

BOOKS

DEMOCRACY IN THE CHAUTAUQUAS.

The Spirit of American Government. By J. Allen Smith. Published by the Chautauqua Press, Chautauqua, N. Y. New Edition, 1911. Price, \$1.25.

Thousands of people in the United States are now engaged in the study of a book which can scarcely fail to cut a considerable figure in the present fast growing and already imperative demand that the reins of government be turned over to the people. The book is a part of the regular Chautauqua reading course, and is exciting much comment in these circles, where it is now nearing completion by the readers who are following the regular outline.

The work is a critical study of the United States Constitution from the viewpoint of thoroughgoing democracy. The author is Dr. J. Allen Smith of Washington University. The book does not essay to plead for democratic ideals of government; it is simply a merciless uncovering of the facts which show the amazingly small portion of power vested in the people by the Constitution. It shows the adoption of the American Constitution to be not (as we have been taught) an advance step in free government, but a retrogressive move—the expression of a reactionary sentiment following the Revolution and the Declaration of Independence.

The Federal Supreme Court is shown to be the most powerful tribunal in the world, and in the latter chapters some extremely interesting remedial measures are offered as a possible means of de-throning this great arbitrary power.

Dr. Smith, the author, had been teaching in the Washington University twelve years, and his interpretation of the Constitution, it seems, has come to be accepted in that institution, though it is obviously much at variance with the view usually taught in our schools and colleges. The spirit of his book may be felt from a few such excerpts as these:

Democracy—government by the people or directly responsible to them—was not the object which the framers of the Constitution had in view, but the very thing which they wished to avoid. . . . Accordingly the efforts of the Constitutional Convention were directed to the task of devising a system of government which was just popular enough not to excite general opposition and which at the same time gave to the people as little as possible of the substance of political power.

In the United States at the present time we are trying to make an undemocratic Constitution the vehicle of democratic rule. . . . It was framed for one purpose while we are trying to use it for another. . . . Is free government, then, being tried here under conditions most favorable to its success?

That such a small minority of the people should have

the power under our Constitutional arrangement to prevent reform (amendments) can hardly be reconciled with the general belief that in this country the majority rules. . . . Patrick Henry clearly saw that this lack of adequate provision for amendment was destructive of democracy. In the Virginia convention held to ratify the constitution he said . . . "Is this an easy mode of securing the public liberty? It is, sir, a most fearful situation, when the most contemptible minority can prevent the alteration of the most oppressive government; for it may in many respects prove to be such."

The statement so often made and so generally believed that the American Judicial system was modeled after that of Great Britain will not bear investigation. English judges are not and never have been independent in the sense in which that word is used with reference to the judiciary of the United States. . . . The provision in the Constitution for the life tenure of a non-elective judiciary was designed as a check not upon an irresponsible executive as was the case in England, but upon the people themselves. . . . Gouverneur Morris, who claims to have written the Constitution with his own hand, tells us that in framing that part of it relating to the judiciary, "It became necessary to use phrases which would not alarm others." . . . That power of government which controls without being controlled is represented in the United States by a small oligarchy of nine irremovable judges. . . .

The present arrangement which makes the House of Representatives largely an irresponsible body, while not provided for by the framers of the Constitution, is nevertheless the logical outcome of their plan to throttle the power of the majority. . . . The (House) committees as a matter of fact, are in no sense responsible either to the Speaker or to the House itself. . . . They are in fact just so many small, independent, irresponsible bodies, each controlling in its own way and from motives known only to itself the particular branch of legislation assigned to it. . . .

The failure to make provision for the freedom of the press should be regarded as a significant omission. . . . This is the more noteworthy in view of the fact that this guarantee was at that time expressly included in a majority of the State Constitutions, and that the temper of the people was such as to compel its speedy adoption as an amendment. . . . Liberty, as the framers of the Constitution understood the term, had to do primarily with property and property rights. The chief danger which they saw in the Revolutionary State governments was the opportunity afforded to the majority to legislate upon matters which the well-to-do classes wished to place beyond the reach of popular interference.

In chapter thirteen of his book Dr. Smith suggests a remedial measure, within the Constitution, for the irresponsible power of the Supreme Court. He says "The Constitution does not fix the number of Supreme judges. This is a matter of detail which was left to Congress, which may at any time provide for the addition of as many new judges to the Supreme Court as it may see fit. Thus Congress, with the co-operation of the President, could control the policy of the Supreme Court in exactly the same way and to the same extent that the House of Commons controls the House of Lords."

DORA KERSCHNER.



Marks: So your Italian barber refused to shave you? Why was that?

Parks: I told him I'd just had a Turkish bath.—Boston Transcript.