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Editorial Comments

Thomas V. Happer

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EDITORIAL COMMENTS

CONSTITUTIONAL ILLITERACY

At a meeting of the American Association of Law Schools in Chicago in December, 1927, the program covering three days with night sessions, and consisting of 3 addresses, 3 papers, 8 round table conferences, 8 reports of committees, and 21 topics for discussion, contained nothing whatever relating to the constitutional government of the United States. If the law professors of America do not find time to discuss the Constitution then we cannot condemn the masses for constitutional illiteracy. In some of the law colleges of the United States Constitutional Law is not a required subject and in a few it is not even offered.

The average man and woman associates the constitution with politics and is satisfied with that analogy. The average child hears about it on Flag Day. The average worker hears it mentioned by a laborer agitator. The average business man hears it mentioned by an imported after dinner speaker at the civic banquets. The average legislator thinks that it is the will of the voters. The judiciary attempt to give it force and is met with innumerable impediments from every corner of the country. Everybody is invading the Constitution, the wall that guard our natural rights and few realize what is within the wall.

One example of an invasion of the judiciary will suffice. In the 1924 Presidential election a candidate put forth a platform to practically destroy the Supreme Court of the United States and putting into the hand of Congress, judicial power as well as legislative power, received nearly five million votes from educated people, one-sixth of all the votes cast. It is unbelievable to think that one out of every six persons who cast their votes in 1924 voted for a platform that leaned toward despotism.

Legislatures have become the minds of the majority. Thomas Paine in his immortal work, Common Sense, said, "Government is like the bowers of paradise, the badge of lost innocence". To the legislator government has become, "The substitute for paradise, the voice of the majority". Every law

restricts someone and every restriction spells the loss of some liberty. When the majority can trample on the rights of the minority then we have merely a monarchy in a group of people.¹ Some may say that the majority rules and what of it! To those the Declaration of Independence is an answer, when it states, "whenever any form of Government becomes destructive of these ends"—securing Life, Liberty and the pursuit of Happiness—"it is the Right of the People to alter or abolish it."

How can the United States educate its people to the meaning of the Constitution? The only solution, is to establish professors in high schools and colleges who are highly trained in constitutional law. High schools offer only a very superficial course in Politics, which places much more stress on the Tweed Ring and at what age a citizen of the United States is eligible for the Presidency than sound principles, Colleges offer little more. What is needed is a better understanding of constitutional principles and less stress on the mechanics of government.

The slogan of America has become, "Follow the Crowd". So much so is this true that one who speaks of anything but prosperity is a radical and a believer in the fact that this country is "going to the dogs". Of course this country is not "going to the dogs"—but there are other generations coming. It was not so many years ago that the Roman Empire, which Gibbon estimates had 120,000 people rode the waves of power and prosperity until the government became too much for the Roman to swallow. So, it fell.

United States is in no danger of following the fate of the Roman Empire, but it is in danger of Constitutional Illiteracy and widespread infringement. It is to be hoped that a movement for extensive education of the Constitution will be promulgated.

T. V. H.