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Max M. Kampelmacher

Political Science 60

Term Paper

"The German Racial Policy and Theory"

"The German Racial Policy"

BIBLIOGRAPHY

BOOKS CONSULTED:

Brennecke, F.- The Nazi Primer
Chamberlain, Houston Stewart- Ravings of a Renegade
Feder, Gottfried- Hitler's Official Programme
Gobineau, Joseph- Inequality of Human Races
Gobineau, Joseph- Moral and Intellectual Diversity of Races
Hitler, Adolph- Mein Kampf

PERIODICALS USED EXTENSIVELY:

Commonweal- V.23- "Germany's Race Laws"
Contemporary Review- V.104- "Count Arthur of Gobineau: Race Mystic"
by J. M. Hove
Contemporary Review- V.108- "Herr Chamberlain and the War"
by J. M. Robertson
Edinburgh Review- V.219- "Houston Stewart Chamberlain"
by Lord Redesdale
Friends of Europe- No.13- "Germany's National Religion"
No.31- "Creed of the Nordic Race"
No.32- "The German Refugees"
by James G. McDonald
No.37- "Racial Conception of the World"
The Golden Book- V.20- "The Legend Behind Hitlerism"
by Wickham Steed
Harper's- V.177- "The Nazi Primer" translated
by Harwood L. Childs
New Statesman and Nation- V.5- "Nordic Biology"
Nineteenth Century and After- V.115- "The Pedigree of Aryanism"
by Anne Fremantle
Saturday Review of Literature- V.10- "Literature Abroad"
by Ernest Boyd
Spectator- V.157- "A New Myth" by Duncan Wilson

The German Racial Policy

Ten years ago, very few people would have imagined that in the near future a civilized nation would resort to a policy of pagan barbarism in the form of a "race religion". Today, however, that nation and "religion" stand defiant as the greatest threat to world peace.

It is well, therefore, for us to investigate the principles and theory behind Nazi Germany's racial policy.

Before continuing, it is essential to realize that the German racial theory of today was not invented by Adolf Hitler nor by his cohorts but is based upon a revival of ancient mythology or "Nordic Legend", as it is so often called, which has been ingrained into the hearts of Germans for many centuries. In the 19th century that myth received additional popularity and strength as a result of such propaganda as the operas of Richard XXXXXXXXWagner and the writings of Nietzsche, the German philosopher, Count Arthur de Gobineau, and Houston Stewart Chamberlain. The task of the Nazis, therefore, in convincing the Germans that they were a superior people was not a difficult one, for most Germans were already more than half convinced of their superiority.

Gobineau was the first modern writer to interest himself in the question of racial supremacy. In his books The Inequality of Human Races and Moral and Intellectual Diversity of Races he makes use of bad biology and long since discredited pseudo-scientific theory of race to "prove" his point. His principle thesis is that there are and always have been three divisions of human races: the Black, the Yellow, and the White. In the human scale, the Black

race is lowest, the Yellow race stands second, and the White race first; the "Aryans" having been the progenitors of the White race. Throughout history, Gobineau maintains, the "Aryan" or White race has proved itself superior to all others and it alone has maintained and can maintain a true civilization, because it alone possesses the requisite qualities, bravery and a sense of honor. The actual worth and strength of a people, therefore, depends upon the amount of "Aryan" blood which it has been able to preserve.¹

Gobineau's theories are not very clear and it is often difficult to interpret his theories in the light of modern day fact. After giving his theory of race mentioned above, for example, he goes on to accept the Biblical divisions of men into 3 peoples: the sons of Ham, Shem, and Japheth. The first, he says, was absorbed by the African negroes; the second died out through racial intermixtures; while the third developed into 3 branches, the first of which settled in Persia and became the "Iranian Aryans", the second became known to history as the Greeks and Romans, whose empires were ruined by Semitic infiltrations, and the third and noblest of them all are the "Germanic Aryans".² According to the second theory, therefore, which I imagine is an attempt to enlarge upon his primary one, the Yellow race does not seem to exist.

The appearance of the "Aryan" race in history begins with the conquest of Babylon by the Medes, who were but a small fraction of that race. They defeated the Hamites and the Semites in rapid order and ousted these peoples from the prominent positions which they formerly held. From the beginning, therefore, the "Aryans" were

¹ Contemporary Review V.104, pp. 94-97.

² Saturday Review of Literature V.10, p.480.

superior to the Semites and were different than other groups. As Gobineau wrote "The name 'Aryan' means 'honorable' and Aryan nations were composed of honorable men".³ It is mainly through his superior intelligence and strength that the "Aryan", or true White person, is the most exalted of creatures.

After he established the principle of the superiority of the pure "Aryan" over other peoples, Gobineau continues with his theory. In spite of "Aryan" supremacy, he admits that each of the 3 races is by itself incomplete and savage and incapable of further progress. The world order necessitates the existence of all races for only through the interplay of the 3 races is a true relationship between men, one of master and slave, arrived at. The nature of this relationship, however, and here is where modern German theory violently disagrees,⁴ is the cause of the eventual decay of the master race.

Gobineau insists that there must be no inter-marriage or mingling of blood. In the past, however, such intermingling of blood has taken place and "Aryans" have often "contaminated" themselves with subject peoples. The degeneration of races, therefore, is inevitable for inferior races always exercise an unaccountable but irresistible sexual attraction upon the master. The very existence of the 3 races, therefore, to bring about a true relationship of master and slave causes the downfall of the superior race by reason of the admission of inferior blood.

In essence, therefore, Gobineau says that ^{it is} a part of the natural order for there to be a superior race but the superior race cannot always remain pure for the inferior submerged peoples tend to become

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³ The Golden Book V.20, p. 189.

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⁴ Nineteenth Century and After V.115, pp. 573-586.

slightly absorbed within the stronger, which makes the latter weak. Nevertheless, he sticks fast to his principle that racial differences are permanent and that races are intellectually unequal.

As for the future, and we must remember that Gobineau wrote in the 19th century, the "Aryan" does not have much to look forward to. He admits that a pure "Aryan" does not exist anymore. To the Germans, who are the descendants of that "superior" race and still today are comparatively pure, he says that their mission, which was to civilize the world, is now over. He concludes pessimistically, and it is not necessary for me to say that the Nazis do not accept this part of his philosophy, that "Aryan" civilization is at an end and can never be restored.⁵

Before leaving Gobineau, it is interesting to note that he has a strange theory as to the creation of the Semites. He says that they are not a race, but a tragic result of interbreeding between superior and inferior races. He dogmatically asserts that Semites were originally a black race who were "tempered" by two successive invasions of whites.⁶

I also wish to emphasize a point which I have not made clear above and that is that Gobineau again differs from Hitler by admitting that inferior races have contributed slightly to world progress. Even though he champions "Aryan" superiority, Gobineau pays tribute to what he regards as the real achievements of the Jews and he admits that the negro element was essential to the development of the arts. Nazis today, however, declare that everything of value came only from "Aryans" while the efforts of others were wasted.⁷

⁵ Saturday Review of Literature V.10, p.480.

⁶ Nineteenth Century and After Op. Cit.

⁷ Saturday Review of Literature Op. Cit.

Most of what Gobineau wrote is found in the later writings of Houston Stewart Chamberlain. The only difference between them was that the former was a theoretical thinker whose ideas were transformed by the latter into a semi-political program. Chamberlain in his Foundations of the Nineteenth Century more closely conforms with the modern German racial policy for to him present day Germans and the Nordics of old are one and the same.

He continues the teachings of his predecessor by reducing the vast complexity of human history to a simple question of race qualities. There are only "Teutonic" and "anti-Teutonic" peoples. It is important to note that by "Teuton" he does not only mean the Germanic speaking races but also the various peoples of Northern Europe such as the English or Celts and the Scandinavian. Chamberlain incidentally also considers the French "Teutonic" and even calls the Russians "at least half-Teutonic."⁹ To continue, he says that the "Teutons" of the North will save Europe, as they have so often done in the past, from the "anti-Teutons".

To Chamberlain, the Germanic peoples originally belonged to one family, but the "Teuton" proved himself so superior that his name came to represent the whole family.¹⁰

In short, Chamberlain's thesis is that first place in the world belongs to the "Teutons" and the story of the 19th century is the story of "Teutonic" triumph. He proves to his own satisfaction that the German or "Teuton" has been the dominant factor in the growth of world civilization. He claims that they made an almost clean

⁸ New Statesman and Nation V.5, p.681.

⁹ Contemporary Review V. 108, p.298.

¹⁰ The Golden Book V.20, pp.186-191.

sweep of the chaos which resulted after the decline of the Roman Empire.¹¹ Chamberlain continues and defends the much abused Goth as a saviour of Europe and of the world. True, he admits, that there was no unified nation only many different ~~xxxxxxxx~~ tribes, but their characteristics were one and remained permanent¹² lasting even until today for they were unpolluted by marriages with alien people and hence have "from time immemorial been a special un-mixed people resembling itself alone."¹²

The "Teuton", therefore, is the foundation of all culture and binds all of Europe together. Chamberlain goes so far as to state that only "Teutons" sit on the thrones of Europe, using the word in the broadest sense.

Chamberlain also stresses certain physical characteristics which every true German possesses. In Wagner's operas we also find similar emphasis on the physical beauty and perfection of the male German. The true "Teuton" is tall, fair, somewhat "carrotty" and possesses the "German" characteristics of bravery and leadership. All those who are not so gifted, although born in Germany, cannot be regarded as genuinely Germanic. It is interesting to note that Hitler who seems to be ~~xxxxxx~~ gifted in that he is neither tall, nor fair, nor blonde recently changed that concept so as to include most Nazis, who resented not being called "pure".¹³

The ideas of the 19th century scholars were received with open arms by Hitler and the Nazis. They were ideas with popular appeal and were capable of being made the subject of much propaganda and rabble rousing speeches. They received expression, therefore, in

¹¹ Edinburgh Review V. 219, pp.79-90
¹² Ibid., p.83.
¹³ Spectator, V.157, p.745.

the books and speeches of Hitler and Alfred Rosenberg, his race expert, and in the later laws passed by the Nazi government after 1933.

The earliest Nazi declaration of ~~policy~~, racial policy, came in February 1920 when the National Socialist Party proposed in its programme that none but those of German blood may be members of the Nation. All others in the country were to be "guests" until they would emigrate. This plank remained a vital factor in the Nazi platform and when Hitler became Chancellor he proceeded to put his principles into force.¹⁴

On April 7, 1933, therefore, we find that Section 314 of the Law for the Restoration of the Professional Service provides that "officials, who, judging from their previous activity, do not warrant that they will always unreservedly exert themselves for their national country, may be dismissed..."; and Article 3 provides that "officials who are of non-Aryan descent are to be retired".¹⁵ These provisions were soon applied to include professions and universities. Again in May 1935, the new Conscription Law provided that only "Aryans" are to be in active military service.

At this time, the Nazis were faced with the problem of how to differentiate between "Aryans" and "non-Aryans" for there were many Germans whose racial lineage was doubtful or whose parents or grandparents were of the Jewish faith yet who themselves were Lutherans. The government decreed, therefore, that a "non-Aryan" is one who is descended from non-Aryan, particularly Jewish parents or grandparents. It suffices if one parent or one grandparent is non-Aryan.

¹⁴ Friends of Europe, No. 32.

¹⁵ Ibid., p. 16.

This obtains especially if one grandparent or parent belonged to the Jewish faith".¹⁶

Additional legislation provided that "Aryanism" could not be acquired or assumed through adoption. On the other hand, an "Aryan" lost his privileged position if he married a "non-Aryan". To further purify the nation, the government decided to go further back than three generations in searching the background of a person, so new legislation disclosed that the search for "Jewish blood" was to be extended back to January 1, 1900. This act also created a "racial expert" whose duties it would be to delve into the obscurities of doubtful "Aryans" and clarify all questions of heredity.¹⁷

The most stringent laws passed by the Nazis in the six years of their reign were announced at the Party Congress at Nuremberg on September 15, 1935. The Parteitag adopted certain "provisional" decrees outlining the application of the laws concerning citizenship and race. The core of the legislation limited citizenship to those who are "of German or cognate blood" and who also conform to the National Socialistic conception of loyalty to the State. All "non-Germans", therefore, lost their citizenship, were disfranchised, and were made ineligible to hold public office.

It is interesting to note that the term "Aryan" ~~xxxxxxxxxxxx~~ was abandoned at Nuremberg and instead we see the use of "Jews", "Jewish Mixture", and "Germans". A "Jew", for example, is forbidden to marry a "German" and vice versa. "Jewish" households were also forbidden to hire "German" girls as servants. Without going into detail, it is obvious that the Nuremberg Congress of 1935 made life

¹⁶ Ibid., p. 17.
¹⁷ Ibid.

very miserable for those of the Jewish faith.

The German racial policy, however, would never have succeeded in spite of continuous legislation if the people themselves were not made to feel that the theory behind the policy is trustworthy. I have already mentioned that the task of convincing the people was a fairly simple one. It was done and is still being done from two sides, the molding of the children and convincing the adults.

The textbook used in all German grammar schools is The Nazi Primer. In it, the new generation is taught, among other things, the German racial theory and it is impossible for us to fully realize the significance of that theory without reading the appropriate chapters in the book. I shall, therefore, as simply and concisely as possible, give a resume of the principles found in the Primer.

First, the child is told that the "foundations of the National Socialist outlook on life is the perception of the unlikeness of man". Then the principle is laid down that the possession of German blood is essential for admission into the community of German people. A Jew, therefore, who has assumed a German name and adopted a Christian belief is still a Jew.

A complicated course in biology and anthropology is then summarized for the reader and the German racial theory, based primarily upon scientific fact is presented. There are six races in Europe different not only physically but in mind and action: Nordic, Phalic, Western, Dinaric, Eastern, and East Baltic.

Most of the Nordics are found in Germany but there are also many in the other lands of Northern Europe such as Scotland, Sweden, and Norway. As to physical characteristics, they are the tallest

¹⁸ Commonweal, V. 23, p. 129.

¹⁹ Harpers, V. 177, p. 240

race and are slender possessing a small face and small nose. Their skin is light and delicate and their hair is smooth and wavy varying in color from light to golden brown. The Nordic race is also credited with light colored eyes and is distinguished from other races by its mental superiority. The race, according to the Primer, is outstanding for truthfulness and energy. They possess a great power of judgment and are inclined to be cautious. Action, not talk, is their motto, and hence they are predisposed to leadership by nature.

Closely related to the Nordic is the Phalic situated chiefly in Westphalia, Sweden, and the Canary Islands. In physical size and other characteristics there is not much difference between the races except that the Phalics are slightly darker in color, are more forcibly inclined, and are less emotional. It is for that reason that they are better suited to be "the driving force under the leadership of the Nordics" than for leadership themselves.

The Westerns are not found much in Germany but predominate in England and France. They are not as physically perfect as the Nordics but are much darker. The Western race is different in "soul qualities" by being loquacious and excitable thereby lacking creative power.

Although darker than the Nordic, the Dinaric race is somewhat similar to the former in "soul qualities" by being proud and brave. He is found in southwest and central Germany. Unfortunately, however, great thought abilities and investigations are not found in him.

The Eastern and East Baltic races are very similar to one another. They are found in Holland, the Baltics, and parts of Italy and France. In physical characteristics, they are decidedly inferior being clumsy without power of decision. Their histories show that

they have always been led and cannot lead themselves.

To prove that all detailed information it included is true, the Primer quotes from the Mendelian theory of heredity and applies it to the formation of races. We can readily see that the new generation, therefore, is growing up with the false race theory ~~xxx~~ thoroughly ingrained into its philosophy of life.

The adults likewise cannot escape from the constant hammering of the race theory into their daily lives. Recent newspaper items report that every newly married couple is presented with a copy of Hitler's Mein Kampf. The Myth of the Twentieth Century by Alfred Rosenberg, Hitler's racial expert, is also widely publicized.

Next to Adolf Hitler, Rosenberg is definitely the most rabid champion of German racial supremacy that the world has ever known. His writings, however, have direct references to both Gobineau and Chamberlain from whom he undoubtedly obtained his theory. Following Chamberlain's thesis he says that the German race has given the world the finest gift, that of character. In addition, the "genius" of the "Nordic" race, from which all science results, taught the other peoples of the earth the value of loyalty, honor, and a love of freedom which only "Aryans" possess. The story of the world reveals further that only the "Nordic" race is blessed with "heroism" and "creative genius".

Rosenberg's chief desire is to perpetuate the German race as a new religion. I quote his own words in the Mythus: "Today there is arising a new belief, the myth of blood; the belief that through blood the divine being of man is to be defended; the belief enshrined in the clearest knowledge that Nordic blood represents

the mystery which has overcome and replaced the old Sacraments".²¹

That same idea of a "race religion" is growing steadily in Germany today. Its chief exponent is the Nordic Faith Movement whose Vice-President is Dr. Wilhelm Kysserow, a noted German author. Their definition of race is "a section of men and women of largely homogeneous external appearance and internal character who transmit their qualities, more or less completely, to their offspring".²² This organization wants to organize the "Nordic" race into an international creed or religion; and it seems to have official sanction. Their principles are stated very well in Article IX of Section 1 of their "Nordic Confession of Faith": "We believe in the immortality of Nordic man in the inheritance of his kind and in the everlasting Nordic Soul as power of the divine on earth and in the universe". To them, "Nordic man has a divine mission on earth and he will exist as long as the world lasts".²³

A corollary to this main thesis practically paraphrases Chamberlain for they say that it is the duty of the "Nordic" to check the decay of his race brought on by the "dominion of an alien creed" through racial mixtures. The only way to accomplish this end is to control and subject the Jewish influence in culture and industrial life.

The trend of German thought, therefore, seems to be towards a continuance of the present German racial policy.

Up until now, I have not mentioned any of Hitler's specific remarks but have instead stressed the writings of others. I have

²¹ Friends of Europe, No. 26, p. 9.

²² Ibid., No. 31.

²³ Ibid.

done this purposely in order to prove that Hitler's ideas are not original or new. I have heard it said that Hitler was only acquainted with one author, Adolf Hitler. From comparing much of Hitler's writings with those of the 19th century scholars, however, I find that he was definitely acquainted with at least two more authors. All of his racial ideas seem to be paraphrases of Gobineau and Chamberlain. In the next few paragraphs, therefore, I shall mainly quote from Mein Kampf and let the reader discover from what he has read above any similarities.

In Mein Kampf many of Germany's divine missions, as it were, which were only mentioned slightly by Chamberlain are decorated and detailed by Hitler:

"What we have to fight for is security for our existence and the increase of our race and nation, the nourishment of its children and the purity of its blood..."

He again repeats the often heard assertion that the mixing of higher and lower races is clearly against the intent of Nature and involves with it the destruction of the higher or "Aryan" race.

Hitler then "proves" "Aryan" supremacy and offers testimony that:

"Human culture and civilization on this earth are inseparably bound up with the existence of the Aryan. By this extinction or decline the dark veils of an uncultured age will descend once more."

Also:

"The Aryan Man alone is the founder of a higher humanity itself and consequently represents...the Prometheus of mankind".

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Nineteenth Century and After, V.115, p.580.

25

Friends of Europe, No. 37, p.11.

26

Ibid.

His racial policy is also expressed in:
 "The racial State must make Race the center of
 the common life. It has to preserve the purity
 of the Race".

The next few quotations from Mein Kampf prove without a sem-
 blance of a doubt how much Hitler depended on the 19th century
 scholars for they are Gobineau's race theories almost verbatim. 28

First:

"There are numberless examples in history, showing with terrible plainness how each
 time Aryan blood becomes mixed with that of inferior peoples, the result has been
 the end of the culture-sustaining race".

Also:

"All that we admire on this earth---science,
 art, technical skill and invention---
 is the creative product of only a small
 number of nations, and originally,
 perhaps of one single race".

Again, he emphasizes how

"the loss of racial purity ruins the
 fortunes of a race forever...It is
 the duty of the national State to see
 to it that a history of the world is
 eventually written in which the ques-
 tion of race occupies the most pro-
 minent position".

Gobineau and Chamberlain, therefore, we have seen undoubtedly
 provided the theory of "Aryan" supremacy which the Nazis put into
 practise in the form of the German racial policy. Nevertheless,
 were they living today I can readily see where they would dis-
 please Hitler and his officials.

It is interesting to note in view of the denial of personal
 freedom by Hitler today that Chamberlain believed that the Magna
 Carta of 1215 was a development of Germanic ideas, most important
 of which is the defense of individual rights. He says: "whoever

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ibid., p.14

28

Nineteenth Century and After, V.115, p.580-586.

runs counter to this (liberty of Magna Carta) is a criminal, even if he wear a crown".²⁹ These would certainly be considered seditious remarks in Germany today.

In addition, although Chamberlain does not defend or like Jews he says "The Jew is no enemy of Teutonic civilization and culture" and it is a "perfectly ridiculous and revolting tendency to make the Jews the general scapegoats for all the vices of our time. In reality the Jewish peril lies much deeper; the Jew is not responsible for it; we have given rise to it ourselves and must overcome it ourselves."³⁰

Were Houston Stewart Chamberlain living today in Germany, I could imagine him, strange as it may seem at first, being taken away some night to a concentration camp.

As we finish this discussion of the German racial theory and policy, the most important question with which we remain and which cannot be answered as yet is whether that policy will remain an internal and domestic one within the boundaries of the Rhine or whether its cause will be championed by others in other lands. To those who feel confident that the "Nordic Legend" is purely a German one and will only affect those living within the geographical boundaries of Greater Germany, the words of Chamberlain should make them hesitate. He states that it is "the most sacred duty of the Teutons...to serve the Teutonic cause" and "we shall deliberately defend ourselves against the un-Teutonic and seek not only to extend our empire farther and farther over the surface of globe and over the powers of nature, but above all unconditionally

29

The Golden Book, V.20, p.190

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ibid.

to subject the inner world to ourselves by mercilessly overthrow-
ing and excluding those who are alien..."³¹

Our brief study, therefore, has shown how "Aryanism", at first a scholarly, almost abstract theory, based on the result of scientific searchings into the origin of the Germanic peoples, has now become a fanatical creed slowly encroaching upon whatever freedom remains in Europe.

Confession of Beliefs

May 12, 1939

Professor Carpenter

Criminal Procedure

Military Tribunal

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...it is not a crime... These would certainly be considered...
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Max M. Kampelmacher

American Constitution

May 12, 1939

Professor Carpenter

"Criminal Procedure in
Military Tribunals"

Excellent

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✓/X am indebted to Major Rathbone of the Department
for his assistance in preparing the paper.

Bibliography
for

"Criminal Procedure in Military Tribunals"

PERIODICALS:

American Journal of International Law - V. 5

"Military Tribunals and Their Jurisdiction" - H. W. Hallack
Case and Comment - V. 20

"Courts Martial and Military Courts" - F. C. Bryan
Georgetown Law Journal - V. 15

"Military Law and Courts in the U.S." - Joseph Wheeler
Journal of Criminal Law and Criminology - V. 9

"Military Courts of Paris: a Comparison" - R. Ferrari
Journal of Criminal Law and Criminology - V. 12

"Military Penal Law" - William C. Rigby
Mississippi Law Journal - V. 7

"Military Law and Procedure" - A. D. Somerville
Virginia Law Review - V. 5

"Courts Martial" - Ellenbe W. Carter

BOOKS:

Scott, R. N. - Digest of Military Laws of U.S.

U. S. Army - A Manual for Courts-Martial (1917, 1936)

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Criminal Procedure in Military Tribunals

There is a widespread but false conception, which to confess I myself believed before beginning this paper, that procedure in Army tribunals is ruthless and autocratic and that "justice", as we civilians know it, with its Constitutional guarantees is sorely lacking. A closer investigation of the matter, however, easily dispels this mistaken notion.

One of the chief reasons for the erroneous belief, I imagine, comes from the idea that procedure in the U. S. Army, as in any other army, is founded on historical precedent; and hence, following the precedents established by Caesar and Napoleon of one man army rule, modern armies are also ruled autocratically. If we were, however, to realize that during the reigns of Caesar, Napoleon, and the other strong leaders of the past, the concept of civil liberties and freedom for the average citizen were also unknown it would be obvious to us that the army certainly could not have these privileges. Today, however, in a country where civil liberties and individual freedom are jealously ^{guarded} ~~regarded~~ "fundamental rights", it is not strange that the same "rights" are maintained "whenever possible" in our armed forces.

Naturally, in times of war the normal procedures and rules do not hold and expediency necessitates swift and at times ruthless action, but in times of peace such is not the case.

The only Constitutional provisions which pertain to the question of procedure in military tribunals are found in Article I,

Section 8: "Congress shall have the power... To make rules for the Government and Regulation of the land and naval forces"; and Article V of the Amendments: "No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces..." We see, therefore, that normal guarantees do not exist unless Congress so legislates.

The first act passed to regulate the army came in June 1777 when the Continental Congress adopted 69 Articles of War based on the British model and chose a "judge advocate of the Army" who was the following year given the title of "judge advocate general" and on whose shoulders the burden of carrying out the trial was placed. Officers and enlisted men at this time, therefore, were tried for violations of the Articles of War; and there was not much of a legal system. With the Civil War, however, and its exigencies, Congress organized a real military judicial system and clearly fixed the limits of its jurisdiction. It can be said, therefore, that actual military jurisprudence in the U.S. started from the Civil War.²

There are three types of court martial depending on the case involved, namely general courts-martial, special, and summary courts-martial. The latter consists of one officer, the special courts-martial of at least 3 officers, and the general of at least 5 officers. It is interesting to note that the Army provides for a Law member in the general courts-martial to rule upon

¹ Case and Comment, v. 20, p. 84.

entangling interlocutory questions. It is present to see to it that law and not prejudice is the prevailing atmosphere in court. It is, therefore, necessary for him to be an expert in legal matters.

In brief, the general courts martial try cases of major importance similar to felony trials in civil courts; and also charges against commissioned officers. Special courts-martial, a slightly lower court, have jurisdiction over all crimes, not capital, punishable under the Articles of War. This court may not declare dishonorable discharges, or confine for more than 6 months, or "adjudge forfeiture of more than two-thirds pay per month for a period not exceeding 6 months". The third court handles by far the greatest number of military offenses and is very much similar to a police court in civil law. It has jurisdiction over all persons subject to military law except officers and cadets. It may not adjudge confinement in excess of one month, or declare forfeiture of more than two-thirds of one month's pay.²

It is very important to realize that courts-martial have been upheld by the Supreme Court. In *Ex parte Garland*, 206 U.S. 333, 347-348, the Court decided that "Courts-martial are lawful tribunals, with authority to finally determine any case over which they have jurisdiction, and their proceedings, when confirmed as provided, are not open to review by the civil tribunals, except for the purpose of ascertaining whether the military court has jurisdiction of the person and subject matter."

² *Virginia Law Review*, V.5, pp. 329-332.

and whether, though having such jurisdiction it had exceeded its powers in the sentence pronounced". A self-inflicted check on its powers, however, is found in Article 92 of the Articles of War which provides that in times of peace "no person shall be tried by court-martial for murder or rape committed within the geographical limits of the States of the Union and the District of Columbia".

The outstanding impression that one gets after investigating military procedure is the simplicity which one writer says puts "to shame the archaic and cumbersome forms of the common law and statutory criminal processes."³ In spite of the simplicity of the procedure, however, the established guarantees are still preserved. First of all, when a soldier is charged with a crime instead of a long and highly technical indictment which only lawyers can understand, the court-martial is presented with a simple Charge and Specification. For example: "Charge: Violation of 92nd Article of War.

"Specification: In that Private John Doe, Co. M. 2nd Indiana Infantry, did at Jeffersonville, Indiana, on or about the 10th day of May, 1926, wilfully, feloniously, with malice aforethought, unlawfully kill one Richard Roe, a human being, by shooting him with a rifle."⁴

The Charge is then signed by an officer and sworn to by the accuser, so as to insure its authenticity. The Charge now must be prepared in triplicate and the accused must be immediately

³ Georgetown Law Journal, V. 15, p. 280.

⁴ Ibid.

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presented with a copy plus all other information necessary for his defense. The rights of the defendant are further ensured by the provision that no trial shall be held sooner than 5 days after he is accused. The object of the provision is to give the accused enough time to prepare a full defense.⁵

We are not to believe, however, that a trial is called for as soon as a person accuses a soldier of a crime. If a man is suspected of an offense, his immediate commander, when informed, is supposed to make some kind of an investigation. If he thinks that there is any probability of the man being guilty he then issues an order and appoints another officer, who is supposed to be entirely disinterested, as "Investigating Officer". The latter makes a more thorough investigation and goes into the facts in detail generally taking sworn statements from the witnesses. The investigator then reports back to the commander who refers the report to the Judge Advocate for an opinion. If all agree that the accused is guilty he is officially charged with the offense and placed on trial.⁶ We see, therefore, that even in military procedure, there is a sort of "Grand jury", as it were, to safeguard the accused.

The trial itself is very similar to a trial in civil courts. The accused is entitled to be represented by counsel, civil counsel if he so desires or military if such counsel be reasonably available. If the defendant does not choose a lawyer, the court duly appoints a

⁵ A Manual for Court-Martial, 1917, section 80.

⁶ Mississippi Law Journal, V. 7, pp. 386-389.

defense counsel. It is interesting to read Section 45 b of the Manual for Court Martial which says "An officer ... acting as individual counsel for ~~a defendant~~ the accused ... will perform such duties as usually devolve upon the counsel for a defendant before civil courts in a military case". All in all, the law sees to it that the defendant is given every opportunity to defend himself.

In fact, Section 96 of the Articles of War provides that "Should the accused for any reason not be represented by counsel, the judge advocate shall, from time to time throughout the proceedings advise him of his legal rights": a) acquaint the prisoner of the accusations against him, b) inform him of his right to have counsel, c) inform him of his right to testify in his own behalf, d) inform him of his right to have a copy of the charges.

I have heard it often said that in the Army a person is guilty until proven innocent. The contrary, however, is true.

"In every criminal case the burden is on the prosecution to prove, by ^{relevant} ~~reason~~ evidence, that the offense charged was really committed, that the accused committed it, and that the accused had criminal intent at the time."

In relation to witnesses and testimony, the general rules of civil courts prevail. Witnesses are sworn and examined and their testimony is always recorded in full by a reporter. The prosecution first calls its witnesses, who can be cross-examined and the same procedure occurs when the defense calls its witnesses. A very

⁷ A Manual for Court Martial, 1917, section 195.

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good observation 5

important characteristic in military tribunals is that the members of the court have the right to ask as many questions as they desire so as to fully discover the truth. In most cases, therefore, the members take turns at interrogating and of times are as important in the discovery of facts as the official examiners.

In the course of the trial, the judge advocate is expressly told to do his utmost, not to convict, but to present the whole truth of the matter in question. He should oppose any attempt to suppress facts or distort them.⁸

As regards to witnesses, we find provisions stating that a wife or husband of an accused may not be called to testify against the accused without the consent of both accused and witness, unless on a charge of an offense committed by the accused against the witness. Also, a wife or husband of any ~~accused~~ ^{person} may not testify to confidential communications of the other, unless the other gives consent.

It is interesting to note that one witness is not enough in treason cases for there must be two witnesses testifying to the same overt act. In perjury cases, the law also provides that there must be either a second witness to the falsity alleged or a corroboration of a single witness by some other form of evidence.

When questioning a witness, the interrogator is not allowed to be abusive or threatening. No such thing

⁸ Ibid., section 98.

as "brow beating" a witness is permitted. Evidence is presented through the means of questions and answers. There is a strict rule, however, that only pertinent facts can be presented and not extraneous matter or "opinion", except in certain well defined cases. That is one of the reasons that the trials are short and to the point.⁹ The questioners are likewise not permitted to ask leading questions, a prohibition also found in civil courts. Another important Army rule of testimony is that hearsay evidence is not admitted into the records unless it be a confession or a dying declaration. It must be noted, however, that the court is permitted to make exceptions to these general rules if it feels that such exceptions would generally aid the progress of the trial.

After all the presentation of evidence has been completed, the accused, personally or by counsel, may make an unsworn verbal or written "statement" as to his case which is nothing more than a general "summation speech" in a civil court. Then the judge advocate presents his "argument" or summation for the prosecution and the case goes to the court for a decision. Occasionally, after the prosecution has finished speaking, the defense is permitted to answer any new matter coming up in the closing arguments of the judge advocate.

To decide a case, the members of the courts-martial

⁹ Journal of Criminal Law and Criminology, V. 9

retire to a closed session where they discuss the evidence and vote. A separate vote is taken on each specific charge beginning with the junior officer in rank. The reason for the express provision ordering the junior in rank to vote first is to permit him to vote according to his own inclinations without being influenced by older officers.²⁰

Before 1920, a two-thirds vote was necessary to inflict the death penalty and a majority was necessary to convict in other cases. In 1920, however, the procedure was changed to favor the accused and now a unanimous decision is necessary for a death sentence; a three-quarters vote is necessary to impose life imprisonment or more than ten years; and a two-thirds vote for other sentences.²¹

The decision of a court-martial, however, is not final. Before any convicting decision can be executed, the reviewing authority, or the commanding officer who called the court-martial into being, must expressly give his approval. It is within his power to reduce the punishment but he cannot add to the punishment imposed by a court-martial. It is also within his power to decide on all questions of appeal or "review". Article of War 37 tells him to weigh the effect of a particular error in the light of all the facts shown by the record, and, unless it appears to

²⁰ Virginia Law Review, V. 5, pp. 329-335

²¹ Journal of Criminal Law and Criminology, V. 12, pp. 84-90.

him that the substantial rights were injuriously affected so as to perhaps change the outcome of the trial, he should disregard the error as a basis for holding the proceedings invalid, or for disapproving of the findings or sentence. Its object is to prevent legal quibbling. Whenever the reviewing authority reverses a decision of a court-martial, the proceedings of that court are null and void and do not bind anyone. But when a court-martial acquits a defendant, the reviewing authority cannot reverse the decision. The rights of the accused, therefore, seem to be safeguarded from all angles.

The Army law also provides certain limits to the prosecution. The first limit is as to time. A "statute of limitations" exists in all cases except for desertion committed in time of war, or for mutiny or murder. For desertion in time of peace, manslaughter, mayhem, arson, burglary, housebreaking, robbery, larceny, embezzlement, perjury, forgery, sodomy, assault with intent to commit felony or bodily harm, or attempts at fraud against the government, the period of limitation is three years. For all other cases, the period is two years.²² It is interesting to note that where the statute of limitations seems to protect an accused and the latter does not take advantage of it, the court is specifically instructed to inform the defendant of his right to plead the statute.

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Articles of War, Article 39.

A further limitation upon the prosecution is a provision guaranteeing an accused from being placed in double jeopardy. No person, without his own consent, can be tried a second time for the same offense.¹³ That right holds true even if the first trial was held in a civil court, for civil courts and military tribunals are considered to be on an equal plane since both derive their existence from one source, acts of Congress. *W. H. H. H.*

In military tribunals, therefore, we find that criminal procedure is nothing more than a simple, more expedient civil court procedure for members of the armed forces. The rights of the individual are as preserved, even if in a slightly different form or through a slightly different procedure, as they would be in any civil case. An investigation proves that when a soldier is placed on trial, a "Grand Jury" has already investigated the charges and prepared an "indictment". The accused is fully informed of what he is charged with and has had sufficient time to prepare a defense. In the court room, the presence of his own "lawyer" and a law member insures him that as far as his legal rights are concerned, he need have no fear. In fact, even the "prosecutor", instead of being abusive and antagonistic, is cooperative and helpful whenever possible. And above all,

he knows that the trial will be swift, pertinent, to the point, and will not be a drain upon his pocketbook.

It is my earnest belief, therefore, that our civil courts have much to learn from military tribunals. Of course, the essential structure of the system must be preserved but the courts will profit much by aiming towards the elimination of useless ceremonial and time wasting processes which at times cause a trial to drag on for a long period of time.

Max M. Kampelmacher
Political Thought
Book Review
December 18, 1939

CROMWELL & COMMUNISM

by

Eduard Bernstein

The economic grievances now so vividly recalled in the background as the struggle between a religious one within the Protestant denomination itself. This came about with the development in the new state Church in the form of the Puritan opposition, the opposed abolition in both Church and State. The Puritan movement blended well with the period for it was becoming increasingly difficult to gain a livelihood under the pressure of world commerce, and here we have the authors introducing us to the economic phase once again. Puritanism was characterized by a natural economy of subsistence society and abundance, but with the rise of money and the growth of trade, the surplus that was not immediately consumed was turned into money. He states, therefore, that "the surplus was then was necessary... now appeared as a social sin, and frugality and thrift became social virtues". (page 38)

Cromwell & Communism. By Eduard Bernstein. (London: George Allen & Unwin Ltd. 1930. Pp. 387.)

Too often, in a study of the Cromwellian Period, the political and religious developments are stressed and the economic factors neglected. In this book, Mr. Bernstein attempts to deal with ^{the} three as interchangeable parts and hence wishes it known that he is dealing with Socialism and Democracy in the Great English Revolution.

The book itself may be arbitrarily divided into three parts: England up to the middle of the seventeenth century and the period of Charles I's reign; the period of the Revolution proper through Cromwell's Protectorate with a stress on the thinking of the Levellers and the Diggers; and thirdly a study of the Quakers and John Bellers.

The first few chapters are devoted by way of introduction to a discussion of the background which led to the Puritan Revolt. Mr. Bernstein here presents us with a Marxian interpretation informing us that in the seventeenth century England was still to a very large extent an agricultural country. In this period there was a clear class antagonism existing between small peasants, small farmers, and the agricultural laborers, on the one hand, against the landlords, on the other. As proof of this we are reminded of Kit's Insurrection which was an unsuccessful attempt on the part of the former to assert themselves.

The economic grievances now momentarily remained in the background as the struggle became a ~~xx~~ religious one within the Protestant denomination itself. This came about with the resistance to the new State Church in the form of the Puritan opposition, who opposed absolutism in both Church and State. The Puritan movement blended well with the period for it was becoming increasingly difficult to gain a livelihood under the pressure of world commerce, and here we have the author introducing us to the economic phase once again. Feudalism was characterised by a natural economy of alternating scarcity and abundance, but with the rise of money and the growth of trade, the surplus that was not immediately consumed was turned into money. He states, therefore, that "To consume more than was necessary...now appeared as a social sin, and frugality and thrift became social virtues". (page 26)

Cromwell & Communism. By Eduard Bernstein. (London: George Allen & Unwin Ltd. 1930. Pp. 287.)

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Mr. Bernstein is anxious, however, to introduce us to the Levellers. He hurriedly takes us through various historical events until he reaches the movement within Cromwell's army by the rank and file to adhere to the original intention of the Revolution and not compromise. These "agitators" led by John Lilburne drew up a democratic republican manifesto which they called "Agreement of the People, upon Grounds of Common Right, for uniting of all unprejudiced people therein". Here we have the first democratic movement of the Revolution. Their ideas, however, were chiefly political and social.

There ~~was~~ arose another group, therefore, of "True" Levellers or Diggers who introduced the concept of real economic democracy, Communism, with atheism as a corollary. They came to the conclusion that the institution of private property was an evil and hence regarded landlordism as robbery for land belonged by right to the nation. The intellectual leader of this group was Gerrard Winstanley, whose writings are important documents in the history of Socialism for he propounds a complete social system based on communistic principles. He states, for example: "When mankind began to buy and sell, then he did fall from his innocency; for then he began to oppress and cozen one another of their creation birthright". In his complete description of the Communistic Utopia he says that great riches can ~~only~~ be accumulated through oppression and exploitation. Here then we have the shades of Marx and Engels.

The Levellers and Diggers, however, do not find favor in the eyes of Cromwell and the powers although they have many followers. The Levellers were the idealists of the Puritan Revolution and indulged in abstract thinking while Cromwell, whose whole being was alien from abstract thinking, looked at things as they really were. "In a word, he was far superior to the Levellers as a practical politician, although they deserve the credit of having in the course of this revolution championed with vigour the political interests of the contemporary and the future working class". (Page 86) "The hour of the class for which they had fought had not yet struck".

It became a political necessity, therefore, to suppress the Levellers, and this Cromwell did.

The ultimate disappearance of the Levellers, however, in spite of a lull, did not mean the disappearance of democratic and socialistic tendencies. The Quakers, led by John Bellers who believed that the ideal society is one where labor and not wealth is the ultimate standard judging men, came into being. They realized from the experience of the Levellers that political agitation would not arouse the masses and took up the struggle knowing that ~~what~~ what was necessary was a creation of a new morality. Instead of atheism, therefore, we have the founding of a religion without ritual, yet possessing a morality no doubt strongly tinged at its inception with Communism. With the restoration of the Monarchy and the restoration of the evils which the Levellers had fought, the Quakers tended to assimilate the most advanced religious and social elements of the Revolution to continue the struggle.

With the presence of the Quakers and John Bellers on the scene the author completes his work.

Mr. Bernstien's chief contribution in this book is his description of Gerrard Winstanley's Communistic Utopia. In clear and simple language he reveals a phase of the Puritan Revolution which is ignored by most writers. As the editor notes, no history of the English Revolution, democracy, or socialism ever mentioned the significance of Winstanley's work before the original printing of this book in German. It remained for Mr. Bernstien to rescue it from total oblivion.

The one unfortunate part of the work, however, is that it seems as if the author is putting much into the period he is dealing with than is actually there. Every conflict is considered a class struggle and every reform is linked up with Communism. In his attempt to supply an interpretation which is usually lacking, the author has gone to the other extreme and tends to stress the economic phases at the expense of the political and religious motives, as such.

He should be given credit, however, for successfully apportioning space in his text to the historical and interpretive details. There might be a

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*A very
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Max M. Kampelmacher

Political Science 53 Principles of American Government

Term Paper on the History of American Government

December 1939 on the History of American Government

Miller, Carl - U.S.A. An Experiment in Democracy

Turner, E. E. - Origins and Growth of Democracy in America
In Maryland Historical Society Publica-
tions, Vol. 17.

"THE BEGINNINGS OF DEMOCRACY IN THE UNITED STATES"

Olney, F. A. - History of Democracy in the U.S.

Recher, Charles - Founders of the American Republic

Smith, J. Allen - History of American Democracy

Thorpe, J. - Democracy in America

Tufte, James H. - Our Democracy: Its Origins and Its Future

BIBLIOGRAPHY

for

"THE BEGINNINGS OF DEMOCRACY IN THE UNITED STATES"

-
- Adams, James T.- Jeffersonian Principles
Adams, James T.- Hamiltonian Principles
Beard, Charles and Mary- Rise of American Civilization
Becker, Carl- U.S.: An Experiment in Democracy
Burnap, G.W.- "Origin and Causes of Democracy in America"
in Maryland Historical Society Publications, no. 17.
Carpenter, W.S.- Development of American Political Thought
Cleaveland, F.A.- Growth of Democracy in the U.S.
Mackay, Charles- Founders of the American Republic
Smith, J. Allen- Spirit of American Government
Tocqueville, A.- Democracy in America
Tufts, James H.- Our Democracy: Its Origins and Its Tasks

"THE BEGINNINGS OF DEMOCRACY IN THE UNITED STATES"

A study of the beginnings of democracy in the United States must necessarily take cognizance at the outset of the fact that democracy or democratic thought was by no means an invention in the minds of those who organized the colonies into states or of those who controlled their early destinies. All of the early American thinkers were well acquainted with the political thought of England and France which, as far back as the seventeenth century, had already produced great writings for political equality. The influence of the early Levellers, of Harrington, Montesquieu, and Locke, among others, on the minds of Jefferson, Adams, Paine, and Madison are clearly evident. In fact, just to briefly mention a few examples, without elaboration or explanation, our whole concept of a written constitution was taken from the Levellers and Harrington, as was universal suffrage, secret ballot, and rotation in office; and from Montesquieu, among other things, we have the concept of the separation of powers.

With that in mind, let us investigate the formative years of the nation and learn what we may of democracy in this period. The fact that conditions within the colonies were different from those in Europe was one of the chief reasons for the successful introduction and conversion of democratic thought into actual

democratic practice. Here was a new continent with a ~~with~~ a vast expanse of land which had to be cultivated and developed in order to become useful. We had, therefore, a state of affairs where land was cheap and labor was dear. In addition, those who came to these shores came alone and unembarrassed by feudal rights and aristocratic hindrances. There was a clear tendency, therefore, for the inhabitants within the colonies to forget about their relationships with the institutions of their former home and develop new ones. This tendency was aided by the geographic isolation from the old world. English nobility never emigrated; only the common people did and they ~~were~~¹ quick to realize that a difference of 3,000 miles put them far away from the influence of their former masters.

There was, therefore, a greater degree of independence on the part of the common man in the colonies than in other countries. Another class was present, however, resembling much the nobility in England, and the interests of both was bound sooner or later to clash. Although the American Revolution too often obscures this conflict between the commercial and landowning aristocracies which were "governing" the colonies and the unfranchised commoners or "people" who were coming to demand a measure of political equality, we should

¹ "Origin and Causes of Democracy in America" by George W. Burnap in Maryland Historical Society Publications, no. 17.

not underestimate or ignore its importance. ²

As far as politics ^{was} ~~were~~ concerned, England's parliamentary practices were transplanted to the new world and the internal government of the colonies ^{was} ~~were~~ somewhat similar to that of England. Every colony could boast of a popular assembly. Those who voted, however, had to possess certain property qualifications. In each colony, therefore, the representative assembly was elected by property owners. "Virginia, for example, required the elector in each town or country to be a freeholder, an owner of land-- a farm or a town lot of a stated size". ³ Similarly, in Massachusetts, the suffrage was the privilege of those who owned real estate yielding 40 shillings a year income, or possessed other property to the value of 40 shillings.

Only the "best" families, ~~therefore~~, could, as a result, vote in the elections and choose candidates. The great mass of the population, therefore, objected and clamored for equality. It can be said then that the American Revolution was not only a movement for national independence but was a movement for the democratization of American society and politics. To be strictly factual, however, in its beginnings the Revolution was not a movement for democracy. It was only

² U.S.: An Experiment in Democracy by Carl Becker, p.35.

³ Rise of American Civilization by Charles and Mary Beard, V.I, p.109.

after Thomas Paine arrived from England and stirred the masses with his appeals that the struggle took the form of a democratic movement.

The results of the Revolution were far-reaching in their effects upon democracy. The first and most extensive reforms were those in the land system. The "vast domains of the Crown" were vested in the hands of the state legislatures to be dedicated to the use of their constituents. In addition, there was a smashing confiscation of Tory estates and "In harmony with their principles, the Revolutionists ... distributed the land by sales in small lots on generous terms to enterprising farmers".⁴ The estate of Roger Morris in New York, for example, was divided into no less than 250 parts.

It might be well at this time to briefly look at a few of the men whose writings and activities influenced democratic thought and contributed towards the shaping of the course the U.S. was to take in the years to come. Thomas Jefferson was the outstanding advocate of democracy. In the Declaration of Independence which he wrote, there is a clear expression of those principles which gripped the champions of equality. It is needless to repeat its claim that "Governments are instituted among men, deriving their just powers from the consent of the governed" and "that all men are created

⁴ Ibid., V.I, p. 293.

equal" or its claim for the preservation of "Life, Liberty, and the pursuit of Happiness".

Jefferson believed essentially in the honesty and ability of the average man as a man regardless of social position, education, wealth, or other opportunities. Although of course men err in their ways, they inherently possess the qualities which make them capable for self-government and when man exhibits those qualities he should be allowed to govern himself. As to the America of his own day, the people of most classes did exhibit those qualities essential for self-government.⁵

It is wrong to say, however, that Jefferson believed all men equal in every sense of the word, for not all men may exhibit the necessary qualities. Similarly, Jefferson's aristocratic background influenced his thought on universal manhood suffrage, as we shall later see.

As opposed to Jefferson there was Alexander Hamilton whose fundamental idea was a distrust of the common man. He believed that the great majority of men were not capable of self-government due to ignorance, selfishness, and absence of self control. Although the rich likewise have vices, government by them would be

⁵ Jeffersonian Principles by James T. Adams.

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less dangerous. Machinery of government, therefore, should be so devised as to keep the common people as much out of it as was possible.

The real force for democracy during the years of the Revolution and before was Thomas Paine. Government exists, he wrote, to guarantee to all individuals that portion of their natural rights which alone they could not ensure. These rights, with respect to which all men are equal, are liberty, property, security, and resistance to oppression. Only a republican form of government can be trusted to maintain these rights; and the republic must have a written constitution including a bill of rights, manhood suffrage, a judiciary not beyond ultimate control by the people, a popularly elected legislature, rotation in office, and a citizenry undivided by artificial distinctions of birth and rank.

Thomas Paine, therefore, was more of a democrat than Jefferson, in the true sense of the word. And his pamphlets Age of Reason, Common Sense, Rights of Man, the Crisis and Public Good did much to convince the people that democracy was the only solution to their difficulties.

The next person we are to consider will be James Madison and with him we will go into an

account of the formation of the Constitution. Although he was a student of Hobbes, Locke, and Montesquieu, Madison differed from the radical democratic philosophies of his day by placing emphasis more on the protection of property interests against the attacks of popular majorities than on the protection of the "people" against executive power. He had faith in popular government but realized that a popular majority can, under certain circumstances, be quite as tyrannical as a monarchy.

In the Constitutional Convention, therefore, Madison believed that it was the duty of the delegates to organize a government without considering the opinions of the "unreflecting multitude" who were not equal to the superior minds of the convention.⁷

As to the superior minds of the convention themselves, in spite of the prevailing democratic thought among the masses of the people, it is wrong to assume that they assembled to further expound democratic theory into practice. The truth of the matter, borne out by facts, is that scarcely any of the framers "had that intense faith in the ultimate good sense of the people which was the most powerful characteristic of Jefferson".⁸ It can be further said that "Democracy--

⁷ Development of American Political Thought by W.S. Carpenter, p. 75.

⁸ Spirit of American Government by J.A. Smith, p. 29.

government by the people, or directly responsible to them-- was not the object which the framers of the American Constitution had in view, but the very thing which they wished to avoid".⁹

One of the reasons for this was that the delegates were representatives of the wealthy and conservative classes, and had for the most part but little sympathy with the popular theory of government. Looking at the membership list we are immediately struck by the lack of such names and champions of democracy as Samuel Adams, Patrick Henry, Thomas Paine, and Jefferson.

There were a few strong democratic influences in the Convention, however, and one was James Wilson of Pennsylvania. He insisted throughout the debates that property was not the primary object of society and that it was the duty of the convention to adhere to the wishes of the majority of the people. All men, he maintained, have equal rights and "The majority of the people wherever found ought in all questions to govern the minority".¹⁰ He likewise expressed the democracy of the next century by regarding the officers of the government as the servants of the people. Representation, he stressed must be the mode of government, but only because it was impossible for the people to act as a unit.

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Ibid.

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Development of American Political Thought by W.S. Carpenter, p. 80.

Madison was another democratic influence, but he felt, unlike Wilson, that the main problem of democracy was not so much the maintenance of equality as the preservation of liberty and private rights. The framers must consider, he said, that inequality was the natural condition of men and that equality which did not exist by nature could not be established through universal suffrage and majority rule. Political equality he stressed, would not equalize possessions, opinions, or passions.

There was clearly a marked sentiment among the framers distrusting universal suffrage and favoring property qualifications for voting. Gouverneur Morris, for example, exclaimed "Give votes to the people who have no property and they will sell them to the rich who will be able to buy them".¹¹ It was necessary, however, in spite of their personal inclinations, for the delegates to give in to the wishes of the democrats and not arouse the animosity of the people for even at that time in many states the franchise had been extended beyond the freeholders.

In addition, democracy was further expounded in the Constitution through the provisions for representation in the legislature. It was difficult,

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however, for the framers to settle the question whether the Senators and Representatives should vote as they please or act as the voice of their constituents and merely express the opinions of the latter. This question was of course never answered but it did create an interesting practice during the early years. When state legislatures elected Senators it was considered entirely appropriate to give their choice certain instructions as to how to vote and behave. In 1788, therefore, Patrick Henry vigorously and successfully opposed the selection of James Madison as Senator from Virginia because he doubted that Madison would follow instructions. Similarly, State legislatures in some cases demanded the resignation of those Senators who refused to follow orders.¹²

From the point of view of 18th century political theory, therefore, the Constitution is truly a democratic document, in spite of the efforts of many of the framers. Not only is that so because it did not put control of the government in the hands of the special interests, but because of its provisions for unrestricted suffrage and universal representation.

The democracy it expressed, however, was not a pure and idealistic one. Its doctrine may be quoted in the words of Dr. Benjamin Rush on July 4, 1787: "all power is derived from the people; they possess it only

¹² *Ibid.*, p. 93.

on the days of their elections. After this, it is the property of their rulers".¹³ As soon as the people set up a government they divest themselves of certain rights which are transferred to the government they created. As the Federalist no. LXIII says: the real distinction between the democracies of Greece and the American government "lies in the total exclusion of the people, in their collective capacity, from any share in the latter". This is democracy similar to that expounded by Locke.

The expression of democracy in the Federal Constitution is only one phase of the story, however. Its influence, much more important, over the new State constitutions is the other. We have already seen how the franchise in the colonies were the privilege of only the propertied classes and how a movement arose, which reached its full development in the Revolution, to erase the class differences between the haves and the have nots in matters of voting. In spite of this movement, the early state constitutions continued the narrow restrictions. John Jay expressed the sentiments of the legislatures when he said "Those who own the country ought to govern it"¹⁴ and that those who had property to protect would be the only ones to have a sufficient amount of interest in good government to be entrusted with power.

¹³ Ibid., p. 103.

¹⁴ U.S.:An Experiment in Democracy by Carl Becker, p. 86.

Nevertheless, the tide of democracy kept surging forward and the agitation for reform continued. It is interesting to note, however, that there was very little cry for universal manhood suffrage. Even Thomas Jefferson, the great apostle of democracy feared it as dangerous when he said that "the mobs of the great cities" were "sores on the body politic".¹⁵ There is reason to believe, therefore, that the great democratic leaders, with a few exceptions, were in reality nothing more than Harringtonian aristocratic democrats with "salon ideas".¹⁶

The impetus finally came with the French Revolution which filled many Americans with egalitarian ideas and notions. The first step was taken in 1791 by Vermont which came into the Union without any property restrictions at all. The next state to yield was Delaware which gave the ballot to all white men who paid taxes. The movement quickly took hold and in 1809, the usually aristocratic state of Maryland adopted manhood suffrage. And in 1818 Connecticut decided that all males who contributed even a trivial sum to the support of the government could be trusted with the ballot.

By 1820, therefore, the close ~~xxxxx~~ of the period under discussion, we have a definite trend

¹⁵ Rise of American Civilization by Charles and Mary Beard, V.I, p. 542.

¹⁶ Lecture on "History of Political Thought" by Professor Arnold J. Zurcher, December 20, 1939.

toward democracy. It is the opening of a new humane epoch and the story of the next decade is a steady process of expanding the doctrine of democracy and attempting to make it real. The foundation was established within this period and it remained for practice within the states themselves during the nineteenth century to bring about that political democracy so well expressed in the oft repeated words of Lincoln "government of the people, by the people, and for the people".

B-

Is democracy merely equalitarianism?
or chiefly dependent on economic equality?
Political democracy came rather late into your paper.

Nevertheless, the side of democracy kept surging forward and the agitation for reform continued. It is interesting to note, however, that there was very little cry for universal manhood suffrage. Even Thomas Jefferson, the great apostle of democracy, feared it as dangerous when he said that "the mob of the great cities" were "scarcely on the body politic". There is reason to believe, therefore, that the great democratic leaders, with a few exceptions, were in reality working more than is

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By 1830, therefore, the close of the period under discussion, we have a definite trend

Rise of American Civilization by Charles and Mary Beard, V.I., p. 243.

Lecture on "History of Political Thought" by Professor Arnold J. Toynbee, December 30, 1932.

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Max M. Kampelmacher
Political Thought
Term Paper
April, 1940

"COMMUNISM IN THE FRENCH REVOLUTION"

A good historical
summary of the
movement of the
B.

Bax, Ernest Belfort- The Last Episode of the French Revolution
Bernstein, Samuel- "Babeuf and Babouvism" in Science and Society, V.2, nos. 1&2
Buonarroti, P.- Babeuf's Conspiracy for Equality
Nomad, Max- "Babeuf and the Equals" in Modern Quarterly, Summer, 1939
Weatherly, U.- "Babeuf's Place in the History of Socialism" in American Economic Association Publication, series 3, V. 8.

note: All of the above references describe the same events and are similar in that Buonarroti's book seems to be the chief source upon which they are all based. It is to be noted that Buonarroti~~x~~ was one of those in Babeuf's conspiracy. In the following paper, therefore, there will be no footnotes except for quotations and facts not generally referred to in the other references.

Very few people think today of the French Revolution as anything else except an attempt on the part of the French middle class to free themselves from the autocratic rule of the monarchy and land owning nobility and establish a new society based on the slogan of "liberty, equality, and ~~equality~~ fraternity". Yet a close study of the movements which appeared and just as quickly disappeared during the years 1790-1800 shows how close France was towards establishing a communistic society. That Communism and the French Revolution are not now associated with one another in our thought is added proof to the maxim that success is the only barometer for fame.

The leader of the Equals, the name given to the French communist group, was Francois Noel Babeuf. It was he who originated and fostered the revolution against the leaders of the French Revolution and it was he who was sentenced to the guillotine charged with attempting to make real the slogan "liberty, equality, and fraternity". Before going into the details of the near-successful plot, however, let us go back and trace the history of Babeuf before he became associated with the Equals.

His most successful and earliest attempt at gainful employment was as a representative of the land owning nobles. At the age of 25 Babeuf was a land commissioner of comfortable financial and social position. Although that was indeed a far cry from his later occupation, the germ of the future People's Tribune in 1796 was present in 1787. He became very disagreeable to his cohorts by producing a work on the simplification of the land register. He also advocated a unified code of law which would once and for all ~~xxx~~ wipe away the confusion of mediaeval customs and regulations and would "procure for all individuals indiscriminately, as regards the blessings and advantages enjoyed in this lower world, an absolutely equal position" (1)

Without knowing exactly where he was heading, therefore, Babeuf, after being forced to leave his position as land commissioner and go to Paris, accepted more and more the doctrines of the revolutionists. By 1789, he shows adequate proof of being a thoroughgoing partisan of revolutionary principles by putting out pamphlets

favoring the abolition of feudal tenures and the substitution of a single tax, irrespective of class. The success of this latest venture convinced Babeuf that he ought to continue his writings. He gave up everything else, therefore, to become a political journalist. He and a friend now founded in 1790 a thorough revolutionary paper called Le Correspondant Picard. This venture, however, was short-lived because of its fierce opposition to the existing government and Babeuf was put in prison for a few months.

Babeuf now became displeased with the progress of the Revolution. The abolition of the monarchy and the Constitution of 1793 guaranteeing liberty were good steps, he considered, but new "radicals" led by Robespierre and the Committee of Public Safety were taking over the control of government and imposing censorship and a reign of terror over France. The instinct of self-preservation, however, prevented Babeuf from making his voice heard at the time for he realized that Robespierre would not hesitate to add his name to the growing list of guillotine victims. It was not until the Revolution of July 27, 1794 against Robespierre, therefore, that Babeuf reappeared actively on the scene. He started another political journal, Journal de la liberte de la Presse, in which he vehemently attacked the fallen government and the actions of Robespierre whom he called a "tyrant".

Here Babeuf learned that theories and the application of the theories by those in power are not compatible, for the Thermidoreans, as the new group in power was called, instead of preserving the revolutionary principles for which Babeuf fought for now symbolized a period of reaction. Their policies so enraged Babeuf that his attitude towards Robespierre changed as he compared both governments, and he began to differentiate between "Robespierre, the sincere patriot...and Robespierre the ambitious tyrant". (2) This about face and his continued attack on the government and on the Convention of 1795 brought about his arrest.

In prison, Babeuf found time to think about the Revolution and communism. There is no doubt that he was chiefly influenced by and derived most of his beliefs from a study of Morelly's work Le Code de la Nature et la Veritable esprit de ses Lois de Tout Temps Neglige-ou Inconnu, written about 1755. He occupied himself, therefore, with a theory of the communisation of the land and the products of industry which he subsequently embodied in the program of the Equals in the Year V of the Revolution. When Babeuf and a companion Charles Germain

were released in October 1795 they had a pretty good idea of what they were aiming at. Among the conclusions which he arrived at were : "1- that the unequal distribution of goods is the inexhaustible source of slavery and all public calamities; 2- that labor by all is the essential condition of the social contract; 3-that the ownership of all the wealth of France resides essentially in the people of France who alone can determine and change the distribution of it".(3)

Upon getting out of prison, however, Babeuf's primary concern was in opposing the new Constitution of the Year III drawn up by Abbe Sieyes which swept away the democratic Constitution of 1793. This new constitution abolished universal manhood suffrage, reimposed a high property qualification, and created a governmental structure designed to preserve conservative supremacy. Here, cried Babeuf, was reaction disfranchising the French people; "they might as well have left it to the chamber of Louis XVI"(4) He assembled a group of friends with similar ideas, therefore, into a political society with its purpose to achieve both political and economic equality. A little later they merged with another revolutionary organization and called themselves the Society of the Pantheons. This new group attracted to itself all the revolutionary factions in Paris, including the deposed Jacobins, and declared Babeuf's new political journal, Tribun du Peuple, their official organ.

The government, however, caught wind of the objects behind this growing society and ordered the suppression of the Tribun. Babeuf willingly conformed to the decision and ended publication with the 43rd issue. But he saw to it that this last issue was the boldest of all. After criticizing the proclamation of the Directory, he says: "All is finished. The Terror against the people is the order of the day. It is no longer permitted to speak; it is no longer permitted to read; it is no longer permitted to think; it is no longer permitted to say that we suffer; it is no longer permitted to say that we live under the reign of the most abominable tyrants". But, he continues: "O people! do not despair; we shall break all the chains to prevent thee dying the victims of those who torture thee, who plunder thee, and who abuse thee these twenty months past" (5)

3 "Babeuf's Place in the History of Socialism", U.G. Weatherly, Publications of the American Economic Association, series 3, V.8, p.118.

4 Bax, Op.cit, p.93.

5 Ibid., pp.98-99.

The end of the publication, however, by no means signified the end of activity for the Pantheonists. The Babouvists now concentrated their movement in the hands of a secret committee of insurrection. Their theories were now that the existing government was illegitimate and that the public welfare demanded its destruction. This new phase of activity was called the Conspiracy of the Equals and the leaders besides Babeuf were Debon, Buonarroti, Darthe, Lepelletier, and Marechel.

Destruction of the existing government was not their sole aim, however. They went further and favored the creation of a communist society of equality which would "provide for all of its members and remove from them the fear of the future".(6) The Secret Directory now accepted a document drawn up by Babeuf as their official creed. It is entitled Analysis of the Doctrine of Babeuf, Tribune of the people, proscribed by the executive Directory for having told the Truth and reads as follows:(7)

1. Nature has given to every man an equal right to the enjoyment of all goods.
2. The object of society is to defend its equality, often attacked by the strong and the wicked in the state of nature, and to augment, by the cooperation of all, the common means of enjoyment.
3. Nature has imposed upon each one the obligation to work. No one can evade work without committing a crime.
4. Labour and enjoyment ought to be common to all.
5. There is oppression when one man, after exhausting himself with work, wants for everything, while another swims in abundance without doing anything.
6. No one, without committing a crime, can appropriate to himself exclusively the products of the earth and industry.
7. In a true society there ought to be neither rich nor poor.
8. The rich who are unwilling to renounce their superfluity in favor of the indigent are the enemies of the people.
9. No one should be able...to deprive another of the instruction essential to his welfare; instruction ought to be in common.
10. The object of a revolution is to destroy any inequality, and to establish the well being of all.
11. The Revolution is not finished, because the rich absorb all the good things of life and rule exclusively, while the poor labour as veritable slaves, languishing in misery, and counting as nothing in the State.

6

"Babeuf and Babouvism", Samuel Bernatien, Science and Society, V.II, p.51.

7

The Last Episode of the French Revolution, E.B.Bax, pp. 114-116.

12. The Constitution of 1793 is the true law of the Frenchman because the people have solemnly accepted it ... because the Constitution of 1793 has consecrated the inalienable right of every citizen to consent to the laws, to exercise political rights, to hold public meetings, to demand that which he believes useful, to educate himself, and not to die of hunger...
13. Every citizen is bound to re-establish and to defend the Constitution of 1793...
14. All the powers derived from the ... Constitution of Anno III (1795) are illegal and counter-revolutionary.
15. Those who have raised their hand against the Constitution of 1793 are guilty of treason against the people"

We can see, therefore, that the banner of the Constitution of '93 was the rallying point around which the scattered revolutionary forces met. Their resolutions were printed on fly-sheets and placards and secretly distributed. Planned secret meetings and discussions were held in private homes which attracted more and more people. Agents were appointed to secretly convert government forces, including the army and local police, and to spread the doctrine. It was clear that the time was becoming ripe for action.

Buonarroti (8) now describes in detail the problems facing the Secret Directory. All appreciated that it would be impossible to put the Constitution of 1793 into operation immediately following the success of the coup d'etat. The questions to be decided, therefore, were what form should the "transitional" public authority take and what form the provincial government should take during the "transitional" period? To the first question, they decided after serious discussion that the insurgents in Paris should elect a provisional authority. There was no ultimate answer, however, to the second question. But they did decide after hearing recommendations for a dictatorship of one man that a committee of some sort with a limited number of members act as "temporary" government.

A formal Constitution was now drawn up entitled "Equality, Liberty, Universal Well-being" to formulate the future communist policies of France. Among its provisions were the following: the poor citizens with insufficient housing facilities are to be housed in the homes of the wealthy "conspirators"; the furnishings of the "conspirators" are to be taken over by the poor; lands and property of the wealthy are to become public property; inheritance is to be abolished; every French citizen must surrender his possessions and work for the good of all to be considered a member of the community;

common property is to be used by all for all; all healthy citizens are to work according to their capabilities (from each according to his means); all citizens are insured a healthy livelihood (to each according to his needs); the government is to determine maximum hours for work. (9)

In addition, public warehouses would be established to store the products of labor. As we have seen, these goods would be distributed on an equal basis to all workers including the farm hand, the artisan, the artist, and the scientist. Thus, the Babouvists continue, false professional dignities will disappear. Production, under the new system, will no longer proceed blindly but will be "intelligently directed and stimulated with an eye to usefulness and the general well-being" (10). Besides the creation of councils for economic planning which will enable all producers to participate in the making of laws, the new Constitution also provided in detail for the carrying out of public works, the distribution of the community property, the management of the national community of goods, transportation, debts, foreign and domestic trade, taxes, and finance.

The Secret Directory only waited now for the opportune moment to strike. They had no doubt that once the movement began all of France would go hand in hand with them. Everything was in readiness and thousands of people were reported ready and waiting for the command to take their places in the coup d'etat. They seemed to be certain that the plan to liberate France would succeed.

Meanwhile, however, unsuspected by his colleagues, a traitor, George Grisel, had been working alongside Babeuf. During the above course of events, therefore, between May 1-10 1796 the Executive Directory of the government and the Minister of Police were kept fully informed of everything important that was transpiring. As a result, on May 10, the same day that the Secret Directory were making final arrangements for the revolt, the soldiers burst in upon the meeting, arrested the leaders and confiscated the papers. The plot had failed! Instead of perhaps becoming a French national hero, Babeuf was only the leader of a plot that failed and because it failed has gradually been forgotten.

The trial that followed the arrest of the Babouvists was a long one and aroused much popular passion. Babeuf used every opportunity to express over and over again

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Bax, *Op.cit.*, pp.124-134.

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S. Bernstein, *Op.cit.*, p.51.

his claims against the government and his dogma for a new Revolutionary Government on an economic basis and of a socialist character. But to no avail. Babeuf and Darthe were sentenced to death and seven other revolutionists were ordered deported to tropical French colonial possessions.

In recapitulating the events ~~which~~ in Babeuf's life, there can be no doubt that he and the Equals were sincere. The very fact that they were always in the minority and never veered from their course in spite of actual persecution, as in the case of Babeuf, of his immediate family and in spite of threats on their own lives and prison terms is enough to prove that. There is room to question, however, Babeuf's emotional stability. The one contradiction in his actions which stands out above all others, namely, his change in attitude towards Robespierre cannot otherwise be explained. It is strange to note that he completely dismissed from his mind the reign of terror and even to the end of his life idolized Robespierre often saying that he possessed the soul of a Messiah.

Babeuf is important, however, because he was "the first to conceive of Communism in any shape as a politically realisable ideal in the immediate or near future"(11) It is true that many of his ideas were not original, as we have seen above, but he was original in his desire to achieve communism as an immediate goal to be attained through political methods. We must also consider that never before had the doctrine of absolute levelling been so explicitly proclaimed as in "Let there be longer be any other difference among men than those of age and sex". (12)

Babeuf is most important, however, when we consider his views as an influence on or in relation to ~~the~~ modern socialism. He and his movement cannot fail to be for the modern socialist of the deepest possible historic interest. He was in a sense a pioneer or as Bernstein puts it "the Babouvists were the ideological ancestors of the Russian Bolsheviks".(13) It is also well to note here that Marx calls the movement "the first appearance of a genuinely active communist party".(14)

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Bax, Op.cit., p.251.

12

U.G.Weatherly, Op.cit., p.119.

13

Op.cit., p.194.

14

Ibid.

The above analogies between Babeuf and modern communism are true even though the former never included the word "proletariat" in his vocabulary and never appealed to the working class as an entity to revolt. We must appreciate the difference between conditions in the 18th century and in the 20th to better understand this. A proletarian in the modern sense did not exist. But a population of journeymen and laborers destined to become the groundwork of the modern proletariat did exist. When to this group there was added the underprivileged or "subjects" we have a majority of the population.

When Babeuf and his followers appealed to the underprivileged to revolt, therefore, they appealed to the People in general and not, as the modern communist does, to the working class pre-eminently, a non-existent entity. Their appeals in essence, however, were very much similar. One appealed to the "citizen" to take advantage of his natural rights while the other appeals to the "worker", whom he calls the producer of wealth, to enjoy that which his work produces.

With that in mind, the analogy becomes once again clear and Babeuf's importance becomes self-evident.

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newly formed government on an economic basis and of a
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were ordered to be executed by the revolutionary committee.

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"the first to conceive of Communism in any sense as a
politically feasible ideal in the immediate or near
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attained through violent methods. He was also conscious
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Babeuf is most important, however, when
we consider his views as an influence on or in relation
to the modern socialist. He and his movement cannot fail
to be the primary sources of the deepest possible
historical interest. He was in a sense a pioneer of the
Bolshevik idea. The Bolsheviks were the first to
announce of the Russian Revolution. (13) It is also
well to note that Babeuf's movement was the first
appearance of a genuinely active communist party. (14)

- 11. Bax, *Op. cit.*, p. 101.
- 12. U.S. Secretary, *Op. cit.*, p. 110.
- 13. *Op. cit.*, p. 104.
- 14. *Ibid.*

A.

The Bill of Rights

I am truly puzzled because a few gentlemen in class stated that it is not necessary to include the Bill of Rights into the State Constitutions today, because times have changed. In my opinion, there is always present a danger to liberty, or, to put it in other words, liberty should always be guaranteed no matter what the year conditions may be.

To follow out my argument, I feel it necessary to say that the Bill of Rights is superfluous in State Constitutions not because our Federal Constitution includes it. First let me point out that these "unalienable rights" were originally included in State Constitutions before the first 8 amendments were officially adopted. (Munn p. 32). When the individual states changed their respective constitutions in later years, the Bill of Rights was not changed because many realized that there was a legal way open for future generations to remove the "principles" of the past by amendment; and they tried to protect future America from the madness that is occasionally present in immediate popular opinion. It is evident that it would be a tedious procedure to amend not only the Federal Constitution, but every state constitution. In addition, we could not overlook that the first 8 amendments restrict the federal government only, and have no jurisdiction over the actions of the states towards their citizens at all. To omit then the Bill of Rights should be included in State Constitutions to doubly insure liberty.

I realize that I am now wide open for one to argue that liberty today is much different from liberty in 1787. But the type of liberty preserved in the Bill of Rights is antiquated; and that, therefore, the removal of the Bill of Rights would not by any means change the status of liberty it stands today. To defeat this false statement, I will briefly discuss the individual rights guaranteed.

WALKER"

Max M. Kampelmacher

III

The Bill of Rights also guarantees the individual right to petition the government for a redress of grievances. All believers in democracy hail this one provision as one of the most important and urgent because it recognizes that the individual can have a say in protest against any wrong he may have been subjected to by the government. As government is presumably by and for the people, the people should have the right to present their views in petition.

Looking at the provision guaranteeing the freedom of religion from all sides, I tried to find some objection one may have made it as it now stands. Each person is allowed to worship as he pleases as long as he does not act contrary to law or good moral behavior. I am not going to debate here the question "Why Religion Anyhow?". Let it just suffice that even atheists should have no objection because religion teaches good behavior and compliance with law and order which is an asset for good government.

I kept the provisions for freedom of speech and press for last because I believe that they are the most essential if we are to have a democracy. To write lengthily on these provisions would be to rehash over and over again what has been said for years. One provision of governmental policy is mandatory if the individual is to maintain his independence and not become subservient to the state. I have seen the horrors of totalitarianism as personified in Nazism and Communism. To get as far away as possible from that government in this country, we must maintain what has been destroyed in those countries, namely the right to tell the government that it is doing wrong. To maintain this valuable possession, it is necessary to keep the organs of the people's will, the press, speech, free.

My conclusion, therefore, is that the present Bill of Rights as it stands today should be entirely preserved.

Rights of Labor?

WALKER"

The above materials between report and subject
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THE SEABURY INVESTIGATION OF MAYOR JAMES J. WALKER
The New York Times, August 11, 1938, 11
The Matter of the Investigation of the Department
of the Government of New York, by
The Seabury Commission, 1938

"THE SEABURY INVESTIGATION OF MAYOR JAMES J. WALKER"

because all the information necessary is included
in the above sources.

MAX M. KAMPELMACHER
POLITICAL SCIENCE X 40a
DUE ON MAY XL 11, 1938.

B

XXXXX

THE SEABURY INVESTIGATION OF MAYOR JAMES J. WALKER

Samuel Seabury was appointed ^{AS} Counsel of the Joint Legislative Committee to Investigate the Administration of the Various Departments of the Government of the City of New York. It was his duty to investigate all the departments in the local government, and to expose the graft and crookedness which was presumably present. In the process of investigating the minor officials, a great deal of evidence was uncovered throwing doubt on the honesty of Mayor James J. Walker in the performance of his duties.

With this, many citizen groups like the Citizens Non-Partisan Committee, demanded a complete investigation of Walker by Seabury and his subsequent removal by Governor Franklin Delano Roosevelt.

At this time the press was full of reports that the Mayor took graft etc. Governor Roosevelt, therefore, sent a letter to Seabury demanding that he either report all the evidence to the Governor or keep quiet and stop talking. A few days later Seabury sent a letter to the Governor with all the charges. Roosevelt immediately forwarded the letter to Mayor Walker and demanded that he ^{SHOW CAUSE} ~~show~~ why a trial should not be held. Mr. Walker, after a short delay

¹
The New York Times, June 4, 1932.

²
The New York Times, June 9, 1932.

sent his reply.

The reply was not satisfactory and Roosevelt called a trial in Albany for August 11, 1932.

Through the investigation ~~of~~ and subsequent testimony of Mayor Walker and other witnesses, Mr. Seabury compiled a complete list of transactions and evidence which he felt warranted the removal of the Mayor. For the remainder of my paper, I will review the evidence in topic form. That is, I will list the individual transactions and then explain them one by one. This, I believe is the simplest and best way to present my paper.

1- SISTO-UNGERLEIDER TRANSACTION

J.A. Sisto, senior partner of the firm of J.A.Sisto & Company, a Wall Street stock brokerage firm, owned a large interest in the business of the Checker Cab Corporation. This latter corporation changed its name to the Parmelee Transportation Company, and was a holding company ~~through~~ ^{ing} which to control most of the taxicab operating subsidiaries.

Mr. Sisto realized that his profit in the distribution ~~of~~ of the Parmelee's bonds might be affected adversely if the company were subjected to unlimited competition.

In June 1929, he met Walker in Atlantic City through a mutual friend John J. McKeon. In the course of the conversation, Sisto's interest in a certain stock, Cosden Oil Co., was discussed. Someone present suggested ~~that~~ "take the Mayor in" because a large profit was in store.

² The New York Times, April 20, 1932.

Some time later, Sisto bought 1,000 shares of the ~~m~~ oil stock then ~~for~~^{SELLING} for \$132,960, at \$45,000, or a profit of \$ 87,960. Thereafter, Sisto gave McKeon an envelope containing \$10,000 par value of the bonds of Parmelee, \$10,000 par value of the bonds of Reliance ~~Bond~~ Bronze and Steel Corporation, and \$12,000 par value of the bonds of Hygrade ~~Food~~⁴ Food Products Corporation.

In 1929 and 1930 Samuel Ungerleider was a stock broker and a member of the partnership of Samuel Ungerleider & Company. This company a) held several thousand shares of Parmelee stocks and bonds to secure a loan of more than a million and a half dollars made to J.A.Sisto & Co. ~~and~~ b) had a contract right to receive 25% of the profits derived through the marketing by J.A.Sisto & Co. of a large block of Parmelee securities.⁵

The investigation later proved that Russell T. Sherwood was the financial agent of Walker. On or about May 15, 1930, Samuel Ungerleider purchased from Sherwood 1,000 shares of stock of the Ungerleider Financial Corporation, market value \$30,000; ~~and~~^{AND} paid him \$52,000. We also know that Sherwood never met Ungerleider but that the latter and Walker were acquainted and often lunched together. Nevertheless, "The Mayor professes complete ignorance of the Sherwood - Ungerleider transaction, although the \$52,000

⁴ The New York Times, May 13, 1932.

⁵ Investigation of Government of the City of New York, Samuel Seabury, p.42.

from Ungerleider went into the bank account of Sherwood from which he paid the obligations of Walker." ⁶

Up to December 1929, when the bonds were delivered from Sisto to him, Mayor Walker had taken no specific action toward the establishment of a municipal body to exercise control over the taxicab industry, although Sisto had called upon him at City Hall and discussed the problem raised by the unlimited competition hindering the Parmelee. Walker received the \$26,000 worth of bonds from Sisto in December, 1929. Shortly after, Mayor Walker began to ask for the passage of some legislation in the field. In April 1930 he appointed a Commission of five people to investigate the taxi situation. In May 1930, at about the time when Sherwood received \$52,000 from Ungerleider, the Commission began to function. The result was a recommendation for a Board of Taxicab Control which was granted by the Municipal Assembly, to regulate the licensing and operation of taxicabs in New York City. It immediately restricted further cab competition in the field. ⁷

conclusion: Thus it will seem that a large taxicab corporation in N.Y.C., the Parmelee, wanted taxi regulation. Sisto who stood to profit from Parmelee made a 'gift' of \$26,000 to Walker; and Ungerleider who also stood to profit paid Sherwood, the Mayor's financial agent, \$22,000 more for his stock

6 Ibid., p. 44.

7 Ibid., p. 46.

Some time later, Sisto bought 1,000 shares of the stock then worth \$26,000, or a profit of \$27,000. Thereafter, Sisto gave Walker an envelope containing \$10,000 per value of the bonds of Parmelee, \$10,000 per value of the bonds of Reliance Trust Bonds and Steel Corporation, and \$10,000 per value of the bonds of Hyatt's Corporation.

In 1929 and 1930 Samuel Ungerleider was a stock promoter and a member of the partnership of Samuel Ungerleider & Company. This company (a) held several thousand shares of Parmelee stock and bonds to secure a loan of more than a million and a half dollars made to J.A. Sisto & Co. (b) had a contract right to receive 25% of the profits derived through the marketing of J.A. Sisto & Co. of a large block of Parmelee securities.

The investigation later proved that Russell T. Sherwood was the financial agent of Walker. On or about May 1, 1930, Samuel Ungerleider purchased from Sherwood 1,000 shares of stock of the Ungerleider Financial Corporation, market value \$50,000; and paid him \$22,000. We also know that Sherwood never met Ungerleider but that the latter and other were associated and often lunched together. Nevertheless, "The Mayor professes complete ignorance of the Sherwood - Ungerleider transaction, although the \$22,000

than it was worth. Then the Mayor had the regulations that x they suggested made into law.

2- THE EQUITABLE COACH CASE

Walker entered the primary race in 1925 for Mayor. One of his boosters was Senator John A. Hastings. At that time, Hastings ~~xxx~~ got together a few Ohio manufacturers to form x a company and secure bus franchises in the City of New York. It was understood that Hastings "would be in a favorable position to secure future franchises for whatever company he may designate" ⁸ under the new administration.

Two weeks after the election of Mayor Walker, for whose campaign fund Hastings solicited ~~xxxxxxxxxxxx~~ contributions from the Ohio group, the Equitable Coach Company was organized by this group, and promptly filed an application for a city-wide franchise.

The magnitude of the Equitable Coach conspiracy can best be understood in the light of the so-called "Plan for harmonizing and consolidating all the transportation facilities in the City of New York". This plan was to unify all the surface transportation facilities in the hands of the Equitable, which was also to take over the operation of the new Municipal Subway System for a short time. This "harmonizing plan" was to bring in a net profit available for common stock of over 19 million dollars in the first ten years.

8 Ibid., p. 52.
9 Ibid., p. 56.

In November 1926, certain shares of stock in the Interstate Trust Company, which were purchased by Commissioner Walter R. Herrick for the Mayor turned up in broken lots, one in the name of Hastings, one in the name of Mrs. J. Allan Smith, one in the name of F.R. Fageol, all promoters of the Equitable Coach Line. Also, on August 10, 1927, Walker signed the franchise contract with the Equitable. On the preceding day, Walker received a letter of credit of \$10,000 payment for which had been paid to the Equitable Trust Company. After the Mayor used up the letter of credit he got a draft of \$3,000 again.¹⁰

To push the franchise through, the Mayor spoke with each member of the Board of Estimate personally on the subject. The Equitable asked for a city-wide franchise (except Richmond), but the Third Avenue Railroad Co., backed by the Bronxites on the Board, wanted the Bronx franchise. To bring about a compromise, a conference was held at the Manhattan Club between the members of the Board of Estimate, the Mayor, and the county political leaders, where it was agreed to give the Bronx franchise to the Third Avenue line and the other three borough franchises to the Equitable.¹¹

With the Equitable franchise application, another application was received from the Service Bus Company. This latter application was much better in absolutely all

10

The New York Times, June 1, 1932.

11

Investigation of Government of the City of New York, Samuel Seabury, p.59.

respects including their plans, security, and financial backing. Nevertheless, "The Mayor caused the award of the franchise to the Equitable Coach Company with full knowledge that it was nothing more than a paper company, utterly devoid of financial responsibility, which existed merely in the vain hope that it could successfully peddle its stock on the basis of the franchise which it expected to obtain."¹²

The Transit Commission, however, was wary and was afraid to approve the franchise to a company without financial backing. Walker, therefore, went to certain people, Charles E. Mitchell of the National City Bank, Charles W. Appleton of the General Electric Company, and Owen D. Young also of the General Electric Company to assist in securing finance for the Equitable.¹³ All refused. When all else had failed, the Equitable Coach Company with the advice and consent of the Mayor entered into negotiations with the B.M.T., who realized that it was an opportunity to get in good with the administration. They entered into a "readjustment agreement" whereby the Equitable agreed to transfer to

the B.M.T. that portion of its franchise "embracing the boroughs of Brooklyn and Queens, and the B.M.T. to pay to the Equitable a sum sufficient to cover its alleged disbursements and liabilities"¹⁴

¹² Ibid., p. 69.

¹³ The New York Times, May 6, 1932.

¹⁴ Investigation of Government of the City of New York, Samuel Sebury, p. 75.

The readjustment agreement came before the Board of Estimate, and charges were made that some of the items in the Equitable schedule were padded and fictitious, the effect of which would be to cover disbursements and capitalize expenses incurred for political purposes. The Board referred the bill ~~to~~ of alleged expenses to the Comptroller for investigation, and the Equitable immediately withdrew after only a few hearings.¹⁵

conclusion: "The record shows when taken in its entirety that the Mayor improperly awarded a franchise to a company which he knew was not ~~able~~ qualified to receive it...that the franchise was so awarded to a group of men headed by Hastings who were not able to finance the company...that the considerations which motivated the Mayor in so awarding the franchise were improper; that the scheme was a conspiracy to capitalize on the political influence of Hastings and the Mayor, and that the Mayor exerted himself, in violation of his duty, in furtherance of that conspiracy."¹⁶

3- THE PAUL BLOCK "BENEFICENCE"

On February 10, 1927, Paul Block opened a trading account with the stock brokerage firm of Sailing W. Paruch & Company entitled "P.B. and J.J.W. Joint Account". The P.B. referred to Mr. Block and the J.J.W. to Mayor Walker. The

¹⁵ The New York Times, April 26, 1932.

¹⁶ Op.cit., p.76.

explanation given by Paul Block to this account was that he felt that the Mayor had a difficult problem living on a mere \$25,000 a year salary and, therefore, he wanted to help the Mayor by making some money for him.

It is true that the Mayor and Mr. Block were intimate friends, but this intimacy surely was not the cause of Block's generosity for he had known the Mayor for many years prior to 1927 and never before made such provisions.

The joint profits of this account, before deducting income taxes, were close to one-half million dollars. By August 26, 1927 the Mayor had drawn \$102,000 out of the account and Block did not receive a cent. When asked about this account, the Mayor admitted that it was a "beneficence" In fact as Block testified "If there had been a loss in that account, I would not have allowed him (Mayor Walker) to stand it."

All the money taken out of the account was in cash, except a check taken of \$7,500 drawn to the order of Betty Compton who was referred to throughout as the "unnamed person".

In passing now we should look at the suspicious acts that arose. Block was associated as the financial backer of one Robert Beyer in 1927 & 1928. A corporation was formed by them to manufacture synthetic tile suitable for

17
New York Times, May 26, 1932.

18
Op.cit., p. 90.

use in the Municipal Subways then being built. The Board of Transportation then approved the Beyer bid and their tile was used in the Municipal Subways.

4-THE MAYOR'S RELATION WITH RUSSELL T. SHERWOOD

Until 1930, Sherwood had been a bookkeeper in the law office with which Mayor Walker had been associated, his income being a salary of \$3,000 a year. Yet from January 1, 1926 when Mayor Walker took office, he deposited ~~in various~~ in various bank and brokerage accounts maintained in his name \$960,000, of which \$730,000 were in cash. Further investigation showed that the only way to account for this is to say that Sherwood was the financial agent of Walker. Strangely enough, Sherwood disappeared to Mexico just as the investigation was getting under way. As Seabury wrote "What man leaves his home, his job, and his friends, goes into hiding with all of his books and records, and subjects himself to an adjudication of contempt and a fine of \$50,000 as Sherwood has, unless he has something to conceal?"¹⁹

After Mr. Walker became Mayor, Sherwood performed certain personal services for him. "He kept the Mayor's check book; he made the Mayor's deposits; he made the Mayor's bank withdrawals; he handled the Mayor's finances; he maintained substantial bank and brokerage accounts which were really the Mayor's; he took delivery of stock purchased by the Mayor and he delivered the cash consideration therefor; he procured letters of credit for the Mayor's wife

¹⁹ Ibid., p. 100.

and for Betty Compton; he paid the expenses of a yacht used by Mrs. Walker... he paid an allowance which the Mayor paid periodically to his sister; he paid the rental of the joint safe-deposit box with the Mayor."²⁰

The first documentary evidence of the association between Sherwood and Walker came from the bank records which showed that they opened a joint safe-deposit box. Russell T. Sherwood also had an account with the Central Hanover Bank and Trust Company known as a "special account". Among other things, Sherwood deposited there:

a) A \$51,960 check of Samuel Ungerleider & Company given to Sherwood in alleged payment for listed securities then having a market value of about \$20,000. Later evidence will show that many of the Mayor's obligations were paid from this account. Obviously, if the Ungerleider check was not the Mayor's property, they would not have been deposited in an account used to pay the Mayor's obligations.

b) The dividends on stock which at the Mayor's direction were issued in the name of Sherwood and paid to Sherwood. "r. Seabury claims that this whole transaction is a suspicious one and nobody wants to shed light on the matter. We know, however, that the money was intended for Walker, which again proves that Sherwood's bank account was really the Mayor's."

c) A \$6,000 check from William J. Scanlon. Mr. Scanlon tried his best to conceal this check but he failed. He was an agent of the Butler Sweeping Company, and was known to be one who "hung around" City Hall and even received telephone calls home.

should explain where he got so much money. Instead of doing so, however, "he resigned on the day before this subject was scheduled to be taken up by the Governor".²³

5-THE MAYOR'S NEGLECT OF DUTY IN PERMITTING HIS CORPORATION COUNSEL TO APPOINT DOCTORS WHO SPLIT THEIR FEES WITH THE MAYOR'S BROTHER

Arthur J.W. Hilly was chosen Corporation Counsel by the Mayor. Mr. Hilly gave Morris L. Strauss, Assistant Corporation Counsel in charge of the Workmen's Compensation Bureau "carte blanche" to choose city physicians who were to examine compensation cases involving city employees. Mr. Strauss, therefore appointed Drs. Thomas J. O'Mara, Harris Feinberg, Alfred B. Cassasa, and Edward L. Brennan, all four of whom were close professional associates of the Mayor's brother, Dr. William H. Walker, who was Medical Examiner to the City Pension Retirement Board and Medical Examiner to the Department of Education. These doctors had a monopoly on all compensation cases requiring X-Ray, baking, and massage treatments. From January 1, 1929 to January 31, 1932, these doctors were paid \$216,001.55 by the city. The records show that all four doctors split their fees with Dr. Walker. From May 17, 1928 to April 1, 1932, therefore, Dr. Walker deposited \$431,258.92 in his account.²⁴

23

Ibid.

24

Ibid..pp.121-125.

phone calls there. He "boosted" his company to Walker and soon received
 A few days later, Seaman called out the check in question to
 Sherwood for \$5,000. There was absolutely no reason for
 Seaman giving Sherwood the money, but it seems obvious why
 Seaman should give the money to Walker. In fact, this same
 Seaman also split other commissions with Dr. Walker, the
 Mayor's brother. At one time, Seaman got a commission of a
 few thousand dollars for selling the city "covered wagons"
 which were used to carry refuse in Seaman's check book. These
 are recorded checks to Dr. Walker totaling to one-half the
 commission he received.
 These reports and other similar ones show that the
 Sherwood account in the Central Hanover Bank was really
 Walker's but had to be deposited in another name so as to
 avoid any suspicion of "offshore activities".
 Seaman was up to this relationship between Sherwood
 and Walker. It is well known, however, to leave no
 doubt that Russell T. Sherwood was the Mayor's financial
 agent and that the bank and brokerage accounts which he
 maintained were really conduits through which flowed the
 Mayor's money... almost a million dollars, of which \$750,000
 was in cash. The Mayor, therefore, Seaman continued,

The New York Times, May 28, 1932.

Op. cit., p. 121.

6- RELIANCE BRONZE AND STEEL CORPORATION CONVERTIBLE BONDS

In 1929, J.A.Sisto gave Mayor Walker ten debenture bonds of the Reliance Bronze and Steel Corporation. On January 9, 1931 the City of New York awarded a contract to the Reliance Bronze and Steel Corporation amounting to a sum of about \$43,000, for which the company was to furnish the Police Department 104 traffic light standards. This is clearly a violation of Section 1533 of the Greater New York Charter, which says that no officer of the City of New York ~~may~~ "shall be or become interested, directly or indirectly, ... in the sale of any article, the expense, price, ~~value~~, or consideration of which is payable from the city treasury ... If any person in this section mentioned shall, during the time for which he was elected or appointed, knowingly acquire an interest as above described...he shall, on conviction thereof, forfeit his office, and be punished for a misdemeanor." ²⁵

To all these charges Walker had but one defense. Instead of excusing his actions, or bringing further evidence that might refute Seabury's evidence, or ~~or~~ throwing light on suspicious matters by explaining, he constantly denied everything. Of course, it was obvious that merely denying accusations presumably based on facts and words of witnesses would not help Walker.

The consensus of opinion seemed to be that Roosevelt would be forced to remove Mayor Walker from office in spite of the fact that he hoped to be nominated for President by the Democratic Party that same year. To save his own face, however, Walker seized upon an excuse and resigned before Roosevelt rendered a decision.

The Mayor's counsel started court proceedings to restrain Governor Roosevelt from trying the case. These proceedings came before Mr. Justice Staley at Special Term of the Supreme Court at Albany County. Judge Staley decided that first of all Walker's acts during his first term could not be questioned now as it was too late, and second of all that his personal affairs should not be included in the charges.²⁶ As Governor Roosevelt ignored Staley's decision, the Mayor immediately resigned from office and²⁷ claimed that the trial was unfair.

Samuel Seabury in his report to the Legislature wrote that the pretext of the Mayor was a sham. Obviously, according to law, he said, Mr. Justice Staley was entirely without jurisdiction in acting to restrain the Governor of the State from the performance of an executive function. Mr. Seabury also continued that it did not seem an "edifying spectacle" for a Mayor of the City of New York to defend²⁸ himself by saying that he was not caught in time.

26
The New York Times, August 0, 1932.
27-----
Op.cit.,p.136.
28-----
Ibid.,p.129.

I have emphasized the charges that led up to the resignation of James J. Walker in 1932. Naturally, the facts as I have presented them lean mostly to the belief that Walker was guilty of "dishonest" practices. This has been necessary because try as I might, I could not report the events impartially because the only source of information available came from the plaintiff's reports. There are no books printed that defend the ex-Mayor. This is by no means an apology but a statement of fact.

*Miss M. K. ...
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The New York Times, August 10, 1932.

Op. cit., p. 128.

Ibid., p. 128.

The consensus of opinion seemed to be that Roosevelt would be forced to remove Mayor Walker from office in spite of the fact that he hoped to be nominated for President by the Democratic Party that same year. To save his own face, however, Walker refused upon an excuse and resigned before Roosevelt rendered a decision.

The Mayor's counsel started court proceedings to restrain Governor Roosevelt from trying the case. These proceedings came before Mr. Justice Stanley at Special Term of the Supreme Court at Albany County. Judge Stanley decided that first of all Walker's note during his first term could not be questioned now as it was too late, and secondly that his personal affairs should not be included in the charges. As Governor Roosevelt ignored Stanley's decision, the Mayor immediately resigned from office and claimed that the trial was unfair.

Samuel Seabury in his report to the Legislature wrote that the pretext of the Mayor was a sham. Obviously, according to the law, he said, Mr. Justice Stanley was entirely without jurisdiction in acting to restrain the Governor of the State from the performance of an executive function. Mr. Seabury also contended that it did not seem an "edifying spectacle" for a Mayor of the City of New York to defend himself by saying that he was not caught in time.

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Max M. Kampelmacher
American Constitution
Term Paper

"Presidential and Congressional Interpretation
of the Constitution as Evidenced in Acts of Congress ~~that~~
Invalidated by the Supreme Court."

quote 4 & 5

B

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quotations from
the debates would have
been more forceful

During the past eight years, the Supreme Court of the United States has found itself invalidating more than the usual amount of Congressional laws. Many of those who have watched this development believe that the reason for this is that Congress has given up its authority and duty to judge questions of constitutionality and is depending more and more on the decisions of the Court. It is safe to say, that the framers of the Constitution intended to have three checks on unconstitutional acts, Congress, the President, and the Supreme Court.

During the early days of this republic, the halls of Congress resounded with the echoes of Constitutional debates. Has Congress power to establish a National Bank? Has any state the right to secede? How far can Congress go in taxation? These and other constitutional questions held the center of the stage. The Courts were not the only body to judge constitutionality.

Today, however, we have a condition where even the President of the U. S. not so long ago asked Congress to act first without constitutional deliberations, and let the Supreme Court then give its verdict. It is very interesting, therefore, to investigate certain laws which the Supreme Court invalidated and try to discover whether Congress recognized the Constitutional issues.

The first case I considered was that of *Newberry v. U. S.* 1921, 256 U. S. 232, ^{36 S. 822} ^{37 S. 25}, where the Supreme Court declared the Federal Corrupt Practices Act, passed June 25, 1910 and amended August 19, 1911, unconstitutional.

The original act goes under the number of H.R. 2250, and the amendment H.R. 2958. The original act was perfectly legal, but as amended violated the Constitution.

H.R. 2250 was known as the McCall publicity bill, and required Congressional campaign committees of all political parties working in two or more states to file detailed and accurate reports, under oath, with the Clerk of the House of Representatives of all contributions and disbursements of money exceeding \$10 that have been made and collected during such elections. It also prescribed appropriate penalties for the violation of its provisions.

In both houses of Congress, this bill was not greatly talked about. The only difficulty found with it was that it did not go far enough and include the nomination of members, because as it stands now most of the Southern states are not affected by it.

The following year, H.R. 2958 was introduced to slightly amend the above act to include publicity before election as well as after election. It is at this time that we first get an indication that some Congressmen are interested in questions of constitutionality. One of the members asked why the bill did not include a provision for publicity of accounts in the smaller congressional districts. He was answered that the Committee on the Election of President, Vice-President, and Representatives in Congress, which considered the bill, doubted the legality of Congressional action which would deal purely with a state matter.

Immediately after, another member of the House asked that a provision be added to include publicity of contributions which helps to secure nominations. This would include primaries. The committee again answered that it believed that the matter of nominations should be controlled by state legislatures and not by Congress. The committee did not want to go into the domain of a state and encroach upon its jurisdiction.

The House seemed to value the opinion of its committee, passed the amendment as is, and sent it to the Senate. It is in the upper chamber that we find the constitutional issue a live and interesting one.

The Senate Committee on Privileges and Elections, which reported the bill, added a primary provision by asking the candidates to publish how much they spent from the ~~beginning~~ beginning of the pursuance of their elections. Senator Bailey, who was considered an expert on the Constitution by his colleagues, objected to the bill because he believed that it asserted a power which Congress did not have. In his opinion, Congress did not have the authority to go into a state and regulate its primary elections. The power of Congress over elections does not extend to primaries, he said.

A long constitutional argument ensued. One of the points raised was that if Congress had power over primaries, it had power over conventions. Also, that if Congress had power over primaries, it could investigate the election of members of the state legislatures who elected Senators.

Many Senators claimed that by merely requiring the publication of expense accounts in primary contests, Congress was not controlling or regulating those contests. Others claimed that Congress was only following out its authority to have power to judge the qualifications of its members, and by looking at expense accounts it is seeing whether the candidates have been honest.

The main question lay in whether Congress derived the power to require the publication of expenditures from Article I, Section 4 which gives Congress the right to regulate the manner of holding elections or from Article I, Section 5 which permits Congress to "be the judge of the... qualification of its own members." If the power is claimed to be derived from the former, the amendment would be unconstitutional; if from the latter, the amendment may be considered valid. *not if Congress has no qualification*

Even in regard to the latter, however, there was a difference of opinion as to the validity of the act. Senator Borah argued that Article I, Section 5 stated "Each House shall be the judge..." which means that each House separately and not Congress as a whole should judge the qualifications of its members.

Along these lines, he objected to the proposal that no candidate for Congress who violates any of the provisions of the act shall not be seated, because the act set up uniform regulations. According to the act, the houses themselves do not act as judges, but are regulated by the act.

In spite of all the constitutional objections, however, the bill was passed in the Senate by a large majority and sent to the conference committee which agreed to the Senate amendments. Constitutional discussions, however, continued in both houses while debating the conference report. Reports and quotations were brought in from Cooley, Loring, Tucker, Story, Hamilton, and other constitutional authorities. Nevertheless, both houses passed the bill in its final form.

The Supreme Court, however, decided that the term "elections" did not apply to primary votes and declared the law unconstitutional.

The next case I considered was that of *U.S. v. Moreland* 1922, 258 U.S. 433, 34 S. 86, where the Supreme Court declared the Non-support Act of March 23, 1906 unconstitutional. This act goes under the number of H.R. 14515 and makes it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances. It also provided for the punishment of "a fine of not more than \$500 or by imprisonment in the workhouse of the District of Columbia at hard labor for not more than 12 months or by both such fine and imprisonment."

Peculiarly enough, there was absolutely no objection to this bill for any reason whatsoever from either house. In fact, the Senate did not even discuss the bill at all. It seems that

in this case Congress was too much impressed by the moral righteousness of what it was enacting, so much so in fact that it overlooked a very important constitutional infringement.

The Supreme Court decided that the punishment provision was not in uniformity with the Constitution for it put the violation into the category of crimes which require an indictment by a grand jury. Article I of the Amendments provides that "no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury..." The act, however, did not provide for an indictment by a grand jury. The Supreme Court, therefore, considered the law unconstitutional.

In both of the above instances, we have acts which were considered good improvements for society, yet contained unconstitutional provisions. In the one, a great deal of debate took place because the issue was an evident one. In the other, the issue was completely overlooked. Congress passed both laws, nevertheless.

In both acts under consideration, I found no evidence of the President taking notice of any constitutional issue. He signed the bills without any observations at all. In looking over the reports of the Attorney General also, I found no reports on either act.

Term Paper

Max M. Kampelmacher

Political Science 50

Professor Zuercher

due November 23, 1938

"A Study of the British National Labor Party From
1930 to the Present Time"

B

The British Labor Party From 1930 to the Present.

The study of the British National Labor Party is the study of an actually socialist party trying to gain a foothold in a country of cautious people. The second Labor government began in 1929 with Ramsay MacDonald as Prime Minister. It gained 120 seats then but did not have a majority claiming 287 members as against 257 for the Tories.¹ From the outset, therefore, it was evident that the government would have a difficult time of it unless it steered clear of real controversial measures. MacDonald and his group, therefore, decided to postpone the actual introduction of socialistic measures for a system of improving capitalism gradually. In spite of his socialist theories, the Prime Minister had to practice mild capitalism.

The Labor government could either go forward with socialism and endanger the future of the cabinet, or cooperate with the capitalist liberals and antagonize the left wing laborites. Mr. MacDonald decided on the latter course.

In the early part of 1930, MacDonald publicly declared a break between his followers and the radical Independent Labor Party headed by James Maxton. The break came to a head on April 22 at the Birmingham congress of the party when the "rebels" announced that they would have nothing to do with the financial policy of the government. This revolt was not entirely unexpected for at the previous parliamentary sessions, Maxton's left-wingers continually hammered at the government's

¹ Frank H. Simonds, "The British Revolution," Review of Reviews, July, 1929.

unemployment insurance bill.² The atmosphere at Birmingham showed clearly that the backbone of the party was more radical than its leaders for they demanded immediate socialism which they believed could be attained without bloodshed. Delegates stood up and attacked the Prime Minister and Sir Philip Snowden, his associate, for not living up to their promises and for aiding capitalism by inviting bankers and corporations to assist in reorganizing industry. This put MacDonald in a predicament for he was perfectly willing to wait a long time before making England a socialist country.

The Civil War in Labor's ranks and the world-wide economic crisis which began during this administration, put the government in a very weak position and it is a wonder that the cabinet lasted as long as it did. It surely would have failed ^{had} it not ^{been} for the cooperation of the Liberal bloc. This Lloyd George-Labor coalition was a practical necessity. Nevertheless, most Laborites and many Liberals opposed the union. When the government, therefore, introduced an electoral reform bill providing for the Alternative Vote calculated to save the Liberals from extinction at the next election, the opposition was strong enough to defeat it.³ It was obvious that the Labor-Liberal coalition could not last very long.

The collapse finally came when the three Labor leaders MacDonald, Snowden, and Thomas proposed in the name of economy to cut the "dole" and to inaugurate a general scaling down of wages. With this proposal,

² "Laborites Split", *Outlook*, May 7, 1930.

³ Wickham Steed, "Labor in Office and Opposition", *Yale Review*, September 1931.

Labor practically unanimously decided that its three former leaders were no longer accredited socialists and could lead the party no longer.

The story of the second Labor government shows that it made a mistake in taking office without the power to make real changes in the operation of economic institutions and without a coherent program for doing so. As many Laborites contended the government proceeded to "restore the capitalistic system at the points where it had broken down, rather than go on to replace it, piece by piece, with socialism".⁴ Another belief was that "the collapse of the British Labor government is not a failure of socialism but a failure of nominally Socialist leaders who, without the power or the immediate inclination to establish socialism, unwise chose to pilot British capitalism through the most critical periods it has ever faced".⁵

After the resignation of the Labor cabinet, King George V surprised everybody, most of all the laborites, by deciding that as long as no party had a majority, a Nationalist Coalition Cabinet should be formed headed by Ramsay MacDonald again. This act completely separated the Labor Party from MacDonald, Snowden, and Thomas. Now a new leader arose, Mr. Arthur Henderson, formerly of the Foreign Office who had a hold on the masses.

It is interesting to note here that another new Labor ~~chief~~ was Sir Oswald Mosley, later head of the English fascists.

The Labor Party made a remarkable demonstration of its solidarity

⁴ Doreen Allen, "British Labor Falter", Nation, November 12, 1930.

⁵ "British Labor Fails", New Republic, September 2, 1931.

when it solidly supported Mr. Henderson even though 3 of its 4 leaders resigned. It came through the crisis without any serious dissension in its ranks. Indeed, in some respects, it was more united than before the crisis. The reasons were twofold: with the practical extinction of the Liberal Party an opposition group of some magnitude is necessary; and secondly, organized labor had to have a means of expressing itself in unison.

Now the Labor Party had to take stock and see where it stands. The most important question that plagued the leaders was what policy to continue in the future. Should it advocate immediate socialism or should it champion the cause of gradualism and slow evolution. It ^{definitely} immediately could not go on without expressing its immediate plans on capitalism, yet it was not prepared to do so.

Every leader had another solution. Mr. Herbert Morrison was of the belief that the party should be moderate and extend its principles to gather increasing favor with the intelligent middle classes. He wanted the party to abandon its old anti-bourgeois prejudices for a more modern and moderate "pink" socialism.⁶

Mr. H. B. Lees Smith, however, who held cabinet rank as President of the Board of Education in the Labor government, was of the belief that the party should reshape its program and accept capitalism for the time being as a fact. It should, he believed, turn its mind to the

⁶ S. K. Ratcliffe, "Labour After the Deluge", Nineteenth Century and After, December 1931.

problem of "fundamental reconstruction... which had always been its main objection."⁷

Mr. G. D. H. Cole, on the other hand, felt that the only future for the Labor Party was to adopt socialism completely and be more extreme than it formerly was. He wanted the Labor Party to get back to straight socialist propaganda.⁸

The lack of a definite program convinced Mr. Maxton and his Independent Labor Party to officially secede from the Labor Party which they helped to create. But the resignation of Maxton did not make an appreciable dent in the ranks of the central party because many members of the Independent Labor Party refused to follow Maxton and remained with the main party.

In October 1932 at the Party conference at Leicester, the leaders, for the first time since the crisis, had an opportunity to formulate a program. There were two alternative policies conceivable. One was a complete break with capitalism for which the public was unprepared, and the second an acceptance of capitalism with labor rights included. They accepted the former plan and veered to the left. First

First, they passed a resolution favoring the nationalization of joint stock banks and the Bank of England. Then they decided to require the next Labor government to be instructed immediately on assuming office to promulgate definite Socialist legislation and to stand or fall by the

⁷ H. B. Lees-Smith, "The Future of the Labour Party", The Spectator, November 7, 1931.

⁸ G. D. H. Cole, "The Old Labour Party and the New", New Statesman and Nation, November 14, 1931.

principles in which the party holds faith. Executive proposals were also adopted for the establishment of a national transport board for the "unification, coordination, and control" of transport facilities; for the national ownership of electrical power;⁹ and for the national planning of agriculture with authority to regulate imports. The party, therefore, repudiated the old policy of "gradualism" for a more definite and consciously Socialist policy.

But the Leicester conference was not all harmony for there were evident signs of a brewing battle between the workers and intellectuals in Labor's ranks. Membership in the party, it must be remembered, depended on membership in a trade union. The party, therefore, depended greatly on the cooperation of the trade unions for they also financed the campaigns in their respective districts and they occasionally put up union representatives as candidates. But these union members were inexperienced in the ways of government and it was necessary for the "intellectual" to be prominent also to do their part, a very necessary part.¹⁰

It seems that the decision of the Labor Party at Leicester was a wise one for after that conference the party showed great signs of rejuvenation. Although by-elections were not numerous enough to give a reliable indication of the trend since the general election, Labor did succeed in winning back the seats it lost at that time whenever they became vacant. While at the same time the supporters of the National government who regained their seats in by-elections fell 40%.

⁹ George Catlin, "British Labor Moves Left," *Current History*, February 1933.

¹⁰ "Labour in Council," *The Spectator*, October 8, 1932.

The reason for the success was that the type socialism advocated at Leicester was really nothing radical being only an expression of what many Englishmen believed in.

In late 1933, the Labor Party met again, this time at Hastings. No change of policy was instituted at this time, but a group of left wingers did object to the manner in which the leaders were proceeding, and organized the Socialist Inquiry and Propaganda Society. They urged that the next Labor government rapidly convert the country from Capitalism to Socialism by: ① abolishing immediately the House of Lords; ② passing immediately an Emergency Powers Act which would give the government authority both to take over or regulate the financial machine, and to put into force any measures that the situation may require for the immediate control or socialization of industry; ③ revising the procedure of the House of Commons and the machine of government so that a rapid transition to Socialism may be carried through constitutionally, and dictatorship avoided; ④ organizing an economic plan for industry, finance, and foreign trade designed to end the present system "and thus to abolish unemployment and poverty".¹¹

But this minority did not gain much support and was always destined to remain a minority in the Labor Party.

Now the Laborites set to work to continue their progress by active campaigning. Their most vigorous leader was Mr. Herbert Morrison who endeavored to capture the London County Council. He accomplished this in

¹¹

A. L. Rouse, "The Labour Party From Within", Nineteenth Century and After, December 1933.

Where is the
Socialist League?
Sir S. Cripps?

the early part of 1934 when the Labor Party gained a majority of 14 seats over the Conservatives. More than half of the London boroughs, 15 out of 28, had Socialist majorities. Labor was making steady progress towards eventual control of the country.¹²

The next two conferences of the party in 1934 and 1935, before the elections, were held at Southport and Brighton. The spirit of the delegates and leaders was one of confidence and optimism. They undoubtedly expected to come into power in the 1935 elections, basing their hopes mostly on the failure of the Conservatives to cope successfully with Hitler and with Mussolini. The people showed signs of becoming tired of the bungling of their leaders in foreign affairs. The Labor Party, therefore, now endeavored to unite the rank and file of the movement and it succeeded pretty well, for a unity of feeling and purpose was prevalent, including even the Socialist League. In brief, the Labor Party believed in a gradual and constitutional, but nevertheless drastic and far reaching, change of the economic system; a program acceptable by all the delegates present. It was a program somewhat similar to the New Deal in the United States.¹³

There was only one disconcerting note struck in the ranks of labor, and that was the resignation of Mr. Lansbury, a popular and somewhat ancient leader of the Labor Party, from active leadership. His age had much to do with his resignation, but the real reason was that, as an extreme pacifist, he saw that his view could no longer be prevalent in turbulent European affairs.

¹² "Labour and the Councils," *The Spectator*, November 9, 1934.

¹³ "Where Does the Labour Party Stand Now?," *New Statesman & Nation*, December 15, 1934.

The Labor Party, however, was due for an unprecedented disappointment, for in the elections of 1935, the one they hoped to win, all their optimistic expectations were ~~trampled~~ ^{crushed} upon by the electorate. The conservative Baldwin government was returned with a majority, reduced indeed, but still enough getting 246 members to 155 for Labor. But looking closely and analyzing the election returns, we see that Labor's disappointing showing was not due so much to lack of support on the part of the electorate, but was due primarily to the peculiar electoral system in England. For even though Labor polled 8,300,000 votes, or 46% of the total vote, its representation in the House of Commons wasn't anywhere near that percentage.¹⁴ To elaborate a bit further on that point without going into the details of how elections are run in England, each government seat represented 22,000 votes, while each labor seat represented 55,000 votes. With a shift of a few thousand votes it might have been possible for Labor to have gained a majority instead of only gaining 98 seats.¹⁵

It is interesting to note here that in spite of the fact that the electoral system was the cause of Labor's poor representation, Mr. Herbert Morrison and Major Clement Attlee, new leaders of the Labor Party, did not advocate proportional representation or any other system to replace the old because they claimed that in 1929 it worked to their advantage, and may work for them again some day in the future.

¹⁴ A. L. Rouse, "The Future and Prospects of the Labour Party", Nineteenth Century and After, January 1936.

¹⁵ New Statesman and Nation, November 23, 1935.

To get back, however, to analyzing the election returns, disregarding the peculiar election system, the Labor Party still did not live up to previous expectations. Many political experts tried to give their explanations of what happened and it is well to see what Professor Harold J. Laski had to write.¹⁶ He attributed the defeat to the following reasons: (1) the absence of definite leadership augmented by the sudden resignation of Mr. Lansbury just before elections; (2) the absence of clarity in the Labor Party attitude towards the foreign policy and rearmament questions, which were questions of paramount importance. Their view was so muddled that it was hardly distinguishable from that of the government; (3) the previous record of the 1929 government remained in the minds of a great percentage of the electors.

But Professor ^{Laski} agreed with Mr. Morrison who said "The situation is fundamentally not unhealthy".¹⁷ Besides the large percentage of voters which it attracted, the Labor Party could also be thankful that many of its tried parliamentary spokesmen were returned and that a few of its young energetic members won seats. Labor would have a strong front bench with Mr. Morrison, Major Atlee, Dr. Dalton, Mr. Greenwood, and Mr. Lees-Smith present.

All in all, however, the future of the Labor Party looked dark. Even though the English people showed their displeasure with the government's

¹⁶ Harold J. Laski, "The Future of British Labor", The Nation, December 18, 1935.

¹⁷ A. L. Rouse, "The Future and Prospects of the Labour Party", Nineteenth Century and After, January 1936.

sanction policy, Labor could not attract the disgruntled into their own fold for they had nothing to offer. Besides the faults mentioned by Professor Laski above, which were not even remedied at the Edinburgh conference in November 1936, moral bankruptcy seemed to grab hold of the delegates. The delegates were hopelessly divided among themselves and had no knowledge of how to confront the dangers and perplexities of the European crisis.

On the most important current question, rearmament, Labor could say nothing definite. It adopted a resolution which was completely meaningless, a confused mixture of all conflicting points of view; "no one... could say whether it meant vote *yes* 'for' or 'against' or 'abstain'." ¹⁸ It meant one thing to Mr. Dalton and another to Mr. Morrison; then Mr. Berin protested against Mr. Morrison's interpretation. At the end, no one knew what the resolution meant. In a speech intended to bring clarity from confusion, Mr. Attlee concluded that its meaning would later be decided by the Parliamentary party when Commons would meet.

To bring the finishing touches to the gloom prevalent at this time within the ranks of the Labor Party, a new danger arose. The Communists, the D. L. P., and the Socialist League, old critics of the lack of energy in the official party, formed a united front and looked to find sympathy from many disgruntled Laborites. Very little was now necessary to definitely make the Labor Party impotent as an opposition party. ¹⁹

18

H. N. Brailford, "The Bankruptcy of the Labor Party", *The New Republic*, December 2, 1936.

19

D. W. Brogan, "Left Wing Discontents", *Fortnightly Review*, February 1937.

The Labor Party, however, is showing signs today of once again threatening the supremacy of the Conservatives. The widespread opposition of many people towards the government showed the leaders of the party that were it organized well it would have a good chance of winning the 1940 elections. At the Bournemouth conference in late 1937, therefore, the Labor Party for the first time since 1935, did something it could be proud of. First, it passed a definite resolution which in effect accepted a big armament program as an unfortunate necessity. Second, it settled an old dispute by ending once and for all the campaign of the communist groups. Third, it took away power from the "trade union bosses" for a more democratic system permitting the election of some of the most ardent champions of the left to the Executive Council; ²⁰ men like Sir Stafford Cripps and Professor Laski.

It is difficult to say what the future has in store for the Labor Party. Present indications make me believe that it will pick itself up as it did in 1931 and become a strong opposition if not the actual government. I believe so because Labor's new policy seems to be more of an inclusive one than a restrictive one. It will appeal now not only to the working class but to the wide awake middle class man who is not radically inclined, but who does disagree with the foreign policy and the domestic platform of the Conservatives. And just as important, the Labor Party will reestablish itself, I believe, because English government is essentially a two party system and with the practical death of the Liberal Party, the only opposition left is the Labor Party. By 1940, if no election is held sooner, the answer will be known.

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AMERICAN LEGISLATION BIBLIOGRAPHY OF OLD AGE PENSIONS for

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"American Legislation on the Subject of Old-Age Pensions"
California Department of Social Welfare- Old Age Dependency
Douglas, Paul- Social Security in the United States
Epstein, Abraham- "The American State Old Age Pension
System in Operation" in Annals of American Academy of
Political and Social Sciences, V. 170.
Epstein, Abraham- "Old Age Pensions" in American Labor
Legislation Review, V. 13.
submitted by: How- Facing Old Age
Monthly Labor Review- "Pensions and Insurance", June 1934.
Meyer K. Gottlieb (pseudonym) Paper Editors- Facts About
April 30, 1940
in competition for Old Age Security- Old Age Security
JAMES GORDON BENNETT PRIZE V.S. Old Age Security
Horton, Thomas L.- Old Age and the Social Security Act
Rosenman, Alvin- "Old Age Assistance" in Annals of American
Academy of Political and Social Sciences, V. 202.
U.S. Social Security Board- Publications, nos. 3, 5, 16.
U.S. Works Progress Administration- Digest of Old Age
Assistance Laws
Wisconsin State Board of Control- Old Age Assistance
USED AS A REFERENCE
American Public Welfare Association- Old Age Assistance
MAX M. KAMPELMACHER Security Act
Armstrong, Barbara N.- Insuring the Essentials
Epstein, Abraham- Challenge of the Aged in the Factory
Epstein, Abraham- Insecurity. A Challenge to America
Ghent, W.J.- Old Age Pensions
Monthly Labor Review- "Care of the Aged in the United
States", March 1929.
U.S. Bureau of Labor Statistics- Public Old Age Pensions
in the United States
U.S. Labor Law Information Service- Public Old Age
Pension Legislation
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AMERICAN LEGISLATION ON THE SUBJECT OF OLD-AGE PENSIONS for

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Epstein, Abraham- "Old Age Pensions" in American Labor
Legislation Review, V.12.
Epstein, Abraham- Facing Old Age
Monthly Labor Review- "Pensions and Insurance", June 1934.
National Conference of Business Paper Editors- Facts About
Old Age Security, no.2.
National Conference on Old Age Security- Old Age Security
in the United States, V.2.
Norton, Thomas L.- Old Age and the Social Security Act
Roseman, Alvin- "Old Age Assistance" in Annals of American
Academy of Political and Social Sciences, V.202.
U.S. Social Security Board- Publications, nos. 3, 9, 16.
U.S. Works Progress Administration- Digest of Old Age
Assistance Laws
Wisconsin State Board of Control- Old Age Assistance
USED AS A REFERENCE
American Public Welfare Association- Old Age Assistance
Under Social Security Act
Armstrong, Barbara N.- Insuring the Essentials
Epstein, Abraham- Challenge of the Aged
Epstein, Abraham- Insecurity, A Challenge to America
Ghent, W.J.- Old Age Pensions
Monthly Labor Review- "Care of the Aged in the United
States", March 1929.
U.S. Bureau of Labor Statistics- Public Old Age Pensions
in the United States
U.S. Labor Law Information Service- Public Old Age
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U.S. Library of Congress- Old Age Pensions in the United
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BIBLIOGRAPHY for

AMERICAN LEGISLATION ON THE SUBJECT OF OLD-AGE PENSIONS

- USED EXTENSIVELY
- "American Legislation on the Subject of Old-Age Pensions," California Department of Social Welfare--Old Age Dependency Douglas, Paul--Social Security in the United States Epstein, Abraham--"The American State Old Age Pension System in Operation" in *Annals of American Academy of Political and Social Science*, V. 170.
- Epstein, Abraham--"Old Age Pensions" in *American Labor Legislation Review*, V. 12.
- Epstein, Abraham--"Social Old Age Pensions and Insurance," *Monthly Labor Review*--"Pensions and Insurance," June 1934.
- National Conference of Business Paper Editors-- *Facts About Old Age Security*, no. 2.
- National Conference on Old Age Security--*Old Age Security in the United States*, V. 3.
- Norton, Thomas L.--"Old Age and the Social Security Act" in *Annals of American Academy of Political and Social Science*, V. 302.
- U.S. Social Security Board--*Publications*, no. 3, 8, 16.
- U.S. Works Progress Administration--*History of Old Age Assistance Laws*
- Wisconsin State Board of Control--*Old Age Assistance*
- USED AS A REFERENCE
- American Public Welfare Association--*Old Age Assistance*
- U.S. Social Security Act
- Armstrong, Barbara M.--*Insuring the Essentials*
- Epstein, Abraham--*Challenges of the Aged*
- Epstein, Abraham--*Insuring a Challenge to America*
- Gant, W. J.--*Old Age Pensions*
- Monthly Labor Review--"Care of the Aged in the United States," March 1932.
- U.S. Bureau of Labor Statistics--*Public Old Age Pensions in the United States*
- U.S. Labor Law Information Service--*Public Old Age Pension Legislation*
- U.S. Library of Congress--*Old Age Pensions in the United States*
- Watt, R. E.--*Social Security Act in Operation*

AMERICAN LEGISLATION ON THE SUBJECT OF OLD AGE PENSIONS

The twentieth century in the United States brought with it, along with its many other effects, the problem of caring for the aged. The land of free opportunity had never before felt the need of meeting the problem of the super-annuated wage earner for that problem was never acute. As an agricultural country, America could take care of its aged by giving them chores of one kind or another to perform. Then again, the aged were not liabilities; their seasoned experience was always of value.

The turn of the century, however, meant that we were becoming more of an industrial country than an agricultural one. Instead of living on farms, Americans were becoming urbanized. No longer could there be chores for grandfather and grandmother to do. Seasoned experience was of no value in industries governed by the machine technology. In fact, not only was there no room for grandfather in the factory, but an ever-growing tendency was developing which even called father, at forty, "too old" to work efficiently.

As if this were not serious enough, America was suddenly waking up to the fact that its youth was over and that as a nation it was rapidly approaching middle age. Census figures were showing that an increasing proportion of our population now belonged to the upper-

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age groups. Whereas in 1870, the 1,154,000 persons aged
65 and over constituted only 3% of our total population;
by 1930 the number had increased to 6,634,000 and rep-
resented 5.4% of our total population.

Yes, the problem was serious and America
sooner or later had to realize its responsibility. That
realization, however, was a very slow and tedious process.

The first legislative recognition of the
need for a special type of public assistance for the aged
was an Arizona statute enacted in 1914 as a result of the
use of an initiative petition and referendum by the voters.
A pension, according to the law, was to be given to all
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1 The Constitution. The other two laws were not satisfactory,
Old Age and the Social Security Act, T.L. Norton, p.9.

2 Facing Old Age, Abraham Epstein, p.319. Legislation Review,
p.333-337.

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Old Age and the Social Security Act, T.L. Norton, p. 2.

Facing Old Age, Abraham Epstein, p. 318.

Because of the intervening war and attention on foreign rather than domestic problems the next State law providing for old age pensions was not passed until 1923, the date that marks the real beginning in old age legislation in the United States. It is wrong to assume, however, that the matter was not referred to in state legislatures before this date. Quite a number of states, led by Massachusetts

in 1907 set up official state commissions to investigate the subject. Most of these state commissions, according to Mr. Abraham Epstein, leader in the movement for old age pension legislation, favored non-contributory pension systems for the "deserving" poor who fulfill certain requirements as to age, residence, character. Even a federal commission, the Second Industrial Conference, called by President Wilson in 1920 favored such legislation.

In 1923, three states, Montana, Nevada, and Pennsylvania put into effect laws providing for pensions to aged dependent citizens. The latter statute was the best

of the three from the point of view of coverage and technical coherence, though it only appropriated \$25,000 for the payment of the pensions. Unfortunately, however, the Pennsylvania Supreme Court declared it a violation of the State Constitution. The other two laws were not satisfactory.

The American State Old Age Pension System in Operation, Abraham Epstein, in Annals of American Academy of Political and Social Sciences, V. 170. "Old Age Pensions" in American Labor Legislation Review, V. 13, pp. 223-227.

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"Old Age Pensions" in American Labor Legislation Review
V. 12, pp. 283-287.

for they seemed to have been passed only as an attempt to satisfy popular demand and not to really cope with the situation. The Nevada law, for example, was replaced in 1925 after popular fervor had subsided by an emasculated substitute which never functioned. The Montana law, on the other hand, though in practice fairly successful set a precedent followed by other states which weakened the pension structure.

The Montana law specifically established no central supervision and left the payment of pensions optional with the respective counties within the state. From 1923-1928 four states passed similar laws placing the responsibility of aiding the aged entirely on the localities within the state. These states were: Wisconsin, 1925; Kentucky, 1926; and Colorado and Maryland in 1927. The weakness of this type of legislation can be observed when we note that not a single county accepted the provisions of the Kentucky law; the only county in Maryland to pay pensions was Baltimore; and only one or two counties in Wisconsin took advantage of the law.

Of the four states, Wisconsin was the most fortunate with eight counties subscribing to the state plan. But even here, we see ineffectiveness. It might be interesting, in 1930, \$1,000,000 in 1931, \$1,000,000 in 1932, \$1,000,000 in 1933, \$1,000,000 in 1934, \$1,000,000 in 1935, \$1,000,000 in 1936, \$1,000,000 in 1937, \$1,000,000 in 1938, \$1,000,000 in 1939, \$1,000,000 in 1940, \$1,000,000 in 1941, \$1,000,000 in 1942, \$1,000,000 in 1943, \$1,000,000 in 1944, \$1,000,000 in 1945, \$1,000,000 in 1946, \$1,000,000 in 1947, \$1,000,000 in 1948, \$1,000,000 in 1949, \$1,000,000 in 1950, \$1,000,000 in 1951, \$1,000,000 in 1952, \$1,000,000 in 1953, \$1,000,000 in 1954, \$1,000,000 in 1955, \$1,000,000 in 1956, \$1,000,000 in 1957, \$1,000,000 in 1958, \$1,000,000 in 1959, \$1,000,000 in 1960, \$1,000,000 in 1961, \$1,000,000 in 1962, \$1,000,000 in 1963, \$1,000,000 in 1964, \$1,000,000 in 1965, \$1,000,000 in 1966, \$1,000,000 in 1967, \$1,000,000 in 1968, \$1,000,000 in 1969, \$1,000,000 in 1970, \$1,000,000 in 1971, \$1,000,000 in 1972, \$1,000,000 in 1973, \$1,000,000 in 1974, \$1,000,000 in 1975, \$1,000,000 in 1976, \$1,000,000 in 1977, \$1,000,000 in 1978, \$1,000,000 in 1979, \$1,000,000 in 1980, \$1,000,000 in 1981, \$1,000,000 in 1982, \$1,000,000 in 1983, \$1,000,000 in 1984, \$1,000,000 in 1985, \$1,000,000 in 1986, \$1,000,000 in 1987, \$1,000,000 in 1988, \$1,000,000 in 1989, \$1,000,000 in 1990, \$1,000,000 in 1991, \$1,000,000 in 1992, \$1,000,000 in 1993, \$1,000,000 in 1994, \$1,000,000 in 1995, \$1,000,000 in 1996, \$1,000,000 in 1997, \$1,000,000 in 1998, \$1,000,000 in 1999, \$1,000,000 in 2000, \$1,000,000 in 2001, \$1,000,000 in 2002, \$1,000,000 in 2003, \$1,000,000 in 2004, \$1,000,000 in 2005, \$1,000,000 in 2006, \$1,000,000 in 2007, \$1,000,000 in 2008, \$1,000,000 in 2009, \$1,000,000 in 2010, \$1,000,000 in 2011, \$1,000,000 in 2012, \$1,000,000 in 2013, \$1,000,000 in 2014, \$1,000,000 in 2015, \$1,000,000 in 2016, \$1,000,000 in 2017, \$1,000,000 in 2018, \$1,000,000 in 2019, \$1,000,000 in 2020, \$1,000,000 in 2021, \$1,000,000 in 2022, \$1,000,000 in 2023, \$1,000,000 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\$1,000,000 in 2072, \$1,000,000 in 2073, \$1,000,000 in 2074, \$1,000,000 in 2075, \$1,000,000 in 2076, \$1,000,000 in 2077, \$1,000,000 in 2078, \$1,000,000 in 2079, \$1,000,000 in 2080, \$1,000,000 in 2081, \$1,000,000 in 2082, \$1,000,000 in 2083, \$1,000,000 in 2084, \$1,000,000 in 2085, \$1,000,000 in 2086, \$1,000,000 in 2087, \$1,000,000 in 2088, \$1,000,000 in 2089, \$1,000,000 in 2090, \$1,000,000 in 2091, \$1,000,000 in 2092, \$1,000,000 in 2093, \$1,000,000 in 2094, \$1,000,000 in 2095, \$1,000,000 in 2096, \$1,000,000 in 2097, \$1,000,000 in 2098, \$1,000,000 in 2099, \$1,000,000 in 2100, \$1,000,000 in 2101, \$1,000,000 in 2102, \$1,000,000 in 2103, \$1,000,000 in 2104, \$1,000,000 in 2105, \$1,000,000 in 2106, \$1,000,000 in 2107, \$1,000,000 in 2108, \$1,000,000 in 2109, \$1,000,000 in 2110, \$1,000,000 in 2111, \$1,000,000 in 2112, \$1,000,000 in 2113, \$1,000,000 in 2114, \$1,000,000 in 2115, \$1,000,000 in 2116, \$1,000,000 in 2117, \$1,000,000 in 2118, \$1,000,000 in 2119, \$1,000,000 in 2120, \$1,000,000 in 2121, \$1,000,000 in 2122, \$1,000,000 in 2123, \$1,000,000 in 2124, \$1,000,000 in 2125, \$1,000,000 in 2126, \$1,000,000 in 2127, \$1,000,000 in 2128, \$1,000,000 in 2129, \$1,000,000 in 2130, \$1,000,000 in 2131, \$1,000,000 in 2132, \$1,000,000 in 2133, \$1,000,000 in 2134, \$1,000,000 in 2135, \$1,000,000 in 2136, \$1,000,000 in 2137, \$1,000,000 in 2138, \$1,000,000 in 2139, \$1,000,000 in 2140, \$1,000,000 in 2141, \$1,000,000 in 2142, \$1,000,000 in 2143, \$1,000,000 in 2144, \$1,000,000 in 2145, \$1,000,000 in 2146, \$1,000,000 in 2147, \$1,000,000 in 2148, \$1,000,000 in 2149, \$1,000,000 in 2150, \$1,000,000 in 2151, \$1,000,000 in 2152, \$1,000,000 in 2153, \$1,000,000 in 2154, \$1,000,000 in 2155, \$1,000,000 in 2156, \$1,000,000 in 2157, \$1,000,000 in 2158, \$1,000,000 in 2159, \$1,000,000 in 2160, \$1,000,000 in 2161, \$1,000,000 in 2162, \$1,000,000 in 2163, \$1,000,000 in 2164, \$1,000,000 in 2165, \$1,000,000 in 2166, \$1,000,000 in 2167, \$1,000,000 in 2168, \$1,000,000 in 2169, \$1,000,000 in 2170, \$1,000,000 in 2171, \$1,000,000 in 2172, \$1,000,000 in 2173, \$1,000,000 in 2174, \$1,000,000 in 2175, \$1,000,000 in 2176, \$1,000,000 in 2177, \$1,000,000 in 2178, \$1,000,000 in 2179, \$1,000,000 in 2180, \$1,000,000 in 2181, \$1,000,000 in 2182, \$1,000,000 in 2183, \$1,000,000 in 2184, \$1,000,000 in 2185, \$1,000,000 in 2186, \$1,000,000 in 2187, \$1,000,000 in 2188, \$1,000,000 in 2189, \$1,000,000 in 2190, \$1,000,000 in 2191, \$1,000,000 in 2192, \$1,000,000 in 2193, \$1,000,000 in 2194, \$1,000,000 in 2195, \$1,000,000 in 2196, \$1,000,000 in 2197, \$1,000,000 in 2198, \$1,000,000 in 2199, \$1,000,000 in 2200, \$1,000,000 in 2201, \$1,000,000 in 2202, \$1,000,000 in 2203, \$1,000,000 in 2204, \$1,000,000 in 2205, \$1,000,000 in 2206, \$1,000,000 in 2207, \$1,000,000 in 2208, \$1,000,000 in 2209, \$1,000,000 in 2210, \$1,000,000 in 2211, \$1,000,000 in 2212, \$1,000,000 in 2213, \$1,000,000 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\$1,000,000 in 2262, \$1,000,000 in 2263, \$1,000,000 in 2264, \$1,000,000 in 2265, \$1,000,000 in 2266, \$1,000,000 in 2267, \$1,000,000 in 2268, \$1,000,000 in 2269, \$1,000,000 in 2270, \$1,000,000 in 2271, \$1,000,000 in 2272, \$1,000,000 in 2273, \$1,000,000 in 2274, \$1,000,000 in 2275, \$1,000,000 in 2276, \$1,000,000 in 2277, \$1,000,000 in 2278, \$1,000,000 in 2279, \$1,000,000 in 2280, \$1,000,000 in 2281, \$1,000,000 in 2282, \$1,000,000 in 2283, \$1,000,000 in 2284, \$1,000,000 in 2285, \$1,000,000 in 2286, \$1,000,000 in 2287, \$1,000,000 in 2288, \$1,000,000 in 2289, \$1,000,000 in 2290, \$1,000,000 in 2291, \$1,000,000 in 2292, \$1,000,000 in 2293, \$1,000,000 in 2294, \$1,000,000 in 2295, \$1,000,000 in 2296, \$1,000,000 in 2297, \$1,000,000 in 2298, \$1,000,000 in 2299, \$1,000,000 in 2300, \$1,000,000 in 2301, \$1,000,000 in 2302, \$1,000,000 in 2303, \$1,000,000 in 2304, \$1,000,000 in 2305, \$1,000,000 in 2306, \$1,000,000 in 2307, \$1,000,000 in 2308, \$1,000,000 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however, to briefly look at the Wisconsin law as a model for all state laws with county-optional systems. The law provided that counties which gave old age pensions were to be reimbursed one-third of their expenditures. To be eligible, a person had to be seventy years of age or over, a citizen, a resident of the State, of good character, no means of support from child or family, no income exceeding one dollar per day, and no property of more than \$3,000 value.

The average benefit paid was about \$15 per month. As we have seen, therefore, 73,000 old people were being cared for in 1931 and other states were obtaining aid. The law was of no value, however, unless the rapidly preparing legislation to follow suit. In 1933, the counties were willing to institute the systems. That this list of states with mandatory plans was augmented by 13: was a decided joker can be seen when we realize that though Arizona, Arkansas, Indiana, Maine, Michigan, Nebraska, North Dakota, Oregon, Washington, Colorado, Ohio, and Pennsylvania. eight counties passed such laws, there were 71 such jurisdictions in the State. In 1934, Idaho joined the group.

By 1928, therefore, advocates of old age pensions. It is interesting to note that of all the pensions did not have much to point to with pride, though recent laws mentioned above, only had difficulties with the trend towards adequate legislation was evident. An original Colorado law passed in 1929 and the depression which began in 1929 impeded its progress. In 1931 the law was amended to provide that impetus. That year marks a turning point for the movement. Whereas in 1928 only some 1500 persons received aid throughout the country, about 10,000 received such aid in 1930 and 75,000 in 1931. This phenomenal rise was due to the passage in 1929 by California of the first state-wide

Old Age Assistance, Alvin Rosen, in Annals of the American Academy of Political and Social Science, Vol. 130, 1926, pp. 113-114.

for they seemed to have been passed only as an attempt to satisfy popular demand and not to really cope with the situation. The Nevada law, for example, was replaced in 1935 after popular fervor had subsided by an emasculated substitute which never functioned. The Montana law, on the other hand, though in practice fairly successful set a precedent followed by other states which weakened the pension movement. In 1927 an official state commission to investigate the Montana law specifically established no central supervision and left the payment of pensions optional with the respective counties within the state. From 1925-1928 four states passed similar laws placing the responsibility of aiding the aged entirely on the localities within the state. These states were: Wisconsin, 1925; Kentucky, 1926; and Colorado and Maryland in 1927. The weakness of this type of legislation can be observed when we note that not a single county accepted the provisions of the Kentucky law; the only county in Maryland to pay pensions was Baltimore; and only one or two counties in California took advantage of the law.

Of the four states, Wisconsin was the most fortunate with eight counties subscribing to the state plan. But even here, we see ineffectiveness. It might be interesting

"The American State Old Age Pension System in Operation", Annals of the American Academy of Political and Social Science, Vol. 130, 1926, pp. 113-114.

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By 1928, therefore, advocates of old age pensions did not have much to point to with pride, though the trend towards adequate legislation was evident. An impetus was needed, and the depression which began in 1929 provided that impetus. That year marks a turning point for the movement. Whereas in 1928 only some 1500 persons received aid throughout the country, about 10,000 received such aid in 1930 and 75,000 in 1931. This phenomenal rise was due to the passage in 1929 by California of the first state-wide "Old Age Assistance" law, in 1930 by New York, and in 1931 by Wisconsin. Wisconsin's law was particularly noteworthy in that it provided for a state-wide system of old age assistance, and it was the first to provide for a state-wide system of old age assistance.

mandatory old age pension act and the passage of two similar acts in 1930 by New York and Massachusetts. These laws were soon followed by others. Wyoming, Delaware, Idaho, New Jersey, New Hampshire, and West Virginia all passed compulsory old age pension laws by 1931 mandatory on all counties with direct state contributions. At the same time, Utah and Minnesota adopted optional schemes though the latter law in 1933 was changed to a mandatory one.

As we have seen, therefore, 75,000 old people were being cared for in 1931 and other states were rapidly preparing legislation to follow suit. In 1933, the list of states with mandatory plans was augmented by 12: Arizona, Arkansas, Indiana, Maine, Michigan, Nebraska, North Dakota, Oregon, Washington, Colorado, Ohio, and Pennsylvania. In 1934, Idaho joined the group.

It is interesting to note that of all the recent laws mentioned above, only two had difficulties with the constitutional courts. An original Colorado law passed in 1937 was voided by the courts in 1938 and the 1933 Arkansas act was declared unconstitutional because of the method it provided for the raising of revenue for the pensions. The Colorado law of 1933 framed to supplant the voided one was later upheld by the courts.

The facts are as of the following table will further give us a general idea of the type pension laws the states were operating under.

7 "Old Age Assistance", Alvin Reseman, in Annals of American Academy of Political and Social Sciences, V.202.

8 "Pensions and Insurance", Monthly Labor Review, June 1934, pp.1339-1343.

9 Facts About Old Age Security, National Conference of Public

At this time, let us summarize the effects and results of the laws we have been discussing. The most important development to stress is that of the growth of mandatory plans as against the optional county legislation. In 1934, of the twenty-eight states with old age pension laws, twenty-three were mandatory. As to the methods of administration, there were three. A few states administered the plans directly by a state agency; most states preferred to permit administration by county boards under state supervision; while the rest of the states put full jurisdiction in the hands of county authorities.

It is also noteworthy that whereas in 1921 only one out of six states provided for contributions by the state towards the cost of pension payments, in 1933 there were twelve laws with such provisions. A further point is that the majority of states limited the payment of pensions to \$30.00 monthly, while New York and Massachusetts ~~set no~~ set no maximum.

A study of the following table will further give us a general idea of the type pension laws the states were operating under. The facts are as of the beginning of 1935:

8 "Pensions and Insurance", Monthly Labor Review, June 1934, pp.1339-1343.

9 Facts About Old Age Security, National Conference of Business and Labor, 1934.

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10 "Old Age Assistance", Alvin Rosenman, in Annals of the American Academy of Political and Social Science, V.302.

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It is also noteworthy that whereas in 1938 only one out of six pension states provided for contributions by the states towards the cost of pension payments, in 1933 there were twelve laws with such provisions. A further point is that the majority of states limited the payment of pensions to \$50.00 monthly, while New York and Massachusetts were the only states that provided for the payment of pensions in excess of \$50.00 monthly.

A study of the following table will further provide for the reader of the progress of the pension laws. Colorado law of 1933 framed to require the county to give us a general idea of the type pension law the states were operating under. The facts are as of the beginning of 1933:

"Pensions and Insurance," Monthly Labor Review, June 1934, pp. 1339-1343.

Factors Affecting Old Age Security, National Conference of Unit-

Although MANDATORY LAWS progress was made by

STATE	DATE	AGE	MAXIMUM PENSION
Minnesota	1939	70	\$1 per day
Wyoming	1929	65	\$30 per month
California	1939	70	\$1 per day
Massachusetts	1930	70	none
New York	1930	70	none
Delaware	1931	65	\$25 per month
Idaho	1931	65	\$25 per month
N. Hampshire	1931	70	\$7.50 per week
New Jersey	1931	70	\$1 per day
Arizona	1933	70	\$30 per month
Colorado	1933	75	\$1 per day
Indiana	1933	70	\$15 per month
Maine	1933	65	\$1 per day
Michigan	1933	70	\$30 per month
Nebraska	1933	65	\$30 per month
North Dakota	1933	68	\$150 per year
Ohio	1933	65	\$25 per month
Oregon	1933	70	\$30 per month
Pennsylvania	1933	70	\$30 per month
Washington	1933	65	\$30 per month
Iowa	1934	65	\$25 per month

COUNTY OPTIONAL LAWS

Montana	1923	70	\$25 per month
Nevada	1925	65	\$1 per day
Wisconsin	1925	70	\$1 per day
Kentucky	1926	70	\$350 per year
Maryland	1927	65	\$1 per day
Utah	1929	65	\$25 per month
W. Virginia	1931	65	\$1 per day

10 Old Age and the Social Security Act, T.L. Horton, p. 12.

11 "Old Age Assistance," Alvin Rosenman, Op. Cit.

MANDATORY LAWS

STATE	DATE	AGE	MAXIMUM PENSION
Minnesota	1938	70	\$1 per day
Wyoming	1938	65	\$30 per month
California	1939	70	\$1 per day
Massachusetts	1930	70	none
New York	1930	70	none
Delaware	1931	65	\$35 per month
Idaho	1931	65	\$35 per month
N. Hampshire	1931	70	\$1.50 per week
New Jersey	1931	70	\$1 per day
Arizona	1933	70	\$30 per month
Colorado	1933	75	\$1 per day
Indiana	1933	70	\$15 per month
Maine	1933	65	\$1 per day
Michigan	1933	70	\$30 per month
Nebraska	1933	65	\$30 per month
North Dakota	1933	65	\$150 per year
Ohio	1933	65	\$35 per month
Oregon	1933	70	\$30 per month
Pennsylvania	1933	70	\$30 per month
Washington	1933	65	\$30 per month
Iowa	1934	65	\$35 per month

COUNTY OPTIONAL LAWS

Montana	1933	70	\$35 per month
Nevada	1935	65	\$1 per day
Wisconsin	1935	70	\$1 per day
Kentucky	1936	70	\$250 per year
Maryland	1937	65	\$1 per day
Utah	1938	65	\$35 per month
W. Virginia	1931	65	\$1 per day

Although remarkable progress was made by the states in six years, we find that in 1935 the need for further relief far overshadowed any benefits already derived. Nearly one-half of the states completely ignored the problem of the aged. Of the few efficient systems in operation, in fourteen states the average monthly payments averaged less than \$10.00. 235,265 persons in 1934 were receiving pensions amounting to \$32,394,993 yet in the same year the Committee on Economic Security estimated that at least one million persons above 65 were in urgent need and that large additional numbers were bordering on destitution without much hope of improving their circumstances.

The states themselves were not to be blamed too much for not taking care of their aged residents. In most cases, they saw the need but were powerless to aid because the depression had weakened their own financial structures. There were, of course, many who were blind to the need but fiscal problems such as the amount of bonded indebtedness, fear of excessive taxation, and also the problem of interstate migration of persons of pensionable age were the major factors which prevented the development of adequate programs.

¹⁰ Old Age and the Social Security Act, T.L. Norton, p.12.

¹¹ "Old Age Assistance", Alvin Roseman, Op.Cit.

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It was fairly evident by 1935, therefore, that the states could not solve the problem of the aged themselves and that some sort of Federal aid was essential. Thus, in August 1935 the Social Security Act, introduced by Senator Robert Wagner of New York, was made law. Before going into a study of the Social Security Act, the Social Security Act was not the first attempt to place responsibility for support of the aged citizens on the national government. Six such bills were introduced in Congress from 1909-1928. They came in 1911, 1913, 1917, 1926, and 1928. The last measure made provision for a non-contributory pension to all persons 60 years of age or over who had been citizens and residents of the United States for sixteen years and whose income did not exceed \$12 per week. The maximum pension was to be \$8 per week. None of the above bills, however, were ever reported out of committee. Again in 1933, the Dill-Connery Bill providing federal grants to states for old age assistance, though coming close to enactment, failed.

The Federal government did, however, even before the passage of the Social Security Act aid the aged. By 1934, through the Federal Emergency Relief Administration, it was providing relief to about 700,000 persons above 65 who were not eligible for state relief.

Old Age Dependency, California Department of Social Welfare, p. 48.

65--a greater number than the total of all the aged then receiving other forms of public and private aid. But it was not until 1935 that the Federal Government aided in the payment of pensions. By way of illustration, therefore, let us note that old age insurance was incorporated into the Social Security Act. Before going into a study of the Social Security Act in its relation to old age pensions, it should be noted that the Act has two separate and distinct old age provisions, not to be confused with one another. The first is a system of compulsory old age insurance for wage earners and salaried employees, with which we are not here primarily concerned that coming under a study of "social insurance"; and the second is an old age "pension" scheme where the Federal Government helps the states organize and efficiently administer their pension laws. In other words, the former is an annuity while the latter is a pension plan. For the purposes of this paper, although it may conceivably be ascertained that insurance is a form of pension in its technical sense because of its pecuniary benefits to the aged, the writer was made to understand by a number of the faculty that in the generally accepted interpretation of the Social Security Act, only the "assistance" provision of the Act can be specifically relating to pensions. However, the Social Security Act contains, as we have seen, a cooperative classification for the latter term.

13 Old Age Assistance, Alvin Roseman, Op. Cit.

15 Social Security in the U.S., Paul H. Douglas, p. 55.

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denotes "gratuity" and thus would not include a contributory system.

By way of passing, therefore, let us note

that old age insurance was incorporated into the Social Security Act to supplement and reduce the need for state old age pensions for there was sufficient evidence presented to the Committee on Economic Security, appointed by the President to study the problem, to show that the cost to the federal and state governments would be too great if

outright non-contributory pensions were used as the only form of care for old age. By 1950, it was estimated that grants for such a program would amount to between 397

and 712 millions of dollars; by 1965 to between 723 and

1,091 millions; and by 1980 to between 857 and 1,294

millions. For that reason, an auxiliary plan for a compulsory and contributory system of old age insurance was prepared which would not involve the use of a "means" test and would graduate benefits to past earnings; and which would reduce from the ranks of the "needy" many who ordinarily would be forced to apply for pension aid.

Specifically relating to pensions, however, the Social Security Act contains, as we have seen, a cooperative

14 Before 1935, the maximum contribution was 1%

Webster's Collegiate Dictionary, Fifth Edition, p.734.

15 Publications, Social Security Board, no. 9. Social Security in the U.S., Paul H. Douglas, p.55.

active federal-state program, where the states are encouraged to pass old age assistance laws because of the promise of federal subsidies. The Federal Government agrees to pay one-half of the money granted by the states to needy men and women 65 years of age or over. That one-half subsidy, however, pertains only to a maximum pension of \$40 per month, where its share would be \$20 a month, the most that the federal government will contribute towards any pension. This, of course, does not mean that the states cannot pay larger benefits. It just means that the states will have to carry the full burden of all payments over \$40. The federal government also agrees to provide a further amount equal to 5% of its total grants to a state which can be used for administrative purposes or for pensions, but for no other purpose.

There are certain limitations and requirements, however, which the state plans must fulfill before the federal government will recognize them under the Social Security Act and thus make available the necessary funds. Some of these call for specific state legislation while others may possibly be met by the establishment of proper administrative procedures. Let us now briefly look at

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Before 1939, the maximum pension was 1/2 of \$30.

17

Publications, Social Security Board, no. 9.

denotes "generosity" and thus would not include a contributory system. By way of passing, therefore, let us note that old age insurance was incorporated into the Social Security Act to supplement and reduce the need for state old age pensions for there was sufficient evidence presented to the Committee on Economic Security, appointed by the President to study the problem, to show that the cost to the federal and state governments would be too great if contributory non-contributory pensions were used as the only form of care for old age. By 1950, it was estimated that grants for such a program would amount to between \$27 and \$18 millions of dollars; by 1955 to between \$25 and \$1,081 millions; and by 1960 to between \$27 and \$1,284 millions. For that reason, an auxiliary plan for a contributory and contributory system of old age insurance was prepared which would not involve the use of a "means" test and would graduate benefits to past earnings; and which would reduce from the ranks of the "needy" many who ordinarily would be forced to apply for pension aid. Specifically relating to pensions, however, the Social Security Act contains, as we have seen, a cooperative plan for old age insurance for the states. Webster's Collegiate Dictionary, Fifth Edition, p. 734. Social Security in the U.S., Paul R. Douglas, p. 55.

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Publications, Social Security Board, no. 9.

the legislative requirements:

- 1- A state plan must be submitted by the State to the Social Security Board. It must be state-wide, and, if administered by political subdivisions, must be mandatory upon them.
- 2- Financial participation by the State must be provided in the State plan. However, State financial participation is not necessary before July 1, 1937, where the Board finds the State is prevented by its Constitution.
- 3- A single State agency must be established or designated to administer or supervise the administration of the State plan.
- 4- The plan must provide methods of administration (other than those relating to selection, tenure, and compensation of personnel) necessary for the effective operation of the plan.
- 5- Reports must be submitted by the State authorities in such form and containing such information as may be required by the Social Security Board.
- 6- Persons whose claims for assistance have been denied must be permitted an opportunity for a fair hearing before the State agency.
- 7- State residence requirements may not exceed 5 years within the last 9 years. One year of residence immediately preceding the application may be required.
- 8- United States citizens may not be disqualified, for example, a requirement that a recipient must have been a citizen for a certain period.
- 9- After January 1940, the State plan must provide an age limit of not over 65 years, but until then a 70 year limit is permissible.
- 10- One half of any recovery by the State from a recipient must be paid to the United States.

A further restriction is that the federal government will not contribute towards the support of a person who is not a citizen of the United States.

Digest of Old Age Assistance Laws, United States Works Progress Administration.

The administration of the Act and the responsibility of seeing to it that the States live up to the regulations is in the hands of the Social Security Board which has established a Bureau of Public Assistance specifically detailed to deal with the problem we are discussing. Final decision as to whether a state is complying with the rules rests with the Board. The Board also has the power to require the state agencies to make reports to it, containing specific information in such form as it may from time to time require. The most important power given to the Board is that which says that to insure state maintenance of prescribed standards the Board "after reasonable notice and opportunity for hearing" may order that no further subsidies be granted to the states concerned if it is convinced that the state has imposed prohibitive requirements for the receipt of pensions or that the state has failed to comply substantially with any provisions".

We are not to gather from the above paragraphs, however, that the federal government in reality controls the state systems. On the contrary, the states have much latitude within which to act. First of all, the Act specifically gives the states complete control over the old age and the Social Security Act, T.L. Norton, p. 80.

Page 9 above.

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18
Bureau of Old Age Assistance, United States Work Progress Administration.

personnel of its boards. Most important, however, the states make their laws and programs; decide who shall get aid and how much shall be paid to each pensioner. Through its definition of "aged" each state decides how much property or other resources it each state may have. Each state also decided to require a person getting aid shall be required to give a lien on his property, so that, after his death, there may be some method to the state for the aid given.

We have seen above that before the passage of the Social Security Act, in 1934, the number of aged receiving aid through state pension systems totaled only 335,060. With the passage of the Act, however, and the impetus and encouragement it gave to states to pass their own pension laws, the number of recipients of old age assistance rapidly increased. In September 1936, 863,403 persons were receiving old age assistance in the thirty-eight states which then had plans approved by the Social Security Board. These aged comprised an average of 12.9% of the estimated population sixty-five years of age or over in those states. By the end of 1936, forty states had qualified for assistance and by August 1937 only one state was lacking from the list of approved plans. Finally, in September 1937 the list was complete. One year later, September the future might tell us an attempt on the part of all

Page 9 above.

Alvin Roseman, Op. Cit., p. 55.

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personnel of its boards. Most important, however, the states make their own laws and programs; decide who shall get aid and how much shall be paid to each pensioner. Through its definition of "need," each state decides how much property or other resources those it aids may have. Each state also decides whether a person getting aid shall be required to give a lien on his property, so that, after his death, there may be some return to the state for the aid given.

We have seen above that before the passage of the Social Security Act, in 1935, the number of aged receiving aid through state pension systems totaled only 336,666. With the passage of the Act, however, and the impact and encouragement it gave to states to pass their own pension laws, the number of recipients of old age assistance rapidly increased. In September 1938, 882,403 persons were receiving old age assistance in the thirty-eight states which then had plans approved by the Social Security Board. These aged comprised an average of 17.6 years of the estimated population sixty-five years of age or over in those states. By the end of 1938, forty states had qualified for assistance and by August 1937 only one state was lacking from the list of approved plans. Finally, in September 1937 the list was complete. One year later, September 1938, the Social Security Act was in effect.

Page 2 above.

1938, a count taken showed that the number of recipients in the forty-eight states, Hawaii and Washington D.C., all with approved plans, had increased to 1,737,781; 21.67% of the estimated population sixty-five years of age and over. A remarkable development and accomplishment in American social welfare.

Before taking leave of the Social Security Act, it is necessary that we briefly look at some statistics. Statistics are usually always uninteresting on paper, and this is no exception, but an acquaintance with them is essential to a thorough understanding of the effectiveness and cost of our pension plan. In September 1939, the average monthly grant to a pensioner was \$18.67. By September 1939, the average had risen to \$19.31. Both of these amounts are clearly inadequate to maintain the aged at even a bare subsistence level. The Southern states, either because of a lower standard of living, financial inability, or sheer neglect of the problem, provide but the barest minimum to the needy aged and hence are the chief reason for the low average. Mississippi, for example, in 1939 with the lowest average pension in the country, paid \$6.32 per person per month. The California figure, on the other hand, which is on the other extreme, was \$32.39. One of the aims for the future might well be an attempt on the part of all

states to come as close as possible to the California amount.

- 21 Alvin Roseman, Op.Cit., p.55.
22 Ibid.

The total amount paid to pensioners during September 1936 amounted to \$16,102,829; in September 1938 the amount had jumped to \$33,375,351. The total amount expended for old age assistance during the fiscal year from July 1, 1937-July 1, 1938 was \$360,239,000. Of this latter sum, the Federal government supplied \$174,085,000, the states \$151,109,000, and localities \$35,045,000.³³

At first glance, this may seem an extremely high price to pay for old age pensions, but when seen in the light of a payment of a debt by society to those who contributed their lives and energy to build a great America and who in return received instead of thanks a "too old for work" slur and perhaps eviction, the amount seems infinitesimal.

As to the future, America has yet far to go. We have seen that pensions are now grossly inadequate in

many states. Five states, in addition to Mississippi mentioned above pay pensions which average less than \$10 per month. They are: Louisiana, \$9.92; Kentucky, \$9.81; Georgia, \$9.80; North Carolina, \$9.28; and Arkansas \$9.15. In addition, advocates of further extension of aid for the aged see a future where it will not be necessary to have any pension plans at all. This may conceivably come about with an

33

Ibid.

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Social Security in the United States, Paul H. Douglas, p. 358.

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Alvin Roseman, Op. Cit., p. 55.

Ibid.

The writer wishes to end his paper with a word of praise for Mr. Abraham Epstein and the American Association for Old Age Security, who, as pioneers and leaders in the movement for American legislation on old age pensions have earned the commendation of all socially minded Americans.

Meyer X Gotthard

extension of the insurance provisions in the Social Security Act to include more people in more occupations. Instead of the aged receiving "handouts" as it were, because they are "needy", all the aged will receive insurance based upon what they have earned and contributed during their working life time. This latter scheme is indeed worthy of a society which realizes that it has a responsibility towards its wage earners to insure them a comfortable living during old age.

To write under to his paper with a head of point for Mr. Chapman, position and its position in the movement for American legislation on old age pension has been the common theme of all social work movements.

Tracy X. Hottel

The twentieth century will undoubtedly be designated by future historians as one of change and change for a new social order. This transition century seems to be to some extent a world of upheaval and growing brutality. In 1914, the world participated in a vicious struggle to "make the world safe for Democracy"; the war was won but the world and Democracy lost. Again in 1939, Europe has entered into another struggle to safeguard the world for Democracy; and again it seems that no matter who wins, the world and Democracy will lose.

Topic: "RELATIONSHIP BETWEEN RELIGION AND DEMOCRACY"

only created new ones and that Democracy cannot survive in a world filled with war and hatred. In order to really "make the world safe for Democracy", therefore, new peaceful means must be discovered. Those of us who are fortunate enough to live within these shores have an opportunity to make this discovery, for it is within our means to do so, and prove to the world that we have at last found the answer.

Essay Contest
New York Round Table
National Conference of Christians and Jews

If we observe closely, we see that at the New York Round Table, the National Conference of Christians and Jews, the symbol of law and conscience, and continued their reign with the burning of synagogues and churches, the symbol of the dignity of man. It is not a coincidence for the destruction of the one, as we shall see, vitally affects the safety of the other and Democracy is just as essential to vital Religion as Religion is to a free society.

With the chaotic condition in which we find ourselves today, there has never been a time in history when the world needed both Religion and Democracy as it does at the present time.

Religion to most people is essentially that which has to do with the realization of the higher aspirations of human life. And these higher aspirations of human life are more than the establishment of a divine relationship between man and God but they also include

Religion and Democracy

The twentieth century will undoubtedly be designated by future historians as one of change and "revolution" preparing the world for a new social order. The first half of this transition century seems to be devoted to a struggle for the continued existence of Democracy amidst a world of upheaval and growing brutalitarianism. In 1914, the world participated in a vicious struggle to "make the world safe for Democracy"; the war was won but the world and Democracy lost. Again in 1939, Europe has entered into another struggle to safeguard the world for Democracy; and again it seems that no matter who wins, the world and Democracy will lose.

The one thing that this continual struggle settles is that war cannot solve any problems for it only creates new ones and that Democracy cannot survive in a world filled with war and hatred. In order to really "make the world safe for Democracy", therefore, new peaceful means must be discovered. Those of us who are fortunate enough to live within these shores have an opportunity to make this discovery, for it is within our means to do so, and prove to the world that we have at last found the answer.

If we observe closely, we see that at the same time that Democracy has been crucified on the altar of hatred another spirit of human altruism, Religion, was defiled; and by the same groups. It is not a mere coincidence that the Nazis in Germany, for example, began their reign with the burning of the Reichstag, the symbol of law and conscience, and continued their reign with the burning of synagogues and churches, the symbol of the dignity of man. It is not a coincidence for the destruction of the one, as we shall see, vitally affects the safety of the other and Democracy is just as essential to vital Religion as Religion is to a free society.

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Topic: "RELATIONSHIP BETWEEN RELIGION AND DEMOCRACY"

Easy Contact
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If we observe closely, we see that at the same time that Democracy has been crucified on the altar of hatred and the spirit of human selfishness, Religion was defiled; and by the same groups. It is not a mere coincidence that the Nazis in Germany, for example, began their reign with the burning of the Reichstag, the symbol of law and conscience, and continued their reign with the burning of synagogues and churches, the symbol of the dignity of man. It is not a coincidence for the destruction of the one, as we shall see, vitally affects the safety of the other and Democracy is just as essential to vital Religion as Religion is to a free society.

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Religion to most people is essentially that which has to do with the realization of the higher aspirations of human life. And these higher aspirations of human life are more than the establishment of a divine relationship between man and God but they also include

a truly "human" relationship in a spirit of love between man and his fellow man. Religion, in other words, promotes the spirit of love of one's fellow just as Hebrew law states "Do not hold a grudge, but love thy neighbor as thyself" or as Jesus said "My commandment is that ye love one another".

The Jewish prophets, the great Christian fathers and ecclesiastical leaders have all continued these teachings of the brotherhood and dignity of man and have made these precepts the mainspring of the Jewish and Christian Religions. People of all Religions, therefore, have a common love of both God and Man.

Unfortunately, however, in spite of the religious teachings, Religion alone did not seem to attain its ends, for its teachings, although known, were not practiced. Men were not equal nor mutually respected; they were kings and subjects, masters and slaves, lords and serfs. It was clear that Religion alone was not sufficient and that something was lacking. That something was supplied with the political and practical expression of what Religion had taught in the establishment in the eighteenth century of the Democracy of the U.S. after the theoretical writings of the Levellers, Locke, Montesquieu, and Jefferson.

The ideal of "Under God all men are brothers," therefore, became not only a basic religious theory but a practice of Democracy. The Declaration of Independence expounded the philosophy that "all men are created equal" and possess certain inalienable rights and the practical and political expression of Jesus and the Jewish prophets. Its appeal to the dignity of man and trust in God may well have been inspired by the Scriptures, for Jefferson was a religious man.

A government was established, therefore, the first of its kind in the world, in a society where men, whether belonging to a majority or a minority group, lived harmoniously with one another and in peace. To insure the preservation of minority rights and personal liberty for all, the Bill of Rights was accepted into the Constitution, and it held itself up, together with the example it set, for others less fortunate to scrutinize, envy, and copy. Within the next century the religious spirit of Democracy spread in this country

and abroad. Here, Jacksonian Democracy established universal manhood suffrage and the Civil War broadened the domain of man's freedom while further progress attempted to abolish class prejudices.

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Democracy and Religion then are both designed through the preservation of civil liberties, freedom of the individual, and equality to make real that which both hold dear the "dignity of man". Under Democracy and Religion all men are brothers and respect one another. There is essentially, therefore, very little difference between them.

As we have seen, however, a change has occurred during the past few years throughout the world which threatens the safety and existence of Religion and Democracy. For some reason, man has stopped to love his brother and respect his freedom. He has done this in two ways: by either becoming a defiler of Religion or an enemy of Democracy. The Communist elected to openly follow the former course and with his lips swear alle-
giance to Democracy while the Nazi elected to openly follow the latter course and offer lip service at the altar of Religion (with one exception); but both as later events proved joined together to destroy both Democracy and Religion.

There can be no doubt, therefore, that an enemy of Democracy is an enemy of Religion and vice-versa. For when freedom is not present, Religion is bound sooner or later to be assailed for the religious teaching that all men are alike children of God will come into conflict with the tyranny which exalts one man or a group over all others.

During the second half of the century (twentieth), therefore, in any attempt to safeguard Democracy we should not neglect Religion, without which any safeguards for Democracy are useless. Similarly, religious leaders should realize that abstract Religion cannot grow without practical political expression in practice; and that expression of true religion is in the freedom of a Democracy only.

If we succeed in appreciating our duties and if we accept the task that is ours, that of working together for the realization of "The Fatherhood of God and the Brotherhood of Man" and as children of God unite as brothers to defend the democratic way of life, then, and only then, can we be Christians, Jews, and Americans.