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IS THERE DANGER AHEAD?

By Gilbert E. Brach, LL.B., Member of the Racine Bar

The twentieth century is characteristic of the industrial changes which have marked the last century and a half. During this period of transition, industry with its concurrent inventions has given rise to many new political and social problems. The elaborate system of railway transportation has brought the East and the West into closer relations and in a measure eradicated sectionalism. It has made a stronger, more compact, economic unit. Powerful ocean liners have opened the door of world commerce and made possible new enterprises.

The inventions of the telegraph, telephone, and the wireless have made the world's troubles our troubles. A revolution in South America may affect a man's credit in business forty-eight hours later. The arbitrary political boundaries have become more or less artificial from an economic aspect.

With these changes in our economic system and the increase of our wants to satiate the corresponding comforts, new political and social problems have given rise to a new science, that of sociology. The sociologist has been brought into contact with conditions as they exist, because of the industrial revolution and he has not been loath to criticise the law, its makers and its interpreter.

It is his contention that the Constitution, a document of the eighteenth century, was adopted for an agricultural people and society, and not for one where industrialism played as important a part as agriculture. That by virtue of its complicated procedure and the large majorities required for its amendments it was made inelastic for the wants of the new age. It must be "confessed" it was contended further that Americans are living under a political system which is based upon the theory that society is static rather than dynamic and that the rights that the individual possessed in the eighteenth century, are the rights which he should have in the twentieth century, although present social and economic conditions are quite different. Thus has this new school of sociology driven at the foundations of liberty.

One of the serious dangers which confront the American people today, is their utter disregard of fundamentals. Where have the colleges and universities been that they have failed to lay the foundation for a sound political and economic under-
standing? The desire for freedom is implanted in every human breast and one need only to reflect upon historical events to bear that out. History is largely a struggle for freedom and the greatest lesson which history teaches is that a man ought to be free.

The Great Charter (1215 A. D.) was the result of a struggle for freedom and liberty from a tyrannical king. It was the basis for our own Constitution and was the result of a struggle for freedom of personal rights and liberty. What is civil liberty? It is that freedom which man enjoys in civil society. It is liberty under law. There are some who would with the stroke of the pen remove the Constitution and prevent its functioning. What is the Constitution? Is it merely a document which limits the powers or outlines the functions of the government under which we live? All that Constitutions can do, is to give liberty a voice. Constitutions do not create rights, nor do they preserve them. Written constitutions are symbolical of liberty and are the voice of the people carrying through the ages. The Constitution states in plain and unambiguous terms the rights claimed by the people. When rulers, whether kings or representatives, are tempted to act tyrannically, the solemn prohibitions of the Constitution bid them pause. When the majority, carried away by passion or prejudice, ignore the rights of the minority or the individual, the words of the Constitution stand out brazenly. If the rulers of the people violate the bill of rights, then the Constitution is a mockery and civil liberty does not exist.

One can point to manifold instances where it is manifest that the sociologist, though he has not changed the Constitution, has performed his task. There has been growing for some time a certain psychology in this land of ours, which we term public opinion. It is a dynamic force which gains momentum as it gains strength until it reaches a point where it becomes dangerous to the very fundamentals on which our liberty is based. Public opinion is created through various agencies which through constant reiteration finally arouses the public sentiment to a degree where only a present objective is recognized. As an example of this, we may point out the raids and the deportation of the so-called Reds, conducted by our former attorney general. Who was it dared to speak his mind at that time? What bar associations voiced a protest at this iniquity? Everyone who understood the meaning
of justice knew that an injustice was being done but to raise a
voice of protest would have meant social ostracism.

There looms before the people of America today a further
menace, which is far more serious than the so-called Radical, Red,
Socialist or what not. The man who holds himself out as a Radical
and endeavors to portray the weakness of our government is not
nearly so dangerous as the suave, courteous, affable gentlemen who
has one ear to the political boards, lest there be some interest either
industrial, labor, or agricultural, whose feelings he may injure by
particular action. The latter is the most dangerous and still the
most welcome man in our community. He is the one who conducts
the movements to create prejudice and instill passion into the
minds of the people for his selfish purpose or some particular
interest he represents. This gentlemen, so-called, usually holds
himself out as a servant of the people and a profound protector of
the capstone of the Constitution. He may be a representative or a
member of the judiciary, but whether in one place or the other he
remains a danger. If a representative he usually acts merely as a
messenger boy for the various bureaus which do such effective
work for their respective interests. If a member of the judiciary
he usually finds some grounds to sustain the will of the public
sentimental wave on the broad grounds of expediency or public
policy. He regards the doctrine of *stare decisis* as having run its
course, and the words of the Constitution as things rather than
symbols of principles based upon history.

The doctrine of expediency has overtaken the American people.
Little by little class legislation has received greater sanction,
especially is this true in the past several years. The use of the
power of the state to enforce some particular rule of conduct
because it is declared moral by a class is as un-American as it is
ludicrous. Private morals and private conduct are matters for the
conscience of individuals and not for any body or group to deter-
mine. What difference is there between passing laws of that
nature and saying that you must practice or refrain from prac-
ticing certain religious beliefs or worships? The step between the
two is a short one, and with our complacent attitude toward these
matters we are courting serious consequences for the future con-
duct of short-sighted interests.

Thus we have lost our boisterousness for liberty and love for
freedom and have given way to be governed by what appears to be
most expeditious for the present objective.
The division of society into groups or classes is no new thing. It is thousands of years old. This group division crippled the Greek institutions. This division marked a sharp struggle in the empire of Rome. This division was the basis for the feudal system, the effects of which it took years to overcome. People have for years sought to overcome the division of society into classes, and to set a man free to choose whatever employment he sought; permit him to remove from place to place without restriction; better his condition by personal application; equal rights before the law and equal protection of such rights; those are some of the things which are guaranteed by our Constitution and some of the things every man desires in a free country. But we are no longer to have this freedom because certain groups have new theories of a state dependent upon privilege to each particular group or interest. If the particular interest is slighted then woe unto the unified state for then the slighted interest will not carry its share of the burden. Thus there is created a class consciousness, which becomes stronger as the results of its dogmas become impressed upon the law-makers. We then find a bargaining among the lawmakers whereby the one interest will relinquish something in return for some gain for its own selfish purpose.

These are some of the signs that confront the students of government today. Is there danger ahead?

The American Government is based upon the only sound theory of government, namely, that all the power lies in the people. It gives liberty a voice. Sound political differences based upon a policy to be adopted in governing the people add health and strength to our government. But when a body or group combine as an Industrial Party or Labor Party or Farmer Party for the acquisition of economic superiority by legislation, then democracy is lost. It is the beginning of trouble, serious trouble, which may eventually end in war. The latest example of a government by and for a class is Russia. What happened to the ruling class in Russia is needless to relate. Who would wish for similar conditions in America?

Ignorance of the fundamentals of history and economics is the cause for much of this. We have men in Congress today, whose failure to understand the foundation of the modern economic structure keeps us stooping under the burden of taxation that stifles business. This is because in his mad rush to make the “man above” pay, he forgets that the “man below” must eventually pay the price.
History and economics should not be taught as cold abstract subjects, which mean only the accumulation of facts and dates, but as a live, fundamental part of our everyday life, both politically and economically. They are the foundation of all that is good and useful. They show the advances of human progress through the ages, and the benefits received from each age. The results of mistakes, selfishness, and greed are recorded in history. The results of human inconsistencies shown will make us more careful of our conduct in the future. These are the things that history should teach. Compare that, if you will, with the new teachings of the philosopher, that there are no principles, but that each individual and each generation must follow its own instincts and emotions and must ascertain through bitter experience that which is useful and that which is injurious. Is it any wonder that those things which were once so venerable are now barely considered in passing?

The passive indifference of the American people to the surrounding dangers is astounding. This indifference permits democracy to gradually decay and decompose by the continuous flow of new teachings and new ideas which regard neither principle or history.

The sociologist has confused liberty with license and is seeking to disregard the fundamentals upon which a sound government is maintainable. Greater vision is required to apply the principles embodied in the Constitution to present-day needs and problems, but if the words of the Constitution are regarded as symbols of principles instead of things and construed in the light of the history upon which they are based, the problem will find a simpler solution.

The Constitution is not a sacred instrument, or an instrument of divine inspiration, but a practical document created to meet the needs of government. It is a living framework within which the states and the nation may move without obstruction with the inevitable changes wrought by time and corresponding changes in social values.

If the theory that the people rule is sound then the people must take a more active part in government. Let that new psychology, public opinion, be guided to compel adherence to fundamentals. Let the law-makers be alive to the understanding that the give and take bargaining is over. Let the sociologist know that he must
regard the basic precepts of government in spite of changing social values. Erase the new school of philosophy that regards neither principle nor history. Picture the future as you pass through the present, and reflect upon the past and again ask the question, Is there danger ahead?