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SOURCES OF THE DECLARATION OF  
INDEPENDENCE\*

Nothing important merely happens—it develops. The Declaration of Independence was the outcome of a long train of circumstances, all tending to one inevitable end. It was the climax of many decades of thought, discussion and experience.

Recent events had made the Declaration as certain as sunrise. Fourteen months before it was written, patriot blood had darkened the green at Lexington, the British had been stopped at Concord and driven back to Boston. Bunker Hill had been fought more than a year before; Washington had taken command; heavy British reënforcements had landed and a great British fleet had arrived.

War had long been under way; and the men and officers who had been and were fighting for America, were now waging no puny conflict for belated redress of grievances—they were now striving to establish a nation, and a nation of free people.

Around American campfires for six months before the Declaration was adopted, troops had been reading and talking about a wonderful pamphlet, which stated in simple but brilliant words the necessity for American Independence. Franklin and Rush had inspired

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\* Speech of Hon. Albert J. Beveridge, at meeting in Academy of Music, Philadelphia, Pa., held under the auspices of the Pennsylvania Historical Society, 8 P. M. Wednesday, June 2, 1926.

Thomas Paine to write *Common Sense*; and it had been more widely read and discussed not only by patriot soldiers, but throughout America than any one writing which, up to that time, ever had been printed in any country in the world.

Civil pronouncements by Congress, no less determinative than military action in the field, had been made immediately before the Declaration was considered. On May 10, 1776, Congress advised each Colony to form an independent government of its own—a sheer act of nullification; and five days later Congress “totally suppressed every kind of authority under the British Crown” and established instead the “authority of the people” as the source of government—a formal act of revolution.<sup>1</sup>

On *June 7, 1776*, Richard Henry Lee, in obedience to the instructions of Virginia adopted May 15, had offered the definitive resolution that the Colonies “are and of right ought to be, free and independent States” and that they renounced forever all allegiance to Great Britain. Virginia’s declaration of independence urged a confederation of the Colonies “providing that the internal affairs of each Colony be left to the respective colonial legislatures.”<sup>2</sup>

Lee had made a great speech in advocacy of his proposal. He said that a separate and independent nation was required by the “nature of things,” the extent of our territory, the increase and character of our population, “the immensity of the ocean” between the Colonies and Great Britain—all this made local popular sovereignty indispensable.<sup>3</sup>

<sup>1</sup> Journals Cong. IV, 342, 357–58,

<sup>2</sup> Proceedings Am. Phil. Soc’y. XXXVII, 91.

<sup>3</sup> Great Debates in American History: edited by Marion Mills Miller, Vol. I, 197–98. This was the general view. See Adams to his wife, May 17, 1776, in Letters of Members of the Continental Congress, edited by Edmund C. Burnett I, 453.

With but two days' debate, action on Lee's resolution had been postponed until July 1, so that belated Colonies might have time to concur,<sup>4</sup> and on June 11 a Committee was appointed to draft a declaration in support of Lee's resolution. This declaration was requested by the Virginia instructions.<sup>5</sup>

JEFFERSON AND THE DECLARATION.

The Virginia spokesman was suddenly called home by the serious illness of his wife,<sup>6</sup> and, in his place, a quiet, retiring young man, thirty-three years old, was chosen. He had made careful notes of the great debates over Lee's resolution for Independence.<sup>7</sup> His name was Thomas Jefferson.

Of the other members of this Committee, one, Robert R. Livingstone of New York, was four years younger than Jefferson; but John Adams of Massachusetts was forty, Roger Sherman of Connecticut was fifty-five and Franklin was seventy years of age.<sup>8</sup>

Congress was feverishly active with the conduct of the war. Adams was president of the vitally important Board of War and Ordinance.<sup>9</sup> Franklin was so sick with the gout that he only knew that the Declaration was being prepared.<sup>10</sup> But not one of the Committee, except Jefferson, could have produced that masterpiece of statement and style, the Declaration of Independence, even if he had been well and unoccupied.

The drafting of that document was assigned to the young Virginian, because his State had proposed the

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<sup>4</sup> Gerry to Warren, June 11, 1776. Burnett I, 484. The Declaration of Independence, Its History: John H. Hazelton, 118.

<sup>5</sup> Life of George Mason: Kate Rowland Mason I, 433-41.

<sup>6</sup> Proc. Am. Phil. Soc'y. XXXVII, 91. Also Lee to Washington, June 13, 1776. Burnett I, 486.

<sup>7</sup> The Declaration of Independence: Herbert Friedenwald, 102.

<sup>8</sup> Hazelton, 122.

<sup>9</sup> Adams to his wife, June 26, 1776. Burnett I, 512.

<sup>10</sup> Franklin to Washington, June 21, 1776. Burnett I, 500.

resolution for independence which the Declaration was to support, because it was wisely thought that Virginia should lead, because Jefferson had come to Congress with a reputation as a clear and able writer, and because he had aroused no personal antagonisms.<sup>11</sup>

During his service of more than a year in Congress, he had not spoken on any subject. But his manners were gentle and unobtrusive, he was frank and engaging in conversation, efficient on Committees. Everybody liked the tall, slender, blue-eyed, sandy-haired, young delegate from the Old Dominion.

No man in Congress was more carefully educated than Jefferson, no man wielded so gifted a pen, and papers written by him in Virginia had been passed among members and were admired and talked of.<sup>12</sup> It was as appropriate and certain that he should be asked to write the Declaration, as it was that Washington should be chosen to command the Army.

Skilled with the pen as Jefferson was, saturated with the philosophy of liberalism, familiar with the facts, it yet took him two weeks to produce the document which announced the birth of the American Nation, became one of the Gospels of Americanism, and gave to its author undying fame.

#### THE BILL OF RIGHTS.

While Jefferson was composing the Declaration, copies of the Virginia Bill of Rights arrived in Philadelphia.<sup>13</sup> It had been written by George Mason and adopted by the Virginia Convention June 12, 1776.<sup>14</sup> It contains all the ideas and much of the language of the Declaration of Independence.

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<sup>11</sup> Hazelton, 120-23; quoting Adams.

<sup>12</sup> One of these was Jefferson's famous "Summary View of the Rights of the British in America." Works: Ford, 421-47.

<sup>13</sup> Burnett I, 480.

<sup>14</sup> Rowland I, 229.

Thus the Declaration is inseparably interwoven with our national Bill of Rights which grew out of Virginia's immortal pronouncement; and the Declaration of American Independence and the first amendments to the American Constitution must be read together.

They set out the fundamentals of American liberty—jury trial as well as equality, free speech as well as consent of the governed, security of person, residence and effects as indispensable to that freedom and happiness to safeguard which government is established.<sup>15</sup>

Jefferson wrote the Declaration of Independence in the little parlor adjoining his bedroom on the second floor of a new brick house on the southwest corner of Market and Seventh Streets. The house belonged to a bricklayer, the son of a German emigrant, one Herman Graatz, with whom Jefferson boarded.<sup>16</sup> Philadelphia then had fewer than thirty-five thousand inhabitants.

When he had finished a rough draft, Jefferson showed it to Franklin and Adams, who suggested verbal changes. Jefferson then wrote a fair draft which was approved by the full Committee. On Friday, June 28, the Declaration was reported to Congress, and laid upon the table; and Congress adjourned over the week-end.<sup>17</sup>

On Monday, July 1, Lee's resolution for American Independence, "the grand question," as a member of Congress called it,<sup>18</sup> was again debated; and on the morning of July 2 it was adopted.<sup>19</sup> So, to Adams, *July 2, 1776*, was the great day in our history.<sup>20</sup>

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<sup>15</sup> For original draft of the Virginia Bill of Rights and the instrument finally adopted, see Rowland I, 433-41.

<sup>16</sup> Jefferson to James Chase, Sept. 16, 1825 in Hazelton 149-52.

<sup>17</sup> Jnl. Cong. V, 490-91.

<sup>18</sup> William Whipple to John Langdon, June 24, 1776. Burnett I, 503-04.

<sup>19</sup> Jnl. Cong. V, 504-07.

<sup>20</sup> Adams to his wife, July 3, 1776. Burnett I, 526.

Immediately the Declaration of Independence in support of Lee's resolution, was taken up and debated. Late in the afternoon, it was approved by nine of the thirteen Colonies. Only Pennsylvania and South Carolina voted against it, while Delaware was divided and New York, restrained by old instructions, did not vote. Edward Rutledge of South Carolina asked that the Declaration go over for one day, in order that his Colony might join in the support of it.<sup>21</sup>

So it came about that on July 4, 1776, the Declaration of Independence was taken up for final action. The day was hot and the sun shone in a cloudless sky until afternoon when thunder and rain succeeded the brightness of the morning.<sup>22</sup> Cæsar Rodney of Delaware, who had ridden eighty miles from Dover, arrived at the State House door just before the vote was taken, and booted and spurred, strode into the chamber to join Thomas McKean in casting the vote of Delaware for the Declaration.<sup>23</sup> Dickinson and Robert Morris staid away, and Franklin, James Wilson and John Morton, a majority of the Pennsylvania delegates, cast the vote of that Colony for Jefferson's immortal assertion of American Independence and human rights. Again the New York delegation, still bound by the old instructions, did not vote.<sup>24</sup>

#### AMENDING THE DECLARATION.

Adams tells us that in the debate over the form of the Declaration, it was severely criticized and "the most oratorical parts" stricken out.<sup>25</sup> Congress made many amendments on July 4, and ordered the revised

<sup>21</sup> Hazelton 123, 163-64. Friedenwald, 130.

<sup>22</sup> *Ibid.*, 156. But McKean says that the day was rainy. McKean to Dallas, Sept. 26, 1796. Burnett I, 533-34.

<sup>23</sup> Burnett I, 533-34.

<sup>24</sup> Joseph Hewes to Samuel Johnson, July 8, 1776 in Burnett II, 4.

<sup>25</sup> Adam's Autobiography quoted in Burnett I, 515.

document to be printed.<sup>26</sup> Most of these changes increased the clarity, directness and moderation of the original.

Several alterations are important. For example, the words of the Declaration that we hold the British "as we hold the rest of mankind, enemies in war, in peace friends" were added by Congress—a statement that was the seed of American foreign policy.

In his draft Jefferson assailed the British people for reëlecting a Parliament hostile to us. Congress struck out that passage; and Jefferson in disgust explained that this was done because there still was a "pusillanimous idea that we had friends in England worth making terms with."<sup>27</sup>

Twice Jefferson had denounced the King for sending "Scotch and other foreign mercenaries" to subdue the Colonies; Congress deleted the word Scotch because some members were of Scotch blood and felt tenderly on that subject.

The longest paragraph in Jefferson's draft was a blazing arraignment of the African slave trade, of the royal veto of Colonial laws against it, and of British incitement of the slaves by promises of emancipation, to rise in arms and "murder" the Colonists. Georgia, South Carolina and northern shipping interests opposed this excoriation and it was omitted, seemingly without objection or comment.<sup>28</sup>

Nothing was said in the original or amended draft of the Declaration about abolishing slavery in America; many members of Congress, Jefferson among them, were slave holders; Mason owned five hundred slaves; and on the day it was finally adopted, July 4, 1776, this advertisement was printed in a Philadelphia paper:

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<sup>26</sup> Hazelton, 170.

<sup>27</sup> Jefferson's Autobiography; Works: Ford I, 28.

<sup>28</sup> *Ibid.*

“To be sold, a NEGRO BOY, about four or five years of age, who has had smallpox and measles.”<sup>29</sup> The fact that he was immune from these contagious diseases, added to his value.

#### PROCLAIMING AND SIGNING.

On *July 6*, two days after it was adopted, the Declaration was printed in full in the *Pennsylvania Evening Post*, the first paper to publish it; and at one o'clock, Monday, *July 8*, it was proclaimed to the people in the State House yard. The public was summoned to this ceremony by the ringing of Liberty Bell at noon.<sup>30</sup>

The Declaration was read at that time on behalf of the Sheriff William Dewees, by Colonel James Nixon, the son of an Irish immigrant, who stood with other officials on a platform erected in 1769 by the Philosophical Society for the purpose of observing the transit of Venus.<sup>31</sup>

A big crowd was present and gave three cheers when Nixon finished reading, and the royal arms were taken from the court room and State House. The militia paraded on the common and fired a salute, and all the bells in the city were set ringing and continued to ring until far in the night.<sup>32</sup> Bonfires were lighted and the people made merry.

But neither in Philadelphia nor any other city in the Colonies did news of the adoption of the Declaration

<sup>29</sup> *Pa. Evening Post*, July 4, 1776.

<sup>30</sup> Liberty Bell: Its History and Significance: Victor Rosewater, 42. Great Debates, etc. I, 198-99. This authority says that the Bell was rung after the Declaration was read. The story of the blue-eyed boy and the gray haired bell ringer was invented by “one of Philadelphia’s early romancers,” George Lippard, author of “Legends of the Revolution” and other fanciful sketches. Friedenwald, ft. note to 134.

<sup>31</sup> Dr. I. Minis Hays in Proc’d’gs Amer. Phil. Soc’y. XXXIX, 72. Also Rosewater, 59.

<sup>32</sup> Rosewater, 57-58 quoting Adams to Chase and the Diary of Christopher Marshall.



cause spectacular demonstrations. Announcement of it was received with joyful enthusiasm, yet without wild excitement.<sup>33</sup> But it strengthened the spirit of the patriots everywhere; and Rush tells us that, in Pennsylvania, it created "a new era" in popular psychology.<sup>34</sup>

As important as the Declaration itself, was the systematic manner of its adoption, the courtesy and restraint of the debates over it, and the formality of public approval when it was proclaimed. Americans had determined to establish not only an independent nation with a popular government, but a government whose processes should be as regular as its citizens should be free.

On July 9, the day when the Declaration was proclaimed to the army on the Court House green in New York City, the New York Assembly instructed her delegates to accede to the resolution of Independence and the supporting Declaration. The Colonies were thus made unanimous; and on July 19 the Declaration was ordered to be engrossed on parchment and then signed.

*So on August 2, 1776*, the Declaration of Independence was signed by all members of Congress present on that day and thereafter by other members as they arrived at various times until early in 1777.

Thus some who voted for the Resolution of Independence and the supporting Declaration did not sign it; and others who were not present when the resolution and Declaration were adopted became signers.<sup>35</sup>

In such orderly fashion was announced the rise of a new nation, vitalized by principles unknown in practice to the world outside of America.

Those principles were: the natural political equality

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<sup>33</sup> Hazelton, 240-68. Burnett II, 11-12, 22-23.

<sup>34</sup> Rush to Lee, July 23, 1776 in Hazelton, 225.

<sup>35</sup> Burnett I, 528-38. And see Friedenwald, 135-37.

of all men; security of life, liberty and happiness as the only purpose of government; consent of the governed as the only just basis of government; the right of revolution when any government denies privileges which it was established to safeguard.

#### THE PHILOSOPHY OF THE DECLARATION.

To Jefferson alone belongs the credit and glory of stating in final form, that philosophy of orderly freedom which is the life of American institutions. The fact that he was not the first to discover those principles, takes nothing from the supreme honor that is his of setting them out so plainly that all could understand, so briefly that all could get the message, so eloquently that all were thrilled.

The second paragraph of the Declaration of Independence, in which those principles are stated, is the heart of our American system. That passage, together with the Bill of Rights, constitutes the dynamic force in our government. Without them our Constitution, State and national, are little more than machines of authority.

The legislator, the executive, the administrator, the judge,—the official of any kind, high or low—who does not have in the very fibres of his intellectual being the meaning and spirit of the Declaration of Independence and the American Bill of Rights is not a faithful interpreter of American institutions.

Whence came that philosophy so perfectly expressed in our Declaration of Independence?

Some have insisted that the theory of human equality was derived from Rousseau; but every word of the Declaration on that subject, and also on the purpose of government and the consent of the governed, is in the Second Treatise on Government written by the English philosopher, John Locke, almost a generation before the eccentric French adventurer was born. And

Locke was more widely read in America than in England—Jefferson, especially, was a disciple of the great English philosopher.

Nor was Locke the first to announce those truths. In 1639 when Locke was only seven years old, Thomas Hooker of Connecticut declared in his sermons that informed popular agreement was the basis of government, that public officials should be chosen by election and that their authority should be limited by the people.

In short, the philosophy of the Declaration was the liberal philosophy of the age; but, in a peculiar sense, it was distinctively American. Elsewhere it was academic, but in America that philosophy had been practiced for at least three generations.

Adams tells us that the ideas of the Declaration had become "hackneyed" in Congressional debates for many months before the drafting of the Declaration was ordered.<sup>36</sup> The Declaration of Rights adopted by Congress October 14, 1774, contained all the ideas set out in the Declaration of Independence.<sup>37</sup> Moreover those ideas had been uttered thousands of times throughout the Colonies for decades before the Revolution. Far more important, the people had lived those ideas.

But Jefferson gave final expression to the general American thought and feeling which had been growing for more than a hundred years; he did this at a critical and a dramatic hour; he so perfectly stated what was in the American heart and mind that he became the

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<sup>36</sup> Adams to Pickering, Aug. 22, 1822: Adams, Works II, 512 quoted in Burnett I, 516. Indeed Adams thought the debate over Lee's resolution on July 1, a waste of time since "nothing was said but what had been repeated and hackneyed in that room before a hundred times, for six months past." Adams to Chase, July 1, 1776: Works, IX, 415 quoted in Burnett I, 521-22.

<sup>37</sup> Friedenwald, 194-99.

supreme political interpreter of a new country and a new age.

#### THE INEVITABLENESS OF INDEPENDENCE.

From the time when men, women and children crossed three thousand miles of almost unknown ocean to settle in a land inhabited only by savages, the establishment of a separate and independent nation, with institutions of ordered liberty, was inevitable. The Colonists had to adjust themselves to conditions wholly unlike those among which they formerly had lived. Of necessity, they had to make laws suitable to their unprecedented situation.

We see this fact in the Mayflower Compact. *On November 21, 1620*, the steadier and abler men among the Pilgrims, even before they landed at Plymouth, constituted themselves a "civill body politick" to plant a colony and to "make just and equal laws" for the general good. That agreement and the environment that made it necessary, were the beginning of the American Nation.

Not until the Colonies became profitable to British merchants was much attention paid to America by the British Government. Then Parliament and the King in Council, took the economic view that the Colonies were merely feeders of British trade, and the constitutional view that Parliament was supreme over all British possessions.

These opinions were held in common by conservatives and liberals.<sup>38</sup> Acts restrictive of Colonial trade, prohibitive of Colonial manufacture, and regulative of Colonial industry and life, were only legislative expressions of the theory that the Colonies existed for the commercial and financial benefit of Great Britain.<sup>39</sup>

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<sup>38</sup> Friedenwald, 15, 208-09, 243.

<sup>39</sup> *Ibid.* 212.

So while such laws as the Molasses Act which interfered with the rum of New England, and the Stamp Act which burdened all Americans in well-nigh every phase of every-day life, were passed by Tory Parliaments under Tory Ministries, the famous Declaratory Resolutions were the work of the Rockingham Whigs.<sup>40</sup>

These Declaratory Resolutions avowed the British Colonial doctrine of the 17th and 18th centuries—the doctrine that Parliament had the constitutional right to pass any laws it pleased for the government and regulation of the Colonies, and that it was the constitutional duty of the Colonies to submit to this suzerainty of Parliament.

That theory was in irreconcilable antagonism to the American idea.<sup>41</sup> The story of how principles so hostile could have developed among the people of the same blood and traditions, is the story of the basic cause of the American Revolution and of the sources of the Declaration of Independence.

By the time the Colonies had become commercially important to Great Britain, the effects of the revolutions in England in the Seventeenth Century, had worn away in that country, and a long period of conservative reaction had followed.<sup>42</sup> Well-nigh all members of Parliament were large land owners. They lived on the profits of their estates, and looked upon their tenants almost as much as their property as was the land itself.

The ideas of this ruling class were fixed and stationary. In domestic affairs, no thought was given to the needs of the people or changing conditions. The class which supplied members of Parliament and Ministries of the Crown, did not believe that conditions had

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<sup>40</sup> Friedenwald 4, ft. note, 246-47.

<sup>41</sup> *Ibid.* 15-16.

<sup>42</sup> *Ibid.* 11.

changed, could change, or ought to change. They thought that the British government and the English social and economic order were the best possible arrangements in the best possible country in the best possible world that could possibly exist.

So Parliament and Ministries looked upon the Colonies much as their members regarded their estates and considered the Colonists to be not fundamentally unlike their tenants. As to the principles of taxation without representation and legislation without consent, of which Americans finally made such complaint, Parliament did not concede that those principles were violated; for it took the constitutional ground that each member of Parliament was the representative of the whole Empire as well as of his local borough, and the guardian of British interests everywhere.<sup>43</sup>

But for a century before this paternal interest in the Colonies was made manifest, Americans had been developing governments of their own. They had been passing laws adapted to their peculiar needs. Appeal and submission to the authority of Parliament and crown, had come to be recognized more in the light of a legal form than a constitutional duty.

The well-being of the people rather than British profits, was the ruling thought of American lawmakers; and the idea of responsibility to the people at home, gradually crowded out the ancient theory of responsibility to a King, Council and Parliament in a smug land thousands of miles distant across tempestuous seas.

In this fashion was evolved the principle and practice of government only by the consent of the governed, in the peculiarly American understanding of that term. So, too, grew the idea of human equality in the distinctively American sense of that sublime phrase.<sup>44</sup>

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<sup>43</sup> Friedenwald, 13.

<sup>44</sup> A compact, clear, accurate and remarkably brilliant treatment of this whole subject is given by Prof. Charles M. Andrews of Yale in his

The man in leather leggings, hunting shirt, moccasins and fur cap, blazing the way for advancing settlements through tremendous forests, did not concede superiority to others, merely because they happened to be born in noble station in a far-away country.

Neither did men and women living in log cabins, clearing the land, existing by hardship and toil, believe that a king, a titled nobility and a landed gentry were divinely appointed to govern them. Nor were those who, by the same efforts of themselves or their ancestors had won competence or fortune, impressed by claims of far distant authority to rule, merely because of ancient title or established rank.

In a land and among surroundings where men could make their way by merit alone, where individual courage, resourcefulness and integrity counted for everything and artificial superiority by birth or royal favor, counted for nothing, the development of the idea of human equality was as normal and certain as any process of nature itself.

AMERICAN SOLIDARITY OUR TASK THEN AND NOW.

Under such conditions, upon another continent, with different modes of life, different habits and even different climate, it was certain that mental, moral and physical characteristics should evolve totally unlike those of distant peoples from whom Americans originally descended.

So the American of 1776 did not think like an Englishman, did not talk like an Englishman, did not look like an Englishman or any other European. In opinions, in manners of life, in personal appearance he had become a distinct and distinctive type, the offspring

of a new land and new surroundings—he had become the American.

In 1776 the Colonists of British descent were no more like the British people, than that great people then resembled the people from which they sprang. And the same thing was true of the lesser number of Colonists who were of German, Dutch, Irish, Swedish, French and other origins. Even then Americans were of different bloods—the first design proposed for the seal of the new Republic was the combined arms of the countries from which America had been peopled.

But the Americans of 1776 were overwhelmingly of British descent. In contrast to our ethnological structure of 1926, the founders of the Nation were well-nigh of a single blood. Today no one group outnumbers all the others.

We now have millions of citizens of Italian parentage, more millions of Scandinavian blood, still more of Irish descent, and a far larger number of German ancestry. There are now even more than three million Americans who came from Belgium, the Balkans and Russia.

So the process of the making of a people is going on in the United States today more actively than it did in the century and half before the Revolution.

This is the biggest fact in American life. Our task is to weld these millions of human beings of different origin and blood into a single people—a distinctive race with common language, common ideals, common interests and, above all, ethnological solidarity.

To do this prodigious and unprecedented work requires the spirit of mutual tolerance, sympathy and understanding among ourselves, and friendly and helpful relations with all other nations without political connection with any other nation.

It means that unless we are attacked, we must keep out of foreign controversies and quarrels. It means



that we must go on attending to our own business and not become a meddler in the affairs of others. That policy of common sense is as much more essential to-day than it was when Washington announced it, as the number of American citizens of different origins is greater now than it was then.

So long as our Government attends exclusively to our interests, the welding of our racial groups into one people goes forward normally—and, to the eye of history, rapidly. But the moment when, without provocation, we take sides in European disputes, every one of which has its roots in local prejudices, ambitions, rivalries and hatreds hundreds of years old, that moment the merger of our racial groups stops; and the members of those racial groups begin to think and feel in terms of the land of their origin—and they vote accordingly.

They become partisans of other countries, and thus cease to be exclusively American. In this fashion racial groups are revived and fostered. But the persistence of those groups is fatal to American solidarity; and to achieve American solidarity is our basic problem. Upon the solution of that problem depends our permanent wellbeing and happiness as a nation and, in the end, our security and even existence as a people.

Our racial evolution must go on until every citizen thinks and feels that he or she is an American and nothing but an American. Every American must be able to say, and say from the heart, not that I am for America first but some other country second—for America first but Italy second, America first but France second, America first but Germany second, America first but England second, America first but Ireland, Lithuania, Poland or Czechoslovakia second—but first, last, all the time and exclusively I am for the United States.

## AMERICAN INSTITUTIONS.

At different times and in different parts of the world, the human mind, working in different spheres, achieves an excellence not afterwards equaled. One period and country reaches the climax of art, another of administration, another of literature.

So in our country during the period when the American institutions were formulated, the science of free government was developed to its highest point. Just as today our ablest minds give their thought and energy to science, invention, industry and trade, so then the foremost intellects of an equally productive age gave their whole attention to devising orderly government for free people.

In doing that creative work, those masters of statecraft searched the elementals of liberty and law; and they laid down principles, observance of which alone makes us a free people in the American meaning of that idea. As nearly as anything human can be final, the institutions which those men thus designed, are the last word in popular government, if such a form of social control is to assure personal freedom, safeguard property and give each individual the largest opportunity for advancement.

Perhaps those institutions would not fit other races and other conditions. Our American principles of equality and system, of liberty and order have not worked, as they do with us, among peoples who are preponderantly Latin, or Slav or Oriental. The temperaments, customs and traditions of such peoples appear to be unsuited to the American theory and practice.

We have no quarrel with those peoples on that account. We will not try to make them accept our ideas, and they must not try to make us accept their ideas. It is none of our business what kind of government they want and have, and it is none of their business

what kind of government we want and have. Let every people of every race and every land work out its destiny in its own way.

And let every foreign government understand that the American Government is supreme in America; and that those who have become American citizens, no matter how recently, owe no allegiance or duty to and retain no political connection whatever with the country from which they came. In American Constitutional and institutional law, there is no such thing as double citizenship and divided loyalty.

#### THE GOSPELS OF AMERICANISM.

If, in our domestic concerns, we hope to realize the plans and purposes of the founders of the Republic, we must cherish in our hearts and apply in our daily relations, the meaning and spirit of the Declaration of Independence.

We are a fortunate people in our situation on the globe, in our resources, in our institutions, and in our rights, privileges and opportunities guaranteed to each of us personally and to all of us collectively in the fundamental law of the American Nation and of every State in the Union. And we are not worthy of these inherited and peculiar blessings if we do not use, enjoy, maintain and defend them.

We are especially favored in having marked out for us the way of happiness and safety in our domestic life and in our foreign affairs. We have only to carry out the ideas of the Mayflower Compact, the Declaration of Independence, the Constitution of the United States, the Farewell Address of George Washington and the Second Inaugural of Abraham Lincoln.

These are the gospels of Americanism; and observance of them in spirit and letter, will yield to us orderly freedom and wellbeing here in America, and security, prestige and beneficent power throughout the world.

So American statesmanship is plain and easy, requiring neither the contrivance of novel expedients at home, nor the planning of fanciful adventures abroad.

Only as we have departed from fundamental American principles have we had trouble. That we ever have ignored those principles, has been due to temporary aberrations. Now and then we have fallen into a state of mind, yielded to an abnormal psychology, and in this condition have done injury to ourselves, limited our happiness, impaired our freedom, well-nigh altered for the worse our individual and national character.

#### RADICAL CENTRALIZATION.

An example of these obsessions is the general dependence on national government to do what local government ought to do and what only local government can do well or at all. Many well-meaning persons demand that rigid laws, rules and regulations shall be made at and enforced from one autocratic centre, over an ocean-bound continent with vital differences of climate, soil, industrial conditions, and with an infinite variety of habits, customs and social and economic development and culture.

They want all America to be jammed into legal and administrative strait-jackets made in Washington.

This is not nationalism, but autocracy. Nearly a century ago a young professor of political economy in William and Mary College predicted that the result of excessive consolidation would be assaults upon thrift and terrorism of citizens, until nobody would stand up for his rights or dare express his opinions.

Over centralization is manifested chiefly in directive, and repressive laws, rules and regulations. Government bureaus at Washington issue edicts which business men in Maine and California, in Florida and Oregon, must obey; and government agents are sent thousands of miles to enforce these bureaucratic ukases—

departmental decrees about taxation, about industry, about trade, about well-nigh all the activities of all the people.

Congress has created an autocratic, centralized bureaucracy; and then abdicated in favor of its despotic offspring. In doing this Congress did not act as the legislature of the whole American people nor yet as the agent of the majority of citizens. Instead Congress acted as the slave of clamorous organized minorities.

The result is the curious spectacle of a free and numerous people governed by laws dictated by little fractions of that people. Many of these laws are only administrative rulings; and some of those rulings are kept secret from the businesses or persons they affect. Thus, in practical effect, our American government of, by and for the people, has degenerated into a government of and by minorities for majorities.

In this state of things the worst minority of all, that of evil wealth, finds its opportunity; for the public official who will take orders from a minority boss who secures his election, will take money from non-public interests to do their work. Thus has grown up the feeling of many citizens that it is useless to vote, since the vast but unorganized majority will not be represented no matter who is elected.

#### SHALL AMERICAN INSTITUTIONS BE CHANGED?

Is the great structure of American liberty and order being slowly disintegrated before our very eyes? Other peoples still covet our material resources, our fortunate location on the globe, the opportunities afforded by our comparatively scanty population; and they wish to participate in the economic advantages these elements of prosperity afford. But do many other nations now wish to copy our undemocratic evolution of a centralized bureaucracy run by minorities?

Do we ourselves, we average Americans, want to abandon our American constitutional and institutional system? If so, should we not do it with our eyes open, and knowing what we are about? Within the fortnight a course has been adopted, which, if it succeeds and becomes permanent and general, will radically and fundamentally change our form of government—and change it at once.

To make local officials also Federal officials, to make county sheriffs and city policemen also agents of the National Government, to make the guardians of State laws and City ordinances also the executives of national statutes—to do all this is, in practical effect, to destroy our political subdivisions, or, at the very least, to subject towns, cities, counties and States, to a national control centralized at Washington.

An officer of our Regular Army who devised this change in the American system and who is in charge of the execution of it, tells us the constitutional pretext for it. He says that the hitherto exclusive police power of the States is now shared by the Central Government. If this military and bureaucratic exposition of constitutional law is sound, the planners and builders of American institutions wrought in vain.

It is obvious that if local officials can be made national officials to execute one national law in a particular locality, they can be made agents of a general and centralized government to enforce other national laws in every locality. If a careful President like our present Chief Magistrate would use wisely this unlimited and essentially autocratic power, a heedless President might use it recklessly. Such boundless authority in the unrestrained hands of a certain type of supreme Executive could be employed to destroy the very reform which it is now invoked to support.

In the realm of practical politics, this power could be exercised to build and run a political machine, na-

tional in extent and nation-wide in its operation and efficiency; and, even in our short history, we have had administrations which would have done that very thing. Unless human nature has been repealed and politicians have become angels, we shall have other such administrations in the future.

As to the American theory and structure of government, few constitutional and institutional questions of equal gravity have arisen in our history.

In small countries like Italy, France, England or Germany, neither of which is as large as some of our States, and none of which have our constitutional and institutional arrangement—in such little and densely populated countries, centralized and local authority can be merged. Germany is only two-thirds as big as Texas, and California is almost twice as large as England. If America were as thickly peopled as those countries we would have more than two billion inhabitants. But the United States is larger than all Europe, excluding Russia, and, in comparison, thinly populated.

In a country as vast as ours, it is barely possible that centralized power might be exercised successfully by local officials, if that country was ruled by an absolute military despotism—but even then only provided that the people were sufficiently docile and spiritless to be thus regimented.

But a constitutional government of limited powers, cannot even try to do the same thing in a land so extensive as our continental republic with its necessary local divisions and local governments, and, at the same time, preserve our American system as it was designed, and as it has developed for more than a century.

Perhaps we want to do this; perhaps we have outgrown the American theory and practice of free government; perhaps it is more important that a single act of Congress shall be enforced in any manner and at any cost, than it is that American institutions shall

be maintained. All this may be the case; but if it is, let us say so frankly and take the consequences.

As Lincoln said: "If the people like that sort of thing, then that is the sort of thing they like"; but is it not common prudence, common sense and patriotic duty to examine and understand the effect of the constitutional dish set before us? It is encouraging that our President quickly saw the potentialities of the device suddenly thrust upon him, and is taking council upon it.

#### THE MANIA FOR LAW MANUFACTURE.

The result of minority tactics in States as well as nation, is a legal, social, economic and political confusion in America less intelligent and more contradictory than was beheld by Alice in Wonderland. We yielded so long and often to vociferous and threatening group demands for multitudes of statutes, that we acquired a mania for law making for its own sake—national laws and regulations, state laws and regulations, city laws and regulations, every kind of governmental supervision of human existence.

So in the second quarter of the Twentieth Century, we Americans are regulated, directed, controlled, and suppressed by more legislative acts, bureaucratic rules and government interference with every phase of business and life, than any other people that exist today or ever did exist under any form of government anywhere on earth.

Whether in a coma of prosperity or in a hypnosis of hysteria, we have allowed American rights and privileges to be bound by endless legalistic restrictions, until our practical enjoyment of those rights and privileges is limited or impossible. The American people today are not unlike Gulliver who, when asleep, was tied down by the Lilliputians, and awoke to find himself helpless unless and until he put forth his utmost strength.



Many laws demanded by groups are necessary and ought to be enacted. Most new and advanced ideas come from such sources. Nearly all helpful reforms are first proposed by minorities. But improvements in economic and social conditions must be made on their merits. That is the method of orderly freedom. Repression and force, compulsion and terror, are the devices of tyranny.

These need not be physical to be effective. For centuries the anathema of the Church was as compelling as the sword of the monarch. The health and endurance of the American system depends on freedom of thought, freedom of speech, freedom of religion, freedom of suffrage. To the extent that any one of these elements of our civic vitality is impaired, to that extent American institutions are impaired.

Yet many good people have been taught to denounce their fellow citizens as *sinners*, merely because they do not agree that some social or economic theory is sound. Instead of the use of discussion to form and direct public opinion, public opinion is used to prevent and extinguish discussion.

All this has come about in spite of our free institutions, because well-meaning women and men have been and are afflicted by a kind of ecclesiastical complex, and, in that state of mind, have been induced to look upon law, administration and even the judicial function itself, as aspects of religion. Such an attitude is neither moral nor intelligent—it is merely stolid and intolerant.

Let us try to convince others by fact and reason, and not brand fellow citizens as *wicked* merely because of difference of opinion. Any practical union of Church and State under any guise whatever, is not only productive of bad results, but is hostile to elemental and historic American principles. Utter separation of Church and State is our basic and traditional policy.

## THE INTERDEPENDENCE OF AMERICAN INSTITUTIONS.

American institutions constitute a system, and every part of it is dependent on every other part. One part cannot be torn out without weakening the whole structure.

Yet excellent citizens intent on a particular notion want this, that and the other guarantee of American liberty abolished or suppressed, and others especially enforced.

Some are strong for the Constitution, especially those provisions which shield property and contract; but they wish freedom of speech and press to be so limited that nothing can be said or printed with which they do not agree. Thus come proposals for censorship even worse than that of the Star Chamber in Milton's day.

Others are strong for the Constitution, especially the liberty to say and write whatever they please; but they insist that property shall be so subjected to government that capital may be taken from its owner and applied to some scheme which its promoters think will benefit a portion of the public. Thus we have proposals for confiscation and of government control of industry and business which, in effect, would abolish that economic freedom and security guaranteed by the fundamental law of the nation.

Still others are strong for the Constitution; but they insist that the inviolability of person, domicile and effects as established by the ordinance of our national life, shall be ignored and that autocratic condition restored which our Bill of Rights abolished. Thus come demands for search and seizure like those perpetrated by absolute monarchies in a distant and bloody day, in order that a particular view of conduct and life religiously held by some, shall be applied to others regardless of the basic law of all.

These are examples of the modification or suppres-

sion of various parts of the American system which distinct classes of citizens urge. If all modificationists could have their way, there soon would be no security of property, no stability of contract, no liberty of speech, no safety of person or residence, no orderly freedom or freedom of any kind.

Instead there would be ferocious conflict of hostile groups, each unrestrained by any common rule governing all, each intent on its own purpose, each indifferent to the general good; or at the best, each insistent that its particular obsession alone, can save the country. Yet it was to make just such destructive chaos impossible that the Constitution of the United States vitalized by the Declaration of Independence and the American Bill of Rights, was created, and our government established.

When all phases of American ideals, needs and conditions are thoroughly considered, and considered in relation to one another, it is clear that our safety, happiness and freedom, as individuals and as a nation, depend upon the equal maintenance of every American institution. The watchword of our salvation is: All American institutions, not merely some American institutions.

The Constitution and the whole Constitution, the Declaration in our hearts as well as upon our lips, the Farewell Address in the full vigor of its foresight and wisdom, the Second Inaugural with its infinite tolerance and spiritual vision—let these be our guides!

In the words of Abraham Lincoln, "with malice toward none, with charity for all," let us live the creed set down for us in those gospels of Americanism, of which the heart is the Declaration of Independence.