



We, The People

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WE, THE PEOPLE...

EARLY THIS FALL, America celebrates an anniversary. One hundred and fifty years ago, George Washington, Benjamin Franklin and many other noted Americans affixed their signatures to the Constitution of the United States, which they had been months in preparing. And on September 18 we also celebrate the two hundredth birthday of a man whose tireless energy and sacrifice helped create and make the United States great among nations—Thomas Paine.

There is much to celebrate in marking the landmarks of the birth and growth of our country. We who love the great expanse of America, we who are proud to live in a nation which has been endowed by nature with all the riches and beauty it can bestow, cherish these holidays which make us happy in the thought that we are Americans.

Kenneth Reed—American

Kenneth Reed, too, was a young American, hardly turned twenty-six years of age. Many of the things you and I experienced were also part of his life and upbringing. Like all of us, when Kenneth was in grade school, he imagined himself giving those orders at Bunker Hill: "Don't fire till you see the whites of their eyes." He too galloped with Paul Revere and roused the New England farmers and mechanics to wipe up the British at Lexington and Concord.

And if Kenneth had lived a few months longer, he might have been celebrating the one hundred and fiftieth anniversary of the drawing up of the American Constitution.

Instead, Kenneth has been buried in an untimely grave. And it is not that he was sick, struck by lightning or hit by an automobile. Kenneth Reed met sudden death—he was murdered on

Memorial Day, 1937. Together with many other steel workers and their families he had marched out to picket the Republic steel plant in South Chicago, where the men were striking for decent conditions, seeking to bargain collectively with their employers, who were defying the law of the land by their refusal to do so. Kenneth Reed was shot in the back by a member of the corrupt police of the Kelly-Nash machine in Chicago.

Now if Kenneth Reed could come to life again on September 17, his eyes and ears would see and hear some very strange things. He would see his murderers—Tom Girdler, the du Ponts, Ford, Morgan and the whole gang in the American Liberty League, the vigilantes, and the Black Legionnaires—“celebrating” the anniversary of the American Constitution. He would see the men who dragged the American flag in the dust on May 30 wrapping themselves in the folds of the stars and stripes, and he would hear words about “law and order” and “defending the Constitution.”

What happened in this country one hundred and fifty years ago? Who are the inheritors of the American tradition? What is the real meaning of this sesqui-centennial celebration of the Constitution? To answer these questions we must first go back to the days of '76, to the first American Revolution. We must bring to life the teachings of Thomas Jefferson, Samuel Adams, and Thomas Paine, whose two hundredth birthday will be celebrated on September 18.

The American colonists were faced with a burning issue over one hundred and sixty years ago. They had to decide whether they should take the path of progress or that of reaction; whether they should submit to the yoke of the British Tories or strike out for independence and freedom; whether tyranny or democracy would be established in the new world. Throughout Europe monarchs and tyrants ruled. But our forefathers undertook something new, something that no great nation had dared to do, to establish a government without kings or tyrants, a government of the people, by the people and for the people.

Then and Today

Nor is such an issue and struggle so foreign to our own day. It was in November, 1936, that the Tories of the twentieth century planned to place the American people under the iron heel of despotism. The issue in that election was between reaction and progress, fascism or democracy. Men like William Randolph Hearst, men with the money of du Pont, Morgan and Ford, thought that they could buy the presidency of this country. They thought they could trample democracy into the dust.

How did our forefathers meet this issue in 1776? Those were the times, as Tom Paine wrote,

“. . . that try men's souls. The summer soldier and sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it *now*, deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph.”

Our forefathers declared their independence, and in that Declaration of July 4, 1776, they said,

“That all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

They went further and told old King George and the Tories here and abroad:

“That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it, and to institute new Government, laying its foundations on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness . . . but when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute Despotism, it is their right, it is

their duty, to throw off such Government, and to provide new Guards for their future security.”

England had been throttling the thirteen American colonies. She tried to direct our commerce only into such channels as would benefit England. She hindered American manufactures, halted the settlement of the West, and oppressed not only merchants, manufacturers, and landowners who were in debt to England, but also the great mass of American people, farmers, mechanics and workers. One thing alone could insure the victory of the colonies over England, and that was unity. By uniting the colonies, subordinating all to the revolutionary war, it was possible to march victoriously until Cornwallis' final surrender to George Washington at Yorktown.

That is the spirit and tradition of America. And in 1936 the American people met a similar crisis. The Tory Liberty League and Hearst, political pilots of the Kansas oil man, Landon, prepared to attack the American people. They planned to end relief, smash the unions, stifle the free voice of the people, and extend the autocratic power of the Supreme Court. They plotted to place Wall Street in the White House. Once again, the American people banded together. Through their unity they delivered a stiff blow to the reactionaries of 1936 by defeating them and their representative Landon at the polls.

United We Stand

New problems arose in America after the victory over the British in 1783. During the war itself, Tom Paine had composed a song of the Revolution, *Columbia*, which showed the need and power of unity:

*Ye sons of Columbia, then join hand in hand,
Divided we fall, but united we stand.*

In the last article of *The American Crisis* series, written after the American victory, he said,

“That which must more forcibly strike a thoughtful, penetrating mind, and which includes and renders easy all inferior concerns, is the Union of the States. On this our great national character depends . . . In short, we have no other national sovereignty than as United States.”

America's first revolution laid the foundation for the growth of the nation as a commercial and industrial capitalist economy, with almost unlimited resources for expansion. True enough, the Tories claimed that the revolutionists were only destroyers. Using the same language with which Hearst raves today about Communists, the Tories shrieked, “Their taste, like their talents, is directed only to the pulling down; and their reforms terminate in destruction.” But the American people soon showed that they had a capacity not only for destroying the old and outworn, that which hindered development and progress, but also for erecting the new, and going forward.

At the present time, after 160 years, we think of America as a nation stretching from the Atlantic to the Pacific, from Canada to the Gulf of Mexico. But the thirteen original states were all on the Atlantic seaboard; the Western territories of America could hardly be called the Mid-West of today. Now we think in terms of cities with populations of hundreds of thousands, and even millions. Boston, in those days, had about fifteen thousand people; New York, thirty thousand; Philadelphia, forty thousand; Baltimore, ten thousand. And those were the biggest cities. Today, airplanes span 3,000 miles between the oceans so that East and West are only twelve hours apart. Then it took the stage coach that much time to get from New York to Philadelphia.

The great mass of the people lived on farms. Manufactures were in their infancy, factories were unknown, capitalism was just being born, and was still a progressive system. It was a great step ahead of the feudal order which had reigned in Europe for centuries, and still persisted in many European countries. Under feudalism, the great lords of the land ruled over their serfs, kept

them in bondage and prevented the rise of commerce and industry. The new system of private ownership of the means of production and production for profit, unhampered by the control of feudal landowners, who kept their laborers tied down to the soil, made possible industrial growth and development.

Although the actual fighting and the impetus for the Revolution came primarily from the common people, the Revolution itself must be characterized by the tasks of the period which it solved. Our first Revolution occurred when the profit system was being born, when it was progressive, and thus even many of the merchants and landlords were revolutionists. In the early period of the rise of commercial and industrial America, the difference between those who owned and those who toiled was not nearly as pronounced as we know it today. But it would be wrong to conclude that there was complete equality in America, the whole nation consisting of small property owners. As in all countries of the world since history has been recorded, there were classes in America and strife among those classes. The mass of the small farmers who lived furthest from the coast were in debt to Eastern merchants for the cost of both land and capital. It was usually an Eastern speculator who bought up the cheap land of the West and the farmer had to buy it from him at much higher prices.

The small independent farmer was not the only type of landowner; there were the plantation and slave masters, who dominated the entire South, growing staples such as sugar, tobacco, cotton, rice and indigo. Along the Hudson River in New York there were big landowners who had received feudal grants during the time when New York was a Dutch colony. The capitalists were primarily investors in commerce, although large sums were also invested in banking, public securities, and Western lands.

To a large extent, the conflict of interest and struggle between the small inland farmer against the Eastern financier and merchant were transferred into the Revolution against the British. Many of the rich Americans were supporters of the British Tories

during the Revolution. After the Revolution, these Tories, along with the British, hoped for the disintegration of the United States. They spoke of anarchy here and our inability to establish order and unite the thirteen states. They prayed and often plotted for the return of the monarchy and tyranny which ruled these states before the Revolution.

Articles Which Didn't Confederate

The thirteen states were very loosely united after the Revolution. The basic law was known as the Articles of Confederation, which really did very little to federate the states together. There was no executive or judicial department of government and the central government had no power to regulate commerce or institute taxes directly for its revenue. The various states issued their own money and the problem was largely that of lack of national unity which hampered national development.

It was to remedy these shortcomings of the government under the Articles of Confederation that the Constitutional Convention met in Philadelphia from May to September in 1787.

But before we tell of that, let us call upon James Madison, Father of the American Constitution, to tell about the role of the state. During the debates at the federal convention, Madison observed:

“In all civilized countries, the people fall into different classes having a real or supposed difference of interest. There will be creditors and debtors, farmers, merchants and manufacturers. There will be particularly the difference of rich and poor. . . .”

To protect the interests of the property owner, Madison said that agencies of government “ought to be so constituted as to protect the minority of the opulent against the majority.”

Thus it is apparent that the framers of the Constitution laid no claims to devising a form of government which was over and above classes. They saw that as long as there was a distinction

between rich and poor, the government could not serve the interest of all the people in equal fashion. The American Constitution established our government as an instrument of the propertied classes; but this was done at a time when property was dispersed among the greatest number of people; and, furthermore, at a time when the private owners of capital were a new class, a progressive class in society, revolutionizing the basis of society throughout the world.

Role of the State

It was to the advantage of the commercial and propertied classes to establish a firm, centralized government, capable of unifying the nation, regulating commerce and promoting the rise of manufactures. But at that time these desires and interests of the propertied classes were also in line with progress, and therefore in the interests of the great masses of the people. Unless America was constituted as one indivisible nation, the growth of commerce and industry could not take place. Furthermore, such economic growth would make possible the rise of a new, a different, the most progressive class in modern society, the working class.

Not only were the merchants, shippers, and holders of securities desirous of establishing a national government which would protect their class interest. The slave-owners of the South also wanted a government which would protect their peculiar type of property, the slaves.

Compromises and the Constitution

It has often been said, especially in high school and college textbooks, that the Constitutional Convention was torn between opposing interests and that therefore the resulting Constitution was just a series of great compromises, and that it was an instrument of none of these classes. True, indeed, is the statement that there were sharp clashes and differences among the delegates at the convention representing varied economic and social

interests. Our schoolbooks delight in explaining the struggle between the so-called big and small states, and the final compromise whereby a House of Representatives was set up with representation based on population in the states and a Senate where representation was equal, regardless of population.

But, as Madison correctly pointed out at the convention, the conflict was not really between large and small states.

Although there were certain points of disagreement between representatives of various regions, although there were clashes between the slave-owners of the South and the rising industrialists of the North, these struggles took place against the background of a more basic conflict—the conflict between aristocratic and democratic principles of government. The makers of the Constitution represented, in the main, privilege and property; they were trying to dominate the forces of the people. Thus the final outcome was a constitution that was a compromise between these contending forces.

In the Constitution it is important to note that the interests both of Northern commerce and of Southern plantation and slave-owners were protected. Congress was prohibited from halting the slave trade till 1808. Three-fifths of the slaves were to be counted as population in determining representation in Congress, and a fugitive slave clause was inserted into the Constitution guaranteeing the return of escaped slaves.

The Voice of the People

At the same time, throughout the Federal Convention one could almost hear a thunderous knocking on the door of that gathering. It was the knocking of the masses of common people. It established a curb on those who feared democracy and republicanism at the convention. For example, Alexander Hamilton arose and presented a plan to elect a president for a life term and to elect the senators for a similar period. Disagreeing with all the plans which had been so far presented at the convention, Hamilton said:

"All communities divide themselves into the few and the many. The first are the rich and the well born, the other the mass of the people. The voice of the people has been said to be the voice of God; and however generally this maxim has been quoted and believed, it is not true in fact. The people are turbulent and changing; they seldom judge or determine right. Give therefore the first class a distinct permanent share in the government. They will check the unsteadiness of the second."

But that was not the will of the people. Even Hamilton had to confess that his plan was "very remote from the idea of the people." The common people were for democracy and even though the best champions of democracy, men such as Thomas Jefferson, Thomas Paine and Samuel Adams, were not present at the Constitutional Convention, that convention could not adopt Hamilton's idea of "government by the rich and well born."

Rule by the Majority

Simply stated, and without frill or fancy, democracy means government by the people; in other words, majority rule. The struggle between the democratic and anti-democratic forces at the time of the adoption of the American Constitution has some very important lessons for us right now. The du Ponts, the Fords and the Morgans are seeking to oppose the will of the great majority of the American people. The Tom Girdlers do not give a hoot for the will of their workers. The present-day Tories say, "to hell with the mandate of November 3, to hell with the twenty-seven million voters who elected Roosevelt and endorsed that challenge that 'we have just begun to fight.'" Their representatives in Congress, Republicans and Tory Democrats, spurn the popular mandate, are trying to kill all New Deal legislation, such as an adequate housing bill, a decent wages and hours bill, and the anti-lynching bill—and all this after they defeated the modest Roosevelt proposal to unpack the Supreme Court.

And these same people who decry majority rule, who call the

people "the mob," are the ones who dare to hide behind the American Constitution. Some of them even have the gall to invoke the names of Jefferson and Lincoln, without of course telling us what Jefferson and Lincoln really said.

Even a man who has pretensions to liberalism, and who presumes to defend democracy against dictatorship, James Truslow Adams, writes an article in *The New York Times* where he warns about the perils facing democracy. And what is the danger as he sees it? Is it that the will of the people, of the majority, will be flouted by the insignificant minority of economic royalists? No, that is not what bothers him. Just the contrary. He writes in the *Times* magazine section on August 8, that:

"... we begin to hear much of the need for all to bow to the temporary group of 27,000,000 voters of last fall. . . . The framers of the Constitution, however, knew that there might be such temporary groups and that the great danger in a democracy would be possible oppression by a majority."

Mind you, the violation of the will of the majority is no concern of his. He is only afraid that the majority will prevail over the minority. But let us remind Mr. Adams that Hamilton was voted down at the Constitutional Convention. Let us above all recall what Jefferson's opinions were on this matter, especially because Mr. Adams calls upon Jefferson as a witness in his behalf.

The Popular Will

Writing to James Madison on December 20, 1787, where he tells what he likes and dislikes about the new Constitution as originally adopted, Jefferson exclaims: "*After all, it is my principle that the will of the majority should prevail.*"

This is quite a different story from the one James Truslow Adams would have us believe.

Toward the end of the Federal Convention a heated debate took place on the question of property qualifications to vote and to be elected to national offices. Proposals were made to insert such qualifications right in the Constitution.

"Rich Rogues"

When Charles Pinckney of South Carolina moved that the President, judges and legislators be required to have certain amounts of property, venerable Benjamin Franklin, who represented Pennsylvania, remarked that "Some of the greatest rogues I was ever acquainted with were the richest rogues." He spoke of the international significance of the Constitution and continued:

"This Constitution will be much read and attended to in Europe and if it should betray a great partiality to the rich, will not only hurt us in the esteem of the most liberal and enlightened men there, but discourage the common people from removing to this country."

Our first American revolution and the launching of American democracy exercised profound influence on the struggles of the oppressed people of Europe. And, likewise, we Americans can never forget the aid of the French, the Spanish and many other Europeans in those hours of need and trial during our revolution.

Thousands of Americans, members of the Abraham Lincoln and George Washington Battalions, are at this very moment repaying this debt by fighting to preserve democracy in Spain. When the Spanish people were hard pressed by their Tories and when world fascism, headed by Hitler and Mussolini, launched its war against Spain, progressive Americans responded by sending food, clothing, medicine to the Spanish people now battling at their Valley Forge. In 1776, international solidarity helped win our freedom from British tyranny.

The debt which America owes to international solidarity was expressed by President Roosevelt in his message read on August 1 to mark the dedication of the American monument at Montfaucon, France:

"Though the seas divide us, the people of France and the people of the United States find union today in common devotion to the ideal which the memorial at Montfaucon symbolizes. That ideal, to which both nations bear faithful witness, is the

ideal of freedom under democracy, liberty attained by government founded in democratic institutions. . . . We of this country have not forgotten, nor could we ever forget, the aid given us by France in the dark days of the American revolution.”

But words alone are pitifully ineffective. Americans today are filled with indignation at the mockery of our so-called “neutrality” policy. Throwing to the people the hypocritical edict, “We must not be involved, we must be neutral,” reactionaries send aid to the Italian and German invaders, make available to Japan all manner of supplies, and throw their support to the barbaric aggressions of the fascists. Our American traditions, the interests and welfare of the American people, call for support of the Spanish people fighting for democracy and independence. The future of America is inseparably linked with the cause of progress and peace all over the world, linked with the popular forces for peace everywhere, linked with the peace policy of the Soviet Union. The flames of war travel swiftly, igniting one country upon the next. To save America from war, we must help to save the world for peace.

Today this tradition of peace and international solidarity is expressed in the efforts of freedom-loving Americans to prevent international fascism from smashing democracy in Spain, and to halt the world aggression of the fascist forces.

There are still many countries in this world which have not achieved their national independence. China today is fighting a struggle similar to ours in 1776. Their oppressors are the Japanese rulers who, in alliance with the German and Italian fascists, are preparing war against all democratic countries. The Chinese people want to be free from taxation without representation, from the burdensome load of a foreign army, and from foreign exploiters who stifle the development of their country. Our tradition of struggle for independence and democracy is also carried forward by the heroic efforts of the Chinese people to defeat Japanese intervention.

Storm Over the Constitution

A storm rages over the Constitution and the Supreme Court. Despite the expression of popular will in the 1932 elections; despite the congressional elections of 1934; despite the fact that laws were passed by Congress (elected by the people), signed by the President (elected by the people), a small group of aged gentlemen constituting the Supreme Court (not elected by the people) decided that many of these laws were null and void, and had to be thrown into the waste basket.

Such procedure, of course, has nothing in common with democracy. Such procedure, furthermore, is not contained in the Constitution of the United States as drawn up in 1787 and as amended in the succeeding years.

It was not until 1803, in the case of *Marbury vs Madison*, that the Supreme Court arrogated to itself this *unconstitutional* right to declare laws, passed by the elected representatives of the people, null and void.

Read the Constitution, and comb it with as fine a comb as you will, and you cannot find the right granted to the Supreme Court to veto federal legislation. What you will find is the right of Congress to regulate the Supreme Court.

“In all cases,” says the United States Constitution, “affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and *under such regulations as Congress shall make.*” (Our italics—J. C.)

Our own Tories of today who defend the usurped power of the Supreme Court, and who defeated President Roosevelt's plan to curb the Court somewhat, make very liberal use of the names of Thomas Jefferson, Andrew Jackson and Abraham Lincoln. During the 1936 election campaign, Hearst screamed to high heaven, swearing by Jefferson and Jackson and Lincoln,

that his man Landon must be elected and that the Supreme Court must not be tampered with. Al Smith and all the bankers and high muck-a-mucks in the American Liberty League intoned speeches about the sacredness of the Supreme Court, how it was in danger of being torn down, how the edifice erected by Jefferson, Jackson and Lincoln would go into the discard.

The Federal Convention and the Supreme Court

Truth is that a proposal *was* made at the Federal Convention to give the Supreme Court power to veto legislation along with the President's veto power. As a matter of fact, this open and direct motion to give the Court such veto power *was made on four separate occasions at that convention. And each time it was voted down.*

On June 4, 1787, the motion to give the Supreme Court veto power over legislation was voted down 8 to 2. And Colonel Mason, in arguing against any absolute veto power for President or the judges, asked the delegates:

“Do gentlemen mean to pave the way for hereditary monarchy? Do they flatter themselves that the people will ever consent to such an innovation? If they do, I venture to tell them they are mistaken. The people never will consent.”

And we can venture to tell the same thing to Hearst and the Liberty League and all who oppose any curbs on the Supreme Court. The people will never consent!

After that initial defeat by the convention of the Supreme Court veto power, Mr. Wilson, delegate from Pennsylvania, moved again to reconsider the vote. Again it was voted down, this time—8 to 3. Once more, on July 21, Wilson moved to the same effect, remarking, “the judiciary ought to have an opportunity of remonstrating against projected encroachments on the people, as well as on themselves.” This time the motion was defeated 4 to 3. And finally on August 15 a motion was made to give limited veto power to the Court. And now for the last

time, the motion was voted down—8 to 3. What is interesting in this debate—before the last vote was taken—is that the whole question as to whether decisions of the Supreme Court could in any way invalidate congressional laws, was discussed. Delegates Pinckney, Mercer, Dickinson, Sherman and Williamson all spoke on this occasion and all agreed that the Court had no such power.

"Advancing Like a Thief"

Then where *did* the Supreme Court get the power to do this? Thomas Jefferson explained that matter very well. He said, "The judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundation of our confederated fabric."

And further,

"... the germ of dissolution of our Federal Government is in the constitution of the federal judiciary, an irresponsible body... working like gravity by night and by day... advancing its noiseless steps like a thief over the field of jurisdiction."

Print that, Mr. Hearst, we dare you!

It was Jefferson who always pointed out the tendency of the judicial branch of government to usurp more and more power. Does the Court have the power to declare laws unconstitutional, and therefore void? Jefferson answers,

"Certainly there is not a word in the Constitution which has given that power to them more than to the executive or legislative branches."

He held that the legislators judged for themselves whether a law was constitutional or not. And if unconstitutional laws were passed, Jefferson said that there was only one appeal—that was to the people, when they elect the legislators. Those are the views of Thomas Jefferson, author of the Declaration of Independence, President of the United States, hated by the Tories of his day for those views.

Slavery and the Supreme Court

In every critical and transitional period in American history, the Supreme Court has appeared as that body striving by might and main to defend the selfish interests and profit of the rich and powerful. Indeed, it was control of the Supreme Court by the slave-owners of this country which helped bring on the Civil War. In 1857, the Court again declared void a law which Congress had passed many years before; this time it was the Missouri Compromise. Under Supreme Court Justice Taney, the Court declared in 1857 that a Negro slave, Dred Scott, had not been freed when he was taken by his master to free territory. And the Court ruled further that Congress could pass no laws excluding slavery from the territories of the United States. But this was the period of another great American statesman, Abraham Lincoln, who carried forward the Jefferson tradition. What did Honest Abe Lincoln think of the power of the Supreme Court to nullify the laws of the land? Again we dare the Tories of our day to print the words of Lincoln on this question.

In 1857, Lincoln went throughout the land speaking against the decision of the Supreme Court on Dred Scott. He devoted his time especially to answering Stephen Arnold Douglas, who argued that once the Court decided something, the jig was up, and there was no further appeal. A series of debates took place in 1858 between Lincoln and Douglas. Replying to Douglas in the first of these joint debates, Lincoln said:

“This man [Douglas] sticks to a decision [Dred Scott] which forbids the people of a territory from excluding slavery, and he does so, not because it is right in itself, but because it has been decided by the Court; and being decided by the Court, he is, and you are, bound to take it in your political action as law. Not that he judges at all of its merits, but because a decision of the Court is to him a ‘Thus saith the Lord. . . .’ It is nothing that I point out to him that his great prototype, General Jackson, did not believe in the binding force of decisions. It is nothing to him that Jefferson did not so believe. . . . He hangs to the

last to the Dred Scott decision. These things show there is a purpose strong as death and eternity for which he adheres to this decision, and for which he will adhere to all other decisions of the same Court.”

Yes, and there is a purpose strong as death, why Hearst and Henry Ford and Tom Girdler hang to *certain* decisions of the Supreme Court as, for example, those outlawing the N.R.A., the A.A.A., the New York minimum wage law for women, and others of that kind. They do not want laws which will benefit the workers, the farmers, the aged, the youth. They do not want Congress to pass any social legislation. But it is interesting to note that when the Supreme Court finally decided that the Wagner Act *was* constitutional, these same economic royalists are not so anxious to stick to a decision.

The Declaration vs. the Supreme Court

In his debates with Douglas, Lincoln pitted the Declaration of Independence against the Dred Scott decision. He spoke of the Declaration of Independence establishing a settled doctrine for this country, and not a Supreme Court decision. That is what he did at a mass meeting in Chicago, on July 10, 1858, where he said that the sacredness which Douglas throws around a Supreme Court decision was never done before. He answered Douglas' argument that it was better for the people themselves that the Supreme Court should be considered a holy of holies, in these flaming words:

“They are the arguments that kings have made for enslaving the people in all ages of the world. . . . They always bestride the necks of the people not that they wanted to do it, but because the people were better off for being ridden. That is their argument, and this argument of the Judge is the same old serpent that says, you work, and I eat; you toil, and I will enjoy the fruits of it. Turn it whatever way you will, whether it come from the mouth of a king, an excuse for enslaving the people of his country, or from the mouth of men of one race

as a reason for enslaving the men of another race, it is the same old serpent; and I hold, if that course of argumentation . . . should be granted, it does not stop with the Negro. I should like to know, if taking this old Declaration of Independence, which declares that all men are equal upon principle, and making exceptions to it, where will it stop? If one man says it does not mean a Negro, why not another say it does not mean some other man? If that Declaration is not the truth, let us get the statute books, in which we find it, and tear it out! Who is so bold as to do it? If it is not true, let us tear it out! [*Cries of No, No. from the audience.*] Let us stick to it then; let us stand firmly by it then."

These words spoken nearly ninety years ago can well be addressed to the Tories of today. As between the Supreme Court and the Declaration of Independence, like Lincoln, we choose the Declaration!

The Fight for a Bill of Rights

Once the Constitution was finally drafted, on September 17, one hundred and fifty years ago, it was no easy matter securing its ratification at the State Conventions which were called in the various states. This was due, in great part, to the lack of a Bill of Rights which the convention had failed to include. Thus, when we read the comment of Samuel Adams and Thomas Jefferson, and others of the democratic wing in American politics, we find a certain reluctance at first to accept the Constitution. But these men were far-sighted. They saw the necessity of uniting the thirteen states. They saw that the Federal Constitution would put America on the road to progress and development as a great nation. But they boldly criticized it for its lack of a Bill of Rights and for a number of other shortcomings.

Thus, in the earliest recorded opinion of Samuel Adams on the new Constitution, he says, "I confess, as I enter the building (the Constitution) I stumble at the threshold." And he warns of the seeds of aristocracy which may be planted in the new government.

Sam Adams, again, writes in another letter that although he

may be called "an amendment monger," he would wish that certain amendments were passed so "that the whole people may in every state contemplate their own safety on solid grounds, and the Union of the States be perpetual." Especially did Samuel Adams urge a Bill of Rights. And in reply to a letter of John Adams, he wrote:

"A republic you tell me is a government in which 'the people have an essential *share* in the sovereignty.' Is not the whole sovereignty, my friend, essentially in the people? . . . and is it not the uncontrollable, essential right of the people to amend, alter, or annul their constitution, and frame a new one, whenever they shall think it will better promote their own welfare and happiness to do it? That the sovereignty resides in the people is a political doctrine which I have never heard an American politician seriously deny."

Then he reminds John Adams that "*We, the people*, is the stile of the Federal Constitution."

Jefferson wrote an anxious letter to James Madison telling him what he liked and did not like about the Constitution as originally drafted, and among the dislikes was, "first the omission of a Bill of Rights." Freedom of speech, religious freedom, freedom of press, trial by jury, habeas corpus, "restriction of monopolies," these and similar guarantees must be in the Constitution, Jefferson felt.

Like Samuel Adams, Jefferson recalls the Declaration of Independence and the right to revolution, most hallowed of American traditions. In fact, Jefferson pointed to Shays' Rebellion of 1786 and advocated such a warning at least every twenty years. He made it very clear that,

". . . no society can make a perpetual constitution, or even a perpetual law. The earth belongs always to the living generation. . . . This principle that the earth belongs to the living and not to the dead is of very extensive application and consequences in every country and most especially in France."

Tories Oppose Civil Liberties

In their agitation for amendments to the Constitution, so that they might give their wholehearted support to it, Jefferson, Samuel Adams, and others of the progressive wing reflected the opinions and agitation of the masses of common people.

As we have seen, the influence of the people under the impact of the revolution had led to the adoption of exceedingly democratic state constitutions in many states. The Bill of Rights in the Virginia, Pennsylvania and other state constitutions influenced not only the course of American politics, but of events across the seas. When the French revolutionaries stormed the Bastille in 1789, when they set about proclaiming the rights of man, they used these American State Constitutions and Bills of Rights to model their own Declaration of the Rights of Man and the Citizen.

When many of the state conventions met to ratify the new Constitution, they did so only after recommending a series of amendments, mostly calculated to guarantee the liberties and democratic rights of the people. Proposed in 1789, the first ten amendments to the United States Constitution went into effect in 1791.

“Congress shall make no law,” reads the first of these amendments, “respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Then follow a series of other guarantees of civil liberty and freedom.

Just as at the present time, so in the early days of our national existence the reactionaries ganged up on these provisions of the Constitution, and tried to throw them into the discard.

In 1798, the reactionaries in control of the Federalist Party, under President John Adams, passed two laws, called the Alien and Sedition Laws. These laws were passed to stifle the agitation of the democratic party headed by Jefferson, then called the

Republican Party. These laws were also calculated to destroy the great campaign of sympathy which had developed in this country for the French revolution. "Dangerous aliens" could be expelled from this country by the president under these laws, if they were suspected of "any treasonable or secret machinations against the government." Fines and imprisonment faced those whom the authorities accused of "any false, scandalous, and malicious writing . . . against the government." It wasn't long before editors of Republican papers, followers of Jefferson, were being hounded and thrown into jail for expressing opinions opposing those of the Tories and supporters of British policy in this country.

It is to the credit and glory of the American people that they did not let the reactionaries "capture" the American Constitution, and mangle it to suit their ends completely. In the election of 1800, the Federalists and their candidate for re-election, John Adams, were swept out of office. Even though they smeared their opponents with the accusation of "anarchist" and "Jacobins" (the ~~radical party in the~~ French revolution), the reactionaries were snowed under the deluge of Jefferson votes. The Alien and Sedition Laws were a central issue in that election campaign.

The people had made clear their mandate. The Alien and Sedition laws were thrown into the dustbin of history. And the Federalists wrote in their press, "Sons of factions, demagogues, and high priests of anarchy, now you have cause to triumph."

Free speech, free press, free assemblage and the right to petition for the redress of grievances compose a cornerstone of the American Constitution. But what is the situation today?

The Tories Today

There are the economic royalists who inherit the tradition of those who passed the Alien and Sedition laws, and who again are trying to make the Constitution serve their own selfish aims. It is their crooked interpretation of the Constitution which led them to kill eighteen steel workers and wound hundreds of others who were seeking to attain an American standard of living.

Was not the Constitution flouted by these men when Angelo Herndon was sentenced to twenty years on the Georgia chain gang for voicing the demands of the Negro and white workers of the South?

Are not the jailers of the Scottsboro boys the enemies of the Constitution? Do they not violate its principles when they keep five of these boys in jail after the release of four of them shows conclusively that all are innocent?

Is not the spirit and intent of the Constitution violated when Tom Mooney is kept in a California dungeon?

Is not Henry Ford an enemy of the Constitution when he looses his bloodhound, Bennet, and his assorted gangsters on the members of the United Auto Workers Union who were distributing union literature to the Ford workers?

Are they not enemies of Americanism and the Constitution when they pass criminal syndicalism and sedition laws similar to the ones passed by the Tories in 1798?

Socialist Democracy

Real and complete democracy, rule by the people, can exist only where the material conditions for such rule are established. It was the great French author, Anatole France, who pointed out many years ago that the rich man and the poor man are equal before the law, and thus both of them are prohibited from sleeping under bridges and on park benches. Furthermore, where the rich control the instruments of propaganda and education, it is difficult really to establish the guarantee of free speech and free press.

While fascism plots to establish its rule throughout the world, while the German, Italian, and Japanese fascists seek to bring the slavery of fascism to the Spanish and Chinese people at the end of a bayonet, world democracy received a great weapon last year, when the new Constitution was established in the Soviet Union. Here we can see what conditions are necessary in order to give democracy real meaning and essence. The new Constitution of the Soviet Union, Stalin said, "proceeds from the fact of the

abolition of the capitalist system, from the fact of the victory of the socialist system in the U.S.S.R.”*

This means that the land, forests, factories, shops and other implements and means of production are owned by the people, by the toilers themselves, through their state. The Soviet Constitution, furthermore, is based on the fact that antagonistic classes and the exploitation of man by man have been abolished. There are no economic royalists in the Soviet Union. There are no Fords, no Girdlers, no Morgans who dictate to the people what and how they shall eat and live. Further still, the Soviet Constitution can exist because there is equality among the countless nations and races who make up the U.S.S.R.

Essence of Bourgeois Constitutions

In his report on the new Soviet Constitution, Stalin explains that there are two types of bourgeois constitutions. One is the type which the fascists establish, which denies all rights of the citizens, and strangles all democratic liberties. And even though the fascist-minded men in this country speak about defending the Constitution, in actuality they try to set up that kind of rule for America.

The second type of bourgeois constitution, “willingly accepts and even advertises democratic principles, but in doing so makes such reservations and restrictions that democratic rights and liberties prove to be utterly mutilated.”** This too can be seen here, when millions of citizens in this country are denied suffrage rights because of property and “educational” and other qualifications established by the states. It can be seen in the fact that young people over eighteen are likewise deprived of the right to vote, and an age limit of 25 for members of the House of Representatives and 30 years for the Senate is established here.

Above all is the fact that the rich control both the instruments

* *Stalin on New Soviet Constitution*, p. 13. International Publishers, New York. 2 cents.

** *Ibid.*, p. 14.

of production and also the press, the radio, the movies and other means of disseminating public information and propaganda. As Stalin puts it:

“Bourgeois constitutions usually limit themselves to recording the formal rights of citizens without concerning themselves about the conditions for exercising these rights, about the possibility of exercising them, the means of exercising them. They speak about equality of citizens but forget that real equality between master and workman, between landlord and peasants, is impossible if the former enjoy wealth and political weight in society, while the latter are deprived of both; if the former are exploiters and the latter are exploited.”*

By ending exploitation, by turning over not only the factories and land to the people, but also the papers, the radio, the schools, and public meeting halls, the rights guaranteed by the Soviet Constitution acquire a reality in life and practice. The Soviet Constitution goes further. It proclaims the right to work, and the right to leisure and education for all. But these are not merely formal, written promises. They are put into practice because the toilers own the means of producing wealth and thus the right to work is guaranteed and so, too, the right to leisure and education.

The American Dream

Americans have dreamed throughout the ages of a greater democracy, which will pervade every phase of human existence. The American dream is one which sees all the people secure in “life, liberty and the pursuit of happiness.” It is a tradition of struggle for a social order where, in the words of Samuel Adams, “the proud oppressors over the earth shall be totally broken down and those classes of men who have hitherto been the victims of their rage and cruelty shall enjoy peace and safety till time shall be no more.”

* *Ibid.*, p. 15.

After the American Civil War, a number of historic amendments were added to our Constitution which even at the present time are honored more in the breach than in the observance of this part of our fundamental law. We have seen that the Supreme Court had been in the hands of the Southern slave masters, who tried to make the Constitution their exclusive property. And when the will of the people was unmistakably expressed in the election of Abraham Lincoln in 1860, as a will to oppose the Supreme Court dictatorship, a will to oppose the extension of slavery, the owners of slaves refused to obey the mandate of the people. They too, just as the Tories one hundred and fifty years ago, just as the Tories right now, *did not believe in rule by the majority*. And it took four years of civil war to wipe out the slave power, to end the edict of the Supreme Court, to amend the Constitution in such a way as to bar slavery and to grant the Negro people the right of citizenship and suffrage.

“The right of citizens,” says the 15th Amendment to the constitution, “of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.”

Who are the violators and who are the defenders of the Constitution when the Southern states establish such voting regulations as do in effect deny the Negro people the right of exercising their suffrage? Those Southern Tories yell louder than any about the dangers to the American Constitution from “alien” and “seditious” persons. But they are the ones who are openly flaunting the provisions of the Constitution, disregarding its provisions and guarantees.

Fascism Menaces America

Thus we see that those who seek to destroy the foundations of American liberty and democracy are using an old, old scheme. They are hiding behind the Constitution. Under cover of defending the Constitution, there has appeared the greatest threat to

American liberty since 1861. This is the threat of fascism. It is the danger that the most reactionary bankers and industrialists will make their rule of club and gun, lynch rope and faggot, the law of the land. They tried to elect Landon in 1936, in an election where the issue was clearly between progress and reaction, democracy and fascism. Their chief propagandist is the publisher Hearst.

These Tories hide behind the Supreme Court, and seek to establish a despotism such as Jefferson warned against when he saw the Court encroaching on the rights of the people. They oppose every attempt to unpack the Supreme Court, which had been previously packed by a succession of reactionary administrations whose policies have since been voted down by the American people. Right now their major effort is to violate again the mandate of the people and prevent the adoption of the New Deal legislation which tends to meet the needs of the people. Good housing, minimum wages and maximum hours, an end to lynching and above all an end to Supreme Court dictatorship—these are the things the American people voted for. And these are the things which the Tory drive is striving to keep Congress from enacting. As in 1798, as in 1860, they want to make the Constitution a scrap of paper on which they write their interests, their profits.

But the American people are uniting to stem fascism and to do unto the Tories as our forefathers did over a hundred and fifty years ago. This unity of the people takes the form of the industrial organization of labor, the formation of Farmer-Labor Parties in some states, the growth of a progressive bloc in the Democratic Party, and a general realignment of political forces, with the united front of the people organizing to bar the way to fascism. This growth of an alliance of labor, the farmers, the middle class and youth, and the Negro and white people is in line with the great American tradition. It is the tradition which says, and which was carried forward by Lincoln, that government of the people, by the people, and for the people shall not perish from the earth.

The Communists participate in the great movement of labor and the People's Front. They are among the hardest fighters in behalf of every democratic demand of the American people. We Communists point a finger of accusation against the real enemies of the Constitution. We point to the economic royalists and say: The United States Constitution is not yours! You are destroying American liberty and trying to dig the grave of democracy. We defend every democratic right of the people, championed by Jefferson, Paine and Lincoln, and seek to extend that democracy.

The Constitution Belongs to the People

We are celebrating the one hundred and fiftieth anniversary of the American Constitution. It is a celebration of democracy, and Americanism. And with Earl Browder, General Secretary of the Communist Party, we utter that profound truth, "Communism is Twentieth Century Americanism." And while celebrating we say to those who seek to deprive us of our birthright and tradition: You shall not crucify American democracy and liberty on the altar of profit. Yes, we will defend every inch of democracy, and carry the American tradition forward. The People's Front now growing up in this country will truly be able to say that in this country fascism shall not pass. And in the course of this struggle for democracy, we show the way to the complete fulfilment of democracy and the American dream, under a society, where the "proud oppressors over the earth shall be totally broken down" and where we will be free in a socialist society of abundance and liberty.

* * *

We started out by telling the story of Kenneth Reed, the young steel worker who lived and died in the spirit of those who fought for American liberty. We conclude by saying that there is a power which can prevent the Tories today from wrecking the liberties of the American people, and prevent them from

repeating the outrage which was committed against Kenneth Reed. That power is the strength of a united people. To all who live by their labor and to the young men and women of this country we say that they can best continue in the tradition of America by joining the Communist Party or the Young Communist League. By doing so you will give greater meaning and strength to the one hundred and fiftieth anniversary of the American Constitution, and the two hundredth birthday of Thomas Paine.

To Be Published Soon—

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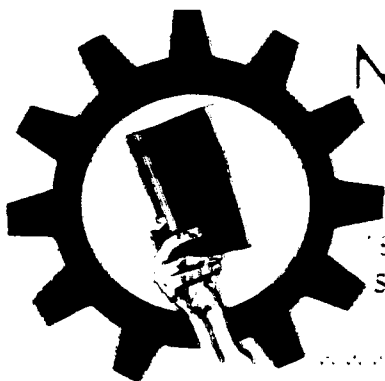
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