WHEN the founding fathers at Philadelphia in 1787 framed the Constitution, they did a number of original things, such as banning titled nobility, establishing a legislature on a basis in proportion to the population and creating a system of separation of powers. Not the least of these innovations was the setting up of a federal system. Not only was the federation an untried idea in large areas, but even the great writers on political questions had largely ignored it. Plato’s Republic, Aristotle’s Politics, Machiavelli’s Prince, and More’s Utopia had all mentioned only the unitary state. Later writers had suggested it, and Switzerland and Holland were federations of long standing at the time our Constitution was framed, but no one had tried it yet in a country of great size. All the new ventures tried out at the Constitutional Convention grew out of experiences immediately preceding 1787. The founding fathers were in no mood to worship originality for its own sake. The federal scheme was no exception. When Richard Henry Lee eleven years before had said: . . . “these states are . . . independent,” we had become a union of states right then. We called ourselves the United States. We staggered along from 1776 to 1789 with more emphasis on the states than on the united. But for the Atlantic Ocean and a general absence of powerful neighbors we would hardly have survived, so badly did we manage ourselves in our infancy as a nation. Then in 1787 the Constitution was created “to form a more perfect union,” but that was as far as it went. No one seems to have seriously considered a centralized government then, and the average American never has since.

Although the American people have always expressed a strong
aversion toward too much government, they are in most respects the most governed people in the world. With exceptions, such as the inhabitants of the District of Columbia, every citizen lives under the federal government, a state government, a county government, and a township, borough, or city government. These in turn may be subdivided. Under the first we have the Constitution, the laws of Congress, the powers of the President, the decisions of the federal courts, and the rulings of several dozen boards and commissions. Under the states we have an analogous set up. When we come to the counties, of which there are over 3,000 in the United States, the variety is so great that only the most general statements may be made, but as a rule their source of governing power is considerable. As for the localities, one may live in a school district, a fire district, an assessment district, a voting district, and two or more taxing districts (e.g., school and roads) and have none of them coincide. Our ancestors have been described as a legal-minded people. They have left us a heritage whereby we must also be legal-minded or perish.

Yet in one sense there are only two governments: the national and the state. For all local governments, county, city, borough, or township are created by the state, get their powers from the state, may be altered or abolished by the state, may have their powers taken away by the state. This power over the local government is alone sufficient to make the state worthy of the citizen's attention.

In addition to this, the states have two more important functions. Although the average citizen is much confused on the subject, his right to vote is not specifically guaranteed by the Constitution as he usually believes, but is determined by the state constitution or by the state legislature. The national constitution does say that the right to vote shall not be denied on four grounds, namely, race, color, previous condition of servitude, and sex. But this leaves an immense field on which the franchise may be denied. The Constitution also requires the state to allow everyone to vote for members of Congress whom it allows to vote for "the most numerous branch of the state legislature," and in the fourteenth amendment it threatens a loss of representatives in Congress to any state denying voting rights to male citizens—a provision which has never been enforced in spite of flagrant violations. And in voting for President the "state shall choose electors—in such
manner as the legislature may direct.” In the early days they were often chosen by the legislature itself, a practice last used in 1860 in South Carolina. Today all states agree almost entirely on universal suffrage, but it is the states who decide the citizen’s voting rights just the same.

Another important function of the states lies in the fact that the Constitution of the United States is largely a state made document. Out of four possible ways of amending it, the state’s consent is necessary in every one. The only place the states do not participate in changing the Constitution is in the provision which states that amendments may be proposed by Congress.

It seems then that we can say that the states have four major functions: (1) to create local governments, (2) to control the suffrage, (3) to amend the constitution, (4) to legislate on a vast variety of matters, wherever, in fact, the Constitution does not forbid them to legislate. This last function is by no means insignificant; a list of the aspects of our lives which are generally regulated by the states can be made into considerable length without going into minute detail. We are constantly running into state laws and regulations as we go about our daily tasks. It is hard to imagine a day spent without contacting some of these.

Yet, formidable as the states seem to be from the points of view just given, they are subject to two limitations: the indifference of the average citizen toward them and their loss of power to the federal government. Considering the former first, it may be asked: “Why does the citizen ignore a force so much in evidence all the time?” One reason is the states’ unique position of being midway between the federal and the local governments. They are a drab gray between a dazzling white and a glistening black. The national government’s actions are the concern of the entire nation; when a president is elected, a vote in Congress taken, or a decision of the Supreme Court rendered, nearly every newspaper, and radio and numerous periodicals mention it. Thus the federal government’s actions are thrust upon the attention of the citizen whether he wills it or no. Only rarely are the actions of a state so treated. Newspapers being always bound to their localities do emphasize state government acts, but periodicals and the radio do so only in exceptional instances.

Another cause of the submergence of the states by the national government is the appeal that greatness and size have on the
imagination of many people. In spite of the remoteness—up until recent years—of the activities of the federal government from the people, this very aloofness coupled with the vastness of its work made people admire it. Even to those unorthodox economists who see no danger in public debt, the very size of the national government's deficits must be secretly a thing of awe. It is certainly a thing of awe to the orthodox group—and that is no secret.

The localities vary in their appeal due to the great variation of their nature. The large city dweller's indifference to his locality is supposed to be the cause of the many examples of bad city government. But most local governments are small; their offices are filled with one's neighbors and acquaintances; their functions affect us directly, such as roads, or streets, or schools; even local taxes are mostly the direct and very obvious general property tax. All these tend to have their appeal. There is some community spirit in all of us, and some people's range of interest seldom goes beyond their community.

Between the grandeur of the nation and the neighborliness of the localities lies the state, too small to be grand and too large to be neighborly. In some instances such as property rights and traffic laws its powers are direct and open. So are some of its taxes, such as motor licenses. But in many ways its work is concealed. It helps pay for the schools and makes many regulations concerning them, but the local school board seems to run them. County boards and township boards receive state aid in many activities and are restricted by the states in many actions, but to the citizen these boards seem entirely autonomous. True, the local officials themselves know of the help they get and often rail at the regulations, but the private citizen seldom thinks of them. The public's attitude toward their states is to some extent reflected in the legislators' salaries which range from twenty-five hundred dollars a year in New York to sixty dollars a year in Oregon. Making state laws is obviously regarded as a part time job in the eyes of the citizens of most states, and too often the whole state government is regarded as a side issue.

But in addition to the state's own importance and the public's indifference, another reason for teaching state government has been assuming increased proportions for some years. Students of government and political science are expressing increased con-
cern about it, as magazine articles and books show, and many laymen (if a democracy can be said to have laymen in the study of government) are also concerned as their conversations show. This source of alarm is the loss of state powers to the federal government. Uncertain and disputable as all matters of political science are, no one seems to deny that this is actually taking place. There is, however, much disagreement as to how far it is going on and as to whether it is wholesome or dangerous. Many hold that it is a natural movement, concomitant with progress, and should continue far beyond its present stage. Most commentators admit that it has some merits, but many feel that it has already gone too far. A few take a doubtfully neutral ground that while the states lose power to the federal government, the localities are losing to the states. There is a fallacy in this last view if we push it to its logical conclusion, for, as has already been mentioned, all local government is created by the states in the first place, thus any loss of state powers to the federal government cannot be made up by drawing on the localities.

One odd aspect of this question of national versus state powers is that the federal government does not seem to be trying to force powers from the states. In no instance has it declared that the states must cease some function because the federal government is going to carry out that activity henceforward. In some cases it appears that the federal government is trying to bolster up the states, for many of the new federal functions require state initiative and cooperation to be put into effect. The entire social security act, with the exception of the old age retirement benefits, is an example. It is the willingness of the states to surrender their powers that is alarming. In the matter of relief, for instance, the states seemed eager to relinquish their powers and responsibilities to the federal government. This bodes ill for democracy, for since the taxes of the federal government are chiefly indirect, or like the income tax, its greatest source of revenue, affect few voters, it seems unquestionable that much of this loss of state powers arises from the contemptible combination of love of government services and unwillingness to pay for them.

It must be remembered that many instances of new federal powers represents no loss to the states, except by comparison, because many powers which the federal government has assumed in recent years were never exercised before by any government
under our flag. An example is housing. In such cases the states cannot be said to be losing power except that by standing still or by increasing their powers less rapidly than the federal government, they automatically diminish in proportion. Since the states are also assuming powers in some instances where no government had power before, such as the powers of Pennsylvania's Milk Control Board, it is more correct to say that the federal government is increasing its powers more rapidly than the states, rather than that it is increasing them at the expense of the states. But whether the federal government takes up a function once exclusively handled by the states, or whether it collaborates with the states in a new role, or whether it merely enlarges its field of activity more rapidly than the states, the net result is that the states grow less important in the destinies of the nation.

It is not the purpose of this article to debate the merits of this situation, whether they are good or bad. But it is contended here that they are not indifferent. Our federal system has had a glorious past. It is sound enough to have a glorious future. It would be a rash statement indeed to say that this system is doomed, yet if the present tendency continues long enough that is the logical result. The question then is—must this tendency continue? The answer to that lies largely in correctly ascertaining the causes of the tendency. Some of these causes, such as modern speed in locomotion and communication, are too desirable to be wished extinguished. However, many of them have a very unlovely nature: citizens' indifference to their states, stupidity and demagoguery among politicians, greedy pressure groups who find it easier to inveigle legislatures than Congress, and finally a generally unhealthy attitude among citizens to shift burdens on the federal government with the stupid and cowardly idea that by so doing they somehow will benefit while others pay for it.

The duty of the schools is clear. Since it is considered essential in our democracy that every pupil should be taught something about his government, certainly his state government should claim its share of attention in that process. Its importance has been shown. Whether it becomes less important is not of so much concern as whether its future is allowed to drift where it will, or whether its destiny is guided by an alert and intelligent citizenry who know and appreciate what they are doing. As was said before, our federal system was largely accidental; England hap-
public school teachers' department

pened to have thirteen colonies instead of one. Judging by subsequent history it was a fortunate accident. We inherited better than we know. The schools will have done poorly if we squander this heritage through ignorance and indifference. They will have been worthy of their stewardship if we handle this inheritance intelligently and courageously, whether we keep this inheritance or relinquish it.

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