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## CITIZENSHIP IN A FEDERATION

The most wonderful political fabric that man can weave will crumble to pieces if it be not properly administered. A government on paper or in theory is one thing; but a government in action or practice may be a totally different affair. It is therefore essential in analyzing the condition of a nation to look rather to the administration of its government than to its form. If the people are free and prosperous, it matters little whether they live under a democracy, monarchy or aristocracy. The aim of the statesman is to devise a political system which will guarantee these results. We believe we have discovered it on our conglomerate government. It is, therefore, of the highest importance that we should know upon whom the real responsibility for the administration of the government rests, for we shall there discover the source of our weakness and of our strength. This aspect of constitutional study is neglected and many students spend their time in searching for the meaning of the different provisions of the organic law instead of closely inspecting its administration, and then drawing a comparison between the written form and the actual government. The weakness of our government may result, *inter alia*, from the following principal causes: First, inherent defects in the Constitution; second, an intense pursuit of the letter of the organic law and a disregard of its spirit and purpose; third, a violation of both its spirit and letter, or fourth, its inadaptability to the number and necessities of the people. While it is true that in form the government is run by a vast army of officeholders, these agents as a class operate more or less automatically. They work in grooves, and exercise very slight arbitrary power. They constitute a bureaucracy. We must look

elsewhere for the real administrators of our political society. There are four classes upon whom the responsibility for the maintenance of our political superstructure rests—the citizen, the legislator, the judges and the lawyers;—they create, they mould, they shape. It is, therefore, most essential that we should have an accurate knowledge of the functions and duties of each of these officers. The citizen elects the legislator, the legislator makes the law, the judges interpret and mould it, and both judges and lawyers actively participate in its execution or administration.

Our written Constitution is accessible to everyone in respect of price; and the simplicity and brevity of its expression would seem to make it comprehensible to ordinary intelligence. Yet such is the fallibility of language that when a legislator endeavors to express his thoughts in writing, no words can be invoked by him which will prevent disputes as to their meaning and application. Although the form and substance of the Constitution of the United States have received the highest encomiums from statesmen, philosophers and lawyers, its simple and terse words have given birth to such frequent contention that today its text, like an ancient city, buried by the debris of centuries, has disappeared under a mass of decisions of the various courts—Federal and State, which students and lawyers are constantly engaged in unearthing to study as antiquarians the meaning of the Constitutional hieroglyphics. Written upon a few sheets of paper, the Constitution has now become so expanded by judicial interpretation that the treaties, decisions and digests upon it, form a fair-sized library, requiring a lifetime to master. It is more than doubtful if the makers of the Constitution ever contemplated such an anomalous and unsatisfactory result; but having once decided that its meaning must be ultimately determined by them, the Courts industriously began piling up decisions interpreting the text and rendering the study of constitutional law one of profound difficulty. Apart from the foregoing objections, written constitutions have given rise to frequent criticisms from statesmen, historians and philosophers, because in epochs of great peril, emergency or national development, written words, however general, fail to yield or give that liberty of action which a nation sometimes quickly requires. The spirit and even the letter of the law are then liable to be sacrificed to meet a pressing emergency. We have encountered a few such situations in our na-

tional life. But a federation of states not bound together by written compact however strong it might be against a foreign common enemy, would soon fall to pieces through internal disputes and jealousies. There must be a partnership agreement to consult. In favor of written constitutions it may also be said that they are declarations of freedom and humanity, which constitute a warning to despots, and are a check upon the aspirations of political demagogues who might seize occasions to rob the people of some or all of their fundamental rights.

The makers of the Constitution of the United States intended, par excellence, to create a government of checks and balances, and if these are not maintained we will drift away, unconsciously perhaps, from the moorings established by the organic law. A primary test of any new departure therefore is, "does it disarrange these checks and balances?" It is a vastly interesting but not difficult study to trace the course of our history; to determine how closely the actual government has followed the written Constitution. The early history of Greece and Rome are celebrated in the sublime epic poems of Homer and Virgil, but the history of our nation is not enveloped in mythological legends or mysteries. It has a fixed day and year of birth, and every hour of its existence can be traced from the cradle in which it was born.

At the close of the Revolutionary War, thirteen independent sovereign States found themselves living in contiguous, geographical proximity, under separate individual governments. They were bound together by no enforceable or practical compact, because the Articles of Confederation were but a rope of sand. The great point was to establish a government which would fully protect them from foes without, and which would ensure tranquility and prosperity to the people within, the Union. An instrument was finally agreed upon which is therein called "\* \* Constitution for the United States of America."

This government was not baptized in the Constitution, but by common utterance it was styled a "Republic" which Madison defined to be "a government which derived all *its* power *directly* or *indirectly* from the *great body* of the *people* and is *administered* by persons holding their offices *during pleasure* for a *limited period* or *during good behavior*."

It is truly said that we are a federation of states. What is a federation? As to our republic, it is a union or partnership of numerous sovereign states linked together by the people, indis-

solubly, for their mutual protection and welfare. The states yield up so much of their sovereignty as is necessary to enable the Federal Government to perform efficiently its functions. As Adam is said to have given up a rib to create woman, so the sovereign states have denuded themselves of many of their powers and bestowed them upon the central government to enable it to become a healthy and successful political entity. To constitute a confederation, each of its members must be wholly independent in those matters which concern each member only. On the other hand, "all must be subject to a common power in those matters which concern the whole collectively." A number of independent communities are combined into one whole without destroying on the one hand the independence of the several states or *limiting* on the other, the effective force of the combined body. By this process, the *creature* has become greater than the *creator*.

In a federation there is a central state, and several separate but subordinate states; and every citizen owes a double allegiance, first to the central government and next to the state of which he is a member.

Now here arises the anomaly of a double allegiance. As within the powers conferred upon it by the Constitution, the Federal Government is and must be supreme—it attracts and demands primarily the allegiance of all the citizens of the United States without regard to the states to which they belong. Its efficiency arises from its ability to operate directly upon all of the people. It can stretch forth its strong, long arm into the remotest boundaries of the states and physically enforce obedience to its mandates.

A citizen of the United States having satisfied his primary duty to the central government, becomes bound to yield to the respective states of which he is a member this secondary allegiance.

To comprehend the full magnitude of this dual duty of citizenship, it becomes important to understand the distinction between a representative and pure democracy. A pure democracy is one where all of the citizens meet in assembly and the government is conducted directly by the people. Athens is always cited as the best illustration of a pure democracy, but this must not be understood to mean that all of the inhabitants of Athens voted or participated in the affairs of government. On the contrary, children, women, aliens and slaves never enjoyed citizenship or suffrage. In fact an absolute democracy is a political figment.

A pure democracy as limited above can only exist where the citizens are few and the geographical boundaries of a state are small, because where the inhabitants of a country are numerous and its area large, rendering it physically impossible for all of the citizens to congregate together, a representative government becomes a necessity.

In a representative democracy, the citizens do not directly participate in the management or supervision of the government—they act through third parties.

In other words they give to their state and federal legislators their political powers of attorney. They constitute them their political agents to represent them in the State and National Councils and depute them to look after their respective interests with intelligence and honesty. It will be readily perceived that if from ignorance, partisanship or apathy, citizens fail to perform their duty in choosing a representative, the latter is likely to be no better than those who appointed him. The water is not purer than the source from which it flows. In the exercise of suffrage in choosing a representative the same care and judgment must be used as in giving a power of attorney to transact business. In commercial life we rarely give our proxy, unless to one whom we know to be competent and honest.

Our democracy is representative both in the Federal and State systems, and the Constitution guarantees to each state a republican form of government; and this guaranty (although never squarely invoked) may become of very great importance in the future development of political theories. Many schemes are agitated which if enforced might be inconsistent with a Republican form of government. Representative government was not original with us. It had already existed in England, and even the smallest of our states found it necessary to resort to a representative system. If we should split up our state governments into decimal commonwealths—into hundreds of small states—so small that all of the citizen voters could meet together and directly govern—a pure democracy as above defined could be realized. The advantages of a pure democracy are that the citizens possess full knowledge of all of the questions involved in the government; it becomes their daily business to acquaint themselves with such affairs, and to master all of the details of official business, precisely as they would do in their private or domestic concerns. Each citizen must under such circumstances feel that his welfare and

happiness are wrapped up in the affairs of the state. In both forms of government, political and social success mainly depends upon the intelligence, discrimination and patriotism of the citizen voters.

It was a necessary introduction to the character and duties of a citizen to recall briefly some striking features of our Republic. Can a citizen intelligently perform these duties without a general knowledge, at least, of the government in which he lives? It is frequently affirmed that is a government *of* the people, *by* the people and *for* the people, and even Madison, as I have shown above, designated our government as one which "derived all of its powers directly or indirectly for the *great* body of the people." But this is the language of sporadic and patriotic enthusiasm rather than of history and fact.

While the theory of our Constitution aims at equality before the law and perpetuates the blessings of liberty to all, the country is not ruled by the whole people, nor by a majority of the whole people, but by a majority or a plurality of *citizen-voters*. And even this statement must be qualified for, in some sections of the country colored citizen voters are deprived of the franchise. Ours is undoubtedly a government *for* the people, but it not one *of* or *by* the people.

Out of a population of 97,028,497, there were cast at the last presidential election 15,026,542 votes. It will be thus seen that less than one-sixth of our population exercised the privilege of voting! Eighty-one million nine hundred and ninety-nine thousand, nine hundred and fifty-five inhabitants had no voice in the result.

The United States of America is then a government inspired by the citizen-voters; controlled by them, and when destroyed, if unhappily it ever should be, they will be responsible for the result. All degrees of national prosperity or political disaster must occur directly or indirectly through the acts of our citizen-voters, for the power is in their hands. If, therefore, a Republic means a government by a majority of the whole people, we do not experience such a condition. We fall rather within the broad definition of an oligarchy—a majority ruled by a minority. Eighty-one millions and odd ruled by fifteen millions and odd!

Most Americans would feel insulted if one should assert that they did not comprehend the significance of full citizenship. It is

assumed to be a subject so common that everyone is supposed to know all about it from inspiration. And yet there is more ignorance as to the duties of that office than possibly exists in respect to any other subject within the sphere of general political education.

Full citizenship is perhaps the highest, as it certainly is the most important office under the Republic. A citizen is one of the governors of the Republic; he directs who is to make the laws, and often how they are to be made. While the executive and administrative officers of the government from the President of the United States down are regarded as holding titles of honor and profit, each of them is merely a paid employee of the citizen voter—placed in power to do the work directed by him—and inherently subordinate to the office of citizenship. In point of dignity and position no title or office can be superior to it. "I am an American citizen" should carry with it at least as much respect and impressiveness as "*civis Romanus Sum*," which was a passport under the Commonwealth of Rome of protection, privilege and honor over the world.

The duties of a citizen are direct and indirect. The direct duties are where he actively participates in the government—as in performing military or naval service, rendering civic duties as a juror, aiding in the maintenance of order, exercising suffrage, and in obeying all of the legitimate commands of the government or state.

The indirect duties are not obligatory, but arise out of patriotism respect and love which a citizen feels for his country, and which impel him to interest himself in all measures or questions which are intended to advance the welfare or happiness of the people. While these indirect duties are not compulsory, they are of the highest importance. In his social, private or business life the citizen can, if properly instructed in the duties of citizenship, exercise an influence upon his fellow members of society, in all public questions. A government is largely run by sentiment or moral sense. It is impossible to extort obedience and respect for the laws by force or fear—a constable, policeman or soldier cannot be placed at the elbow of every individual to enforce the performance of his civic duties. Respect for the law is the propelling power in all free and well-organized societies and the more extensively a moral sense prevails among the people, the nearer approach to an ideal government is reached. Moral sense is an

appreciation of one's duties to his government and to his fellow-man. An intelligent and patriotic citizen, therefore, becomes an efficient disseminator of the principles of his government and of the political issues of the day, and his indirect duties as a teacher become of incalculable value to his country. It follows that if the citizen is ignorant of his direct duties or neglectful of his indirect obligations, he is of very little use to his government, and as the political superstructure rests upon a complete and faithful performance of his obligations the government is, to the extent that such ignorance or neglect exists, proportionately weakened.

There is little doubt, unfortunately, that the picture which I have drawn of citizenship is not realized in our actual life; on the contrary, the citizens do not respond to the full measure of intelligence, activity and watchfulness demanded in a republican government. Eternal vigilance is the price of liberty, is a trite but highly necessary truth to be kept before us.

Full citizenship being thrust upon us either by birth, or so easily acquired under our naturalization laws, this most important civic title of political power has come to be looked upon as an ordinary, vain and empty honor. There is no pay attached to the office, and many of its most important duties are not compulsory, but are left to the will, judgment and patriotism of the voter. Citizens do not regard full citizenship as an office, but merely as a privilege. Hence, reasons which should render it more prized, operate to lessen its importance in the estimation of those who hold it. The will of the citizen is omnipotent, and even now about *seven millions* of voters make the political rules which govern about *one hundred millions of people*. One can appreciate the honor, dignity and importance of the office much better by referring to the democracy of Athens, where a great number of individuals were governed by a small number of citizens. The fewer the citizens the more conspicuous and powerful the office appears.

Unfortunately in this country as the population grows, citizenship proportionately increases, and from its two creative sources, birth and the naturalization laws, there are yearly poured upon the nation a flood of new voters. The dignity and importance of the office wane in the estimation of those who hold it, as the number of citizens increase, and consequently, we find both ignorance and neglect of its duties. The more easily a thing can be had the less important and valuable it is regarded.

Every public question, great and small, must pass through the crucible of a citizen's judgment and approval, and his intelligence

and knowledge must be equal to every emergency; and as public questions become more complex the capacity of the voter should rise in proportion. When the voter casts his ballot, it is not merely for himself he is acting. He is the agent and trustee for millions who do not or cannot vote.

Every class and every age are represented in these millions—it is inevitable that the greater number of the inhabitants can or should never vote, and they are generally glad to commit their political interests to those whom they regard as more competent. The inherent difference between a voter and a non-voter inevitably arises from a real or assumed superiority of the former over the latter. The citizen voters should, therefore, have original and individual convictions upon all public questions. He should not surrender such convictions to the cries of bigotry or appeals to passion, or the demands of partisan political policies. *This government or any representative government can only be maintained by a free, intelligent and honest exercise of suffrage.* If a citizen goes to the polls ignorant of prevailing political questions; if he act not freely but under the guidance or advice of partisans or demagogues; if he sells his vote to the highest bidder, the fundamental purposes of democracy are thwarted, and citizenship becomes debased and its exercise ruinous to the rights of the people; *and it necessarily follows that the effect is soon perceived in the laws and in their administration.* It is the naked truth that full citizenship in a federation requires a very high order of education and intelligence. The first requisite is a fair comprehension of the Federal and State systems. Then, the dominating political issues, becoming more complicated each year, must be mastered. The tariff, the trusts, the banking and currency questions are some of them. How many citizen-voters grasp these subjects? the answer is unfortunately too easy. What is the result? The voter blindly follows the shibboleth of a party or he becomes a victim to the dominating influence of political leaders. The individual judgment of the voter—the essence of our government—does not exist. If the citizen-voter could be made to understand that when he casts his ballot he acts not for himself only, but as trustee for the millions of others who do not vote, that his acts affect the present and future of the Republic, the office would become more important in his estimation. In Athens, citizenship was the only title of nobility existing—the citizens were marked men and honored and esteemed as the governors of

that small democracy. To be a citizen required his parents on both sides to have enjoyed that honor. *But citizenship in Athens was no more noble or important than it is here in our Republic,* and required less intelligence. The weakness of our Republic lies in the fact that the discrimination of the citizen does not increase as the questions he is compelled to decide become more numerous and complicated.

I must advert to another important distinction. All citizens do not enjoy suffrage. Two notable examples are: American-born children, who previous to the age of twenty-one, are not entitled to assume the *toga virilis*, and women. Most nations have arbitrarily fixed the age of twenty-one years as the period when full responsibility begins, and as to women, while recognizing them as citizens, they have heretofore been excluded from political suffrage. A man is not supposed to have enough experience and judgment to cast a ballot until he is twentyone, and for many reasons it has been heretofore assumed that a woman should never exercise the great privilege of suffrage. In this connection it is overlooked by the advocates of woman suffrage that it is an arbitrary and not an inalienable right. There are others, as unnaturalized aliens, who do not enjoy the political franchise. Thus we perceive that we have two classes of citizens; those who can exercise suffrage and those who cannot, *civitas sine suffragium*. A vast army of our inhabitants are therefore without suffrage, and the responsibility for their liberty, happiness and welfare rests upon the governors—the voters—who in every act of full citizenship represent this multitude of politically helpless individuals who have no voice in the government.

The above opens the power and responsibility of citizenship. It gives an idea of how much depends upon each citizen voter; of his intelligent exercise of suffrage. It shows that the citizen is a trustee not only of the property, but of the happiness and welfare of millions of children, women and others who must depend upon his wisdom, honesty and intelligence in the exercise of his office.

There are several distinct influences which constantly operate against the proper exercise of citizenship: first, ignorance; second, a blind following of parties without regard to the ultimate effects which their policies will have upon the destinies of the people; third, the corrupt exercise of suffrage; and lastly, but not the less important, the ease by which full voting citizenship can be obtained through the naturalization laws.

To restore citizenship to its pristine vigor radical reforms are necessary—so radical that I despair of their adoption. . First, the number of citizen-voters should not be unnaturally increased. The naturalization laws should be repealed and no individuals permitted to vote who are not born in this country. Confer upon foreigners who come to dwell here permanently all the protection of citizenship, but without the voting franchise. *Civitas sine suffragium*. The naturalization laws have fully performed the purposes of their creation. The country is now fully settled and we can depend upon our present population to amply meet the demands of territorial and other expansion and development. But who can expect such a drastic though necessary measure, to be adopted when Presidents of the United States veto bills which prevent immigrants entering the country who cannot read and write! Second, a comprehensive system of political instruction should be introduced into our common schools by which the youths could be adequately instructed in the elementary principles of our government and the corresponding character and duties of citizenship.. Third, the demands of women for suffrage should be denied. If granted, apart from reasons which are profound and vital, it would add between eight and nine million of votes to the already surfeited list. It is a vain hope to expect to elevate the office of citizenship by pouring each year upon the nation thousands of non-trained voters.

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