

The
National Association
For Constitutional
Government

A STATEMENT OF
ITS AIMS AND PURPOSES

By David Jayne Hill

OFFICES
716-717 COLORADO BUILDING
Washington, D. C.

**NATIONAL ASSOCIATION
FOR
CONSTITUTIONAL GOVERNMENT
716-17 COLORADO BUILDING
WASHINGTON, D. C.**

AIMS OF THE ASSOCIATION

It is the object of the Association to propagate a wider and more accurate knowledge of the Constitution of the United States, and of the distinctive features of constitutional government as conceived by the founders of the Republic.

To bring the minds of the people to a realization of the vital necessity of preserving unimpaired its guarantees of the fundamental rights of life, liberty and property.

To oppose attempted changes in it which tend to destroy or impair those guaranties.

As the aim of the Association is patriotic rather than partisan, it feels warranted in appealing to all citizens who value the institutions inherited from our fathers.

MEMBERSHIP DUES

Annual Membership - - - -	\$ 2.00
Sustaining Membership - - -	5.00
Life Membership - - - - -	100.00

Membership entitles the holder to "The Constitutional Review," a valuable quarterly published by the Association.

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Aims and Purposes of the National Association for Constitutional Government

In order to inform the public more fully as to the aims and purposes of the National Association for Constitutional Government, it should be stated, first of all, that the Association is a purely patriotic and in no sense a partisan society. It was founded in the conviction that the opposition recently manifested in so many ways to the institutions of representative government established by the Constitution of the United States is largely the result of ignorance of the significance and value of the constitutional guarantees, and in the equally firm conviction that unlimited experiment in social legislation is a menace not only to these institutions and these guarantees, but to the permanent existence of real self-government. The primary aim of the Association is to preserve these institutions and these guarantees, first, by explaining their meaning; and, second, by demanding a sufficiently deliberate consideration of proposals of change in the National Constitution to warrant a reasoned acceptance of them before their adoption.

While conservative in the sense of carefully guarding all that is really valuable in our system of government, the Association is not in the slightest degree adverse to changes when they are based on a careful study of facts and consequences, and do not conflict with the guarantee of individual rights.

THE CONSTITUTIONAL GUARANTEES

The primary idea of constitutional government in the American sense, is not, as

is too generally supposed, the mere division, distribution, and definition of public powers. It is rather the necessary restriction of the powers of government, and especially the limitation of the legislative power. It maintains that a well-organized society must involve the recognition of certain personal rights which government should not deny or destroy. It demands, therefore, the effective guarantee of those rights by so limiting the absolute power of the lawmaker as to prevent his infringement of them.

Accepting the existence of such rights as the true foundation of the State, it is further maintained that the particular rights enumerated and guaranteed by the National Constitution should not be lightly abandoned.

IGNORANCE OF THE CONSTITUTION

The founders of the Association have been deeply impressed by the appalling lack of knowledge of the real nature and meaning of the National Constitution on the part of the great majority of voters, particularly in the case of persons who have not grown up amidst the American traditions and of those who in great numbers are coming for the first time to the exercise of the elective franchise. It is a part of the purpose of the Association not only to warn the people of the dangers to liberty that lurk in impromptu methods of legislation, but to diminish as far as possible the deplorable ignorance of the Constitution by bringing to the attention of the people the meaning and value of its provisions. To appreciate the importance of this undertaking, it is only necessary for each individual to ask himself how much he personally remembers of those provi-

sions and of the questions affecting his own rights and liberties arising under them, and then to consider how much less knowledge of these subjects is likely to be possessed by those who have had fewer or inferior advantages. It may be well also for each reader to ask himself where he would turn to find at a moment's notice a copy of the Constitution for consultation, and especially where an ordinary man could find it readily accessible in a cheap form.

To remedy this situation the Association has published a Pocket Edition of the Constitution, in a cheap and convenient form, with a valuable introduction by an able writer, and has already distributed many thousands of copies, as well as much literature regarding the principles of government. In order to show the application of those principles to new issues, the Association publishes a carefully edited quarterly, the "Constitutional Review," which is now in the eighth year of its existence and is to be found in the libraries of most universities and colleges. It is furnished to all members of the Association without extra charge.

THE FIELD OPEN FOR THE DEMAGOGUE

If the public interest in the nature of our political institutions and the advantages derived from them by the people which characterized the early history of the Republic had been sustained, it is inconceivable that the social unrest and the indifference to our constitutional guarantees of liberty which have in recent years been developed in this country could ever have come into being. As Mr. Elihu Root

has said, in a letter commending the work of the Association: "The people of the United States have enjoyed constitutional freedom a long time without any conscious effort to maintain it, and many of us have forgotten, many of us have never learned, that it does not come and remain of itself. The principles of our Constitutions have passed without question so long that many of us have forgotten the reasons which underlie them and the necessity for maintaining them. Now, the principles are questioned. The assumptions of individual rights which underlie our system of government are denied and it is very important that the people of the country should address themselves to the study of their Constitution and the reasons for them. That ought to be done before changes are made which would be very difficult to reverse and which would result in giving us an entirely different kind of government."

Consider for a moment how great is the opportunity of the demagogue seeking to lead a mere class or sectional movement when the citizens are not well instructed. Such a leader is able to embark thousands upon an uncharted sea, and to awaken and appropriate to his private purpose demands and expectations of a most dangerous character. It is not, therefore, to be wondered at that we so frequently hear the Constitution denounced as a "plutocratic document" which should promptly be amended out of existence, and that hundreds of thousands of American voters actually believe this. It has been publicly proclaimed upon many occasions, and the idea has been embodied in solemn resolutions by more than one large and powerful body of our fellow citizens, that any

judge deciding to be unconstitutional any law enacted by a legislative body, should be required to vacate his office. When we consider what laws have sometimes received legislative sanction, and what laws might receive it were it not for constitutional restraints, we can form a picture of what would be the condition of this country and what the desirability of living in it, if this idea were to dominate.

THE DANGER TO PERSONAL LIBERTY

When we take into account the anarchic temper of a portion of our population and the ease with which the public is sometimes swayed by temporary emotion, we may, perhaps, realize in some degree how few of our individual rights would be respected if there were no constitutional guarantees. It is not intended here to deny that there is room for the regulation of personal conduct offensive to the community, as well as such corporate methods as are prejudicial to the life, and health, and peace of the community; but it is yet to be demonstrated that there is any truly beneficial social reform that is prohibited or obstructed by the National Constitution. When that is demonstrated it will be time to consider how far, and in what manner, that obstruction should be removed. If it is a real demonstration, there is nothing in the aims and purposes of the National Association to prevent the adoption of such a reform. The attitude of the Association is that no diminution of the present constitutional guarantees should be permitted without deliberate and reasoned consideration, and that every change should be considered upon its own specific merits.

It is not sufficiently realized by the thinking public that there are at the pres-

ent moment most radical changes in our system of government pressing for adoption, and that there is a strong movement in favor of rendering easier any future changes, regardless of their nature, by facilitating the process of amendment.

DANGEROUS PROPOSALS

It has been proposed, for example, that the Supreme Court of the United States be deprived of the authority to declare any act of the Congress unconstitutional unless seven out of nine judges consider it in violation of the Constitution. This is an attempt to render impossible a decision by the majority of the judges, and carries the consequence of declaring an act unconstitutional when only three judges believe it is in accordance with the Constitution, while six, or twice that number, are of the opinion that it is not!

There have been, in fact, only nine five-to-four decisions in the history of the country that an act of Congress was unconstitutional. Would there be a smaller chance of error in three-to-six decisions?

Another proposal is that, if the entire Court declare an act of Congress contrary to the Constitution, Congress may by re-enacting the act nullify the action of the Court and make it the law. This is, in effect, the total suppression of judicial authority. It clearly makes the legislative body omnipotent, and this is the purpose of the proposal.

THE TRUE NATURE OF A FUNDAMENTAL LAW

One of the important functions of the Association is to point out and keep constantly before the attention of the people the essential difference between a fundamental law and mere statutory legislation.

Legislative acts are intended to express the temporary will of the people, and the statutes adopted from time to time are of necessity more or less experimental. They are intended to meet the apparent needs of the time. They express merely the present wishes of the majority, or of what seems to be a majority. Is there to be no law for legislative bodies? Are they to have a free hand to make permanently binding any law that may for the moment seem to a mere majority, or by certain influences be made to seem, desirable? Where, then, are the rights of minorities to find their protection? Or is it to be held that minorities have no rights?

It is here that the true nature of a fundamental law appears. It is primarily a law for legislators. It declares what they may *not* do, because it intends that they shall not possess unlimited power. It is the guarantee, and the only solid guarantee, that these rights will be respected. It is the declaration of the deliberate and permanent decision of the people to the effect that their spasms, their emotions, their class interests, and their speculative theories shall not destroy their liberties.

OVERLOADING THE CONSTITUTION

The Association regards it as a duty to point out the danger of reconstructing the Constitution in such a sense as to make it the embodiment of what at a particular moment might be considered a merely legislative code. The tendency toward such an extreme has been strong in the case of some of our State constitutions. It is not assumed that the present National Constitution is an absolutely perfect instrument. It wisely made provisions for its own amendment. If that provision had made

amendment less difficult, it would no doubt have been frequently radically reconstructed, probably to its detriment, as a piece of organic legislation. The opportunity would have been afforded for a certain number of States to impose their will upon other States where public sentiment and local interests would have been profoundly affected. It is by no means certain that the Union could have endured this strain. It is not certain that it can endure it now. The permanence of our system depends very largely upon the renunciation of absolute power by the central authorities. That restraint is founded on respect for rights guaranteed by the Constitution. The overloading of the Constitution with arbitrary requirements which the nation as a whole did not approve, would weaken its authority as well as entirely change its character. Its strength and dignity lie in its simplicity and its firm guardianship of obvious and indisputable rights and liberties.

THE METHODS OF ACTION

It is the purpose of the National Association for Constitutional Government to see that these principles are properly understood and properly defended. It desires, therefore, to bring them constantly to the attention of the people of the United States for their consideration, and for such action as may from time to time seem appropriate. To this end it invites such aid and support as those of like mind may be disposed to give it. Further information regarding it may be had of its Secretary, Charles Ray Dean, 717 Colorado Building, Washington, D. C., and dues for membership and voluntary contributions may be sent to its Treasurer, John Joy Edson, President of the Washington Loan and Trust Company.

PAMPHLETS

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PAMPHLET

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