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Two Preambles: A Distinction between Form and Substance

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TWO PREAMBLES: A DISTINCTION BETWEEN FORM AND SUBSTANCE*

IT is generally admitted that the science and philosophy of Jurisprudence constitute the foundation of our whole legal establishment. In practice, however, there is little or no concern with or about the foundation once a house is built. Thereafter it is a question of how the superstructure can best be partitioned off into rooms and apartments so as to accommodate the growing necessities of the occupants. It requires a positive act of the will to remember that one who is sleeping on the third floor is resting not so much upon the mattress as upon the supporting walls of the basement. Nothing short of an earthquake is able to wake us up to a clear realization of the distinction between primary and secondary supports. The study of Jurisprudence has suffered because of an over-zealous devotion on part of the legal profession to the doctrine of proximate cause. The drill of research generally goes down just far enough to reach the oil of a controlling precedent and not an inch beyond.

Few attorneys are prepared to separate fundamentals from the accidentals of the law they practice. The difference

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between methods of procedure and underlying principles of elementary justice has been cut to pieces by the sharp divisions of our intensive specialization.

But as yet there has been no formal or even conscious surrender to pure pragmatism as a legal system. The American lawyer who will not essay to defend what he calls "fundamental American principles" or, more frequently, "the American form of government," is a rare specimen indeed. The generality of these defenses is a bombast of denunciation for Socialism, Communism, Fascism and Anarchy. All of these political heresies are assumed to be equally bad and we are induced to conclude that they are distinguished in nomenclature but without differences in practice or theory.

This is as close as the listening general public ever gets to an understanding of the supporting fundamentals of our law and its complementary institution, namely, Politics. Popular opinion is liquored up with emotion rather than sobered with reason and scientific distinction. The resulting attitude of the public mind is not logical but psychological. It is a sustained state of trance ever ripe for the incantations of political witch doctors who are familiar with the right words.

Because they cannot properly brief what they have not had time and inclination to study and understand, our lawyers have not adequately represented the defendant American principle before the bar of Public Opinion. The popular judgment has consequently been taken by default. Meanwhile, the superstructure of our legal system has gone on functioning but its base has been steadily shifting from the bedrock of individual liberty upon which it was originally constructed, over toward that old camping ground of all other ancient and modern governments, namely, the volcanic field of State Absolutism.

Some years ago the eight-story Bell Telephone Building in the city of Indianapolis was moved onto an adjoining lot and turned completely around. While the building was mov-

ing, employees of the Telephone Company went in and out and about their regular business as usual. There was not even a momentary interruption in the telephone service in and through the city. One of the employers described it thus: "We had to go outside in order to realize that the building was not exactly where it always had been."

It is likewise difficult to convince the average American lawyer that the perspective of his profession has changed since his school days, that it is still changing, and that the shift will soon take the direction of a revolution unless we immediately and deliberately re-anchor ourselves to the good earth of fixed first principles.

But what is a principle? By a far too frequent and altogether unscientific use, the word "principle" has been broadened out of most of its original depth. Corpus Juris calls it "an equivocal term" which "may denote either the radical elementary truths of a science or those consequential axioms which are founded on radical truths, but which are used as fundamental truths by those who do not find it expedient to have recourse to first principles." Dictionaries have defined "principle" variously, as a "a cause," "a source," "an origin," "a motion," "an ultimate element," as "that from which something else flows."

Each of us has the notion that we can properly and definitely define "principle" and yet we repeatedly use the word as a synonym for a vague generality that for the most part is without discrimination.

This welter of uncertainty, if not of confusion, is unhappy and unfortunate because the notion somehow inheres that a principle is a thing to be defended and preserved at all hazards, since its very nature gives it an essential quality of fixed permanence. To mistake for a principle, therefore, something that is not a principle at all is to waste our strength in defense of a pure accidental, and to give an uncompromising quality of rigidity to that which should, perhaps, be as flexible as running water. Futhermore, our vali-

ant stubborn defenses of these mirages of principle may result in the ultimate destruction of the real genuine article. It is as if we should leave the citadel of truth unprotected while we take the armies of our logic on a forced march to the protracted defense of an unimportant outlying barbed wire entanglement. We may thus lose the substance while we frantically fight for its shadow.

For the purposes of this paper, I wish to use the term "principle" in a very restricted sense. I shall regard it as a reason *why* a thing is done as distinguished from *how* that thing is accomplished. This conception of "principle" distinguishes it clearly from the methods through and by which it is applied. To confuse the method of applying a principle with the principle itself is like mixing the notion of a particular place with our special manner of getting there.

Let us assume that we are about to start on a journey to Philadelphia. The rate per mile cost of our ticket, the speed of the train, the time of its departure and arrival, the availability of sleeping accommodations—all these things will be interesting and important matters of concern, but all of them will be secondary considerations. Our primary consideration is Philadelphia. Do we, or do we *not,* wish to go there? Whether we travel by air or water, by motor or by rail, Philadelphia is our fixed, unchanging objective. It is the reason for, or more properly, the end of our journey. Philadelphia is fundamental; the railway, highway, airplane, these are accidental and complementary conveniences. We cannot abandon Philadelphia without changing the whole course of our underlying purpose, but the methods of attaining Philadelphia can and undoubtedly should be changed to suit the time and circumstances surrounding the trip.

American law and government has its Philadelphia of purpose and principle, and it likewise possesses complementary accidentals in the form of ways and means by which that principle and purpose is intended to be achieved. Even the more scholarly of our constitutional commentators have of-

ten confused the great objective of all our American government with certain time-honored methods that have been traditionally employed by that government in order to reach that objective.

For instance, much that now goes into the general discussion of American Political Science would lead us to believe that Democracy is the root and source, the *sine qua non,* so to speak, of what we know as American law and government. None of us will deny the great length and breadth of the popular American impression that the "principle" of majority rule is the thing that makes America what is is.

Strictly speaking, however, our science of law and government knows no such thing as the "principle" of majority rule. There is a time-honored *method* of majority rule by which one of a number of alternative courses of governmental action is sometimes decided upon. But we could entirely abandon Democracy and majority rule in America and yet hold ever so fast to fundamental American principle. My authority for this conclusion is the Preamble of the American Declaration of Independence.

The word "principle" comes from the Latin "principium," meaning "beginning." A good place, therefore, to look for American governmental principle will naturally be at the beginning of American Government.

It is common knowledge that the Declaration of Independence destroyed British Government in and for America, but it is unfortunately not so well remembered that coincident with its destruction of British Government here, the Declaration created that uniquely principled institution known as American Government.

The person who taught me American History in high school was fond of saying that the Declaration cut the umbilical cord that connected the American baby with its British mother. The rest of the metaphor was left to be inferred, namely, that mother and child both did nicely, and that the

American infant eventually, properly, naturally and in due course became the Democratic prototype of its parent — one generation removed, of course, from certain traditional aristocratic leanings that still persist in the "Mother Country."

What is overlooked in this idyllic picture is most of the facts; namely, that this new-born child did not arrive in natural and due course, but, like Macduff, was from its "mother's womb untimely ripped"; that its early respiration was entirely artificial; that at the moment of its birth it was treated with a transfusion of life blood that was completely alien to anything in the British lineage; and that the source and motive power behind this new life-blood-stream was the heart and soul of the then *officially* despised doctrine of natural rights.[1]

American Government was not merely and naturally sloughed off of any then existing European system. It did not represent the scientific development of pre-existing and *established* principles. The characteristic feature of American Government was, and still is, its novelty.

In defiance of official precedent and existing systems, the American principle of government sprang full panoplied into the political history of the world. There is no other conclusion possible from the documentary evidences of American governmental origin. He who runs may read:

"We hold these truths to be self-evident: — That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit

1 The word "officially" is used here advisedly. The doctrine of the natural rights of man is at least as old as Christianity. Pious philosophers had reiterated this teaching for hundreds of years before 1776. Countless Christian secular rulers had observed it in dealing with their subjects, either because of conscientious conviction or as a result of persuasion by the Papacy. Before the Declaration of Independence, however, no civil government had ever been established for the expressed purpose of protecting natural God-given rights, and certainly no government existing at the time the Declaration was written would have acknowledged that its subjects had any individual natural rights that operated as an inherent limitation upon Sovereignty.

of happiness. That, to secure these rights, governments are instituted among men . . . ." [2]

This language is as clear and fundamental as the opening sentence of the Book of Genesis. There is a comforting finality about the major premises of this declaration that is definitely sedative to the jumpy nerves of modern political science. If men are created by God, that is as final as it is definite. If they are equal before the law, that is as definite as it is final. If they have unalienable rights which come from God and which are above, before and beyond any government on earth, that is as definite and final as it is clearly contrary to the theory of every government that ever did or does exist, save ours alone.

So much for the major premise of the new American State. Now mark once more: "To secure these rights, governments are instituted among men. . . ." This is the first, the fundamental American principle; namely, that Government is a protective agency; that its executive, legislative and judicial functions separately, severally and all together are pointed to the end of protection for those rights which *each* of its subjects, so-called, has received directly from the hand of God. This is the sole purpose, the final end, the exclusive object of all American Government, state and federal. Thus the protection of rights—individual rights, if you please—is the purpose of every American law and law-suit, of every judge and jury, of every governmental agency from policeman to President.

Here then is what we may call the Philadelphia of the American governmental journey, because in America, government is, after all, a journeying process; it is a direction and not a destination.

According to our peculiar political philosophy, government is always a means, never an end, in itself. It is an

2 "In a commonwealth all men are born naturally free; consequently, the people themselves, immediately and directly, hold the political power so long as they have not transferred this power to some king or ruler." Robert Cardinal Bellarmine, DE CLERICIS, c. 7.

agency, and like other agencies, it is formulated for the accomplishment of a definite purpose. Its powers may be validly exercised only for the achievement and promotion of the ends for which the agency itself was created.

The distinguished author of the Declaration of Independence paraphrased these conclusions in his first inaugural address when he described the objective of his pending administration as "a wise and frugal government which shall restrain men from injuring one another," and "shall leave them otherwise free to regulate their own pursuit of industry and improvement." Many years later he reiterated the philosophy of the American Declaration of Independence when he wrote to Francis Gilmer in June of 1816:

> "Our legislatures are not sufficiently apprized of the rightful limits of their powers; that their true office is to declare and enforce only our natural rights and duties and to take none of them from us. No man has a natural right to commit aggression on the equal rights of another and this is all from which the laws ought to restrain him. . . . The idea is quite unfounded that on entering society we surrender any natural right."

It is not often that our courts of last resort can consistently free themselves from the narrowed particularities of the issue before them to indulge in generalities about basic principles of law and government. There was a greater tendency toward such generalization in the past century than is noticeable in our generation. Judge Cooley, in his work on *Constitutional Limitations*,[3] in discussing the attributes and objects of a constitution, says:

> "In considering state constitutions we must not commit the mistake of supposing that, because individual rights are guarded and protected by them, they [the rights] must also be considered as owing their origin to them. These instruments measure the powers of the rulers but they do not measure the rights of the governed. 'What is a constitution and what are its objectives? It is easier to tell what it is not than what it is. It is not the beginning of a community nor the origin of private rights; it is not the fountain of law nor the incipient state of government; it is not the cause, but the consequence, of personal

[3] (8th ed. 1927) 95, 96.

and political freedom; it grants no rights to the people, but is the creature of their power, the instrument of their convenience. Designed for their protection in the enjoyment of the rights and powers which they enjoyed before the constitution was made, it is but the framework of the political government. . . . It [the constitution] presupposes an organized society, law, order, property, personal freedom, a love of political liberty, and [last but not least] enough of cultivated intelligence to know how to guard against the encroachments of tyranny. A written constitution is in every instance *a limitation upon the powers of government in the hands of agents. . . .*' "[4] (Italics are mine.)

We must therefore conclude that American Government is an agency, and that, as such, it is a subordinate institution. Agency implies a principal in the same degree that servant implies a master. The average citizen has a basic notion about this "Principal and Agent," "Master and Servant" relationship with reference to his government, but the vast majority of these average citizens put the cart before the horse.

Long required obedience to government on the part of citizens and subjects has built the popular conviction that government is master while citizen and subject are servants. This conception is not merely ironical, it is thoroughly revolutionary. We miss the revolutionary phase of the concept only because Servant-Citizen and Master-Government is now and has always been the order and tradition of governments everywhere since political history began to be recorded.

In putting the citizen first and government second, America threw the whole stream of established political science into reverse order. Nobody followed our bold lead and our national political psychology has consequently been weighted down with the oppressive force of parallel and precedent throughout the entire period of our constitutional history. The unremitting power of this force is beginning to flatten out our resistance. The rank and file of our population long ago surrendered to a working arrangement of the Master-

[4] Quoting from the argument of Bates in Hamilton v. St. Louis County Court, 15 Mo. 3, 13 (1827).

Government, Servant-Citizen notion. It is beginning to be taught in the schools.

Remember that the theory of a "limited agency government" is repugnant to the ideals of every existing government on earth outside of the United States of America. Only here can there be any such thing as a law that is substantially unconstitutional. Only in the United States does the citizen and subject have rights that his government is bound to respect. These distinctive features are no longer hailed with enthusiasm by our citizenship. Where they are mentioned at all, it is generally in a spirit of open or veiled criticism against the aspect of a government unable to move quickly in response to the democratic impetus expressed through majority rule.

After all, what about Democracy? Was it not and is it not the fundamental Americanism? Is this not the government of, by and for the people? What clause of the United States Constitution puts the progressive welfare of the American people at the mercy of Nine Old Men? These are not academic questions. They are direct challenges laid on our American doorstep by the forces of orthodox political science. The challenges are critically timed because at the moment our household is unprotected. Its normal and natural defenders are off on shadow-boxing expeditions with the Interstate Commerce clause and the "principle" (so-called) of the separation and delegation of powers.

Is the "Divine Right" of progressive Democracy an integral part of American "principle"? Let us resume the quotation of the Declaration of Independence:

"To secure these rights, governments are instituted among men, *deriving their just powers from the consent of the governed.*" (Italics are mine.) Here is the democratic theory as it was in the beginning. Note that government does not take its direction, its objective, its purpose from the dicta-

tions of Democracy. Majority rule has no power to deflect government from its job of protecting unalienable individual rights.[5]

The self-evident existence of natural rights and the equally self-evident job of government to protect them is settled long before Democracy is mentioned. Democracy is invoked merely to determine what route government shall take in reaching its self-evident objective. Votes may be counted to determine whether government shall go by rail, by road, by water or by air; but votes cannot tell government to go elsewhere than the self-evident end of government, namely, the protection of the God-given rights of the individual man.

The governed must give their consent to the *methods* that government employs in the achievement of the governmental purpose, but the governmental purpose itself is as fixed as "the stars in their courses" and is just as far above the range of democratic influences.

Until the Creator, mentioned in the Declaration of Independence, rules otherwise, the consent of the governed will not be required to affirm the existence of the self-evident truths bound up with man's life and liberty.

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[5] In the discussion which followed the reading of this paper, at least one commentator in excepting to the limitations that are here described as operating against majority rule, cited the authority of certain 16th and 17th century philosophers, including Cardinal Bellarmine, who in his opinion justified all governments that were based upon the "consent of the governed." It seemed obvious to the writer at the time that a right could not at once be natural and unalienable in the individual citizen, and at the same time be taken away by that citizen's government merely because that government had been installed with the "consent of the governed." This is tantamount to saying that the king, once chosen with the acquiescense of his subjects, could thereafter "do no wrong" even though his acts, laws and decrees violated the God-given rights of the individual citizen. I cannot find where any of the philosophers mentioned by this critic ever directly or indirectly inferred any such thing. On the contrary, Cardinal Bellarmine writes: "A bad law is not a valid law. Good laws are not a curtailment of liberty, but the charter of every man's right. When laws do not protect men's rights, but infringe upon them, when laws are an impediment to the community's development and welfare, they are not good laws and they are therefore not valid laws." De Laicis, c. 10.

Here the Cardinal states the American doctrine concisely, namely, that government is *continuously limited*. Our supreme courts apply this doctrine when they set aside laws that "do not protect men's rights but infringe upon them."

Such is governmental principle and governmental method, respectively, as planted into the cornerstone of the American State. Since then the American citizen has not been protected merely by virtue and generosity of his King, his Parliament, his Governor, Legislature or Dictator as have been the other children in the Family of Nations.[6]

Here the citizen has found protection in the inherent impotence of Government to function outside the special field of protection outlined in the Declaration of Independence. Beyond that field, American Government is afflicted with "mort-main."

Up to this time little has been said about the Constitution of the United States for the reason that we have been attempting to isolate the fundamental principle of American Government. This has kept our attention focused upon the time when our Government began, namely, 1776. Both American Government and American governmental principle had endured for a considerable period of years before the idea of our present Constitution was crystallized. We may expect to find expression of the purpose and principle of an institution either before or at the time of that institution's establishment, and not ten years later. 1787 is consequently no place to look for the letter and spirit of 1776. Once the Declaration of Independence was adopted, American governmental principle was an immediate matter of fact in the Nation and all of its states. The governmental agent was then and there hired and the scope of its protective work was definitely marked out.

From 1776 to 1781 constitutions for all the original states were written and adopted. These constitutions described the

[6] It is foolish to speak of natural unalienable rights as existing, except theoretically, in countries that have no practical method for protecting the individual citizen against the violation of these rights by his government. We say that only in the United States does the citizen have rights which his government is bound to respect, because only here may the individual citizen go into court and have an ultra vires act of government which invades his reserved rights declared null and void. This is the precise reason why our procedure of judicial review is such a vitally necessary part of our natural rights theory of government.

powers that the Governmental Agent was to exercise in the domain of the respective states. The purpose of all these governments was identical, namely, the protection of natural rights. That had been settled by the document that had brought one and all of these state governments into being, namely, the Declaration of Independence. The forms and procedures of these early state governments differed widely, especially at first, but they all had one common feature and that was a bill of individual rights which each Government was bound to respect at all hazards.

The philosophy of the Declaration of Independence was thus crystallized at once into a condition precedent as well as a condition subsequent to American governmental power. The constitution makers of the Revolutionary period clearly understood the Master-Servant theory of citizen and government. There was little confusion about the respective positions of cart and horse in those horse and buggy days.

These early state constitutions were constantly being changed. New methods were tested by the system of trial and error. At first the system of all government by and through the legislature was popular; then executive powers were created. Suffrage was universally restricted in the beginning. But there was no monkeying with the Bill of Rights. All understood and agreed that to secure these rights, governments (in one *form* or another) were instituted among American men.

By 1781 a National Government was finally created by the adoption of the first Constitution of the United States, the Articles of Confederation, so-called. Here was trial and error again, and by 1787 it was pretty generally agreed to be mostly error. The National Government did not have sufficient power and authority to do a creditable protective job for the Nation as a whole.

So it came to pass that in the eleventh year of its establishment, the principle of American Government was offered

a new containing frame and form. Those offering and urging this new container for the American principle of government advanced these reasons why it should be adopted:

"In order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

By the end of 1788 the reasoning and argument presented by the advocates of the new form of government had prevailed, and the substance and spirit of '76 were wrapped up in the letter and line of a new Constitution for the United States of America.

From 1776 to the present time, we have had many Constitutional Conventions in the United States in addition to the memorable Convention of 1787. Such a convention, regardless of what it does to the form of government, is a revolutionary proceeding only when it changes its substance. To date we have had only one successful American Revolution. The results that it achieved are still officially and technically unimpaired. The substance rejected and repudiated by the Revolution of 1776, namely, government ownership of its subjects, still stands rejected. The substance created and adopted by that same Revolution, namely, a protective agency for natural rights, is still the sun of principle around which all the forms, methods and divisions of American Government revolve.

Between the forms and methods of ours and other governments, there are few important differences; but between the substantial principle of our Government and other governments, there is literally all the difference in the world. I am aware of the fact that modern constitutional historians treat the Declaration of Independence cavalierly. They gratuitously deny any but a tortured connection between 1776 and 1787. They are disposed to quote the preamble of the Constitution as declarative of the American governmental purpose, which it is not, instead of the purpose merely of the

Constitution, which it is. The Constitution of 1787 did not call into existence a new governmental servant to a new and different job. It merely raised the salary, augmented the authority and changed the routine of the servant hired in 1776. The Preamble of the Constitution explains, not why the servant was hired, but merely why the added responsibilities, new powers and modified routine were believed to be desirable. Upon the fine narrow thread of this distinction depends the whole ideology of our American system of law and politics. Here hangs the only justification for our mooted practice of judicial review for alleged ultra vires acts of any branch of any American Government.

Unless man has natural unalienable rights which government is instituted to protect, the system of judicial review is an archaic impediment to the general welfare. It is only because of the basic natural unalienable rights theory of our government that our courts, upon petition of an aggrieved citizen, can keep governmental trespassers as well as private trespassers out of the God-given private sanctuary of the individual man or woman.

Often, but not often enough, the United States Supreme Court has dignified the connection between substance and form, that is, the link between the Revolution and the Constitution, by references such as we find in *Gulf C. & S. F. R. Co. v. Ellis*:[7]

". . . the latter [speaking of the Federal Constitution] is but the body and the letter of which the former [the Declaration of Independence] is the thought and spirit, and it is always safe to read the letter of the Constitution in the spirit of the Declaration of Independence."

It should be much more than merely "safe" to so read the Constitution; it ought to be necessary to do so. This is especially true now when there is increasing clamor for restricting the present power of the Supreme Court to review the acts of Congress. Here is a distinct rumble of thunder on

7 165 U. S. 150, 160 (1896).

the left had we the ears to hear it. Where, shouts the pragmatist, is the letter and line of constitutional authority for judicial interference with the legislature? A line in the Constitution would be sufficient, he says, but failing that, the venerable error of *Marbury v. Madison* [8] should be outlawed once and for all.

These critics miss the point entirely. Our courts do not entertain suits involving the constitutionality of legislation as a result of any constitutional authority conferring such jurisdiction. Express constitutional authority would not add one jot to the courts' power in this respect. Such suits are entertained by our courts for the precise reason that the courts are the tribunals to which individual citizens resort whenever their rights are violated by anybody, including the government. It is the inherent limitation of the government by the natural rights of the citizen that gives the courts jurisdiction in such cases.

The honest confusion of these critics is the common fault of our lawyers, teachers and judges. We have allowed a generation to grow up believing that the Constitution is the source of, rather than a protection for rights; a generation that likewise believes that the object of government is the "general welfare" rather than defense for the rights of individuals. Too frequently have we let go unchallenged the statement that "Liberty must give way before the common good" when we know or ought to know, that such a statement is paradoxical. It is like the reputed practice of the Hottentots that made the beating of one's mother the final test of complete manhood. Where liberty is restricted, the common good is impaired, not promoted. If liberty reaches out to the point of injuring others, it ceases to be liberty and becomes trespass. The liberty of one ends where the liberty of another begins. Government properly draws the line be-

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8 1 Cranch 137 (1803). This is the case in which Chief Justice Marshall declared that the courts could set aside laws of Congress that conflicted with the Constitution of the United States.

tween but it does so to protect the invaded liberty of the second person, and not restrict the liberty of the first. Liberty is not restrained by speed limits, sanitary regulations, prohibitions against child labor, sweat shops, sale of fraudulent securities, et cetera, any more than liberty is restrained by punishments for theft, assault and murder.

These statutes merely erect barriers of defense around the rights of innocent second and third persons whose protection is or should be the sole concern of government. For a working definition of liberty, go to the law of Torts and learn that one may without liability do any act that is not the proximate cause of injury to another's person or property. By the same token, any practice that is or may develop into an injury to others can and should be prohibited by statute. Such a law is not an impairment of liberty but a protection for it. In their present or revised form, practically all of the laws now on our statute books could successfully pass these tests of fundamental soundness. Rigid application of the test to every proposed measure would therefore leave the efficiency of our government unimpaired, while it would stimulate a healthful awakening of the public consciousness to the elementary protective purpose of all and every American law. Such an awakening will be necessary if we are to save the procedure of judicial review.

Our judges will have to remember that they are the custodians of the spirit of our constitutions and not merely the surveyors and measurers of its letter. Judicial review must be readvertised for what it is, namely, the practical application of the natural rights theory of Government.

The right of our courts to hear ultra-vires charges made by a citizen against his government is the one clamp that binds the superstructure of our legal and political system to its foundation of American principle. Once off that foundation, the superstructure may stand for a time and so evenly that those on the upper floors may not even sense the shift.

Nevertheless, the heart will have gone out of our system, and the last and only practical protection for human liberty now existing in the world will be swept away.

With natural rights and judicial review subtracted from our American system, foreign news accounts of "Mercy Deaths," "Blood Purges," "Forced Labor," "Property Confiscation," "Aryan Supremacy," and "Suppression of Religion" will immediately assume something more than an academic interest for us. At that point we can but pray for a child-like faith in that old maxim of absolutism which says that the King can do no wrong.

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