

Social Science Text-Books

EDITED BY RICHARD T. ELY

**THE NEW AMERICAN GOVERNMENT
AND ITS WORK**

SOCIAL SCIENCE TEXT-BOOKS

EDITED BY RICHARD T. ELY

- OUTLINES OF ECONOMICS (Fourth Edition)**
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THE NEW
AMERICAN GOVERNMENT
AND ITS WORK

BY

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UNIVERSITY OF PENNSYLVANIA

SECOND REVISED EDITION

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PREFACE TO THE FIRST EDITION

THIS book is intended for that large and growing circle of students and readers who want to know not only what the government is, but what it is doing, — its plans and results. In order to meet this need certain distinctive features, it is hoped, may be found in the present treatment. First — The *work* of the government is given fully as much space as its *form* or structure. Political forms are always of interest, but they no longer occupy the center of the stage. Government usefulness and activity are now coming strongly into the foreground, and this fact should be clearly reflected in our modern texts. Accordingly much greater emphasis than usual has been given to this part of the subject, so that the student may grasp the important achievements and problems of both nation and state. Second — In carrying out this thought, special attention is devoted to Government Regulation of Business because in all parts of the country this has assumed a prime interest for both the university student and the general reader. Third — Certain phases of Social Legislation have also been brought out in order to give a clearer statement of the government's work. Fourth — Judicial decisions unfolding and interpreting the vital and essential public powers have been assigned an unusually prominent place and have supplanted less important matters. The aim here has been to lend more reality, vividness, and clarity to a subject that is already beset by too many generalities. Fifth — In describing the structural side of our system, a stronger emphasis has been placed upon the Executive in order to bring the picture more into harmony with the real facts of public practice. Executive leadership to-day is the outstanding feature of our institutions. Instead of combating this fact or presenting it as an aberration from the true type, the present book accepts it unreservedly as a new and more effective form of working out our public problems and welfare. The Executive both in State and nation is set forth not as a self-seeking usurper but rather as a factor for efficiency, a means of carrying out the popular will. Our gov-

ernment is not a finished product nor a perfect crystal, it is still growing and ever facing new problems. The Executive has shown itself to be peculiarly fitted to study and investigate these new conditions, to plan and propose modern solutions for them and to carry out the mandate of the people in the face of opposition and inertia. Sixth — Our government is here presented as a means of service. It is no longer a mere necessary evil, — nor is it a Moloch, calling upon men for sacrifice only. One goal the author has persistently kept before him, — to picture the new government as it serves and helps the people, copes with their problems and aids in their struggle for a more abounding commonweal. Municipal government has not been included, since that subject is now handled in all the universities as a separate and distinct part of the field with its own special literature. Special acknowledgment is due to the editor of this series, Dr. Richard T. Ely, for his invaluable criticism, suggestion, and advice. With the faculty and student body at Pennsylvania the author also enjoys such an intimate relation that he feels the book to be largely a product of their inspiring friendship. To them it is dedicated.

APRIL, 1915.

PREFACE TO THE SECOND EDITION

IN the few years since the first edition appeared we as a Nation have passed through some severe tests of our political capacity. With other peoples we have ascended the supreme heights and gone down to the lowest depths of national patriotism and civic spirit. Later we have entered a period of searching criticism, an era of experiment, of shifting views and new estimates of government. It is a striking fact that each of these changes has brought with it a more insistent popular demand for results. Larger circles of the people are beginning to ask — can a democracy be efficient? We are interesting ourselves more actively in proving that it can, — that it must. A closer relation between executive and legislative powers, a reorganization of administrative offices along modern lines and a more effective administration of justice are all being actively promoted. We are beginning to grasp also the urgency of our need for a more practical political education — for the trained capacity to govern ourselves. This capacity has been called in question by serious break-downs in self-government in the face of strong resolute opposition from organized groups and interests which successfully defy the law. Neither capital nor labor has shown that respect for the rule of law which has always been the pride of Anglo-Saxons. To reestablish this regard and to convince every American of the wisdom of social team-work is a task of the immediate present.

We are losing some of our early implicit belief in the infallibility of elections; the last legally disfranchised group, the women, have been given the suffrage and we now see that political progress must come not from more voting or more elections but from better voters and wiser action. Party bonds are growing weaker, blocs and groups are rising to represent narrower interests and to dictate to party leaders. Already murmurs are heard of a new type of representation no longer to be based on geographical districts but on economic and social interests. The closer relation between business and government has aroused a more intelligent interest in the methods of public regulation of commerce and industry. The

difference between irritation and regulation is more clearly grasped. An intelligently planned revision of our public system in this field is attracting attention. Meanwhile our foreign relations have brought us into a prominence which is enhanced by the crippled and demoralized condition of other peoples. International co-operation has become a problem of prime world importance.

In order to meet the conditions just described this new edition has been largely rewritten and a number of changes have been made:

1. The continuity of our government growth and development has been more strongly emphasized. The rise of civil and political rights and of public powers is traced in such a way as to bring out this continuity. The reader gathers more clearly that essential changes have come through growth. Even revolutions build on existing foundations.

2. A large amount of descriptive matter of a mere current and detailed nature has been omitted and emphasis placed on illustration of principles.

3. New chapters on Local Government, International Government, and Unsolved Problems have been added.

4. The attention given to social and economic problems of government in the first edition has been strengthened. The reader gets a clear impression that government is one side of social action.

5. A large number of new laws and decisions of the Supreme Court have been added, illustrating our political and constitutional development since the appearance of the first edition.

6. In order to meet the needs of college and university classes, most of the statements of principle and illustrative material are regrouped in such a way as to develop more strongly the students' reasoning powers.

AUGUST, 1923.

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APPENDIX A

CONSTITUTION OF THE UNITED STATES¹

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 taxes² 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.³ 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.

¹ Adopted by the Constitutional Convention in 1787, ratified by State conventions in 1789.

² See the Sixteenth Amendment, below, p. 723.

³ Partly superseded by the Fourteenth Amendment. (See below, p. 725.)

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.¹

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.¹

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 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.

¹ See the Seventeenth Amendment, below, p. 726.

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 re-passed 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 a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the 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.¹

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 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.

¹ See the Sixteenth Amendment, below, p. 726.

¹ 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.²

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.

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."

¹ The following paragraph was in force only from 1788 to 1803.

² Superseded by the Twelfth Amendment. (See p. 724.)

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; ¹ — between citizens of different

¹ See the Eleventh Amendment, p. 724.

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 attained.

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 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 inva-

sion; 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

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 I¹

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, 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.

¹ The first ten Amendments adopted in 1791.

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 XI¹

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 XII²

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots, the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; — The President of the Senate shall, in the presence of the Senate and 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

¹ Adopted in 1798.

² Adopted in 1804.

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 XIII¹

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.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV²

SECTION 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.

SECTION 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, 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.

¹ Adopted in 1865.

² Adopted in 1868.

SECTION 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.

SECTION 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.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV¹

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 XVI²

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 XVII³

The Senate of the United States shall be composed of two senators from each State, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State 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

¹ Adopted in 1870.

² Ratified 1913.

³ Ratified 1913 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.

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.

ARTICLE XVIII¹

SECTION 1. After one year from the ratification of this Article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SECTION 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

ARTICLE XIX²

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

SECTION 2. The Congress shall have power by appropriate legislation to enforce the provisions of this article.

¹ Ratified 1919, effective January 17, 1920.

² Ratified 1919.

APPENDIX B

THE SHORT BALLOT

A MOVEMENT TO SIMPLIFY POLITICS

BY RICHARD S. CHILDS

(Reprinted in part from "The Outlook," July 17, 1909, by permission)

I

ANALYSIS OF PRESENT CONDITIONS

Blind Voting

Starting at the broad base of our structure, the voters, we notice one unique phenomenon which is so familiar to us that we usually overlook it entirely — that is *our habit of voting blindly*. Of course intelligent citizens do not vote without knowing what they are doing. Oh, no! You, Mr. Reader, for instance, you vote intelligently always! Of course you do! But whom did you vote for for Surrogate last time? You don't know? Well then, whom did you support for State Auditor? For State Treasurer? For Clerk of the Court? For Supreme Court Judge? And who is your Alderman? Who represents your district at the State Capitol? Name, please, all the candidates you voted for at the last election. Of course you know the President and the Governor and the Mayor, but there was a long list of minor officers beside. Unless you are active in politics I fear you flunk this examination. If your ballot had by a printer's error omitted the "State Comptroller" entirely, you would probably not have missed it. You ignored nine-tenths of your ballot, voting for those you did know about and casting a straight party ticket for the rest, not because of party loyalty, but because you did not know of anything better to do. You need not feel ashamed of it. Your neighbors all did the same; ex-President Eliot of Harvard, the "ideal citizen," confessed in a public address recently, that he did it, too. It is a typical and universal American attitude. We all vote blindly. Philadelphia has even elected imaginary men. The intelligence of the community is not at work on any of the minor offices on the ballot. The average American citizen never casts a completely intelligent vote.

Do you know the name of the new State Treasurer just elected? . . .	No 87%
Do you know the name of the present State Treasurer?	No 75%
Do you know the name of the new State Assemblyman for this district?	No 70%

Do you know the name of the defeated candidate for Assemblyman in this district?.....	No 80%
	(Knew both of above 16%)
Do you know the name of the Surrogate of this County?.....	No 65%
Do you know the name of your Alderman?.....	No 85%
Do you know whether your Alderman was one of those who voted against the increase in the Police Force last year?.....	No 98%
Are you in active politics?.....	No 96%

The intelligence (?) of voters in the most independent Assembly District in Brooklyn. Data collected immediately after election, 1908.

Should We Blame the Voters

This is not all the fault of the voter. To cast a really intelligent ballot from a mere study of newspapers, campaign literature and speeches is impossible because practically nothing is ever published about the minor candidates. And this in turn is not always the fault of the press. In New York City the number of elective offices in State, City and County to be filled by popular vote in a cycle of four years is nearly five hundred. In Chicago the number is still greater. Philadelphia, although smaller than either city, elects more people than either. No newspaper can give publicity to so many candidates or examine properly into their relative merits. The most strenuous minor candidate cannot get a hearing amid such clamor. And the gossip around the local headquarters being too one-sided to be trusted by a casual inquirer, a deep working personal acquaintance with politics, involving years of experience and study, becomes necessary before a voter can obtain the data for casting a wholly intelligent ballot.

Plainly the voter is over-burdened with more questions than he will answer carefully, for it is certain that the average citizen cannot afford the time to fulfill such unreasonable requirements. The voters at the polls are the foundation of a democracy and this universal habit of voting blindly constitutes a huge break in that foundation which is serious enough to account for the toppling of the whole structure. Let us see if we can trace out a connection between this as a cause and misgovernment as the effect.

Blind Voting Leads to Government by Politicians

No one will deny that if nine-tenths of the citizens ignored politics and did not vote at all on election day, the remaining tenth would govern. And when practically all vote in nine-tenths ignorance and indifference, about the same delegation of power occurs. The remaining fraction who do give enough time to the subject to cast an intelligent ballot, take control.

That fraction we call "politicians" in our unique American sense of the word. A "politician" is a political specialist. He is one who knows more about the voter's political business than the voter does. He knows that the coroner's term will expire in November, and contributes toward the discussion involved in nominating a successor, whereas the voter hardly knows a coroner is being elected.

The politicians come from all classes and ranks and the higher intelligence of the community contributes its full quota. Although they are only a fraction of the electorate they are a fair average selection and they would give us exactly the kind of government we all want if only they could remain free and independent personal units. But the impulse to organize is irresistible. Convenience and efficiency require it and the "organization" springs up and cements them together. Good men who see the organization go wrong on a nomination continue to stay in and to lend their strength, not bolting until moral conditions become intolerable. Were these men not bound by an organization with its social and other non-political ties, their revolt would be early, easy and effective and every bad nomination would receive its separate and proportionate punishment in the alienation of supporters.

Politicians Can't Exclude Grafters from Their Ranks

The control of an active political organization will gravitate always toward a low level. The doors must be open to every voter — examination of his civic spirit is impossible — and greed and altruism enter together. Greed has most to gain in a factional dispute and is least scrupulous in choice of methods. The bad politician carries more weapons than the politician who hampers himself with a code of ethics one degree higher. Consequently corruption finally dominates any machine that is worth dominating and sinks it lower and lower as worse men displace better, until the limit of public toleration is reached and the machine receives a set-back at election. That causes its members to clean up, discredit the men who went too far, and restore a standard high enough to win — which standard immediately begins to sag again by the operation of the same natural principle.

Reformers in our cities have given up the endeavor to maintain pure political organizations and elect reform administrations. A typical experience is that of the Citizens' Union of New York, whose leaders have always been sincerely bent on improving the condition of politics. The Union acquired power enough to become an important factor in elections. After the first such election, small political organizations which had aided toward the victory rushed in, clamoring for their share of the plunder. For a term or two the reformers were able to resist the pressure. Nevertheless the possession of power by their party inevitably attracted the grafters: they found themselves accepting assistance from men who were in politics for what there was in it, men who wanted to use the power and patronage that lay at hand unutilized, and it was clear that those men would in time, working within the Union, depose the original heads of the party and substitute "more practical" leaders of their own kind, until in time the Citizens' Union would itself need reforming. So the Union retired from the field as a party, broke up the district organizations which had yielded to corruption and became exclusive in its government in order to preserve its purity of purpose.

It is obvious that most political parties do not commit suicide to evade such internal contamination and lapse of principle.

Theoretically there is always the threat of the minority party which stands ready to take advantage of every lapse, but as there is no debate between minor candidates, no adequate public scrutiny or comparison of personalities, the minority party gets no credit for a superior nomination and often finds that it can more hopefully afford to cater to its own lowest elements. In fact, it may be only the dominant party which can venture to affront the lowest elements of its membership and nominate the better candidate.

Misgovernment the Normal Result of Government by Politicians

The essence of our complaint against our government is that it represents these easily contaminated political organizations instead of the citizens. Naturally! When practically none but the politicians in his district are aware of his actions or even of his existence, the office-holder who refuses to bow to their will is committing political suicide.

Sometimes the interests of the politician and the people are parallel, but sometimes they are not and the office-holder is apt to diverge along the path of politics. An appointment is made, partly at least, to strengthen the party since the appointee has a certain following. A bill is considered not on its simple merits but on the issue — "Who is behind it?" "If it is Boss Smith of Green County that wants it, whatever his reasons, we must placate him or risk disaffection in that district." So appointments and measures lose their original and proper significance and become mere pawns in the chess game of politics which aims to keep "our side" on top. The office-holders themselves may be upright, bribe-proof men — they usually are, in fact. But their failure to disregard all exigencies of party politics constitutes misrepresentative government and Boss Smith of Green County can privately sell his influence if he chooses, whereby the public is in the end a heavy sufferer.

Summary of the Analysis

Thus the connection between the long ballot and misgovernment is established: By voting the long ballot blindly, we entrust large governing power to easily-contaminated organizations of political specialists, and we must expect to get the kind of government that will naturally proceed from their trusteeship.

Every factor in this sequence is a unique American phenomenon. The long ballot with its variegated list of trivial officers is to be seen nowhere but in the United States. The English ballot never covers more than three offices, usually only one. In Canada the ballot is less commonly limited to a single office, but the number is never large. To any Englishman or Canadian our long ballot is astonishing and our blind voting appalling. A Swiss would have to live four hundred years to vote upon as many men as an American undertakes to elect in one day. The politicians as a professional class, separate from popular leaders or office-holders, are unknown in other lands and the very word "politician" has a special meaning in this country which foreigners do not attach to it. And government from behind the scenes by politicians, in endless opposition to government by public opinion, is the final unique American phenomenon in the long ballot's train of consequences.

II

THE VOTING THAT IS NOT BLIND

The blind vote of course does not take in the whole ballot. Certain conspicuous offices engage our attention and we all vote on those with discrimination and care. We go to hear the speeches of the candidates for conspicuous offices, those speeches are printed in the daily papers, and reviewed in the weeklies, the candidates are the theme of editorials and the intelligent voter who takes no part in politics, votes with knowledge on certain important issues.

In an obscure contest on the blind end of the ballot merit has little political value, but in these conspicuous contests where we actually compare man and man, superior merit is a definite asset to a nominee. Hence in the case of an obscure nomination the tendency is automatically downward, but in a conspicuous nomination the tendency is upward.

Accordingly while we elect Aldermen who do not represent us and the State Legislatures which obey the influences of unseen powers, we are apt to do very well when it comes to the choice of a conspicuous officer like a President, a Governor, or a Mayor. For Mayor, Governor or President we are sure to secure a presentable figure, always honest and frequently an able and independent champion of the people against the very interest that nominated him. We are apt to re-elect such men, and the way we sweep aside hostile politicians where the issue is clear shows how powerfully the tide of our American spirit sets toward good government when the intelligence of the community finds a channel.

And so in these conspicuous offices — those for which we do *not* vote blindly — we secure fairly good government as a normal condition, considering that the organized and skillful opposition which always faces us occupies a position of great strategic advantage in possession of the nominating machinery.

III

THE REMEDY

We cannot hope to teach or force the entire citizenship to scrutinize the long ballot and cease to vote blindly on most of it. The Mountain will come not to Mahomet; Mahomet then must go to the Mountain.

First. — We must *shorten the ballot* to a point where the average man will vote intelligently without giving to politics more attention than he does at present. That means making it very short, for if the number of these simultaneous elections is greater than the bulk of the citizens care to keep track of, then we have government by the remaining 40 per cent., or 20 per cent. of the citizens — and no matter whom we believe to be at fault, that plan in practice will have resulted in oligarchy and be a failure. The test for shortness is to inquire when a given number of offices are filled by election whether the people vote blindly or not on any one of them. For if they begin to require "tickets" ready-made for their convenience they are sharing their power with the ticketmakers — and democracy is fled!

Second. — We must limit the elective list to offices that are naturally conspicuous. The little offices must either go off the ballot and be appointed, no matter how awkwardly, or they must be increased in real public importance by added powers until they rise into such eminence as to be visible to all the people. The County Surveyor, for instance, must go, for the electorate will not bother with such trifles whether the ballot be short or not.

Why indeed should 50,000 voters all be asked to pause for even a few minutes apiece to study the relative qualifications of Smith and Jones for the petty \$1,000-a-year post of County Surveyor? Any intelligent citizen may properly have bigger business on his hands!

And the Alderman? — we can't abolish him perhaps, but we can increase his power by enlarging his district and lengthening his term and making his Board a small one. Till then how can we make people in Philadelphia agitate themselves over the choice of a Common Councilor who is only one-one hundred and forty-ninth of one-half of the city legislature!

That candidates should be conspicuous is vital. The people must be able to see what they are doing; they must know the candidates — otherwise they are not in control of the situation, but are only going through the motions of controlling.

It may be objected that to take the minor offices off the state ticket for instance and make them appointive by the Governor would be giving too much power to the Governor. Well, somebody, we rarely know who, practically appoints them now.

To have them appointed by a recognized legally-constituted authority is surely better than to have them selected by a self-established coterie of politicians in a convention committee room. There is no great peril in concentrating power, provided we watch what is done with it. (Suppose we were electing by popular vote not only the President and Vice-President of the United States, but the cabinet, the Supreme Court and the other Federal Judges, the Federal marshals, district-attorneys and postmasters! Can you see how our American political superstitions would block all efforts to secure the present conspicuous responsibility?)

How an overdose of electing creates oligarchy is illustrated in Tammany Hall, which would appear to be in its form of internal government the most perfect democracy conceivable. But the primary ballot contains from 300 to 1,000 names and bossism is thereby entrenched absolutely.

The Short Ballot in Operation

Fighting misgovernment now is like fighting the wind. We must get on a basis where the good intentions of the average voter find intelligent expression on the entire ballot so as to produce good government as a normal condition, i.e., good government which regularly gets re-elected as a matter of course by overwhelming majorities without a great fight. Impossible in this country? No! Galveston has it with its government by a Commission of Five. This Commission has without scandal carried through tremendous public improvements (raising the ground level to prevent another flood), and at the same time has reduced the public debt and the tax rate. That is good administration.

More than that, it gets re-elected by overwhelming majorities and has not been in peril at any election. The "Old Crowd" that misgoverned this city for years holds only 20 per cent. of the vote now, and concedes without contest the reelection of three of the five good commissioners. And the total campaign expenses of electing the right men are only \$350.

It has been thought that this was the fruit of correct organization, analogous to a business corporation with its board of directors. But there are many other elected commissions and boards in the United States — "County Commissions," "Boards of Education," "Trustees of the Sanitary District," "Boards of Assessors," etc. — and they are not conspicuously successful, but in fact such organization often serves only to scatter responsibility and shelter corruption. No! Good government is entirely a matter of getting the right men in the first place. Nothing else is so vital. No system, however ingenious, will make bad men give good government or keep good men from getting superior results. To get the right men is first of all a matter of arranging for the maximum amount of concentrated public scrutiny at the election.

Were it otherwise, we would find misgovernment in British cities which, except for this feature, are ideally organized from an American grafter's point of view. The British city authorities are hampered most unjustly by a hostile House of Lords, their machinery of government is ancient and complicated, and their big councils with committees exercising executive management over the departments, with ample opportunity for concealment of wrongdoing, with no restraining civil service examinations, with one-tenth of the laboring population on the municipal pay rolls would apparently provide an impregnable paradise for the American politician of the lowest type. But the ballot for an English municipal election can be covered by the palm of the hand. It contains usually the names of two candidates for one office, member of the Council for the ward. (The Council elects the Mayor, the Aldermen and all other city officers.) Blind voting on so short a ballot is hardly conceivable. Every voter is a complete politician in our sense of the word. The entire intelligence of the community is in harness, pulling, of course, toward good government. An American ward politician in this barren environment, unaided by any vast blind vote, could only win by corrupting a plurality of the whole electorate, a thing that is easily suppressed by law even if it were not otherwise a manifest impossibility. So there are no ward politicians in England, no professional politics, and misgovernment is abnormal.

BALLOT PAPER

1.	<p>NETTLEFOLD.</p> <p>(John Sutton Nettlefold, Winterbourne, Edgbaston Park Road, Edgbaston, Gentleman.)</p>	
2.	<p>TUNBRIDGE.</p> <p>(William Stephen Tunbridge, Rocklands, Woodbourne Road, Edgbaston, Solicitor.)</p>	

This is a typical official ballot (actual size) for an English election. It shows the names of two candidates for a single office — Councilor from the ward. The people simply make one choice, and accordingly know just what they are doing on election day. The scrutiny of the people thus concentrated bars out unfit candidates almost automatically.

Similarly Galveston concentrated the attention of the voters sharply upon candidates for only five offices, all very important. The press could give adequate attention to every one and in consequence every intelligent voter in his easy chair at home formed opinions on the whole five and had a definite notion of the personality of every candidate. In such a situation the ward politician had no function. There was no ignorant *laissez-faire*, no mesh of detail for him to trade upon. He became no more powerful than any other citizen, and his only strength lay in whatever genuine leadership he possessed. Moreover, if he nominated men who could stand the fierce limelight and get elected, they would, *ipso facto*, probably be men who would resist his attempt to control them afterward. Or if they did cater to him it would be difficult to do his bidding right in the concentrated glare of publicity where the responsibility could be and, what is much more vital, *would be*, correctly placed by every voter. And so the profession of politics went out of existence in Galveston and the ward politician who had misgoverned the city for generations went snarling into oblivion.

The Galveston plan might be better yet if the Commissioners were elected one at a time for long terms in rotation. Then the public scrutiny at election time would focus still more searchingly on the candidates and merit would increase still further in value as a political asset.

"Politics," seeking re-entrance into Galveston, would make department heads, etc., elective ("make them directly responsible to the people and let the people rule").

Suppose that they should increase the Commission to thirty members elected "at large" with variegated powers and functions. Straightway tickets, cooked up by "leaders," would reappear, and the voter, facing a huge list of names,

most of which he had hardly heard of, would impotently "take program" and concede control to a little but active minority, the politicians.

But suppose again that the enlarged commission be elected not "at large," but by wards, one member to a ward. The voter again has only one decision to make, instead of thirty. Newspaper publicity is weakened by division, but this weakness is now repaired by neighborhood acquaintance and the candidate's opportunity to make himself personally known to a large portion of his constituency. Once more, the voter registers an opinion instead of blindly ratifying the work of a party organization. The ward politician is again left without a function. His popularity may avail in certain wards, and he may thus elect some of the commission, but he will not have from any citizen who is intelligent enough to do his own thinking that blind acquiescence which in other conditions had been the bedrock of his power.

Conclusion

Just how we are to get rid of the great undigested part of our long ballot is a small matter so long as we get rid of it somehow. Govern a city by a big Board of Aldermen, if you like, or by a Commission as small as you dare make it. Re-adjust State constitutions in any way you please. Terms of tenure in office can be lengthened. Many officers, now elected, can be appointed by those we do elect. But manage somehow to get our eggs into a few baskets — the baskets that we watch.

For remember — we are not governed by public opinion, but by public-opinion-as-expressed-through-the-pencil-point-of-the-Average-Voter-in-his-election-booth. And that may be a vastly different thing! Public opinion can only work in broad masses, clumsily but with tremendous force. To make a multitude of delicate decisions is beyond its blunt powers. It can't play the tune it has in mind upon our complicated political instrument. But give it a keyboard simple enough for its huge, slow hands, and it will thump out the right notes with precision!

There is nothing the matter with Americans. We are by far the most intelligent electorate in the world. We are not apathetic. Apathy is a purely relative matter depending on how much is asked. Ask much of the people and you will see more apathy than if you ask little. If the people of Glasgow were asked to attend caucuses, primaries, conventions and rallies in support of the best candidates for Coroner, they too would stay home by their firesides and let the worst man have it. If they had our long ballot they would be in a worse mess than we are with it. And if we, on the other hand, could get their handy short ballot, we too would use it creditably. For our human nature is no worse than theirs. The Scotch immigrant in our midst is no more active a citizen than the rest of us. We are not indifferent. We do want good government. And we can win back our final freedom on a short ballot basis!

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