrigation develops vast arid regions. Levees prevent overflows of rivers, and canals drain swamps.

*The demand for foreign markets raises questions of foreign policies for the government.* — Specialization has one more governmental aspect. Our producers must be able to sell their produce all over this country and in foreign countries. If clothing makers, carpenters, and lumbermen cannot buy food, farmers cannot buy clothing and have homes built. Thus the question of facilities for marketing and transportation, of bringing producer and buyer together, of opening foreign markets, — matters which were once thought to be wholly private concerns, — are brought more or less within the scope of government.

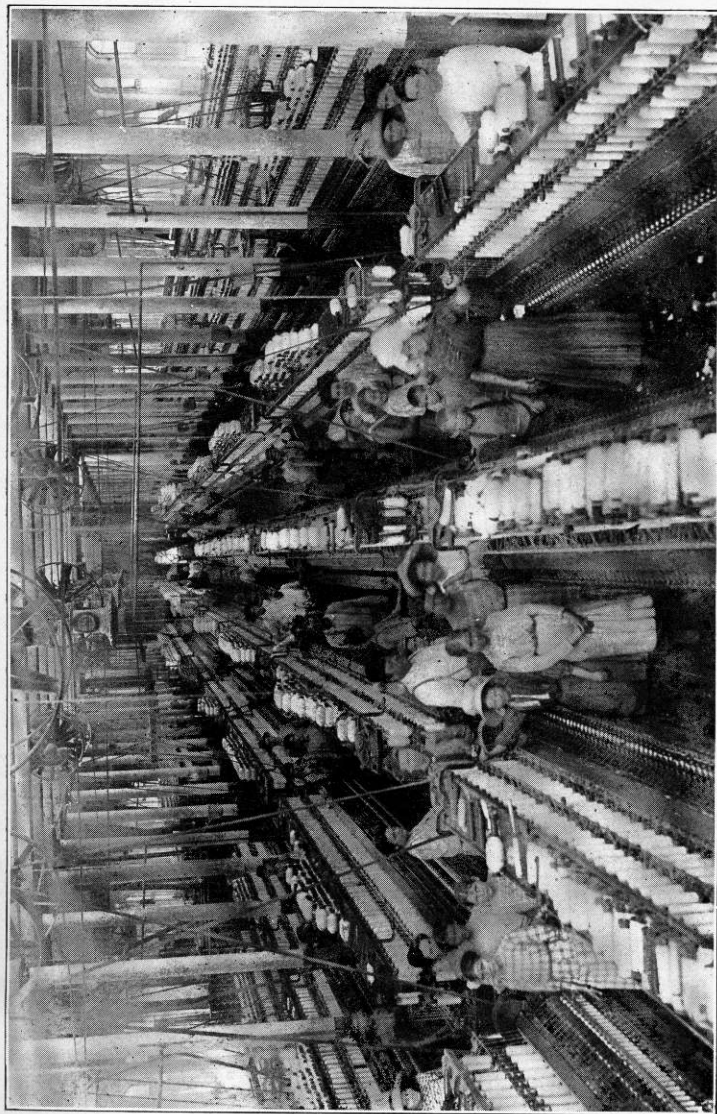
**The factory system.** — The second great change brought about by the industrial revolution is the factory system — the production of both food and clothing in great buildings by special groups of laborers operating expensive machinery which they do not own. This system has a triple interest: for the consumer, for the owner, and for the laborer.

*The consumer's interest in the factory system.* — As we have pointed out in the case of food supplies, adulteration of all kinds may enter into production when the consumer ceases

to direct it personally. This applies to clothing as well as foodstuffs. Silks may be stiffened by solutions of tin; cotton and shoddy may be mixed with wool; and sham leather soles for shoes may be made out of paper. Glucose mixed with jam is perhaps not as dangerous to health as paper-soled shoes. In view of the extent to which adulteration is carried on, the consumer is beginning to ask for protection by the government in his struggle for good clothing as well as for pure food. Moreover, clothing is frequently made in tenements and sweatshops in cities where contagious diseases flourish, and may spread from the makers to the wearers. The consumer is also interested in the cost of production in factories.

*The owner's interest.* — The owner's concern in the factory arises from the necessity of paying interest on the capital invested and his natural desire to make a profit out of the business. Factory owners are, therefore, constantly struggling against too much interference by the government on behalf of the consumer and the employees, and also against combinations of employees, known as trade unions, which fight to raise wages and reduce hours. Orders from government factory inspectors requiring them to put their buildings into a safer and more sanitary condition may cause so much expense as to compel them to quit business, and the success of a trade union in raising wages may take away all of the profits and make impossible the payment of interest on the investment. Again, factory owners usually derive a benefit from the protective tariff on the goods they produce (p. 183), and they are always on the watch to increase the rate of protection or at least to prevent the government from cutting it down too low. Modern thinkers on industrial questions are inclined to hold, however, that any business that cannot maintain safe and sanitary plants and pay decent wages is "parasitic"; that is, a prey upon the health and wealth of the community, and should be abandoned.





HOW THREAD IS SPUN TO-DAY

*Courtesy of National Child Labor Committee.*



Enough has been said to show, at least, that the factory owner has a deep concern in the way the government is conducted.

*Owners who do not manage their factories.* — And it should be noted that factory owners to-day are in quite a different position from what they were fifty years ago. Most great factories are now owned by companies or corporations in which many persons have joined in the common investment. Such factories are not conducted by those who own them, but by hired managers, whose business it is to see that the investors receive the interest and dividends on their capital regularly. There is a limit to the amount of wages that such managers can give for their first care is to pay the investors their interest and profits. If they do not do this, they are discharged for incompetency. In old days, when the owners of the factories actually managed them, they might have been willing in hard times to forego their profits and even the interest for a short period, in order to pay good wages and keep their employees busy. But the modern factory is a more "heartless" affair, for its many owners may be scattered all over the world, and their chief concern usually is to get their interest and profits. This condition also puts a new problem before the government.

*The laborer's interest in industry.* — Other aspects of the factory system affect principally the laborer. The conditions under which the industry is carried on, the light and sanitation of workrooms, the use of unguarded, dangerous machinery, hours of work, wages, employment of women and children, — these and other matters affect the health, the leisure, the purchasing power, and the morals of the workers. According to the last census there were 6,615,000 factory workers in the United States.

*Foreign labor in industry.* — The garment and needle trades, moreover, employ mainly foreign men and women, so that any discussion of the clothing industry brings us

to a consideration of the relation of the government to immigration. Indeed, the overwhelming majority of the factory and industrial wage workers of the United States are foreigners or immediate descendants of foreign-born parents.

*The wages system.* — With the factory system and the specialization in industry came perhaps the most fundamental change of all — the enormous increase in the number of those who work for wages. In the days of agriculture and handicrafts, the producer (except in the slave states) was generally the owner of his own tools and the produce of his labor was his. He consumed part of it and exchanged the balance, usually by barter, for the commodities which he had to buy. To-day there are millions of wage workers in the United States and within a generation, at the present rate of increase, they will constitute a majority of all the people. That is, a vast number of men and women do not produce for themselves what they consume, but are paid in wages for their work and are directly dependent for their livelihood upon the prosperity of the several industries in which they work.

*The capital and labor question.* — In older and simpler days, when agriculture was the chief occupation, the wages question was not very significant from the point of view of government. The farmer who owned his land took the produce for his own and bought very little. But under the factory system the perpetual question is: how much of the total product belongs to the laborer and how much to the owner of the tools? This question grows in importance as the number of industrial wageworkers increases, and it forces itself upon the government in many ways. It involves the right of working men and women to form unions, to strike for higher wages, shorter hours, and better conditions of labor, and to interfere with those who would take the jobs left by strikers. It has led to the formation of socialistic

parties which demand that the great industries should be owned and directed by the government.

**How the government becomes interested in housing.** — Even that other great human need — shelter — raises grave governmental questions. We can no longer live in caves; nor can we go out into the forests, cut down trees, and build rude huts. Our homes must be sanitary, well ventilated, of proper size, and secure from criminals and the vicious.

*The majority of people in cities do not own homes.* — Those who are rich enough can settle the problem of shelter for themselves; but the great mass of the inhabitants of our cities are too poor to command these necessary elements of proper shelter. The majority of them cannot own their homes. In Detroit, Michigan, only 22.5 per cent of the inhabitants owned their homes free of mortgage, and only 39.1 per cent owned homes at all in 1900; and Detroit had more home owners than any other large city in the country at the time. In one assembly district in New York only fourteen out of 13,662 families owned their homes in 1900.

*Public regulation of housing.* — In the cities, therefore, millions of people are dependent in a large measure upon circumstances beyond their personal control for the excellence of the shelter they enjoy. This leads to governmental interference in regulating the construction and management of tenements and rented houses, and also to some demand that American cities follow European examples in the construction of model houses for renters. The provision of proper shelter leads to other questions: the taxation of the land upon which houses are built; car fare, sanitation and inspection, garbage disposal, water, fire protection, and a host of other matters which are governmental in character.

*Rural homes.* — Unsatisfactory shelter is not confined to cities, moreover. In the country are often to be seen filthy and neglected houses. Sometimes one sees cases where the cattle are far better housed than the family. There is,

however, in the country more family responsibility in the matter of shelter than in cities, where the vast majority of residents are renters.

It is apparent from this brief review of the way in which the government may be employed in helping us secure the three great material needs of human life, — food, clothing, and shelter, — that civics should not be a “lifeless” subject. On the contrary, it has the deepest interest for all who care for the welfare of themselves and the countless millions of their fellow-citizens.

### Questions

1. What is the relation between food and the government?
2. What is the relation between clothing and the government?
3. What is the relation between shelter and the government?
4. What changes have taken place in our way of procuring these things since the days of our great-grandfathers?
5. How have these changes affected the government?
6. What is meant by division of labor or specialization?
7. Tell all you know about the factory system of to-day.
8. What is the owner's interest in that system?
9. What is the laborer's interest in it?
10. What is the consumer's interest in it?
11. How do we see these interests reflected in the government?

### Additional Reading

SOCIAL RESULTS OF THE INDUSTRIAL REVOLUTION: Beard, *City Government*, pp. 1-30.

THE GOAL OF ECONOMIC ENDEAVOR: Burch and Nearing, *Elements of Economics*, pp. 1-30.

CHANGES IN AMERICAN INDUSTRY: Burch and Nearing, pp. 158-188.

## CHAPTER III

### THE FAMILY

- I. Family life a community concern.
  - 1. Family life necessary to the proper rearing of children.
  - 2. Noble virtues cherished in the family.
  - 3. Family helps develop industrious citizens.
  - 4. How the outside world penetrates the home.
  - 5. Wages and the home.
  - 6. How the home affects the government.
- II. Many different kinds of homes.
  - 1. The home of the man who works at night or for long hours.
  - 2. Homes where mothers are breadwinners too.
  - 3. Homes where the mothers are the sole breadwinners.
  - 4. Homes where children are breadwinners.
  - 5. Homes which are tenement workshops.
  - 6. Homes of negroes.
  - 7. Homes of the poor whites.
  - 8. New public duties to the home.
- III. The home and government.
- IV. The rights and duties of parents and children under the law.
  - 1. New rights which the law gives to women.
  - 2. How the law goes into the home.

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**Family life a community concern.** — Food, clothing, and shelter are, as we have seen, needs common to all the people, and, in the struggle for these necessities of life, the government can aid in many ways. A wholesome family life is also a great human need and, although it may seem on first thought that the government has nothing to do with the home, a second thought will show that even the private life of a family cannot be lived wholly apart from the government.

*Family life necessary to the proper rearing of children.* — Love and affection between men and women and the care of little children are needs as old historically as protection from cold and hunger. In fact, the family is perhaps the oldest human institution or association of which we have a record. It is difficult to imagine little children being properly cared for outside the family circle, although in exceptional cases children are better off in public and private institutions than with their parents. Family life is a deep human need, because it is necessary for the rearing of children, without whom the community cannot go on at all. Infants and growing boys and girls need the physical care and the love and sympathy of parents in order that they may get a good start; for what people are in later life depends in a very large measure on the kind of childhood which they have. If parents bring up ignorant and diseased children, the community suffers from the loss of intelligent citizens, and may, in fact, have to support the children in almshouses. It cannot be said, therefore, that the government, or rather the community, can be indifferent to the kind of family life which is maintained in its midst. On the other hand, the family should see to it that the government gives due attention to all of its requirements which are public in character.

*Noble virtues nourished in the family.* — In the family are nourished many of the finest virtues upon which orderly community life depends. How deep and important are the ideals of fatherhood, motherhood, child life, affection, loyalty, care for the helpless, and unselfishness which develop wherever there is a wholesome family life! The family represents the first little group where the young and the old, the clever and the dull, the strong and the weak, learn to live together and to work together in harmony and affection. Here the virtues of good citizenship are discovered, such as the knowledge that the act of one person may hurt



others, that overwork, whether on the part of parents or children, is harmful, that selfishness produces evil results, that the opinion of others should be listened to and studied. It is through the family that women who first loved only their own little children have grown to care for the welfare of all little children; that women who have sacrificed and worked for their own children have learned to be interested in the struggles of all women to rear their children properly; and that men with families of their own to work for have understood and respected the struggles of other men to maintain proper homes. The community which the government serves is in many respects simply an enlarged family.

*The family helps develop industrious citizens.* — The family also furnishes a motive for men and women to work hard and live honorable lives. There are very few people who can, or who desire, to live and to work for themselves alone. The vast majority of adults work in order that they may take care of their families — their children, their wives or husbands, their old parents, their brothers or sisters. In nearly every family there are dependent persons — children, invalids, or aged persons; and mothers, while rearing babies, find it hard to make a living by working out of the home, and usually depend, if possible, upon the earnings of the husband or the older children.

*How the outside world penetrates the home.* — Not only do influences go out from the family to affect the character of the community and the government. The influences of the community penetrate deeply into the family, for members of the family have associations and work more or less outside of the walls of the home. The strongest and most obvious of these influences are the work which the members do to earn the living and the amount of the wages they are paid. If the work is dangerous, the breadwinner may be injured or even killed — as thousands are every year on railways, and in mines and factories. By such accidents happy homes

are broken up and the members of the family are thrown into poverty. Diseases of all kinds, moreover, are connected with various industries: tuberculosis, for example, is contracted in insanitary clothing factories and mills and carried into the home. Then there are the moral influences surrounding the work of young and old in the places where they earn their living, and these may completely destroy all the good work of the careful mother in rearing her children.

*Wages and the home.* — The amount of the family earnings is, of course, a matter of deep concern. It determines, within limits, the kind of house that is rented or built; the amount and quality of the food that is consumed; the opportunities for culture and enjoyment that are secured. If the family is unable to take care of itself, its members lose heart and often drift downward. If the family cannot provide for the sick and aged, they become public charges, and almshouses and hospitals take the place of the home. While it is true that some families by thrift and intelligence may make smaller wages go farther than careless families can make higher wages go, it is nevertheless true that, taking things by and large, bigger wages mean more sanitary homes, more moral surroundings for the children, more oversight by the mother, and more chances to become wise and upright men and women and citizens.

*How the home affects the government.* — Thus in many ways the community affects the home and the home thus affected in turn influences the life of the community. Where wages are low and the home wretched, the members of the family take no pride in it and stay in it as little as possible. Hence comes the demand for intense excitement: flashy moving picture shows, dance halls, cheap and sensational theaters, and saloons. So vital a part of the home have modern amusements become that social workers who know about the problem at first hand are insisting that city governments should make provision for public recreation on a large scale

and regulate closely all private amusement concerns. Here again the family comes into touch with the government.

**Many different kinds of homes.** — The home is usually spoken of as if it were the same thing all over the country and in all sections of the community. The type of family which most of us have in mind and which is most commonly pictured as the "average" home is one where the father earns a comfortable livelihood for all, where the mother assumes the responsibilities for the household, and where children are given an opportunity to go to school and to prepare themselves for more lucrative and less laborious positions than those held by their father. In this family the mother is supposed to concern herself solely with household matters and perhaps a bit of charity or church work. The father is the purveyor of the collective wisdom of the home and establishes all of the serious connections of the home with the outside world. In the evening time when the work is done this family gathers around the center table to read or play simple games.

Whether this is the best type of family we need not stop to discuss, but it is necessary to point out that there are so many variations from this type, particularly in our day of great cities and factories, that it is scarcely to be regarded as typical any longer. Indeed, it is only when we consider the various kinds of families which modern industry creates that we can understand the relation of the home to the community and the government.

*The home of the man who works at night or for long hours.* — In the first place there is the family whose breadwinner is engaged in an industry that requires long hours or night work. This matter was recently discussed in New York during the controversy over a law reducing the number of hours which bakers could be employed in bake shops. It appeared that thousands of men were employed for twelve, fourteen, and even sixteen hours a day; that they had to

rise early in the morning before the world was astir in order to bake and deliver the daily bread, and that many of them could not return home until long after the children were all abed. Some of the bakers declared that they would not know their own children if they should see them on the streets because they had never seen them except during sleep and by artificial light. The same theme was discussed in connection with the men employed in collecting garbage and ashes for the city of New York. Certain citizens thought that it was better and less troublesome to have the waste collected at night, and the experiment was tried. The workmen complained that when they had to stay up all night and sleep most of the day they could see nothing of their families, and that the household was seriously disturbed because the mother had to give so much time to keeping the children quiet while the father slept.

It may be said that such conditions are very unusual; but there are tens of thousands of homes where the long hours and night work of the father prevent the close association of parent and children and make impossible those gatherings around the fireside which are supposed to be a necessary part of typical home life. Just think for a moment of the number of bakers, miners, policemen, glass and steel workers in mills whose fires must be kept burning day and night, railwaymen, train dispatchers, telegraph and telephone operators, and numerous other groups of working people whose conditions of employment and long hours make such family life impossible — unless the employees can, by organization, force a proper adjustment of hours and “shifts,” as they are called, or unless the government steps in and fixes the hours. This is a point where the government touches the home, and we shall take it up again in the third part of our book.

*Homes where mothers are breadwinners.* — Another variation from the typical home where the father is the bread-

winner for all, is the home from which the mother is absent, helping to supplement the earnings of the father. Often the father cannot make enough money to support his family, let him work ever so hard; and often he is unemployed through no fault of his own. The mother then must do laundry work by day and night, take in sewing, or go out to work in factories by day, or to scrub big office buildings at night. Where this is the case, the home suffers; the little children must be left to care largely for themselves without proper food and attention. Where the mother is away working long hours, the food is sure to be hastily and poorly selected and prepared, and temptation to supplement the meals by liquor is very strong.

We are not speaking now of a few exceptional homes, but of a very large number of homes. One out of every five of the industrial wage workers of the United States is a woman, and the proportion steadily increases. About one-third of the females over ten years of age in Philadelphia are engaged in gainful pursuits, and about one-eighth are in industries. We do not know exactly how many married women with children are compelled to work out of the home to help earn the living; but the number is certainly above a million. This means that at least a million homes are not that typical American home so fondly pictured by thoughtless orators.

*Homes where mothers are the sole breadwinners.* — Another group of families is composed of those in which the mother is the sole breadwinner. The father is dead, or crippled by an accident in industry, or has deserted because he was shiftless or could not bear the strain of the struggle for existence. Women are seldom paid as much as men, even for the same kind of work, and the mother who must bear all the burden can give little time to her children. While she is away from home, the oldest child usually assumes her place, and thus we have thousands of "little mothers" and "little fathers," as they are called, carrying about in

their young arms their smaller brothers and sisters, cooking and cleaning, and growing old and bent before they become of age themselves. Often, in such cases, the home life is lost altogether, and the mother must place her children in institutions where she can seldom see them, to say nothing of giving them a mother's care, or she must give them to well-to-do people to be reared as their own. It is to remedy these grave evils that at least fourteen states have recently passed laws giving pensions to poor widows or other women with children so that they may maintain their homes.

*Homes where children are breadwinners.* — We have other groups of families in which the little children, as well as the father and mother, are wage earners. Many things are done to-day by the fingers of very young children. They shuck oysters, string beans, paste labels, help make paper boxes, or "dip" chocolate drops. Other children, boys and girls in their early teens, work long hours in factories and stores. Where the members of the family work in mills and are separated during the day, they acquire different associates, and at night seek different amusements. Education is neglected, little bodies are often stunted by overwork, and children of tender years are brought into contact with the vices of the world during the early stages of their growth. This latter fact has led to some recent laws which prevent young messenger boys from being sent into vicious resorts at night. It is because criminals have often started on their careers of evil-doing when they were very young that they are so hard to reform.

Differences in family life are also frequently due to differences in educational opportunities. Where children must leave school at an early age to go to work, it generally happens that they never have a chance to make up the loss in training and are thus forced to drop behind more fortunate children who have no more native ability. Thus literature and art may be shut out of their lives, and it is small wonder

that after they grow up their homes show the effect of this deep loss.

*Homes which are tenement workshops.* — In the poorer quarters of our great cities we have still another type of home — the factory home — one in which petty industries of various kinds are carried on by all the members of the family, young and old. Here clothing is brought from the great factories to be finished, lace is made, some kinds of foodstuffs prepared for market, or willow plumes are tied. These tenement sweatshops, as they are called, shut out most of the joy and culture usually associated with the idea of a home. Home, to the members of such a family, is a sort of industrial prison. Usually the combined wages of the family are so low that they must eat, sleep, and work in the same room. Their inability to secure nourishing food, fresh air, and rest, develops all sorts of diseases which are disastrous to the workers and sometimes spread to those who purchase the products of their labors.

Here again the community suffers, and the government sometimes interferes by forbidding the labor of children under a certain age, by prohibiting home work save under certain conditions, and by regulating tenements.

*The homes of negroes.* — The negro families, in their desperate struggle upward from slavery, present still another type of family problem, and to them the government owes a special duty. For centuries, as slaves, they were accustomed to have no property of their own and to receive no wages — nothing beyond the bare necessities of life. Finding that hard work brought no reward, they naturally did as little work as they could when they were out from under the eye of the overseer. When the slaves were freed they could not throw off the habits of centuries. They were ignorant; they had never received any education, save in rare instances; and they were too bewildered to know what to do with themselves. Accustomed to live in wretched



cabins on the plantations, the worst slums of the cities seemed not unpleasant by comparison. It is small wonder that they so frequently fail to see an opportunity when it is open to them, and fail to make the best of it when they try. So many negro mothers, moreover, must work outside their homes that they cannot, if they would, give their own children the care and attention that they need, or that they would like to bestow upon them.

*Homes of the "poor whites" in the mountains.* — Although we have spoken of families in industrial cities principally, it must not be imagined that the families in rural districts are all alike. By no means. There is all the difference in the world between the family life of the prosperous farmer who lives near good roads and railways and schools and of the struggling farmer out of the way on rocky or muddy or mountain roads where the stream of travel, the telephone and rural delivery, never penetrate. There are thousands of families, particularly in the mountain regions, who live in rude shanties, from "hand to mouth," without comforts, without education, and without any of the modern refinements.

*New public duties to the home.* — The governments of our states are coming more and more to recognize also how great is the duty which the more enlightened parts of the community owe to the backward parts in rural districts. Schools are being pushed away up into the mountain regions; traveling libraries are being sent about; roads are being built; and mail is being carried to those who were, a few years ago, altogether out of touch with the big world. Public and private aid is being given to negroes to help them in becoming more intelligent and industrious citizens. Of this work we shall say more later.

*The home and government.* — We have shown that the home has a vital connection with government, and that it must, of necessity, be considered in a work on civics. We have shown how great is the fallacy that all homes are





*Courtesy of National Child Labor Committee.*

A LITTLE MOTHER



*Courtesy of National Child Labor Committee.*

A HOME FACTORY



"typically American," whatever that may mean, and also how great is the fallacy that the home life may be kept pure and ideal regardless of the kind of government which is maintained, or regardless of the ways of earning a livelihood which the community offers to the members of the family.

**The rights and duties of parents and children under the law.** — It is not only in connection with earning a livelihood and securing an education that the community and the government come into touch with the home. The government is interfering more and more with the powers and rights of husbands, wives, parents, and children in the homes. Under the common law, which prevailed in the old days in England and in many respects in the United States at the beginning of our independence, the very being or legal existence of the woman was suspended during marriage, or at least was incorporated and consolidated into that of the husband. When the woman married, all of her personal property — clothes, jewels, furniture, and the like, became her husband's property absolutely, and he secured the right to manage her lands as he pleased in his own behalf. Married women could not make contracts, and thus could not engage in business for themselves. The husband could beat his wife, at least moderately, without public interference, and his word was law for the children under age. Divorces for brutality, drunkenness, crime, desertion, and such causes were not allowed. The idea of giving women generally an education at public expense was deemed absurd, and the thought that women would ever have any share in making the laws through the acquisition of the right to vote was deemed preposterous beyond measure. The system of subjection is the one which prevails in China still.

*New rights which the law gives to women.* — The old law concerning the power of the father has been severely modified in our country, though remnants of the former domin-

ion still exist in a few states, and the principle of woman suffrage is not universally accepted. Married women are now given the right to own and manage their own property; they may make contracts and deeds; they may engage in business and the professions. Girls are educated in public schools even longer than the boys on the whole, and they are taught history and science and civics and other subjects that were once supposed to be mysteries which the masculine mind alone could grasp. In nine states women vote in all elections just as the men do; Illinois allows them to vote for local officers and for President; in a majority of states they take part in local and school elections; and in nearly all of the states there is a strong demand for complete equal suffrage. The granting of divorces has been made easier — too easy, many contend; and in many other ways the family life has been touched by law, particularly in the direction of greater equality between men and women.

*How the law goes into the home.* — The law goes immediately into the home. In some states it seeks to prevent diseased persons from marrying and, in others, it permits the taking of children away from parents who treat them in a cruel manner or do not provide decently for them. Compulsory education forces parents to give their children some training at least. Children must support their aged parents if they are able. The separation of husband and wife may follow brutality and drunkenness and non-support. Parents are usually equal guardians of their children. Thus the government is attempting to lay the foundation for a reasonable and refined family life by providing that women shall be educated as well as the men, and that intelligent coöperation and the mutual respect of husband and wife shall be the basis of the family. The family bond which rested on the mere power of the father is loosened, and the community is striving to make a more secure bond by placing it on that *right conduct* which is the foundation of good citizenship.

Questions

1. How does the government touch the home?
2. How does the home affect society?
3. What changes have taken place in the attitude of society toward mothers? Toward children?
4. What part should the father play in family life? How does the government affect the part he can play?
5. Why is the family income an important matter?
6. What makes for culture or refinement in family life?
7. Why are there so many kinds of families in the United States?

Additional Reading

- WAGE-EARNING CHILDREN: Kelley, *Some Ethical Gains through Legislation*, pp. 3-43.
- CHILD-LABOR: Burch and Nearing, *Elements of Economics*, pp. 104-107.
- THE INTERSTATE ASPECT OF CHILD LABOR: Kelley, pp. 58-99.
- THE RELATION OF LEISURE TO FAMILY LIFE: Kelley, pp. 105-125.
- THE RELATION OF UNEMPLOYMENT TO FAMILY LIFE: Burch and Nearing, pp. 109-111.
- THE STANDARD OF LIVING: Burch and Nearing, pp. 31-444.
- FAMILY LIFE IN CITIES: Beard, *American City Government*, pp. 1-30.
- FAMILY LIFE IN THE COUNTRY: Gillette, *Constructive Rural Sociology*, pp. 20-31.

## CHAPTER IV

### CIVIL LIBERTY

- I. The need for liberty.
- II. Two divisions of civil liberty.
- III. Civil liberty: its history and meaning.
  1. The common man formerly subject to arbitrary government.
  2. Civil liberty is won and kept only by heroic struggles.
  3. The American theory about civil liberty and constitutions.
- IV. Civil liberty: principles laid down in our constitutions.
  1. Certain civil rights which Congress cannot take away.
  2. Certain civil rights which the federal Constitution requires the states to uphold.
  3. Civil liberty as laid down in state constitutions.
- V. Civil liberty: personal security.
  1. New notions of civil liberty require more work of the government.
- VI. Civil liberty: personal freedom.
  1. Freedom of speech, assembly, and press.
    - a. Free speech may be interfered with.
    - b. Police permits and free speech.
    - c. Civil liberty endangered by martial law.
    - d. Civil liberty endangered by intolerance.
    - e. Freedom of thought and speech is a very precious right.
    - f. Free speech does not give the right to slander others.
  2. Right to petition.
    - a. The right of petition was won only after a hard struggle.
  3. Religious freedom.
    - a. Religious persecutions in early days.
    - b. Federal government and religious liberty.
    - c. State constitutions and religious freedom.
    - d. Religious tolerance necessary in politics.
  4. Right to proper treatment in case of arrest.
    - a. The long contest for a fair trial.
    - b. The writ of *habeas corpus*.

- c. Due process of law in trials of persons accused of crimes.
  - d. Grand and petit juries.
  - e. Granting bail.
  - f. The work of the prosecuting attorney.
  - g. The spirit and purpose of jury trials.
  - h. Inequality before the law.
  - i. How some inequalities may be avoided.
  - j. Indeterminate sentences.
- 5. The rights of children.
    - a. The trials in children's courts.
  - 6. The new spirit of liberty for all persons.
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**The need for liberty.** — We have thus far spoken of four prime human needs in their relation to the community and government — food, clothing, shelter, and the family life. Now we have come to another need which is not absolutely indispensable to human life but is none the less valued by civilized peoples — the need for liberty and the pursuit of happiness. Indeed, so great has been the passion for this human right that men and women have been willing to surrender everything, even their lives, to secure it. Men and women may exist without having any share in the government which rules them or without enjoying the right to go and come at will or to be free from arbitrary governmental interference, or without trial by jury and free press and free speech; but there is no doubt a very vital connection in our time between these rights and the nature and work of the government.

**Two divisions of liberty: civil and political.** — The subject of liberty is usually divided into two main divisions: civil and political. The former embraces those rights which are enjoyed by all citizens — the right to free press and speech, freedom of religious worship, property, jury trial, and the like. Political liberty, or the right to vote and hold office, is confined however to a section of the population. Although the two are thus separable in theory and in practice, there has

been a close connection between them. Civil liberty in its widest sense has been secured only in those countries where political liberty is also enjoyed, and men of all Western countries would think their *civil* liberty seriously endangered were the ballot taken from them.

**Civil liberty: its history and meaning.** — To understand what civil rights and civil liberty mean and how essential they are to every one's comfort and happiness, we must look back for a moment to the time when they were denied to the common people like ourselves. In former times, in England, the peasant — and a great majority of the people were peasants — was "rightless"; that is, very much in the same position as the slave was in the United States before the Civil War. He could call no property his own absolutely; he could not marry without the consent of the lord on whose land he lived; he was tried in the lord's court, if he committed an offense; he could not leave the land, for he was bound there by the law; and when he died his children had to pay heavily for securing the right to continue in the old home.

*The common man formerly subject to arbitrary government.* — The common man — and even the powerful noble sometimes — was not secure in his person or property. He had to pay any amount of taxes which the king pleased to levy. He might be thrown into prison, tortured, and even killed without having any reason given or without enjoying the right to a public trial and the benefit of witnesses in his behalf. You have seen pictures of the pillories and gloomy dungeons in which kings and nobles imprisoned the common people at will. If you will read your histories again, you will learn how men in olden times had their noses slit and their ears cut off for refusing to attend the church which the king and ruling classes maintained; how money was wrung from toiling peasants and merchants to support idle courtiers in luxury and vice; how the poor were killed in needless wars without having any voice at all in saying whether there should be



war; and how men were burned at the stake for teaching doctrines contrary to those accepted by the rulers.

*Civil liberty is won and kept only by heroic struggles.* — As you realize how different a world we live in to-day, although it is still far from perfect in the development of civil liberty, you must understand that our rights were only won for us by the combined efforts of intelligent and fearless men and women who demanded that better laws be made to guarantee personal rights and that wiser and juster governments be established. But it would be a mistake to think that these rights are forever fixed simply because they are written down in our federal and state constitutions. They depend, in fact, for their real enforcement upon the enlightened opinion of the community, upon the willingness of each to accord to those who differ from him the privileges which he demands for himself, upon sentiments of humanity and reasonableness, upon our firmness in upholding liberty as we are given to see it. To use a homely phrase, civil liberty cannot flourish save where there is a fine sense of fair play.

*The American theory about civil liberty and constitutions.* — In the United States the theory has developed that the great principles of civil liberty should be written down in "constitutions"; that is, in special documents describing the government and its powers, which cannot be very readily changed. We have a Constitution for the federal government, and each state has its own constitution. A constitution is made in a special manner, by a solemn convention of delegates chosen by the voters, and may be changed only by a system of amendment which requires a considerable time to operate (p. 97). The idea behind this is that certain great rights of life, liberty, and the pursuit of happiness should not be changed easily, but only after thorough discussion and careful deliberation.

**Principles of civil liberty laid down in our constitutions.** — Having spoken of the general principles of civil liberty, let us

consider the details. If you would find the written words which describe our civil rights, you must turn to our federal and state constitutions. The federal Constitution mentions two classes of civil rights: (a) those which the federal government itself cannot take away or deny, and (b) those which the state governments cannot take away or deny. The state constitution enumerates those rights which the state government cannot take away or deny. It is absolutely necessary for us to keep very clearly in mind these *two sources of civil liberty*, for more confusion exists on this subject than on almost any other matter concerning government.

*Certain civil rights which Congress cannot take away.* — Those rights of freedom of press, speech, and religious worship so often mentioned as being guaranteed to all by the federal Constitution, are, in fact, only guaranteed to us against the federal Congress itself (p. 38). The federal Constitution does not require the state to give these three rights to its citizens, and the federal government cannot interfere if the state denies or abridges them. The federal Constitution also declares that persons tried in *federal* courts shall have the right to indictment by a grand jury and to trial by jury, that the *federal* officers shall not quarter soldiers in the homes of the people, that the *federal* officers shall not enter private houses to make unreasonable searches and seizures, and that *federal* judges shall not impose excessive fines and cruel and unusual punishments.

*Certain civil rights which the federal Constitution requires the states to uphold.* — In addition to guaranteeing us specific rights against the federal government, the federal Constitution also lays down certain principles upon which the state governments shall not trespass (pp. 316, 323). The most important of these principles are enunciated in the Fourteenth Amendment, which says that "no state shall make or enforce any law which shall abridge the privileges or immu-

nities 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." This is of course a very general statement, and its meaning depends almost entirely on the way in which the Supreme Court of the United States interprets it. Of this we shall speak more at length below (p. 48).

*Civil liberty as laid down in state constitutions.* — It is, however, mainly the state constitution and state government to which the citizen must look for the source of his civil rights. Some state constitutions go farther along this line than others; but the rights which are commonly enjoyed in ordinary daily life fall under three heads: (1) those which relate to personal security; (2) those which relate to personal liberty; and (3) those which relate to the personal ownership and enjoyment of property. These we shall examine one by one.

**Civil liberty: personal security.** — By personal security we mean the protection of life and health and body. We all claim to-day the right to be protected from burglars, criminals, the insane, the diseased, from dangerous machinery, speeding automobiles, from dynamite and other explosives carried through the streets, and from offensive nuisances, in order that we may live. We cannot individually protect ourselves from all these things which imperil life and disturb our comfort, because it would take all of our time to be on the watchout for dangers. We therefore demand that the government see to these things for us, and we appropriate money for this purpose — for firemen, policemen, hospitals, public inspectors, and street cleaners. We say that a government is good and efficient and true to public interest just in proportion as it succeeds in protecting the lives and comfort and convenience of its citizens while they are busy with their daily occupations.

*New notions of personal security require more work of the government.* — We are expecting more and more of the government in guaranteeing personal security. We demand security for little babies by requiring city boards of health to guard the purity of the milk which is brought from the dairies. Playgrounds are being established to keep young children from getting hurt in the streets and to promote their health and comfort. People who live in the country are themselves largely responsible if they do not have fresh air, pure water and milk, and room to play; but in the cities we must call in the service of the government to help maintain the securities so necessary to life. Even in the country, health officers are needed to see that milk is clean and cattle not diseased. Elevators in high buildings are inspected, in order to prevent accidents, dangerous machinery in factories must be safeguarded, mines must be ventilated so that horrible explosions may not occur, water supplies must be purified, and so on throughout a long list of governmental activities in behalf of personal security. Much of the work that is done in this regard is crude and inadequate, but as the community grows in intelligence it demands an ever wiser and ever more efficient service from the government in the work of safeguarding life and limb.

**Civil liberty: personal liberty.** — Personal liberty is different from personal security. Personal security means simply the right to live in safety and comfort, as far as possible; personal liberty means the right to do things. Sometimes one right seems very much like the other; you may think that a right like that of trial by jury belongs under both heads, and there is some reason for this view.

Personal liberty is of two kinds, but in this chapter we shall only discuss the first kind, which includes the right to say what one wishes, known as the right of free speech, assembly, and press; the right to freedom of religious worship; the right to petition the government to remedy wrongs; and the

right to proper treatment by the police and the courts in case of arrest. The second kind of personal liberty has to do with property rights, and those we shall take up in the next chapter, because they are important enough to deserve separate treatment.

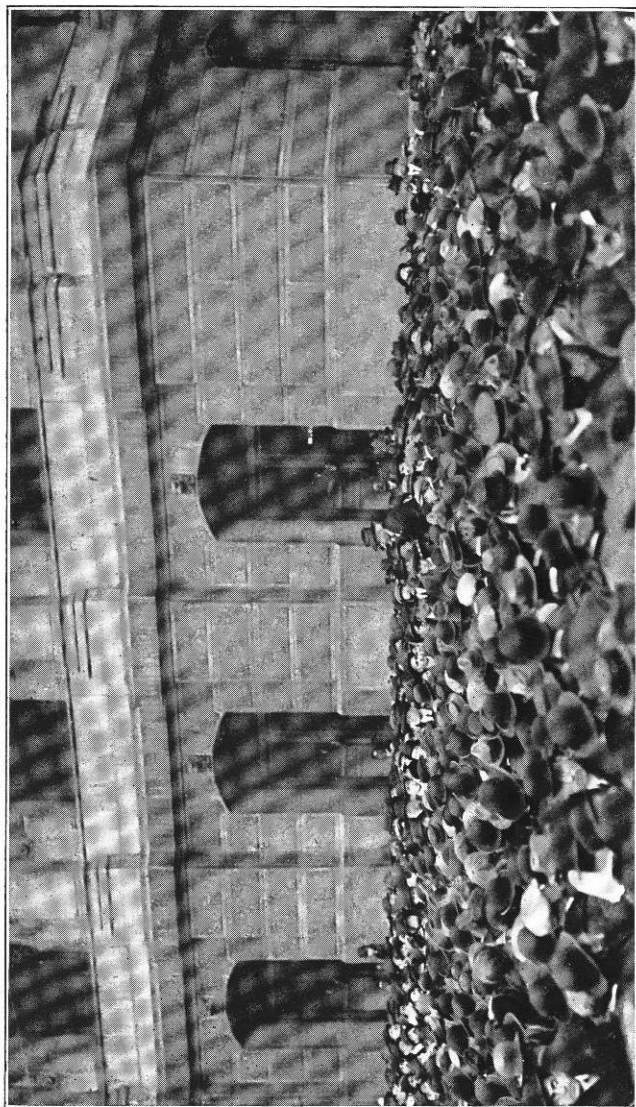
*Freedom of speech, assembly, and press.* — When you read in the papers about disturbances in Germany or Russia you often learn that men are arrested and imprisoned or fined for saying things that are unpleasant to the rulers. In the United States, however, we are constantly reading and hearing the most bitter denunciation of our public officers, and very frequently they are openly charged with being downright dishonest. No one thinks of arresting and fining a citizen because he calls a mayor ugly names or declares that he should be put out of office because he is a wrongdoer. In Russia it is necessary for publishers of books and papers to submit them to official censors before sending them out, and often books and papers are suppressed altogether because they are displeasing to the government.

(a) Free speech may be interfered with. — Americans often boast of the freedom which exists in this country as if it were absolute; that is, as if there never were any interference with speech, meetings, and press. This is not altogether true. Men may be lawfully arrested for making speeches which incite others to riot and violence. In times of strikes and disorders it is hard to draw the line between speeches and publications which are "legitimate" and those which stir up rioting. It is difficult for the leaders of working men and women striking for higher wages and better hours to keep up the spirits of the rank and file without discussing their grievances and wrongs in a vigorous manner, and it is for the police and judges to say when they have "incited to violence." Thus local and state officers may easily, and often do, suppress free speech and press under the mere guise of preventing public disorder.

(b) Police permits and free speech. — There is another way in which free speech and assembly may be interfered with by the government. In towns and cities many meetings are held on the street corners and in the parks, and large crowds may block traffic and hinder people going about their business. Moreover, where crowds gather on the streets and in halls it is necessary to have special police protection to prevent disturbances. It is customary, therefore, to require speakers, particularly in the streets, to obtain police permits. While these permits are generally freely given, public officers who dislike the beliefs of the applicants may very easily refuse permission on grounds of "public convenience" and in fact often do so.

(c) Civil liberty endangered by "martial law." — There is still a third way that free speech may be disturbed. In times of serious troubles "martial law" is frequently declared; that is, the ordinary government is set aside and all power put into the hands of soldiers. This happened in 1912 in one of the states during a strike of miners when labor leaders were shut up in prison, on the order of military officers, for making speeches, and the newspapers published for the miners were seized and the printing presses broken up. The United States Senate sent a special commission of its own members to investigate the charges of violation of civil liberty by the governor and other officials. It is therefore incorrect to say that freedom of press, speech, and meeting is absolute and cannot be interfered with by the government.

(d) Civil liberty endangered by intolerance. — There is yet a fourth way in which this great right may be infringed not by the government, but by mobs unwilling to give other people the right to expound their ideas. Free speech and press naturally lead to a general criticism of everything — the government and its officers, the schools, churches, family life, the rich and powerful. Those who want to write and speak freely themselves very frequently do not want to give the



*Photo by Underwood and Underwood.*

**FREEDOM OF SPEECH AND ASSEMBLY**





same right to others who hold different opinions. Before the Civil War those who criticized slavery even in the North were occasionally beaten and their meetings were often broken up by their enemies. Sometimes their newspaper presses were seized and destroyed, and there were a few cases in which men were killed for advocating that great reform. Instances of such intolerance are not wanting in our day.

(e) Freedom of thought and speech is a very precious right. — Notwithstanding the abuses often connected with free press, speech, and meeting, this is one of our most valued rights and we should always be on our guard against denying to others the right we claim for ourselves, although their opinions are distasteful and seem very dangerous to us. We can only improve our morals, our government, and our ways of living by constant examination and criticism. The very essence of democracy is government by public opinion, after full and free discussion, and it is a serious thing for any set of men and women to decide what shall be said on all occasions by everybody else. On the other hand, while claiming freedom of speech, we should at the same time remember that that freedom carries with it the obligation to show the proper respect for the rights and opinions of others, and always to present our own views with a due regard for the feelings of others.

(f) Free speech does not give the right to slander others. — It is particularly unfair for any one to attack by speech or publication the character of another with evil intent, or to endeavor to injure another by false and evil charges and slanderous statements. The law provides that any person who is so slandered may bring suit for damages to his character. For example, a New York paper not long ago said that a prominent and respectable woman had been arrested and imprisoned for stealing when there was not a word of truth in the statement. The woman brought suit, forced the paper to retract the false statement, and pay heavy damages be-

sides. There are also laws against printing fraudulent advertisements and indecent articles which might corrupt the morals of the people. Here, too, there is great danger of tyranny on the part of the government, and public sentiment should hold the public officers in restraint.

*The right to petition.* — When in early days the people represented in the English Parliament consented to be taxed, they won in return the right to petition the king for a redress of grievances. This old right has grown into a broad general right to petition the government on any subject and it is particularly precious to those who do not have the right to vote, because it is the only way they can make their voices heard directly in the government. This is almost the only way that women, outside of those states where they enjoy the right to share in choosing representatives to make laws and in choosing officers, may bring their views on taxation, lawmaking, and other matters immediately to the attention of the government. This right is also precious to minorities who may protest by petition against the action of majorities and demand a recognition of their claims.

(a) The right of petition was won only after a hard struggle. — This right of petition seems such a simple and natural one and is so widely used in the United States that we are apt to forget that it was a long age before the common people were allowed to tell the government their grievances. You may have read how in England men were formerly publicly whipped at the cart tail or imprisoned for daring to suggest by petition that everything was not correctly and wisely done by the king and his officers. In Russia in our day, a soldier was sentenced to prison for life for daring to hand the Tsar a petition. It was a great privilege that was won therefore when the right of petition was secured, although it does not seem as important to those who can vote.

*Religious freedom.* — When governments were first established in the American colonies, there was a great variety

of religious beliefs. In New England there were Puritans and Congregationalists; in New York the Anglicans and Dutch Protestants predominated; Pennsylvania had its Quakers, Maryland its Catholics, and the South its Anglicans and Presbyterians. Added to these elements were some French Huguenots. It was obviously impossible for any one sect in the midst of this great diversity to rule all the others; but in spite of the fact that many of them came to America to secure freedom of religious worship, there was no little religious persecution at first.

(a) Religious persecutions in early days. — Quakers were driven out of Massachusetts; Jews were discriminated against by law in New York; the established Church of England ruled with a high hand in Virginia; and in South Carolina the Catholics were treated harshly. Many of these religious discriminations remained long after the establishment of Independence, and indeed some relics of the older days are still to be found in the laws of several states.

(b) The federal government and religious liberty. — When it came, however, to the establishment of the Constitution of the United States it was clearly impossible to place one sect above another, even if any one had thought of it; and each sect, anxious for its own rights, was willing to concede similar rights to others. Hence it came about that Congress was forbidden by the first amendment to the Constitution to make any law respecting the establishment of religion or the free exercise thereof (p. 321). The most serious religious problem which the federal government has had to solve was that presented by the Mormons of Utah. They claimed that the right of a man to have more than one wife was a part of their religious liberty, for it had the sanction of the Old Testament. Other citizens claimed that this custom was a menace to morals, and Congress by law prohibited polygamy. The government thus interfered with what was claimed to be a phase of religious freedom, but it did so on the ground that

there was a difference between religion and marriage customs claiming religious sanction.

(c) State constitutions and religious freedom. — Our state constitutions now follow the example of the federal Constitution and guarantee religious freedom to the citizens of the respective states. Generally speaking, therefore, we now have religious freedom in the United States; that is, each person may belong to the church of his choice or to no church at all; he may vote and hold office regardless of his religious beliefs, although in a few states those who do not believe in God are excluded from officeholding; and he is not compelled to pay taxes to support any church.

(d) Religious tolerance necessary in politics. — Notwithstanding this extensive religious toleration and freedom, religious feeling is strong in the United States, and it enters into politics more or less. Often the Protestants are stirred up because the Catholics seem to enjoy too much political influence in elections, and Catholics sometimes claim that they are discriminated against in appointments to public offices. Appeals are frequently made in elections for the voters to support this or that candidate on account of his church affiliations. All the sects join in deploring the growth of free thought or infidelity, and in some cities there is more or less antagonism to the public schools on the ground that no religious creeds are taught there. The various sects are unable to agree on the fundamentals of Christianity which should be taught in the schools, and the Jews, who are so numerous in the great cities, do not want any religious ceremonies savoring of Christianity in the schools, so that there is little possibility of any sect securing entire control of them. Moreover, the spirit of tolerance and fair play is stronger than ever before, and is nourished by all right-minded persons.

*The right to proper treatment in case of arrest.* — In every community there are persons who infringe on the rights of others as defined by law, and the public must protect itself

against the dishonest and the criminals. Nevertheless, those who commit crimes have their rights also, and it is very important that they should be carefully safeguarded; for arbitrary action on the part of policemen and courts may involve any person too seriously for a trivial offense. The power to punish others is a dangerous power, and fair trials and publicity should be provided, and cruel and unjust punishment prevented.

(a) The long contest for a fair trial. — The struggle for a fair trial dates from early days in England, before our country was settled, when the king's officers seized at pleasure the persons against whom they had a grudge, maltreated them if they chose, and hanged or imprisoned them without public trial. It was a common custom to seize persons against whom the king had a grievance and hold them in prison indefinitely. This evil practice led finally to the establishment of the right to the writ of *habeas corpus*, a right which contributed so much to human liberty that it was put into our federal Constitution (p. 316) and our state constitutions, and remains one of the most valued rights to-day. The reason for the high esteem in which it is held is that it helps to prevent malicious imprisonment without trial and without informing the prisoner of the exact charges against him.

(b) The writ of *habeas corpus*. — The term *habeas corpus* comes from the Latin words used in the original writ as issued by the courts to the officer holding a prisoner. It means "you shall have the body," and is a part of the order directing the sheriff or jailer to bring the prisoner before the court for a preliminary examination. This writ must be issued on request of the prisoner or his attorney, except in times of rebellion and disorder when military rule is in force. When a person secures the writ of *habeas corpus* he is brought before a judge, and if on inquiry into the facts of the arrest the judge thinks the prisoner unlawfully held, he sets him free. If, however, the judge finds that there is

sufficient reason for thinking the prisoner guilty of the charge, he sends him back to jail, or lets him out on bail if satisfactory security can be found as a guarantee that he will appear at trial when the day comes. This examination enables every prisoner to know at once why he is held and prevents officers from keeping people in prison without warrant.

(c) Due process of law in trials of persons accused of crimes. — The next step in the proper treatment of an arrested person is to secure "due process of law," for the Constitution of the United States guarantees that no person shall be deprived of his life or liberty without it (below, p. 323). Although "due process of law" does not mean exactly the same in every state, it always includes certain general practices. It means (1) that a person accused of a serious offense must first be indicted by a grand jury and then tried by a petit jury; (2) that an acquitted person shall not be tried again for the same offense; (3) that no person shall be compelled to testify against himself; (4) that the accused must be brought face to face with the witnesses against him, must have the power to compel witnesses in his behalf to come into court to testify, and shall enjoy the right to have an attorney in his interest; (5) and that excessive bail shall not be asked, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

(d) The grand and petit juries. — All this is probably easy to understand except the terms "grand jury," "petit jury," and "bail." A grand (or big) jury is sometimes composed of twenty-four persons (although often of fewer), while the petit (pronounced "petty," from the French word meaning "little") jury usually has only twelve members. The grand jury examines the charges against a prisoner, and if a majority of the members believe that there is enough evidence to warrant a trial of the accused, a "bill of indictment" is found against him; and the case is then tried before a judge and little jury. The little jury hears evidence *for*, as well

as against, the accused, and if all the members think him guilty of the crime charged they return a verdict of guilty. In some states, it is not necessary to have a unanimous verdict in order to convict for a small offense.

(e) Granting bail. — Bail means the money or property put up as a guarantee that the prisoner will not run away if he is let out of jail after his arrest and allowed to remain out until he is tried and found guilty by the regular court.<sup>1</sup> While this is of great advantage to those who are well-to-do or have friends with property, the poor and friendless cannot enjoy this right, and often innocent persons are held in prison a long period awaiting trial, to their great loss in time and wages. In some places, judges are adopting the practice of letting arrested persons out on parole — on their honor — in order to spare them the sorrow and waste of time of lying in jail until trial.

(f) The work of the prosecuting attorney. — We have said that for serious offenses the accused must be indicted by a grand jury. In minor offenses, of course, this is not necessary, for the county attorney or prosecutor may bring the charges in such cases, and in cities the policeman making the arrest brings the charges. In a few states, California for example, the grand jury may be done away with even in murder cases, and the charges may thus be brought by the prosecutor without the delays incident to tedious hearings before the grand jury. In large cities also where there are so many crimes, the grand jury tends to become a mere formal body which accepts the declarations of the prosecutor as to the guilt of the accused without any careful examination, and does not press any cases which the prosecutor has not already suggested and prepared.

(g) The spirit and purpose of jury trials. — This doing away with the grand jury is not without danger. The aim of both juries is to draw into the trial of accused persons

<sup>1</sup>Bail is not allowed in cases of murder.

citizens who are not officers of the government, who are neighbors of the accused, and who are not sticklers for the petty rules of the law, in order that common sense and common humanity may be brought into the indictment and trial of criminals. But even the jury is not without its drawbacks. If the jury is composed of persons who are in sympathy with the deeds of the accused, as is sometimes the case in lawless regions, it is difficult to secure conviction when the evidence is clear. If the jury is composed of a different class of persons who do not know about the difficulties and obstacles in the way of the accused it may be too harsh in its judgment. Moreover, except in those states which have woman suffrage, the actions of women and children are judged entirely by men. This is, of course, an ancient custom, but in our time many women are objecting to this one-sided arrangement, and they claim that women should have at least some voice in the courts where they are tried. In the West, therefore, women have been accepting jury duty cheerfully and they have been called upon in numerous instances to perform it.

(h) *Inequality before the law.*—As time goes on we develop new notions of humanity and justice in trials and in the treatment of prisoners, and discover new objections to old customs. For example, we speak with pride of “equality before the law,” which means that the same penalty shall be imposed for the same offense no matter by whom committed, whether rich or poor, workman or capitalist, saloon keeper or clergyman. But it does not require much intelligence to discover that this principle is not realized in practice. The poor man particularly is always at a disadvantage, for he cannot employ skilled lawyers, such as the rich can, to outwit and baffle the judge and jury. The poor man cannot give bail when he is arrested and must remain in prison, whether guilty or innocent, until trial. Again, if a fine is imposed for an offense, the rich man can pay it without any



trouble, while the poor man often goes to jail for a long time. Though we do not have imprisonment for debt in theory, we do in fact, because the poor man who cannot pay his fine to the government in money must pay it by lying in prison. The rich man may appeal to the higher courts if convicted in the lower court and drag on the case for years, wearing out the judges and prosecutors, until they may be glad to dismiss the matter altogether.

(i) How some inequalities may be avoided. — In order that the poor may not be wholly without assistance, courts appoint attorneys to defend them when they are arrested, but the payment for this service is usually small and the best lawyers generally cannot be secured. The problem of the poor man and bail can be partially solved by speeding up the courts so that arrested persons need not stay in jail a long time before trial and by extending the parole system whereby persons accused of minor offenses may be let out on their honor or on the pledge of a friend until trial. The problem of fines and the poor is difficult, but there are determined efforts to do away with the cruel system of putting poor men in jail for months for petty offenses, and thus depriving them and their families of their wages and support meantime. An Indianapolis judge recently adopted the practice of letting persons who are fined in his court pay the fine in small installments, providing they pledge their honor. He finds by experience that nearly every one who has been given this privilege keeps his pledge sacredly and that the city is saved a great deal of money in the cost of keeping idle prisoners in jail. Another inequality arises from the practice of having only men as judges over all cases which involve women prisoners. In some cities this is being rectified by the appointment of women as police judges.

(j) Indeterminate sentences. — The rights of the prisoner convicted of an offense are now receiving more attention than ever. A few states have abolished the death sentence

for murder. Some states have adopted what is known as the indeterminate sentence; that is, the convicted man is not sent to prison for a definite term of years, but for a period ranging between certain years, and he is let out early if his conduct is good, and may remain out as long as he behaves himself. Other states are attempting to give the prisoners useful work to do, and some are paying the men wages for the benefit of their families.

*The rights of children.* — You may not know that children are arrested in large numbers, especially in the big cities, but this is unfortunately true. Not many years ago little children were treated like adults in the courts, thrown into jail with old and hardened criminals only to learn more crimes, and sentenced to severe punishments, even death. There is now developing a new theory about the rights of children before the law. Separate courts, known as juvenile courts, for the trial of children's cases, are springing up all over the country, and the practice of throwing children into the regular prisons is being abandoned.

(a) *Trials in children's courts.* — The judge in the juvenile court is expected to have very special qualifications. There is no jury trial in this court, for it is thought better to intrust the cases of children to an intelligent and sympathetic judge than to juries made up of persons selected by chance. Thus the child is given a better opportunity to state his case and to have a fair hearing. More and more, the trial resolves itself into these questions: "What made this boy or girl go wrong? What kind of home does the child have? Who will be responsible for his future good conduct?" Prison sentences are rarely imposed. Children are let out on probation under the superintendence of probation officers who look after them, or of "big brothers" or "big sisters," as they are called.

*The new spirit of liberty for all persons.* — If we study carefully the growth of the idea of human rights, we find that

we are trying to write into the law an ever greater respect and regard for the individual person. We are seeking to give him a better chance to develop his own life in the way he sees fit so long as he does not injure his neighbors; and when he goes wrong we try not to think of revenge as much as of repairing the wrong and restoring the wrongdoer to a proper life. It is the deep sense of fair play, and of regard for the rights of others, which makes orderly and progressive government possible. This we should cherish even as we prize our own rights, for he who attacks the personal rights of others, rather than enlarges them, paves the way for the destruction of his own.

### Questions

1. What are the recognized forms of civil liberty?
2. What are some of the limits to free speech, if there be such?
3. Why is it desirable to have a free press?
4. What is meant by the terms grand jury, petit jury, bail, due process of law, *habeas corpus*, probation, parole, libel?
5. What is the purpose of a juvenile court?
6. What is the relation between food, clothing, shelter, family needs, and civil liberty?
7. When can a jury be said to be impartial?
8. Why is equality of rich and poor before the law difficult?

### Additional Reading

- THE RIGHTS AND IMMUNITIES OF CITIZENSHIP: Kaye, *Readings in Civil Government*, pp. 94-110.
- JURY TRIALS: Beard, *American Government and Politics*, pp. 87, 448, 549, 564, 572.
- FREEDOM OF SPEECH: Bryce, *The American Commonwealth*, Vol. II, p. 353.
- RELIGION IN THE UNITED STATES: Bryce, Vol. II, pp. 763-794.

## CHAPTER V

### PROPERTY RIGHTS

- I. **Safeguarding property rights by constitutions.**
  1. Four rules designed to secure the rights of property owners.
  2. Additional ways in which the federal Constitution protects property.
  3. Indirect way of taking private property by the government.
  4. The property owner's right to protection.
- II. **How property rights change from age to age.**
  1. Property rights in slaves.
  2. Married women's property rights.
  3. Changes in notions about public property.
- III. **What shall be public property?**
  1. Our state and national governments are now large property owners.
  2. The federal government as a business manager.
- IV. **How the use of private property is limited.**
- V. **The rights of property in labor.**
  1. Interference with freedom to labor as one pleases.
  2. How the government is involved in labor unions.
  3. Government regulation of the rights of labor.
- VI. **General tendencies in property rights.**

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**Safeguarding property rights by constitutions.** — Although we speak of property rights as distinct from human rights, they are not so in fact. A property right is a human right to use and enjoy material things necessary to life — houses, clothes, food, land, wages, and so on. Property rights also have to do with ways of securing food, clothing, and shelter. They underlie all other rights, for without property of some kind one cannot live at all. Property rights are, therefore, sacred rights in all times and places. It is plain that if rights

in property were not defined, respected, and enforced, that if no one could call anything his own, and every one were permitted to grab all he could and keep everything he could get his hands on, life would be a perpetual scramble and no person would be safe. But the kinds of property rights and the ways in which property may be used, vary greatly from age to age.

*Four rules designed to secure the rights of property owners.* — To safeguard property rights certain principles are laid down in our state and federal constitutions. These are in general as follows: (1) private property may not be taken from one person by the government and given to another; (2) private property cannot be taken directly by the government without paying the owner a reasonable price; (3) when private property is taken from a person, *due process of law* must be followed; that is, the owner shall have a right to protest or state his views on the matter and the value shall be fairly appraised; (4) the use of lawful property cannot be restricted in such a way as to destroy or seriously reduce its value to the owner.

*Additional ways in which the federal Constitution protects property.* — The federal Constitution contains these provisions about property, and some others in addition. It says that no state shall impair the obligation of contract. This is a very technical matter which is hard to understand; but it is important, particularly in one aspect. It prevents a state government from destroying a charter or a franchise granted to a company or corporation, *unless the right to repeal or abridge has been specially reserved by the state*. Many charters and rights granted in early days by the states are perpetual because no reservation of the right to repeal was made. The federal Constitution also says that no state shall emit bills of credit; that is, make paper money. This clause grew out of the early practice of the states in issuing such large quantities of paper money that no person could

ever be sure what the value of a dollar was. For example, during the Revolution, a pound of brown sugar in Virginia was worth eleven dollars and a yard of linen seventy-five dollars. The utmost confusion reigned until this clause was put into effect with the adoption of our Constitution so that a uniform monetary system might be established.

*Indirect way of taking private property by the government.*

— There is, however, an indirect way in which the state or national government may take private property without paying for it; that is, by taxation — income and inheritance taxes, taxes on land, customs duties, and the like that are used for the support of the government and for the promotion of public welfare. Indeed, there are many people who hold that there should be heavy inheritance and income taxes for the purpose of helping to equalize the rich and poor. This means that a great deal should be taken from the rich and used for the general welfare — for schools, parks, roads, hospitals, and other public institutions. In fact, we now have a federal income tax, and many states have inheritance and income taxes, but they are designed to raise revenues rather than to equalize wealth.

*The property owner's right to protection.* — In addition to the constitutional safeguards against government interference with property rights, there are certain rights of protection which the possessors of property have. They enjoy protection from thieves and burglars by the agents of the government, — the police. They enjoy fire protection in the cities, for the fire departments do not charge the citizen directly for putting out a fire in his house or place of business. They enjoy protection against other persons who would maintain nuisances near by, such as slaughter houses. They enjoy the right to go into the courts and sue for the recovery of property unlawfully taken from them or to secure property which is unlawfully withheld from them.

These are the most important rights of property in the

strict sense; but this does not mean that an owner of property may do exactly as he pleases with his own possessions or that great changes are not being made in the rights of property.

**How property rights change from age to age.** — Indeed, the ways in which people may acquire property and the ways in which they may use what they have acquired have changed wonderfully during the course of human events, just as have the personal rights which we described above. In England, for example, a long time ago, all the land was owned by the king, and every inch of it was held from him. The great lords, to whom he intrusted the land, sublet it to small lords, and they in turn had under them serfs who were, as we have seen, rightless. The poor peasant, save in rare cases, could not get possession of a piece of land to call his own, and even to-day England is owned principally by great landlords, whose ancestors shook off the kings' ownership of the land and acquired an absolute right to it. In time, however, it became possible for any person with money to buy a piece of land and call it his own.

**Property rights in slaves.** — In our own country there have been many changes in notions about property rights. For example, colored people were once considered as private property, and slave owners had a constitutional right to use this human property in their own way — to buy and sell men and women and children and take from them the results of their labors. It took the Civil War to destroy this notion about property rights, and now we have written in the Constitution that neither slavery nor involuntary servitude shall exist in the United States.

**Married women's property rights.** — As we have seen, also, married women formerly had no property rights, but were subject in all such matters to their husbands (p. 31). If the woman worked for wages, her husband could go to her employer and collect her earnings and spend them as he

pleased, just as the slave owner could take the product from his black servants. But this right of the married man over his wife's property has been destroyed in nearly every state, and women are put on an equality with their husbands in such matters.

*Changes in notions about public property.* — Just as we have said that no human being shall be the property of another, so we are coming to believe that many kinds of property shall not belong to any private person or corporation. The high roads, for example, were once nearly all privately owned, and every few miles a driver would have to stop and pay toll to the owner of the particular section of the road over which he was driving. At length, the majority of the people who did not own stock in roads found this a great burden and a nuisance, and the government bought the highways and threw them open to the public, placing the cost of maintenance on the taxpayer. Similarly in towns, the inhabitants once supplied themselves with water from their own wells, until in many cases the government stepped in and made the water supply a public institution, owned by the city or by a private corporation under city supervision.

**What shall be public property?** — This leads us to one of the greatest of all modern questions in civics: "What kinds of property that are now privately owned shall be turned into public property?" Many cities have decided that they should themselves own and operate their gas, electric light, and water works; a few cities have public street railways which they themselves own; and there is a large body of citizens who believe that all such municipal services should belong to the government or, rather, the people of the city, and that they should be run at cost or for profits to be turned into the public treasury. There are others, including the Postmaster-General of the United States, who hold that the railways should belong to the government as they do in Germany, and the socialists insist that all land and factories



and instruments of production on a large scale should become public property so that no private person could derive revenues simply from "owning" property.

*Our state and national governments are now large property owners.* — A very practical question with regard to public ownership is raised in connection with the large quantities of lands, forests, waterfalls, and mineral resources now held by the state and federal governments. For a long time it was the policy of these governments to give this property to private persons or sell it to them at a low price; but now there is an increasing number of citizens who oppose selling such public property. They believe that the governments should continue to hold all they now own and add to it by purchase. In order that this property may be put to good uses, they would have the governments manage it themselves, or rent it out for terms of years to private persons and companies at profitable rates.

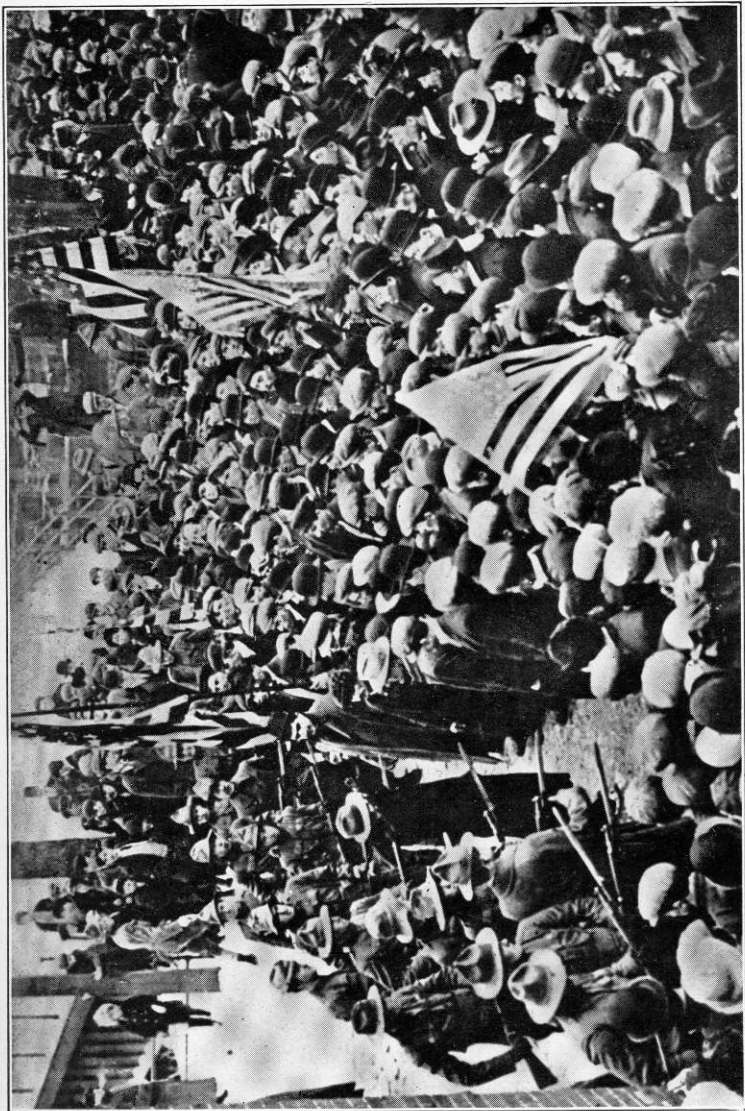
*The federal government as a business manager.* — Indeed, the federal government is now a property manager on a large scale. It holds more than 100,000 square miles of land — an area larger than that of Wisconsin and Illinois put together. The forest land is watched over by rangers appointed by the government. Timber is sold to private persons at a fixed price, and new trees are being planted to keep up the supply. The government also allows lumbermen, cattle rangers, and other private persons to use public lands under proper regulation and for reasonable pay. The government also owns immense areas of arid land, and these it is making ready for cultivation by great public irrigation plants. Provisions are made for leasing waterfalls to private companies, and it appears that a new policy with regard to public property will be adopted in the treatment of the resources of Alaska.

*How the use of private property is limited.* — While our notions about what ought to be public and what private

property change from time to time, our ideas about the way in which private persons may *use* their own property are changing even more rapidly. We are prescribing by law how houses shall be built and managed in cities, how factories shall be ventilated, how dairies shall be conducted in the country in order to guarantee pure milk, how railways shall be operated, and what rates they shall charge for their services. It is particularly in regard to what are called "public service corporations" that the idea of regulation of property has advanced most rapidly. Some states have gone so far as to make a public valuation of the railways within their borders and, having put a value on the property, they decide what the owners may charge for freight and passengers. Even the federal government is now making such a valuation for all the railways engaged in interstate traffic.

**The rights of property in labor.** — One of the most important aspects of property is the right of working men and women to dispose of their labor power, which is usually the only property they possess that is of much consequence. The courts generally hold that the workingman's ability to labor is his peculiar property, to be disposed of as he sees fit. This is known as "freedom of contract" — the right to work for whom one pleases, as many hours a day as one pleases, and for what wages one is willing to accept. For a long time it was maintained that no one, not even the government, had the power to interfere with this right of working men and women to sell their labor as they pleased.

*Interference with freedom to labor as one pleases.* — Within recent years, however, there has been a tendency to restrict this right in two ways, both of which involve the government. Thousands of working people are saying that if a workingman sells his labor at too low a price, he injures his family and the families of other people because he takes a job at a wage lower than any person can bring up a family



AN EVENT IN THE LAWRENCE STRIKE OF 1912

*Photo by Underwood and Underwood.*



decently on. They say that the single, unaided laborer is not in a fair position to bargain with well-to-do employers, because he must have work or starve, while the latter can wait indefinitely without suffering want. On these principles, trade unions are organized for the purpose of shortening the hours of work and increasing wages; that is, for protecting and increasing property rights in labor.

*How the government is involved in labor unions.* — But it may be said that labor organization is a private matter with which the government cannot interfere. On second thought, however, you will discover a connection between the government and trade unions. In the first place, the right to form trade unions at all is a legal right which has been won by long struggles against laws which branded such societies as conspiracies, and punished those connected with them. In the next place, the right to "picket" — that is, to set guards about factories where strikes are conducted to warn those who come to take the jobs of the strikers — is a right which strikers enjoy only with the consent of the state government. In the third place, the courts may, by an order known as an "injunction," forbid strikers to engage in this or that practice and may throw those who disobey into jail. This contest over the sale of labor is, in fact, a contest over the very essence of property, that is, income, and the attitude of the government toward the matter is of the utmost importance.

*Government regulation of the rights of labor.* — In addition to laws about trade unions and strikes, we have many other laws affecting the right of the laborer to work as long as and for what wages he pleases. Our state governments are limiting the hours of men in many trades, particularly those which are dangerous, such as mining and railroading. They are quite generally fixing the hours of work for women and children employed in industries. Contractors doing work for the government must pay their workingmen cer-

tain standard wages, and recently we have seen the enactment of laws in some states providing for fixing the lowest wages which may be paid to women by employers. This is called "the minimum wage." Other laws about labor require employers to pay compensation to those injured while at work, and to provide safety appliances in their places of business, even if plenty of workmen could be found willing to work without such appliances. Thus we see the right to use one's property as one sees fit is restricted, and the right to sell one's labor as one pleases is also limited in the name of common welfare.

**General tendencies in property rights.** — It is impossible to mention here all of the changes which have been going on in property rights; but it may be said that the tendency now is toward increasing the amount of property which is publicly owned, toward restricting the use of private property for the convenience of the public and the welfare of the working people, and toward the prevention of all kinds of money-making schemes by which clever persons rob the industrious. An example of the last tendency is to be found in laws forbidding the adulteration of food and the sale of fraudulent mining and industrial stocks to innocent purchasers. It is thus clear that every citizen should give attention to the subject of property and the rights pertaining to it, for they involve the most important matters coming up for consideration by the government to-day.

### Questions

1. How have property rights changed from time to time?
2. Which one of those changes do you consider most important?
3. What relation does the trades union bear to property rights?
4. What property does the federal government own?
5. How does it use it?
6. What changes are suggested with regard to federal property?

7. What further changes are suggested with regard to private property?
8. How do property rights compare in importance with civil rights?
9. What is the object to-day of inheritance, income, and similar taxes?
10. What is the struggle between capital and labor?
11. What do the socialists say about property rights?

### Additional Reading

- THE DISTRIBUTION OF PRIVATE PROPERTY: Burch and Nearing, *Elements of Economics*, pp. 255-264.
- FORMS OF TAXATION: Burch and Nearing, pp. 248-254; Beard, *Readings*, pp. 590-605.
- CAPITAL AND LABOR: Burch and Nearing, pp. 296-347.
- THE SINGLE TAX: Burch and Nearing, pp. 340-341.
- SOCIALISM: Burch and Nearing, pp. 341-345.

## CHAPTER VI

### POLITICAL LIBERTY

- I. Political and civil liberty closely connected.
- II. The long struggle for political liberty.
  1. The right to vote very limited at first.
  2. Classes excluded from the right to vote in 1776.
  3. Early arguments against giving propertyless men the vote.
  4. Early arguments in favor of votes for propertyless men.
  5. Confused ideas about democracy.
  6. Our ideas about democracy change.
  7. The contest over votes for white men.
  8. Votes for colored men.
  9. Votes for women.
- III. Present restrictions on the right to vote.
  1. Citizenship.
    - a. How aliens are naturalized.
    - b. The alien should become a citizen before voting.
    - c. Voters of foreign birth likely to be clannish.
    - d. What should be done with the foreign vote.
  2. *The age limit for voters.*
  3. Male sex qualification.
  4. Residence qualification.
  5. Taxpaying qualification.
  6. Educational test.
  7. How negroes are excluded from voting in the South.
    - a. The federal Constitution and Southern suffrage restrictions.
  8. Miscellaneous restrictions on voting.

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Political and civil liberty closely connected. — Political liberty includes the right to vote in elections at which those who make and enforce the laws are chosen and also the right



to hold office. While, as we have seen, the citizen may enjoy full civil liberty (rights of person and property) without at the same time having political liberty, it is a fact that men have commonly believed the two liberties to be inseparable. The principle that without political liberty there can be no true civil liberty was expressed in the American doctrine that there should be no taxation without representation; that is, no payment of money in taxes without a voice in deciding on the amount and kinds of taxes. It was written also in the Declaration of Independence in the immortal words that "governments derive their just powers from the consent of the governed."

**The long struggle for political liberty.** — This theory of political liberty, like other notions about human rights, was of slow growth and has a long history. There was a time in England when the king ruled absolutely; his word was law; and all the high officers of government were his appointees. In time, the great nobles, the landlords, and the rich merchants obtained the right to choose representatives to Parliament which after a long fight took away from the king his power to make laws, lay taxes, and rule absolutely. When the English colonies were founded in America, the rich classes in the mother country were represented in the Parliament, while the peasants, working people, and poor generally were deprived of the right to vote altogether. In short, only those (with a few exceptions) who held a certain amount of property enjoyed the right to vote and hold office, and the notion that the poor man should have the same privilege was regarded with horror by property owners.

*The right to vote very limited at first.* — Such aristocratic notions were widely held in the American colonies, and there, too, the suffrage was confined to men who owned a definite amount of property. In fact, the lofty principles laid down in the Declaration of Independence were not written because all Americans had come to the conclusion that every person

should have a voice in the government. On the contrary, a very large proportion of the white men were still deprived of the right to vote under the new Republic as before under the king of Great Britain. The Revolutionary War was fought to secure freedom from interference on the part of the British government, not to establish the right of all men to vote or to guarantee that no one should be governed without his consent. The Declaration of Independence, therefore, expressed a principle that was not completely carried out in practice.

*Classes excluded from the right to vote in 1776.* — When the new government was set up after the break with England, there were several classes of the population that did not have the right to vote. Of course, the slaves did not have the ballot, and it was common to exclude free colored persons in the North. Black men in general did not get their political privileges until after the War, although a few states had enfranchised some of them before. Slaves were not the only persons denied the right to vote, however. In nearly every state the ballot was restricted to the property owners or taxpayers, and several devices were employed to give landed property owners a special control over government. Officeholders were frequently required to have large amounts of property and sometimes to hold certain religious opinions as well. Moreover, the idea that women should have any voice in the government built "on the consent of the governed" never occurred to the founders of the Republic.

*Early arguments against giving propertyless men the vote.* — In the long agitation over the right of the common man to vote (even if he had no property) which followed the Declaration of Independence, the whole question of the suffrage was thoroughly threshed out. Many of the greatest men in our history, like Webster, Madison, Hamilton, and Jefferson were afraid of giving power to the poor — particularly of the great cities. In every state where the suf-

frage was demanded by the disfranchised, arguments such as were put forward against it in the New York constitutional convention of 1821 were heard: "There is no real demand for it — only a few noisy agitators are stirring the matter up; we are happy and prosperous now, why run any risks by doubling the number of voters; the extreme democratic principle has been regarded with terror by the wise men of every age, because in every European republic, ancient and modern, in which it has been tried, it has terminated disastrously and has been productive of corruption, injustice, violence, and tyranny; the poor have no interest in the government because they have no property at stake and Providence has decreed that we shall have the poor with us forever; workingmen, if enfranchised, would neglect their work and engage in politics for which they are not fitted; the extension of the right to vote to all white men on equal terms will end in the ruin of the government and universal calamity."

*Early arguments in favor of votes for propertyless men.* — Against these dire prophecies, the advocates of universal manhood suffrage brought forward arguments based on the "natural" rights of mankind. They admitted that allowing all men an equal voice was in many ways experimental, but they claimed that it was an experiment based upon the professed principles of the Declaration of Independence: "governments derive their just powers from the consent of the governed." They also declared that the poor man with only his labor to sell needed the vote to protect himself against laws made in behalf of property and to secure laws favorable to his own welfare; they denied that either intelligence or morality was possessed only by the well-to-do; they scorned the idea that the propertyless were represented in the government, even though they had no voice in it; and they concluded by adding that the men who were voteless were determined to have it, and that it would be the

better part of wisdom to give it to them without engendering a bitter struggle.

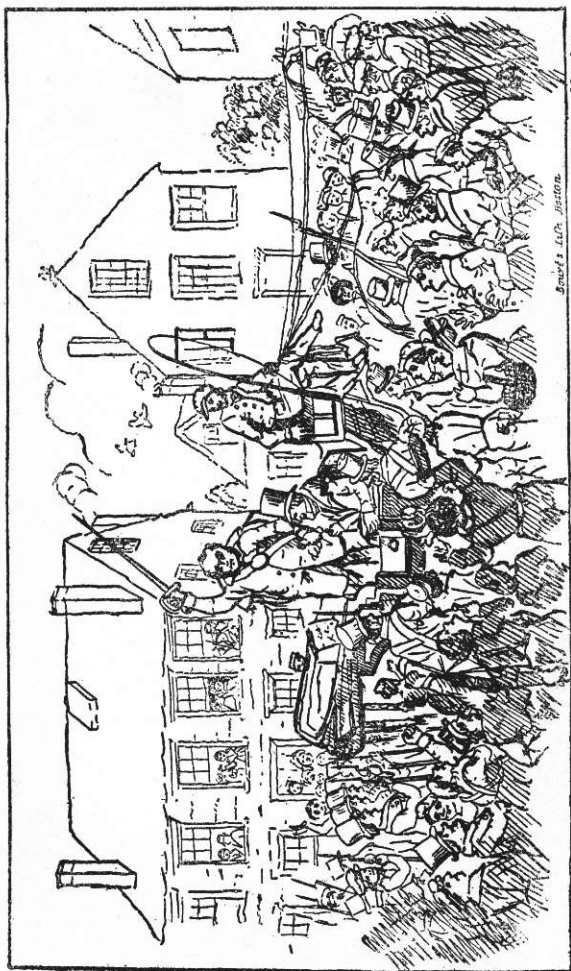
*Confused ideas about democracy.* — It was a *republic*, not a democracy, which the men who established our form of government had particularly in mind, and it was not until more than half a century after the Declaration of Independence that white men were given political liberty. This misunderstanding about democracy is partly due to a confusion of terms. We sometimes speak as if a representative government, a republic, and a democracy were all the same; but this is not correct. A republic may be both representative and democratic, but it is not necessarily so. A republic simply means a country without a king or single absolute ruler, but such a country may be ruled by a very small class while the masses of the people have no share at all in the government. Likewise a representative government need not necessarily be democratic or republican. A representative government means a government by persons chosen by voters, but under such a government the number of voters may be so restricted as to deny the majority of the adult men — to say nothing of the women — all share in the government. It was a representative republic that was established in the United States after the Declaration of Independence.

*Our ideas about democracy change.* — A democracy, on the other hand, means a government by "all of the people," but the term "the people" does not mean the same to all persons or at all times. During the nineteenth century, it was held by most men that a democracy was a nation in which all of the adult males had the right to vote. But in the states where the women now vote and in other states where they are demanding the ballot, there is a widespread conviction that a government which excludes half of the population — the women — from the ballot is not a democracy at all. Thus it is apparent that the men who wrote the Declaration of Independence and framed our system of government in the

eighteenth century did not say the last word about democracy, but left many additions to their fine theories about the rights of man to be made by later generations.

*The contest over votes for white men.* — The story of the way the common man without property secured the ballot in this country has never been fully written. In New York, the last of the property qualifications for white men were abolished in 1826 after a good deal of agitation and the presentation of a monster petition containing 75,000 names. In Rhode Island there was a sort of civil war in 1842 known as Dorr's Rebellion which frightened the state government into giving votes to those who did not have the property required by the old law. In England, about the same time, there was a great deal of rioting and disorder on the part of the men who wanted the right to vote — a right which was not secured for most of them until 1867 in that country.

*Votes for colored men.* — The advocates of white manhood suffrage prevailed in the long and bitter contest, and, by the eve of the Civil War, property qualifications on the right to vote were almost all swept away. The colored man stood on a different footing in the North as well as in the South. In a large number of the Northern states negroes were not allowed to vote at all, or unless they possessed a certain amount of property. After the war the problem of the newly emancipated slaves of the South was raised. The Thirteenth Amendment, which Lincoln did so much to secure, merely abolished slavery. Many Republicans held that on the theory of the rights of man the negroes were entitled to vote; other Republicans thought that the former slaves would vote the Republican ticket if enfranchised; and the oppressive laws passed in many Southern states which almost established slavery under another name led to the adoption of the Fourteenth Amendment to the Constitution which provides that when any state denies any of its male citizens



*From an old print.*

DORR CALLING UPON HIS FOLLOWERS TO TAKE UP ARMS FOR THE RIGHT TO VOTE

the right to vote, it shall have its number of representatives in Congress reduced. This was shortly afterward supplemented by the Fifteenth Amendment, which says definitely that no person shall be disfranchised on account of race, color, or previous condition of servitude. Thus it was thought that universal manhood suffrage would be established throughout the United States.

*Votes for women.* — About the same time, women began to take an interest in the ballot and to demand the right to vote also. They made an eloquent plea to the New York constitutional convention of 1867 for the ballot, and soon a petition signed by 80,000 people asking for woman suffrage was laid before Congress. They appealed also to the doctrine that governments derive their just powers from the consent of the governed. They held that they were taxpayers and just as much concerned in the government as the men. They said also that the working women needed the vote for their protection just as much as the workingman needed it for his. They denied that they were represented in the government, even though they had no vote. They pointed out how women had won the right to their own property, the right to be educated, and the right to enter the professions, and added that it was impossible to open all the avenues of intelligence and industry to women and then keep them indefinitely under the political tutelage of men. In short, they *repeated* the arguments which had been made in behalf of universal manhood suffrage a generation earlier.

*Women begin to win the vote.* — For a long time after the Civil War the agitation for woman suffrage bore no fruit, except in the granting of the right to vote in school elections; for example, in Michigan and Minnesota in 1875, New Hampshire and Oregon in 1878, and Vermont in 1880. Only in the territory of Wyoming did the women have the general suffrage which was secured to them there in 1869. Wyoming came into the Union as a state in 1890 and retained

woman suffrage. In 1893 women were enfranchised in Colorado and three years later in Idaho and Utah. Then followed a lull in the agitation for a short period, only to be revived with renewed vigor at the opening of the twentieth century. Within little more than a decade five more states were won by the suffragists: Washington (1910), California (1911), and Oregon, Kansas, and Arizona in 1912. In 1913 Illinois gave women the right to vote for many officers, including presidential electors. With eighteen out of the ninety-six senators and with thirty-seven Representatives in Congress, from equal suffrage states, excluding Illinois, the suffragists are now renewing their agitation for a national amendment, at Washington, with more effect than ever.

**Present restrictions on the right to vote.** — Having briefly reviewed the history of the contest for political rights in the United States since the Declaration of Independence, we may now bring together the qualifications or restrictions which are placed on the right to vote in the United States at the present time.

*Citizenship.* — Citizenship is a fundamental requirement of voters in nearly all the states. A few states, however, allow foreigners who possess the other local requirements to vote if they declare their intention of becoming citizens.

(a) How aliens are naturalized. — An alien is made an American citizen in the following manner. After residing two years at least in the United States, he goes before a court of law and declares his intention of becoming an American citizen. Not less than two years, nor more than seven years, afterward, he applies to the court for his papers of naturalization, and after ninety days have elapsed he appears before the judge and his application is heard. If the judge is satisfied that the applicant should become a citizen, he thereupon issues the certificate of naturalization. An arbitrary judge may very readily exclude anybody whom he



sees fit under the plea that the applicant is not of good moral character or well disposed toward the government. No foreigner can become a citizen until he has resided here at least five years.

(b) The alien should become a citizen before voting. — The political rights of persons of foreign birth are a troublesome matter. If every alien immigrant were made a voter the moment he landed, before he knew anything about the language, laws, and customs of the country, it would be a bad thing. It is not unfair, therefore, to require him to become a citizen before voting, because this compels him to reside in the United States for five years at least before taking part in the government.

(c) Voters of foreign birth are likely to be clannish. — The requirement that aliens shall become citizens before voting does not solve every problem, for thousands of them continue to live in the foreign quarters of our great cities and to read their own newspapers and speak only their own languages long after they have been made citizens. They sometimes take a very narrow view of politics and are marched to the polls to vote by political managers without knowing why they are voting or what they are voting for. They are sometimes accused of being more ready to sell their votes than native Americans; but this is not true.

(d) What should be done with the foreign vote. — Nevertheless, there is a good deal of criticism of "the foreign vote" by native Americans who seem to think they have a complete monopoly on this particular section of the earth; and often the demand is made for some drastic laws against the voting of persons of foreign origin. The foreigners, men and women, make up a large part of our hard-working population; they suffer from industrial accidents, from bad tenements, long hours of work, low wages, and other evils of modern civilization. It is not enough to fling at them the declaration that the United States is better than Russia.

It is not so good but that it can be improved, and foreigners are not required to endure everything simply because Americans have been willing to admit them. Instead of denying the ballot to persons of foreign birth, it is better to educate them, to improve the conditions under which they live and labor, and to give them a fair chance to become valuable American citizens.

*The age limit for voters.* — All states require the voter to be twenty-one years old at least — this being the age at which a man arrives at maturity, the age at which he is supposed to have judgment enough to manage his own affairs and take part in the government of his country. The same age is required for women voters.

*Male sex qualification.* — Thirty-seven of the states restrict the right to vote in all elections to men, but, as we have seen, nine have equal suffrage, while a majority of the other states allow women to vote in school elections. Illinois has very recently granted them the right to vote for many state and local officials, and for presidential electors.

*Residence qualification.* — The voter must reside for a certain length of time in the place where he expects to cast his ballot. Some states require the voter to have resided within their borders for six months, others for one year, and a few for two years.

*Taxpaying qualification.* — A few states—for example, Arkansas, Pennsylvania, and Tennessee—allow only taxpayers to vote; that is, those who pay a poll tax have the ballot. In some Southern states persons who pay taxes or own a certain amount of property can vote, even if they do not have the other qualifications mentioned below.

*The educational test.* — About one-third of the states have some kind of educational test. Massachusetts requires the voter to be able to read a section of the state constitution in the English language and write his own name. Connecticut has similar requirements. The educational test

is used in some Southern states as an alternative to other qualifications (see next paragraph).

*How negroes are excluded from voting in the South.* — In the South a number of restrictions have been devised to exclude the negroes from voting. These restrictions are in general as follows: (a) the voter must be able to give a "reasonable explanation" of some part of the state constitution when it is read to him by the registering officers; or (b) he must own a certain amount of property; or (c) he must be a person who voted or the descendant of a person who voted before 1867; or (d) he must have been a Federal or Confederate soldier.

(a) The federal Constitution and Southern suffrage restrictions. — It is sometimes said that the Southern states which have these restrictions violate the federal Constitution; but this is not strictly correct. The Constitution simply says that no one shall be disfranchised on account of race or color or previous condition of servitude, and the above restrictions do not violate this rule. The Fourteenth Amendment does say, however, that when any state excludes male citizens from voting, it shall have the number of its representatives in Congress reduced in proportion. If this were enforced, the Southern states and the Northern states which have property and educational restrictions would have their representation reduced; but there is no serious attempt to enforce it.

*Miscellaneous restrictions on voting.* — There are several distinct types of persons in the states who are not permitted to vote; such as idiots, paupers, the insane, bigamists and polygamists, duelists, felons or those convicted of infamous crimes, and Indians not taxed. Voters convicted of bribery at the polls are often disfranchised for a certain specified time. Soldiers and sailors are denied political rights in some states on the ground that they are within the state, not as citizens, but merely on duty as representatives of the federal

government, whereas voters of a state are required to be citizens of that state.

A criminal may regain his right to vote by securing a pardon from the governor; and often an unpardoned criminal, who goes to a new state after he has served his prison term in his own state, can vote, by concealing his identity.

### Questions

1. What is the difference between civil and political liberty?
2. What relation do they bear to each other?
3. What has been the history of the right to vote in the United States?
4. What is the distinction in meaning between the words republic and democracy? Does one necessarily exclude the other?
5. Who are "the people" in a political sense? Is it a term that always means the same thing?
6. What arguments were used against manhood suffrage before it became established?
7. What arguments were advanced by workingmen to support their demand for the vote?
8. Where do women vote in the United States?
9. What is the political standing of foreigners in the United States?
10. What persons are generally excluded from the right to vote besides women?

### Additional Reading

THE RISE OF POLITICAL DEMOCRACY: Beard, *American Government*, pp. 79-86.

THE RIGHT OF WOMEN TO THE BALLOT: Kelley, *Some Ethical Gains through Legislation*, pp. 172-206; Beard, *Readings*, pp. 407-410.

OBJECTIONS TO WOMAN SUFFRAGE: Bryce, *The American Commonwealth*, Vol. II, pp. 600-612; Beard, *Readings*, pp. 405-407.

POLITICAL RIGHTS AND DUTIES: Kaye, *Readings in Civil Government*, pp. 111-128.

## PART II

THE MACHINERY OF GOVERNMENT—  
OFFICERS, ELECTIONS, AND PARTIES



## CHAPTER VII

### THE GREAT PARTS OF AMERICAN GOVERNMENT

- I. The study of the machinery of government.
  1. Danger in viewing government as merely a set of rules.
  2. The rules of government cannot always be understood merely by memorizing them.
  3. We must study government with a view to discovering its usefulness to the people.
  4. The people must decide whether good or bad work shall be done by the government.
- II. How to go about mastering a complicated machine.
  1. Our national, state, and local governments simply parts of a big machine.
- III. Our government is federal.
  1. Why we have a federal government.
  2. How the Constitution was framed.
- IV. The division of each government into three parts.
  1. The origin of the "separation of powers."
  2. Separation of powers reduces dangers of tyranny by the majority.
  3. Our present theory of the separation of powers.
  4. The separation of powers is a vital matter.
- V. The separation of powers influences our party politics.
  1. Responsibility for government is divided.
  2. Separation of powers encourages the growth of strong political parties.
  3. The separation of powers helps to make the executive a lawmaker.
- VI. The separation of powers and the judges of the courts.
  1. The recent prominence of the judiciary in politics.
  2. The power of the judge to declare laws null and void.
  3. Difficulties arising from the power of the judges to declare laws void.
  4. Proposals to change the present judicial system.

5. Why change in the judicial system is demanded by some persons.
  6. Why changes in the judicial system are opposed.
  7. How our system of the separation of powers checks hasty action.
  8. The majority rules in the long run.
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**The study of the machinery of government.** — There is one view of government which is purely technical, and leaves out of account altogether the human side of the matter. From that standpoint civics is merely a study of the rules which provide how officers shall be elected, how long their terms shall be, what powers they shall have, and how laws shall be made for the government of the people.

*Danger in viewing government as merely a set of rules.* — Viewed in this way, government is simply a matter of rules; and so absorbed are some people in memorizing them that they forget other aspects. They grow so interested in the law about terms, powers, and qualifications that they come to look upon the law as an end in itself, to be studied for its own sake, instead of as a means to serve human welfare. This view also overlooks the most important thing of all; namely, that the government in fact consists of *persons* engaged in doing certain tasks. It requires no great amount of intelligence to discover that by electing different persons to offices we may have quite a different government within limits without any change in the laws at all. Just as a school may be good under one teacher and bad under another without any change in the way of choosing school boards and teachers, so the government may be efficient or wasteful without changes in the laws about elections and terms of office.

*The rules of government cannot always be understood merely by memorizing them.* — While the student of government must learn its rules, he must also pay particular attention



to the question of *why* the rules were adopted at all. He must also study especially the way in which the persons, charged with carrying out the rules, go about their tasks. For example, a law may prescribe that a certain officer shall be appointed in a certain way, not necessarily because that is the way to get the best kind of officer, but possibly because certain politicians may choose one of their own number if that method is employed. Again, there have been instances of good laws being made to control railway companies and then agents of the railways appointed to office to enforce the laws in such a way as to make them of no use to the public. Examples might be multiplied to show that, when one knows the mere rules of government as they appear on printed pages of the law books, one does not necessarily know very much about government.

*We must study government with a view to discovering its usefulness to the people.* — Nevertheless, it is important to study the laws, or the machinery of government, as it is called; and, if we fix our attention on the output of the machine rather than on the machine itself, we get a new interest in it. We cannot escape the laborious task of learning about many dry details of government. The master musician learns all about the machinery of the instrument on which he plays; the skilled artist studies the chemistry of paints and oils as well as the great paintings of the masters; the writer must learn the rules of composition even though he never intends to write a grammar; and the teacher must learn about making reports and keeping records, although the purpose of teaching is to make better and more intelligent boys and girls. If you can imagine, however, a musician more interested in organ bellows than in music, or a teacher more concerned with reports and records than with boys and girls, you can picture to yourselves the person more interested in the rules of government than in its achievements.

*The people must decide whether good or bad work shall be done by the government.* — The voter has to study certain machinery or rules of government in order to play an important part in government, and those who cannot vote must also study it if they wish to be intelligent members of society. The government is a great piece of public machinery which can bring conveniences, comfort, order, and happiness to millions, or the very opposite of these things, according as the voters understand it and decide to what use it shall be put. Like a ship that may be fitted out to carry useful things from country to country or to bring death and destruction in battles, so the government may be regarded as an instrument of oppression or as a servant of public good. It is for those who direct it to determine its use by their wisdom, their sense of right, and their votes. Finally, the voter must know something of the history of government in order to realize how it has already been changed and improved from time to time, and in order to understand also how it may be improved in the future.

**How to go about mastering a complicated machine.** — When one undertakes the study of a big and complicated machine, he does not begin at one end and study all of the little details one after another until he reaches the other end. If he does, the chances are that he will not know much about the machine when he is through. He learns about the leading parts of the machine first, the principles on which it is constructed, and the way the chief parts work into one another; then he masters the minor attachments to the great parts.

*Our national, state, and local governments simply parts of a big machine.* — So it is in the study of government. We do not start with New York City and go out to San Francisco by way of Washington, D.C. First, we learn about the big and important parts of the American governmental machine, and how they fit into each other, and how all of them at

*the same time* affect our daily lives. We do this in order to understand the machine as a working concern, all parts of which must act together.

**Our government is federal.** — The first important thing, then, to know about our great governmental machine is that it is *federal* in character. That is, instead of one single government at Washington making laws on all matters for all of the people, we have a central government which makes and enforces laws on matters which are national in that they concern the people of more than one state at the same time; and we have forty-eight state governments which make laws on matters which concern only the people within their respective boundaries. It is because there is so little understanding of the work of these two big parts of our machinery of government that we have people asking the national government to do things which belong to state governments and demanding from the state governments laws on matters which the states have **no** power to touch at all.

*Why we have a "federal" government.* — Why we have this federal system instead of a "unitary" system like France where *one* parliament makes laws for the whole republic is to be explained by referring to our history. Our country began by small settlements of pioneers, which in time grew to be colonies: Massachusetts, New York, Pennsylvania, Virginia, and the rest of the thirteen. When the Revolutionary War came on, the colonies joined in a common government principally for mutual defense, and at the same time each colony set up a government of its own as a state. From your history you know how, at the close of the Revolution, the colonists framed a common government under the Articles of Confederation, as it was called, and gave that government certain powers over the army, taxation, money, and so forth. From your history also you know how dissatisfaction with the Articles of Confederation grew up and how in 1789 a

new system of government under our present Constitution was framed — a system of government which embraced national officials invested with certain powers, and at the same time forbade the states to interfere with certain matters.

*How the Constitution of the United States was framed.* — This new Constitution — now over one hundred and twenty-five years old — was drafted by a convention of delegates chosen by the state legislatures, who held their sessions at Philadelphia in the summer of 1787. In drafting the Constitution they had to be very careful not to give the central government too much power, for the states were jealous of one another and they would not have ratified the new document when it was done if it had interfered seriously in their affairs. By very ingenious work, the framers of the Constitution contrived the double system which we now have, and it was approved in each state by a convention of delegates specially chosen by the voters (p. 66) for the purpose of passing upon the scheme submitted by the Philadelphia convention. This is how it happened that we have a double governmental machine, instead of a single central government.

**The division of each government into three parts.** — In constructing our national government and our state governments, it has been thought best to divide each of them into three great parts: the legislature which makes the laws; the executive which enforces them; and the judicial department which interprets them. You will find this principle adopted in the national government at Washington, in the government at the capital of your state, and perhaps in the government of your city. We say "perhaps," because cities are rapidly giving up the idea that a good government must be divided into three parts, and many of them, as we shall see (p. 136) are giving the lawmaking and the law-enforcing powers to the same body of men.

*The origin of the "separation of powers."* — How did the notion arise that a good governmental machine must consist

of three parts? This is a very hard question to answer briefly, because it has such a long and tangled history. In the early days of the English monarchy, the king got into his hands the power to make such rules as he pleased for his subjects and also the power to enforce those rules by his own officers — judges, sheriffs, and other royal agents. In time, as we have seen (p. 4), certain of the king's subjects wrested from him the power to make the laws, and vested it in a legislature, one house being elected by the voters. In time, also, the king's subjects who could vote began to object to the way in which the king's judges punished and imprisoned in violation of the laws, and Parliament at length declared that the judges must be independent of the king — that is, not controlled by him but by the Parliament. Englishmen did not believe that the judges should be entirely independent of the Parliament, however, with the power to declare laws made by Parliament null and void. That is a purely American notion of the judicial power (p. 89).

*Separation of powers reduces dangers of tyranny by the majority.* — These three branches — executive, legislative, and judicial — were set up in the English colonies in America, and continued after the Revolutionary War, partly because of force of habit and partly because of new ideas which had been developed. In the days of absolute kings, men had learned that there was sure to be tyranny and cruelty in the land if the power to make, interpret, and enforce the laws was in royal hands. In America, the tyranny of one man was no longer feared; but many great statesmen came to believe that the danger of tyranny on the part of the legislature representing the voters was as serious as, if not more serious than, the danger from a monarchy. The majority of the voters may be wrong, just as a king may be wrong, so these leaders thought, and consequently the danger should be lessened by dividing the power of government into three parts so that it would be difficult for any one part to exercise its

authority tyrannically, and difficult also for the three parts to join in the same act of injustice.

*Our present theory of the separation of powers.* — In time it came to be held that, although the government ought to be constructed of three parts, the purpose was not to make the rule of the majority of voters difficult, or impossible, but to make sure that there should be a long and fair consideration of any matter to be determined by the voters, so that a majority might not suddenly and passionately make a law oppressing others. This is really the theory upon which the separation into three powers rests to-day. Any law must pass the legislature (state or national) which has two branches, each of which is supposed to check and balance the other and prevent it from acting hastily. The executive has the veto power, the power to say to the legislature: "This is an unjust or unwise law, and I disapprove of it and say it ought not to be a law at all;" and when this is done by the executive the legislature must pass the measure again, usually by a larger majority, if it is to become law in spite of the veto. But this is not all of the gauntlet which a law must run. When the legislature has made it and the executive signed it, a citizen against whom it is enforced may go to the courts and say: "I think this law is no law at all because the constitution of this state or of the United States forbids such a law." And, if the court agrees, the law is dead. All this takes a long time, and hence hasty action is impossible. The people are required to think the matter over carefully.

*The separation of powers is a vital matter.* — This "separation of powers" is, therefore, no dull subject to be memorized by rôle. It is one of the most vital matters of all government. It involves the fundamental question: "Should a majority of those who take the trouble to vote in any election be allowed to make any law they please on any matter they please without being checked by any device or without being forced to reconsider the matter very seriously if it touches





Photo by Underwood and Underwood.  
PRESIDENT WILSON READING HIS MESSAGE TO CONGRESS



the life and liberty and property of individuals?" The American theory at present is that, in the long run, the majority of the people decide matters rightly, but that there must be some way of seeing that the "long run" is long enough.

**The separation of powers influences our party politics.** — The separation of the government into three parts for the purpose of enabling one to check and balance the other has a very deep influence on the actual conduct of the government and particularly on the political campaigns for offices. This can best be illustrated by comparison with the system in England. There the executive is not the king, for the king does not interfere in politics at all. The executive is the cabinet, composed of high government officers selected from the leaders of the political party in power in the legislature or Parliament. Any law which Parliament passes is enforced, for no court can set it aside as null and void, and the men responsible for carrying the law into effect are the cabinet officers who sit in Parliament and direct the business of the legislature. Thus there is what is known as a "fusion" of the executive and legislative parts of government, instead of a separation as with us. The cabinet *in* Parliament is responsible for whatever the government of England does.

*Responsibility for government is divided.* — Now in the United States, the separation of powers divides responsibility in the conduct of government. The President or governor has his notions of what laws should be passed, and the legislature has other notions, and the result is frequently a compromise in which neither one gains the day, while nobody can tell whom to praise or blame. Often the executive cannot enforce a law because the legislature has not voted money for the purpose or provided for a sufficient number of officers to carry it out, and thus the executive may be blamed for not doing his duty, when it is not his fault at all. Again, it often happens that the legislature passes a good law, which

the executive does not like and therefore takes no pains to put into effect. Where the same men are responsible for the *making* and *carrying out* of the laws, the people can know whom to blame if things do not go well; but in the United States it is thought that the dangers of too hasty popular action are greater than the inconveniences of divided responsibility.

*Separation of powers encourages the growth of strong political parties.* — Another way in which the separation of powers influences government is in connection with elections and political parties. In order to get a law made and enforced, it is necessary for those demanding it to control both the legislature and the executive, for, if they have one part of the government and not the other, they cannot be sure of attaining their end. Hence the separation of powers makes it necessary for political parties to be very strong, so that they can get possession of the entire government. For example, if a party wishes a law prohibiting the sale of liquor, it must have a majority in the legislature to pass the law and, what is equally important, it must get possession of the executive branch to enforce the law against those who seek to sell liquor in defiance of the law.

*The separation of powers helps to make the executive a law-maker.* — Another way in which the separation of powers influences government is in connection with legislation. The executive, in spite of his title, really has some legislative powers: he can veto laws and he can recommend laws in his messages. So it has happened that candidates for the presidency of the United States and for the office of governor in the several states announce that they will advocate the making of certain laws in case they are elected; and the people are beginning to look to their executives even more than to the legislatures *for the passage of laws* in harmony with campaign promises. This raises one of the prominent questions of our present-day politics: "Does not the execu-

tive department threaten to overshadow the legislature in the minds of the voters? ” At all events, in elections, we do not choose executives merely because we think they will be good men to enforce the laws. On the contrary, we often think more of what laws they will compel the legislature to pass by using their messages to stir up discussion and by threatening to veto certain bills in order to force the legislature to pass their own. The executive in the United States is becoming a lawmaker as well as a law-enforcer.

**The separation of powers and the judges of the courts. —**

For the same reasons candidates for the office of judge are likewise brought into politics. The judge has the power to *set aside* the law passed by the legislature and signed by the governor if he believes that it is contrary to the constitution of the state or of the United States. The judge also has the power to *change* the law by interpreting it in a way which the legislature did not intend it to be interpreted. Rules made by the interpretation of the judges are called judge-made laws. Since the judge has the power to unmake laws by declaring them unconstitutional and the power to change them by interpretation, the voters are beginning to inquire of candidates for the office of judge: “ What views do you hold concerning the desirability of such and such laws, and how would you interpret this or that measure if you were elected? ” Thus the judge, whose chief business is to decide disputes between private citizens and to try those charged with crimes, becomes mixed up with politics, and the voters are beginning to think more about his views on certain kinds of laws than they do about his fairness and impartiality in trials.

*The recent prominence of the judiciary in politics. —* The position of the judiciary in the scheme of the separation of powers is so difficult to understand that it is necessary to explain it at some length. Lawmaking and law-enforcing are by comparison easier to comprehend, and a great deal

more attention has therefore been given by the voters at large to the executive and the legislature than to the judiciary. But recently there has been much talk about the power of the judges to declare laws null and void, and there have been suggested many changes in the judicial department. Consequently, the citizen should give no little thought to the power of the courts, and particularly to the principles upon which it depends.

*The power of the judge to declare laws null and void.* — The theory of the power of judges to declare laws void is as follows. There have been laid down in the national Constitution and the state constitution certain rules providing that the executive may do this or that and that the legislature may do this and not do that. Suppose, however, that the legislature, in spite of the fact that it is forbidden to pass a law abolishing jury trial, does pass such a law any way. Suppose a citizen is arrested for a crime and is brought into court for trial. He says: "The constitution of my state and the Constitution of the United States both provide for jury trial in case of a serious charge like this against me and I claim that the law recently passed by the legislature abolishing trial by jury is contrary to the higher law—the constitution—and is therefore null and void." The judge is under oath to support the constitutions of the state and nation; these constitutions forbid legislatures to abolish trial by jury in serious crimes; he must choose between the higher law—the constitution—and the forbidden law; and he inevitably declares the forbidden law null and void. Acts of Congress may be declared void as contrary to the federal Constitution by state as well as federal judges, but there is always an appeal to the Supreme Court of the United States in such cases. Acts of state legislatures are often set aside by federal judges, as contrary to the federal Constitution.

*Difficulties arising from the power of the judges to declare laws void.* — This is the theory of the system, but in practice

the matter is not so simple. It is not often that a legislature makes a law which is *expressly* forbidden by the constitution, and if the courts had held only such laws void there would doubtless have been little controversy about the matter. But the constitutions, state and national, do not contain many clauses forbidding the doing of definite things by the executive or the legislature; on the contrary, they lay down rather general principles which may be interpreted one way or another according to the views of the judges passing upon them. Here is where the trouble comes in. The legislature believes that it has the power to pass a certain law, and thousands of voters believe that the law is both desirable and constitutional (that is, not forbidden by the constitution); but the judges of the courts may hold an opposite view and declare the law null. Then there is an outcry that the judges are biased and simply setting their will up against that of the voters and the legislature.

*Proposals to change the present judicial system.*—The action of the United States courts and of several state courts within recent years in setting aside laws has brought about many proposed changes in the system which now gives the judges an equal position with the legislature. Some go as far as to say that the judges have no business at all to set aside laws; that the will of the people as expressed by the legislature in a law should be supreme as in England. Other critics do not go as far. They propose that the voters should elect the judges of the United States courts, who are all appointed by the President and Senate for life, as we shall see later (p. 117). They propose also that all state judges should be elected by popular vote and that, whenever a certain percentage of the voters do not like the action of a judge in a certain case, they may petition for his recall and compel him to stand for a new election even in the middle of his term, in order to find out whether the voters approve of his conduct in applying the law. Still others propose to

“recall,” not the judge, but his decision, permitting a certain number of petitioners to require the submission of the *decision* of the judge to the voters to see whether they approve his action in declaring a law unconstitutional.

*Why changes in the judicial system are demanded by some persons.* — Advocates of these changes claim that what the judge does in setting aside a law is to put his will in the place of the popular will. They say: “Judges are men like the rest of us, influenced by what they read, by what they have experienced, and by the persons with whom they have associated. When they put on the judicial robe and take their places on the bench, they do not cease to have the views which they had as private citizens, and, if they thought a law *undesirable* before they became judges, they are apt to think it *unconstitutional* as judges. The judge therefore is reading his own ideas of what should be law into the law when he holds an act of the legislature void. Thus the judge is really superior to the law and to the people’s will, and it is necessary to make him subordinate to that will.”

*Why changes in the judiciary are opposed.* — It will be seen that these proposals go to the root of our system of government. Those who oppose these changes point this out. They say that the constitution is the solemn will of the voters and cannot be changed except in the way provided for amendment. If the legislature can pass any law it pleases, there is no necessity of having a constitution at all, and whoever is in a majority to-day in the legislature can change the most fundamental matters, such as trial by jury or the right to hold one’s property. Therefore, the opponents of change say every law passed by the legislature should be liable to examination by the courts, formed to study the rules laid down in constitutions and to prevent hasty and unjust actions on the part of the voters or the legislature whom they elect.

*How our system of separation of powers checks hasty action.* — It will thus be seen that our separation of powers brings

about a great deal of friction between the legislature and the executive and the judiciary. They are always checking one another, and not infrequently they are quarreling among themselves as to their respective rights and powers and duties. The voters are in much confusion as to which branch of the government most deserves their sympathy and support; and so it often comes about that only when a considerable majority of the voters are bound and determined to get a certain important law passed is it possible to bring all three branches into harmony.

*The majority rules in the long run.* — It does not prevent the majority from having its way finally, but it cannot have its way quickly or easily. A good example of this is the federal income tax. In 1894 Congress passed a law laying a federal tax on incomes; in 1895 the Supreme Court of the United States set it aside as violating the Constitution. Those who believed in the income tax continued their agitation to amend the Constitution so as to get around the decision of the Court, and after nearly twenty years (1895–1913) they were able to secure an amendment allowing Congress to lay income taxes. Those who want to see things done in a hurry say that this is too long; those opposed to radical changes reply that it is better to run the risk of being too long about an important matter than to do things in too great a rush.

### Questions

1. What are the three parts of American government and what is the function of each?
2. What is the theory behind this division of activity?
3. What are some of the disadvantages of this division?
4. Is the distinction sharp between these divisions? Illustrate your answer by some examples.
5. In what sense is a judge a political factor?
6. What are judge-made laws?

7. What changes are proposed in our judicial system?
8. What do opponents of those changes say?
9. Why should we have respect for the law?
10. Explain what is meant by government by majority rule.

### Additional Reading

- THE SEPARATION OF POWERS: Beard, *American Government*, pp. 152-155; 164-165; Beard, *Readings*, pp. 49-53; 138-140.
- CONGRESS AND THE PRESIDENT: Bryce, *American Commonwealth*, Vol. I, pp. 209-228.
- THE COURTS AND THE CONSTITUTION: Bryce, Vol. I, pp. 242-261, 262-277.
- THE POWER OF PASSING UPON THE CONSTITUTIONALITY OF STATUTES: Beard, *American Government*, pp. 307-314; Beard, *Readings*, pp. 274-290.



## CHAPTER VIII

### THE NATIONAL GOVERNMENT

- I. The national government is constitutional.
  1. The method of amending the Constitution.
- II. The national government is representative.
  1. The parts of the national government chosen by the voters.
- III. The two houses of Congress.
- IV. The House of Representatives.
  1. Taking the census in order to apportion Representatives.
  2. Fixing the number of Representatives.
  3. The numbers of voters in the congressional districts are unequal.
  4. Election of Representatives.
  5. Qualifications of the Representatives.
  6. How the voter takes part in choosing a Representative.
- V. The Senate.
  1. The election of Senators.
  2. The qualifications and terms of Senators.
  3. The reason for electing only one-third at a time.
- VI. The meetings of Congress: long and short sessions.
- VII. The presiding officers.
- VIII. The making of laws.
  1. The committees of Congress.
  2. How the committee handles bills.
  3. Voting on bills in the two houses.
- IX. The powers of Congress.
- X. The special powers of the Senate.
- XI. The election of the President.
  1. Why the President is not elected by direct, popular vote.
  2. How presidential electors are chosen.
  3. The nomination of presidential candidates.
  4. The presidential primary.
  5. The campaign.
  6. The presidential election.

7. Casting and counting the electoral vote.
  8. Disputed elections.
  - XII. The qualifications, term, and pay of the President.
  - XIII. Appointing federal officers.
    1. The civil service law of 1883.
    2. The troubles of the President in making appointments.
  - XIV. The President must enforce the law.
  - XV. Pardoning offenders against the federal laws.
  - XVI. The President as a military commander.
  - XVII. The President and Congress: the message.
    1. The use of the veto power.
    2. Special sessions of Congress.
    3. How treaties are made.
  - XVIII. The President may recognize foreign countries.
  - XIX. The President's helpers.
    1. The Cabinet and the President.
    2. The Cabinet and Congress.
    3. Congress might control the Cabinet.
    4. The distribution of work in each Department.
  - XX. The federal courts.
    1. The power of Congress over the federal courts.
    2. How the federal courts are brought near to the citizen.
  - XXI. What matters go into federal courts.
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**The national government is constitutional.** — The national government is constitutional; that is, its framework and powers are described in a famous document drafted in 1787 (p. 84) and they cannot be changed except in a special manner, by amendment. This Constitution falls into four main parts. It stipulates (*a*) how the Congress or law-making body, the President or chief executive officer, and the supreme judges shall be elected or chosen; (*b*) what powers over the affairs of the people each of the three branches shall enjoy; (*c*) what limitations shall be imposed on the state governments; (*d*) and how the document itself may be amended. The seventeen amendments which have been added merely deal with one or more of the parts just enumerated.

*The method of amending the Constitution.* — This Constitution differs from any law made by Congress in that it may be altered only by an extraordinary method. A change in the Constitution may be made by a resolution passed by a majority of two-thirds in each house of Congress and approved by the legislatures or by conventions in three-fourths of the states. A second way of changing the Constitution is for Congress, on the application of two-thirds of the state legislatures, to call a national convention to propose amendments, which amendments must be approved, however, by the legislatures or by conventions in three-fourths of the states. The only method which has thus far been employed is that of passage by Congress and ratification by state legislatures. The rule that it takes a two-thirds vote in Congress and the approval of three-fourths of the states makes it difficult to change the Constitution unless a very large majority of the people are in favor of it.

**The national government is representative.** — Since there are about fifteen million voters in the United States, it is impossible for them to assemble at one time and place to make known their needs and wishes about laws and their enforcement. They therefore choose agents to go to Washington to enact the laws for the nation and to look after putting them into effect. Thus our national government is “representative” in character, not a direct democracy in which all voters act for themselves.

*The parts of the national government chosen by the voters.* — The voters send three kinds of agents to Washington to carry out their will: (1) four hundred and thirty-five Representatives, one for about every 220,000 persons in the United States; (2) two Senators from each state; and (3) a President and Vice President representing the whole union. The first two groups of agents are elected by the voters directly, and the President and Vice President are chosen by electors selected by the voters.

## THE CONGRESS OF THE UNITED STATES

**The two houses of Congress.** — Those representatives who are sent to Washington to make laws are called Congressmen, and all of them together are called "The Congress of the United States." This body is composed of two groups or Houses, as they are termed: the House of Representatives, consisting of four hundred and thirty-five members, and the Senate, consisting of ninety-six members. There are two reasons given for dividing Congress into two houses instead of putting all of the lawmakers into one body: (a) In the lower house the people of each state are represented roughly according to their numbers, so that a large and populous state like New York may have more members than a small state like Delaware; while in the upper house each state enjoys equal power, because it has two Senators. Without this arrangement it would have been impossible to have formed the Constitution of the Union in 1787, for the small states demanded equality. (b) The two houses are supposed to check and balance each other and thus prevent impulsive action on the part of either.

**The House of Representatives.** — The House of Representatives is now composed of four hundred and thirty-five members. The number is fixed by Congress itself every ten years after the national census is taken. The number is then apportioned among the states roughly according to population — about one Representative for every 220,000 people; but each state has at least one Representative even though it does not have 220,000 inhabitants. Although these Representatives are elected directly by the voters, the theory is that they represent those who cannot vote also. This is called "virtual representation," as opposed to direct representation by personal choice through the ballot.

*Taking the census in order to apportion Representatives.* — Every ten years a census of the population of the United

States is taken in order to readjust representation according to the growth or decline of population in each state. Employees of the federal government are sent from house to house throughout the entire country to get information about the number of the people; and within recent years information about other matters, such as occupations, wealth, industry, and crops, has been collected at the same time. There is an office in Washington known as the Bureau of the Census where this information is all received and tabulated.

*Fixing the number of Representatives.* — After each census Congress fixes the number of Representatives and then this number is divided among the several states on the basis of their respective populations. The state legislature must lay out the state into districts so that not more than one member shall be elected from each, but if the state legislature does not do this, all the members (in the case of a new state) or the members added by the new apportionment are elected “at large”; that is, by all the voters of the state. In laying out districts, the political party in power in the state legislature usually does not make the congressional districts equal in population, but tries to arrange them so as to get as many of its members elected as possible. This practice of outwitting the opposite party in arranging congressional districts is known as “Gerrymandering.”

*The numbers of voters in the congressional districts are very unequal.* — It will be noted that the number of Representatives which each state gets depends upon its population, not upon the number of voters; but the Constitution adds that if any state deprives any of its adult male citizens of the vote, it shall have its number of Representatives reduced in proportion. That is, if a state by law excluded one-third of its adult male citizens from the vote, it should have one-third of its Representatives taken from it. The Southern states, as we have seen, have deprived most of the negroes of the ballot; but no attempt is made to enforce this portion

of the Constitution (the Fourteenth Amendment) against them. Thus it came about in 1912 that one Representative from Mississippi was chosen by 3,154 voters, while in a district in California where women vote, the Representative elected had 20,341 votes, one of his opponents 18,756 votes, another opponent 10,585 votes, and a third opponent 4,892 votes. That is, a defeated candidate from this California district got six times as many votes as did the elected member from the Mississippi district.

*Election of Representatives.* — Members of the House of Representatives are elected every two years, in the even numbered years, 1914, 1916, 1918; and the election is held in every state except Maine on the Tuesday following the first Monday in November. In case of a disputed election, where two or more persons claim the place, the House itself decides the matter after having an investigation by one of its three committees on elections.

*Qualifications of the Representative.* — A Representative must have been a citizen of the United States for at least seven years; he must be twenty-five years of age and an inhabitant of the state in which he is chosen. He cannot be at the same time an officer of the federal government, and he is usually a resident of the congressional district from which he is chosen. He is paid a salary of \$7500 a year, and he is allowed "mileage" or traveling expenses at the rate of twenty cents a mile to and from Washington. He is also given a certain amount for clerk hire, stationery, and other minor expenses.

*How the voter takes part in choosing a Representative.* — Each citizen is a resident of some congressional district from which a member of Congress is chosen.<sup>1</sup> If the citizen is a voter, then he or she is called upon in the autumn of every

<sup>1</sup> The District of Columbia has no Representative in Congress. Hawaii, Alaska, and Porto Rico send one delegate each to the House and the Philippines two delegates, but they have no vote.

even numbered year to vote for some candidate for that place. But before the election the "nomination" takes place; that is, each political party selects its candidate for membership in the House of Representatives. The voter takes part as a member of his party in making this nomination, either by choosing from among a number of party members who are "up for the nomination" at a *direct primary* (p. 148), or by voting for one or more delegates to go to a congressional district *convention* to make the party's selection for the place. The voter must watch out, therefore, for the "primary" at which it is decided who shall be the candidate of his party as well as for the election at which the final choice is made.

**The Senate.** — The Constitution prescribes that there shall be two Senators from each state and adds that no state shall ever be denied its equal representation without its own consent. Senators are not apportioned, therefore, according to population, for the very smallest state has an equal representation with the largest. New York State, with a population of nine millions, in round numbers, has one Senator for every 4,500,000; Nevada, with eighty-one thousand inhabitants, has one Senator for every 40,000. That is, one voter for a United States Senator from Nevada is equal to one hundred voters in New York. Nevada has one hundred times the representation in the Senate to which it would be entitled according to the rule of population.

*The election of Senators.* — Another part of the plan of the founders of our government for making the Senate more sober and conservative and less liable to hasty action was the original provision that Senators should be elected "indirectly"; that is, not by the voters, but by the legislatures of the respective states. The founders thought that if candidates for the Senate were compelled to go out in campaigns and appeal to the voters directly for their votes, they would be too much in sympathy with popular demands, and would therefore not

be a check on the House at all. There was some objection to this plan, even at first, however, and more than seventy-five years ago an amendment was proposed in Congress to the effect that Senators should be elected directly by the voters just as were the governors of the states. The amendment was not adopted, and the matter was dropped until after the Civil War. The Senate was unwilling to provide for a popular election and defeated the efforts of the House of Representatives to pass the amendment until 1911-1912 when it was at last carried, submitted to the states for ratification, and in 1913 became the Seventeenth Amendment to the Constitution. Henceforward, United States Senators are to be elected by popular vote.

*The qualifications and terms of Senators.* — The Senator must be at least thirty years old — five years older than the Representative; he must have been a citizen for nine years and he must be an inhabitant of the state that sends him.

The term of the Senator is six years — three times as long as that of the Representative. Moreover, all of the Senators are not elected at once as are the members of the House. One-third of the Senators are elected every two years, so that only one-third of the body is renewed at every election.

*The reason for electing only one-third at a time.* — This plan for having only one-third of the members elected at one time is a part of the general scheme of the framers of the Constitution for preventing impulsive action on the part of the legislature. If all the members of both houses were elected at one election, after an exciting campaign, they might come together in great fervor and pass many laws without due deliberation. As it is, there is always a majority of the members of the Senate already in office and prepared to check any hurried action on the part of the Representatives and those Senators who have just come in.



## CONGRESS AT WORK

**The meetings of Congress: long and short sessions.** — Congress meets every year on the first Monday in December. The Congress elected in November, 1914, for example, meets for its first or "long" session on the first Monday in December, 1915, *unless* the President calls it in a special session (p. 113). This first session of a Congress lasts until all business on hand is transacted. It usually adjourns the following spring or early in the summer, but there have been instances of the first session of a Congress lasting from December until the following October. The second session of the Congress elected in 1914 begins on the first Monday in December, 1916, and lasts until the following March 4th.

**The presiding officers.** — In order that it may have regular debates and conduct its business in a systematic fashion, each house has a presiding officer and a set of rules stating how laws shall be passed, debates conducted, and votes taken. The Vice President of the United States presides over the Senate and has a vote in case there is a tie; but, in the absence of the Vice President, the Senate chooses one of its own members to preside. In the House the presiding officer is known as the Speaker. He is selected by the "caucus" of the party which has a majority in the House, and his nomination is formally approved by the House. The presiding officer chosen by each house is a member of the political party which has a majority in it. When there is a Democratic House, the Speaker is a Democrat.

**The making of laws.** — How are laws made by Congress? Any member of either house may write out any bill — proposed law — which he wishes passed and introduce it. There is one exception to this rule. Senators do not introduce bills providing for laying taxes because all such bills must start in the House of Representatives, although the Senate can amend

House bills raising money. A member may introduce as many bills as he pleases, and more than thirty thousand are introduced in every session of Congress.

*The committees of Congress.* — When a bill, or draft of a law, is introduced in either house, it is referred to a committee. It would be impossible for each house to take up in order, as introduced, every bill and discuss it. Accordingly, each house appoints a large number of committees composed of from five to fifteen, or even more, members. It is so arranged as to give the political party that has a majority in the House of Representatives a majority on each committee of the House; and the same rule is usually followed in the Senate. Consequently, each committee is a sort of model of the house itself. There is a committee for every important group of matters which Congress has to consider. The committee on Ways and Means of raising revenue is the most important in the House, and a similar committee on Finance is the most important in the Senate.

*How the committee handles bills.* — When a bill is introduced, it is at once put into the hands of the proper committee, which decides whether or not the bill shall come before the house for debate and passage. The committee has a room of its own, with books and papers bearing on the affairs which it considers, and it has clerks and sometimes experts to advise it on important matters. It may summon private persons to tell what they know about any proposed bill and permit them to say whether the bill should pass or not and why. If the committee decides to report the bill to the house for debate, it may report it in the form in which it was introduced or it may make changes. If the committee decides against any bill, it is almost impossible to get it before the house for debate.

*Voting on bills in the two houses.* — When a bill is reported from the committee it is discussed on "a second reading" in the house for a certain length of time according to the rules, and then a vote is taken upon it. In transacting business it is

necessary that there should be a quorum present — at least one more than one-half the total number of members. If a majority of the quorum present vote "aye" on the bill on its second and third readings, it is sent to the other house for action. It there goes through the same process and if passed it is sent to the President for his signature (p. 112). If the two houses disagree on a bill, each appoints a small number of members to hold a joint conference and come to some compromise if possible. It is customary for both houses to accept an agreement thus reached by a joint conference committee.

**The powers of Congress.** — Congress has only those powers which are given to it by the Constitution (p. 315), and they are in the main as follows :

- (a) To lay and collect taxes.
- (b) To regulate foreign and interstate commerce.
- (c) To declare war and maintain an army and navy.
- (d) To create a monetary system.
- (e) To establish post offices and post roads.
- (f) To govern the territories and the District of Columbia.
- (g) To make all laws necessary to carry into effect the powers conferred above.

It is important that the student should know this list of powers, but as we shall see below (p. 178, for example) it really does not tell us very much about what Congress can actually do in any specific case.

**The special powers of the Senate.** — While it is apparent that the two houses enjoy almost equal rights in lawmaking, there are other matters in which their powers are different. The Senate has the power of approving or rejecting treaties which the President may make with foreign countries (p. 114); and the Senate also has the power to examine the nominations made by the President to certain high offices and to approve or reject them (p. 110). The House of Representatives cannot interfere in these matters

but it can start an action to remove any federal officer, even the President himself, by voting to impeach him before the Senate. When the House decides to impeach an officer by a vote, the officer is tried before the Senate acting very much like a court. A committee from the House accuses the officer before the Senate of the crimes or misdemeanors in question, witnesses are heard, speeches for and against the accused are made, and the Senate by a two-thirds vote may convict. Conviction amounts to removal from office and to disqualification to hold any other federal office.

### THE PRESIDENT OF THE UNITED STATES

**The election of the President.** — The representative of the voters of the nation at large is the President. The Vice President has so little to do with the government that he quite properly receives slight attention. He presides over the Senate and may have a taste of power in case there is a tie vote on a question, when he decides the matter. A Vice President is chosen for the purpose of having another officer ready in case the President dies or is incapacitated to act as chief executive.

*Why the President is not elected by direct popular vote.* — The President and Vice President are not elected by the voters directly. The framers of our Constitution had in mind the same idea with regard to the presidency that they had with regard to the Senate. They feared stirring up too much popular excitement over the election of the President in case the voters could cast their ballots directly for candidates for that high office. They therefore provided for the selection of a special body of men (to be chosen in each state as the legislature thereof might decide) whose sole business it should be to look over the field and very solemnly and deliberately discover the best man for President. This special body is known as the presidential electoral college,

and each state is entitled to a number of electors equal to its number of Representatives and Senators at Washington (p. 98).

*How presidential electors are chosen.* — At first many of the state legislatures chose the presidential electors without referring the matter to the voters at all; but after a time every state provided that its presidential electors should all be elected on a *general ticket* by the voters. That is, if a state is entitled to ten electors because it has eight Representatives and two Senators, every voter is given the right to vote for ten persons on the same ticket. In fact each of the political parties in every state selects a complete list of electors for the state, and the voters, in voting the party ticket, simply approve the entire list thus prepared.

*The nomination of presidential candidates.* — The most important preliminary to the election of the President is the nomination. Every four years, in the summer before the election, each party holds a national convention composed of several hundred delegates apportioned among the several states, and chosen by the party members, either directly or indirectly; and the convention selects the members of the party who are to be the candidates for President and Vice President. Then in each state the party fixes up a list of candidates for the office of presidential elector, all of whom, it is known in advance, will vote for the man selected by the convention as the party's choice for President. Thus by a very roundabout way we have something like a popular election of the President. The method is the same, of course, for the Vice President.

*The presidential primary.* — In order to put the choice of President more directly into the hands of the voters, several states have set up what are called "presidential preference primaries" which permit party members not only to select delegates to the national convention but also to say whom they want their national convention to nominate. This

system was tried in Massachusetts, New Jersey, California, Oregon, and a few other states in the campaign of 1912, and some people are so bold as to prophesy that the national convention will be abolished soon, or at least become a mere assembly for registering the choice made by the party voters at the primaries.

*The campaign.* — After the nomination is made by the party, the national committee of each party begins the campaign to win the election. It appoints, with the advice of the candidate for President, a chairman and a treasurer to manage the campaign and raise funds to pay expenses. A million dollars or more is usually spent in a campaign by each of the old parties, and the sums of money raised from rich men to defray the expenses are so enormous as to constitute a grave menace (p. 156); for the practice gives undue strength to the party with the longest purse.

*The presidential election.* — The voter on the day of a presidential election (Tuesday following the first Monday in November every four years, 1916, 1920, etc.) does not in fact, however, vote for nominees for President and Vice President, although their names appear on the ballot under the emblem of his party. He chooses from the candidates for presidential electors, whose names have been placed on the ballot by the respective political parties. At the presidential election there is chosen in each state a number of electors equal to the number of Senators and Representatives of that state in Congress. The party which has the most votes secures all of the electors, for usually the voter votes for all the candidates for elector nominated by his party and only under exceptional circumstances are presidential electors chosen from more than one political party in the same state.

*Casting and counting the electoral vote.* — The electors of each state meet at the state capitol on the second Monday in January following the November election and cast their ballots for the nominees of their party for President and Vice

President. The copies of ballots thus cast by the electors of the several states are then sent to the President of the Senate of the United States. On the second Wednesday in February following, the president of the Senate in the presence of the Senators and Representatives in joint session opens the ballots, and they are counted. The two candidates for President and Vice President having a majority respectively are declared to be elected. The inauguration follows on March 4th.

*Disputed elections.* — In case, however, no candidate receives a majority of the electoral votes for President, the House of Representatives must choose, by majority vote, a President from among the three candidates standing highest in the election, and when the House so elects, all of the Representatives from each state have only one vote. How that is to be cast they must decide for themselves. In case no one receives a majority for Vice President, the choice of that officer is made by the Senate, each Senator having one vote. There have been two instances of such elections of President: in 1800 when Jefferson and Burr were tied, and in 1824 when there were four candidates who received electors' votes and John Q. Adams was chosen by the House.

*The qualifications, term, and pay of the President.* — The President must be thirty-five years old, a native-born citizen of the United States, and fourteen years a resident of the United States. His term of office is four years, and he may be reelected for any number of terms, although custom has decreed that no President shall have more than two terms — at least in succession. The President's salary is \$75,000 a year, and he is given the use of the Executive Mansion, or White House as it is known, and a considerable sum of money for traveling and other expenses. The Vice President is paid \$12,000 a year but is not furnished a house free of charge.

## THE PRESIDENT AT WORK

The President has two kinds of duties to perform: (a) those laid upon him by law, and (b) those which he chooses to undertake as a man and as the leader of the political party which placed him in power.

**Appointing federal officers.** — One of the most difficult tasks confronting a new President on his inauguration is the appointing of several thousand officers in the federal government. There are in all about 400,000 federal officers, but a majority of these are selected by competitive examinations. There are only about 10,000 officers who are appointed by the President himself, usually with the consent of the Senate. The most important of these are the following:

The ten members of his Cabinet.

Federal judges (when there are vacancies).

Postmasters in the more important towns and cities.

Collectors of customs at the ports.

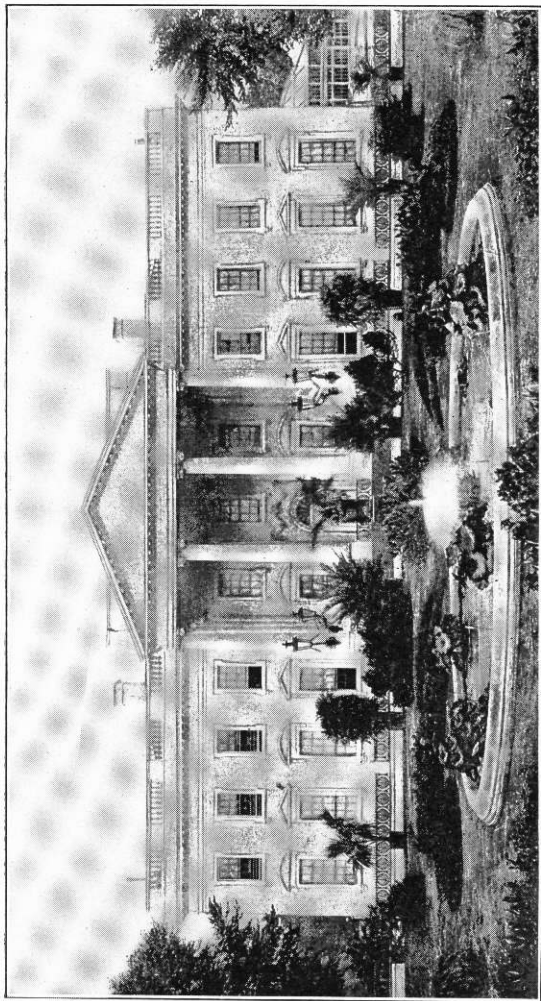
District attorneys.

Ambassadors, consuls, and other representatives of the United States abroad.

Heads of important bureaus in Washington, like the Commissioner of Immigration and the Director of the Census.

*The civil service law of 1883.* — In older days it was customary for a new President to turn out of office those who did not belong to his political party, and, whenever parties changed, the whole army of federal employees was dismissed. The practice of distributing offices among political colleagues is known as the "spoils system." Since the passage of the civil service law of 1883, however, it has been a steadily growing practice to appoint minor officers, such as railway mail clerks, and clerks in government offices at Washington, on a basis of merit tested by examination rather than on a basis of party membership. That is, candidates for such





THE WHITE HOUSE



places are selected after a competitive examination; they hold their offices during good behavior; and they are not removed simply to make room for persons belonging to another party. At the present time over 200,000 government employees are under such civil service rules.

*The troubles of the President in making appointments.* — Notwithstanding the reduction in the number of offices to which the President must appoint, it is a very troublesome task and takes up a good portion of the first year of his term of service. There are so many candidates for every place that the President is literally besieged at his office by them and by members of Congress supporting their friends who seek appointments. The President must not only get good men, but he must smooth out conflicts in his party by giving each faction some “plums” as they are called; he must recognize all parts of the country by selecting the officers from all sections; and he must not stir up too much opposition from labor unions or from employers. It is made especially difficult by the fact that the President has the power to remove the federal officers whom he appoints, and whenever there is any objection to the way a federal officer acts there is likely to be a clamor for his removal and the appointment of some one else.

**The President must enforce the law.** — A second important duty laid upon the President is the enforcement of the federal law. This he does in several ways: (a) by requiring the men whom he appoints to office to do their duty well and faithfully; (b) by having the Attorney-general and other federal prosecutors (p. 118) start suits in the courts against those who break the federal law; and (c) by using the soldiers of the United States to enforce the laws when the regular civil officers are resisted by mobs.

**Pardoning offenders against the federal laws.** — Akin to the duty of enforcing the law is the power of pardoning persons who commit crimes against the United States — steal

mail, make counterfeit money, or smuggle in goods without paying customs duties, among other things. In this matter the President has a free hand. He may be generous or hard-hearted, as he chooses. When a prisoner applies for pardon, the President has an officer look up the case and see whether the applicant deserves mercy or whether the court was too harsh in imposing punishment.

**The President as military commander.** — It is the duty of the President to act as commander-in-chief of the army and navy of the United States. He cannot declare war — that power is given to Congress alone — but when war is declared he must supervise the movements of the armed forces on land and sea (p. 206). Moreover, whenever the legislature of a state (or the governor, if the legislature is not in session) calls upon the President for aid in putting down riot, it is the duty of the President to respond by sending federal soldiers to the scene of trouble.

**The President and Congress: the message.** — We now come to the second group of duties which the President may perform more to his own liking and with more freedom of choice. How he performs them depends upon his personal views of what he ought to do as a man and leader of his party. The first of these is the duty of sending messages to Congress. It is true the Constitution says that the President "shall" do this, but the way in which he does it depends upon himself. He may write short messages of no consequence or interest, or he may stir up the whole country by demanding that Congress pass certain important laws or make important amendments to the Constitution. By using this power of sending messages in a proper way he may win so much popular support that Congress may be compelled to pass laws to which it is secretly opposed.

*The use of the veto power.* — Closely connected with this power of sending messages to Congress is the power of vetoing bills passed by Congress (p. 105). This power was

given to the President because it was believed that he should check the legislature in case it enacted too radical laws. As we have seen, every bill passed by Congress must be signed by the President unless he chooses to allow it to become a law without his approval — which happens when he fails to act within ten days (unless Congress adjourns meantime). If the President does not like a law, he can veto it and send it back to the house in which it originated with any comments he may wish to make. When he vetoes a bill it cannot become a law unless two-thirds of both houses pass it again.

Through a free use of the veto, a President may block as many measures as he pleases and call the attention of the public to the way Congress is acting. Of course, he cannot go too far because he is dependent upon Congress for the money with which to carry on the government; but it is clear that an easy-going President need not use this power at all, while a strenuous President, who thinks he is bound by his duty to his party or to the country to stop certain laws from being passed, may become a great power at Washington. By threatening to veto some measures which Congress wants he may force that body to pass bills which he recommends in his messages. By using these means the President may in fact exercise large legislative powers.

*Special sessions of Congress.* — Akin to the power of sending messages and vetoing laws is that of calling Congress in a special session. The President may do this at any time and compel Congress to consider some important matter about which he thinks a law should be made. For example, if Congress should fail to pass a law recommended by the President at the regular session, and adjourn without paying any attention to his recommendations, he may call the members back soon and tell them to take up the matter again. Of course Congress does not have to obey the demand for a law, and it may adjourn again without acting; but if the President has great popular support, Congress will take the President's

suggestions very seriously. As a matter of fact, however, the President does not call special sessions without consulting the leaders in Congress. So it happens that a special session is usually called only after an agreement has been reached between the President and the party managers in Congress.

*How treaties are made.* — The President may make treaties with foreign countries, but they do not go into effect until approved by a two-thirds vote in the Senate. A treaty is an agreement with a foreign nation about some matter of common interest; such as, the treatment of our citizens abroad and of foreign subjects in the United States or the fisheries off the coast of North America or plans for settling disputes without going to war. The President alone can start a treaty; no one can compel him to take up the negotiation of any agreement with a foreign power; and no one can prevent him from making a treaty. But of course it does not go into force until the Senate approves. The Senate may amend treaties sent to it by the President, and in such cases the President must ask the foreign countries concerned whether the changes are acceptable, unless he decides to drop the matter altogether. Sometimes there is a dispute between the President and the Senate over treaties; for example, President Taft favored a treaty with Great Britain providing a plan for settling practically all future quarrels by peaceful arbitration, while the Senate refused to approve his plan.

**The President may recognize foreign countries.** — The Senate cannot itself, however, force the President to accept any plans for treaties with foreign countries. The President is the spokesman of the nation in dealing with other powers. He receives their ambassadors and ministers, and in fact he can refuse to recognize a foreign government if he pleases. A great many changes have taken place in Europe and South America since we became a nation. Monarchies like Portugal and China have become republics, and when new govern-

ments are set up they seek recognition from other countries: admittance to the family of nations, so to speak. The President may say to such a country: "I do not recognize your existence in the new form, and I will not receive your ambassador." Or he may say: "I am happy to say that the United States (whatever other countries may do) welcomes you into the family of nations."

**The President's helpers.** — The President cannot know everything about the government and do everything himself. He has therefore ten official advisers who are together called his Cabinet. These advisers are known as the Secretaries of State, War, Treasury, Navy, Interior, Agriculture, Commerce, Labor, the Attorney-general, and the Postmaster-general.

*The Cabinet and the President.* — Cabinet officers are appointed by the President; the Senate, although it has the power of confirming, regards the selection of the Cabinet as the President's own affair and does not interfere. The President can remove cabinet members without asking the consent of any one. Although they are given more or less discretion in managing their own affairs, they are answerable to him in the performance of their duties, and the country holds the President responsible for important policies adopted by them and even for speeches made by them on live issues.

*The Cabinet and Congress.* — While the members of the Cabinet are thus in a sense the President's responsible advisers, they are by no means independent of Congress. Congress decides how many and what cabinet offices shall exist and the salaries and duties attached. Congress decides how many officers shall be appointed under each cabinet officer and what they shall do. Congress may take away the duties of one secretary and give them to another. The power thus enjoyed by Congress compels the secretaries to look to that body for many favors; such as, increases in salaries of departmental employees, the creation of new divisions or bureaus within

the department charged with new duties, or the appropriation of money to carry on new work or investigations.

*Congress might control the Cabinet.* — If Congress saw fit, therefore, it might tie the cabinet officers down very closely and not give them much freedom in managing their affairs. At all events, although the cabinet officers are the President's advisers, neither they nor the President can do anything forbidden to them by the law or anything important which is not authorized by Congress. For example, there was recently established a Children's Bureau to study the problems of children in the United States. Neither the President nor any cabinet officer could have done this. Congress had to pass a law creating it and providing the money for its expenses. It also added this bureau to the responsibilities of the Department of Labor. If the President wanted a Secretary of Railways, for example, he could not just name one himself, and draw on the Treasury for the salary.

*The distribution of work in each department.* — The work allotted to each department of the federal government is divided out among a number of bureaus, divisions, and offices, all subject more or less to the direction of the secretary. For example, in the Department of the Interior, there are the general land office in charge of the granting and sale of public lands, the pension office, the geological survey engaged in locating and estimating the natural resources of the United States, the bureau of forestry, and several other divisions. Whenever the federal government decides to undertake some new work, it gives the task to a bureau or division already created, or it forms a new bureau or division to take charge of the enterprise. There are, however, two important branches of the federal government which are not under the supervision of a cabinet officer: the civil service commission, which aids the President in enforcing the civil service law (p. 110), and the interstate commerce commission.



## THE JUDICIAL BRANCH OF THE FEDERAL GOVERNMENT

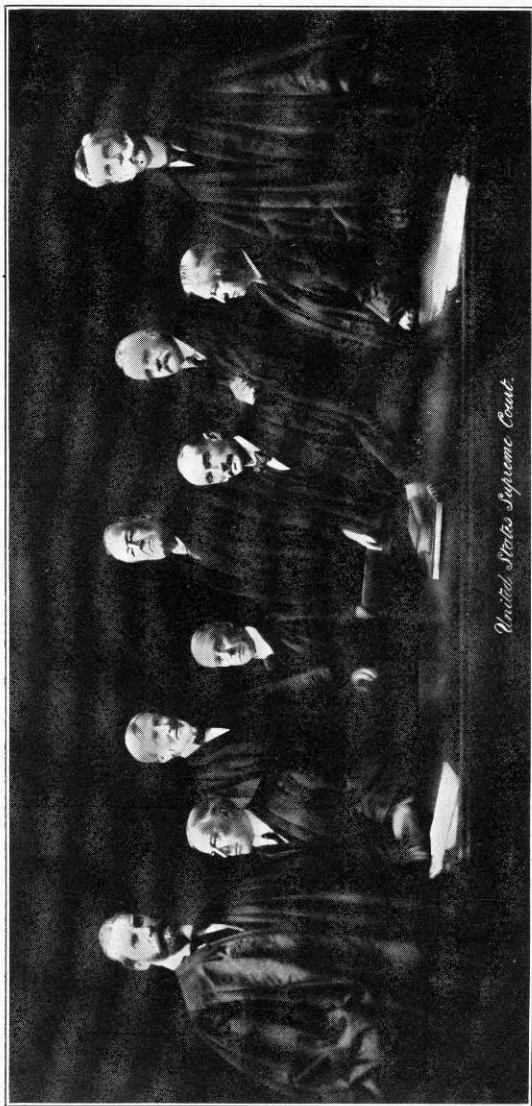
**The federal courts.** — We have spoken of the judiciary as a distinct branch of the government in the section about the division of powers (p. 89). It now remains to say a few words about the *federal* courts, in particular, although we must be brief, because this is a difficult and troublesome subject except for those who can give years to the study of the law. Indeed, it is only necessary for the citizen to know a few important facts about the courts, unless he is often involved in disputes about property or is likely to be arrested for crime, and even then he will depend upon a lawyer for advice and information. Those important facts we shall try to make very clear.

*The power of Congress over the federal courts.* — In the first place, we have a set of federal courts quite distinct from the state and local courts. Only one of these courts, the Supreme Court, is mentioned in the Constitution; all the other federal courts are created by Congress, and even the number of members and work of the Supreme Court are matters determined by Congress. Congress decides how many Supreme Court judges there shall be; where federal courts shall be set up throughout the United States; how many such courts there shall be in each state; how many judges shall be appointed to each court; and what federal cases (with minor exceptions) shall be heard by each court. Congress cannot, however, say how Supreme Court judges shall be appointed; that power is given to the President and Senate by the Constitution. In fact, all federal judges are appointed by the President and Senate, and they hold their offices for life, unless removed by impeachment.

*How the federal courts are brought near to the citizen.* — In order that federal judges may be near at hand for the citizen, Congress has laid the whole country out into about eighty districts, and in each district has provided for one or more

federal district judges to hear disputes and try men accused of crime against the federal government. Each district court has a district attorney who prosecutes criminals and a federal marshal who carries out the order of the court. These officers are also appointed by the President and Senate. In order that serious matters may be retried in higher courts, Congress has laid the country out into nine great circuits, and in each circuit has placed a federal circuit court of appeals. At the top of the system is the Supreme Court at Washington, composed of nine judges, whose business it is to hear, among others, those cases in which it is claimed that acts of Congress are unconstitutional (p. 90).

**What matters go into federal courts.** — These federal courts, it is important to remember, attend to *federal* affairs only (see the Constitution, p. 319). If a man breaks into a jewelry store and steals a watch, the United States marshal will not arrest him, or if he should arrest the burglar and take him before a federal judge, the latter would say, "I have no jurisdiction over this crime; it is not committed against the United States. This is a matter for the city, county, or village court, as the case may be." If, however, a man smuggles in goods from Canada, it is the business of the United States marshal or a special federal detective in the customs service to catch him and take him into a federal district court for trial. Again, if a man wishes to sue a neighbor who has sold him a house on a misrepresentation, the federal courts will not try the case; but if he wishes to sue a person residing in another state, he may take the case into a federal court if he likes. The line of division between the state and federal courts is hard to draw, and not one person in a thousand need ever know about it in detail.



*United States Supreme Court.*

JUSTICES OF THE SUPREME COURT



### Questions

1. What is the Constitution of the United States? What are its main divisions?
2. How may the Constitution be amended?
3. Describe the composition of Congress.
4. How are Representatives chosen? How are Senators chosen?
5. Why do Senators retain their office for a longer term than Congressmen?
6. What is a gerrymander?
7. How are laws made by Congress?
8. What are the powers of Congress?
9. What is the difference in the powers of the two houses of Congress?
10. What control does the political party have over the selection of the President?
11. What are the duties of the president?
12. Does he have legislative power?
13. What is the spoils system?
14. Tell all you can about the Cabinet and its relation to Congress.
15. Describe the distribution and work of the federal courts.

### Additional Reading

- FORMATION AND DEVELOPMENT OF THE CONSTITUTION: Kaye, *Readings in Civil Government*, pp. 31-73; Beard, *American Government*, pp. 34-77.
- THE FEDERAL SYSTEM OF GOVERNMENT: Bryce, *American Commonwealth*, Vol. I, pp. 312-408; Beard, *American Government*, pp. 145-165.
- NOMINATION AND ELECTION OF THE PRESIDENT: Beard, *American Government*, pp. 165-186; *Readings*, 154-175; Jones, *Readings on Parties and Elections*, pp. 80-106.
- THE ELECTORAL COLLEGE: Jones, *Readings*, pp. 115-118.
- THE PRESIDENCY: Beard, *American Government*, pp. 187-214; *Readings*, 176-196; Bryce, Vol. I, pp. 38-84; Kaye, *Readings*, pp. 184-210.
- CONGRESS: Beard, *American Government*, pp. 231-293; *Readings*, pp. 214-272; Bryce, Vol. I, pp. 97-209; Kaye, *Readings*, pp. 129-183; Haskin, *The National Government*, pp. 248-286.

THE FEDERAL JUDICIARY: Beard, *American Government*, pp. 294-315; *Readings*, pp. 273-290; Bryce, Vol. I, pp. 229-277; Kaye, *Readings*, pp. 243-260; Haskin, *The National Government*, pp. 312-361.

THE CABINET: Beard, *American Government*, pp. 215-230; Bryce, Vol. I, pp. 85-96; Kaye, *Readings*, pp. 211-242.

SENATORIAL ELECTIONS: Jones, *Readings*, pp. 125-141.

ELECTIONS TO THE HOUSE OF REPRESENTATIVES: Jones, *Readings*, pp. 147-164.

## CHAPTER IX

### STATE GOVERNMENT

- I. The state is not a federation.
  - 1. How the voters of the state may provide for the government of any section of the state.
  - 2. Constitutional law.
- II. The parts of a state constitution.
- III. The state legislature.
  - 1. The legislative districts of the state.
  - 2. The election of members of the state legislature.
  - 3. The legislature at work.
  - 4. Powers of the state legislature.
- IV. The executive department of the state.
  - 1. The minor state officers.
  - 2. The position of the governor and of the President compared.
  - 3. The legislative business of the governor.
  - 4. The governor's executive duties.
- V. The state supreme court.

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**The state is not a federation.**—Although many writers sharply divide the government within each state into central or state, municipal, and local government, it should be remembered always that the state is not a federation of counties, cities, and villages, as the United States is a federation of states. The Congress of the United States, for example, has no power to say how a state shall be governed, how long a governor shall serve, or whether there shall be one or two houses in the state legislature. The legislature of the state, however, can usually (see Home Rule, p. 130) decide how many members there shall be in all the city councils within the state, what salaries county commissioners shall be paid, and how

long mayors shall serve. The voters of a state can set up any kind of central, city, or local government which they please, as long as they do not do something which the Constitution of the United States expressly forbids.

*How the voters of the state may provide for the government of any section of the state.* — The voters of a state organize their central, city, and local governments in three ways: by establishing a state constitution in which are written down many things about the way the affairs of the state shall be managed; by laws passed by the legislature acting under the constitution so established; and by town, city, and county by-laws and ordinances. To find out, for instance, how we are governed in any particular city, it is necessary to look into the state constitution, into laws passed by the state legislature, and into ordinances adopted by the city council. For this reason it is important to think of the state as a whole rather than to view it as made up of many smaller parts.

*Constitutional law.* — The essential difference between a state constitution and any law passed by the legislature is this: the constitution is supposed to be a higher law, more solemnly deliberated upon than any ordinary act of the legislature, and it cannot be changed by the legislature but only by some particular method of amendment laid down in the constitution itself. The usual methods of changing the state constitution are as follows: by a convention especially elected subject to popular approval; by an act of the legislature approved by the voters at the polls; and in a few states by the initiative and referendum, which are described later.

**The parts of a state constitution.** — At the beginning of a study of the state government, it is necessary that we should look into the constitution of the state. We shall find that it falls into several parts:

(1) It says that there are certain rights which all citizens shall enjoy; such as, trial by jury and freedom of religious worship.



(2) It says who shall have the right to vote.

(3) It fixes the number of members of the legislature and tells in general how the two houses shall work.

(4) It forbids the legislature to do a large number of things.

(5) It tells how the governor shall be elected and what powers he shall have.

(6) It names a number of central and local officers who shall be elected or appointed, and states what they shall do in a general way.

(7) It contains some rules about the way in which cities, counties, and towns shall be governed, leaving the rest to the legislature or the people of the locality to settle for themselves.

There are many other matters mentioned in some state constitutions, and it would be an excellent idea for you to take the constitution of your state and compare it with this table.

**The state legislature.** — Each state has the three branches of government which we have described already (p. 84): a legislature, an executive department, and a judicial department. Each of our states has two houses in the legislature, a lower house, known as the Assembly or the House of Representatives or by some other name, and an upper house, called the Senate. There is no such marked difference between the two bodies in the theory of representation as we found between the Senate and the House at Washington (p. 98). United States Senators represent states, and each state has the same number, no matter how many inhabitants dwell within its borders; but state senators represent districts within the state, and these districts are usually laid out in such a fashion as to make them all roughly equal. The state senator is generally older than the member of the lower house and elected for a longer term. The upper house is also smaller than the lower house, so that the senator represents a larger district than the assemblyman.

*The legislative districts of the state.* — Both houses are elected by the same voters. That is, any person who can

vote for a member of the lower chamber can vote for a senator as well. Thus each voter resides in two legislative districts: the larger sending a senator and the smaller a member of the lower house. We have said that these districts are roughly equal, but we should remark that the equality is *very rough* indeed. In Connecticut, for example, every town has one or two representatives in the lower house, no matter how many inhabitants it has. So it comes about that a little town with a handful of voters has a member in the legislature, while another town with several hundred voters may have only one member. You may find out how fairly divided your state is by getting from the secretary of state the annual publication, which usually gives the names of the members of your legislature and the number of votes cast in each district. It would be an interesting study to find out whether a voter in your own district counts for as much or for more than a voter in some other district.

*The election of members of the state legislature.* — Every year or two the voters in your district are called upon to choose a representative for the lower house and a state senator. In the summer before the election each of the political parties picks out its candidates. The party does this either (a) by holding a convention at some town or city, to which are sent delegates from small localities, townships, or precincts, as the case may be, who are chosen by party members; or (b) by having a party election called a direct primary. If the direct primary method is used, no convention is held at all, but any member of the party may run for the nomination and have his name put on the party ballot. At the primary day the party members choose, from among those running for the nomination, the candidate to be put up against the candidates of the other parties. Thus the whole party is supposed to be behind its candidate. The voter at the regular election, therefore, usually has no other choice than between the candidates of the two or three or more parties. Of course, any

voter not a member of a party may run for the legislature, on an independent ticket if he likes, by getting up a petition signed by a certain number of voters, and thus having his name put on the ballot with the names of the candidates of the parties.

*The legislature at work.* — The legislature meets every year or two at the state capitol and makes laws. It works very much in the same way as the Congress at Washington. The lieutenant 'governor, if there is one, like the Vice President, presides over the senate, and the lower chamber chooses a speaker. Bills are introduced, referred to committees, debated, and voted upon as at Washington (p. 103). And laws passed by the legislature are submitted to the governor to sign or veto, except in the single state of North Carolina, where the governor has no veto power.

*Powers of the state legislature.* — As to the powers of the state legislature and the Congress of the United States, there is this fundamental difference: the former may do anything that is *not forbidden* by the state constitution (or the federal Constitution), while the latter can do only those things which the federal Constitution authorizes it to do.

*The executive department of the state.* — The chief executive of the state is the governor. He is elected by popular vote for two or four years (Massachusetts one year and New Jersey three years). As in the case of all other elections, a nomination of candidates is made by the various political parties, in advance. This choice of the party candidate for governor is made in one of two ways: by a convention or by the direct primary. If the convention method is used, the party members, at a primary election, choose delegates to go to the state party convention, and there agree upon a candidate for governor, and at the same convention other state officers, such as the lieutenant governor and the secretary of state, are nominated. In a majority of states, such as Oregon, Wisconsin, and Oklahoma, the party convention has been

abolished and the party candidates for state offices are chosen by a direct primary ; that is, at an election within the party, at which party members have a chance to vote directly for the man whom they would like to see as their party candidate for governor. The aspirant for office has his name put on the primary ballot usually by presenting a petition signed by a certain number of the members of his party.

*The minor state officers.* — The executive department generally includes the following chief elective officers in addition to the governor :

(1) A lieutenant governor, who presides over the senate and may become governor in case of the death or resignation of the latter.

(2) A treasurer, who guards the money of the state.

(3) An auditor or comptroller, who keeps the accounts.

(4) An attorney-general, who advises the governor on points of law, prosecutes offenders against the state, and defends the state when it is sued.

(5) A secretary, who keeps the records of the state and compiles election returns.

(6) Sometimes railway commissioners, a surveyor and engineer, and other officers.

*The position of the governor and President compared.* — We have said that the governor is the chief executive of the state, but this is not true in the sense that the President is the chief executive of the United States. The governor has no cabinet ; the high officers of the state, like the secretary, the treasurer, the auditor, and the attorney-general, are not *under* the governor. He does not appoint them, and he cannot remove them. Their duties are fixed by the law and they are as independent within their offices as the governor himself. They are almost always elected by the voters just as the governor is elected, and their responsibility, as far as they have any, is to the voters, not to the governor. They may be, and often are, of a different party, and may

conduct their business in a way that does not suit the governor at all.

*The legislative business of the governor.* — In fact, as things stand now, the governor is more concerned with making laws than enforcing them, although in times of riots and violence he is responsible for the use of the militia in maintaining order. The governor's connection with lawmaking arises, like that of the President, from the power to send messages, to veto laws, and to call special sessions of the legislature. The voters of the state are coming more and more to look upon the governor as their agent, charged with securing certain laws and with preventing the enactment of other laws. The governor now feels called upon to recommend to the legislature the important measures which his party advocated in the election campaign; and, if the legislature refuses to accept his recommendations, he may "take the stump" — that is, go about the state making speeches, stirring up the voters to urge their representatives in the legislature to accept his plans. The legislature is likely to be wasteful and extravagant in spending the state's money, and the voters look to the governor to veto appropriations which he thinks unnecessary. Hence it has come about that the governor's chief business is legislative rather than executive. Like the President, he may call a special session of the legislature to consider anything which he lays before it, and this is a powerful tool in his hands, — a whip, so to speak, which he can hold over the lawmakers.

*The governor's executive duties.* — Of course, the governor does have some executive duties. He appoints quite a number of important state officers, such as superintendents of prisons and other institutions, sometimes the commissioners who supervise railways, or the superintendent of education. He must usually, however, secure the consent of one or both branches of the legislature to such appointments. He is the head of the state militia, and may use it on important

occasions when a riot gets the better of the local police. He may pardon criminals, but frequently he shares this power with a board of pardons. But with all this it can hardly be said that the governor is responsible for the way the laws are enforced within the state. He cannot compel the prosecutors, state and local, to go after lawbreakers on pain of instant removal from office. And heads of the important departments who are elected by popular vote may ignore his orders.

**The state supreme court.** — Every state has a high or supreme court composed of three or more judges. In most states, these judges are elected by the voters for a term of years. In a few commonwealths, however, they are appointed by the governor and senate or by the legislature. It is the business of this high court, sometimes known as the supreme court or the court of appeals, to hear cases appealed from the lower courts — the county and city courts. It, too, has the power to declare acts of the state legislature null and void on the ground that they transgress either the *state* or the *federal* constitution. If a state court declares that a state law is void because it is contrary to the federal Constitution, there is no appeal to the Supreme Court of the United States. The other courts we shall consider below when we take up city and local government.

### Questions

1. What is the composition of the state legislature?
2. What part does the political party play in selecting state representatives?
3. What is the difference between the powers of Congress and those of the state legislature?
4. What is the direct primary?
5. Who has the greater executive power: the president or the governor? Why?
6. Does the governor have any legislative power? In what way?

Additional Reading

- THE CONSTITUTIONAL BASIS OF STATE GOVERNMENT: Beard, *American Government and Politics*, pp. 428-457; *Readings*, pp. 391-410; Bryce, *American Commonwealth*, Vol. I, pp. 411-426.
- THE STATE EXECUTIVE DEPARTMENT: Beard, *American Government*, pp. 488-515; *Readings*, pp. 431-456; Bryce, Vol. I, pp. 498-506.
- THE LEGISLATURE: Beard, pp. 516-546; *Readings*, pp. 457-487; Bryce, Vol. I, pp. 481-497; McCarthy, *The Wisconsin Idea*, pp. 194-232.
- THE STATE JUDICIARY: Beard, pp. 547-577; *Readings*, pp. 488-508; Bryce, Vol. I, pp. 507-517; McCarthy, pp. 233-272.
- THE VALUE OF STATE ADMINISTRATIVE EXPERTS: McCarthy, pp. 172-193.

## CHAPTER X

### THE GOVERNMENT OF CITIES

- I. Home rule for cities.
  - II. The city council.
    - 1. The powers of the city council.
    - 2. Limits on the powers of the city council.
  - III. The mayor of the city.
  - IV. The departments of city government.
  - V. Civil service rules for cities.
  - VI. The city courts.
    - 1. Importance of police courts.
    - 2. How the judge may help offenders.
    - 3. Some new special city courts.
  - VII. National politics and local elections.
    - 1. The nonpartisan election.
  - VIII. Recent changes in American city government.
    - 1. Commission government for cities.
    - 2. The city manager plan.
    - 3. Direct democracy in cities.
- 

**Home Rule for cities.** — The legislature of the state may decide what kind of government any or all of the cities within the borders of the state must have, *unless* the state constitution otherwise provides. State legislatures have interfered so much with cities and so unfairly that many states, Ohio, Missouri, Oregon, and California, for instance, have adopted what is called Home Rule — that is, the cities within those states may decide for themselves (within limits) what kind of government they prefer. Where this system is in vogue, the voters of the city may choose a charter-drafting board to draw up a plan of city government which goes



into effect when approved by the voters. Thus, for example, a city in Ohio may choose to be governed by a mayor and council, or by a commission or board of three or five men, or in almost any other way that it chooses. As times goes on, more and more states are adopting this Home Rule system. Where it does not prevail the legislature of the state makes the charter or law governing the city. The charter is a sort of constitution.

**The city council.** — As we might expect, there are all kinds of city governments in the United States; but amid the bewildering variety we can see certain general plans. Like the state, every city has a lawmaking body — a little legislature which makes rules, called ordinances, for the government of the people of the city. This legislature is known as the city council or board of aldermen or commission. It may be elected in two ways. The city may be divided into districts, or wards, like the state, and one or more members elected from each district; or all the members may be elected at large; that is, by all the voters of the city. Where this last method is followed, each voter can ballot for as many men as there are members of the council, instead of just for one or two from his little district. A few cities have two-chamber councils like the Congress at Washington or the state legislature; but this idea is going out of fashion for cities and they are abandoning it.

**The powers of the city council.** — The powers of the city council are important. Unless otherwise arranged, it decides in general how much money shall be raised by taxation and for what purposes it shall be spent. It grants franchises to companies to operate street-car lines, gas works, and other public utilities within the city, and it sometimes regulates the prices to be charged. It makes ordinances about the use of the streets, parks, and public buildings, about factories, theaters, and tenements, and about matters dangerous to life and health.

*Limits on the powers of the city council.* — But it should be noted that the powers of the city council are limited in many ways. In the first place the right to make the estimates for the amount of money to be spent is, in some places, taken away from the council and given to the mayor, or comptroller, or a special board. In such cities, the council may reduce the amount proposed by the mayor or board, but it cannot increase it. The mayor has a veto power also. The regulation of matters like factories, tenements, and theaters is being done more and more by the state legislature, in spite of the home rule idea which we have just mentioned. Furthermore, city after city is adopting the initiative and referendum plan which allows the voters to make their own ordinances, or nullify any ordinance adopted by the city council. How this is done we shall explain in Chapter XII.

**The mayor of the city.** — The chief executive of the city is the mayor, and in our big cities, like Boston, New York, Chicago, and San Francisco, his position is more like that of the President than that of the governor. That is, he has the power of appointing very many of the chief officers, like the commissioners of the police, fire, street cleaning, park, and other departments. Where he has this power, he is of course personally responsible for the conduct of the city's business. If it is run badly, it is because he has appointed incapable men, and inasmuch as he can remove them when he likes, continuous bad management is his fault. This "mayor plan" of city government is very popular because it enables the citizen to know whose fault it is if the laws are poorly carried out.

**The departments of city government.** — The executive business of the city — the collecting and disbursing of money, the building, repairing, and cleaning of the streets, fighting fires, protecting health, educating the children, supervising the waterworks and other plants which the

city owns, the regulating of private car lines and other utilities, and keeping order and arresting criminals — is divided up among several officers and departments, the number of which depends upon the size of the city. In some cities, the officers and department heads are appointed by the mayor; in others, by the council; and in others, some are elected by popular vote. It is, indeed, quite common to have the school board, which manages the city's schools, elected by the voters.

**Civil service rules for cities.** — It is customary for the city which has the "mayor plan" of government to elect by popular vote one or more officers besides the mayor — usually financial officers, but sometimes certain heads of departments as well. The rank and file of the city employees are appointed by the mayor or the heads of departments, but this appointing power is now closely restricted in many important cities by civil service rules. That is, the appointing officer cannot pick any person he pleases for any vacancy that may occur, but is compelled to take from a list of "eligibles," comprising those who have passed competitive examinations for such positions. In the old days the city council appointed the city officers, but that power has now been nearly all taken away. Appointment under civil service rules rather than popular election or choice by the council is now the most approved form of selecting municipal employees.

**The city courts.** — In every city of considerable size there is one or more police courts to which offenders arrested by the police are ordinarily taken. These courts try persons charged with misdemeanors, such as drunkenness, breaking windows, petty theft, disorderly conduct, and fighting. Persons charged with more serious offenses are held by the police justices for trial in higher courts. In addition to the police courts there is one or more higher criminal courts in which serious offenders are tried. Furthermore, there are

lower civil courts for the trial of suits between private parties over property of small amount, and higher civil courts for the trial of suits involving larger amounts.

*Importance of police courts.* — The criminal courts, and particularly the police courts, deserve the most careful attention. They are closely connected with the police system, for the spirit and attitude of the police judges or magistrates help to determine whether the policemen are vigorous or careless in checking crime. These judges are usually appointed by the mayor or elected by popular vote. In either case, the voters should seek to understand the position of the police courts in city life, for the selection of judges is a serious matter. The judges must understand both the necessity of supporting the police administration in keeping good order, and of protecting the citizens from undue molestation on the part of the police. It is important that the judges should know the influence of labor, wages, and living conditions on the people of the city in order that the sentences which they pronounce upon people who are brought before them for trial may be as fair as possible.

*How the judge may help offenders.* — A kind word, a gentle rebuke, or a helping hand at the right moment may stay a new offender on his downward course or may save from despair some poor person whose chief offense is his ignorance, or who may have been arrested without warrant by an ignorant policeman. On the other hand, brutality and indifference in a police magistrate may fill the prisons with persons who do not rightfully belong there; may embitter many citizens against the kind of justice that is meted out, and permit hatred so to develop that the people will regard policemen and magistrates as their worst enemies instead of the guardians of liberty.

*Some new special city courts.* — In addition to the regular police courts, our larger cities have many kinds of special courts to deal with different kinds of offenders.

The first of these special courts that comes to mind is the Juvenile Court, where young children are tried. We discussed this court in the section on Human Rights (p. 52).

Another court is called the Domestic Relations Court. Here are brought many questions between husbands and wives.

There are Night Courts in which offenders taken into custody late at night may be tried without having to spend a night in jail awaiting trial. In New York there are separate night courts for men and women. When it is remembered that about half of the prisoners brought into the courts are discharged without punishment, the value of a speedy trial becomes evident.

**National politics and local elections.** — It is interesting to note that all of our political parties are formed on national issues and that their "organization" of conventions and committees runs throughout every state and almost every locality in the whole country. Men who were drawn together in the Democratic party or the Republican party because of their views on slavery or the tariff remained together in state and municipal elections, although those elections never did have and could not have much connection with the tariff or slavery. Thus it comes about that men who are in fact agreed on a municipal policy are found fighting one another in municipal elections simply because they happen to differ on national questions. It is only the Socialists who have a municipal platform based on the same principles as their national platform and who advocate practically the same municipal policy throughout the country.

*The nonpartisan election.* — In order to enable voters who agree on municipal matters to work together in city elections although they differ in state and national politics, it is now quite common to separate city elections from state and national elections and hold them at other times. It is also common practice to make city elections "nonpartisan";

that is, to forbid political parties to make nominations and to prohibit the use of party emblems and names on the ballots (p. 152). Under the nonpartisan system, nominations for council and mayor are made by petition, and the nominees are not permitted to put the names of the parties to which they belong on the ballot. It is hoped that under this plan all citizens interested in municipal improvements may be able to unite on a city program instead of allowing such vital matters as municipal health, housing reform, and social welfare generally to be lost to sight in the scrambles of the political leaders for office.

**Recent changes in American city government.** — If we look at the history of city government in the United States, we shall see that the drift of affairs has been about as follows. We began with a council which elected the mayor, appointed the city officers, made ordinances, and conducted all of the business of the city. In time, the practice grew up of giving the mayor more power, having him elected by the voters, allowing him to veto ordinances and to appoint many officers. The heads of departments, like the chief state officers, were made elective for a time and then changed to appointive officers. Meanwhile, the council, often because it was too large, or corrupt and negligent, lost many of its former powers and honors and dwindled away into a petty body, for which citizens entertained little respect. With all the experiments, citizens were still dissatisfied, for they found their cities not as well governed as they had a right to expect under any of the schemes.

*Commission government for cities.* — The latest of all the plans of city government is known as the "Commission" form which originated in Galveston, Texas, after the great flood of 1900. This scheme does away with the separation of executive and legislative powers altogether and puts the entire government of the city into the hands of a small number of men, — usually five, sometimes three, rarely seven

or nine, — known as a commission. All the commissioners are elected at large by the voters. Sometimes one of the five is called the mayor, but usually he has no more power than the others — just the titular honor. The city's business — fighting fire, cleaning streets, maintaining a police force, and the like — is divided into five parts and one commissioner is placed at the head of each part and made responsible for its management. The ordinances of the city are made by all the commissioners acting as a small town council; and taxes are laid, and rights granted to street car and other companies, in the same manner. The idea back of this plan is to put the city's business into the hands of a small number of men so that everybody can know who is responsible if anything goes wrong. The chief merit of the system is that it may interest the citizens more in the government of their city if they can know exactly on whom each duty rests. But like all other schemes it will not give the citizens any better government than they actually want.

*The city manager plan.* — A modification of the commission plan of city government was introduced in 1912, when Sumpter, South Carolina, adopted a "city manager plan." Under this plan the commission or small city council is retained, but it does not undertake any executive work. The executive work is intrusted to a "city manager" chosen by the commission or council and authorized to take charge of the entire business of administering the government of the city, including the right to appoint the chief subordinate officers. The commission or council thus becomes the legislature, and appoints the chief executive to carry out the laws. In choosing a city manager the commission or council may search the country for the best person. Thus it is hoped to develop in time a class of expert city managers, as capable in the field of municipal government as the heads of railways or great private corporations are in their respective fields, and at the same time have



popular control through the commission or council, and perhaps the initiative, referendum, and recall besides. The plan has also been adopted in Dayton and Springfield, Ohio, and in Phoenix, Arizona.

*Direct democracy in cities.* — Another feature in the development of nonpartisan government in cities is the introduction of "direct government" in the form of the initiative and referendum (p. 163), which enables the voters to decide on city ordinances and franchises quite apart from the candidates of parties for office. Under the initiative a certain percentage of the voters may initiate an ordinance and require its submission to all the voters for their approval. Under the referendum a certain percentage of the voters may order a referendum on an ordinance passed by the town council; that is, require its submission to the voters so that they may decide whether or not it is to go into effect. To these devices, the "recall" is frequently added, permitting a certain percentage of the voters to demand the recall of any elective officer and require him to submit to the test of a new election. These devices are now to be found in one form or another in nearly all commission government cities and in many others besides.

### Questions

1. What is meant by Home Rule for Cities?
2. What is a city charter?
3. What is the most general plan of city government?
4. What is commission government?
5. Why have cities been altering their form of government so much?
6. How are the powers of a city council limited?
7. How do national politics come into city affairs?
8. What efforts are made to check this, and why?
9. How are municipal employees selected?
10. Describe the various kinds of city courts.



**Additional Reading**

MUNICIPAL GOVERNMENT AND ADMINISTRATION: Beard, *American City Government*, pp. 31-128; Bryce, *American Commonwealth*, Vol. I, pp. 628-679.

HOME RULE FOR CITIES: Beard, pp. 31-51; Kaye, *Readings in Civil Government*, pp. 336-368.

COMMISSION GOVERNMENT: Beard, pp. 92-97; Kaye, 356-360.

MUNICIPAL DEMOCRACY: Beard, pp. 52-87; Kaye, pp. 503-527.

EFFICIENCY IN CITY GOVERNMENT: Bruère, *The New City Government*, pp. 100-124.

SECURING EFFICIENT PUBLIC SERVANTS: Bruère, pp. 335-360.

## CHAPTER XI

### GOVERNMENT IN COUNTRY DISTRICTS

- I. Differences between rural and city problems.
  - II. Our system of rural government is very ancient.
  - III. The county government: the board.
    1. The county officers.
  - IV. The town or township.
  - V. The village.
  - VI. The local judicial system.
    1. The importance of the county prosecutor.
  - VII. State interference with local government.
- 

**Difference between rural and city problems.** — Rural government is simpler than city government. Country people have their own water supply and they ride about in their own carriages and wagons rather than in public conveyances. It is because the city government does so many things for the citizen which the man in the country does for himself that it is so expensive and so much more difficult to manage.

**Our system of rural government is very ancient.** — The system of government which obtains in rural regions is the oldest part of American government and it has changed the least in the course of our development. The very names, county, town, and village, run back for more than a thousand years in the history of the English-speaking people; and some of the local offices were old when America was discovered. It is only recently that the spirit of change which has led to so much experimenting in city government has begun to move in rural regions. A start was made in

Los Angeles County, California, in 1912 when the commission form of government, now so popular in cities, was adopted for the county in place of the old system.

**The county government: the board.** — Every state in the Union is divided into counties (called parishes in Louisiana); but the business which the county government does varies immensely from state to state. In the Southern and Western states generally the county looks after a number of matters which are attended to by the town (equivalent to township in the West) in New England. The county government varies so much that it is difficult to say anything that is true of the whole country. Quite commonly the county has a sort of legislature, known as the board of county commissioners, or supervisors. This board is sometimes composed of representatives from the townships within the county; sometimes it consists of only three or more members elected from three separate districts within the county; or again the members may be elected at large. The board decides what money shall be spent for roads, bridges, poor houses, and other public matters within the county; but it has little or no lawmaking power.

*The county officers.* — The executive department of the county, if we may use the term, consists of the sheriff whose business it is to carry out the orders of the county court and keep the peace of the county; the auditor who audits the claims against the county; the treasurer who keeps the county funds; the clerk who keeps the records; sometimes a recorder to preserve the records of deeds and mortgages; a public prosecutor whose duty it is to run down and bring to trial those who commit crimes; and generally a school superintendent. It is customary to have these officers elected by the voters for short terms. Inasmuch as they do not make laws, but merely carry out laws already made, there is usually no great interest in their election. The chief problem is to get honest and capable men; but too often the

politicians of the county look on these offices as mere rewards for campaign work.

**The town or township.** — The county is divided into townships, or, as they are known in New England and some other states, "towns." There is considerable difference between a township in Indiana, for instance, and a town in New England. They are alike only in the fact that they are both districts within a county. In New England the rural district or town began with a church congregation, each male member of which had a voice in managing its affairs. Later, when non-church members came into the communities, the plan of having meetings of all men in the church to run affairs was abandoned, and the meeting of the "freemen" or voters in the town hall took its place. This system prevails to-day.

The government of the town in New England then is the "town meeting," composed of all the voters in the district, farmers as well as villagers, who assemble at the town hall once a year, or oftener if need be. At the town meeting a board of "selectmen" is chosen to manage the business during the year; there also are chosen a clerk, a tax collector, overseers of the poor, constables, and other local officers. In an Indiana township, on the other hand, the voters never all come together at a town hall to decide matters or elect officers. The township officers are elected by ballot and their duties are not as important as are those of the New England town officers, because so much of the local business there is looked after by the county government.

**The village.** — When a few hundred people come to dwell close together in a rural region, they usually want to be made independent of the township, the town, or the county, and form a separate government of their own. Thus it happens that between the township and the city we have the "village," which is simply a small district rather thickly populated, set off from the surrounding rural regions and per-

mitted to govern itself by a board and a president elected by the voters.

**The local judicial system.** — Country districts, like the state and the nation, have their judicial departments. The county has a court of its own presided over by the county judge who is usually elected by the voters. In that court are tried those charged with the more serious crimes and suits over property which involve more than petty sums. The town or township has its court, presided over by a justice of the peace, also elected by the voters. The justice of the peace tries petty offenders and holds preliminary trials of serious offenders whom he binds over to a higher court for trial and punishment. The justice of the peace also hears controversies between citizens involving property to the amount of only a few dollars — perhaps as much as two hundred dollars.

**The importance of the county prosecutor.** — A very important officer connected with the rural judicial system is the county prosecutor who has deputies scattered about over the county. It is their business to run down criminals in the towns and villages as well as in the country districts. Whether the law against liquor selling, gambling, thieving, and disorderly conduct generally is put into force depends upon the character and zeal of these officials. It is their duty, too, to bring to trial local officers who embezzle money or otherwise violate the law relative to their offices.

**State interference with local government.** — The State is exercising an ever larger control over local affairs. This is often a good thing although communities contend that they have a right to do as they please in their own matters. That may be true, but what is their own concern solely? Does it make no difference to the people of other counties whether one county allows disease to spread within its borders and overleap them, or keeps such poor roads that no one can travel over them in safety? The state officers are

usually men of higher training than the local officers and they are not afraid of what their neighbors in the town will say when they compel a farmer to clean up his barn before he can sell any more milk in the city. The state officers often bring new ideas into backward and self-satisfied regions where people would go on indefinitely living a half-civilized life if they were not disturbed. Nevertheless in some western states there is a strong feeling against too much interference with local government, and in California the county has been given "home rule," like that given to cities (p. 130).

### Questions

1. Why have city governments changed their form more often than rural governments?
2. Is there a typical form of rural government?
3. Where are laws for rural control made?
4. How much independent executive control do rural governments have?
5. Describe the rural judicial system.
6. What are some of the common needs of urban and rural communities?

### Additional Reading

SURVEY OF LOCAL GOVERNMENT: Bryce, *American Commonwealth*, Vol. I, pp. 596-627; Beard, *American Government*, pp. 638-655; *Readings*, pp. 556-566.

For a full description of the machinery of local government, see J. A. Fairlie, *Local Government in Counties, Towns, and Villages* (1906, Century Company).

## CHAPTER XII

### THE POLITICAL PARTY AND THE GOVERNMENT

- I. Political parties, or the government and public sentiment.
  1. How the political party is formed.
  2. Party principles and issues.
  3. How parties and issues have changed.
  4. How third parties have sprung up.
- II. Party organization and methods.
  1. Nominating officers.
  2. Making the party platform.
  3. The high importance of the primary.
  4. Managing the campaign.
- III. How the citizen may influence politics.
- IV. Plans to secure an honest ballot and a fair count in elections.
  1. The registration of voters before elections.
  2. The secret ballot in primaries and elections.
  3. The principles of the "Australian ballot."
  4. Party column and Massachusetts ballots.
  5. Nonpartisan ballots.
  6. The maintenance of good order at election places.
  7. How the parties watch each other at the polls.
  8. The importance of the hours for opening and closing the polls.
  9. The use of money in primaries and elections.
  10. Sources of money for use in primaries and elections.
  11. How money is spent in campaigns.
  12. Laws controlling use of money in elections.
  13. Publicity in primaries and elections: the Oregon plan.

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#### Political parties, or the government and public sentiment.

— We have now spoken of the machinery of the government, of the lawmakers and other public officers who are chosen or appointed to do certain tasks in the name of the

people. What they do and how they work depend upon public sentiment — upon the ideas and determination of the voters who choose the officers. If enough voters decide that any branch of the government should operate in a certain way or should do a certain piece of work, it is done.

*How the political party is formed.* — When a great many people with different ideas and occupations dwell together, however, there are certain to be differences of opinion over what the government should do and how it should work. These differences of opinion among voters lead those who hold similar or identical views to come together, hold meetings, spread their doctrines, elect managers and committeemen — in a word, form a *political party* of their own. A political party, then, is a group of voters banded together for the purpose of electing government officers, to control the government, and undertake certain kinds of governmental work.

*Party principles and issues.* — The general ideas which the members of a party agree should be carried out form its “party principles,” and the points on which the various parties disagree are called the “issues of the campaign.” As new inventions are made, new ways of doing business devised, and new notions arise about what the government ought to do under the changed circumstances, issues change and old parties must alter their principles or perish. The truth of this statement has been exemplified again and again in our history.

*How parties and issues have changed.* — At the opening of the nineteenth century there were two parties in the United States: the Federalists and the Democratic-Republicans, as the followers of Jefferson were styled. Within a generation, the Federalist party had disappeared altogether and no longer put up candidates for office. Jefferson’s party had its own way for a time, but many changes were made in its doctrines, and about 1828 it was generally known as



the Democratic party. Before long another party began to oppose it — the Whigs, who elected two Presidents and then died, as a party, because its members could not agree on the question of slavery. When the Whig party went out of existence (about 1854), the Republican party sprang up to oppose the extension of slavery into the Western territories and to champion a protective tariff and the granting of public lands in small lots to homestead settlers. The Democratic party was divided on the slavery question, and after the Civil War it of course dropped the slavery issue and took up other questions.

*How third parties have sprung up.* — From time to time voters have disapproved the principles of both the Republican and Democratic parties, and on this account new parties have arisen. The farmers formed a party of their own known as the Populist Party about 1892, and this group had a large influence on both the old parties, for it vigorously championed income taxes, popular election of senators, and other measures which the older parties later took up. The working class also tended to gravitate toward a party of its own, and hence came labor parties and finally the Socialist party which has now grown to be about as strong as the Populist party was in its best days in the early nineties. More recently those who were dissatisfied with the Republicans and the Democrats and were not willing to join the Socialists began to call themselves "progressives" because they wanted to make certain changes in the government and its work. For a time these progressives all remained in their former parties, but in 1912 many of them broke away and formed a new party bearing the name Progressive. Thus we see new groups developing and regroupings taking place in political parties all of the time. The citizen must be on the watch to discover which of the many plans laid before him by party advocates is best for the public welfare. The man who boasts that he has voted for one party all

his life is now likely to be set down as more foolish than patriotic.

**Party organization and methods.** — In order for any party, new or old, to get possession and keep possession of the government it must “organize”; that is, it must elect managers, or officers and committeemen, — township, county, state, and national, — and it must select candidates for all the various offices. If the members of a party are not agreed on a single candidate, let us say, for governor, but allow two or more to run for the office in its name, their party is certain to be defeated by its opponents if the latter agree on one man.

*Nominating officers.* — Thus it is necessary for each party, where there are two active parties in opposition, to agree in advance on one party candidate for each office. This agreement is reached in one of two ways: (a) by holding a convention of delegates in the county or state or nation as the case may be — a convention composed of party members chosen by the party voters in their several communities; or (b) by the direct primary, that is, by an election held within the party before the regular election, at which primary the party members choose directly from among several candidates for nomination (p. 124).

*Making the party platform.* — Another important task for the party is the making of a fair and correct statement of the principles for which it stands. This “platform” was formerly made by the convention, but where the convention is abolished a way is provided for having some representatives of the party draw up a list of party principles, to constitute the platform.

*The high importance of the primary.* — The primary election to choose delegates to a nominating convention, or to choose candidates for office directly, is therefore of utmost importance to party members, particularly where there is only one strong party in the field; because at the primary

the citizen is given a voice in deciding what issues the party shall stand for in the coming campaign and in choosing the candidates of the party to carry out those promises in case of victory. If the majority of the party members pay no attention to the primaries and then vote for any one whom the party managers nominate, a few persons who give their time and attention to the primaries will actually "boss" the party. A boss is a person who engages in politics all of the time and looks after the primaries, and then bosses the public officers who are elected by the party.

*Managing the campaign.* — After the candidates are chosen and the platform is announced, the work of conducting the campaign for election falls principally upon the committeemen. They raise funds by securing contributions from the candidates themselves, from devoted party members, and principally from those who expect to derive some benefit from the results of the election. The money so collected is spent in a thousand ways: hiring halls for public speakers, posting bills, distributing leaflets, employing "party workers," organizing clubs and parades, and all too frequently in buying votes. The purpose of the party in the campaign is to influence public opinion (p. 287) and secure enough votes to win.

**How the citizen may influence politics.** — The plain citizen, in order to have much weight in the conduct of the government,— local, state, or national, — must combine with others whose views he shares more or less completely. That is, he must join a political party when he has made up his mind about the things which the government ought to do or ought not to do. If any person finds that he cannot agree with any of the parties, he may be an independent, voting this way or that as he may be inclined. The independent also has his place and is not without influence. He may criticize the views of all the parties and all of the parties must take into account the independent citizen who will

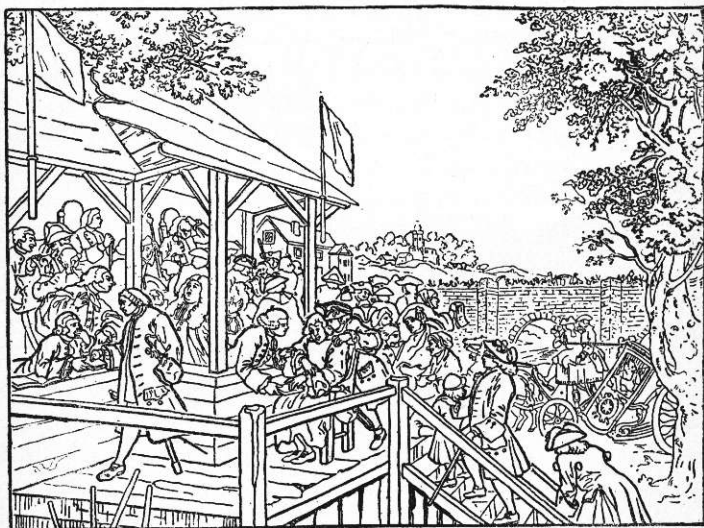
not vote a party ticket just because his father did, but considers each election on its merits.

**Plans to secure an honest ballot and a fair count in elections.** — At the primaries and the elections, the citizens really decide what kind of government they are to have and what public services it is to render them. But it is not a simple thing to secure fair and just elections. Ignorant and indifferent men sell their votes; men who have some selfish motives in winning elections buy votes; "repeaters," as they are called, slip in a vote more than once; corrupt men stuff the ballot boxes by putting in more than one ballot at a time; persons who are not entitled to vote are frequently allowed to vote; and sometimes there are drunkenness and disorder at the polls, and the ballots are not honestly counted at the close. There have been many disgraceful election scenes, but we can truly say that we have made rapid progress toward decent elections.

*The registration of voters before elections.* — Not long ago all persons who thought they were entitled to vote (and some who knew they were not) appeared at the elections, and the question as to whether they were lawful voters was then settled at the polls. To-day it is customary, particularly in the great cities, to make up a list of lawful voters several days *before* the election, by requiring all who intend to vote to come before election officers and register their names as prospective voters. This is known as "registration." On election day no person can vote whose name does not appear in the registration book which is brought to the polls and there guarded by public officers. Furthermore, it is possible to prevent any person not entitled to vote from voting on election day, even though his name may appear in the registration book. In the cities, detectives are often employed to trace down the persons who register as residing at certain places and claim the right to vote, to see whether their claims are correct. By this method the names of thousands

are struck from the books, who would otherwise have voted because it would have been impossible to dispute their claims in the few minutes at the election booth.

*The secret ballot in primaries and elections.* — In olden times, elections were held in the open air or in a hall, and every voter announced publicly the names of the candidates for



*From an old print.*

#### OPEN-AIR VOTING IN THE EIGHTEENTH CENTURY

whom he voted. Later every political party printed its own list of candidates on a ballot, each party using a different color, and the voter was given a ballot by the party managers at the polls. Every one could see him put the ballot into the box and tell from its color for what party he was voting. It was possible for employers to force their workingmen to vote certain tickets and see that they obeyed orders; the man who bought votes could stand by the polls and see his victims vote; and the political boss could intimidate men who would otherwise have voted independently.

*The principles of the "Australian ballot."* — To-day all this has been radically changed by the adoption of the Australian ballot which usually means in the United States the following things:

(a) All ballots of all parties are printed at public expense and they are given only to the voters, one by one, on election day.

(b) Voting is secret;<sup>1</sup> that is, the voter marks his ballot in a closed compartment where no one can see for whom he votes.

(c) The names of all the candidates of all the parties are put on the same ballot; the voter marks his ballot, folds it so that the marking is not visible, and sees it placed unopened in the ballot box.

*Party column and Massachusetts ballots.* — The arrangement of the names on the ballot is an important matter. In a majority of states the names of the candidates of each party are placed in one column under a party emblem and the voter may vote a "straight ticket," that is, for all the candidates of a party, by making a single mark in a circle at the top of the column. In order to encourage the voters to think more about the merits of the several candidates than about their party membership, Massachusetts adopted many years ago the plan of arranging all of the candidates of all of the parties in alphabetical order under the titles of the respective offices for which they are running. In that way no one can vote a straight ticket by making a single mark; the voter must mark the name of each person for whom he votes. The Massachusetts ballot, however, does not leave the party out of account altogether, for after the name of each candidate appears the name of the party to which he belongs (unless, of course, he is running as an independent).

*Nonpartisan ballots.* — So great is the opposition to the introduction of state and national politics into city elections that many cities have what are known as "nonpartisan

<sup>1</sup> Voting is secret even if a voting machine is used.

## The Commonwealth of Massachusetts

List of Candidates nominated, to be voted for in the Town of Amherst, Nov. 8, 1910.

## SPECIMEN BALLOT.

W<sup>m</sup> M. Olin  
Secretary of the CommonwealthPenalty for wilfully defacing, tearing down, removing or destroying a list of candidates or specimen ballot—  
fine not exceeding one hundred dollars.

To vote for a Person, mark a Cross X in the Square at the right of the Party Name, or Political Designation. X	To vote for a Person, mark a Cross X in the Square at the right of the Party Name, or Political Designation. X
<b>GOVERNOR..... Mark ONE.</b>	<b>CONGRESSMAN—Second District..... Mark ONE.</b>
EEN S. DRAPER—of Springfield..... Republican	ALVA E. FENTON—of Springfield..... Socialist
EUGENE N. FOSS—of Boston..... Democratic	FREDERICK H. GILLET—of Springfield..... Republican
EUGENE N. FOSS—of Boston..... Democratic Progressive Nom. Paper	WILLIAM G. McLENNAN—of Springfield..... Democratic
JOHN A. NICHOLLS—of Boston..... Prohibition	
MORITZ E. ROTHER—of Boston..... Socialist Labor	
DANIEL A. WHITE—of Boston..... Socialist	
<b>LIEUTENANT GOVERNOR..... Mark ONE.</b>	<b>COUNCILLOR—Eighth District..... Mark ONE.</b>
THOMAS F. CASSIDY—of Boston..... Democratic Independent Nom. Paper	EDWARD A. BUCKLAND—of Boston..... Socialist
LOUIS A. PROTHINGHAM—of Boston..... Republican	JOSEPH B. ELY—of Westfield..... Democratic
HENRY C. HESS—of Boston..... Socialist Labor	AUGUST H. GOETTING—of Springfield..... Republican
PATRICK MARONEY—of Springfield..... Socialist	
WILLIAM G. MERRILL—of Boston..... Prohibition	
<b>SECRETARY..... Mark ONE.</b>	<b>SENATOR—Franklin and Hampshire District..... Mark ONE.</b>
HARRIET DORRIS—of Lynn..... Socialist	CHARLES P. ALDRICH—of Springfield..... Democratic
CHARLES J. MARTELL—of Boston..... Democratic	FRANK C. BRYANT—of Springfield..... Socialist
ANDREW MORTENSON—of Springfield..... Socialist Labor	JOHN H. SCHOONMAKER—of Westfield..... Republican
WILLIAM M. OLIN—of Boston..... Republican	
WILLIAM E. THOMAS—of Boston..... Prohibition	
<b>TREASURER..... Mark ONE.</b>	<b>REPRESENTATIVE IN GENERAL COURT..... Mark ONE.</b>
CARL FREDRIKSON—of Westfield..... Socialist Labor	JOHN J. BETSOLD—of Springfield..... Democratic
THOMAS A. FRISSELL—of Springfield..... Prohibition	HARRY L. HOWARD—of Westfield..... Republican
SYLVESTER J. McBRIDE—of Westfield..... Socialist	
BENJAMIN F. PEACH—of Lynn..... Democratic	
ELMER A. STEVENS—of Westfield..... Republican	
<b>AUDITOR..... Mark ONE.</b>	<b>COUNTY COMMISSIONER—Hampshire..... Mark ONE.</b>
JOHN HOLY—of Westfield..... Prohibition	EUGENE E. DAVIS—of Northampton..... Republican
JEREMIAH P. McMALLY—of Lynn..... Socialist Labor	HENRY W. WARNER—of Northampton..... Democratic
AMBROSE MILES—of Lynn..... Socialist	
CHARLES C. PAINE—of Westfield..... Democratic	
HENRY E. TURNER—of Boston..... Republican	
<b>ATTORNEY-GENERAL..... Mark ONE.</b>	<b>ASSOCIATE COMMISSIONERS—Hampshire..... Mark TWO.</b>
DENNIS McGOFF—of New Bedford..... Socialist Labor	WARD A. HARLOW—of Springfield..... Democratic
HAROLD METCALF—of New Bedford..... Socialist	MYRON H. JUDG—of South Hadfield..... Democratic
JOHN B. RAYGAN—of Westfield..... Democratic	EUGENE H. LYMAN—of South Hadfield..... Republican
JAMES M. SWIFT—of Fall River..... Republican	HOWARD O. STONE—of Northampton..... Republican
	<b>DISTRICT ATTORNEY—Northampton District..... Mark ONE.</b>
	WILLIAM A. DAVENPORT—of Springfield..... Democratic
	RICHARD W. IRWIN—of Northampton..... Republican
	<b>SHERIFF—Hampshire County..... Mark ONE.</b>
	GEORGE S. BUCKNER—of Northampton..... Republican
	MAURICE FITZGERALD—of Northampton..... Democratic



ballots" (p. 135). Candidates for mayor, council, and other city offices are thus nominated by petition alone; no political party can make nominations. The names of the candidates are arranged in order under the title of the respective offices, and no party emblems or party designations whatsoever appear on the ballot. The voter must mark the name of every candidate for whom he votes, and he has no party signs to guide him.

*The maintenance of good order at election places.*—The selection of the polling places is important, because they should be convenient to the voters, and in decent, orderly buildings so that everything may go off quietly and respectably. Enough polling places should be opened so that crowding is not necessary and that each voter may have plenty of time to mark his ballot. The polling place should be on the ground floor and in full public view. It should not be in a dirty little shop, and particularly not in or near a saloon. Very recently, especially since the growth of woman suffrage, has come a demand for the use of the school buildings as election places, and in fact they are so used in many cities now. Where this is done there is a marked improvement in the tone of the elections. Certainly there is no place too good or too sacred to be used for such a noble purpose. The old notion that an election is a time for drunkenness and brawls is now thoroughly discredited, even in states where women do not vote, for a decent man does not want to vote in a saloon or have his life in peril while he casts his ballot.

*How the parties watch each other at the polls.*—In order to secure fair play all around, it is customary to give to each of the two parties, casting the highest vote in a preceding election, representatives on the official election board that presides over each polling place. In addition to this safeguard, each party with candidates on the ballot is allowed a certain number of "watchers and challengers" who are admitted to the polling place and given the right to challenge



any person who, in their opinion, is not lawfully entitled to vote, and also the right to watch the counting of the ballots to see that each ballot is honestly recorded and the numbers set down correctly in the official books. In the suffrage states, women are frequently engaged as watchers and even in non-suffrage states they have sometimes acted as watchers with good effect upon the order and decent conduct of elections.

*The importance of the hours for opening and closing the polls.*

— It is important that the hours of voting shall be so fixed as not to deprive those who go to work early in the morning and work late in the evening of the right to vote. Often when the hour of closing the polls is fixed at six o'clock, P.M., there is a great rush of workingmen, and many are prevented from voting at all. One way to obviate this difficulty is to require employers to allow their workmen sufficient time off to go and vote, without making a cut in their wages for the day.

*The use of money in primaries and elections.* — Among the many problems of providing for fair elections is that raised by the extensive use of money by the parties in their campaigns and by candidates seeking nominations for office. Campaigns cost money even if no votes are bought. Halls must be hired, many speakers paid, large quantities of printed matter issued, and traveling expenses met. A million dollars is estimated as a small sum with which to carry on a national campaign, and some investigations during recent years have revealed the expenditure of enormous sums by the leading parties. In 1912 one candidate for nomination spent in his campaign over half a million dollars raised by two or three friends. Under the direct primary no one can hope to receive the nomination unless he spends a large sum on "publicity," in presenting his claims to the voters. A poor man can hardly expect to be nominated unless he can induce some rich friends to pay his campaign expenses.

*Sources of money for use in primaries and elections.* — Investigations have shown that the large contributions to party funds for campaign purposes within recent years have come from the following sources :

(1) Corporations and business interests desirous of securing favors from the government when the party to which they contribute gets into power.

(2) Saloons, gambling places, and other similar institutions which seek to evade the laws against liquor selling, gambling, and vice generally.

(3) Office holders who are compelled to contribute to a party for fear of losing their positions after the election if they do not. A number of instances have been unearthed of office holders contributing to two parties so as to be sure of having a friend in power.

(4) Contractors for roads, public buildings, parks, and other public works, who expect to secure profitable contracts on favorable terms from the victorious party.

(5) Candidates who must pay heavily for their nominations, sometimes as high as twenty-five per cent of the salaries of the offices they seek.

(6) Companies and corporations that want franchises and charters from the government to build street railways and operate public service concerns of one kind or another.

*How money is spent in campaigns.* — The money thus raised is spent in three different ways. A vast amount goes for the legitimate expenses of the campaigns. Not a little is spent illegitimately buying votes, either in purchasing them outright or in "treating" and other devious schemes. Then a considerable portion is spent in "influencing public opinion" in a questionable manner, paying large sums to speakers who might be lukewarm or in the opposition, buying space in newspapers without labeling it advertising, employing detectives to hunt up scandals about opposing candidates, paying persons to walk in monster parades and otherwise "throwing dust" in the eyes of the voters.

*Laws controlling use of money in elections.* — The many evils connected with the lavish use of money have brought about legislation intended to control them. Such legislation usually embraces the following principles :

(1) Prohibition of contributions by corporations. This was adopted by the federal government in 1907 and has been adopted by several states also.

(2) Limitation of the amount to be spent by candidates to certain sums or a certain percentage of the salaries of the offices for which they are candidates. Candidates for the United States Senate may spend only \$10,000 for their primaries and elections ; candidates for the House of Representatives may spend \$5000.

(3) Restriction of the uses to which money may be put in elections.

(4) Punishment for bribery.

(5) Publicity of campaign funds ; that is, requiring parties and candidates to report their receipts and expenditures during campaigns, for public record. This is required in national elections and in a large majority of the states.

*Publicity in primaries and elections : the Oregon plan.* — In order to offset the advantages which men of great wealth have in the contests for office, Oregon has adopted a unique scheme. It forbids candidates to spend more than a certain amount to secure their nomination and election. It issues a "publicity pamphlet" for the primaries and the elections. For the primary, the government prepares a pamphlet for each party ; the members of each party running for the several offices are given a certain number of pages in this pamphlet at a small cost ; and then the pamphlet is sent at public expense to the party voters throughout the state, county, or city, as the case may be. At elections, the state issues a publicity pamphlet in which all parties are given a certain space at a small cost to set forth their claims upon the voters for support. This document is then sent to all

the voters at public expense. Thus the poor and the rich, the small party and the large party, stand all on the same footing as far as the official publicity arrangements go. Of course this does not counterbalance the influence of powerful newspapers, but it at least enables all to have some hearing before the public.

### Questions

1. What were the first political parties we had?
2. What gave rise to the Whig party? The Republican party? The Populists? The Socialists? The Progressives?
3. How is a party organized?
4. What is a platform?
5. What is meant by political issues?
6. What is the importance of the primary?
7. How may the citizen influence politics?
8. What was the value of the introduction of the Australian ballot?
9. What is the Massachusetts ballot?
10. What means are now taken to secure an honest ballot?
11. What part does money play in election returns?

### Additional Reading

- STATE AND LOCAL POLITICS: Beard, *American Government*, pp. 656-705; *Readings*, pp. 567-589; Bryce, *American Commonwealth*, Vol. I, pp. 571-583.
- NATIONAL AND LOCAL POLITICS: Kaye, *Readings in Civil Government*, pp. 369-372.
- THE PARTY SYSTEM OF GOVERNMENT: Bryce, Vol. II, pp. 3-246; Jones, *Readings on Parties and Elections*, pp. 1-20.
- THE DEVELOPMENT OF PARTY ORGANIZATION IN THE UNITED STATES: Jones, pp. 28-46.
- THE VALUE OF POLITICAL ORGANIZATION: Ward, *The Social Center*, pp. 69-95.
- PARTY ORGANIZATION IN DETAIL: Jones, pp. 169-205.
- THE BALLOT AND ITS FORMS: Jones, pp. 212-244.
- PARTY PROBLEMS AND REMEDIES: Jones, pp. 251-330.
- OPERATIONS OF A MUNICIPAL BOSS: Beard, *Readings*, pp. 566-572.

## CHAPTER XIII

### REPRESENTATIVE GOVERNMENT AND DEMOCRACY

- I. Changing democracy.
- II. Democracy and representative government.
  - 1. The idea of a "representative republic."
  - 2. Why representative government was established in the United States.
  - 3. The use of the term "democracy" to-day.
- III. Growth of direct democracy.
  - 1. Direct government is being applied in our state affairs.
  - 2. Why direct government has grown in favor.
  - 3. Where direct government is popular.
- IV. The initiative.
- V. The referendum.
- VI. The recall.
  - 1. The recall of judicial decisions.
- VII. The direct primary.
- VIII. The short ballot.
  - 1. How little the voter knows about the men for whom he votes.
- IX. Various views as to direct democracy.
  - 1. Two ways of viewing direct government.
  - 2. Two kinds of opponents of direct government.
  - 3. Democracy a matter of indefinite growth.

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**Changing democracy.** — We have thus far spoken of the machinery of our government as if it were very definitely fixed and not likely to change. We should give a false notion of the politics of our time, however, if we should take no account of some important alterations in the present methods of making and enforcing laws by elected agents, which are now being made, particularly in the Western states.

The most significant of all these changes is the growth of the idea of "direct democracy" as opposed to "representative democracy." It is therefore necessary for us to examine in detail just what this change implies.

**Democracy and representative government.** — There probably never was a general idea about which more confusion has existed than about the idea of democracy. The word in its Greek origin meant a government by the people; but how many people should be given a share in the government and just how they should govern in order to constitute a democracy is a matter which has never been clearly settled. It is customary for those who are given the vote to assume that they are "the people" and that their government is that of a democracy. It is commonly assumed, too, that the framers of the American government thought that they were establishing a democracy and that a representative government chosen by voters was itself a democracy. But this assumption is not correct. At the time of the American Revolution and the formation of the Constitution, the word "democracy" was in disfavor in the United States as well as in Europe. Indeed, it was commonly associated with the words anarchy and atheism in the minds of leading people.

*The idea of a "representative republic."* — The founders of our government intended to set up a "representative" republic. To Madison a democracy meant a "society consisting of a number of persons who assemble and administer the government in person," a government modeled on that of a New England town meeting (p. 142). On the other hand, a representative republic meant to him a government by representatives or agents chosen by those voters who possessed the necessary property qualifications (p. 66). In a democracy, as it was defined, the voters themselves determine what the government shall do and how it shall be done by voting on *laws* as well as for officers. In a representative republic, on the contrary, the voters do not

decide on laws or measures, but they choose their agents or representatives, who determine what is good for the people. If the voters do not like what their agents do, they may elect new agents at the expiration of the terms of the old ones; but the new agents are to interpret what the people need — the people are not to decide for themselves, by voting, just what kind of laws they want.

*Why "representative" government was established in the United States.* — To the founders of our government, this idea of agency or representation was even more important than the suffrage itself. They foresaw that in time the suffrage might probably be extended to all adult males (the idea of suffrage for women was entirely foreign to their thoughts); but they thought that, if the proper kind of *representative* government could be maintained, no great harm might result. So they put into their scheme of representative government the system of checks and balances which we have described before (p. 184). The members of the House of Representatives were to be elected by the voters at large; the Senators by the state legislatures; the President by a specially chosen body of presidential electors; and the judiciary by the President and Senate. This was to prevent the masses from having too much direct power or making laws too hastily.

*The use of the term "democracy" to-day.* — We no longer use the word "democracy" as the founders of our government used it, as meaning a government in which the people not only elect officers *but make laws by voting*. When we speak of democracy in this sense now, we add the adjective "direct" — meaning government by the voters *directly* rather than by agents chosen for the purpose of discovering and enforcing the voters' will.

**Growth of direct democracy.** — There has been a tendency in our government to allow more people to vote and *to allow them to decide upon laws and constitutions by the ballot* as well



as to choose officers and representatives directly. The federal government has been made more "direct": (a) by the practice of making the presidential electors mere ciphers in the presidential election (p. 107); and (b) by the recent amendment providing for the election of United States Senators by popular vote instead of indirectly by the state legislatures (p. 101).

*Direct government is being applied in our state affairs.* — It is in the states that our governments have been made more *democratic*, in the sense of having a wider suffrage (p. 69) and more *direct*, in the sense of vesting in the voters the right to say whether or not they will have this law or that constitution for themselves. Some of our states are democracies in almost the exact sense that the term was used by the founders of our system of government; that is, voters not only choose officers, but decide upon laws at the polls. It is true that they do not all meet at one place to do this, and this is an important distinction. If they all met — tens of thousands at the state capital — we should have direct democracy in the old sense, and probably all of the riots and disorders which were originally associated with the notion; but they do not so meet. They decide things individually, after discussion, by voting "yes" or "no" on laws in the polling booths at elections.

*Why direct government has grown in favor.* — This increase in the power of the voters has been due to two main causes: (a) dissatisfaction with the way that the representatives actually conducted the government; and (b) the growth of a political interest among the voters which makes them want to take more part in government. Dissatisfaction with representative government began to appear early; representatives often would not make the laws for which there was a large popular demand; and they were frequently corrupt, and made laws for the benefit of private persons and corporations by granting them concessions and privileges



of all kinds. Owing to the spread of education and the development of cheap newspapers and books, large numbers of voters now think that they can decide many matters better than their agents can.

*Where direct government is popular.* — The principle of direct government has been adopted in about one-third of the states, including South Dakota, Oregon, Washington, California, Oklahoma, Maine, Arizona, Ohio, and Colorado. The demand for similar reforms is so strong in other states that it is desirable to explain the system in great detail and to examine with some care the ideas upon which it is based.

**The initiative.** — The initiative is a device whereby any person or group of persons may draft a proposal for a law and, on securing the signatures of a certain number of voters, have it submitted to the voters at large for their approval or disapproval. Thus it is possible for the voters to make laws without using the legislature at all. Suppose, for example, that some of us thought there ought to be a law granting pensions to poor widows with children and we could not persuade the legislature to pass it. Under the "direct" government system we could draw up the law ourselves, go around and get a certain number, say 5 per cent, of the voters to sign a petition asking for the submission of the law to the voters; if we got the required number of signers, the secretary of state would have to print a ballot for the next election, asking the voters whether they approve the law, "Yes or No." If a majority of those voting said "yes," our plan would become law.

One of the big problems in connection with this system is: "How many voters should be required to sign the petition in order to have the law submitted?" If too many are required, the difficulty of getting the signers makes it impossible to work the system. If only a few signers are necessary, then many proposals that the people do not want at all would

have to be voted on at every election — a great expense and a nuisance besides.

**The referendum.** — The word “referendum” is from the Latin word *referre*, meaning “to carry back.” As applied in politics, it means a system whereby the laws made by a legislature may be carried back to the voters for their approval before going into effect. Where it is used a small percentage of the voters who do not like a law or an appropriation of money passed by the legislature may get up a petition against it, and, on securing enough signers, may compel the secretary of state to place the law before the voters at the next election; if they approve, it becomes law; if a majority do not want it, it perishes. This idea was adopted in one form in our states before the initiative, through the practice of submitting state constitutions and amendments to state constitutions to the voters for their approval before allowing them to go into effect.

**The recall.** — The recall is based on the idea that an officer is a *mere agent* and can be turned out at any time the voters do not like his deeds. The old idea was that the officer was elected for a term of years and was expected to do his best according to his own notions. The recall provides that whenever a certain number of voters are dissatisfied with the conduct of a mayor or a governor or any elective officer, they can get up a petition against him, compel a new election, and turn him out of office if a majority of votes are cast against him. In a way, this puts the *execution* of the law directly into the hands of the voters.

*The recall of judicial decisions.* — A development of this idea is the “recall of judicial decisions,” which is a plan whereby a certain percentage of voters who do not like the action of a judge in declaring a law unconstitutional (p. 90) may join in a petition and have submitted to the voters this question: “Shall the law which Judge X declared void continue to be a law in spite of his decision?” If a majority

vote "yes," the law stands; otherwise the decision of the judge stands. This plan is not yet in force, except in Colorado.

**The direct primary.** — Another part of the plan for direct government is the direct primary, which we have already mentioned in connection with the selection of officers (page 148). The convention system, which it abolished, was based on the idea that the voters could wisely select delegates to a party council and that those delegates would carefully and honestly select the best members of the party to be the party candidates for office. The direct primary, on the other hand, is based on the idea that the voters can decide best for themselves what persons they want to stand as their party candidates.

**The short ballot.** — So many officers are elected now that the voter often has to choose from among three or four hundred candidates for forty or fifty different positions; and so it happens that the bewildered person does not know much about any of the men for whom he votes. A ballot fourteen feet long was recently used, for example, in a New York election. The advocates of the short ballot say: "Let us reduce the number of officers chosen at any one election to three or four, so that the voters will have a chance to look the candidates over carefully and select good men." Many who do not believe in direct government believe in the short ballot, saying, "If the voters could give more attention to electing a few good men, there would not be so many corrupt officers and representatives chosen, and therefore no need for the initiative, referendum, and recall."

*How little the voter knows about the men for whom he votes.* — The fact is that with so many officers to choose the voter simply cannot know much about any of them. How this works out is shown by the answers to some questions put to the voters of a Brooklyn district composed of intelligent and independent citizens. The following table giving the

answers shows how few of the voters knew even the names of the officers chosen in an election held a short time before the questions were asked : —

Do you know the name of the new state treasurer just elected ?

Yes : 13 per cent.

Do you know the name of the present state treasurer ?

Yes : 25 per cent.

Do you know the name of the new state assemblyman for this district ?

Yes : 30 per cent.

Do you know the name of the defeated candidate for assemblyman in this district ?

Yes : 20 per cent. (Knew both of them : 16 per cent.)

Do you know the name of the surrogate of this county ?

Yes : 35 per cent.

Do you know the name of your alderman ?

Yes : 15 per cent.

Do you know whether your alderman was one of those who voted against the increase in the police force last year ?

Yes : 2 per cent.

**Various views as to direct government.** — The initiative and referendum are schemes for allowing the voters to make laws directly without using the legislature or asking its advice at all and to veto laws. The old idea was that the voters could not themselves know enough about government to decide policies, but that all they could do was to select representatives who should give their attention especially to government, relieving the voters of the task of bothering about anything except occasional elections of agents. Direct government, however, presupposes that the voters have made up their minds or can make up their minds on all matters, and that the officers whom they choose are merely agents to carry out their will. The system has an educational advantage through the publicity given to every proposal. Leaflets, large and small, giving both sides to every controversy, are widely distributed among the men and women of Oregon, where this system prevails.

*Two ways of viewing direct government.* — This movement for “direct government” may be viewed in two ways. (a) Some say the initiative and referendum do not take the place of representative government at all; they are simply aids, to keep the government “truly representative.” The initiative will not be used often — only in flagrant cases where the legislature refuses to listen to the just demands of the people; the referendum will be used only occasionally when the legislature has passed a grossly unjust and clearly unwise law. This is probably the view of the greater portion of those who advocate such reforms. (b) Other advocates of direct government look upon the initiative and referendum as practical substitutes for the legislature, and expect in time to see all important laws made directly by the voters. They believe that it is always better to have the direct judgment of the voters rather than that of a legislature. They look forward to a time when all voters will be intelligent and interested in measures instead of in politicians, and will seek the knowledge necessary to decide every important matter at the polls.

*Two kinds of opponents to direct government.* — Opponents of the system of direct government, likewise, fall into two groups: (a) those who are afraid of the people and want them to have as little voice in the government as possible; and (b) those who believe that the voters simply cannot give the time and attention to governmental matters which is necessary to a wise decision of very complicated questions about laws. The latter believe in popular rule, the right of the voters to elect whomsoever they please, to turn them out at elections, and to have enacted into law anything on which they have definitely made up their minds. The latter say: “We accept the will of the voters as law, but we want to be sure that the whole matter has been carefully thought out and discussed before action is taken; we do not want to put our lives, our liberty, and our property at the mercy of a

mere chance majority at the polls at any one election." That is really the issue: "Should a mere majority of those who take the trouble to go to the polls be allowed to make any law on anything they please, even forbidding freedom of speech and religious liberty?"

*Democracy a matter of indefinite growth.* — From what we have said in this chapter, it is clear that the terms "democracy" and "government of the people" may mean much or nothing, and that repeating them without explaining what we mean by them is useless. How many and what persons ought to be allowed to vote in order to constitute a democracy? What should the voters be allowed to do in order to have a "government of the people"? These are questions which are never finally settled, but are in fact problems which all of us are compelled to face as citizens and to pass upon from time to time. Democracy did not begin, therefore, with the Declaration of Independence, and the last word will never be said on the subject as long as new thoughts arise in the human brain and new needs are felt by the people.

### Questions

1. What is the difference between representative government and direct democracy?
2. Which did the American Fathers regard as the wiser form of government, and why?
3. How has the federal government been made more democratic in the sense of yielding to popular control?
4. Where do we have direct democracy now and why was it adopted?
5. What are the initiative, referendum, recall, and short ballot?
6. What is the direct primary; the recall of judicial decisions?
7. What arguments do opponents of direct government use?
8. What are the two ways of viewing direct government as a benefit to society?
9. In what way does direct government conflict with the idea of the separation of functions in the government?

**Additional Reading**

POPULAR CONTROL IN STATE GOVERNMENTS: Beard, *Readings*, pp. 411-431; McCarthy, *The Wisconsin Idea*, pp. 88-123.

FAULTS AND STRENGTH OF AMERICAN DEMOCRACY: Bryce, *American Commonwealth*, Vol. II, pp. 630-654.

THE SHORT BALLOT: Beard, *American Government*, pp. 474-487; Jones, *Readings on Parties and Elections*, pp. 225-232.

THE VARIATIONS IN THE INITIATIVE AND REFERENDUM: Beard, 461-471.

DIRECT LEGISLATION AND THE RECALL: Jones, pp. 335-352.





## PART III

### THE WORK OF GOVERNMENT



## CHAPTER XIV

### THE SERVICES RENDERED BY THE FEDERAL GOVERNMENT

- I. The government as a coöperative concern.
- II. The division of the work of government among many officers.
- III. Division of work between the federal and state governments.
  1. How industries are national in character.
  2. Why the states find it difficult to regulate industries.
  3. National laws *versus* uniform laws.
  4. Many new and important things may be done without changing the Constitution.
  5. The federal government is in fact very close to the people.
- IV. In what ways the consumer is helpless.
- V. What interstate commerce is.
- VI. Federal regulation of railway rates.
- VII. Federal pure food laws.
  1. Federal food inspection and study.
  2. The importance of watching our food supplies carefully.
  3. Should the consumer be protected against other schemes for cheating?
- VIII. The theory of a protective tariff.
  1. The present defense of protection.
  2. The tariff and foreign labor.
  3. The free trade theory.
- IX. The practical tariff question.
  1. The tariff is always a compromise.
- X. The tariff commission.
- XI. Reciprocity.
- XII. Searching for foreign trade.

- XIII. The trust question.
  - 1. The old theory of competition.
  - 2. How big combinations and trusts grew up.
  - 3. The unfair methods of trusts.
  - 4. The federal law against trusts — the Sherman Act of 1890.
- XIV. Present theories about what to do with the trusts.
  - 1. The advocates of a radical breaking up of the trusts.
  - 2. Regulation of the trusts.
  - 3. The socialist theory about the trusts.
  - 4. Theory of "natural monopoly."
- XV. The public land grants to farmers.
  - 1. The policy of the government in granting lands to farmers.
- XVI. Irrigation works.
- XVII. Agricultural colleges.
- XVIII. The Department of Agriculture.
- XIX. The power of Congress over labor matters.
- XX. Federal laws about labor.
- XXI. The Department of Labor.
- XXII. Competition with foreign labor.
- XXIII. Immigration.
- XXIV. Labor employed by the government.
- XXV. The post office.
  - 1. The services rendered by the post office.
- XXVI. Natural resources.
  - 1. Proposals for dealing with our natural resources.
  - 2. Surveying the national domains.
- XXVII. River and harbor improvements.
  - 1. The waste of public funds in such schemes.
- XXVIII. The Panama Canal.
- XXIX. Building national highways.
- XXX. Health not altogether a local concern.
- XXXI. Inspection of immigrants.
- XXXII. The public health service.
  - 1. The reorganization of federal health work in 1912.
- XXXIII. National defense.
  - 1. The standing army.
  - 2. The militia.
  - 3. The reserve militia.
  - 4. The navy.
  - 5. Rapid increase in naval expenditure.

6. The command of the army and navy.
7. Pensions for soldiers.
8. The cost of wars.
9. War against war.
10. Arbitration Treaties.

XXXIV. Importance of the President's power in international affairs.

1. How the President negotiates with other countries.

XXXV. Gold and silver coinage.

1. The ratio between gold and silver in coins.
2. The history of the ratio down to 1873.
3. The free silver question.
4. Paper money.
5. National bank notes.
6. The problem of national banking.
7. The new banking law of December, 1913.

XXXVI. The power of Congress to tax.

XXXVII. The chief sources of federal revenue.

XXXVIII. Making the budget.

1. Balancing the books.

XXXIX. The power of the federal government over territories.

1. The District of Columbia.
2. The territories.

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**The government a coöperative concern.** — Mention has been made of the human needs which the government is designed to meet, and of the way in which the persons who compose the government are chosen and put to work. There is another most important phase of civics; namely, just what the government does to make this a safer, wiser, and happier country. In other words, how can the government help the individual in his struggle to make a living safely and with the least waste, to improve his mind, and to secure himself against misfortunes over which he has no control? This does not mean that we are asking the government to do for us what we should do for ourselves, but it does mean that to-day there are many things which we as individuals cannot do without joining with our fellow citizens — with-

out coöperating and using some branch of the government. For example, no one wants to be poisoned by adulterated foods, but every one has not the time to go around and inspect the hundreds of factories in which food is prepared ; therefore, a joint agent, a government officer, is employed to do the work for all of us.

**The division of the work of government among many officers.** — The officers who perform all kinds of public services for us are federal, state, city, and rural officers. The work of government is so divided that it is not always a simple matter to know which of these officers is responsible for any given undertaking. Sometimes we see city, state, and federal health officers coöperating to fight disease, and sometimes we find federal and state officers disagreeing about their respective powers over an important matter. This division of public work between the national and state governments has been, and still is, one of the most troublesome problems of our country.

**Division of work between the federal and state governments.** — Some people think that they can solve it by saying in a light manner, " Oh, let the state do the things which belong to the state and the federal government the things which belong to it ; " but that only begs the real question, " What things actually do belong to each ? " This problem has been discussed for a hundred years, but it has not been solved, and in fact it never can be solved, because the business, industry, and commerce of the country change from generation to generation, so that it is necessary to be always redividing the work. For instance, a long time ago when the factories and workshops were small and the products turned out at each one were sold principally in the neighborhood or within the state in which they were manufactured, it was clearly a state matter to decide about the sanitary conditions of the buildings and the hours and work of persons employed in them, if sanitation was a governmental matter at all.

*How industries are national in character.* — We see how all of that has altered. There are no industries of any consequence to-day which sell all their products in the neighborhood. Chicago and Kansas City pack and ship meats for millions of people all over the country. Most of the cloth that is manufactured in the United States is made in New England and a few Southern states. The iron industry is largely confined to a few commonwealths like Pennsylvania, Alabama, and Michigan. Each of the great railway companies operates in a score of states. Most of our clothing is made in centers like New York and Chicago. Can we truly say any longer: "It is no concern of ours how other states regulate their industries or attempt to prevent adulteration and other evil practices?" Even if we are so selfish that we do not care whether our clothes are made and our food packed by people who are paid starvation wages, we may be interested enough to look out for ourselves, and protect ourselves against shoddy and poison.

*Why the states find it difficult to regulate industries.* — Then we must look at the matter from the point of view of those who are trying to prevent poverty and ill health by providing schemes to increase wages, shorten hours of labor, compel employers to pay compensation to injured workmen, and provide for the aged poor. If a state says to an employer, "You must not pay less than a certain wage to your women employees," he may very justly reply, "See here; I sell goods all over the United States, and I must put my prices low enough to meet the prices fixed by manufacturers in other states where wages are much lower and where no attempt is made to settle them by law. If you compel me to pay this fixed wage, you will take away all of the profit in my business, and I must either shut up my mill or move to another state where wages are lower."

*National laws versus uniform laws.* — How are we to meet such problems? The person who believes in "new

nationalism " holds that every concern which is truly national in character — which affects immediately and in an important way the people of many states — should be under the control of the national government. The champion of states' rights, on his part, contends that the best way is to encourage all of the states to make the same laws on the same subject — uniform legislation — even if the result is reached more slowly. This thing cannot be settled in a book; it must be fought out in the arena of practical politics, and every thoughtful person who takes an interest in government will have to give serious attention to it. He will always face the question: " Shall the powers of the federal government be increased by adding to the powers already enumerated in the federal Constitution? "

*Many new and important things may be done without changing the Constitution.* — It is not necessary, however, to amend the Constitution in order to do many helpful things to fight the foes of mankind,—disease, poverty, and crime. By a " liberal construction " of the Constitution, that is, by interpreting in a very free and easy way the powers already conferred upon Congress, it is possible to do many things the Constitution does not say anything about. For example, the Constitution does not mention railways, and they were not dreamed of when it was made, but it does say that Congress may regulate " interstate commerce," and on this warrant Congress has provided a system for fixing passenger and freight rates, and otherwise controlling railways engaged in business in more than one state (p. 180). Another good example — the use of the power to tax in such a way as to improve labor conditions — is furnished by the story of the match industry. The yellow phosphorus used to make the old-fashioned match was highly poisonous, and those working in the industry often suffered from having their teeth fall out or their jawbones decay, and many died of the poison. Matches could be made a little more expensively



from other materials, and in 1912 Congress put such a high tax on the yellow phosphorus match as to destroy the business altogether. Surely this was "stretching the Constitution," to use the taxing power not to raise money, but to prevent working people from being poisoned.

*The federal government is in fact very close to the people.* — Through these and similar measures the federal government is brought a great deal nearer to the people than it used to be. It not only guards us by a fleet and an army which most of us never see, but it now stands guard over much of the food we buy. It forbids the manufacture of certain poisonous and adulterated foods and the packing of diseased meats for interstate trade, and it has an army of civil employees studying foodstuffs and inspecting factories, packing houses, and shipments. It sends its postmen into the backward rural districts as well as along the streets of the city to deliver mail. When we send a piece of freight to another state or travel there on a railway, we pay charges which may be fixed by the Interstate Commerce Commission — a branch of the federal government. If a workman is injured on a railway which does business in more than one state, he may receive compensation under a law passed by the federal government. The prices of sugar, wool clothing, gloves, and a thousand other commodities depend in part upon the tax laid upon them by the federal government when they come into the United States from foreign countries.

#### WHAT THE GOVERNMENT DOES FOR THE CONSUMER

**In what ways the consumer is helpless.** — It is only within recent years that we have come to look to the federal government to protect us against exorbitant railway charges and against poisonous and adulterated foods and drugs. The old theory of political economy was: "Let the purchaser beware. Any person is entitled to sell what he has to sell

at any price he can get, and if a purchaser is overcharged or buys adulterated drugs or foodstuffs, it is his own fault." This theory suited railway companies and manufacturers; but in time the consumers began to wonder whether it was altogether sound. They began to see how helpless the individual shipper or passenger was in the face of powerful railway companies, and how impossible it was for the consumer to be an expert chemist and health officer in judging of all the food supplies which came to his table.

**What is "interstate commerce"?** — Of course, Congress has no power to go into a state and say to a manufacturer or a butcher who sells only to his next-door neighbor, "You must not do this or that." Congress can control only *interstate* commerce; that is, only traffic, intercourse, travel, and trade carried on from a point in one state to a point in another. Congress, for example, cannot fix the railway rates from Chicago, Illinois, to Springfield, Illinois; but it can fix the rates from Chicago, Illinois, to Milwaukee, Wisconsin. Again, if three or four business concerns unite to monopolize all of the trade within a single state, Congress cannot order them to disband; but if a number of men in two or more states join in an attempt to control business and apportion the trade in these states among themselves, Congress can prevent it. If a manufacturer ships products into other states, Congress can forbid him to adulterate or otherwise misrepresent his goods.

**Federal regulation of railway rates.** — It was not until railway building had been going on for nearly half a century that Congress began to interfere with rates for the benefit of shippers and consumers. In 1887 Congress passed the first interstate commerce act regulating railways; and this law has been added to, until to-day all the business of interstate railways is under the control of federal laws enforced by the Interstate Commerce Commission, a board of seven members appointed by the President and Senate. This law requires

railways to fix "reasonable" rates for freight and passengers and forbids them to charge different rates for the same services, thus helping favorite business concerns to undersell their rivals. The Commission has the power, on complaint of some interested person or group, to inquire whether any particular rate is reasonable, and on finding it unfair, to order the railway company to make a fair rate. In 1913 Congress passed a law arranging for the physical valuation of railways—that is, for finding out what they actually cost to construct and operate—with a view to fixing fair rates. The government cannot very well fix a just rate unless it knows what it really costs the railway to do its work. Although we have spoken of the regulation of railway rates as being in the interest of the consumer, it must be admitted that it was the manufacturers and shippers seeking lower freight rates who were principally responsible for the government's undertaking this work. But of course the consumer may benefit by lower rates on the goods which he buys.

**Federal pure food laws.**—The most important law designed particularly for consumers is the pure food and drug act (applicable to interstate trade) passed in 1906. This law forbids the sale of drugs that are not what they are represented to be or that differ from certain standards recognized in science. The sale of adulterated food is forbidden, and any food is held to be adulterated if its quality has been lowered by mixing other stuff with it, if any valuable part has been removed, if it is so stained, colored, or coated as to cover up damages, if it contains poisonous and injurious substances, or if it is unfit for use. The chief of the bureau of chemistry at Washington is principally responsible for enforcing the law. Officers under him inspect manufactures all over the country, and carloads of adulterated goods have been destroyed. Many patent medicine concerns have been driven out of business by the simple rule that they must tell on the label of the bottle exactly what is inside.

*Federal food inspection and study.* — The government inspectors may condemn meats, or may put the seal of approval on them by marking them "U. S. inspected and passed." Canning and preserving rooms are visited, and the contents of bottles, cans, jars, and boxes examined by expert chemists who are always searching for some injurious and dangerous chemical used to color or preserve. In order to educate the public to discriminate in its purchases, bulletins are issued by the government showing the relative food values of different articles as determined by chemical analysis and experiments on animals and men. When Dr. H. W. Wiley was chief of the bureau of chemistry, he had a "poison squad"; that is, a group of men who tested the effects of certain foods by actually consuming large quantities and studying the results on their own systems.

*The importance of watching our food supplies carefully.* — How important this investigation really is becomes apparent when we realize that cheap bakery products "are in large part made up of spoiled eggs shipped in carload lots and deodorized by formaldehyde. Pie fillings, which are indescribably nauseous, are sold in wholesale lots to restaurants and bakeries. Tarts, jams, and ice creams are made of fictitious foods." To show how it is possible to use chemicals in foods, a laboratory recently prepared a meal "without a particle of real food in it — a feast that had all the appearance of wholesome dishes, but was entirely substanceless."

*Should the consumer be protected against other schemes for cheating?* — At the present time, the government does not make any attempt to interfere with the manufacture of clothing and other commodities not used for food; but several attempts have been made in Congress to secure a law requiring linen, silk, wool, and cotton stuffs to be accurately labeled to prevent shoddy and cheap mixtures. It was argued that the purchaser of such commodities was frequently unable to tell the difference between pure wool and mixed

cloth, and that it was as necessary to protect the consumer against adulterated cloth and paper-soled shoes as against varnished chocolates. No action has yet been taken, but there are many who believe that positive standards in manufactures should be established by the government to protect the consumer against all kinds of misrepresentation.

#### WHAT THE GOVERNMENT DOES FOR THE MANUFACTURER

**The theory of a protective tariff.** — One of the very first things that the federal government did after it was established in 1789 was to aid American manufacturers by putting a tariff upon European goods which competed with their own products. Advocates of protection in those days declared that the United States was a new country with very few industries and not much money to invest and that our business men needed protection against the old and well established concerns of Europe in order to get a start. That was the "infant industry" argument: "Give our small and young industries protection against the big manufactories of Europe until they are established and thus make the United States industrially as well as politically independent of the Old World." Many who advocated a protective tariff in those days looked upon it as a *temporary* thing, to be thrown aside as soon as our industries had developed, and were ready to meet foreign competitors on an equal basis.

**The present defense of protection.** — For a long time, the "infant industry" argument was kept prominently before the public, but of later years little has been heard of it, for the reason that our industries in most fields have grown into giants. More recently the policy of protection has been defended on the ground that American employers would be compelled to reduce the wages of their workingmen if they had to cut their prices to meet those of European manufacturers who do not have to pay as much to get their work

done. From this point of view, protection is not looked upon as a benefit to employers particularly, but as a safeguard for American workingmen against "the pauper labor of Europe." Certainly this is the argument most frequently used in appealing to the working classes to support at the polls the policy of protection.

*The tariff and foreign labor.* — As a matter of fact, however, the tariff must be viewed principally as an aid to manufacturers, and only incidentally to American workingmen. The latter cannot be said to enjoy much protection from the "cheap laborers of Europe," while such laborers can have a free entrance into the United States and can come over and go back home for a few dollars. Indeed, the "native American workingman" is now about pushed out of the great protected industries by foreigners who crowd to this country by the hundreds of thousands every year.

*The free trade theory.* — There has been all along much opposition to protection. Free traders who want no protective tariff at all oppose it on principle. They say that goods will be produced at the place where they can be manufactured cheapest, if the government does not interfere by a tariff. Countries with great mines of coal and iron will naturally produce steel and iron products; tropical countries will produce cotton and raw materials on account of their soil and climate; the great western prairies will grow corn and wheat because their climate and soil are suited to that purpose; and so on throughout the whole range of agriculture and manufacturing. On this theory, every country or every region will "naturally" settle down to the industries and occupations for which it has the climate, soil, resources, and skill, and will exchange its commodities with other countries or regions for the things it cannot produce readily and cheaply. "You could grow bananas in hothouses in Maine if you would put a high tariff on bananas from the tropics," says the free trader, "but the consumer would have to pay

five times as much for them and the workingmen employed in the hothouses had better be at some other work for which the climate and soil of Maine are well suited."<sup>1</sup>

**The practical tariff question.** — This is of course an exaggeration, and even the protectionist disclaims any intention of doing such an absurd thing. To such a contention he replies: "There are very few of the great industries — iron and steel, boot and shoe, cotton and woolen — which cannot be carried on reasonably well in any of the nations of the northern hemisphere, and it is only those industries for which we are obviously well equipped by resources, climate, and labor, that we desire to protect." In fact, there are very few extreme free traders who would abolish all protection for American industries, and there are no advocates of protection who would carry their plans to the absurd length of protecting the banana industry in Maine. The whole matter then resolves itself into a very practical question: "Since we must raise some revenues by putting taxes on goods coming in from foreign countries, and since we ought to help American industries where they really need protection against cheap labor in Europe, on *what* commodities shall we impose duties, and how high shall the duties be?"

*The tariff is always a compromise.* — This is where the tug of war comes in politics. Farmers are willing to have the tariff taken off of agricultural implements, but they are very vigorous in their demand for protection against Canadian farm products. Mill owners are willing to see the tariff removed from Canadian food products, but they prophesy ruin if it is reduced on their manufactures. Louisiana is anxious to have a high duty on sugar because she produces cane sugar, but she is not unwilling to cut the duty on boots and shoes, made principally in New England. It is

<sup>1</sup> Free traders also oppose customs duties because they are taxes on consumers and have no relation to ability to pay.



because the manufacturers and farmers of each section of the country demand protection for their particular industries that it is impossible to base a tariff upon any theory of what ought to be done. The tariff is a compromise in which each section gets what it can by bargaining with the other sections.

**The tariff commission.** — An attempt was made recently, however, to put the tariff on a more reasonable basis by having a commission investigate the cost of producing commodities in Europe and the United States with a view to laying just enough duty on each commodity to place our manufacturers on an even footing with European competitors. The advocates of this method of fixing tariff duties say, for example: "Take a three-dollar pair of shoes. If the actual cost of labor and raw materials in them is 10 per cent higher in the United States than in Europe, then the American manufacturer should be protected to just that extent and no more." There are difficulties, it must be admitted, in the way of finding out the exact cost of manufacture in all countries, and it seems as if we should go on indefinitely making our tariffs on the compromise basis of each section of the country getting what it can.

**Reciprocity.** — The tariff may be used to develop our trade with foreign countries as well as to protect our own industries. That aspect of the matter was emphasized by one of the most eminent of all our advocates of protection, President McKinley, shortly before his death. He seemed inclined to hold that when protection had put our industries into such a shape that they could meet foreign competition, one of its chief uses would be to force open more markets abroad. The champion of reciprocity puts his doctrine in the form of an address to a foreign country: "You now have a high tariff on certain of our American goods, and we have a high tariff on some of yours. If you will lower your rates in our favor and thus increase our business with you, we will



reduce our rates on your goods and give you a better chance in our markets."

**Searching for foreign trade.** — There are other ways in which the federal government seeks to help our manufacturers secure foreign business. It maintains in all the important cities of the world, American consuls, whose business, among other things, is to study the local markets and report to the government at Washington any chances to sell American goods. These reports are published and circulated among manufacturers. If there is a demand for windmills in Siam or for light automobiles in Manchuria, the American consul will find it out and report the matter home for the information of those interested. The government also demands equal privileges for American merchants and financiers in China and other Oriental countries, and in 1900 joined with Germany, England, and other European countries to defend Americans engaged in trading and missionary enterprises in China. The Department of Commerce is constantly studying ways of increasing foreign trade.

**The trust question.** — While protecting manufacturers against foreign competition, the federal government interferes at home to protect the small manufacturer against his neighbors who combine to undersell and otherwise defeat him in business. Big and little manufacturers are often more at odds over the best policy for the government to adopt than are the manufacturers and their employees, and they are frequently found working against each other at Washington when legislation affecting business is under discussion. This leads us into the most important question in the United States to-day, — the trust question, — and we should try to go to the heart of it.

*The old theory of competition.* — Many years ago when manufacturing by machinery on a considerable scale first began in the United States, our theory of business was about as follows: "Any enterprising man with a little capital can

go into manufacturing on a small scale and can, by management and skill, become a master of some magnitude." Take a single example in the boot and shoe industry. A shoemaker started with a small shop; he added one machine after another, until in time he became a great mill owner. Other shoemakers found their way up in the same fashion. The ambition of men to go into business for themselves and the desire of people with money to invest it profitably made competition in the boot and shoe business very keen, so that the prices of boots and shoes were kept down to about the lowest point at which the product could be made. Writers on political economy said: "This is a 'natural' state of industry. It gives enterprising men a chance, and it keeps prices down to a fair level. All the government has to do is to keep its hands off, and everything will be well."

*How big combinations and trusts grew up.* — Unhappily for the theorists, this "natural" state of industry did not go on in the old way. The most enterprising of the business men in the great industries — iron and steel, copper, sugar, and so on — began to destroy the less enterprising by showing more skill and zeal in management. The big manufacturer with a large output could undersell the little manufacturer and drive him to the wall. In time there came to be a few great masters of business in the staple industries just mentioned, and they warred with each other with might and main, cutting prices, advertising widely, and employing all kinds of schemes to get advantages over one another. Many competitors went down to ruin in this industrial war among big captains of industry. In time, some of the shrewdest said: "What folly it is for us to be wasting all this strength trying to beat one another to the wall. Let us come together, put all of our competing plants into the hands of trustees (hence the term 'trust'), stop this fierce competition, fix the prices of our goods, and prevent over-production one year and a panic the next." Thus the trust or com-

bination was born of competition — the very methods which theorists thought would remain forever as the “natural system of business.”

*The unfair methods of trusts.* — As soon as a trust was formed, it began to wage war on any rivals left in the field. It did this not only by fair underselling, but also by other methods. It entered into secret agreements with railways whereby the latter, while apparently charging all concerns the same freight rates for the same shipments, in fact returned a part or all of the money paid by the trust. This practice was called the payment of “rebates.” Often the trust would sell below cost in some parts of the country where it had competitors, and would drive them out by ruinous competition, while in other parts where there were no rivals it would put the prices up high enough to make up the loss. Prices were no longer settled by competition, but by the managing boards of trusts. The man with small capital thus had little or no chance of starting for himself in any of the great staple industries.

*The federal law against trusts — the Sherman act of 1890.* — Then it happened that the thousands of small business men who were being crowded to the wall by the fair and foul means of the trusts began to demand government interference with business. At length in 1890 the federal government responded to the cry for help. All of the great trusts were engaged in interstate commerce and thus came under the power of Congress. In that year, Congress forbade all trusts, agreements, and combinations in restraint of interstate and foreign trade, and made provision for punishing persons guilty of forming them. For more than ten years, this law was not enforced, and all the while the trusts were multiplying in number and size. Finally the government began to prosecute some of the trusts and break them up. It was hard to “unscramble eggs,” as one financier put it, but some of the big trusts, like the Standard Oil and

Tobacco concerns, were "dissolved" into a score or more separate companies.

**Present theories about what to do with the trusts.** — Nobody was satisfied with the outcome. Small business men still complained that the government had not broken the trusts into *enough* parts, and that they could not even compete with any of the score or more of large companies into which the original trusts were divided. The public complained that prices were higher, if anything, after the dissolution than before. Four leading views were put forward by eminent men as to what should be done next. These views we shall try to state here, as they form the basis of political strife to-day.

*The advocates of a radical breaking up of the trusts.* — A group of persons who advocate further war on the trusts, in the form of breaking them up, hold that the trust is not a *natural* result of competition, but that it has been built up by unfair practices, such as rebates and underselling, and that it has been fostered by the tariff which shuts out European competition. Their remedy is to divide each trust into a number of very small concerns, to force them to compete with one another by preventing their coming together in any form, and to stop all kinds of unfair practices — rebates and the like. Into just how many parts a big trust should be broken in order to give the small man a chance and just what practices in competition are to be deemed unfair and to be forbidden are questions on which this group of people are divided, however.

*Regulation of the trusts.* — A second group of persons hold that the trust is the inevitable outcome of competition, that if every unfair practice were forbidden, the race would be to the keenest and the strongest business men and the result would be the formation of gigantic combinations just the same. They hold also that, even were each big trust broken into a hundred parts or a thousand parts, it would

require an army of government inspectors to keep them competing with one another, and that in spite of everything they would come together some way or another in self-defense. It would be just as if all wealth were divided up and each man given an equal share; the keen and scheming and thrifty would have it all back in a short time. This second group of people, therefore, are against breaking up the trusts and propose that the government should *regulate* them — their organization and their prices — by a board, just as it regulates the services and charges of railways (p. 180). This group say that competition is good only up to a certain point and that by properly using the advantages offered by the trusts — particularly large scale production — lower prices could be made to the public than could possibly be obtained under competition.

*The socialist theory about the trusts.* — A third group of persons agree with the second in holding that the trusts are inevitable, and that dissolution is not only impossible but undesirable. They differ, however, in thinking that the government is powerful enough to *control* the gigantic concerns with their enormous wealth and political power. This group accordingly maintain that the only hope is for the government to buy out these great trusts and run them as government industries — just as it conducts the post office. The managers and employees of the trusts would continue at work, but as government employees. This group of advocates are known as socialists. They are not necessarily at war with the second group except that they believe government regulation to be at best only a step to government ownership. The immediate issue is between those who believe in the forcible breaking up of trusts and forcible competition and those who believe in government regulation of prices and methods, for socialists are a minority group.

*Theory of "natural monopoly."* — There is still a fourth group of persons who would combine some of the elements

of each of the three theories just expounded. The members of this group believe in government ownership of what they call "natural monopolies" — railways, telegraph lines, mines, and express companies — in which undertakings competition is well-nigh impossible or the supply is limited. A few years ago, Mr. Bryan announced himself in favor of public ownership of railways, and in 1913 Postmaster-General Burleson indorsed this solution of the transportation question. The government is now about to make an experiment in public ownership of mines and railways in Alaska. Some of those who believe in the government ownership of the natural monopolies think that competition might very easily be maintained in the other fields of business.

#### WHAT THE GOVERNMENT DOES FOR THE FARMERS

**The public land grants to farmers.** — It is partly due to the policy and work of the federal government that we are so largely a nation of farmers. From the establishment of the Constitution to the present time the national government has been a great landowner. When peace was made with Great Britain after the Revolutionary War the new country found itself in possession of enormous unoccupied tracts beyond the Alleghanies, stretching to the Mississippi. In 1803 the Louisiana territory was purchased from France; in 1819 Florida was secured from Spain; in 1848 a vast region westward to the Pacific was acquired by the war with Mexico; in 1867 Alaska was bought from Russia; and in 1898 the Hawaiian Islands were acquired and Porto Rico and the Philippines were added as a result of the Spanish War.

*The policy of the government in granting lands to farmers.* — With each acquisition of territory the federal government has obtained new public domains. The lands already held by private parties within the territories, under the laws of

the countries formerly owning them, have been left, of course, undisturbed, but the wild and unoccupied lands have fallen into the hands of the government. In the beginning it was thought that such lands ought to be sold to large companies for the purpose of getting money to apply toward the expenses of the national government, and for a long time this policy was actually followed. At length, however, the government began to adopt the policy of selling in small lots with a view to encouraging the settlement of farmers on the soil; and finally, in 1862, by the famous Homestead Act, it provided that any person could secure 160 acres of government land by settling on it and cultivating it for a period of five years.

**Irrigation works.** — By this policy the federal government has furnished free homes to millions who would have otherwise been renters or city dwellers, and it has now given away practically all of the land that is good for farming purposes. Finding the best land nearly all gone, Congress began in 1902 to reclaim enormous tracts of desert and semi-arid lands by building irrigation systems. By a law passed in that year the proceeds from the sales of certain lands were to be devoted to building huge dams and storing water for distribution over the dry regions, and since that time some wonderful engineering feats have been accomplished by the government. Within six years over seven hundred thousand acres had been redeemed for cultivation. This land is sold in small tracts to actual settlers, and the money thus obtained is applied to new irrigation works.

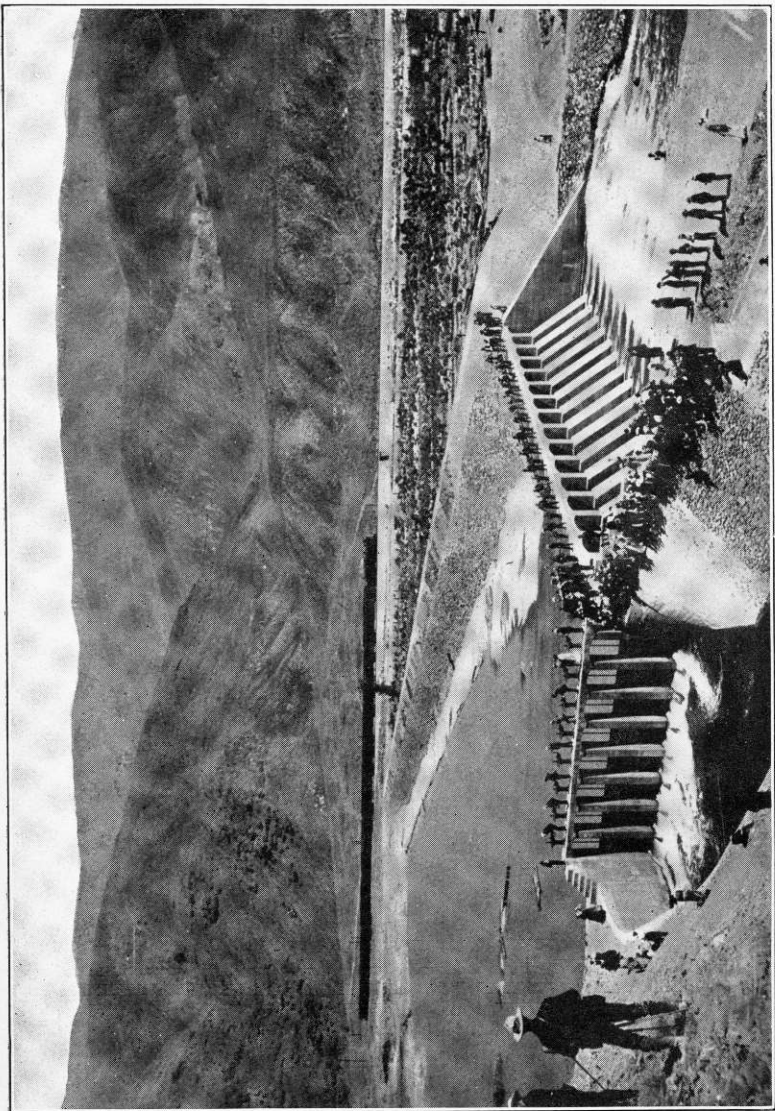
**Agricultural colleges.** — In addition to giving away the land to the farmers, the federal government has helped them in many ways to improve their methods, increase their crops, and make country life more agreeable. In the first place it has made enormous grants of lands to the states to aid them in founding and developing agricultural colleges where prospective farmers may be taught all the latest



achievements of science in the field of agriculture. Furthermore, Congress aids these colleges by direct grants of money — \$50,000 a year each. Congress also appropriates money for agricultural stations in the several states, at which all kinds of experiments in fertilizing the soil, improving the breeds of stock and plants, and fighting insects and disease are carried on.

**The Department of Agriculture.** — Congress established in 1862 a Department of Agriculture which now comprises a number of important bureaus and has an annual appropriation of more than \$16,000,000. A bureau of animal industry investigates the breeding, feeding, and diseases of animals; a bureau of plant industry studies the best methods of improving crops by selecting seeds, introducing new grains and plants; a bureau of chemistry studies the problems of fertilizing the soil; a bureau of soils has made a survey of more than one-fourth of the farm land of the country with a view to discovering the nature and kinds of the plants best suited to the several sections, and has prepared maps showing for what kinds of farming the various parts of the country are well adapted. A bureau of entomology wages war on the insects and diseases which attack plants, trees, and grains, and furnishes information as to the best methods of fighting them. Although these bureaus are principally for the study of agricultural problems, the results of their valuable investigations are speedily made available to the public through bulletins and disseminated through the state agricultural colleges to practical farmers. The weather bureau saves a great deal of money to the farmers (as well as to other people) by warning them of cold waves, frosts, and storms.





A NATIONAL IRRIGATION PLANT



THE FEDERAL GOVERNMENT AND THE INDUSTRIAL  
WORKERS

**The power of Congress over labor matters.** — The federal government has no power under the Constitution as it now stands to regulate factories and foundries and mines as such ; its power over manufacturing is derived from its power to regulate *interstate* commerce and to lay taxes. The national government has so far taken more interest in the consumer of products made in factories than in the condition of the working people in them, and strict constructionists — those who would reduce the powers of Congress to the minimum — hold that while Congress can say to a manufacturer, “ You cannot use this or that chemical in this food or drug,” it has no power to say, “ You must do this or that for the working people employed in making any commodity which you sell in interstate trade.” In other words, from this point of view, the federal government can say to the manufacturer of goods sold in more than one state, “ You shall not kill the consumer by poisons,” but it has no right to add “ or the producer either, by insanitary shops, low wages, long hours, and dangerous machines.”

**Federal laws about labor.** — The apparent exception to this rule is the case of railway employees engaged in interstate commerce. In 1908 Congress enacted a law providing that common carriers engaged in interstate commerce shall be held liable for injuries sustained by employees in their service ; that is, a workman injured on such railways may secure a compensation graded according to the gravity of the injury. About the same time a federal law was passed limiting the hours of trainmen and telegraphers employed in interstate business — not merely because the hours were thought to be too long, but particularly because the public suffered from wrecks and other disasters which could be traced to the fact that employees had worked so long that they had fallen asleep at their duties.

**The Department of Labor.** — Most of the work done by the federal government for labor is in the nature of securing information on labor problems and their solution. There is now a Department of Labor, established in 1913, which is authorized to study labor laws of the several states and of Europe, investigate all kinds of proposals to improve the lot of working people, and to publish reports for the use of the public. There has been recently established a bureau of mines charged with investigating the causes of disasters in mines and helping to educate miners in taking scientific care to prevent explosions and other accidents. Although the bureau cannot order a mining company to make any changes necessary to safeguard its employees, it can publish its reports and indirectly call the attention of the state labor department to the existing conditions. In the Department of Labor there is also a children's bureau, established for the purpose of investigating all kinds of matters having to do with the care, health, education, and labor of children.

**Competition with foreign labor.** — Under its power to regulate foreign commerce, Congress does a little to protect working people against cheap foreign labor. It forbids altogether the immigration of Chinese common laborers, and it forbids any American manufacturer to arrange by contract to bring in foreign laborers of any nationality. The prohibition of Chinese labor is effective; but the American laborer is thrown into competition with European immigrants brought over by the hundreds of thousands by steamship companies. The low steerage rates make Europe nearer to the United States now than New York City was to Chicago three generations ago. In fact, American industries are now manned to a very large extent not merely by laborers of foreign origin but by non-naturalized foreigners.

**Immigration.** — The federal government has entire control over the admission of foreigners into the United States, and it now excludes by law the following classes :

Criminals, diseased, and insane persons and those likely to be a public charge.

Chinese and other Oriental laborers.

Laborers imported under contract to work for specified employers.

The steady increase in the number of foreigners coming into the United States, and particularly the drift of the foreigners to the great cities have led to the proposal of new tests designed to reduce materially the number of immigrants admitted.<sup>1</sup> The most prominent new test suggested is a literacy test, requiring immigrants to be able to read and write. To this it is objected that it would keep out a large number of able-bodied and useful working men and women, and might readily admit the worst and most useless persons in the world. Another method suggested for reducing immigration is to cut down automatically the number coming from any one country to a certain percentage of the number coming last year; for example, if 100,000 came from a given country last year, admit only 75,000 this year. The number of immigrants coming into the United States during the year ending June 30, 1913, was 1,197,892, and the total number between 1824 and 1913 is estimated at over 30,000,000.

**Labor employed by the government.** — The government is also directly or indirectly an employer of labor on a large scale, and it has established certain standards as to hours and wages. Where working people are employed directly by the government, as in ship yards or public works, the hours and wages are fixed under acts of Congress. When the government engages contractors to build ships, construct buildings, and do other public work, it stipulates as to the conditions under which the labor is to be done. The government may thus become a "model employer."

<sup>1</sup> The administration of the immigration law is in the hands of officers at each port and under the supervision of the commissioner general of immigration in the Department of Labor at Washington.

## BUSINESS UNDERTAKINGS OF THE GOVERNMENT

**The post office.** — From the beginning of our government under the Constitution, carrying the mails has been a public undertaking. In 1789 there were 75 post offices, and about \$37,000 worth of business was done. In 1909 there were over 60,000 post offices, and nearly a quarter of a billion dollars' worth of business was transacted. In the beginning it cost twenty-five cents to send a letter more than 450 miles; now a letter can be sent from Maine to the Philippines for two cents, and recently arrangements have been made to send letters to England and Germany for two cents.

*The services rendered by the post office.* — In the beginning the government confined its operations to carrying letters and papers from one post office to another, but it has gradually extended its work, until to-day it maintains the following services:

It registers letters so as to guarantee their safe delivery.

It transmits money by means of post-office orders.

It delivers mail in towns of 10,000 inhabitants, and, by a system of rural free delivery, it carries mail over thousands of miles of country roads to the farmers.

Since January, 1911, it has been engaged in the banking business, accepting deposits at thousands of designated branches and paying a low rate of interest on the money so deposited.

In January, 1913, it established a system for carrying parcels.

In 1913 the Postmaster-General urged Congress to follow the example of England and combine the telegraph business with the transmission of mails.

**Natural resources.** — In 1910 the federal government possessed in the United States and Alaska over 700,000,000 acres of land, most of which is rugged and mountainous and unsuited for farming purposes. Nevertheless, it is of priceless value on account of the timber, and the coal, iron, and other mineral deposits, and the waterfalls which may be used

for power. What is to be done with this immense heritage is one of the most momentous public questions to-day. Formerly, it was the practice of the government to sell its lands as rapidly as possible at a low price, even when it was known that rich mineral deposits existed on them or that valuable timber could be immediately cut on them. But on account of the rapidly diminishing area of lands, the lavish giving of public property to private persons without any adequate return is being strongly opposed, and this has made what is called "the conservation of our natural resources" an issue of first importance.

*Proposals for dealing with our natural resources.* — At this moment the government is in a state of indecision. The old policy of giving away public property for the benefit of huge timber and mineral corporations is no longer possible; but no consistent line of action has been marked out for the future. Broadly speaking, three policies are now under discussion :

1. The lands now owned by the federal government in the several states may be granted to the states to be disposed of by them as they see fit. Most of the opposition to this policy comes from those who believe that as soon as the states secure possession of the property, timber and mining companies will snatch them from corrupt state legislatures.

2. The lands may be retained permanently by the federal government and (a) leased out to private operating companies at a certain rental on the coal or other minerals mined or water power developed or timber cut; or (b) the federal government might go into the business itself, either by employing persons directly or having contractors do the work.

3. The lands may be valued at something like their real price, based on surveys, and sold to private concerns for the benefit of the public treasury.

The big problem is how to get these resources into economical use and avoid giving anything to private persons without suitable return.

*Surveying the national domains.* — At the present time enormous areas of coal, timber, and water power lands have been withdrawn from sale, and are being carefully studied and classified by the United States geological survey. Congress has made provision for separating the surface of the land from the coal under it in making sales, so that when a farmer takes up a certain area for agricultural purposes he does not necessarily acquire title to rich coal mines which may be discovered underground. Congress has also made provision for *leasing* waterfalls now in the possession of the federal government instead of selling them outright or giving them away. In 1912 more than 10,000,000 head of sheep, horses, and cattle were grazing on public lands under government permits, and from the national forests, 800,000,000 feet of timber were sold. In a short time we shall have a complete survey of the national resources, and they will be classified according to the uses to which they may be put. Then Congress will have the information on which to base a regular policy of action.

*River and harbor improvements.* — In addition to carrying on great irrigation works and managing enormous natural resources, the federal government is constantly engaged in making extensive river and harbor improvements. It has spent vast sums building levees on the lower Mississippi and in dredging shallow streams to make them available for navigation. It is steadily at work deepening the entrances, building breakwaters, and otherwise improving harbors for ocean trade all around the coast from Maine to California. This work is usually done under the direction of the Department of War, and its execution is under the control of the expert engineers of the United States.

*The waste of public funds in such schemes.* — Unfortunately, however, there is frequently more politics than business in the making of public improvements. Each locality that has the slightest claim is always clamoring for the govern-



ment to spend money there, making one kind of improvement or another, and the representatives of such districts in Congress devote a great deal of time working to secure grants from the public treasury for their respective regions. Thus it occurs that these improvements are not always made because there is a real need for them or because business or trade interests require them, but rather because the politicians have been able to worm the money out of the Treasury. Little creeks are dredged at a cost exceeding the value of all the steamboats and goods that will pass through them; works are begun and abandoned because some other congressman has been able to get the money away from the district; and so public funds are wasted.

**The Panama Canal.** — The most gigantic business enterprise ever undertaken by the federal government was the construction of the canal across the isthmus of Panama. A small strip of land ten miles wide was secured from the republic of Panama in 1904 and the building of the canal under the direction of the War Department was quickly begun. The government has employed between thirty and sixty thousand men on the work, has housed them, managed the food supplies, guarded them against disease, and carried on the undertaking with great skill and dispatch. The total estimated cost is about \$375,000,000, and the government expects to derive a large revenue from the tolls which are to be charged ships passing through the canal.

**Building national highways.** — In the early part of the nineteenth century the federal government sought to help in the development of the backward regions by the construction of highways, and the famous National Road is one of its best-known achievements in this line. It was in 1838 that Congress made its last appropriation for that road. Those who believed in states' rights did not want the federal government to engage in this business, and the rapid building of railway lines seemed to make it unnecessary to the

shipping and carrying interests. However, at the opening of the twentieth century the development of the automobile and the extension of the rural free delivery system led members of Congress to begin new plans for federal road building. On August 24, 1912, Congress made a small appropriation of \$500,000, to be expended by the Postmaster-General and the Secretary of Agriculture in building "experimental and rural delivery routes." In order for a state to get any of this money it must agree to spend two dollars for each dollar furnished by the federal government. In the Department of Agriculture extensive experiments in road building and road-material testing are being carried on for the public benefit.

### FEDERAL HEALTH WORK

**Health not altogether a local concern.** — Although we have long looked upon the care of health as a local matter to be put in charge of city, county, and village officers, the national government does many noteworthy things to protect us against disease, and scientists are turning more and more toward state and national authorities as the proper agencies to guard public health. Disease is not a local matter. It spreads over county, city, state, and national boundaries like magic, completely ignoring "states' rights" and political parties. For this reason, very vigorous efforts have been made recently to have Congress create a national Department of Health with a chief having a seat in the Cabinet of the President.

**Inspection of immigrants.** — This law has not yet been passed, and at the present time the health work of the federal government is divided up among several bureaus. In the Department of Agriculture there are the bureau of chemistry and the board of food and drug inspection which have charge of enforcing the pure food and drug law of which we have spoken (p. 181). At all ports incoming ships are inspected

by federal officers, and any ship found to have on board persons suffering from dangerous contagious diseases is put into quarantine until all danger is over. The immigration laws exclude all immigrants affected with tuberculosis or loathsome and dangerous diseases, and at the ports of entry health officers examine immigrants, and compel the steamship companies to take back home those found to be physically unfit to enter the country.

**The "public health service."** — For a number of years the federal government has maintained a "Public Health and Marine Hospital Service" which has done splendid work in helping fight disease in all parts of the United States. When the Asiatic cholera invaded the Gulf States in 1905 the experts in that service responded to a call for aid, and by coöperating with local agencies quickly stamped out the disease. Again, in 1907, when the bubonic plague attacked San Francisco, that bureau sent out skilled scientists who worked with the local health officers and discovered that rats were largely responsible for the spread of the disease. By stringent measures and a war on rats, the plague was stopped within a short time, greatly to the relief of the imperiled city.

*The reorganization of federal health work in 1912.* — In 1912 the bureau was reorganized and given the name of "The Public Health Service." It was authorized to "study and investigate the diseases of man and the conditions influencing the propagation and spread thereof, including sanitation and sewage and the pollution, either directly or indirectly, of the navigable streams and lakes of the United States, and it may from time to time issue information in the form of publications for the use of the public." The federal government thus expressly authorizes a widespread and exhaustive scientific research into the causes of disease, and the results of this work will be laid before the public and used by the state and local officers in fighting disease.

The federal government now wages war with the test tube and microscope, as well as with the sword and bayonet.

### NATIONAL DEFENSE

*The standing army.* — Congress has full power to raise and support armies and navies, and it may call to the service of the federal government every able-bodied male citizen in the United States. Unlike several of the great powers of Europe, we do not require every man to serve in the army for a period of two or three years. Our regular or standing army is composed entirely of volunteers who choose that career of their own free will. Volunteers must serve four years with the flag and three years more in the reserve, subject to call at any time. At the time of the Spanish War our regular army consisted of only 25,000 men, but in 1898 Congress provided that it should consist of at least 57,000 men and not more than 100,000, as the President may decide. At the present time it numbers about 82,000, including all the officers.

*The militia.* — Each state has a small military force known as the militia, composed of men who volunteer. Those who join the militia, however, do not leave their regular employments, but merely drill on certain afternoons or evenings, and, perhaps, go into encampments for field work during a few days of each year. These militiamen may be called into the national service at any time by the President, and the federal government has arranged to give them a chance to participate in the field practice of the regular army so that they may gain more experience in manœuvres and tactics.

*The reserve militia.* — The great body of men who are not in the regular army or members of the state militia compose what is known as "the reserve militia," and they too may be called into military service by the President at any time there is need for them. As a matter of fact, however, the chief

reliance for national defense in time of war is the volunteers who place themselves at the service of the government for a definite period. Fortunately for the United States we have no powerful neighbors with whom we are on such uneasy terms as exists in the case of France and Germany, and it is not necessary to maintain an enormous standing army or to require compulsory service. Moreover, Americans have been afraid of regular armies in the command of ambitious generals, and have placed their main reliance upon the citizen soldiers who volunteer in time of crisis. Of course, there is some danger in pitting them against disciplined veterans, but the danger and the waste of time involved in getting them into good fighting order are offset by the freedom from the heavy expenses and from the military spirit which large standing armies require.

*The navy.* — Until the Spanish War the navy did not enlist as much public interest as the army, and there was little thought of entering into competition with the great powers of Europe for dominion on the seas. During the War of 1812, American sailors rendered a good account of themselves in several sea fights, but the Mexican and Civil wars were principally land wars. Inasmuch as nearly all of our territory was compact on the North American continent, it was thought that good coast defenses and a few battleships would suffice for national defense. The acquisition of the Philippines and Hawaii and Porto Rico, however, changed all of that, and made it clear that in case of a war with a European or Asiatic power it would be necessary to have a large navy to defend the distant possessions. Then the excellent fighting of the navy during the Spanish War aroused an immense popular enthusiasm.

*Rapid increase in naval expenditures.* — Since that time the navy has been growing rapidly. In 1911-1912 the United States stood next to Great Britain in the amount of money spent for naval purposes, and at the same time the American

navy, measured in tonnage, was third among the world's navies — Great Britain and Germany being ahead. Germany and England are going forward at breakneck speed, building huge battleships, and if the United States expects to keep up with them, it must be prepared to spend its treasure as they do, at the sacrifice of important home undertakings.

*The command of the army and navy.* — Congress alone can declare war against any foreign country, but if we are attacked, the President can of course bring our forces into the field without waiting for Congress to act. Indeed, since the President carries on all negotiations with other powers, he may very well act in such a manner as to bring on war; this is what President Polk did in the controversy with Mexico in 1845. The President is commander-in-chief in time of peace as well as in time of war, and when war is begun he may take the field himself if he chooses. No President has done this, but all of the Presidents who have been compelled to wage war have shared more or less in directing the campaigns. Of course, the President acts with the advice of the generals in the field and his military advisers — the general staff — at Washington. During the Spanish War, for example, President McKinley had one room of the White House fitted up as a "war room" with telegraphic communications to the front and to all parts of the world. In that room the records of every move by the army and navy were made, and directions prepared and issued to those in command on the fighting line.

*Pensions for soldiers.* — In addition to spending enormous sums in preparing for war, our government is most lavish in pensioning those who have served in past wars. For a long time it was the policy to pension only those soldiers actually injured in service or those soldiers' families which were left in poverty by the death of the breadwinners. In 1890 Congress began granting pensions to soldiers, not on a basis of their injuries or service but according to "the degree of

inability to earn a support." The amount of pension granted has been increased several times, and in 1912 Congress passed a law granting larger pensions to soldiers, on the basis of their terms of service and their age, amounting to as much as \$30 a month to soldiers over 75 who served at least three years. In that year there were about 860,000 soldiers, widows, and other pensioners on the roll, and \$152,000,000 was appropriated for their benefit — a sum which is materially increased by the new law just mentioned.

### THE PEACE MOVEMENT

*The cost of wars.* — If we put the cost of past wars, the pension fund, and the cost of preparing for war together, we find that far more than one-half of all the revenues of the federal government go for military purposes — 72 per cent in 1909, leaving only 28 per cent for the purposes of peace. This fact alone should make us all thoughtful. But there are other reasons for thinking seriously about the question of putting an end to war altogether. Not only does it seem folly to spend so much for warlike purposes when there is so great need of making this world a better place to live in, but the horrors of all wars and the injustice of most of them should make us inquire whether a peaceful way of settling disputes among nations cannot be found.

*War against war.* — Many of the leading statesmen of the world are now giving this matter their earnest attention, and millions of workingmen in the various countries have declared "war on war," announcing that they do not intend to shoot and be shot in order that governments may grab more lands or that capitalists may invest their money abroad more safely. In 1897 the Tsar of Russia called a conference of representatives of all the countries of the world at the Hague to discuss the limitation of armaments. That conference led to the establishment of a Court of Arbitration to which,

on occasion, countries engaged in a quarrel may submit their case, thus leaving the decision to the judgment of fair-minded men. As a result of that conference also, most of the nations, by treaties among themselves, have agreed to submit all differences which do not "affect the vital interests, the independence, or honor of either of the parties or the interests of third nations," to the judgment of this Court.

*Arbitration treaties.* — Of course, this exemption of matters affecting vital interests and honor from arbitration practically nullifies the arbitration treaties, for it is easy for any country to say that a trivial matter affects its "honor." For this reason, President Taft negotiated, in 1911, treaties with France and England, agreeing to submit to arbitration "all matters *justiciable* (capable of settlement by a court) in their nature," thus bringing a little nearer a promise to submit all matters to arbitration. The Senate, however, refused to ratify the treaties in this form. Nevertheless, the growth of peace societies in numbers and influence, the recognition of the terrible cost of warlike preparations, the demand for more money for the peaceful and beneficent purposes of government, the discontent of the working classes everywhere with military service and with the thought of fighting one another to death for no advantages to themselves,—all these things point to a day when public opinion will demand a peaceful settlement of disputes among nations.

## FOREIGN AFFAIRS

**The importance of the President's power in international affairs.** — In maintaining friendly relations with other countries, a great deal depends upon the wisdom and moderation of the President, for he is the official spokesman of the country in its dealings with foreign powers. He negotiates treaties with the agents of other nations, but each treaty must have the approval of the Senate, a two-thirds vote being



required in this case. He appoints our ambassadors and ministers to foreign countries, by and with the advice and consent of the Senate. Through these official representatives the President communicates to other governments the policy of the United States on questions of international significance, and through them he receives information as to the policies and desires of the countries to which they are sent. He also appoints (with the consent of the Senate) the consuls who are our agents abroad in commercial and business affairs.

*How the President negotiates with other countries.* — Pleasing and harmonious relations with other peoples depend in some measure upon the character of the men whom the President selects to represent us as ambassadors, ministers, and consuls. The President cannot declare war; but he can do many things which invite the hostility of other countries. He may say things in his messages to Congress which may offend some other government, as was the case when President Cleveland in 1895 recommended Congress to take a certain action which looked like an interference in the quarrel between Great Britain and Venezuela. The President may also invite war by sending our troops or battleships out under such circumstances as to cause some other nations to view his action as positively hostile and menacing. It is therefore obvious that the President should be a man capable of acting with great caution and sobriety of judgment in dealing with foreign affairs.

## THE MONETARY SYSTEM

**Gold and silver coinage.** — The Constitution gives Congress the power to coin money and regulate the value thereof, and at the same time it forbids the states to coin money or issue bills of credit or to make anything but the gold and silver coin of the United States a legal tender in payment of debts. From the beginning of the national government down to 1900

there was much discussion over the *amount* of gold and silver to be put into the gold and silver dollars respectively. It is well known that an ounce of gold is worth several times as much as an ounce of silver, because it is the more precious of the two metals; that is, it is not as plentiful, and is more highly prized in making ornaments and jewelry. If one ounce of gold is worth sixteen ounces of silver, as a pure metal or bullion on the market, it is clear that the silver in a silver dollar must have sixteen times the weight of the gold which is put into a gold dollar. If this is not done, the two dollars will not circulate equally as money.

*The "ratio" between gold and silver in coins.* — If, for example, at a time when sixteen ounces of silver are worth one ounce of gold, the government should put seventeen times as much silver as gold in a dollar, *gold* dollars alone would circulate, for people would hold the silver dollars and melt them down for the pure silver, which could then be sold as bullion for more than it is worth in the coin. This difficulty of equally balancing the values of the two metals in the coins — maintaining the *ratio* it is called — has been the source of much of difficulty.

*The history of the "ratio" down to 1873.* — In 1792 we began with the two metals at a ratio of 15 to 1, but it was soon found that at this ratio gold had been undervalued, and consequently little or no gold was brought to the Treasury to be coined into money. At length, in 1834, Congress by law fixed the ratio at approximately sixteen to one; but this was found to be an overvaluation of gold, or an undervaluation of silver as some said, and the result was that silver was not brought to the treasury for coining and almost disappeared from circulation. Finally, in 1873, when the silver dollar was already practically out of circulation, Congress discontinued the coinage of silver dollars altogether, — "demonetized" it, and made gold the basis of the monetary system.

*The "free silver" question.* — It happened that about this

time the price of silver began to decline steadily, until within twenty years it was about half what it was in 1870. Some men attributed this fall in the price of silver to the fact that Germany had demonetized it in 1871, and that rich deposits were about the same time discovered in the United States. Others declared that silver had not fallen so much in price, but that gold, in which it was measured, had *risen* because of the fact that silver had been demonetized and gold had been given a monopoly of the coinage. There was some truth on both sides, and good and wise people were sharply divided over the matter. In order to satisfy the demand of the "silver" party, Congress provided in 1878 for buying large quantities of silver for coinage. The policy of buying silver for coinage lasted until 1893, when it was abandoned. Then came the famous fight over "free silver," in which the Democrats demanded the free and unlimited coinage of silver at the ratio of sixteen to one, although the market ratio was more nearly thirty to one. The Democrats were defeated, and in 1900 Congress positively made gold the basis of our monetary system. So things stand to-day.

**Paper money.** — The Constitution does not expressly authorize Congress to issue any paper money, but nevertheless we have several varieties in circulation. Each paper dollar is now backed up by a virtual promise to redeem in gold. During the Civil War the government secured money by issuing "treasury notes," or "Greenbacks," as they are called; some of these notes were called in and others were made redeemable in specie in 1879, and the latter are, therefore, placed on a metallic money basis. In addition to these treasury notes, there are "silver certificates" issued in the place of silver deposited in the government vaults. These certificates are more convenient than the metal, and they can be exchanged at any time for silver dollars, and the silver dollars can be exchanged for gold, so that they are on a gold basis also. In addition, there are also "gold certificates" issued on somewhat the same plan.

*National bank notes.* — Finally, there are the national bank notes issued by national banks in cities all over the country. These banks hold their charters from the federal government, and were formerly authorized to issue paper money on the basis of United States bonds and other securities deposited by them with the federal Treasury. In 1912 these national bank notes represented more than one-third of the money in circulation. The position of national banks has now been radically changed by the new law of 1913.

*The problem of national banking.* — This question of banking has long been under earnest consideration, and several grave problems have been raised. How is it possible to adjust the amount of money in circulation to the demand for it in business? Some say that the entire work of issuing money should be left to the government, while others would enlarge the power of private banking corporations to issue notes under government supervision. How is it possible to prevent the money of the country from drifting to the large cities, particularly New York, and tending to come under the management of a few great business and financial concerns? Some say it is "natural" for money to flow where there is the best demand for it, and others reply that even if this does come about naturally it enables a few bankers in the great cities to control the thousands of smaller banks and business people scattered throughout the country.

*The new banking law of December, 1913.* — A serious attempt to solve these questions was made by Congress in the new banking law passed in December, 1913. This is a long and complicated measure which can hardly be understood by any person not familiar with banking operations, but we may note these leading features:

1. Provision is made for federal governmental control. A Federal Reserve Board composed of the Secretary of the Treasury and the Comptroller of the Currency and five persons appointed by the President and Senate of the United

States is created to exercise general supervision over the whole national banking system. The country is to be laid out into not less than eight nor more than twelve great districts, and in each is designated a Federal Reserve Bank, controlled by six directors chosen by "Member Banks" and three appointed by the Federal Reserve Board. National banks must, and certain state banks in each district may, join in the scheme, and they are known as "Member Banks" sharing in the control, as above noted.

2. The Federal Reserve Board may issue Reserve Notes, well secured, to the Reserve Banks to be put into general circulation. The money issued at the discretion of the Federal Reserve Board and on the basis of securities held by the Reserve and Member Banks is redeemable in gold and is the lawful money of the United States. By this law, it is apparent, an attempt has been made to solve the leading problems stated above: to secure federal governmental control, to give local banks a fair share in the management of the system, to distribute "the money power" over a wide area, and to provide for the issue of notes to meet business demands.

#### RAISING REVENUES FOR THE GOVERNMENT

**The power of Congress to tax.** — The federal government is under the necessity of arranging every year to meet its heavy bills. It must collect the money to pay them, and is almost entirely dependent upon taxes for its income. Congress has the power to lay all kinds of taxes, provided that *indirect taxes* (such as taxes on goods coming into the country and on whisky and tobacco) shall be *uniform* — that is, equal on the same commodity everywhere in the nation; and provided also that *direct taxes* (such as a tax on land) shall be *apportioned* among the states according to the number of their inhabitants. Furthermore, in 1913, Congress was given the power by the sixteenth amendment to lay an income

tax (held by the Supreme Court to be a direct tax in 1895) without apportioning it according to population.

**The chief sources of federal revenues.** — Congress decides what kinds of taxes shall be used to raise revenues, and the money which the federal government has to pay its expenses now comes from the following chief sources :

- (1) Customs duties on imports.
- (2) Excise taxes on whisky and tobacco (internal revenue).
- (3) Sales of public lands.
- (4) Post office receipts.
- (5) Taxes on the incomes of corporations.
- (6) Taxes on the incomes of private persons. Unmarried persons with incomes under \$3000 a year are exempt. For a married couple the exemption is \$4000.

The total receipts from all sources amount to nearly one billion dollars annually, and more than one-half of that amount is derived from the customs duties and internal revenues.

**Making the budget.** — The appropriation of the money so raised by federal taxes and from other sources is also entirely in the hands of Congress, and it is a troublesome task which occupies the greater portion of the time of that body. Each Representative and Senator as a rule tries to get as much money as possible for his district or state. He demands post office buildings, river and harbor improvements, naval stations, and other public works which bring money to his neighborhood. The actual need for such works is generally not the thing which decides whether money is to be appropriated for them or not. The congressmen bargain among themselves; one member promises to vote for another member's post office in return for a vote for his own pet scheme. This practice is called "log-rolling," and it wastes millions of dollars every year. Politicians actually bid for votes on the ground that they have got money out of the public treasury for their districts. Thus the local interest is often put above the national interest.

*Balancing the books.* — Furthermore, there is little connection between the taxes laid and the money spent by the federal government. The former are imposed separately, and not merely with a view to raising revenue, and so it happens that the federal treasury usually has either a surplus of money or a big deficit. Not often is there a nice balance between the income and outgo, and if it occurs, it is an accident rather than a design. In view of this condition of affairs, proposals are being made to check log-rolling and make the federal bookkeeping more businesslike. But as long as the voters look upon a congressman as an agent whose chief business it is to get money from the treasury for his own district and find jobs for his friends, no reform can be effective.

## THE GOVERNMENT OF TERRITORIES

**The power of the federal government over territories.** — In addition to all of the work which we have described, the federal government has the special task of governing directly the District of Columbia and other regions not organized into states: Porto Rico, Alaska, Hawaii, the Philippines, the Canal Zone, Guam, and the Samoan Islands. The federal Congress has the power to decide how these regions shall be governed and also the power to admit any of them, except the District of Columbia, into the Union as states. It will be remembered that we started out with only thirteen states, and that the other thirty-five have been admitted to the Union by Congress.

*The District of Columbia.* — The District of Columbia — the City of Washington — presents a peculiar problem. It has a population of 330,000, which is greater than that of each of several states, but at the present time the people of that District have absolutely no voice in their government. They are governed by three commissioners, appointed by the President and Senate, and by laws made in Congress. In

fact, Congress is a sort of town council for the City and District. The city has been in part very beautifully laid out by the government, but its slums are among the worst in the country, and its death rate — that barometer of well-being — is among the highest of all the cities in the country. There is undoubtedly a great deal of dissatisfaction in Washington with the system of government now in force, and a demand is made for some representation of the inhabitants in the government that controls them.

*The territories.* — Porto Rico and the Philippines are each governed by a governor appointed by the President and Senate and by a legislature consisting of two houses, one made up of persons appointed in the same manner as the governor and the other house elected by the voters. Alaska was for a long time ruled by a governor alone, but in 1912 it was given a legislature of two houses, both elected by popular vote; and the suffrage was soon conferred on women. The Hawaiian Islands have a governor appointed by the President and Senate and a legislature of two houses, elected by popular vote. The other territories are governed directly, without any legislature, through men appointed at Washington.

### Questions

1. What makes an industry national in character and how does this affect the government?
2. What is the states' rights position?
3. What is meant by a "liberal construction" of the Constitution, and why is it sometimes employed?
4. What brings the national government close to each of us?
5. What does the national government do for the farmer?
6. What does the national government do for the consumer?
7. What does the national government do for the industrial worker?
8. What does the national government do for the employer or manufacturer?



9. Name everything you can which comes under "interstate commerce."

10. Why is so much attention paid to railway legislation?

11. What is meant by a protective tariff, and what is its theoretical purpose? How do results compare with the theory?

12. What is meant by free trade? What is its theory of production?

13. Why is the tariff always a compromise?

14. What is meant by reciprocity?

15. What are trusts, and why have they been formed?

16. What are the theoretical advantages of competition?

17. What are the prevailing theories about trust legislation?

18. In what business enterprises does the national government engage?

19. What is meant by the conservation of natural resources?

20. Describe our system of national defense.

21. What are the causes of the agitation for international arbitration or peace?

22. What was the aim of the recent Currency Act?

23. How does the government finance its undertakings?

24. Is the national government businesslike in its methods of raising and spending money?

25. What are the territories of the United States and how are they governed?

### Additional Reading

INDIVIDUAL FREEDOM AND LAW: Kaye, *Readings in Civil Government*, pp. 392-497.

THE DEPARTMENT OF STATE: Haskin, *The American Government*, pp. 14-26.

THE WORK OF THE TREASURY DEPARTMENT: Haskin, pp. 27-39.

NATIONAL DEFENSE: Haskin, pp. 40-64.

THE POST OFFICE: Haskin, pp. 65-77.

DEPARTMENT OF THE INTERIOR: Haskin, pp. 78-90.

HOW THE UNITED STATES ENCOURAGES INVENTIONS: Haskin, pp. 91-102.

THE GEOLOGICAL SURVEY: Haskin, pp. 103-116.

DEPARTMENT OF AGRICULTURE: Haskin, pp. 117-129.

THE WEATHER BUREAU: Haskin, pp. 130-142.

THE CENSUS BUREAU: Haskin, pp. 157-169.

THE BUREAU OF STANDARDS: Haskin, pp. 170-182.

NATIONAL HEALTH WORK: Haskin, pp. 183-195.

THE SMITHSONIAN INSTITUTE: Haskin, pp. 196-208.

THE PANAMA CANAL: Haskin, pp. 209-220.

THE INTERSTATE COMMERCE COMMISSION: Haskin, pp. 221-234;  
Beard, *American Government*, pp. 379-400.

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## CHAPTER XV

### THE WORK OF THE STATE GOVERNMENT

- I. How the state touches the citizen.
- II. Citizenship and voting.
- III. Marriage and Divorce.
  1. Granting divorces.
- IV. Crimes and their penalties.
  1. The state government declares what acts are to be deemed criminal.
  2. The prevention of crime.
  3. Two ways of looking upon punishment.
  4. The right notion about punishment.
  5. New methods of treating criminals.
- V. Education.
  1. University extension work.
  2. The University is giving attention to the practical arts.
  3. Agriculture and engineering colleges.
  4. Training teachers.
- VI. Health.
  1. The prevention of disease.
- VII. The state government and poverty.
  1. The modern idea of preventing poverty.
  2. Some specific causes of poverty.
  3. The great war on poverty.
- VIII. Workmen's compensation.
- IX. Social insurance.
- X. Mothers' pensions.
- XI. Minimum wage laws.
- XII. Employment bureaus.
- XIII. The state government and trade unions.
- XIV. Trade unions and the law.
- XV. General labor legislation.
  1. The Wisconsin industrial commission.

- XVI. The public control of business.
    - 1. State regulation of railways.
    - 2. The Wisconsin method of controlling railways.
    - 3. The theory on which trusts are forbidden by some states.
    - 4. State laws about corporations.
  - XVII. Good roads.
    - 1. How the state government may help in building roads.
    - 2. Why state aid is essential to proper road building.
  - XVIII. The state's natural resources.
  - XIX. How the state raises the revenues for its work.
    - 1. The general property tax.
    - 2. The difficulty of taxing personal property.
    - 3. The income tax.
    - 4. The inheritance tax.
    - 5. The tax on corporations.
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**How the state touches the citizen.** — Although people grow less excited over the election of a governor and a state legislature than over a presidential campaign, it is not because the state government has less influence over their lives. Nearly all we do, from the cradle to the grave, brings us into touch with the government of the state. Whether we live in the country or in a city, whether we are in the kitchen cooking breakfast or are high on a building riveting steel framework, the government of the state by its good deeds or its neglect, affects our lives. If the food we are preparing is short of weight or adulterated, it is because the laws of the state are bad or are not enforced; if we are seriously injured while at work, the state may let us suffer in poverty or may protect us by a workman's compensation law. If we are farmers, we may find that the freight rates on the milk and grain we send to a neighboring town are fixed by a state board; if we are manufacturers, we may find the state telling us that we must have sanitary workshops, or even ordering us not to pay below a certain wage or not to employ children under sixteen years of age. Thus every one ought to have a deep interest in state affairs.

**The plan of this chapter.** — To make clear how important the government of the state really is, we shall name many of the matters which are committed to its care; and then, in order to show how the work of state governments may be made more helpful to all of us, we shall describe some of the new experiments which are being tried out in some of the states.

**Citizenship and voting.** — Although the United States government alone can make a citizen out of a foreigner, it is left to the state to decide on what terms natives and foreigners shall be allowed to take part in the government by voting. That is, the state, subject to the rules laid down in the federal Constitution (p. 69) determines who shall be permitted to vote. A few states have given the suffrage to aliens upon their declaring their intention to become citizens of the United States. A state may decide whether or not foreigners shall be permitted to hold land, but it cannot violate a treaty made by the United States with a foreign power giving to its subjects specific rights to travel, do business, and buy property anywhere in the Union.

**Marriage and divorce.** — The state government may make it easy or difficult for couples to be married or to be separated by divorce. Some states allow almost any couple to form a lawful union that can find a clergyman to marry them; other states make strict rules and require the issuance of a license in due form before marriage. Some states pay no attention as to whether the couples seeking to be married are diseased, feeble-minded, or criminal, while others prevent persons physically and mentally unfit from securing licenses to be married. Of course many people believe that any couple that wish to marry should be allowed to do so, and that the government (that is, the rest of us) has no interest in the affair. Since, however, the children born of parents physically or mentally diseased are extremely likely to be diseased or insane themselves and a charge upon the

community to support, is marriage not a public matter? Why should the state government bother to stamp out disease at a great cost, and to maintain public asylums for defectives and then take no interest in one of the chief causes of disease and delinquency; namely, the marriage of the unfit?

*Granting divorces.* — Many persons, particularly Catholics, regard marriage as a sacred matter, and do not believe that a husband and wife should be divorced for any cause whatsoever. None of our states, however, except South Carolina, takes this view of marriage; but each one decides for itself for what causes couples may be separated. Some states make divorce very easy — allowing separation for such causes as drunkenness, bad temper, desertion for a certain length of time, failure to provide a decent living, and so on; other states will allow persons to be divorced only where one or the other has committed a very grave offense. When divorce is allowed, the state may decide about the disposition of the children and the property. The law may lean toward the father, and is likely to, because old custom gave the father possession of the children; but in some states the father and mother are given equal rights in the children, and each case is settled according to circumstances. When a wife is allowed a divorce from her husband, the latter may be compelled to make provision for her support — alimony it is called — and some courts are very severe in the charges which they lay upon divorced husbands. Divorces are granted by the courts, after a hearing, just as in other trials.

**Crimes and their penalties.** — A crime is an unlawful deed. Life is made up of deeds which we do. Some deeds, we all agree, are wrong and should be forbidden under pain of punishment; other deeds, we all agree, are good. But between those acts which are clearly wrong and those which are clearly good there is a borderland of deeds which some people be-

lieve to be good and others bad. We all agree, for instance, that willful bodily injury to another person is wrong and should be punished as a crime; we are not all agreed, however, that selling liquor after eleven o'clock at night is wrong and should be called a crime. What is regarded as a crime in one generation is not so considered by another generation. It was not deemed as a crime once upon a time to keep cows in a filthy stable and poison little children by selling dirty milk; but all enlightened states now make that a crime.

*The state government declares what acts are to be deemed criminal.* — The very important task of deciding which of our acts shall be treated as innocent and which shall be regarded as wrong and criminal is left to the state. It is true, the federal government may punish persons for interfering with the mails and other national affairs, but it is the state that fixes nearly all of the crimes and punishments. Every year sees a long list of crimes added by the state legislatures to the already enormous total. The citizen by his vote and by his views of right and wrong therefore helps to settle these questions.

*The prevention of crime.* — The prevention of crime by fixing penalties and punishing offenders is a state affair, but the application of the penalties is left to the local courts. How is crime to be prevented? Of course we can all help to prevent it by our conduct and by the expression of our views in places where we have influence; but there must be an organized way of dealing with crime, and that is intrusted to the government. The old view was that the government should prevent crime by watching out to see that none was committed and by punishing criminals severely enough to frighten other persons likely to commit similar offenses. The prevention of crime by watching is of course committed to the police in cities and to sheriffs and constables in the country; and the way this service is performed depends very largely upon the way in which the local

community — city, town, village, or county — regards the enforcement of the law.

*Two ways of looking upon punishment.* — There are two ways that the state may view the use of punishment to *prevent* crime, for we no longer speak of punishment as mere revenge. Nobody should want to take revenge on a criminal unless it will benefit the latter or somebody else. The state may say that harsh and brutal penalties are more likely to frighten men than light and easy punishment, and certainly fear of punishment is the only thing that will deter some people from wrongdoing. Harsh penalties, however, may be so severe that jurors will not convict the guilty, because they think the penalty is too cruel, and thus criminals are positively encouraged. The second view of punishment is that the *certainty of punishment* for crime is the important thing, rather than heavy penalties.

*The right notion about punishment.* — Our most progressive states are now looking to the *reformation* of the criminal as well as to his punishment. This does not mean that they are growing merely tender-hearted and sentimental, but that they are saying, "We should so arrange our penalties as to help the prisoner to reform and become a decent citizen if there is any good in him." They are proceeding along certain lines, of which the following are the most significant:

*Classification of criminals.* — The young should be separated from the old. This is done by having special reformatories for youths convicted of crimes.

*Indeterminate sentence.* — Under this device the judge may say to the guilty man, "I will not send you to prison for a certain number of years, but will commit you for a period of from one to ten years. If you conduct yourself properly in prison, you may go free at the end of one year, and then if you conduct yourself properly when you are let out, you may stay out. If, on the other hand, you break your word while you are out, you must go back to prison."

*Employment for prisoners.* — It was an old-fashioned practice for states to hire their prisoners out on contract to manufacturers



and builders at low wages. Thus prisoners were sometimes put into competition with workingmen who had committed no offenses, and actually took bread out of their mouths. Workingmen naturally protested against this, and it is clearly wrong. Nevertheless, prisoners should not be idle. Neither should they be forced to work for nothing and then be turned out into the world at the end of their terms without any money. Several states are now trying to find useful employment for prisoners, and some states allow them wages, which are turned over to support their families. The new idea is that the prisoner shall be prepared in prison for an occupation which, on his release, will enable him to be a self-supporting and self-respecting member of society.

**Education.** — Although cities and towns have their own school boards, and counties their supervisors, the kind of education which is given in the city or country depends principally upon state laws. The state may provide wretched elementary instruction a few weeks in the year, or it may establish a large and costly system beginning at the bottom and running up to the state normal school and university. The state may prescribe the amount of money which each community may spend, or it may raise the total amount itself by taxation and distribute it among the counties according to population. The state may prescribe that the same books shall be used in all of the public schools within its borders, or it may allow the local boards to decide within limits what studies shall be pursued and what books shall be used.

*University extension work.* — The state universities in many Western commonwealths are extending their work until they reach out into every community and become a part of the local educational system. They do this by establishing correspondence courses which students anywhere in the state may pursue, by sending out teachers to give lectures and instruction in local centers, and by forming traveling libraries which may be sent about from village to village according to demand. These universities are at the same time endeavoring to reach the citizens who are unable to

come for regular terms, by establishing "short courses" in the winter which may be taken by those who can spare only a few weeks, and by conducting summer schools, particularly for teachers engaged in the winter.

*The university is giving attention to the practical arts.* — The modern ideal of the university is not only to cherish and spread among the people the wisest and best that has been thought out in science, literature, politics, and morals, but also to develop those practical arts and sciences which will help the people to do their daily tasks more easily and more intelligently. For example, the University of Wisconsin will send a lecturer to a community to talk about American poets or what a village may do to improve its appearance, or it will point out to a farmer what careful experiments have proved to be the best way to blast and pull stumps.

*Agricultural and engineering colleges.* — Agricultural and engineering colleges are established either in connection with state universities or separately, and they are not content with giving regular classes at the places where they are located. They also give special short courses to help those who can spare only a few weeks. They organize the farmers of the counties into "institutes," at which experts discuss the best ways of doing farm work and improving the amount and quality of the produce. Some of them even run corn, wheat, or dairy trains throughout the state, giving exhibits of what intelligent selection of grain and stock can do to increase the wealth of the country. They give extension instruction at factories and workshops, in modern science and in expert ways of drafting, using fuel, applying electricity, and so on. They coöperate with local schools in giving courses of study which will help men and women to do the work which falls to them with the most ease and skill — to prepare them for a life of power instead of messy ignorance.

*Training teachers.* — While providing education for farmers, professional men and women, and artisans, the states also

attempt to improve education generally by maintaining normal schools for the training of teachers. Some states have established one separate and central school for teachers; other states prefer to bring this professional training nearer to the teachers by founding schools in two or more places; and still other states, with great wisdom, solve the problem by creating a teachers' college in connection with the university.

**Health.** — The health work of the state government is two fold, — curing and preventing. The state maintains asylums for the insane, the deaf, dumb, blind, and other defectives, and within recent years several states have established sanatoriums for tubercular patients. Wisconsin, for example, not only has such a sanatorium, but endeavors to secure a chain of them throughout the commonwealth by granting state aid to the counties for this purpose.

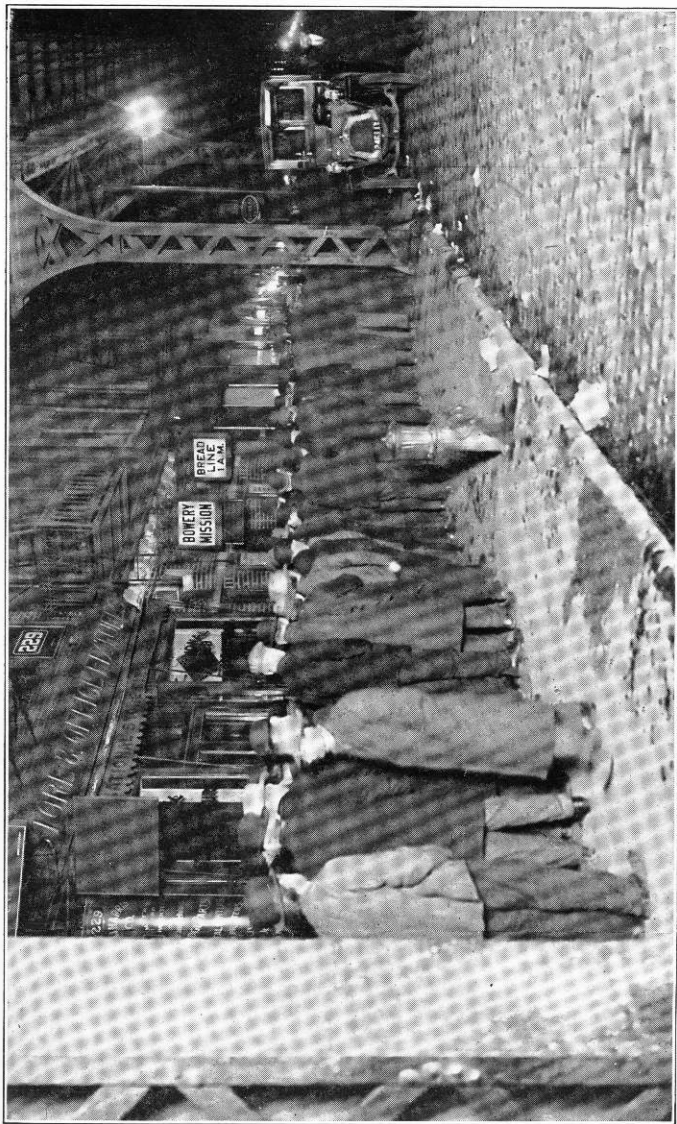
*The prevention of disease.* — The great increase in the number of insane and diseased has driven our states into giving more care to the *prevention* of ills. This is now attempted (a) by enacting laws which forbid the sale of unwholesome foodstuffs, and (b) by providing for officers to inspect places where people live and work with a view to destroying insanitary arrangements. In progressive states, the sale of adulterated foods and drugs is forbidden, the defiling of streams from which water supplies are taken is prohibited, the providing of a certain amount of air and light in factories and tenements is required, and exhausting work by women and children in factories is more and more proscribed. The determination of what foods and drugs are adulterated with harmful materials is a difficult task which falls in part upon the state and local health officers, and, as we have seen above, in part upon federal officers (pp. 181, 203). If the officers are too strict, they may interfere with lawful manufacturing, and if they are too liberal in their decisions, they may help to poison their fellow-citizens. Health work, therefore,

requires a very high degree of scientific skill and a more than ordinary amount of good judgment and honesty.

**The state government and poverty.** — Nowhere in the world, perhaps, is the spirit of charity more strongly manifest than in the humane institutions maintained by the governments of our states. The county poor farms and asylums are supplemented by state institutions for dependent soldiers, orphans, the deaf, dumb, blind, insane, and other persons unable to take care of themselves. Beautiful buildings are erected, millions of dollars voted, and skilled men and women employed in order to relieve suffering and to help the needy. It is true, there are sometimes scandals connected with our asylums, and superintendents are frequently found to be guilty of neglect and brutality; but the amount of high-minded and generous service to the poor and unfortunate which is given in many of our states is a tribute to our kindly intentions if not to our wisdom.

*The modern idea of "preventing" poverty.* — However, as in health work, so in charity, the *prevention* of poverty is better than providing generously for the wrecks of poverty. We are just beginning to understand the fact that poverty is a sort of disease which we can materially reduce, if not eradicate altogether. A great deal of poverty is due to the fact that many persons and corporations are getting, by one method or another, more than their share of the wealth which is produced every year; for example, by charging unfair railway rates, grabbing waterfalls to sell the power, seizing public lands at a low price, or by paying low wages simply because the poor must sell their labor or starve. How to prevent any one from getting possession of property without making any return at all to society is the biggest problem before modern statesmen, and it is one to which we shall have to give more attention as we seek to prevent pauperism and disease.

*Some specific causes of poverty.* — There are many different



*Photo by Underwood and Underwood.*

## THE NEW YORK BREAD LINE



causes for specific cases of poverty. We may enumerate a few. Thousands of people in the United States are unemployed more or less of the time through no fault of their own: on account of seasonal trades, failures and bankruptcies, and financial crises. Again, a good workman may fall sick, and in a few weeks his savings are gone and he finds himself in poverty; or he may be injured at his trade or even killed at it. Many families are poor because the fathers have deserted them, either through despair of keeping the wolf from the door or on account of shiftlessness. Other families are poor because the father has been injured or killed at work. But of course the chief cause of poverty is due to the fact that millions receive wages which are barely enough to keep families going in good times, and not enough to meet extraordinary cares and hardships such as fall upon most of us at some time.

*The great war on poverty.* — All over the world war is being declared on undeserved poverty, and recently the Chancellor of the Exchequer in England expressed the hope "that great advance will be made in this generation toward the time when poverty, with its wretchedness and squalor, will be as remote from the people of this country as the wolves which once infested the forests." What may be done in the future belongs to prophecy, but we shall mention here some of the newer laws that are being enacted by our state legislatures, with a view to reducing the amount of poverty. As you grow older, it will be your duty to study carefully the campaigns in this new war on an old enemy of the human race — poverty.

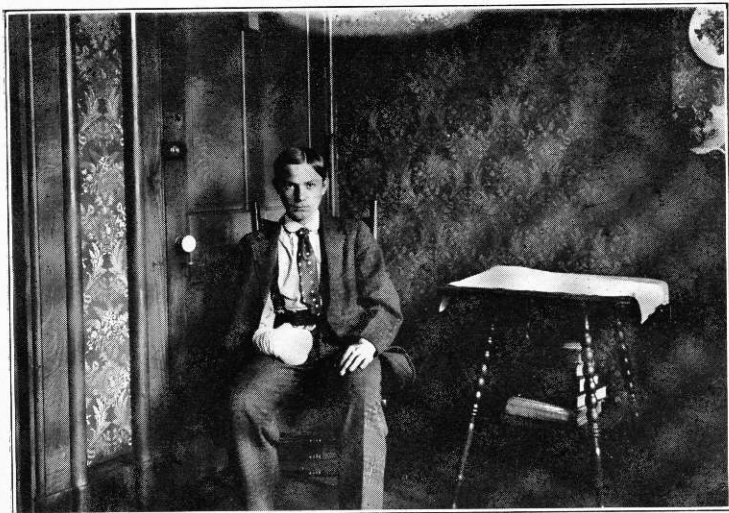
*Workmen's compensation.* — Our enlightened states are fighting the poverty which comes through the injury or death of workmen at their trades, by workmen's compensation laws, which provide that an employer must pay a certain amount to any employee injured at work — an amount graded according to the injury, and in case of his death to be paid to the family. To make it easier for employers to meet

heavy charges, arrangements are sometimes made whereby they may insure their employees against accidents just as they do their property against fire and flood. Provision may be made for the payment of a lump sum to the injured person, or the payment of a weekly amount during a certain period. England and Germany have gone so far as to insure against disease as well as injuries. By such methods a great deal of undeserved poverty is prevented, and many a workman who would have been thrown upon society as a pauper on losing an arm or a leg is given an amount which will help him keep up some standard of life even though he cannot make full wages any longer; and many a family which would have been plunged into poverty on the death of the father in industry is thus made more independent and self-respecting.

*Social insurance.* — Although none of our states has yet made provision for compelling all persons to insure themselves against sickness or old age, Wisconsin has made a beginning by a law passed in 1911. A state board of insurance trustees is created, and persons of small incomes are encouraged to insure themselves against adversity and poverty in their old age. By paying a small sum periodically, any person may arrange to have an income of one, two, or three hundred dollars a year on reaching the age of sixty. Life insurance policies up to \$3000 are also issued. No expensive offices or solicitors are maintained, and the idea back of the scheme is to furnish insurance on a safe basis at exact cost. It is difficult, however, for underpaid wage earners to contribute even a mite to such a scheme.

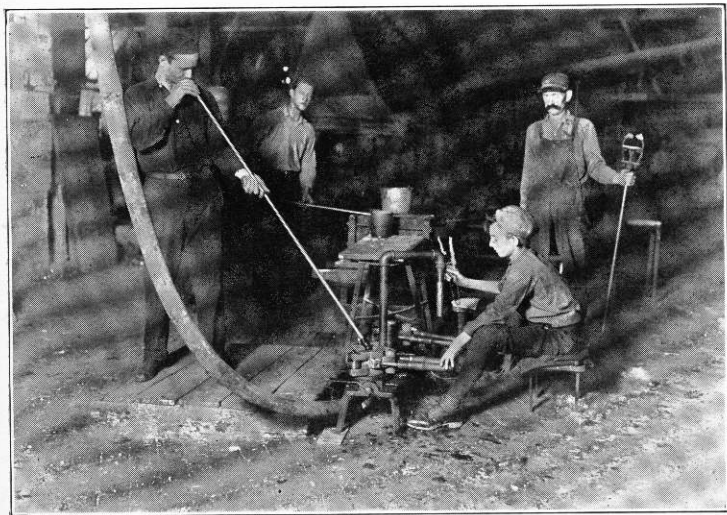
*Mothers' pensions.* — A great deal of poverty, moreover, is due to the fact that widowed or deserted and needy mothers with children are unable to take care of their offspring properly and at the same time earn a livelihood for them. This fact has led more than one-fourth of our states to pass "mothers' pension acts," providing for the payment of certain sums weekly to mothers in such condition — a sum





*Courtesy of National Child Labor Committee.*

**A VICTIM OF AN INDUSTRIAL ACCIDENT**



*Courtesy of National Child Labor Committee.*

**NIGHT WORK IN A GLASS FACTORY**



graded according to the number and age of the children. This is not looked upon as a charity, but as a reward for honorable service in rearing children; for we are coming to look upon the rearing and proper care of children as a no less noble service than the destruction of life on the battle field. We are to have, as has been well said, "soldiers of the cradle and the plowshare, no less than of the sword and bayonet."

*Minimum wage laws.* — The discovery that a very large share of the working people, particularly women and girls, do not receive wages sufficiently large to maintain them in comfort and decency has moved our state legislatures to search for some remedy, and a few of them have enacted "minimum wage" laws as a result. A minimum wage law may be of two kinds. It may (a) provide for a board or commission with the power to declare what is a fair minimum wage in a given industry, but with no power to compel employers to pay it; or (b) the law may either fix a minimum wage in certain industries or authorize a board to fix and enforce it. The minimum wage is at present in an experimental stage; but it is a sign that there is a growing determination on the part of the American public to set certain standards in low paid trades with a view to reducing the appalling poverty which afflicts those engaged in them.

*Employment bureaus.* — A part of the prevailing unemployment is due to the fact that employers sometimes do not know where to get workers and workers do not know where to look for jobs. Wisconsin tries to bring the man and the job together by establishing a chain of state employment bureaus in the leading cities at which men and women seeking work are registered free of charge and put into touch with those in search of workers. Such a system has to be managed with great care to see that employers do not use it to get cheap labor and discharge their more highly paid workers. It is clearly inadvisable for the state to act

as a "strike-breaker" by furnishing laborers to take the places of those striking for better wages or shorter hours. In spite of the difficulties connected with managing such a bureau properly, the Wisconsin system seems to have helped thousands of working men and women out of employment to get a new foothold.

**The state government and trade unions.** — While the state government may thus help to cut down the amount of undeserved poverty by positive laws, it may also indirectly influence wages by the attitude which it takes toward trade unions. A trade union is a combination of working people in a given trade. The theory on which it is based is as follows: Working men and women with no property must sell their labor in order to live. If as individuals they bid against each other for jobs, the employer is able to beat wages down to the lowest offers. If, on the other hand, they unite, they have more strength in dealing with employers and can secure better wages and hours for all.

*Trade unions and the law.* — A big question for the government to decide is: "What methods may trade unions use to force employers to pay better wages or allow shorter hours?" May they "picket" factories where strikes are being held; that is, patrol the region and persuade other persons from taking their jobs? May they "boycott"; that is, refuse to buy the goods made by non-union manufacturers? May they hold meetings and make speeches near the factories and bring everything short of physical force to bear, to win the strike? When and under what circumstances should the troops be called out to interfere, and how shall they be employed when called out? Clearly these are difficult questions which cannot be answered off-hand. It is important, however, that this whole matter should be carefully examined and that public officers should be cautious in putting the military power above the civil authorities in times of disorder connected with strikes.

**General labor legislation.** — The state tries to do by legislative enactment many things which trade unions seek to do by agreement among themselves. It is in behalf of persons not organized into unions that the state government interferes most. It may fix the number of hours which children, over a certain age, and women may work in a day or week. It may require owners of factories to put safeguards about dangerous machinery, and to provide a certain minimum of light and air for their employees. It may forbid altogether the employment of children below a certain age and allow older children to work only in industries not injurious to their health or morals. Even in the case of adult men, the state may fix the hours in some employments which are especially dangerous; as, for example, mining and railroading. These laws have now grown to be so numerous and detailed that it requires an expert to understand them, and they are enforced by commissions in charge of an army of inspectors who travel from town to town visiting the establishments which come within the range of the laws. For this work it is necessary always to have a sufficiently numerous corps of officials. Occasionally a state provides a larger force of officials to enforce fish and game laws than to enforce laws passed in the interests of factory workers.

*The Wisconsin industrial commission.* — The very grave difficulty of making laws long and full enough to cover all the multitude of problems raised in the various industries induced Wisconsin to create an industrial commission and give it the power to issue orders for this factory or that according to the necessities of each case. This commission may make rules for "the protection of the life, health, safety, and welfare of employees in employments and places of employment or frequenters of places of employment." Surely, this is a large power to give to a body of three men, but if it is used wisely, it may greatly increase the comfort and well-

being of thousands of people. It is hardly necessary to remark that this law is not based on the old doctrine that any one has a right to work where and when he pleases, for whatever wages he may choose to accept, and in any kind of factory he likes, regardless of the effect of his conduct on his own health and well-being and that of his family and his neighbors.

**The public control of business.** — In the eye of the law there are two kinds of business: that which is purely private in character and that in which the public has an interest. From time immemorial it has been held that "common carriers," that is, persons engaged in carrying and handling freight and passengers, are conducting a business which is of a public character. Such a business, the lawyers have said, it is proper for the government to regulate — that is, to fix rates and charges and conditions of service. The theory is that, if any person does not like his shoes, he can go to another shoemaker, whereas if he does not like the rates charged by a railway, he must pay them anyhow because he has no other way to send his goods. Therefore, it is proper for the state government, runs the theory, to see that the rates of common carriers are reasonable.

*State regulation of railways.* — Of course this is just a theory, but it is important in the law and on the basis of it our states control freight and passenger rates. They do this in several ways. A state may fix a "flat rate"; that is, declare that a railroad shall not charge more than two or three cents a mile for passengers; or it may provide that railways having a certain mileage shall charge one rate and other railways having a different mileage another rate. Again, the state may create a board or commission similar to the federal Interstate Commerce Commission (p. 180), and give it the power to fix all rates and charges of common carriers. More than two-thirds of our states have railway commissions, but all of these boards do not have

equal power by any means. A few states have provided for the "physical valuation" of the railways within their borders; that is, they have ascertained the cost of constructing and running the roads with a view to discovering what is a fair charge to make for carrying freight and passengers.

*The Wisconsin method of controlling railways.* — In order to show the student just how the state attempts to prevent railways and common carriers from charging rates which are too high or from refusing to stop trains at certain stations, furnish freight cars or switches, or do other things for the convenience of the public, we print here a section from the Wisconsin law controlling railways:

Upon complaint of any person, firm, corporation, or association, or of any mercantile, agricultural, or manufacturing society, or of any body politic or municipal organization, that any of the rates, fares, charges, or classifications, or any joint rate or rates are in any respect unreasonable or unjustly discriminatory, or that any regulation or practice whatsoever affecting the transportation of persons or property, or any service in connection therewith, are in any respect unreasonable or unjustly discriminatory, or that any service is inadequate, the commission [state board of three men appointed by the governor] may notify the railroad complained of that the complaint has been made, and ten days after such notice has been given, the commission may proceed to investigate the same as hereinafter provided. . . . If upon such investigation the rate or rates, fares, charges or classifications, or any joint rate or rates, or any regulation, practice, or service complained of, shall be found to be unreasonable or unjustly discriminatory, or the service shall be found to be inadequate, the commission shall have power to fix and order substituted therefor, such rate or rates, fares, charges or classification as it shall have determined to be just and reasonable, and which shall be charged, imposed, and followed in the future.

*The theory on which trusts are forbidden by some states.* — It is difficult for a person who is not a lawyer to see why a railway is a matter in which the public has an interest, and the shoe business, which may be controlled by a single trust

(p. 188) or by very few manufacturers, is not. But the distinction is made in the law, and when a state government interferes with other than railways and "public service corporations," it does so on another theory; namely, "that all combinations in restraint of trade are illegal." It is an ancient doctrine of the law that when two or more persons in any line of business join in a scheme to injure a third they have committed an unlawful act. On the theory that "combinations in restraint of trade" are unlawful, the courts may punish persons who join in an organization to drive out competitors or to monopolize all of the business in a certain line; and, to make sure that the courts will act on this theory, many state legislatures have expressly prohibited such combinations. Any concern which is engaged in business solely *within* the borders of a state is entirely subject to the laws of that state, but when it enters into a general business in other states it becomes subject to the laws passed by Congress under its power to regulate interstate commerce (p. 180).

*State laws about corporations.* — Many kinds of laws are enacted by our states for the purpose of preventing the union of competing concerns into large corporations and trusts. Of course, it is impossible to form a corporation without the consent of the state government which issues the charter to the persons joining in the corporation, and so the state may lay down the terms on which such concerns may do business. Some states forbid the directors of one corporation to be directors in other corporations, — that is, prohibit what is known as "the interlocking directorate," — a system by which a few men may readily get control of a large number of different concerns. Other states compel companies to sell their products in all parts of the state at the same price, with the cost of freight added, so that they cannot undersell competitors in one section and charge a high price in another to make up the difference. In spite of



all of these schemes, the tendency to consolidate competing businesses goes on steadily.

**Good roads.** — Until very recently, the building and repair of roads were regarded largely as local matters, and left to the care of the townships, counties, and other subdivisions. The result was that the condition of the roads depended upon the enterprise and intelligence of the community, and no uniform and scientific plans were possible. But a few years ago a new movement set in for "good roads." The United States government, by establishing rural free delivery only where reasonably good roads were maintained, encouraged localities to make extensive improvements. The development of the automobile, not merely for pleasure, but also for business and transportation generally, led town and city people to give more attention to the way the rural communities kept up their roads. The telephone, rural delivery, and automobile awakened the farmer to the value of quick communication with the neighboring cities. Good roads, moreover, increase the value of lands immensely: a person dwelling ten miles from a city on a macadam road may in fact be nearer than another person living only five miles away on an unimproved road. Good roads encourage the sons and daughters of farmers to remain in the country because they make it possible to break the monotony of isolated farm life by trips to town.

*How state government may help in building roads.* — It is for these reasons that our states are going into the road making business on a large scale, either by undertaking the work themselves or by lending aid to the counties and local communities. New York, for example, is building great trunk lines in all directions and maintaining them out of state funds. In addition to building state roads, about three-fourths of the states have adopted a policy of lending financial aid to localities; that is, of paying part of the cost of certain roads if the locality will pay the balance. Illinois

operates a great rock-crushing plant by convict labor and furnishes stone free of charge to counties which will pay the freight. Other states furnish expert engineers and surveyors to communities ready to improve their highways.

*Why state aid is essential to proper road building.* — The entrance of the state into the road business has resulted in wonderful improvements. Road making is a science, and it cannot be mastered by an elected road supervisor of a few weeks' experience. The state government employs highly skilled men who devote their lives to highway engineering. State roads, therefore, are likely to be constructed with more care at the outset and maintained with more regularity and skill when once built. By the system of state aid to localities, the communities are encouraged to become enterprising, and at the same time the best scientific training may be enlisted in the work of constructing and repairing highways.

**The state's natural resources.** — A great many of our states possess valuable forest lands and waterfalls from which power may be developed. Up until recent years it was believed by most of those who thought about the matter at all that the state should sell or give away to private persons all of its timber lands and waterfalls; but this view of the matter is now growing obsolete. The state would not think of letting any private person drive up to the treasury and take away a wagonload of its money. Why then should it permit any person to enter its treasury of natural resources and help himself to power and timber without making proper return? Gradually the states are standing against the old policy of selling or giving away power and timber, and favoring the retention and development of these rich treasures for the public good. A state may lease the *use* of these resources to private persons in return for the payment of a stipulated rental, or it may develop them itself by having state officers handle the timber

and sell the annual output and by building state power-houses and selling the power. Whatever policy is adopted, the point is to prevent any private person from getting anything from the public without giving its value in return.

**How the state raises its revenues.** — All these useful services by the state cost money, and it must be raised by taxing the citizens; but there are many ways of doing this. In older and simpler days, when there were few great railway and other companies and corporations, it was the common practice to lay a tax upon every citizen within the state according to the amount of his property, lands, houses, money, jewels, and livestock.

*The general property tax.* — This was based upon the theory that everybody ought to contribute to the support of the state government just in proportion to the value of all his property. A man who had ten thousand dollars' worth of land should pay just as much as the man who had a store worth the same amount, or money loaned out at interest.

*The difficulty of taxing "personal" property.* — The tax looked fair enough and is in fact fair enough for a rural community, but time has wrought changes in populous states. A great deal of the wealth now is in stocks and bonds — money invested in railways, manufacturing, mining, and other concerns, and it is difficult to find out how much any person is worth if he will not tell the assessor. He can lock his bonds up in a strong box and no one can discover how much he has. It is in this way that a great deal of *personal* property escapes taxation altogether. This fact, plus the fact that the expenses of states have grown enormously, has led many states to look for new sources of revenue, in place of relying solely on the general property tax.

*The income tax.* — Among these new sources is the *income* tax. This tax rests upon the theory that a person's income is the best test of his ability to pay. A farmer may have a farm worth \$5000 from which, by hard labor, he wins \$1000

gross income and yet he may have to pay a tax of \$75 or \$100 a year, while a lawyer who owns no property whatever may enjoy an income of \$3000 a year and pay no tax at all. Of course it is difficult to know the amount of a person's income if he will not honestly tell what it is, but about one-third of our states have an income tax. Wisconsin has one of the most interesting income tax laws. It says: "If you are unmarried and have an income over \$800, you must pay a small income tax; if you are married, you and your wife need not pay unless you have over \$1200 a year; if you have children under eighteen years of age, we will exempt you from paying tax on \$200 for each child." Income taxes are usually graduated; that is, the *rate* which one pays increases with the *amount* of the income. In Wisconsin one pays only 1 per cent on the first \$1000 over and above the amount exempt, and 6 per cent on a taxable income over \$12,000.

*The inheritance tax.* — A second new source of income is the *inheritance* tax, which is imposed upon the property which a person leaves to his heirs at his death. This tax is easier to collect than the income tax, because, upon the death of the owner, the estate must be settled in order that it may be divided among the heirs, and it is thus possible for the state officers to discover the exact amount which is left to the heirs. A much larger proportion of our states have the inheritance tax than the income tax.

*The tax on corporations.* — A third new tax is the *corporation* tax, or tax laid upon companies doing business within the state. This tax is to be found in many forms. It may be a tax laid upon the capital stock of the concern or upon the net earnings or upon the gross earnings. This is one of the most popular of the new taxes, because it is a kind of indirect tax which does not come immediately out of anybody's pocket. The people of the state which lays such a tax often forget that any money collected from a company

doing business in the state must come out of the pockets of the working people employed by it or out of the pockets of the consumers who buy the products or travel or send freight and express. A corporation tax is an easy way of taxing ourselves indirectly.

### Questions

1. Name some ways in which the state government comes very close to the people.

2. On what subjects is there considerable diversity among the states?

3. What are the advantages and disadvantages of uniform legislation?

4. What is meant by crime? What are the most recent ideas about treating criminals?

5. What is the advantage of state control of education?

6. Describe the health work of a progressive state.

7. What is the attitude of enlightened states toward the very poor?

8. What are some of the chief causes of poverty, and which of these are connected with politics?

9. What relation does the government of the state bear to wages?

10. What is the trend of state labor legislation?

11. How do state governments affect business?

12. What property may a state own and how may it be used?

### Additional Reading

THE REGULATION OF RAILWAYS: Reinsch, *Readings on American State Government*, pp. 240-262; Beard, *American Government*, pp. 724-732.

CONSERVATION OF STATE RESOURCES: Reinsch, pp. 262-292.

PROHIBITION OF LIQUOR SELLING: Reinsch, pp. 342-363.

THE COURTS AND CRIMINAL LAW REFORM: Reinsch, pp. 181-199.

INSURANCE AGAINST POVERTY: Seager, *A Social Program*.

STATE TAXATION AND FINANCE: Beard, pp. 706-720.

LABOR LEGISLATION: Seager, *A Social Program*; Beard, pp. 732-742.

A STUDY OF A PROGRESSIVE STATE: Charles McCarthy, *The Wisconsin Idea*.

## CHAPTER XVI

### HOW THE CITY GOVERNMENT SERVES THE COMMUNITY

- I. What is the city?
  - 1. The city as it appears to the stranger.
  - 2. The residents' view of the city.
  - 3. A narrow view of city government.
  - 4. City government and the well-being of the people.
  - 5. What the citizen should care about in the matter of city government.
- II. The survey of the city.
  - 1. What should be in such a survey?
  - 2. The value of such surveys.
  - 3. The most important thing in city government.
- III. Policing the city.
  - 1. The police force.
  - 2. Policewomen.
  - 3. The question of proper treatment for criminals.
  - 4. New plans to help criminals reform themselves.
- IV. The fire department.
  - 1. Fire prevention.
- V. The city streets.
  - 1. The planning and care of streets.
  - 2. Traffic in the streets.
  - 3. The anti-noise crusade.
- VI. Public utilities.
  - 1. The franchises granted to public utility corporations.
  - 2. Forms of franchises.
  - 3. Regulation of utilities.
  - 4. Municipal ownership of city utilities.
- VII. Guarding the health of the citizens.
  - 1. Pure air indoors.
  - 2. Pure air out-of-doors.
  - 3. Breathing spaces in the crowded city.

4. Pure food.
  5. Control of milk supply.
  6. Municipal markets.
  7. Municipal ice plants.
  8. Attacking disease directly.
  9. An outline of health work.
- VIII. Housing.
- IX. Play and rest for city people.
1. What the city can do to help provide recreation.
- X. Education.
1. Newer features of our schools.
  2. Coöperation of the schools in government work.
  3. The extension of education in cities.
- XI. City planning.
- XII. Raising the money with which to pay the bills.
1. The single tax on the values of land.
  2. Making the budget.
- XIII. Poverty in the city.
1. The Kansas City Board of Public Welfare.
- XIV. The new city program.
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**What is the city?** — If all students were asked to close their eyes and tell what picture is called to their minds by the word "city," no two pictures would be alike. Children might have similar ideas about the words "state" or "nation" or "country"; but for each of us the word city calls up a different vision, the nature of which depends upon where we live, how we live, where we walk or ride or play, where we go to school, or what kind of work we do.

*The city as it appears to the stranger.* — The impression which the city makes upon the outsider who visits it depends upon what he seeks within its gates. The country resident on occasional visits may carry away, above everything else, notions of the gayety of the city, as a result of seeing the bright shops, the amusements, and the throngs of people along the brilliantly lighted streets. The stranger in search of work will have quite another impression, particularly if his search is long and fruitless. He will think the city is a

place of high prices, high rents, gloomy warehouses and factories where gruff foremen repel those seeking work, and dark, overcrowded tenements. Signs in the parks tell him to keep off the grass, and the policeman is likely to arrest him as a vagrant if he rests too long on a park bench. To such an one, the city is a cheerless place, and the only evidences of hospitality are at the municipal lodging house, where he may stay for a few cents a day for a brief time.

*The residents' view of the city.* — As we have said, the city does not mean the same thing even to all its residents; their impressions likewise depend upon the section in which they live, the income or wages they receive, and the work they do. To the poor child, the city means the street in which he plays, with a big policeman strolling up and down watching for mischief makers; the school which he attends; and his neighborhood with the excitement when the fire engines are called out or there has been a fight or some one has been run over by a truck or automobile. To the child of wealthy parents, the city is a place of beautiful parks, elegant carriages and carefully groomed horses, well-dressed ladies, children's parties, and beautiful homes. And as for the government of the city, perhaps neither the poor nor the rich child has thought about connecting the things that he sees with the mayor or the council or the health officer or the crowds around the polls on election days.

*A narrow view of city government.* — To the average person the phrase, the government of the city, calls up a vision of the city hall, an engine house, a hospital, the courthouse and jail, a park, a school building, a policeman, and perhaps a garbage collector. He does not think that there is much connection between the city government and the dark alleys and dingy tenements, the narrow and dirty streets, the number of funerals of little babies and grown-up persons, the hungry children in the schools, or the places of amusement.



Nevertheless, there is a very deep and real relation between the beauty, health, and happiness of the residents and the government of the city.

*City government and the well-being of the people.* — It is one of the purposes of the study of civics to show this connection between the comfort and happiness of the city and its government. If a city has beautiful parks, fine school buildings, clean streets, no dirty back alleys, homes well constructed and lighted, a small number of deaths each year, decent and orderly places for the people to visit for entertainment, courteous and industrious policemen, it is because the voters and the city officers have worked together to reach this result. If a city has splendid public buildings and filthy, overcrowded back streets, fine drives for carriages and automobiles and gloomy tenements for the poor to live in, statues of poets and great men in the show places, and grim death busily at work all the time in the back places, it is because the voters are indifferent, and those who ought to know better have very narrow ideas of what a city is and ought to be.

*What the citizen should care about in the matter of city government.* — It is because a great deal of our comfort and well-being depends upon the government of the city that our study of the subjects of civics must go beyond a bare description of the elections, terms, salaries, and duties of municipal officers. It is far more important to know the things which have been done to reduce the death rate in the most enlightened cities than it is to know whether the mayor's term is two years or four. It is far better to know what can be done to guarantee pure milk for babies than it is to know who succeeds the mayor in case he should die or lose his mind. When the citizen has an interest in making his city a cleaner, more beautiful, and more healthful place for everybody to live in; when he begins to inquire what has been done by progressive cities along such lines, he will soon find out when

and how elections are held at which officers are chosen to do the work of city government. In fact mere descriptions of the machinery of the city government are of little use in teaching citizens their duties.

**The survey of the city.** — No one can help wisely and effectively, unless he has a rather accurate notion of what needs to be done. For this reason, people are coming to see the need of what is called a "survey" or a study of the actual facts about the life and work of all the residents. We now have several such surveys made by expert committees who have studied in detail the way the people of given cities are housed, policed, and taxed, how their health is safeguarded and their children are taught, what incomes they have per family, where and how they seek amusements, and what attitude the city officers take toward such matters. It has been said that one-half of the world does not know how the other half lives; but it is sheer stupidity or willful ignorance to continue this state of affairs when it is possible to have an accurate census of how all live and when it is at the same time desirable because we all share the responsibility for the present state of affairs.

*What should be in a survey of a city.* — A survey of a city for the purpose of understanding the work which the government ought to do should reveal the following facts:

The number of families that have not more than the minimum income necessary for a bare living and that have and can have no savings.

The number of families that own their own homes and the number that rent their homes.

The sickness and death rate by blocks and districts, taking into consideration also the diseases and deaths caused by the industries in which the workers are employed.

The kinds and causes of diseases in the city.

The sources of the food supply, and costs of transportation and marketing.

The condition of the homes of the people as to light, air, cleanliness, and comfort.



A CHICAGO COURT FOR DELINQUENT GIRLS



The number and location of the saloons, dance halls, and places of amusement.

The amount of property the city now owns, its debt, the sources of income, and present apportionment of income for municipal work.

The amount of overcrowding in homes and the congestion of traffic in the streets, the street cars, and other means of transportation.

The amount and kinds of crime and sections of the city where it occurs.

The number of children arrested each year and the offenses charged against them.

The number of deaths per month or year caused by reckless driving or lack of traffic regulations.

*The value of such surveys.* — It is from such surveys that we have learned the necessity of including in the study of civics other things besides the terms and elections of city officers. When we discover that a very large proportion of the residents of the great industrial cities (more than 90 per cent in New York City) do not own homes, that a large proportion do not have sufficient wages to cover the bare necessities of life, that we are killing men, women, and children by the thousands through neglecting public health work — when we discover such facts as these we know that an election means more than merely trying to find out whether the candidate of one or the other party goes to our church or voted our ticket ten years ago.

*The most important thing in city government.* — From this point of view it is difficult to decide which topic of city government should be taken up first. When the newer ideas about the subject began to creep into textbooks, it was customary to start with the old topics, such as police control, parks, and fire protection, and to put in a few sentences about health and housing at the end. But on second thought we can see that it is more important that the homes of the people of a great city should be light, airy, and clean than that the boulevards should be paved or a bust of

a poet placed in the park. Again, the number of people who might be assaulted if there were no police in the city is probably small as compared with the number annually killed by diseases which could be prevented. It is, therefore, not our view of the importance of things, but respect for tradition that leads us to begin with the older business of city government and take up the newer things later.

**Policing the city.** — One of the duties of a municipal government is to keep order within its gates. This seems like a simple matter, but it isn't. If all the police had to do was to catch and punish thieves, robbers, murderers, and other grave offenders, their work would not be so difficult; but we ask our police to look after our *morals* as well. Some of us think that saloons should be shut on Sunday, and we have this belief enacted into law. Then we charge the police with the duty of enforcing it and go about our own business. But thousands of people, including the saloon-keepers and perhaps many of the policemen, do not think that it is immoral to have saloons open on Sunday, and the saloon keepers are willing to pay somebody handsomely if they can open their back doors in spite of the law. This is where the trouble comes in with the police — “graft,” as we call it. Those who cater to all kinds of profitable vices — drinking, gambling, and the like — are willing to pay the police or the politicians who control the police department, if they will just shut their eyes. It takes extraordinary watchfulness on the part of citizens trying to suppress vice to prevent corruption in the police force. In fact, repeated failures to *suppress* vice have led many wise persons to think of attacking the problem by getting at some of the chief causes of vice — overcrowding, low wages, inadequate recreation, poor education, and feeble-mindedness.

**The police force.** — Much depends, however, upon the official police system. The modern police force in the more advanced cities is organized somewhat on the following lines.

The head of the department is appointed by the mayor or elected by the commission (if the city has commission government) and is made responsible for the conduct of the entire force. The members of the force are chosen by the "merit" system (see p. 133); that is, on the basis of a competitive examination, and they hold their positions for life, or during good behavior. The officers in the force are selected by promotion from the ranks on the basis of meritorious services. Pensions are sometimes paid to the men who have served a long term of years on the force. By the merit system an attempt is made to keep the police out of politics; they do not get their places or hold them at the pleasure of any political party; the city government may change at every election, but the police force, like soldiers, continues from year to year, obeying orders from the head of the department. Of course, it does not work out exactly this way in practice; but there has no doubt been a great improvement over the old days when the whole police force went out of office when a new party came into power at an election.

*Policewomen.* — Not very long ago, it was customary to throw all arrested persons, men, women, and children, into the same prison cells. In time, it was decided that children should be separated from the "hardened" adult criminals, and women were placed in separate cells. This was indeed a great reform in its day. Recently we see the idea of policewomen coming to the front; that is, of having uniformed women patrol the streets, to arrest and look after girls and women who commit offenses. We now have women matrons at all prisons where females are imprisoned, women probation officers connected with the courts, women police in some cities, women jurors, and it is only a question of time before women will be serving as judges, particularly in cases where women and children are accused of crimes. In fact, Chicago has recently established a court for delinquent girls with a woman as judge.

*The question of proper treatment for criminals.* — Punishing offenders against the law is quite as much a part of police work as is arresting them. That is why municipal courts are so important (p. 134). If judges are elected by popular vote, the voter should give careful attention to the character of the men standing for the office, and if they are to be appointed by the mayor, the character of the candidates for mayor must be discussed in this connection. Wise, tactful, humane, but withal stern, judges, can do a great deal to help unfortunate persons charged with offenses. The old way of fining offenders and shutting them up in jails because they could not pay is now being discredited. If the judge understands and sympathizes with the poor in their struggle against serious obstacles, his decisions will be more enlightened and fairer. Our lawmakers are now giving the judges more freedom to apply the law in a different way to different offenders as circumstances are shown to demand.

*New plans to help offenders reform themselves.* — Stealing, for example, is an offense punishable by a certain penalty; but it is clear that different treatment should be meted out to the young person who commits his first offense from that meted out to a case-hardened offender. A child who has been denied proper advantages should not be put on the same footing as a person who ought to know better; but unhappily the reverse is too frequently true. After all, the idea of punishment ought to be twofold: to protect innocent people from wrongdoers, and to help wrongdoers to reform themselves. For this reason cities are now adopting probation systems which permit judges to place persons convicted of light offenses under the care of probation officers connected with the court, with a warning that any new misstep means prison. Imprisonment should be a last resort used only against serious offenders who are dangerous when free. It is the proper business of a police court to inquire why offenders have been guilty, what are the chances for reforma-





A POLICEWOMAN



tion, and what is the best thing to be done with the guilty in order to help them reform. Cleveland, Ohio, and Kansas City, Missouri, have city farms where certain prisoners are sent, and are greatly helped by a healthful outdoor life. This is evidence not merely of pity and sentiment: it is the application of the principle of conservation to human beings.

**The fire department.** — Fighting fire is now regarded as a duty which every city must undertake at public expense. In some cities of Turkey this service used to be left to private parties, and any one who found his house on fire had to run to a private company and drive a bargain for help. In the smaller towns in the United States fire fighting is left to volunteer companies which are supported at public expense or by contributions from merchants and residents. In all large cities, however, the volunteer company has been, or is being, superseded by regular companies of firemen organized, drilled, and always on duty, like soldiers in war time. It is customary to select firemen by civil service rules (p. 133) and cities sometimes give pensions to firemen who are disabled or who grow old in the service. The wonderful machinery which we have for fighting fires, and the courage and skill of our firemen are the pride of our cities.

**Fire prevention.** — An ounce of prevention is worth a pound of cure, and this applies to fighting fire as well as to war on disease. Notwithstanding our fine fire-fighting systems, the loss in lives and property from fires is larger in the United States than anywhere in Europe. This is partially due to the wooden buildings, carelessness in constructing factories and houses, indifference on the part of those who handle matches and inflammable materials, and to the ease with which any property may be insured by the owner for large sums. Enlightened cities now have "fire prevention bureaus," whose business it is to investigate the cause of fires, to enforce the law against those persons who are negli-

gent in guarding against fires, to inspect factories and tenements and stores with a view to ascertaining whether every precaution is taken. Something may be done also to prevent the insurance companies from encouraging merchants to insure their property for more than it is worth, for the practice leads many to burn their goods to get the money.

**The city streets.** — Every city of any size has what corresponds to a public works department, charged with building and repairing streets, highways, parks, boulevards, sewers, and bridges, and many of them have street cleaning departments as well. How important this work is it is needless to say. The street, as some one has aptly put it, is the vestibule to our homes; it is a place where thousands seek amusement and recreation; it is indispensable to traffic and business. There are many things which the public works department must do to make the street serve all its various uses in a satisfactory manner.

*The planning and care of streets.* — In the first place, streets must be well planned, wide enough to afford proper air and light to the buildings and homes along them, and laid out in such directions as to make it easy for vehicles and pedestrians to go from one part of the city to another with the greatest speed. They must be well paved with material suitable to the purposes to which they are put — heavy stone for those which are used for heavy hauling and smoother pavement for those in the residential districts. In building them, it is necessary to take into account the best ways of flushing and cleaning them. They must be well lighted for convenience and safety, as dark streets invite both crime and dirt. Large numbers of workmen are employed in this department, and the arrangement of proper hours, wages, and conditions of labor generally is a serious matter. It is clear that it takes a person of intelligence and distinct qualities to head a public works department. Certainly that person should be an expert, not one whose

chief occupation has been sitting around political clubs devising mere party schemes.

*Traffic in the streets.* — The regulation of the traffic in the streets is also a most important matter. By restricting traffic bound in a certain direction to specified streets, congestion may be partially avoided. Inasmuch as the streets are the playgrounds for children in densely crowded areas, it is a frequent practice to set off the streets in definite short blocks for the use of the children during regular hours of the day. Stringent laws are now being enacted against reckless driving in the streets, and if a few more "speeders," who are only a few degrees removed from murderers, were shut up in prison instead of only fined, the city pedestrian would find his life more secure than it is at the present time.

*The anti-noise crusade.* — The citizen needs protection also from the noises in the streets, and it is now quite common to prohibit by ordinance the unnecessary blowing of horns and whistles and ringing of bells. Hospitals and institutions for the sick may be specially protected. For example, a New York City ordinance authorizes the marking of certain streets as "hospital streets," and any person who is "guilty of making any unnecessary noise or a failure to drive at a speed not faster than a walk" on any of the streets so designated is liable to a fine. In Cleveland, Ohio, the health commissioner may establish "hospital zones of quiet," and persons who violate the law are punished.

**Public utilities.** — Cities of any size now have one or more "public utilities" as they are called, — concerns that supply to citizens necessities and conveniences which are used by all — waterworks, electric light plants for street and private lighting, gas plants, street railways, sewers, and heating plants. The money invested in such utilities in any considerable city is enormous, and the income received from them is likely to be many times the revenue of the city from taxation. The rates charged, and the quality of the service

rendered (good water or bad, weak gas pressure or poor gas), are matters which affect all. People who do not care whether babies die by the thousands (that is, other people's babies) from impure milk supply, do care if their electric light bill is too high or the water supplied to them is not wholesome. There is likely to be more discussion, therefore, about public utilities than about health, although of course health depends in a large measure upon a pure water supply and proper sewerage.

*The franchises granted to public utility corporations.* — Most of the discussion in city politics about public utilities centers around two questions: Shall private companies be allowed to own and operate them, and if so, on what terms? Or shall they be owned and operated by the city government? In the beginning of our history it was customary to turn all such utilities over to private companies, and, in fact, not much attention was paid to the terms upon which they were allowed to operate. The *right* to build and operate a utility—a street railway, for instance—is called a *franchise*, and the bare right is itself valuable, for it usually implies that the possessor may exclude other persons from competition. Such a right may be sold to the highest bidder, or it may be granted on condition that a fixed sum shall be paid yearly to the city, or that a certain percentage of the earnings shall be paid.

*Terms of franchises.* — In addition to deciding on the terms for the grant of the franchise it is necessary to make some very strict provisions with regard to the operations of the company under the franchise. These provisions in the newer franchises usually include the following elements:

(1) Fixed amount of capital on which the company may earn interest.

(2) Government supervision of all additional capital expended, to see that it is actually used in making extensions and improvements in the plant.

(3) Rates to be charged for services rendered—that is,

for example, price per thousand feet of gas or fare for single rides on the street cars.

(4) Wages and hours of workmen employed by the company.

(5) Public control of the street; repairs of streets used by the company.

(6) Limitation of the franchise to a period of years.

*Regulation of utilities.* — While safeguarding the public rights by very specific terms in the charters granted to companies, it is now customary to provide for regulation of their charges and services. Several cities have public service commissions to regulate public utilities, and in some states, as in New York and Wisconsin (p. 235), such concerns are regulated by state commissions. This work of regulation and supervision requires expert management on the part of the cities.

*Municipal ownership of city utilities.* — More recently the notion has been gaining favor that the city should not grant these valuable rights to private companies, but should itself own and manage some or all of its utilities. Municipal ownership of electric light plants and waterworks especially, is now quite common, and a few cities, San Francisco, for instance, are experimenting with municipal ownership of street railways. Private companies seeking valuable rights from cities and attempting to escape regulation have been mixed up in politics a great deal, and not a little of the corruption in our cities has been due to these public utility corporations. Enormous sums of money have been made also out of private ownership of city franchises. For these reasons there is a growing sentiment on the part of the public in favor of municipal ownership. The chief objection to it is the difficulty of management which such large enterprises involve, and it is clear that when a city attempts municipal ownership it must be prepared to undertake a businesslike administration.

**Guarding the health of the citizens.** — We have spoken of the way in which the city government protects the lives and property of its citizens against criminals and fire. It seems reasonable to every one that this work should be done by the city ; but criminals and fire are not the most dangerous elements with which the city dweller has to contend. Impure air, impure and insufficient food, insanitary homes, exhausting or dangerous work, and the absence of facilities for rest and recreation affect far more people injuriously than do criminals and fire. If the city government should give attention to minor matters, should it not consider the greater as well? Cities are rapidly answering this question in the affirmative, and are doing considerable work in safeguarding the life and health of their citizens against the more subtle enemies of mankind.

*Pure air indoors.* — Pure air is a matter of public or governmental interest. A person cannot breathe pure air if he is compelled to labor in a factory where there are so many people at work that there is not enough air space for all, or if he is compelled to live in a tenement where the rooms are small and dark, or to breathe coal smoke from chimneys or germ-laden dust from dirty streets. For every criminal lurking in a dark place to strike down an unwary pedestrian, a million disease-germs lurk in every corner, ready to bring pain and suffering, and perhaps death. Progressive cities are now controlling the air supply by laws providing for the proper building of houses and tenements, so that there may be a minimum amount of air space around and in the buildings, and a certain number of windows according to the use to which the rooms are to be put. The state government helps also by regulating and inspecting factories (p. 233). In some instances the height of buildings is limited, with a view to preventing dark streets and sunless homes.

*Pure air out-of-doors.* — Many cities have ordinances forbidding factories to send out great clouds of coal smoke,



and ordering the use of smoke consumers. Steam railroads are forbidden to coal their engines in certain parts of the city, and in time, no doubt, the unsightly, smoke-laden railway terminal districts will all be changed for the better by the general use of electric engines for bringing trains in and out of cities. The dangers to health from dirty streets (to say nothing of offenses against the eyes and nose) are leading cities to give more attention to street cleaning — the removal of garbage, ashes, and other wastes in covered wagons, the use of water to flush and clean, and the employment of regular forces of men to work constantly at the cleansing of the streets. This also causes cities to give more attention to pavements, for the smooth, well-kept street is more easily and more cheaply cleaned than the rough street full of holes.

*Breathing spaces in the crowded city.* — In the country, it is likely to be a person's own fault if he does not get pure air; but in the cities conditions are different. A person may have to dwell in a region all built up with houses and factories, where his only breathing space is the narrow street crowded with people. This makes it necessary for the city to provide small parks scattered about within easy walking distance of every home. These are far more essential than great show parks, which are likely to be out of reach of the great mass of the working population of the city. Recognition of this fact is leading cities to require the reservation of small parks in the new additions which are laid out, and to buy and destroy houses in crowded districts so as to make little breathing spaces all over the city, — "lungs," as they are called. The park commissioner who is thinking more of plotting and beautifying big parks than of making breathing spaces in overcrowded areas is therefore behind the times, and those who insist on having such park commissioners elected or appointed are just about as guilty of offenses against their neighbors as if they did bodily injury.

*Pure food.* — The law has long provided for punishing the person who deliberately poisons another or steals from him; but what about the manufacturer or merchant who sells injurious foodstuff labelled as “pure” or takes money from a purchaser for a commodity which is not as valuable as it is represented to be? There used to be a rule, “Let the purchaser beware,” — to the effect that any one was himself to blame if he bought cocoa with brick dust in it, thinking it to be pure, or if he was unable to tell the difference between real silk and shoddy silk treated with tin to make it stiff and rustling. Of course, only merchants would ever think of devising such a rule, and now that the consumer is thinking for himself he is demanding that the government protect him from the dealer who poisons and cheats. The health departments of live cities inspect food supplies, and particularly milk, and, by coöperating with the state and federal governments, which have pure food laws also (p. 227), seek to protect the citizen against decayed, injurious, and poisonous foodstuffs.

*Control of milk supply.* — In this war on disease, the control of the milk supply takes first rank. Thousands of babies die in our great cities every summer on account of impure milk, and health departments are giving an increasing amount of attention to this matter. Dairies from which milk is supplied are inspected, and farmers are required to maintain certain standards of cleanliness. In order to supply good milk at a low price, New York City has organized a large number of public milk stations at which milk of a known high grade is sold. Cleveland, Ohio, has established a municipal dairy, including two thousand acres of land and large herds of fine cattle, and is now supplying tubercular and other patients in public institutions with the purest of milk.

*Municipal markets.* — The city may help the consumer get more food for his money as well as protect him against adulteration. Professor King, of the University of Pennsyl-



*Courtesy of New York Board of Health.*

A MUNICIPAL MILK STATION



*Courtesy of New York Board of Health.*

FOOD INSPECTION



vania, found by a painstaking investigation that the increase in the price which the consumer paid over the amount received by the producer was from 73 to 105 per cent for butter, from 150 to 200 per cent for blackberries, 266 per cent for live poultry, 167 per cent for corn, and 150 per cent for tomatoes. This increase in price over the cost of production was largely due to the rates of transportation, market house operations, and "middlemen's" profits. The increased cost of living may be materially reduced by providing proper market facilities, where the consumer and the producer may be brought together, by reforms in our transportation systems and terminals, and by proper systems for freight carriage within the limits of the city. Many cities are now trying earnestly to grapple with the problem of reducing the cost of living by the provision of adequate marketing facilities. The state of Washington recently passed a law authorizing cities "to construct, acquire, and operate markets and one or more cold storage plants for the sale and preservation of butter, eggs, meats, fish, fruits, vegetables, and other perishable provisions."

*Municipal ice plants.* — Not less important than safeguarding food supplies is the matter of securing cheap ice in the summer time. This is absolutely indispensable in the war for the reduction of infant mortality. Some recent famines and monopoly prices have made this problem very serious, and a few of the cities are taking steps to make sure of adequate ice supplies by constructing municipal ice plants. Wisconsin has authorized (1913) all cities to construct and operate ice plants, and it is only a question of time before the supplying of refrigeration in the city will be deemed as important as supplying water. In the contest against disease it is a necessary instrument.

*Attacking disease directly.* — Our best city health departments are attacking disease directly as well as indirectly. They are looking after the health of school children, examin-

ing their bodies to discover whether they are sound, and suggesting remedies for ailments discovered. Some of them have city dental rooms where the teeth of school children are attended to. In connection with city hospitals there are now visiting nurses who go into the homes of the poor and give them personal instruction in the best ways of recovering, if ill, or of preventing diseases. Certain cities have instituted "clean-up days," when unsightly and unhealthful rubbish is removed and destroyed; and in Detroit, Michigan, it was recently proposed to make the "clean-up day" continuous throughout the year. Inasmuch as large numbers of tenements in great cities do not have facilities for bathing, several municipal governments are building public baths and swimming pools. It is perhaps better to require tenement owners to put running water into each apartment, and thus encourage the installation of more private baths.

*An outline of health work.* — Mr. Bruère, in his instructive book on city government, suggests that an efficient health department in a well-governed city should undertake the following work:

Supervision of infectious and contagious diseases, including the keeping of a record of such diseases and a study of their spread.

War against tuberculosis, including improvement of living conditions, treatment of victims, provisions for those unable to secure proper food, and public education on the causes and spread of this disease.

Providing that all newborn babies and their mothers have the proper medical care.

Medical and dental inspection of school children and treatment of them.

The preparation of health exhibits for use in schools, churches, and other public places.

Instruction in hygiene in the schools.

Hospital treatment for the sick.

Sanitary control over food supplies and all public places in which diseases may be spread.

The maintenance of public laboratories for the study of diseases and their prevention.

The keeping of adequate health records so that one may know where his city stands, as compared with other cities, in the war against disease.

**Housing.** — “The Englishman’s home is his castle,” is an old saying; but the great majority of the citizens of large cities cannot call their homes their own or look upon them as castles, either. More than half of the people of our largest cities live in rented tenements or houses, and they have little or no control over the condition of the places in which they live. For this reason city governments are interfering with the construction and management of rented homes. Housing laws provide the way in which tenements shall be built with a view to securing proper air space and ventilation; they declare that the hallways and courts of tenements shall be kept clean; and they arrange for the periodical inspection of such places by public officers. In Europe, the failure of the laws to secure proper homes for the poor has led many great cities to tear down slum houses and build and rent municipal houses. In Germany, cities own thousands of houses and tenements which are rented to those who cannot have homes of their own, and the city is thus better able to say what shall be the condition in which this property is to be kept.

**Play and rest for city people.** — Most adults and many children have to work hard all of the time to make a living and, to keep in fit condition for work and for health and comfort, they must have rest and recreation. To meet this need all kinds of private enterprises are established: saloons, dance halls, moving picture shows, theaters, museums, and the like. Many say that recreation is a private matter.

Those who know most about the needs of great cities, however, say that it is not altogether a private matter; that the city is interested in the amusement places which are maintained — in whether they are wholesome or help to spread vice, disease, and crime. For this reason, our cities are taking more and more care of the recreation of their residents. We can only enumerate a few of the ways in which the city government can help provide wholesome recreation.

*What the city can do to help provide recreation.* — (1) It may establish "recreation centers." Chicago, for example, has created a number of small parks conveniently distributed over the city. In each of these parks there is an outdoor playground for all sorts of games; and there is also in each one a large building with a gymnasium, swimming pool, assembly rooms, reading rooms, and resting places. In charge of the recreation there are competent directors whose business it is to interest the people of their neighborhood in wholesome play and to see that all goes off well.

(2) The city may establish social centers at the school buildings; that is, have lectures, entertainments, debates, games, and libraries for old and young.

(3) The city may build municipal auditoriums like that in Denver, Colorado, at which high-grade entertainments are given at a nominal charge, or even free.

(4) Games and music may be furnished in the public parks.

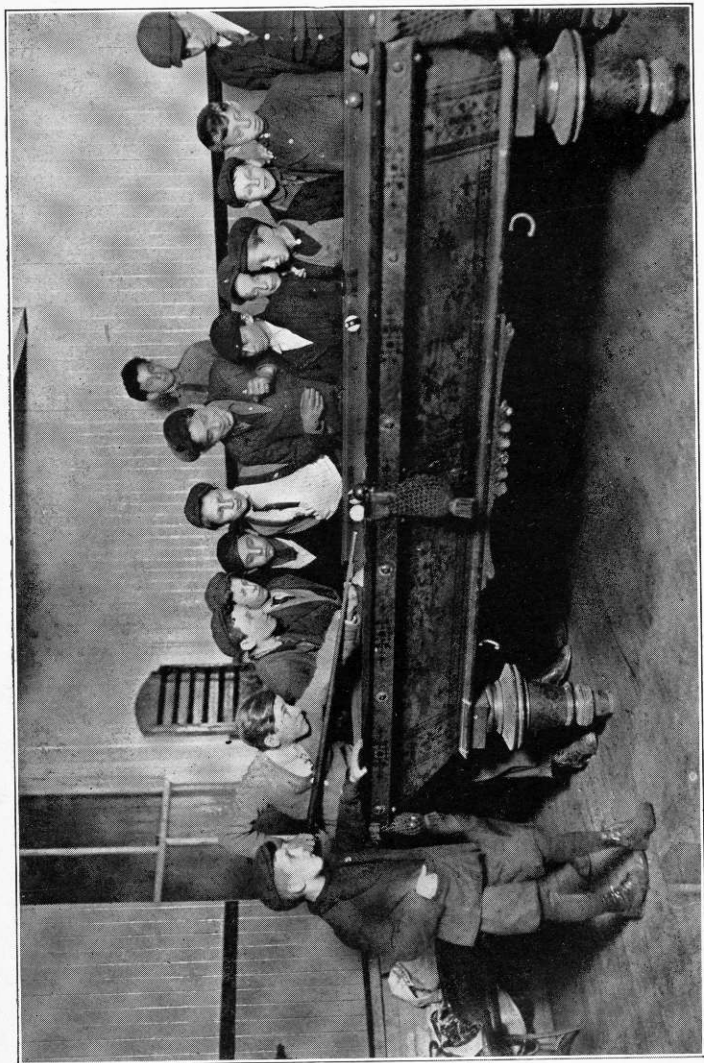
(5) The city may establish and conduct moving picture shows of high character, and control the private shows.

(6) The public schools may be continued through the summer as vacation schools, at which recreation may be combined with some intellectual development.

(7) The city, sometimes coöperating with private associations, may build and maintain playgrounds at all crowded centers.

(8) The city may establish municipal dance halls and





THE NEED OF HEALTHFUL PLAY



provide for the very careful policing and supervision of private halls.

(9) Where the city is located near large bodies of water, it may reserve stretches of beach for public uses.

(10) The city may establish periodical fêtes, such as historical pageants and "a safe and sane Fourth of July."

(11) It is now proposed in many places that the city should have a playmaster as a regular municipal officer, charged with the organization and direction of recreation.

**Education in the city.** — The public schools in the city are gradually being made to do more to prepare the students for the practical business of life and enable them to understand about the useful and proper work of the government. For the former purpose, our schools are giving more attention to training students for various trades and occupations and to finding out how they may make the best of their opportunities. Thus we have courses in science, engineering, mechanics, and domestic arts, while vocational bureaus look after fitting the pupils into good positions when they finish their work at school. For the latter purpose — enabling the students to understand about the useful and proper work of the government — more attention is being given to the study of civics, as the art of helping others and ourselves through the use of the government as a common agent of all.

*Newer features of our schools.* — In addition to the regular work of classroom instruction, our cities are now developing several new features:

Medical inspection and close supervision of the health of children and the provision of the facilities for the remedy of diseases.

Open-air schools for those suffering from lung trouble or otherwise debilitated.

Vacation schools offering recreation and instruction to children who would otherwise be playing in the hot, crowded streets in the summer time.

Provision for school lunches at a low price or free to all children. More than seventy cities now serve such lunches. We realize that it is useless to attempt to teach children who are hungry.

*Coöperation of the schools in government work.* — A great deal of unnecessary work must be done by the government simply because the citizens are ignorant or will not coöperate. If the people would live and work in the proper way and demand proper living and working conditions, it would not be necessary for the government to do so much inspection and prevention work and pay out so much for repairing damages done. In order to make the citizen alert on questions of city government, the following matters should be brought carefully and impressively to the attention of students in the schools :

The city death rate : what causes it to be so high, what steps are taken to reduce it, and how may we all help ?

Fires in the city at a terrible cost of life and property : how we may help to reduce the number.

Pure food : how may it be guaranteed ?

Crime in the city : how far is it due to lack of proper recreational and educational facilities ?

Public and private hygiene : what can we do to make the city a cleaner place to live in ?

The slums : is it necessary that there should be such places in cities ?

The unemployed : what can the city do to help in hard times ?

These and many kindred matters are proper subjects to be discussed and thought about in every city school in the whole country.

*The extension of education in cities.* — Another striking development in our municipalities is the extension of education beyond the confines of the schoolroom to citizens of all ages and classes. This is illustrated in the establish-

ment of a public lecture system like that built up in New York under the direction of Dr. Henry M. Leipziger. According to this plan free public lectures by authorities in science, history, economics, civics, and other fields are given at various centers scattered throughout the city, and the young and old are afforded an opportunity to continue their pursuit of knowledge indefinitely. This institution is popularly known as "the People's University." A few of our cities, like New York and Cincinnati, have municipal colleges in addition to the regular public schools. Nearly everywhere night schools are conducted for those who cannot attend in the day time, and opportunities are afforded for business and technical training. Foreigners are also helped to acquire a knowledge of the English language.

**City planning.** — In discussing the various things which a city may do, we have seen how many of them are closely connected. Health, for example, depends upon clean streets, pure water, pure air, proper food, and upon well laid out streets and sanitary houses. It is because all of these things depend in a large measure upon the "layout of the town" that many leaders in city government are turning to "town planning"; that is, establishing public control over the general plotting and building up of the city with a view to securing easy transportation, wide streets, airy homes, city markets, and a sufficient number of public parks. We now have a national association of experts who meet annually to consider this big problem, and many cities have city planning commissions to which is given more or less power in deciding what streets shall be laid out and how, what parks shall be established and where, and similar matters. The great danger in city planning is that too much attention may be given to the "show places" — the parks, public buildings, and main streets — and too little attention to the back streets and alleys, where the vast majority of the people live.

**Raising the money to pay the bills.** — All these various enterprises, which the city undertakes, cost money, and the city must secure it from the citizens by taxing them, or by engaging in the supply of water, gas, electricity, or some other commodity. It must come from the citizens, that is certain. The most of it comes from direct payment of taxes. Each citizen's property is assessed — that is, a value is put upon it by public officers — and he is compelled to pay into the city treasury an amount proportioned to the value thus established. That is, if a person owns \$5000 worth of property, and the rate of taxation is 2 per cent, he pays \$100 into the treasury; a person with \$10,000 worth pays \$200, and so on. The city also gets money from licenses such as liquor and taxi-cab licenses, special taxes on businesses of one kind or another, fees and fines, revenues from public utilities such as waterworks and electric light plants. If a person does not own property, he pays taxes none the less, though he may not know it. He must rent a place to live in, and in his rent money he pays a part of the tax which the owner of the house must pay.

*The "single tax" on the values of land.* — Recently our cities have begun to consider a new variety of tax known as the "single tax" which is laid heavily upon the value of the land. For example, a lot in the center of a city increases enormously in value as the city grows, no matter what kind of building is on it. There are instances of lots selling for a few dollars when a city is small and for millions when the city has grown to larger proportions. Now this increase in the value of the lot is not due to any work which the owner has done, or any building which he has erected, but solely to the growth of the city — the building of factories and homes all about it. The advocate of the "single tax" believes in abolishing all other taxes, and taking this increase in the value of land in the form of a tax. Many who do not believe in the single tax as a theory approve the







idea of raising more and more revenues from taxes on land values, and reducing the taxes on buildings and improvements. It is held that the man who builds or does something for the community should not be taxed as high as the man who merely sits and watches his lots increase in value.

*Making the budget.* — The determination of how the money raised by the city shall be spent is a really fundamental matter. It is called "budget making," and it generally falls into the following stages :

The furnishing by department heads of the estimates for the work of the several departments, fire, health, police, etc.

The tabulation and arrangement of the several estimates and their organization into a budget by the proper authority : the board of estimate and apportionment in New York City, the mayor in Boston, and in some cities the finance committee of the council or commission.

Hearings on the estimates at which citizens, taxpayers, and associations may speak in favor of or against certain specified expenditures.

The final vote on the estimates by the city council or commission, turning them into an appropriation law.

From the citizens' point of view the hearings on the budget are essential, for this gives them a chance to express their opinions on proposed expenditures and to advocate appropriations for beneficent public purposes.

*Poverty in the city.* — Owing to the low wages paid in many industries and the large amount of unemployment which exists, a very considerable portion of the inhabitants of cities are in poverty. Formerly, the relief of the poor was turned over to private charities supplemented by doles from the public funds, but cities have now begun to consider seriously what they may do to reduce the number of their poverty-stricken inhabitants.

*The Kansas City Board of Public Welfare.* — Kansas City, Missouri, recently established a Board of Public Welfare

charged with the duty of studying the condition of the people of the city and providing remedies for evils of all kinds, laying "emphasis on justice before charity and on prevention rather than cure." This board manages a municipal pawnshop which has put the "loan sharks" out of business; it conducts a legal aid bureau to which the poor may turn for legal aid in the protection of their rights; it maintains a quarry to give employment for unemployed men; it has helped thousands of families to make themselves self-supporting and self-respecting; and it has studied every social problem created by city life. It is attempting to fight poverty rather than to relieve its victims. This is only one manifestation of the growing determination of cities to establish decent conditions of life and labor within their borders.

**The new city program.** — In our survey of the work of progressive cities we see that the matters now receiving the earnest attention of thoughtful men and women may be summarized as follows:

Control and regulation of public utility companies to prevent stock watering, unfair charges, and poor services.

Provisions for meeting the grave problems of unemployment.

Healthful recreation to afford pleasure and reduce vice.

Playgrounds for children.

Breathing spaces in small parks.

Proper homes for renters.

Taxation of land values.

Municipal ice supply.

Markets and cost of the transportation of food supplies.

Pure food and inspection.

Milk supply and public milk stations.

District nursing systems.

Medical inspection of school children.

Open-air schools.

Vocational training.

Suppression and prevention of diseases.

Adequate hospital services.

Public safety for pedestrians and working people.

Proper treatment of prisoners.

Juvenile and women's courts.

The appointment of policewomen.

Suppression of "loan sharks."

Public sanitation and hygiene — waste disposal and street cleaning.

Comprehensive city planning.

### Questions

1. Give a description of some city you know.
2. What is a city survey and what subjects may it cover?
3. What is the relation of a city survey to a city government?
4. What problems are involved in the policing of a city? What reforms have recently been made in police work?
5. What work is done by a fire prevention bureau?
6. How do the streets of a city affect the lives of the people?
7. What is meant by the public utilities of a city? Name some of them and state which you regard as most important.
8. What is meant by municipal ownership and why is it advocated?
9. In what way is pure air a government matter?
10. How does a progressive city attack disease?
11. What is the object of housing laws?
12. In what respect is recreation a public matter?
13. What is town planning and what mistakes in it are often made?
14. How does the city finance its undertakings?
15. What is the single tax?
16. What is a slum and what causes it? How far can the city go in abolishing it?

### Additional Reading

THE POLICE WORK OF THE CITY: Beard, *American City Government*, pp. 158-189; Bruère, *The New City Government*, pp. 263-313.

PROTECTING PUBLIC HEALTH: Beard, pp. 261-286; Bruère, pp. 314-334.

HOUSING REFORM: Beard, pp. 287-310.

MAKING THE BUDGET: Bruère, pp. 171-204.

THE STREETS OF THE CITY: Beard, pp. 242-260; Bruère, 233-262.

RECREATION IN THE CITY: Beard, pp. 334-355.

MUNICIPAL OWNERSHIP OF UTILITIES: Beard, pp. 218-241; King, *The Regulation of Municipal Utilities*, pp. 23-55.

REGULATION OF MUNICIPAL UTILITIES: Beard, pp. 190-217; King, pp. 3-22; 75-98; 185-207.

TAXATION AND FINANCE: Beard, pp. 129-157.

## CHAPTER XVII

### THE WORK OF RURAL GOVERNMENT

- I. The interest of country people in state and national politics.
  1. How the country is connected with the city.
  2. How rural regions are dependent upon one another.
  3. Rural districts are at the mercy of great corporations unless the government interferes.
- II. The rural survey.
- III. The building and repair of roads.
- IV. Local option on saloons.
- V. Educational activities.
  1. The union of school districts.
  2. New ideas in educational work.
  3. Helping children choose their life work.
  4. The education of adults.
  5. The circulating library.
  6. The schoolhouse as a community center.
  7. The importance of good school boards.
- VI. Recreation.
  1. Play for village and country boys and girls.
- VII. Village public utilities.
- VIII. The punishment of crime.
  1. After the prisoner has served his term.
- IX. The care of the poor.
- X. Improving country districts.
  1. The good example of the schools.
  2. The use of the power over fire hazards to clean up villages.
  3. The use of the health law to improve villages.
  4. The "clean-up week."
  5. The improvement of farms.
  6. Fighting ignorance and poverty.

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The interest of the country people in state and national politics. — The people who dwell in villages, towns, townships,

or the rural regions of counties are apt to think that the affairs of government affect them very little and that when the roads are in fair shape and good schools are in operation, there is nothing left for the citizens to think about. This would be true if there were not close connections between the great cities and the country districts; but as a matter of fact there is scarcely a problem that the city faces which does not in some way touch the country.

It may be said that we have laid altogether too much stress on the differences between city and rural problems and have separated them too sharply in our minds. The arbitrary boundary line between town and country should be broken down and the problems of government considered as a whole rather than as municipal and rural.

*How the country is connected with the city.* — As big business corporations in the cities, dairy companies and produce and grain merchants extend their branches out into the country to gather in the milk, eggs, and other products of the farm, the farmer must take an increasing interest in what goes on at the other end of the line. As the great wholesale, mail order, and manufacturing establishments of the cities reach out to sell the inhabitants of rural regions everything from canned tongue to automobiles, country people assume an increasing responsibility for the conditions of the working people who produce these goods, or at all events they are compelled to think of the sanitary arrangements of the factories in which the food they buy is packed and the clothes they wear are made. And all this trading between the city and country means an enormous freight business, and high rates may add to the cost of what the farmer buys, and cut down his profits on the things he has to sell.

*How rural regions are dependent upon one another.* — Not only are the country districts dependent in many ways upon the cities; the several rural regions of the United States are linked up with one another, as each tends to specialize

in certain kinds of agriculture. For example, New England farmers are to a great extent dependent upon the West for corn and wheat, because they are themselves engaged in dairy farming and tobacco raising. The whole country relies largely upon California and the Southern states for citrus fruits. Cane and beet sugar regions depend upon the national market, and, one may add, upon the national tariff. In other words, no country district is self-sufficing; each becomes increasingly involved with other districts in the exchange of produce of one kind or another.

*Rural districts are at the mercy of great business corporations unless the government interferes.* — So far as the government has anything to do with business, the control of trusts, the regulation of railway rates, the tariff, and money, the people of the country are necessarily deeply concerned with national and state politics. Even such simple matters as railroad crossings and highways are not wholly within rural control. A railway company will pay little attention to the complaints of a village about a dangerous crossing; the village must look to the state for relief. The village cannot force a railway to build a switch for the convenience of shippers; it must look to a state railway commission for help in such matters. The highway which connects the farms surrounding the village is no longer a local road, but is very probably a part of a chain of highways constructed at state expense, wholly or in part. A large proportion of the farms are mortgaged; at some periods in our history certain states have had as high as two-thirds of their farms mortgaged, and a considerable portion of the mortgages are held in cities. Thus it comes about that the farmers are deeply affected by the monetary system; particularly are they anxious to prevent an appreciation of the value of money or a depreciation in the prices of farm produce with which in the last analysis their debts must be paid (p. 212). For the purpose of advancing their interests the farmers have often

formed parties and unions such as the Populist Party and the Grange and the Farmers' Alliance.

**The rural survey.** — Country districts and villages have plenty of important local problems of their own, and it is time that they were making surveys similar to those which are being undertaken in cities. Such rural surveys may very well include :

(1) A study of the amount of money raised by taxation for local purposes and the ways in which it is disbursed, with special reference to economy and the proper use of the public funds. County governments are usually about as corrupt as city governments, but they are not so often overhauled.

(2) A study of the roads for the purpose of discovering whether the work now done is done wisely and economically, whether new main and branch lines should be built, and what regions are not properly connected with the towns and other districts.

(3) A study of local resources with a view to finding out whether new and profitable enterprises may not be established.

(4) A study of illiteracy and the work of the schools in relation to the work done in the most wide awake sections of the country.

(5) Amount of crime, and nature and causes thereof.

(6) The amount of poverty and the best methods of helping the younger generation of the poverty-stricken to lead useful lives.

(7) The number of saloons, amount of liquor sold, and effect on crime and poverty in the community.

(8) The foreigners in the region and what is being done to make intelligent citizens of them.

(9) The improvement of recreational life for the community. Ways and means of bringing the people together in service and play so that they may be taken out of the deadly monotony of drudgery or loafing.







*Courtesy of The American City.*



*Courtesy of The American City.*

## GOOD AND BAD ROADS

(10) The farms, and whether enlightened methods are used by the farmers to make the most out of their land.

(11) The labor of farm workers, women and children.

(12) The death rate and causes of disease, as compared with other similar communities.

(13) The amount of waste and neglected land and the state of the timber lands.

(14) Freight and passenger rates to and from neighboring communities.

By a study of these and kindred questions new light will be poured in upon the problems of country life, and local patriotism in favor of improvement and advance on all lines will be aroused. This would react upon the cities, for a considerable portion of the congestion in the cities is due to the monotony and drudgery of country life which drive the people to the towns.

**The building and repair of roads.** — It is the business of the township, town, or county to look after roads and bridges. In the country, good roads add greatly to the comfort and intelligence of the inhabitants, for they can go about more readily and keep in touch with new ideas and improvements. In many regions, the roads are largely kept up by farmers who "work out" the road tax which is laid upon them, and in such cases their chief interest is often merely in "putting in the time" rather than in constructing and maintaining good roads. Moreover, not being expert surveyors and road makers, they frequently do poor jobs indeed. Here the state government often steps in and provides that, in case the local community will pay a certain amount toward a good road, the state will pay the rest and employ experts to lay out and build the road. The "good roads movement" throughout the country depends largely upon the enterprise of the state. The state is also slowly looking after dangerous railway crossings and compelling railway companies to provide means for crossing over or under their tracks.

**Local option on saloons.** — In a great many states, the township, or village, or county, as the case may be, is given the power to decide whether it will have saloons or not, — local option as it is called, — and is given the power also to make minor regulations about the hours of closing saloons. This is an important matter, and an ever increasing number of villages or rural regions are voting saloons out altogether. Of course, this does not stop drinking entirely, but it is believed that it removes temptations from the young. At all events, it is thought to work for the well-being of the people, or it would not be so widely adopted. In several commonwealths state-wide prohibition has been adopted because it is difficult to stop the sale of liquor in one village if a neighboring village allows it.

**Educational activities.** — The management of schools is in a large part left to the village or township or district as the case may be; but as we have seen (p. 225) the state does a great deal to bring about certain standards so that the most backward rural region cannot fall too low in the scale. To the local community is given the task of electing the school trustees or school board and of deciding what kind of building is to be erected and, within the limits of the state law, the kind of instruction that is to be given. Thus the community can decide whether the children are to have merely the bare rudiments required by law or are to have the advantages of special training in high schools, technical schools, and schools of applied arts and sciences. How important all this work is becomes apparent when we remember that more than one-half of our people live on farms and in villages of less than 2500 inhabitants.

*The union of school districts.* — The limitations of the little red schoolhouse, with one room overcrowded and one teacher overworked, are now being recognized. It is a custom in several states to combine a number of districts so that larger buildings can be secured, and several teachers, each some-

what a specialist in some line of work, employed. Where this is done, wagons are provided for carrying the children to and from school. High schools as well as graded schools are made possible in this way. This helps to make the country a more satisfactory place in which to live, for parents are not compelled to leave the farm or little village to give their children excellent educational advantages.

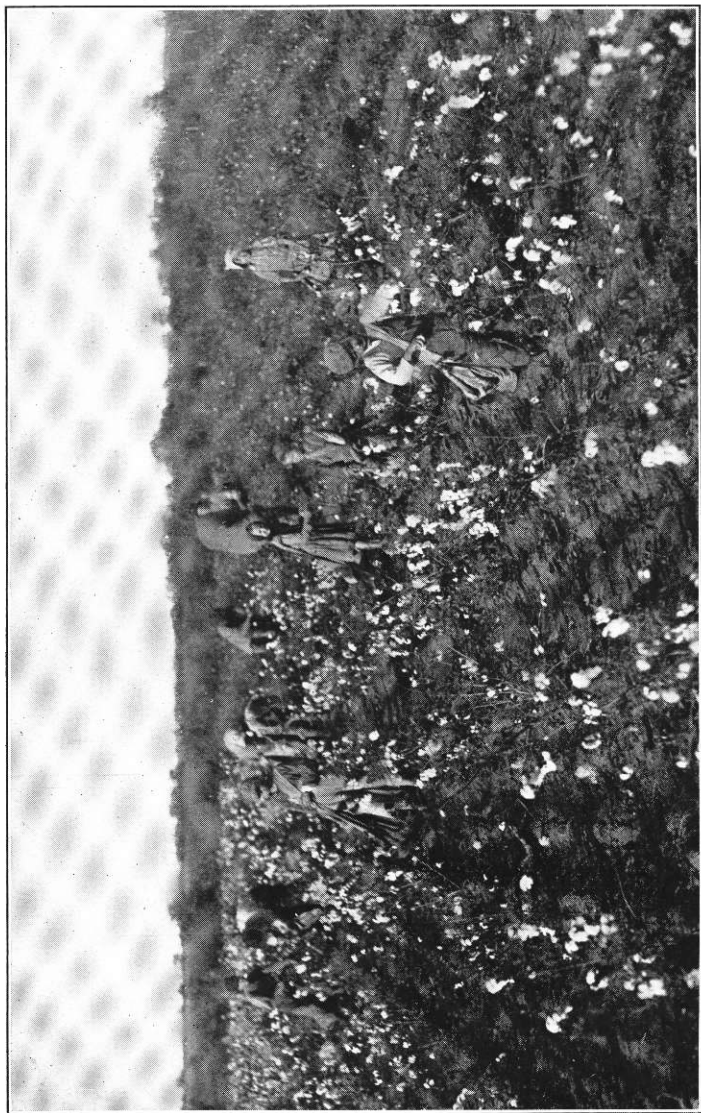
*New ideas in educational work.* — Our rural schools in advanced communities are now rivaling those of the most progressive cities. It has been found that country children suffer from defective eyes, bad teeth, and other bodily ills which handicap them, and that *medical inspection* is just as necessary for them as for the city children. We are beginning to feel that the old rudiments of learning — reading, writing, and arithmetic — and the new rudiments of culture added in the high schools — Latin, literature, botany, and history — do not meet all of the demands of the country regions. People are therefore beginning to ask for more of the *applied arts and sciences* which will make more skillful farmers, workmen, and housewives, and in response to this demand courses in the science of agriculture and in domestic science are being offered in the country schools on somewhat the same principle that manual training and domestic science are taught in city schools. The idea behind this new work is not to turn the boys into mere farmers and the girls into mere household drudges, but rather to prepare them to do their work well so that they may have more leisure for the cultivation of the gifts of mind and heart, which is the chief end of life.

*Helping children choose their life work.* — Coupled with this newer training is what is called *vocational guidance* which is intended to help the children and parents in selecting occupations. There are differences of taste and abilities among children, and it is important not to get a round peg into a square hole, as the saying goes. Our country schools

are therefore beginning to consider seriously whether they have done their whole duty in giving the children a set course of "book learning," without making any inquiry into the work which the children will probably have to do in life or into the opportunities offered to them in the immediate neighborhood or the distant city.

*The education of adults.* — The idea that the country school may be used for the education of adults as well as children — the idea which has led to extension lectures and social center work in cities (p. 263) — is now finding its way into rural communities. State universities in the West are doing a great deal to bring this about. They send out lecturers on agricultural problems, domestic science, health, village improvement, and kindred matters, as well as literature and social science; and extension courses are given in rural schools. In a few states, provisions are made by law for the organization of voluntary farmers' associations in the counties for the purpose of arranging with the state university or agricultural college for systematic instruction in all manner of farm problems. By this method, the best that is being done at the higher institutions of learning may be made more or less available to the people of the most distant farming region. If a community sits in darkness today, except in the most inaccessible mountain regions, it is in a large measure its own fault.

*The circulating library.* — The circulation of good literature helps the rural community in a quiet way, and the schools may encourage this. When the community cannot afford to have a library of its own, the school library may be used for general purposes. Several states recognizing the need in rural regions for good books have provided "circulating libraries" put up in boxes to be sent on application to towns and villages and country schools. These boxes contain selected literature — fiction, history, biography, science, applied science, agriculture, and art — and they



*Courtesy of National Child Labor Committee.*

## IN THE SOUTHERN COTTON FIELDS TO-DAY





are kept circulating about the state from community to community as they are demanded. Where the village has a library of its own, the managers may stimulate interest in the latest and best books by lectures, entertainments, and debates.

*The schoolhouse as a community center.* — In fact, there is now a strong movement in favor of using the country and village school building as a center for all kinds of public activities. In some communities it is used for polling places at elections and for political meetings. There has been some objection to political meetings on the ground that party feeling may lead to quarrels; but those who favor using the schools for this purpose reply that if one of the purposes of education is to train men and women in citizenship, there ought to be no objection to the discussion of the issues of politics in the schoolhouses. Furthermore, all political parties are given equal rights, so that there need be no charges of favoritism. Ohio recently invented the slogan "a light in every schoolhouse," which expresses the hope that the schoolhouse in rural regions may become a social center like the city schoolhouse.

*The importance of good school boards.* — When we think of all the good work which the village and rural schools can do, and often achieve, we realize how important is the selection of the county superintendent of education, the school boards, and district school supervisors. We see also how important it is that the officers and teachers of the schools should be well paid so that those who think of becoming teachers can afford to give the proper time and attention to their preparatory training, and so that quick and intelligent men and women may find the teacher's career at least fairly remunerative.

**Recreation for country people.** — There is as much need for decent and healthful recreation in the country and small villages as in the cities. "All work and no play makes Jack a

dull boy," is an old adage; and it may be added that all work and no play makes men and women dull too. In thousands of villages and country regions there are now no common meeting places except the corner stores, the streets, or the saloons. The churches are open only on Sunday and the schools are closed at night and most of the summer months. The saloon is the one place where the men can sit down and laugh and talk or play games, and the women and girls have only the streets. To meet this very grave evil, enterprising school boards are using the schools as recreation centers. They are providing rooms for games and dancing, halls for meetings, entertainments, lectures and debates, gymnasiums open all the year round for boys and girls. A new county high school in a stirring Western community has a large auditorium, a kitchen and dining hall, a gymnasium and swimming pool, a workshop, and several small rooms for reading and for games.

*Play for village and country boys and girls.* — The whole problem of recreation for the young boys and girls in villages and country regions is almost, if not quite, as serious as in the cities. Gangs of "tough" boys develop in the village, and girls go wrong there just as in cities. The play of boys and girls needs to be looked after by experts quite as much as their education. This can be done in connection with the schools by the employment of regular directors who plan and organize the games and supervise the various activities in such a way as to prevent rowdyism and stimulate honorable competition. Of course it is not meant that all should engage in athletic contests, for those having a talent for music may be organized into a special club; others with more studious inclinations may be formed into dramatic and debating societies; those of a practical turn of mind may be grouped into "corn clubs" or "applied science clubs." Thus the intellectual life of the young may be stimulated immensely. When neighboring villages have

organized their play, inter-village contests may be held, encouraging the spirit of friendly emulation and adding diversion to the life of the young people.

**Village public utilities.**—Villages of fifteen hundred or more inhabitants have some of the public utility problems (p. 253) of the large city, if only in miniature. They must provide for lighting their streets at night, and if they are spirited enough, they will have public water works and sewers. If the village undertakes to own and manage its own plants, the voters must be alert to see that the town officers charged with looking after these affairs do their work well. If the village engages private companies to build and manage the plants, the voters must be watchful to see that the right terms are made in the first place and that exorbitant rates are not allowed. In those states which have public service commissions (see p. 234), the village may rely upon the commission to secure proper rates and services from its public utilities.

**The punishment of crime.**—Villages and counties have some of the problems of crime and poverty to deal with, although not on as large a scale as the cities. Officers must be elected to punish those who break the laws, and jails must be provided for those who are sent to prison. Far too many of our country jails are not fit for human habitation, and inasmuch as those who are sent to local jails are usually sent for only a short time and then set free again, the community for self-protection — if for no higher motive — cannot afford to let the jails be dirty and insanitary. Whether prisoners turn out well or badly when their service is over depends not a little upon the character of the sheriff or constable or local officer in charge of the jails, so that the selection of these officers is an important matter. Many of our villages and counties may learn a great deal from the newer practices of city courts in criminal cases (p. 250).

*After the prisoner has served his term.* — A prisoner who is

turned out of jail at the end of his term penniless and perhaps far from his home is very likely to steal or commit some trespass before he settles down, and thus get back into jail within a short time. The necessity of looking beyond the term of the jail sentence to the problem of setting the offender on the right path is just as imperative in the country as in cities. It is even more important in a way, for in the cities criminals naturally gravitate to certain centers, while in the country those who have been to jail hang around the village street corners and associate with the young and innocent.

**The care of the poor.** — While the state helps by maintaining state institutions for the insane, deaf, dumb, blind, and other diseased and helpless poor, much of the support of the poverty stricken who cannot take care of themselves or have no one upon whom they can depend for help falls upon the local government — the town, the township, and the county. The local officers are sometimes empowered to give outdoor relief; that is, furnish money or goods to the poor. The county generally has its poor farm, which is too often a wretched place where contractors and keepers make money furnishing the inmates bad food and lodging. It is important that the community should do all it can to help the unfortunate to support themselves in a respectable manner, and particularly to help their children out of the slough of despond. Those who are incapable of looking after themselves should be provided reasonable comfort. It is necessary, therefore, that rural communities should not neglect in any way the proper care of the poor; but it is far more essential that all communities, the states, and the nation, should address themselves to the great task remaining before them of preventing undeserved poverty (p. 229).

**Improving country districts.** — Although state laws about housing conditions do not usually apply in villages, and village authorities have no power to order the improvement

of local property, there is no reason why many of our country towns should be so hideous to look at and demoralizing to live in. The American likes to think of his home, if he owns one, as his castle, and to think that it is his own business if it is insanitary, unpainted, weatherbeaten, and if his yards, front and back, are full of weeds and rubbish. It seems like an almost hopeless task to bring our villages into artistic and sanitary condition — delightful to the eye and pleasing to the moral sense; but beginnings have been made.

*The good example of the schools.* — In the first place, the idea of improving and cleaning up unsightly villages may well begin at the schools. Teachers can help by emphasizing the value of personal cleanliness, and the art of taking care of the body and cleaning the teeth is becoming one of the things taught in country as well as city schools. Personal cleanliness leads to a desire to improve surrounding conditions. Boys and girls who would be comely and clean in body will not long be patient with dirty yards and homes. The school buildings and grounds can be improved so that they look like shining temples set on a hill, and they will be good examples to the people who dwell around them. The school may, therefore, be the center of public sentiment in favor of more art in life, and when public sentiment is awakened, a way will be found to improve the villages.

*The use of the power over fire hazards to clean up villages.* — Then there are other ways of getting at the problem. Even the stoutest individualist will admit that he has no right to act in such a way as to endanger the life and property of his neighbor. Almost every country village has a collection of unsightly wooden shacks used for livery barns and storehouses which are a constant danger as fire menaces. Several states now have "fire laws" enforced by a state fire marshal and local officers. It is possible under these laws to order the destruction of such dangerous buildings, or at

least their repair, so as to reduce the fire hazard. Thus by an indirect method local improvements may be brought about.

*The use of the health law to improve villages.* — Then there is the health law. Nearly every village has a local health officer whose business it is to prevent the existence of insanitary conditions within his jurisdiction. He can order weeds cut and yards cleaned up and drainage improved; but he is usually a neighbor of the offenders in these matters, and hesitates to make enemies of them. It is a good thing to have the state officers look in upon villages occasionally and force the local officer to act. Fair and just enforcement of the health laws would remove many an eyesore from our villages.

*The "clean-up week."* — There has recently been invented a new institution known as "clean-up week." The village or town officers, or a committee of public spirited men and women may begin it. It is a voluntary affair, but that does not make it less effective. The local officers may start by putting the streets and sidewalks and public squares into proper shape, and this invites the coöperation of private citizens. During a clean-up week, the town or the committee of citizens furnishes wagons which go about from house to house collecting all of the rubbish and hauling it away to be burnt; front and back yards are cleaned, weeds are cut, and flowers are set out. Sometimes prizes are given for the best yards, and seeds and bulbs are distributed by the committee on public improvement. There are many instances of little towns and villages being absolutely transformed under the stimulus of clean-up weeks. Self-respect once awakened is likely not to disappear altogether.

*The improvement of farms.* — Tumble-down farm buildings and slovenly, neglected farms present a more difficult problem. There is no way of compelling a farmer to put his property into trim shape, and farmers, like other people,

are naturally quick to resent any interference with their ways. Some states force them to cut the weeds along the roads which run past their property and to keep their fences in such shape as to prevent their stock from getting out. Where the farmer supplies milk to a neighboring city or village, the dairy inspector has the right to order him to fix up his barns and clean up his stables so that the milk which he sells may not be dirty or impure. The death rate among farmers' children could be materially reduced by the proper supervision of the ways of handling the milk, or better, by educating men and women in the country in the science and art of healthful living and working.

*Fighting ignorance and poverty.* — The best way to improve backward country districts is to fight the chief causes of their backwardness — ignorance and poverty. These two causes run closely together. The poor man is handicapped in his struggle for education and the ignorant man who does not know how to make the best of his opportunities is likely to remain poor. The more fortunate communities must help the backward communities by extending to them educational facilities, and they should at least give the children opportunities to find out better ways of living and working. Through the granges and other farmers' societies, the more progressive farmers may help their less fortunate neighbors to help themselves. The federal government is now studying the problem of "agricultural credit" with a view to lending farmers money at a low rate of interest so that they may be encouraged to improve their farms and their modes of living.

### Questions

1. What interest should country people have in city conditions and affairs?
2. What interest should city people have in country conditions and affairs?

3. What interest should country people have in state government?
4. What interest should country people have in the national government?
5. What things should a rural survey include?
6. What is local option?
7. What are the advantages of combining school districts in the country?
8. What are some of the new ideas in educational work in the country?
9. Describe some possibilities of the rural schoolhouse as a social center.
10. Why does recreation need to be organized to some extent in villages?
11. What are the public utilities of a village?
12. What is the value of improving the outward appearance of villages, and how may it be done?
13. What are the main causes of the backward conditions of rural communities?
14. What are the advantages to a community of good roads?
15. How can the rural voter help to improve his community?

### Additional Reading

- RURAL SOCIAL RESPONSIBILITY: Ward, *The Social Center*, pp. 302-323; Gillette, *Constructive Rural Sociology*, pp. 47-56.
- ADVANTAGES AND DISADVANTAGES OF RURAL LIFE: Gillette, pp. 57-76.
- IMPROVEMENT OF RURAL PRODUCTION AND BUSINESS: Gillette, pp. 77-109.
- IMPROVEMENT IN MEANS OF COMMUNICATION AND TRANSPORTATION: Gillette, pp. 110-122.
- RURAL HEALTH AND SANITATION: Gillette, pp. 147-167.
- MAKING FARM LIFE ATTRACTIVE: Gillette, pp. 168-183.
- THE SOCIALIZATION OF COUNTRY LIFE: Gillette, pp. 184-263.
- RURAL CHARITY AND CORRECTION: Gillette, pp. 264-279.
- RURAL SOCIAL SURVEYS: Gillette, pp. 281-292.



## CHAPTER XVIII

### THE GOVERNMENT AND PUBLIC OPINION

- I. How the government directly affects public opinion.
  1. Citizens' associations and government officers.
  2. The budget exhibit in cities.
  3. Government reports to the citizens.
  4. Complaint bureaus.
  5. The school as a mold of public opinion.
  6. Civics in the schools and public opinion.
  7. How private societies teach the government officers.
  8. The public library and public opinion.
  9. The education of citizens in campaigns.
- II. Private agencies which create public sentiment.
  1. Public opinion made up of individual opinions.
  2. Telling the truth in newspapers.
  3. Newspapers influenced by their advertising.
  4. Associations which help to educate the public.
  5. "Manufacturing" public opinion.
  6. Woman's part in government.
  7. Churches as civic centers.

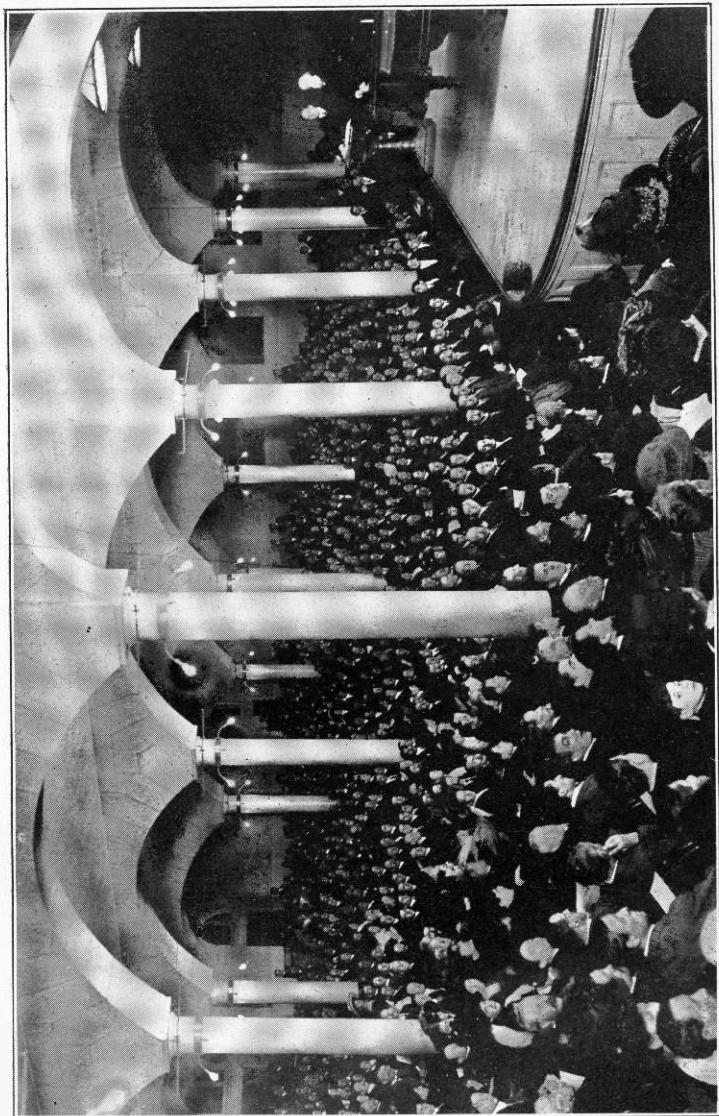
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**How the government directly affects public opinion.** — The kind of work the government undertakes and the way in which it does its work depend, in the ordinary course of events, almost entirely upon public opinion; that is, upon what the people think about political matters. If they do not think at all about public affairs, the taxes are likely to be wasted, the streets dirty, the roads unimproved, the gas poor in quality, the schoolhouse badly ventilated and lighted. If they do think about matters of common interest and join with their neighbors in using the ballot

wisely and in bringing pressure to bear upon public authorities they may help immensely in improving the world in which they live.

*Citizens' associations and government officers.* — There was a time when it was thought that the citizen's duty ended when he cast his vote at the election, and eighteenth century statesmen resented the formation of clubs to influence public opinion as a meddlesome interference on the part of private persons. In our day all this has changed. At the present time the citizens, through special associations for child labor legislation, purification of milk supply, municipal improvements, prevention of waste in taxes, reform of police administration, and innumerable other purposes stir up sentiment about particular matters, invite the attention of public officers to desirable reforms, and coöperate with the public authorities in carrying out good work for the general welfare. In many city and state governments, the officials welcome the coöperation of voters where it is not merely captious but genuinely helpful. At all events, officers cannot ignore the demands of large societies of private citizens, for often those societies employ experts who know as much or more about government than the public officers themselves. Thus it has come about that what the citizen does and thinks *between* elections is as important as what he does at elections. Government is a continuous affair, not a periodical spasm, and the citizens' interest and watchfulness must be continuous.

*The budget exhibit in cities.* — City governments are recognizing this vital truth in many ways. One of the most striking has been the introduction of the budget exhibit designed to show in a picturesque manner the amount of money raised by taxation and the various purposes to which it is put. Charts, placards, photographs, models, and plans represent in a graphic form how much money goes for education, health work, police, and other branches of govern-



MASS MEETING IN COOPER UNION, NEW YORK

*Courtesy of The People's Institute.*



ment, and also what kinds of work the several departments do. At such an exhibit departments asking for a larger appropriation show in what way they would spend the increase. Wherever a city establishes a budget exhibit, thousands of citizens, including school children, visit it, and thus come to take a more active interest in the affairs of the city government. In some cities, city planning exhibits and exhibits illustrating other branches of civic work are held to enlist the interest of citizens and enlighten them on affairs of high importance.

*Government reports to the citizens.* — For the benefit of the public it has long been customary for government officers to issue reports showing the work of the chief departments. Too often these reports are dry and stupid documents containing tables of figures and ill-digested facts. Gradually the possible educative feature of such reports is being recognized, and not long ago the mayor of Cincinnati selected an editor of city documents whom he instructed to make the official reports both intelligible and interesting. Quite a number of cities now publish periodical journals containing information of a practical character about the conduct of city affairs. In 1913 New York City began the publication of an annual Yearbook describing the several branches of the government of the city, the powers and duties of each, and explaining what departments are responsible for particular tasks. In some cities, the finance department issues a little book showing how much money is collected in taxes and for what purposes it is spent. Gradually public officers are realizing that it is desirable to keep the public in touch with all phases of municipal government.

*Complaint bureaus.* — In order to bring the government into contact with private citizens, it is a growing custom to invite public officials to speak at mass meetings and explain their policies and answer questions concerning their conduct of public business. Some cities have organized a "complaint

bureau " at which any citizen who has a grievance against the city administration may lodge a complaint and obtain a hearing. Through this bureau city officers learn about many cases of neglect and wrongdoing which would have otherwise never come to their notice. If a gas main leaks, the water pressure is too low, the pavements are neglected, and ash cans are not emptied, the citizen can reach the proper authority by telephone.

*The school as a mold of public opinion.* — The schools are becoming more and more centers of information on affairs of government. Maps of the city, township, and county now find their place among the maps of Greece and Rome. Students are encouraged to make surveys of their immediate neighborhood, often with a view of reporting to public authorities about conditions which need remedying. City reports and documents and papers begin to appear on the shelves beside the textbooks on history and science. A knowledge of the government as an active concern from day to day is being spread among the people through a thousand channels.

*Civics in the schools and public opinion.* — In fact, the schools may become real centers for the formation of public opinion on governmental affairs. The regular instruction in civics is now being supplemented by talks by local officers, county judges, mayors, street commissioners, aldermen, and other public servants, who explain the nature and duties of their respective offices. They do this not merely to satisfy the curiosity of the pupils, but to educate them and to interest them in municipal matters which affect them as present citizens and future voters. In some cities, students are given problems of government to work out, such as: Which streets are kept clean and which are neglected? Who is responsible for broken pavements? Where are street lights out which should be burning? Can the chemistry department of the high school find out whether the city water is pure or the milk furnished by the local dairymen up to the standard?

The schoolhouse should have over the door that new slogan, "Good citizenship first," and the prime requisite for good citizenship is knowledge of and interest in affairs of government. Good citizenship, like charity, may very well begin at home.

*How private societies teach the government officers.* — Public authorities are constantly learning from private associations. The chairman of a labor legislation committee will be invited to help in the drafting of a labor law. A useful undertaking by a private organization is sometimes taken over bodily by the public authorities. For example, a few years ago a private society was founded in New York City to supply pure milk at a reasonable price from several stations scattered throughout the poorer districts. This work was found to be so excellent, that the city government assumed the management of the stations and provided the funds from the public treasury.

*The public library and public opinion.* — Public libraries are agencies for bringing the government and the people together. A few cities, Chicago, for instance, have established civic reading rooms in which are placed reports and documents containing information on the work of the city government and books dealing with problems which affect the citizen. In some cities, lectures are given in the library building by city officers and experts in municipal affairs; auditors are permitted to ask questions; and lists of books and pamphlets are distributed for the purpose of encouraging citizens to study more carefully the work of the government.

*The education of citizens in campaigns.* — Finally the political campaigns are, or may be, employed to educate citizens on questions of public policy. Of course, there are campaigns and campaigns. The old notion of a campaign was a sort of general debauch in which speakers villified one another, lies and false rumors about candidates were circulated,

liquor was served free and in large quantities, brass bands were employed to arouse indifferent voters, monster parades and torchlight processions were organized to capture the fancy of the childish, and in short everything was done to confuse the citizens and leave the issues in a muddle. There is plenty of that sort of thing now; but undoubtedly it is rapidly declining in favor, and it will disappear when we have an educated citizenship. The newer type of campaign is one of education, in which issues and practical questions are discussed and candidates are expected to tell what they will do if elected rather than to recite the villainies of their opponents. It all depends upon the voters. If they prefer scandal to a reasonable consideration of the matters of government which influence their lives and work so deeply, campaigns of noise will hold the field; but if they are alert, intelligent, and interested in real government rather than in sham political warfare, they will demand that the campaign be confined to an honest consideration of what the government ought to do and how it may do what it undertakes.

**Private agencies which create public sentiment.** — So far we have spoken principally of the official agencies for creating public sentiment on civic matters. Most of the views which we have about government, however, are not derived from hearing public officers speak or from reading official reports on the work of the government. On the contrary, our views are derived from countless sources unconnected with public institutions: from our associations at school, at work, at social affairs of one kind or another, from the newspapers, and from our daily intercourse with friends and neighbors. Not many of our opinions are based upon a painstaking study of hard facts. As Mr. Bryce says, "Every man believes and repeats certain phrases because he thinks that everybody else on his own side believes them; and of what each believes only a small part is his own original impression — the far larger part being the result of the com-



mingling and mutual action and reaction of the impressions of a multitude of individuals, in which the element of pure personal conviction, based on individual thinking, is but small."

*Public opinion made up of individual opinions.* — We are therefore all makers of public opinion, men, women, and children of a school age. When we see a person doing something and we express to some one else our approval of his actions, we are helping to make opinion. By approving or disapproving something which the government does or neglects to do, we are helping to create public sentiment on that particular matter. By being indifferent to what goes on, we encourage others to assume the same attitude, and thus contribute to the general apathy which is the chief source of bad government. Chance remarks dropped at school, on the street corner, in the saloon, or at a social gathering all contribute to that great stream of opinion which determines the kind of government we are to have. School children who ask their parents or neighbors thought-provoking questions on civic matters help to arouse general interest. Women, whether they vote or not, add powerfully to the sentiments which influence the course of political events, by expressing their views publicly and privately on matters that concern them especially. They also frequently delay progress by their ignorance and indifference.

*Telling "the truth" in newspapers.* — Naturally it is given to some persons more than others to influence public opinion — and perhaps newspaper editors and managers are more powerful in that regard than any other group. It is not only from the editorial columns, where editors give expression to their own personal views, however, that we gain our notions about current affairs. The news columns are far more influential. Of course, newspapers are supposed to tell "the truth" in the news columns; but there are many ways of telling the truth. One may tell the truth about

the matters concerning which he writes, but he may create entirely false impressions by omitting to tell of other truths. The choice of topics to which a newspaper gives first place in the news columns is fully as important as telling the truth itself. The headlines which a newspaper puts to truthful articles may be as misleading as bold lies. A newspaper may encourage the public to take an interest in murders and scandals by putting such stories on the first page, or it may ask the public to consider more important affairs first by placing them in greater prominence. For example, not long ago two society women were killed in an auto accident one night, and that same night fifty miners were killed by an explosion in a mine. A newspaper in the neighborhood gave the same space to both accidents, whereas the first was of slight public concern and the latter was of fundamental concern. The citizen in buying newspapers helps to decide what kind of papers shall be published, and so makes public opinion.

*Newspapers influenced by their advertising.* — The citizen must bear in mind also that newspapers and periodicals are no longer supported mainly by subscriptions, as was once the case, but that they are dependent primarily upon advertising or upon some group of persons willing to pay the bills in order to have "an organ" to voice their opinions. Publishers do not dare to offend too seriously their advertisers, and plenty of examples of news suppressed or colored to please advertisers are forthcoming. For instance, a few years ago an association of citizens held a meeting in support of a law then pending in the legislature requiring store owners to furnish seats for their employees when not engaged in waiting on customers. At the meeting competent speakers described the evil conditions prevailing in a number of great stores, mentioning them by name. The reporter wrote a true story of the meeting, but his city editor struck out the names of all the big store owners who advertised in the paper, and the readers of the paper gathered the impression that it was only

a few obscure shops that kept their women employees standing on their feet eight and ten hours a day. Again, not long ago a large store owner in a city was indicted and fined for fraudulent advertising and, notwithstanding the prominence of the party, the newspapers were discreetly silent, while they gave plenty of space to a wretched vagrant who had set fire to a small shop in the hope of securing some booty.

*Associations which help to educate the public.* — Next to the newspapers in their influence on public opinion may be placed the various private associations which deal with matters of civic interest: playground associations, farmers' granges, legislative associations, municipal leagues, city clubs, women's societies, and the like. Some of the societies, like the Association for Labor Legislation, are formed to secure enlightened and humane laws on particular matters, or to see that laws are properly enforced when passed. Other associations, such as legislative committees, are designed to watch the state and local lawmaking bodies and to turn the light of publicity on measures about to be passed or defeated by the legislature or town council or county commissioners, as the case may be. The Citizen's Union of New York City, for example, maintains at the capital of the state a trained expert who studies all bills introduced which affect the City, and reports to the Union on them. If any particular measures deserve support or condemnation, in the view of the Union, it organizes a large public meeting for the discussion of the matter, and thus helps to make public opinion. Indeed, associations for influencing public sentiment are among the striking features of current civic development.

*"Manufacturing" public opinion.* — Like all other institutions, they may be used against public welfare, as well as for it. An instance of the way in which public opinion may be "manufactured" for private purposes was afforded not long ago in a great city where the extension of street car lines was under discussion. A street car company which was inter-

ested in gaining a certain franchise selected a prominent politician and gave him about a quarter of a million dollars to "accelerate public sentiment." He organized a Citizen's Association in the portion of the city involved in the affair, and got up public meetings in favor of the company's demands, incidentally disbursing a large sum of money among influential persons. In the midst of so much clamor for his attention, it is not surprising that the citizen is sometimes bewildered and unable to form sound judgments.

*Woman's part in government.* — In the organization of citizens' associations designed to focus public opinion on particular matters, the participation of women is a marked characteristic. Women are among the leaders in all beneficent and humane enterprises which help to make our cities more beautiful places in which to live, and to improve the common lot of those who do the world's work. Following the example of the men, the newly enfranchised women of several of the western states have formed civic clubs for the investigation and discussion of public questions of every kind. In other states where women do not have the ballot, they are likewise active in civic affairs. A woman's municipal league in one of our large cities recently reported the following program :

Campaign for pure milk, including rigid inspection.

Encouragement of the men in the street cleaning service by the distribution of medals and money prizes.

Erection of free ice-water fountains in the congested portions of the city.

Campaign of education among housekeepers to improve sanitary conditions.

Investigation of moving picture shows and cheap amusement places.

Financial aid and committee service for the investigation of amusement places of girls not reached by settlements and churches.

Establishment and maintenance of playgrounds for certain overcrowded districts.

*Churches as civic centers.* — In this general civic awakening, churches are also taking part. Many of them have "social welfare services" charged with studying, discussing, and reporting on all manner of problems arising in our modern industrial life. Others open their assembly rooms for the consideration of all the questions of contemporary politics which pertain to the welfare of the people. Thus they seek to make real and useful those sentiments of humanity which are the finest products of religion.

### Questions

1. What determines the character of a government and its work?
2. What kinds of citizens' associations do we have?
3. What are some of the ways in which a government may inform the citizens about its work?
4. What is a complaint bureau?
5. How may the school become a center of public opinion?
6. How may civics be made a vital subject of instruction?
7. How may private societies educate government officers?
8. What kinds of political campaigns may we have?
9. How does each one of us help to make public opinion?
10. How may newspapers distort the truth?
11. Under what influences are newspapers placed?
12. How may public opinion be "manufactured"?
13. What can you say of woman's part in government?

### Additional Reading

- PUBLIC OPINION AND ITS CAUSES: Bryce, *The American Commonwealth*, Vol. II, pp. 251-655.
- THE CITIZEN AND HIS GOVERNMENT: Bruère, *The New City Government*, pp. 376-400.
- THE WORK OF A VOTERS' LEAGUE: Ward, *The Social Center*, pp. 43-68.
- DELIBERATION IN POLITICS: Ward, pp. 19-42.
- MODERN METHODS OF PUBLICITY: Allen, *Woman's Part in Government*, pp. 103-130.

## RESEARCH QUESTIONS

### CHAPTER I

Name some of the things which each person can do for himself without receiving aid from any other person.

What are some of the ways in which each must depend upon others for help?

Why is it better for the government to punish criminals and other offenders than for the wronged persons or families to avenge the injuries themselves?

Can you think of any cases in this country of families undertaking to avenge injuries done to them?

Mention some way in which the government of your town or city restrains your right to do as you please.

Mention some way in which the government of your town or city gives you liberty or protection.

Name some of the absolute monarchies of to-day and explain the nature of such governments.

In what way has democracy changed the purpose of government?

### CHAPTER II

Where is each article on a well-supplied breakfast table produced?

How many different persons may take part in supplying a breakfast table?

What countries are mainly agricultural?

What countries are mainly industrial?

What are the grain producing areas of the United States? Fruit growing areas? Sugar areas? Lumber regions?

From what regions do the raw products for clothing come?

Where are your clothes made?

Where are toys made?

Do children work in the factories which make any of these things?

How many different kinds of houses do you know about?

If you were managing a home how would you apportion the income: what proportion for rent; for food; for clothes; for education; and for recreation? Would you spend money for other things?

In what ways does family life in the United States to-day differ from family life in Washington's day?

What are the striking features of modern machine industry?

What persons besides the owners are interested in the way factories are run?

What is the capital and labor question?

In what ways does modern business require action on the part of the government?

### CHAPTER III

Do you know any family where the mother is the breadwinner? Why is she?

Do you know any little children who must work to help support the family? What are their parents doing?

How old must a child be in your state before it is allowed to work in a factory?

Are there any laws in your state about newsboys, messenger boys, cash girls in stores? Why?

What different kinds of families do you have in your community?

What do your parents do for you unaided?

What does the government do for you?

What is a family "budget"?

What keeps a family together?

What breaks up families?

### CHAPTER IV

What are some of the ways in which public officers protect you against bodily harm?

How many policemen are employed in your city?

How many firemen? Are they volunteers?

Why are streets kept clean?

Why are persons sometimes arrested for holding meetings?

What is a libel suit? Have you ever heard of one?

Do you know how many persons were arrested in your community last year? How could you find out, if you did not know?

How many different religious sects are there in your community?

How many newspapers come into your home every week? Do you take any papers which are not partisan in character?

What kind of men serve as jurors in your community?

Do you know of any petitions being circulated in your community? For what purposes?

If you had committed a wrong would you rather be tried by a judge or a jury? Why?

Do you think every person should be allowed to say what he likes?

Do you believe that books and newspapers should be supervised by the government? Why?

What are the dangers in allowing government officers to interfere with free press and speech and religion?

## CHAPTER V

What kinds of things may be made private property?

What is the difference between real property and personal property?

What is meant by "intangible" property?

Why is some property public and other property private?

How is it decided whether a kind of property shall be public or private?

Do you know any property in your community that was once public but is now private?

Do you know any public property in your community that was formerly private property?

What property does your local community own?

What property does your state own?

Does your state or community conduct any business enterprises?

Is a law about fire prevention a defense of property or an interference with a property right?

How does a law regulating child labor affect property rights?

Is the right to labor a property right?

## CHAPTER VI

Did your grandfather vote in this country?

Does your father vote? If not, why not?

Does your mother vote? If not, why not?



What is meant by a property qualification on the right to vote?  
Did we ever have property qualifications in this country?  
Have men always voted? If not, how have they secured the right?

What is the difference between a "republic" and a "democracy"?  
Who are "the people" in this country in a political sense?  
What is meant by "the rule of the people"?  
What restrictions are there on the right to vote in your state?  
What is an alien? How may an alien secure the right to vote?  
What is meant by "representative" government?

## CHAPTER VII

What is tyranny?  
Can there be tyranny in a republic? In a Democracy?  
Why should we have respect for the law?  
Should we have equal respect for all the laws?  
When we do not like a law, what should we do about it?  
Is there ever any excuse for breaking a law?  
Is American government founded on the doctrine that the majority should always be allowed to have its way?  
Do you think the majority is always right?  
Is the majority right so often that there should be no check on it at all?  
Are all laws equally important?  
Should all laws be made and changed with the same ease and in the same manner?  
Are there some matters so important that they should not be touched except by an extraordinary majority?  
Are there any matters which the government should not be allowed to touch, even if it has a two-thirds majority in its favor?  
How can the majority be checked in a democracy where majority rule is the custom?  
Are you willing to trust all you have and hope for to the wisdom of a majority?

## CHAPTER VIII

Who is your congressman in the House of Representatives?  
What is his record on legislation?  
Who are your Senators? What are their records on important legislation?

How can a voter discover what a Senator or Representative has done or is doing in Congress?

Do you know what the Congressional Directory is? The Congressional Record?

Where and how was the Representative from your district nominated?

For what principles did he stand during the campaign?

Do you know on what committees your Representative and Senators are serving in Congress?

Do you know whether the Representatives in your state are fairly apportioned among the various districts? Can you find out if you do not know?

How many electoral votes does your state have?

Do you know any of the principles for which the present President of the United States stands?

Do you know how many delegates your state is entitled to in the national conventions of the various political parties?

Do you know how they are chosen?

How can the individual voter get a voice in selecting his party candidates?

How is public opinion as to the character of the various candidates for nomination stirred up?

Who pays the expenses incurred in organizing campaigns for the nomination and election of Presidents?

What federal officers are there in your community?

Who appoints these officers?

How can any citizen secure a place in the federal government?

How can the citizen find out about vacant places in the federal government?

## CHAPTER IX

What is the difference between constitutional and statutory law?

Do you have a copy of your state constitution? Where can copies be procured?

Make an analysis of your state constitution.

How many members in the senate of your state? In the lower house?

How often are they elected?

Are the districts of your state represented according to population? If not, what districts are "over-represented"?

What are the principal topics mentioned in the platforms of all the parties in your state at the last general election?

What limits does the constitution of your state lay on the legislature?

Are your governor and the majority in each house of the legislature of the same political party?

Is it desirable that they should be? Why?

When did your governor call out the militia last? For what purpose?

What things did the governor recommend the legislature to do in his last message?

Would you rather trust the governor or your representatives in the legislature to decide on matters of public concern?

Is there a leading party manager or "boss" in your state?

Do you know anything about the work of your representatives in the state legislature?

## CHAPTER X

What is the population of your city?

How many voters are there in it?

Does your city have a charter? If so how was it made?

Does your city have home rule?

If you have commission government in your city, do you think it an improvement over the old form? Why?

Who is your mayor? Did he stand for any definite principles during his campaign for election?

What is a nonpartisan election?

Do women vote for any officers in your city?

How are school officers chosen?

How much money does your city raise and spend each year?

Who makes the "budget" of your city?

Has the citizen any influence on the government of the city at other than election times? In what way?

## CHAPTER XI

Do the majority of people in your state live in the cities, towns, or country districts? What proportion in each?

What are the chief officers of your county?

How are they elected?

What is the smallest district in your county?

How many school districts in it?

How many towns or townships?

Who decides how much money the county shall spend and for what purposes?

Who are your town or township officers? How often are they chosen?

If you wanted a highway repaired, to whom would you go?

Where are the helpless poor of your town taken care of?

What local officers are under the supervision of state officers?

Do your local officers look with favor or disfavor upon supervision by state officers?

What work does the state government do in your community?

Is the state or local work better done?

## CHAPTER XII

How many political parties are there in your state?

How do they rank in numbers?

What was in their platforms in the last campaign?

How does each party make nominations for the various state offices?

What is the name of the party committee in your district?

What are the various committees which each party has in your state?

How does the voter become a member of a party?

Who pays the bills of the party committees?

Do the party committees do any political work at other than election times?

Is it wise for a voter to stay in one party and try to bring it to his views as nearly as he can? Or is it better to leave a party when the voter cannot agree with its principles entirely?

What do you think is the chief cause of the decline of old parties and the rise of new?

What kind of ballots are used in your community?

Where are the polling places fixed for election days?

Who can watch at elections?

Have you a local party manager or "boss"?

Are the saloons open on election days?

### CHAPTER XIII

What is direct legislation ?

Are any of the laws of your state made directly by the voters ?

Do the voters of your state vote on any matters other than the election of officers ?

How is the constitution of your state made and approved ?

How is it amended ?

Do you think the laws of your state would be very different if they were made by the voters rather than by the legislature ?

Is the voter more able to vote on laws than to choose a wise person to represent himself in the legislature ?

Ought a majority of those voting on a law in a state having direct legislation be permitted to decide the matter ? Why ?

Ought the majority required to approve a law be a majority of all the voters in the state ? Why ?

Should only a majority of all those voting in the election at which the law is submitted be required ? Why ?

What officers ought to be elective, and what appointive in your community ?

In what way is direct legislation in conflict with the separation of powers ?

### CHAPTER XIV

Why do the size and extent of the industries of the country affect the work which the federal government has to do ?

Can you think of any matters which are now left to the control of the state governments which should be given into the hands of the federal government ?

Do you believe in a "strict" or a "liberal" interpretation of the Constitution ? Why ?

What work does the federal government do in your community ?

Is there any business done in your community which is "inter-state" in character ? Why ?

Why can we not leave the detection of adulterated foods to the consumer ?

What is the reason for so much adulteration in modern manufacturing ?

When the government fixes the rates of railways what matters should it take into account in arriving at a "fair" rate ?

Do you have any industries in your community which are protected by the tariff? What are they?

Can you name any article that is increased or decreased in price by the raising or lowering of the tariff?

Should the federal government employ troops to protect American investors and promoters who go into other countries to engage in business? Why?

Can you name any articles made by great trusts?

Do you think competition in business is a good thing?

Do you think the federal government could own and manage the railways successfully?

Should the parcel post be extended so as to include all, or practically all, of the express business?

Was it a mistake for the federal government to give away the public lands?

Do you think permanent international peace is desirable and possible?

What do you think is the fairest kind of tax for the federal government to use in raising revenues?

## CHAPTER XV

Upon what conditions should aliens be allowed to vote?

Can you think of any acts now punishable by the laws of your state which ought not to be punishable?

Do you believe that the death sentence should ever be imposed?

Do you think that the state should educate lawyers and doctors at public expense? Why?

Does the state health officer ever come into your community?

Do you think that all undeserved poverty could be prevented?

What is undeserved poverty?

Do you think that government pensions should be paid to all aged persons unable to support themselves?

Have you any trade unions in your community? For what principles do they stand?

Do you have a state railway commission or board? Can it fix freight and passenger rates?

Why are combinations in business formed?

Have you any state highways in your community?

How would you go about securing state aid in building a highway in your community?

Are the state or the local highways the better?

Does your state own any forest or mineral lands or any water power?

How much money is raised in your state by taxes each year?

Do you know how the money so raised is apportioned for various objects?

Does your state have an income or inheritance tax?

Which is more just: an income or an inheritance tax? Why?

## CHAPTER XVI

How many cities of more than 25,000 inhabitants are in your state?

What proportion of the people of your state live in places having more than 2500 inhabitants?

Can you make a map of your city showing the residential districts of the well-to-do, the working-class districts, the industrial centers, and the slums?

How many saloons in your city? Can you make a map showing where they are located?

What is the death rate of your city? How does it compare with that in other cities?

Has your city a public market place?

How many policemen in your city?

What proportion of the annual revenue of your city is spent for the police force? For education? For health work?

Where are the police courts in your city? Have you ever been in one?

Does your city have a fire prevention bureau?

Can you make a map showing the well-kept and the neglected streets in your city?

Does your city own any of the public utilities?

Are the water and gas rates in your city higher or lower than in neighboring cities?

What companies hold franchises in your city?

Do you know anything about the building regulations in your city?

What does your city do in the way of furnishing recreation for the people?

Upon what kinds of taxes does your city depend principally for its income?

## CHAPTER XVII

Have you a map of your town or township and county?

What railways and state highways run through your township?

How much money do you suppose the citizens of your township spend each year in freight and express charges and in railway travel?

Are the railway crossings in your neighborhood safe? If not, why not?

Has your township or county built any roads with the help of the state government?

How many saloons in your township and county? Have you local option on the liquor question?

How many schools in your township and county? Are many in your neighborhood deprived of high school education on account of poverty?

Do the schools of your neighborhood teach practical subjects which will help the pupils in their life work?

Do you have a local library? Has your state a circulating library system?

Has your village an "improvement society"?

Is there any regular provision for play in your village, or is it left to chance?

Is your village jail fit to shut prisoners up in?

Which is better: outdoor relief for the poor or the poorhouse?

Does your local health officer make the citizens clean up their premises?

How much money does your county spend each year? How much does your township or village spend?

If you had the spending of this money, would you distribute it in a different manner?

Are many of the farms in your neighborhood mortgaged? What rate of interest must the farmers pay?

Are there farmers' institutes and granges in your community? What kind of work do they do?

## CHAPTER XVIII

How can you find out what officers are responsible for any particular work in your community?

Attend some public meetings at which government officers speak, and report their speeches.



Inquire into the nature of the instruction in civics in neighboring schools.

Describe a recent political campaign in your community.

What citizens' associations do you have in your community?

Is there any way in your state for the citizens to discover what goes on in the legislature? In the city council?

Compare the accounts of the same affair in two different newspapers, studying the headlines, the points emphasized, and the impression given as a whole.

Have you any women's societies in your community? What work do they undertake?



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## APPENDIX

### CONSTITUTION OF THE UNITED STATES

WE the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, 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

SECTION 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. 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 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<sup>1</sup> 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.<sup>1</sup> 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 enumeration 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.

<sup>1</sup> Partly superseded by the 14th Amendment. (See below, p. 324.)

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. 1. The Senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof, for six years ; and each senator shall have one vote.<sup>1</sup>

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.<sup>1</sup>

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, and 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. 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. 1. Each House shall be the judge of the elections, returns

<sup>1</sup> See the 17th Amendment, below, p. 325.

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 its 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. 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. 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. 1. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense 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 an 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 United 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 offenses 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, dockyards, 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. 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.<sup>1</sup>

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. 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.

3. 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

SECTION 1. 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

<sup>1</sup> See the 16th Amendment, below, p. 325.

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.

<sup>1</sup> 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.<sup>2</sup>

3. 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.

4. 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.

5. 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.

<sup>1</sup> The following paragraph was in force only from 1788 to 1803.

<sup>2</sup> Superseded by the 12th Amendment. (See p. 323.)

6. 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.

7. Before he enter on the execution of his office, he shall take the following oath or affirmation: — "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. 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 offenses 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 up 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. 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. 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

SECTION 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. 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; <sup>1</sup> — 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 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 to 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. 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

SECTION 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. 1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

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. 1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction

<sup>1</sup> See the 11th Amendment, p. 323.

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. 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

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

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

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names,

GO: WASHINGTON —  
Presidt. and Deputy from Virginia

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Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several States pursuant to the fifth article of the original Constitution.

#### ARTICLE I<sup>1</sup>

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

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

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

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

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 offense 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,

<sup>1</sup> The first ten Amendments adopted in 1791.

or property, without due process of law ; nor shall private property be taken for public use without just compensation.

#### ARTICLE VI

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 defense.

#### ARTICLE VII

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 reëxamined in any court of the United States, than according to the rules of the common law.

#### ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

#### ARTICLE IX

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

#### ARTICLE X

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<sup>1</sup>

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<sup>2</sup>

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

<sup>1</sup> Adopted in 1798.

<sup>2</sup> Adopted in 1804.

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 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 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 the case of the death or other constitutional disability of the President. 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, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

#### ARTICLE XIII<sup>1</sup>

SECTION 1. Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

#### ARTICLE XIV<sup>2</sup>

1. 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.

2. 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,

<sup>1</sup> Adopted in 1865.

<sup>2</sup> Adopted in 1868.



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.

3. 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.

4. 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.

5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

#### ARTICLE XV<sup>1</sup>

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 race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

#### ARTICLE XVI<sup>2</sup>

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<sup>3</sup>

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

<sup>1</sup> Adopted in 1870.

<sup>2</sup> Passed July, 1909; proclaimed February 25, 1913.

<sup>3</sup> Passed May, 1912, in lieu of paragraph one, Section 3, Article I, of the Constitution and so much of paragraph two of the same Section as relates to the filling of vacancies; proclaimed May 31, 1913.

have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

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 appointments 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.

## INDEX

- Accidents: industrial, 23.
- Agriculture: federal government and, 192; irrigation works, 193; colleges, 193; Department of, 194; agricultural credit, 285.
- Alaska: 215.
- Amendments: federal, 97; state, 122.
- Arbitration: international treaties, 208.
- Bail: definition and purpose, 49.
- Ballots: secret, 151; Australian, 152; Massachusetts, 152; non-partisan, 152; short, 165.
- Budget: national, 214; city, 267.
- Capital: and labor, 18.
- Children: in the family, 22; dependent, 28; crime and, 28; rights of, 52; in the courts, 52.
- Cities: home rule for, 130; council and its powers, 131; description, 243; important elements in life of, 245; government of, 130 ff.; functions, 242 ff.; planning of, 265; program for, 268.
- Citizens: contrasted with subjects, 4; influence on politics, 149; how affected by federal government, 179 ff.; how affected by state government, 220; and voting privilege, 221. *See* Rights.
- Civics: purpose of teaching, 7; human interest, 20.
- Civil service: federal, 110; in cities, 133.
- Clothing: adulteration, 16; frauds in, 182.
- Commission government: for cities, 136; city manager plan, 137.
- Community: an enlarged family, 23; influence on family, 23.
- Competition: theory of, 187; how far good, 191; of foreign labor, 196.
- Congress: a representative body, 97; the two Houses, 98 ff.; meetings, 103; how it makes laws, 103; powers, 105; special sessions, 113; Cabinet and, 115, 116; courts and, 117.
- Constitution: the federal, framing of, 84; parts of, 96; amendment of, 97; the state, 122.
- Constitutional law: nature of, 122.
- Council: city, 131.
- County: government, 141; officers, 141.
- Courts: procedure in trials, 48; children's, 52; federal, 117; state, 128; city, 133; police, 134; special, 134; rural, 143; women in, 249.
- Crimes: definition, 222; penalties, 222; prevention of, 223; notions about punishment, 224; proper treatment for criminals, 250; due process of law, 48; plans for reformation of criminals, 250; in the country, 281.
- Democracy: definition, 69; confused ideas about, 69; changes in ideas about, 69; direct, in cities, 138; use of term to-day, 161; growth of direct, 161; devices for direct, 163 ff.; opinions on direct, 166 ff.
- Direct primary: in selection of officers, 107, 124, 125, 148; idea behind, 165.
- Diseases: effect on family, 24; federal government and, 202, 203; state prevention of, 227. *See* Health.

- District of Columbia: its government, 215.
- Divorce: grounds for, 31; attitude of states on, 222.
- Education: power of state over, 225; university extension work, 225; special colleges and courses, 226; training teachers, 226; in the city, 263; newer features, 263; and government work, 264; in the country, 276.
- Elections: of national representatives, 100 ff.; presidential, 108; of state representatives, 124; of governor, 125; national parties in local, 135; non-partisan, 135; the primary, 148; honest, 149 ff.; secret, 151; polls, 154; publicity in, 157.
- Factories: the system, 15; consumer and, 15; owner and, 16, 17; laborer and, 17; in the home, 29.
- Family: in olden times, 11; a community concern, 22-23; children and, 22; value of, 22; outside conditions and, 23; wages and, 24; types, 25 ff.; government and, 30 ff.; right basis for, 32.
- Fathers: labor and parenthood, 26; "little," 27; position in family, 31, 32.
- Fire: the city department, 251; prevention, 251; use of fire laws to clean up villages, 283.
- Food: connection with transportation, 14; adulteration, 14; quantity produced, 15; foreign markets, 15; federal laws, and inspection, 181; city governments and, 258; milk, 258; markets, 259; ice, 259.
- Franchises: city, 254; regulation of, 255; municipal ownership, 255.
- Freedom: of speech, 41 ff.; of press, 41 ff.; of religion, 44 ff.; of contract, 60.
- Government: origin of word, 4; viewed as a mystery, 4; necessity for, 5-6; purpose of, 6; nature of, 7; changes in, 10; homes and, 30; religion and, 45; property and, 54 ff.; as a machine, 80; as a human instrument, 82; federal, 83 ff., 173 ff.; state, 121 ff., 220 ff.; city, 130 ff., 242 ff.; rural, 140 ff., 271 ff.; division of work between federal and state, 176 ff.
- Governor: comparison with president, 126; his legislative duties, 127; his executive duties, 127.
- Habeas corpus*: definition and value of, 47.
- Hawaii: 215.
- Health: of national interest, 202; public health service, 203; state government and, 227; prevention of disease, 227; city government and, 256; attacking disease directly, 259; outline of work for cities, 260; care of, in villages, 284.
- Home: kinds, 25; fathers and, 25; mothers and, 26 ff.; labor in, 29; of negroes, 29; of poor whites in mountains, 30; land grants to farmers, 192; need of attention to, by city government, 247; housing in cities, 261; in country, 285.
- Hours of labor: relation to home life, 26.
- Housing: *see* Shelter and Homes.
- Immigrants: government and, 17; tariff and, 186; federal control of, 197; inspection of, 202.
- Indeterminate sentences: description of practices, 51, 52.
- Industry: changes in, 10 ff.; domestic, 10; industrial revolution, 13; foreign labor in, 17; family and, 23; in home, 29; how national in character, 177; why hard for states to regulate, 177; foreign trade, 187; trusts, 187 ff.; industrial commissions, 233.
- Inequality: before the law, 50; between men and women, 51.
- Initiative: in cities, 132, 138; in states, 133, 167.
- Intolerance: effect on civil liberties, 42, 43.

- Judges: in juvenile courts, 52; power, 86; position in government, 89; criticism of, 92; federal, 117 ff.; state, 128; city, 134; women as, 249.
- Judiciary: *see* Courts and Judges.
- Jury: kinds, 48; spirit and purpose, 49; trial of children before, 52.
- Juvenile courts: description, 52.
- Labor: division of, 13-14; factory system and, 17; foreign, 17, 184, 196; and capital, 18; property rights in, 60 ff.; Department of, 190; federal laws on, 195; government as an employer, 197; unemployment, 196, 231; workmen's compensation, 229; social insurance, 230; poverty and, 231; legislation on, 233.
- Legislature: the two houses, 123; how it makes laws, 125; powers, 125.
- Liberty: civil, need of, 35; types, 35; history and meaning of, 36 ff.; American theory, 37; principles of, 37; Congress and, 38; States and, 38; personal security, 39; personal, 40; kinds of, 41 ff.; tolerance and, 42; limits upon, 43; children and, 52; new spirit in, 52.
- Liberty: political, history, 65; arguments for and against, 66, 67; democracy and, 69; of negroes, 70; of women, 71; citizenship and, 72.
- Majority: dangers from, 85; its power, 93; limitations on, 168.
- Marriage: the state and, 221; serious aspects of, 221.
- Martial law: free speech and, 42.
- Mayor: duties of, 132. *See* Commission Government.
- Men: as fathers, 26; as husbands, 31.
- Money: in elections, 155; in campaigns, 156; gold and silver coinage, 209; free silver, 210; paper, 211; bank notes, 212; banking systems and laws, 212.
- Mothers: labor and parenthood, 27 ff.; "little," 27; position in family, 31, 32.
- Municipal ownership: 255.
- National defense: character, 204 ff.
- Natural resources: extent, 199-200; proposals for dealing with, 199; of the states, 238.
- Negroes: homes of, 29.
- Noise: prevention of undue, 253.
- Panama Canal: 201.
- Parole: purpose, 49; some practices, 51.
- Parties: separation of powers and, 88; national parties in local elections, 135; how formed, 146; issues and their history, 146; Republican, 147; Democratic, 147; Populist, 147; Socialist, 147, 191; Progressive, 147; third, 147; organization and methods, 148; how financed, 156.
- Peace: *see* War.
- Pensions: for soldiers, 206; for mothers, 230.
- People: definition, 69; vagueness of term, 168.
- Petition: right to, 44; history and value of, 44.
- Philippines, 215.
- Police: free speech and, 42; the city problem of, 248; the force, 248; women as, 249.
- Porto Rico: 215.
- Post office: history and services rendered by, 198.
- Poverty: state relief, 228; prevention of, 228; specific causes of, 229; war on, 229; in the city, 267; in the country, 282.
- President: how chosen, 106 ff.; powers, 110 ff.; his message, 112; the veto, 112; and war, 206.
- Press: freedom of, 41; intolerance of, 43; limits upon, 43.
- Property: how safeguarded by government, 54, 55; changes in rights over, 57; property rights in slaves, 57; married women and, 57; public, 58; ownership by government, 59; limitations on use, 59; property rights and labor, 60; general tendencies, 62; qualification for voting, 66 ff.; municipal ownership of utilities, 255.

- Public opinion: publicity schemes, 157, 166; relation to government, 287 ff.; schools and, 290; libraries and, 291; private agencies and, 292; relation of women to, 296.
- Public works: federal, 200 ff.; Panama Canal, 201; highways, 201, 237; how states help with roads, 237, 275; city streets, 253; utilities, 253; parks, 256; village utilities, 281.
- Railways: interstate commerce, 180; rates, 180; state regulation of, 234; Wisconsin control of, 235.
- Recall: in cities, 138, 164; of judicial decisions, 164.
- Reciprocity: theory of, 186.
- Recreation: relation to home life, 24; need of and provision for, in cities, 261-262; in the country, 279.
- Referendum: in cities, 132, 138; in states, 133, 167.
- Religion: freedom of, 44; early persecutions, 45; federal government and, 45; states and, 46; relation to politics, 46.
- Representatives: *see* Congress.
- Republic: definition, 69; democracy and, 69; representative government and, 69; character of government first set up, 161.
- Rights: of women, 31, 71; of parents, 31; civil, 35 ff.; of petition, 44; of children, 52; property, 54 ff.; of labor, 61; political, 65.
- Saloons: local option, 276; prohibition, 276.
- Sanitation: factory owners and, 16; housing laws and, 261; the problem in the country, 284. *See* Health.
- Senate: *see* Congress and Legislature.
- Separation of powers: origin, 84; advantages and disadvantages, 85 ff.
- Shelter: ownership of homes, 19; public regulation, 19; rural homes, 19; wages and, 24; in cities, 261.
- Slander: definition, 43.
- Speech: freedom of, 41; how interfered with, 41; police permits and, 42; martial law and, 42; intolerance and, 42; value of, 43; limits of, 43.
- Suffrage: history, 71. *See* Votes.
- Surveys: for cities, 247; for country, 274.
- Tariff: theory of protective, 183; foreign labor and, 184; practical aspects, 185; as a compromise, 185; tariff commission, 186; reciprocity, 186.
- Taxation: federal, 213; kinds, 214; state, 239; city, 266.
- Territories: government of, 215, 216.
- Trades unions: government and, 61; the law and, 232.
- Trusts: the question, 187; origin, 188; methods, 189; federal law against, 189; present theories, 190 ff.; state laws about, 235-236.
- Unemployment: provision of work, 231.
- Voters: registration of, 150; increase in power of, 162, 167.
- Votes: for men, 65 ff.; for negroes, 70; for women, 71; present restrictions on, 72; foreign, 73.
- Wages: factory system and, 16-17; wages system, 18; influence on family life, 24; free speech and, 41; relation to poverty, 229; the minimum, 231.
- War: cost, 207; war against war, 207; responsibility of President, 208.
- Watchers at elections: purpose of, 154; women as, 155.
- Women: as mothers, 26 ff.; as wage-earners, 27; pay of, 27; law and, 31; as wives, 31; and property rights, 32; as voters, 32; in the courts, 249.

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