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ROLES OF THE CITIZEN

Principles and Practices

ROLES OF THE CITIZEN

Principles and Practices

WILLIAM S. VINCENT

Executive Officer, Citizenship Education Project
Teachers College, Columbia University

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Introduction

Most books dealing with aspects of citizenship in the society of today derive from the vantage point of one of the social sciences, such as political science, sociology, or economics. These sciences spread the issues and the evidence of public affairs before the student in a carefully integrated design. The student looks down upon it. He is not a part of it. He is no more a part of it than an airplane flying above is a part of the radiating design of Washington, D.C., or the towering skyscrapers of New York.

His view of politics may become oversimplified if he gets the impression that the carefully organized and logically integrated subject matter which he is studying is a reasonably accurate facsimile of life. It may appear to him that most public questions have clear-cut, scientific answers. Most social problems, it seems, could be solved forthwith if only human beings would face up to the facts. The student tends to become overidealistic and intolerant of those who have not had similar opportunities for scholarship. Instead of being a responsible, participating citizen, he may retreat from politics except to observe its phenomena somewhat in the same spirit with which a scientist observes the mating habits of the graybilled tern.

What the citizen in training needs is a textbook on his level—the level of the practicing citizen. He needs a book that will help him get experience and insight into the processes of citizenship. Any student may or may not choose the vocation of political scientist, sociologist, economist, or the vocation of doctor, lawyer, salesman, newspaper reporter, school teacher, fireman, or engineer. But whatever his vocation, he most certainly will have the avocation of citizen.

Citizenship is not a science. It cannot be studied in terms of neat formulas or organizational charts. Rather, it is a dynamic, many-faceted process. In a free society citizenship is concerned with the individual's impact upon the formulation and implementation of public policy. It is not political science, or sociology, or economics, or any other

social science considered purely as a science. The social sciences make important contributions to the student's preparation for his role of citizen. But they are not intended to teach him all the skills he needs to be the best, most active, and most responsible citizen his talents qualify him to be. More than scholarship in any of these sciences, the prospective citizen needs training for the practice of citizenship. For politics is a craft, an art, a science, all in one.

Politics is something of a game. It is often a rough game, at times a dirty one. The rules help decide what kind of game it is, and so do the kind of players. Politics has its cheering section; both teams have their faithful followers. There is a great deal of hero worship of the players. Whoever plays the game has to know the score at all times. He has to know his teammates and his opponents well. There is rarely much time for reflection and deep thought. What is the score, where is the ball, who is on first? These are the main questions.

Scientists, as a rule, are not well suited to politics. In fact, many who are trained to use scientific methods are handicapped in the game of politics. Scientists are rarely forced to jump to conclusions. But politicians often must act hurriedly. Even if they do not have all the evidence, they must decide, and hope that their guess will not be wrong. Scientists seek scientific solutions to problems. They give blunt, factual answers. Such detached directness does not go well in politics. Sometimes all the available scientific evidence points toward a single, clear-cut decision. For example, the evidence may show that five small schools should be consolidated into one central school to provide a better educational program for less money. But no; the people know all that, and they still want their five small schools. Science is concerned with discovering the truth. Politics is concerned with handling people. Its job is to mediate among the wishes, interests, aspirations, claims, and conflicting opinions of people. Facts bearing on the issue under discussion need to be taken into account. But facts are subject to interpretation, and people will interpret them to bolster their particular points of view. Politics, unlike science, seeks a plan of action, a basis for procedure, an agreement, an accommodation of variant opinions.

The techniques of science are tailored to the purposes of science. These techniques consist of (1) formulating hypotheses; (2) designing investigations to secure evidence bearing upon these hypotheses; (3) controlling the factors that may influence the results of such in-

vestigations; and (4) reformulating hypotheses in the light of evidence secured from the investigations. Does all this mean that science has no place in the formulation of public policies? It does not.

But the techniques of formulating public policies are different from the techniques of science. They include (1) securing facts, in as scientific a manner as possible, and disseminating them to those in a position to guide decisions on the issues involved; (2) resolving differences through the processes of group action such as discussion, persuasion, negotiation, and compromise, and influencing our public officials through action of voluntary groups; (3) selecting representatives through the process of nomination and election; (4) understanding and participating in the judicial process; and (5) understanding the functions of government and participating in them by influencing, to the best of one's ability, the policies of government, business, labor, the press, and other segments of our society.

A consideration of the skills required to do these things and of the areas in which intelligent civic action is most needed today makes up the bulk of this book. Its five units deal with the five techniques, broadly sketched above, by which citizens influence public affairs. The first chapter, not a part of any unit, sets the stage. It discusses the meaning of freedom and its relation to power, the nature of power, and the individual's share of power in a free society. The units deal with what the citizen *can* do and *should* do.

The contributions which the various sciences can make to the practice of citizenship are not missing from this book. All too often policies are unsound because vital facts have been ignored or slighted. A city council makes a decision about zoning. As a result a new factory moves to a section that should have been used for homes. The factory sheds dust and smoke on the rest of the town because prevailing winds blow from the factory towards town. People who can manage to do so move out of town. An entirely different class of people moves into town. Property depreciates and the value of the town's tax base is reduced. Was the city council facing the facts? Obviously not. Economics, geography, sociology, and cultural anthropology all could have supplied facts which might have led to a wiser decision had they been taken into consideration. Were the members of the city council to blame? Not entirely. Theirs was not even the major blame. When the zoning decision was made, only a few persons objected. Most people paid only scant attention to these objections.

Clearly the major share of the blame belongs to those who failed to object. They failed to object because of indifference or ignorance of the facts they might have had at their disposal. Had they been informed and interested, they might have brought about a different decision by the city council.

The course of public affairs at local, state, and national levels is full of examples like this. If the people are ignorant, their representatives are likely to act in ignorance, too. If the people are aware of the economic facts of life, the social forces at work, the scientific bases that can guide sound decisions, then their representatives will tend to use the evidence of research in formulating policies.

While this book stresses the practical approach to politics, it does not slight the importance of factual knowledge. The practical projects to be undertaken in conjunction with the study of each of the five units require factual knowledge and provide practical experience in political action. They develop skills. The student must undertake to do the tasks related to the field in order to learn to do them well. Experience is the best teacher. The laboratory method also develops insight. Only by personal involvement can a person gain a well-rounded view of the field and know how, under various circumstances and with varying emphases, facts apply to specific cases. We would question the competence of an expert on the problems of Africa if he had only read about the continent, and had never been there. Finally, the action method exemplifies concepts. Seeing is believing. That compounds are made up of elements is never so clearly manifest as when we electrolyze water. Without the exemplification of concepts, much of learning becomes a mere mastery of verbalisms which can be recited by the student without being fully understood. For the most insightful understanding of many concepts, one must see their application.

We think of the good citizen as one who *does* certain things. We do not think of the good citizen as one who merely knows. Active things are learned through action. Hence the importance of the laboratory projects. But action alone is not enough in the learning process. To be truly knowledgeable, a person must think about his experiences and analyze them, he must discuss them with others, and must read widely to broaden his background for understanding.

The covers of one book cannot contain all the material with which the student should be familiar. Therefore the textual portions of this

book are meant to be interpretive rather than exhaustively informative. The annotated references in each chapter will lead the student toward the wide reading and the broad familiarity with the literature that are an important part of his learning experience.

WILLIAM S. VINCENT

NEW YORK, NEW YORK
MARCH, 1959

PREMISES

Everyone shall possess the right to life and liberty.

U.S. Constitution, Amendments V and XIV, Section 1.

Everyone shall possess equal rights.

U.S. Constitution, Amendments XIII and XIV, Section 1.

No one shall exercise his rights so as to interfere with the rights of others.

Interpretation of scope of constitutional rights in such court decisions as *Kovacs* v. *Cooper* (336 U.S. 77, 1949) and *Shepherd* v. *Florida* (341 U.S. 50, 1951).

Everyone has the obligation, in the interest of public security, to accept restrictions or even suspension of certain rights during periods of emergency.

U.S. Constitution, Article I, Section 9, Clause 2, and court interpretation in such decisions as *Block* v. *Hirsh* (256 U.S. 135, 1921) and *Yakus* v. *United States* (321 U.S. 414, 1944).

The powers of government are distributed among federal, state, and local governments, or reserved to the people.

U.S. Constitution, Amendment X.

The legislative, executive, and judicial powers are exercised by separate branches of government, each in various ways checking the powers of the other two branches.

U.S. Constitution, Articles I, II, and III; the 50 state constitutions.

Military forces are under control of the civilian officers of government.

U.S. Constitution, Article I, Section 8, Clauses 12–16; Article II, Section 2, Clause 1.

Government shall be by law duly adopted and not by the whim of any man.

U.S. Constitution, Article III, Section 2; Amendment V; Amendment XIV, Section 1.

Government has the responsibility to promote the general welfare.

U.S. Constitution, Preamble and Article I, Section 8, Clause 1.

For additional documentation see:

Resources for Citizenship, Citizenship Education Project, Teachers College, Columbia University. Part III, pp. 245–283.

Chapter 1

The Nature of Citizenship in a Free Society

We do not live in a perfect society. We live in a free society. To be perfect, our society would have to provide everything everybody wants. But what is on your list of desirables may not be on somebody else's list. So if it is perfect for you, it may not also be perfect for him.

Farmers want high prices for what they produce. Consumers want low prices for the farm produce they buy. Workers who handle farm produce on the way to market want high wages for the work they do. Businessmen who pay the truck drivers for moving the produce and who pay the clerks who sell produce in the stores want lower labor costs so that they can earn good profits on their investments. Government needs high taxes if it is to provide price supports for farm produce so as to make farm incomes comparable to industrial incomes. But taxpayers want low taxes. And so it goes. Any arrangement that is perfect for one of these groups is not going to be perfect for any of the others.

What do we do in a situation of this sort? We work out some compromise. It may be a good compromise that works well for a long time. Or it may not be very good and we may have to seek another solution. In the meantime, all interested groups are free to argue for their point of view, to advocate the arrangement they consider just, and to make proposals to whoever is in a position to decide the issue—in this case, the Congress. A group may even bring pressure on Congress by threatening retaliatory measures at the next election against those Congressmen who do not support its view. Whether such a threat is effective depends upon whether such a group can muster enough votes to carry it out. All in all, arriving at a compromise is difficult. It entails argument, struggle, contention, and competition for support of one's views. Eventually there will be an accommoda-

tion, a decision designed to please most and antagonize least. But no *one* group will consistently get its way, *all* the way.

UTOPIA AND HOW TO GET IT

What would we have to do to have a perfect society, one in which there would be no struggle or contention, where every issue was settled in a way which everybody agreed was best? We would select somebody whom we believed to be extremely wise. We would entrust to him the responsibility of running the society according to his idea of perfection. All people who did not agree with his idea of perfection would be "educated" to his point of view. If their disagreement could not be resolved, we would have to get rid of them. Then the society would be perfect; everybody would agree that it was perfect because everybody would have been "educated" to believe in the rules for perfection which had been established. But, you protest, this would be dictatorship! And you would be right.

Plato described a perfect society in his dialogue *The Republic*. In this society there was no struggle, no argument, no dissension, no contention. All problems were solved. Everybody had a place and he kept it, a job to do and he did it. Everything ran like clockwork, and everybody was happy. One thing was necessary, however. Plato provided for a small group to make the decisions. He called this group an "aristocracy," which means rule by the best. The society was administered according to the aristocracy's idea of perfection. The aristocrats did not rule it for their own benefit solely, but for what they considered to be the best interests of everybody. But they made all the important decisions.

In 1516 Thomas More wrote a book about a perfect society. He called it *Utopia,* which is Greek for "nowhere." Here too, there were no arguments or unsolved problems, and everyone was happy. Again, it was necessary to provide for a small ruling group that represented all that was wise and good and perfect.

The idea of a perfect society is an attractive one. Many writers have tried to describe such a society. These writers include, besides Plato and More, St. Augustine, Campanella, Francis Bacon, James Harrington, Samuel Butler, and Aldous Huxley. All found it necessary to provide for a dictator or a small dictating class to rule their perfect society.

Free Societies and Dictatorships

A few men have actually had the chance to try out their idea of a perfect society. In 1922 Mussolini came to power in Italy and set out to make that country great again, and perfect according to his ideas of perfection. In 1933 Hitler came to power in Germany and tried the same thing there. He "educated" all to agree with him and liquidated the opposition.

The first major modern attempt to create the perfect society occurred in 1917 in Russia. There Lenin came to power by revolution. Lenin and Trotsky preached a doctrine that attracted the poverty-stricken masses in Russia. Instead of riches for just a handful of wealthy nobles, there would be food for everybody, clothing and shelter for everybody, education for everybody, a job for everybody. Everybody would, of course, have to do what he was told—there would be no freedom in the sense Americans attach to the word. But then, what good is freedom? You cannot eat it, you cannot wear it, you cannot even see it. Freedom in a capitalistic democracy is freedom to starve, freedom to be cold, freedom to be exploited. The Bolsheviks promised that sooner or later in a communist society everybody would be happy and have all he wanted of everything. It would be a perfect society.

By now it should be obvious to anyone who observes Soviet Russia, even from a distance, that it is not a perfect society. It has not provided the security and the goods that the communist revolutionaries promised; it may never be able to do so. American society, a free society, insisting first upon freedom, has supplied many more goods per person. We have even been able to give a great deal away to the rest of the world. Nor have the Communists eliminated contention and struggle, although they crush any difference of opinion as fast as it appears.

A free society changes constantly as it moves towards the ideals which motivate its people. The ideals themselves grow and change with the people. For example, when the Constitution was written, it was recognized that all power resides in and emanates from the people. The people who had the right to exercise power included white males, twenty-one years of age or older, who owned property. Later the property-owning qualification was gradually dropped. The color restriction was removed in 1870 with the ratification of the Fifteenth Amendment. Women were admitted to power in 1920 by the

Nineteenth Amendment. Now in Georgia and Kentucky, eighteen-year-olds have the right to vote, and in Alaska, people who are nineteen enjoy this privilege.

Who Are the Best Citizens in a Free Society?

Those who want all issues settled once and for all, who want everybody to be good and agreeable, are not likely to enjoy living in a free society. Nor are they likely to contribute very much to it. They would do better as subjects of an absolute king. They view argument, struggle, conflict and competition as things they wish they could do without. They want to be secure with a guaranteed future. They want to be told what is right. They are against experiment and uncertainty. They want somebody else to think for them. Perhaps they were brought up on the doctrine that "mother knows best."

Psychologists believe that a basic human characteristic is to want life to be secure. Life was secure for most human beings when they were very young, with parents to depend upon for food, shelter, clothing, and decisions on all questions. A despotic society resembles a child's world. Indeed, the terms *paternalistic ruler, patriarch* and *matriarch* often apply to such a society.

A free society, by contrast, is an adult world. It is a society built for those who want to stand on their own feet. Free people who govern themselves are going to make constant improvements in their society, and they are going to argue with each other and contend with each other in the process.

Independence and initiative are American characteristics; they are attributes of a free people. Whether Americans developed a free society because they had these characteristics, or whether our free society has given them these characteristics, is difficult to determine. Historians maintain that independence and initiative were necessary to survival on the American frontier, that the frontier was responsible for developing these qualities. They are probably right.

THE MEANING OF FREEDOM

The people of a free society should know what freedom is. They should recognize it when they see it. They should appreciate freedom. Yet, even in free societies some people do not know the meaning of freedom. They refer to it as a relative thing. They believe freedom means different things to different people. They say that freedom is

indefinable—merely a catchword that impassioned orators use in their speeches on Citizenship Day. The typical American soldier has not known for what he was fighting. He did not understand the great distinction between the free society he was called to defend, and the autocratic society against whose armed forces he was fighting.

THE SPIRIT OF LIBERTY

"I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it. . . .

"What then is the spirit of liberty? . . . The spirit of liberty is the spirit which is not sure that it is right; the spirit of liberty is the spirit which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias; the spirit of liberty remembers that not even a sparrow falls to earth unheeded; the spirit of liberty is the spirit of Him who, near two thousand years ago, taught mankind that lesson it has never learned, but has never quite forgotten; that there may be a kingdom where the least shall be heard and considered side by side with the greatest."

From an address by Judge Learned Hand in New York City on "I Am an American" Day, 1944

Freedom is not just an undefinable word or symbol. It is not a thing about which one need feel patriotic or emotional only when the flag goes by. Freedom has a definite, positive meaning for Americans. Some of its prerequisites were written into the Constitution by early Americans with vision enough to know that freedom should be the primary principle of a society. Other elements of freedom were considered so much a part of our cultural tradition that they were left unexpressed. Later some of these were clarified by the courts or expressed in specific legislation.

The Essentials of American Liberty

The Founding Fathers made certain assumptions about the society and government they were helping to found. As put in the Declaration

of Independence, "We hold these truths to be self-evident . . ." Equality of all men, freedom of speech, right to a fair trial, right to petition government, right to run for office—these are essentials we take for granted. We do not seek to prove the need for them. We assume that they are essential and conduct our affairs accordingly. This does not mean that some of the essentials of American liberty are not denied to some persons in some places and at some times. We *strive* to realize these essentials, but we do not succeed everywhere, nor at all times perfectly. Many attempts have been made to formulate a list of these American principles. The premises at the beginning of this chapter and of each unit are an example. These principles provide us with standards of values for judging the achievements of our society.*

Freedom as a Means to the Good Life

The principal objective of our American society is simply stated. We seek the right of every individual to develop all his potentialities to their maximum so long as he does not encroach upon the rights of others. This objective is an ideal. To say that we have attained it is to gloss over many glaring shortcomings. Still, nearly every basic policy decision made by our federal government, beginning with the writing of the Constitution, has had this objective.

What is our means for attaining this goal? It is freedom. Freedom allows us—compels us, in fact—to move toward that objective. Any individual, any group, is free to advocate and free to press for changes to better his lot. And any individual, or any group, that fears injury through such changes is free to oppose.

American history reveals very clearly that much of our progress has come through individual or group pressure for change. Workingmen, the poor, women, minorities, groups who for one reason or another were originally at a disadvantage, have been able to better their lot because there was freedom to press for changes. Progress is slow, but it is steady. If people were not free to make new proposals, if people were not free to advocate and push for changes in governmental policy, if people were not free to take sides and vote on issues and for the candidates that espouse them, no change to satisfy popular desires might occur, except through revolution.

* See also *Resources for Citizenship*, Citizenship Education Project, Teachers College, Columbia University, New York 27, N.Y.

Guarantees of Freedom

What is the traditional enemy of freedom? It is despotic government. Louis XIV said, "I am the state." Any Bourbon monarch could imprison his subjects at will and keep them in prison indefinitely. More recent despots—Hitler, Mussolini, Stalin—enjoyed similar powers. We fought our War of Independence and set up our Constitution to guarantee that citizens would not be coerced by an arbitrary government. Our guarantees of freedom are *restrictions on government.* They state what government may *not* do:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . .*
> Congress shall make no law . . . abridging the freedom of speech, or of the press . . .*
> The right of the people to keep and bear Arms, shall not be infringed.**

Since government, with its police and its military power, is physically able to enslave a people, we placed restrictions on government in this country to guard the people against the arbitrary use of this power. To guarantee that no single group could hold the powers of government forever against the will of the majority of the people, we arranged for free, regular, and frequent elections. We gave all qualified citizens the right to run for office. We gave people the right to assemble peaceably and to promote their varying points of view. These guarantees and others are written into the Constitution. On the whole, our leaders and our people have obeyed them. The Constitution has never been treated as just a scrap of paper.

WHAT IS A FREE SOCIETY?

It is a primary characteristic of a free society that those who are affected by decisions of public policy have a regular, recognized influence in making the decisions. The power to make decisions that determine the course of public affairs is the principal power in any society. In a dictatorship the dictator has this power. He possesses it solely. In an oligarchy or plutocracy this power is shared by a few leaders. Theoretically, in a monarchy the king has this power. Actually, in most monarchies this power is divided between the king and

* U.S. Constitution, First Amendment.
** U.S. Constitution, Second Amendment.

members of the hereditary nobility or aristocracy. In England, power devolved first from the king to the hereditary nobility, then from the king and the nobility to the moneyed class, and then from king, nobles, and the moneyed class to all the people. By now, the power of the throne and the nobility has vanished almost completely. England is a free society, after six centuries of slow and patient evolution.

Every society has people and it has leaders who can tell the people what to do. This is true of all societies, ancient and modern, simple and complex, primitive and civilized. This is as true of a free society as it is of a dictatorship. What is the difference, then, between a free society and a dictatorship? In a free society power flows not only downward—from leader to people; but also upward—from people to leader. In a free society, the leaders and the decisions which they make are constantly subject to the approval of the people. The people elect their leaders freely. Between regular elections, the people can keep their leaders responsive to their will by letters, telegrams, visits, lobbying, and pressure group action. In some states there are arrangements for the recall, whereby an elected representative can be removed from office; for the initiative, whereby the people may introduce a bill, and for the referendum, whereby legislation can be ratified directly by the people.

Once a decision has been made it becomes a law, a rule that governs public action. It is a rule for those who did not advocate it as well as for those who did, until it is rescinded or amended by a later law. Politics is the process of making and carrying out laws, or policies. In a free society where the people influence policy-making, we can all be politicians.

What are examples of clearly defined public policies in America? We have decided in favor of free public education, minimum wages to workers, private right to profits gained from the investment of private capital, taxation of private incomes to help support the cost of government, and assistance to other free societies throughout the world to resist encroachments upon their liberty and independence.

Rotation of Offices Safeguards Freedom

Political officeholding is not a permanently guaranteed job in a free society. The framers of the Constitution knew well how lifetime officeholders could abuse their power. It would be far better to elect officials for short terms only, to make public office an avocation of the many,

rather than a profession for the few. George Mason expressed the idea well in the Virginia Bill of Rights of 1776. He wrote that those who held executive and legislative power should "at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections. . . ." * A similar provision was written into our federal Constitution.

Sometimes rotation of public office does not work out in practice because not enough people are interested in public office. People are too willing to "let George do it." As a result many officeholders, in particular in local government and the state legislatures and the Congress, are re-elected term after term. Their tenure is not seriously disputed by anyone able to command the respect and the votes to contend seriously for their positions. These multi-termers are often the beneficiaries, and sometimes the main cogs, in well-oiled political machines in their region.

Distribution of Power on a Functional Basis

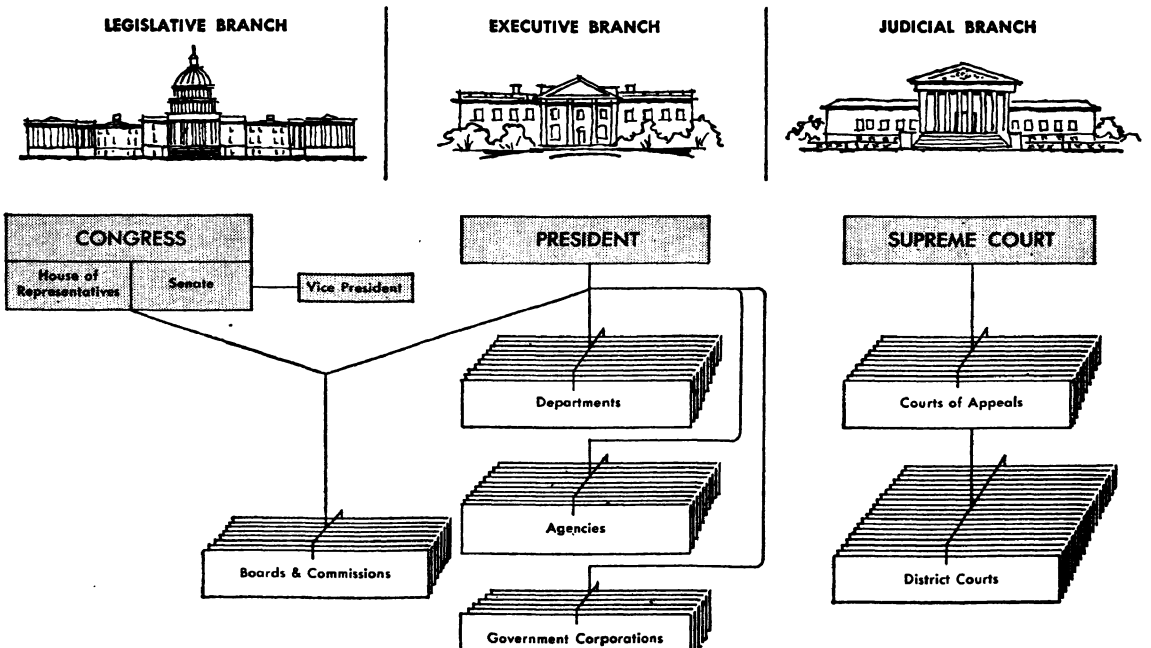
The federal Constitution and the constitutions of all the states provide for a functional distribution of power. Laws are made by the legislative branch, but the legislature does not enforce them. The executive branch is responsible for enforcement. Conversely, the executive branch cannot make laws.

This division is very important. When the executive branch can make laws without restraint from the public and can enforce them, tyranny becomes easy. The French kings decreed how much tax money was to be raised from the people and dispatched their collectors forthwith to collect it. The people had no recourse. While the modern dictator is, as a rule, surrounded with separate legislative and executive machinery, the legislative branch is merely an empty shell with no real power. The dictator decides what the laws should be, and the legislature approves them automatically.

In countries with a parliamentary form of government, such as modern Italy and modern England, the powers of legislature and executive are merged. The leader of the strongest party in Parliament, who is responsible for preparing a legislative program, is also the head of the executive branch of the government. In fact, he becomes the

* Henry Steele Commager, ed., *Documents of American History*, New York: Appleton-Century-Crofts, Inc., 1949, pp. 103–4.

BASIC STRUCTURE OF THE NATIONAL GOVERNMENT



executive head by virtue of being the leader of the party which has the most seats in Parliament. But Parliament requires of the executive a careful explanation of the need for laws which it wants passed and a periodic report on how the executive—the prime minister, his cabinet, and the permanent civil servants under their direction—has administered the laws. Moreover, English prime ministers are selected by their party, and party members are highly responsive to the will of the people who must re-elect them periodically.

An executive bent on tyranny may find it easier to subvert the legislature in a parliamentary type of government than in a presidential one. Subversion is not likely to be successful in countries with a long tradition of popular freedom, such as England. But in countries which lack a democratic tradition, the government can be perverted to dictatorship with relative ease. Both Hitler and Mussolini began as legally authorized heads of government and gradually extended their powers, as their parliaments, voluntarily first, and then by coercion, relinquished theirs. It seemed safer to the framers of our Constitution to make specific provision for the separation of executive and legislative powers and functions.

The framers of our Constitution also provided for the separation of the judicial power from the other two powers. While laws are made by the legislative branch and enforced by the executive branch, it is the separately organized judicial branch which determines the guilt or innocence of persons charged by the executive with a breach of a law passed by the legislature. In fact, the court may rule that a law passed by the legislature is not really valid because it violates the Constitution. In that case, the court may declare the law unconstitutional, which has the effect of setting it aside.

The separation of the judicial from the legislative and executive powers is an important safeguard of freedom. Suppose that the executive were able not only to apprehend persons accused of crime, but also to decide whether they were guilty. Through the prosecuting attorney the executive branch makes the charge and presents the evidence to support it. If the executive also possessed the power to decide whether its own evidence was valid, an innocent person would have little protection against overzealous officials. If the executive could, moreover, make the laws and thus decide what acts constitute crimes, political opponents would be at its mercy. A law could make any statement against the government a treasonous act. The execu-

tive, as prosecutor and judge, could then condemn all its vocal enemies to prison.

The framers of our Constitution had seen this brand of justice under tyrannical kings. The French monarchs, especially Louis XIV, were heavyhanded with their judicial power. A royal order was sufficient to put a man in jail. By such an order the regent Philip of Orléans in 1717 condemned Voltaire to imprisonment in the Bastille for eleven months as punishment for insults to the monarch. In fact, Voltaire had not made the remarks which had infuriated the ruler.

In England there is no explicit separation between the power of the courts and the executive power. Nevertheless, the rights of accused persons are carefully safeguarded by well-established procedures. A person cannot be held in jail unless he is charged with a specific crime. He has to be tried promptly. The trial has to be conducted by a court, not by the agency which makes the charge. Guilt or innocence is not determined by any officer of the government but by a group of ordinary citizens who are equal in social status to the person charged with the crime—a jury of his peers. These same safeguards are written into the American Constitution.

Distribution of Power on a Geographical Basis

Besides a functional distribution, there is also a geographical and a structural distribution of power in the United States among national, state, and local governments. The national government possesses the powers enumerated in, or implied by, the Constitution. The states and the people possess all other powers, except those specifically withheld by the Constitution. Local governments have only such powers as the states delegate to them.

In the United States many public matters are left to local determination. Garbage collection, maintenance of streets and sewers, the placement of street lights, police and fire protection, traffic regulation, the location of public buildings and parks, zoning and building regulations, these and many other services are largely under local control. In other countries, France, for instance, these services are provided for and managed by the national government. Power is highly centralized. American state legislatures could provide a similar system for the United States. They are not likely to do this because the people, who elect them, prefer local control to state administration.

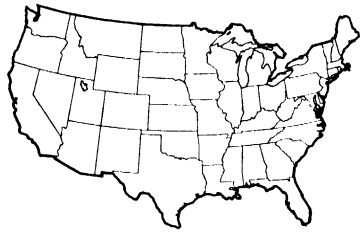
The locality is the real theater of action in our kind of free society.

THE FEDERAL SYSTEM IN THE UNITED STATES



THE PEOPLE AS A WHOLE
give powers to

THE
NATIONAL GOVERNMENT



THE PEOPLE OF EACH STATE
give powers to

THEIR
STATE GOVERNMENT

State and national leaders tend to rise from positions of local leadership. Once they reach national prominence, they cannot maintain it without the support of the majority of state and local leaders and their followers. Thus the many state and local leaders as a group possess the real power. Because local government is the theater of political action, it is relatively easy for you to get on the stage if you want to. If ours were a centralized government, and if issues were decided without reference to the opinions of local leaders, then politics would be a very remote affair indeed.

Change and Variety in a Democracy

In a free society the people do not think that all human problems can be solved once and for all. A free society fosters experiment and change. It encourages adaptation to new conditions and needs. American history demonstrates the evolution of the democratic concept. The War of Independence resulted in fundamental changes in the manner in which Americans were governed. The Industrial Revolution ushered in important changes in manufacturing, transportation, communication, methods of financing, and the organization of labor, which have laid the basis for our material greatness. The Age of Jackson, the War between the States, the rise of public education and the practical disappearance of illiteracy, the administrations of Cleveland, Theodore Roosevelt, Wilson, and Franklin D. Roosevelt, were

all periods in American history when significant changes in national policies took place.

Scarcely a section of the country has not been affected by modern developments in communication, transportation, electrification, technology, and marketing. Yet surprising variations occur in newspaper coverage and accessibility to the news, in house architecture, in patterns of recreation, in political and social attitudes, in religious affiliations and church membership. And within any one locality there is likely to be great variation among the inhabitants with regard to these and a hundred other characteristics. Lack of uniformity results from the right to express individuality. This is especially true of the United States, composed as it is of individuals of widely varying backgrounds, interests, and mores. But despite these variations, most people believe in the same basic values, such as democratic government, free public education, and religious freedom.

THE SOURCE OF POWER IN A DEMOCRACY

Two premises underlie all others in our society. One of these is that men have the ability to govern themselves. This view is strictly modern. Two hundred years ago the notion was not yet accepted that ordinary men could possess the judgment, knowledge, and resourcefulness to decide their own fate in their own best interests. It was thought that the ability to steer the ship of state accrued to relatively few men. Only a few were born to the purple and were specially trained to wear the ruler's robes. Average men were made to be led. The less they had to say about the policies of a wise prince, king, or ruler, who knew more about their real needs than they did, the better for all.

This view was at its height before the days of free public education when most people, it must be admitted, could not even read or write, and were woefully ignorant. But even today there are people who believe that the less we hear from the common man, the better. Some men are born to rule, but most are born to follow, say they. Free public education merely creates false hopes and unseemly ambitions in ordinary people.

That men have the ability to govern themselves cannot be proven scientifically. In the United States we believe it to be true. The fact that our government has grown stronger as it has become more democratic is evidence supporting our faith. Hence we conduct our public



Courtesy, Fitzpatrick and the "St. Louis Post-Dispatch"

Unto the Least of These

affairs as though the principle were true. But it can be effective only if people concern themselves intelligently about public affairs and shoulder the responsibilities devolving on citizens in a democracy.

The other premise that is basic to our society is the belief that every person is important as an individual; his well-being is vital in itself. Human freedom presupposes the worth of every individual. No man is a pawn, a serf, a slave, an instrument, a mere thing to be used purely for the benefit of somebody else or for the benefit of the state. The idea that man is good and that each person has value in his own right seems to have originated with the ancient Greeks. It is a basic tenet of the Judeo-Christian tradition. Perhaps more than anything else this belief is what distinguishes Western civilization from all other civilizations, past and present.

How the People Apply Their Power

It is easy to say that the people are the source of all power. Does the power of the people really operate in this country? Or is this power like a storage battery without wires connected to the motor of government? As a matter of fact, it is a well-charged battery, and there are several sets of wires conveying the power to the motor. Immediately one thinks of voting in primary and general elections at the national, state, and local level. There is also political party mem-

bership, at the grass roots of political power, the local precinct level. There is the opportunity for attaining public office and positions of responsibility in voluntary groups which influence policies. Individuals may sway their representatives through writing, telegraphing, and personal contact. Fellow citizens may be persuaded regarding issues, candidates, voting, and group membership. Money contributions support parties, candidates, issues, and campaigns. The right of the citizen to engage in these practices is protected by constitutional guarantees of freedom of speech, freedom of the press, freedom of assembly, the right to petition government, and the right to run for public office.

Throughout the process of policy-making there must be dissemination of information. There must be discussion. There is persuasion of others and an attempt to conciliate differences. There is negotiation between those of opposing points of view. And there is compromise. This is the democratic process at work in policy-making. It is a complex process. It requires time, knowledge, and skill. If the policy-making process in a free society is a concern of all the people, then more than just a few must devote time to the process and have the requisite knowledge and skill. Otherwise the source of power will not really remain in the people, despite what is most impressively written.

THE LIFE BLOOD OF DEMOCRACY

Laws give us rights. Laws permit us to influence the trend of public affairs, if we wish to do so. But no law can make us take a sincere interest in public affairs. Democracy will work only if the people, of their own free will and interest, concern themselves with public affairs, not only through voting, but through many other devices at their disposal. If the time ever comes when too many citizens neglect to concern themselves with public affairs—with the policies being developed at all levels of government, with the actions of our representatives, with the equitable presentation of all sides of issues under discussion —then we all most assuredly will lose our liberties. For freedom exists only when it is used.

In Athens, toward the close of the great fifth century B.C., the people became apathetic toward public affairs. After a time, those who were in power remained in office indefinitely. The democratic government of Athens disappeared. In the Roman Republic, during the first century B.C., the people became overwhelmed by the complexity of

public issues. Some thought that Julius Caesar, the great warrior and public idol, could solve their problems if dictatorial powers were granted to him. Others, among them Caesar's friend Brutus, believed that Caesar must be removed to save the republic and the freedom of the people to determine their own destinies. But the apathy of the people had progressed too far. When Caesar had been assassinated, they turned to another strong man, Caesar's adopted son Augustus.

Similar examples of the disappearance of democracy can be cited from modern times—the end of the First French Republic with the accession of Napoleon I, the end of the Second Republic with the accession of Napoleon III, the end of the Weimar Republic with the accession of Hitler. Many factors are instrumental in the disappearance of freedom. But the willingness of the people to give up their liberties, their neglect to exercise their rights, their refusal to take responsibilities for public policies, are present in every instance.

Thus democracy is not an inherently stable or static form of government. It is not in perfect equilibrium, like a stone wall. It is more like a spinning top. And if it ever stops spinning, if the interplay of forces that keep it going ever ceases, then it falls over on its side like a top.

In a democracy, concern for matters of public policy must be everyone's major avocation. Most people devote considerable time to becoming proficient in their chosen vocation. It is equally important to become proficient in the major avocation of citizenship. We do not readily recall what were the occupations of Washington, Jefferson, Madison, Adams, Clay, and Franklin. Nor do we care much. But we remember their common avocation to which they devoted great amounts of their time: concern for public affairs.

This avocation requires quite as much experience and training as most vocations. For no one is born with the skills necessary for effective citizenship in a free society. A society that must live on the skill and ability of its *amateur* politicians needs as many good ones as it can get.

Your Role in a Free Society

Now, where do you fit into this picture? You have three alternatives. You can be a rider, a driver, or a designer. Assume that we are all passengers on a safari. Vehicles are required to make the journey. You can go along merely for the ride. Or you can take the wheel. Or you can be one of those persons who knows enough about the mech-

anism of the vehicle to service it, repair it, or design new parts for it.

In the early days of our republic not many went along merely for the ride. Most people were actively concerned with the issues of the day and helped to steer the new ship of state as it set out upon its course. They kept informed and argued the trend of events with their fellow citizens, though the media for distributing information were much slower and less extensive than today. The Founding Fathers not only helped to chart a course for the new Republic, but they helped to design the ship of state itself.

Today, too many Americans are neither designers nor drivers. They merely go along for the ride. They benefit from the designing and steering ability of others without themselves taking any interest in charting the course or assisting in any way in repairing our vehicle when it needs new parts. They say nothing, do nothing, when important questions affecting their lives are decided. The nation's oil or forest resources may be at stake, or the price level of consumer goods, or efficiency and economy in government. The members of one branch of government may violate the principle of separation of powers and attempt to perform all three functions. Yet the great mass of the American people watch the event like interested spectators and usually do nothing about it.

People behave this way for two reasons. First of all, they are not interested. They are too involved in family affairs, or they are too busy making money, or they would rather go fishing. Secondly, they do not have the required skills. How do you influence a decision that is under legislative consideration? How do you hurt politicians who make deals with criminals? How do you keep your representative responsive to your opinions? How do you change the policies of powerful pressure groups? How do you go about running for office or getting an able and trustworthy person to run? You have to know a number of things to answer these questions. Somewhere along the line, the education of too many people has been neglected.

It is hard to see how anyone could fail to have an interest in influencing public policy and could place money making above policy-making, even for purely selfish reasons. For the struggle for political power determines the outcome of the struggle for dollars. The citizen no longer is sole master of his fate with success or failure determined by his own efforts. Government policies mold his life at every turn. What good, for example, does it do for a person to put his money into

a savings account if he permits the government to engage in policies that gradually deflate the dollar, robbing him just as surely of part of his capital as if thieves had entered the bank building and actually stolen the money? How safe are the citizen's life and property if foreign policies lead to major wars in which he must contribute his all to the fight for national survival? The large cogs of government mesh the gears of our private lives so inescapably that influencing public policy certainly has become a matter of primary self-interest. For this reason, intelligent immigrants to our shores frequently seek political power as one of their first goals. Even big-time criminals, before embarking on their ventures in crime, must make sure of the policies of those in positions of power. In the long run the most important question in material matters is: Who is going to decide?

The Institutions and Devices of Democracy

Nine centuries of invention have gone into the creation of institutions and devices which form the mechanics of democracy today. The best known type of parliament was created and developed by the English. At first it was a board of advisors to the king. Gradually it has become the principal agency for representing the general public of England and for making laws. Our Founding Fathers created a different type of legislature, a congress with the exclusive power to make laws. They provided for an elective president not only to keep the office closer to public opinion, but also to provide a greater measure of stability than is inherent in the parliamentary system. The body of rules of procedure known as parliamentary law was devised to make it easier to conduct business in groups and keep discussion orderly. It represents the application of common sense to the problem of hearing every side of a controversy and coming to a decision. Trial by jury is another device with English antecedents. Voting and the gradual extension to all the people of the right to vote, and the creation of measures to protect that right, have had a long history of argument and struggle on both sides of the Atlantic. One device of special importance to Americans is the voluntary group. As Alexis de Tocqueville noted as early as 1835, Americans are joiners. They pool their efforts and their money to nurture their points of view in groups.

The process of inventing devices to make democracy more effective and keep it more responsive to the will of the people still goes on. The secret ballot is a relatively recent invention which has come into wide

use. Under the system of legislative committees, small groups of legislators, instead of the entire legislature, undertake the preliminary work of fact-finding and discussion of proposed legislation. Committees specialize in certain kinds of bills. After a study of various new proposals, they report their recommendations to the whole legislature. A number of the states use the initiative and referendum to permit the people at large to participate directly in the legislative process. The city manager is a new type of government executive. Pretrial testimony, another novel procedure, is designed to speed the work of the courts, now bogged down in many places because of heavy case loads and time-consuming procedures. Another modern creation is the administrative board. The Federal Trade Commission, the National Labor Relations Board, the Atomic Energy Commission, and the Federal Communications Commission are but a few of the many administrative boards that combine limited legislative, administrative and judicial functions in some clearly defined field. At both national and state levels the administrative board has been developed to handle the increasing complexities of various aspects of the public business.

The citizen needs to understand the mechanism of these devices and know how he can use them. This requires information, skill, and a considerable amount of insight. Though mastery of all the facts pertinent to all issues is impossible for one person, the citizen needs to know some facts. He must also know how to handle fact and opinion intelligently and how to discriminate between them.

The principal purposes of the units that follow are (1) to develop skill in dealing with the devices by which public policy is made in our society, (2) to develop insight into the whole process of popular control in our society, (3) to exemplify the postulates upon which our society is founded, and (4) to help the student gain access to the facts and opinions pertaining to the issues of the day.

QUESTIONS FOR DISCUSSION

1. Should a free society limit the amount or kind of contention, argument, debate, and competition? If there are no limits, how is it possible to keep constant contention from destroying the society? If there are limits, who decides what they are and when they have been reached? Who applies the limits to argument and competition in a dictatorship?

2. Should we seek uniformity among our people as an important goal? How can we have unity in our country if we do not restrict contention, argument, and debate?

3. What are the principal items on your list of characteristics for a perfect society? How does your list compare with that of others? On what items is there agreement; on what items is there disagreement?

4. Analyze discussion on any controversial local, state, or national issue reported recently in your newspaper. Compare the arguments of each contending party. Is there any decision by which all parties could gain all their objectives?

5. Our society seeks to assure to each individual the right to develop all his potentialities to their maximum as long as he does not encroach upon the rights of others. What policy changes would move our society further toward this goal? What group or class in our society would be most likely to oppose these changes?

6. What are the primary differences regarding the guarantees of freedom between the constitutions of the United States and Soviet Russia?

7. Which guarantees in the Constitution permit the formation of political parties and pressure groups? Which make certain that holding public office is not reserved to some special class or group? Which permit the people to express their will to their elected representatives?

8. What evidence supports or refutes the following points of view: (a) In general, the common people lack the necessary knowledge, intelligence, and ability to govern themselves. (b) All men are innately qualified to decide their own affairs in their own best interest.

9. Do eighteen-year-old persons have the knowledge, skill, and intelligence to become full-fledged voting citizens?

10. Name some of the elements of uniformity in your community. Name some of the elements of variety. What social and economic features tend to distinguish it from other communities of its size? What would be gained if states and communities throughout the country were more nearly alike in social make-up, background, and habits of the people?

11. "In a democracy the people rule." Is this an adequate definition of democracy? Compare it to the definition in the text.

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UNIT ONE

Securing Facts and Disseminating Information



PREMISES

Government shall not interfere with freedom of speech and freedom of the press.

U.S. Constitution, Amendment I and constitutional provisions in 50 states.

Everyone shall enjoy freedom of inquiry and freedom of criticism.

Interpretation of scope of constitutional rights in such court decisions as *Meyer* v. *Nebraska* (262 U.S. 390, 1923) and *Terminiello* v. *City of Chicago* (337 U.S. 1, 1949).

Government shall not interfere with freedom of assembly or the right of petition.

U.S. Constitution, Amendment I, and court interpretations as in *De Jonge* v. *Oregon* (299 U.S. 353, 1937) and *Hague* v. *Congress of Industrial Organizations* (307 U.S. 496, 1939).

No one shall be denied the right to inform others by peaceful picketing.

Interpretation of scope of constitutional rights in such court decisions as *Thornhill* v. *Alabama* (310 U.S. 88, 1940) and *American Federation of Labor* v. *Swing* (312 U.S. 321, 1941). See also such legislation as the Clayton Antitrust Act of 1914, Sections 6 and 20, and the National Labor Relations Act of 1935, Section 13.

Everyone shall enjoy the privilege of a public education.

Northwest Ordinance, Article 3. Constitutional provision in 50 states.

Church and state are separate institutions; government shall not interfere with freedom of religion and conscience.

U.S. Constitution, Amendments I and XIV, Section 1, as interpreted in such court decisions as *Everson* v. *Board of Education* (330 U.S. 1, 1947).

For additional documentation see:

Resources for Citizenship, Citizenship Education Project, Teachers College, Columbia University. Part III, pp. 245–283.

Introduction and Laboratory Projects

In a free society the people not only have the right to voice opinions about public affairs, they also have the means for making their opinions heard. They express their opinions through conversation and debate, through speeches and electioneering, through letters, books, and articles. They express opinions through groups to which they belong, by means of mass meetings, through delegations and visits to their representatives. And, of course, they express their opinions when they vote in elections. One way or another, over the long run, those in policy-making positions must be responsive to the opinions of the people.

Why the People Need Access to Information

The free flow of information is the life blood of a free society. Without free access to the sources of information the people cannot intelligently influence the course of public affairs. Without the free flow of information, they may not know what their representatives are doing; they may not be able to communicate with one another, or combine forces to influence their representatives.

In a dictatorship it is sufficient for the ruler to know the facts. There is no need to inform the masses, for they have neither the right nor the means for influencing public policy. They only need to know the ruler's opinions buttressed with a few carefully chosen facts which support his policies.

In a free society there is no *one* policy maker. Every citizen needs to know the facts about issues that he undertakes to promote or vote upon. Suppose that during a period of inflation, caused by high prices, high income, full employment, and scarcity of goods, Congress decides to reduce taxes sharply. Why would the party in power do this? It might be a bid for votes at the next election because tax-cutting

appeals to the public. If the people spent the tax savings more quickly and completely than the government spends tax money, a great reduction in taxes would put more money into circulation. This would make the inflation greater. Since there are not enough goods to go around anyway, and there is additional money in the taxpayer's pockets, prices that are already high will go higher. Tax reduction will bring few benefits.

If the people knew the facts of economic life, they would not support such a move. They would not later vote for the party that sponsored the move. If the people did not know the economic facts of life, each person would think of his own immediate tax saving and cheer the party which had secured it. What would be the effect of such ignorance on the economy of the country? A great number of economic blunders, condoned by an ignorant or disinterested public could end in disaster. Certainly, in a free society, where the people are free to influence policy and where sooner or later all public policy is subjected to popular vote, the people need to know the facts.

It might be simpler if our elected officials did what they thought was right, without regard to public opinion. This often-expressed viewpoint shows a misconception of the American way. It suggests that we need a government isolated from the people. This would ultimately lead us away from a government by elected officials, responsive to public wishes. As in a dictatorship, public policy would be made by one man, or a small group. Our experience in democratic living has taught us that decisions which are hammered out in public, in the long run, are better decisions than those fabricated behind closed doors by a few individuals.

Coping with the Flood of Information

In our society there is a gigantic apparatus for disseminating information—newspapers, books, periodicals, pamphlets, radio, television, movies, plays, lectures, letters, handbills, billboards, posters, and many more. In a free society, this apparatus is free from government control. Our constitution guarantees explicitly or by implication that government may not pass any law abridging freedom of speech or the press, or any other media of information.

Freedom of information is one of the grandest and most magnificent accomplishments in American history. Yet it constitutes one of the most difficult tests of freedom. Freedom of information protects

both the scientific treatise and the rack full of paperbacks with salacious covers. It protects both the objective, responsible newspaper, and the sensational "yellow" journal. It protects the writer of high integrity and the rabble rouser whose job it is to dig up "angles" that will attract attention. It protects them all.

But who protects the citizen for whom all this mass of information is prepared? He must protect himself. He must exercise wise choices in what he reads and in what he believes. He must know enough to spot falsification of fact wherever it occurs. Freedom of information requires the high development of individual ability to pick and choose wisely among the things that are printed and said. The free flow of information is the life blood of a free society, but it is not regulated by automatic valves. If the power of censorship were given to government, it might easily be abused, as in a dictatorship.

Many newspapers, magazines, and other publications are printed by or are favorable to the interests of particular groups. Some newspapers favor business interests. Others favor labor interests. Certain magazines foster the interests of particular religious groups. Others are responsive, in greater or lesser degree, to the wishes of conservationists, farmers, physicians, consumers, prohibitionists, moralists, isolationists, patriotic groups, city planners, and a host of others. There is, moreover, a great deal of propaganda in many of our publications, and there are many publications whose primary objective is dispensation of propaganda.

But this does not result in a dangerous concentration of power because no one group, class, party, or special interest controls the whole apparatus of information, though some groups, classes, parties, or special interests may control parts of it. The citizen has choices. He is not forced to read, buy, or support a newspaper, periodical, or book whose point of view clashes with his own. If he is wise and skillful, he can get news that is relatively uncensored. At the very least, he can know when to expect propaganda and take steps to be on guard.

Freedom of information means not only that you can get information, but also that you can dispense it. You may not be the editor of a great newspaper, or a well-known speaker to whom many others listen, or the head of a pressure group speaking for a large membership. But the same guarantees that protect them when they write a speech also protect you. Furthermore, though you may not now be in a position of important opinion leadership, you may sometime be.

No special class of people is ordained to speak, write, or influence their fellow citizens.

What the Chapters of Unit One Contain

To comprehend the process of securing facts and disseminating information and its operation in our society, you will need to examine its function in three specific but overlapping spheres which relate both to society at large and to you as an individual citizen. *Public opinion* is the subject of Chapter 2, the first chapter in this unit on Securing Facts and Disseminating Information. What is public opinion? How is it formed? How does it influence policies? What part do you play in public opinion?

Mass communication is the subject of Chapter 3, the second chapter in this unit. What is the effect of mass-produced publications upon public affairs? What is the relation between freedom of the press and press responsibility? How does the fact that mass communication is big business influence the role it plays? What is the distinction between education and propaganda? Is the individual citizen a victim of mass communication and propaganda, or does he in effect control the propagandist?

The role that every intelligent citizen should play in *informing and influencing others* is the subject of Chapter 4. Are you an intelligent user and disseminator of fact, or are you an unwitting propagandist? Are you an intelligent chooser and consumer of mass communication, or are you buffeted about like a tiny cork in the vast and churning sea of mass communication?

The selected references at the end of each chapter are guides to the literature of politics, political science, sociology and allied fields that can prove helpful in illuminating the meaning and the function in our society of securing facts and disseminating information. The premises listed at the beginning of this unit outline the rights, privileges, and responsibilities on which the right to freedom of information in a democracy is predicated. At the end of each chapter is a series of discussion questions to assist you in thinking about the content of the chapter, examining the material of the references, and drawing conclusions based upon all these sources.

Description of eight laboratory projects follows. These should be undertaken by the class concurrently with the study of the three chapters in this unit. The descriptions are meant to be suggestive and

to indicate the possibilities for laboratory experience in this important aspect of citizenship education. Class and instructor may be able to develop laboratory projects which are more suitable for their particular purposes or environment.

LABORATORY PROJECTS

(A) Conducting and Evaluating a Public Opinion Poll

Scope: This project is designed to give students experience in the preparation of questionnaires for simple public opinion polling, and in the evaluation and presentation of the results of such polls.

Each member of the class prepares a questionnaire to poll the class on a controversial issue. The results of the poll are interpreted in the light of the information sought by the questioner.

Preliminaries: A large number of the group projects suggested in this book require an elementary knowledge of polling techniques. This initial polling project should therefore be reviewed whenever questions arise in subsequent projects about polling techniques. Before engaging in any polling activity, students should check with campus authorities and other interested organizations about the legality of conducting the poll, and about possible objections from the campus or the community. In some areas a police permit may be required for polling. There must be strict observance of university rules regarding the age and sex of students who may engage in polling activity, or the neighborhoods and hours when polling may be done.

Procedures: Students should familiarize themselves with polling techniques by reading some of the references on the subject presented in the reading list at the end of Chapter 2. With the approval of the instructor, each student selects a simple topic for a class poll and prepares a questionnaire. Or several students may select the same topic, but each should prepare his own questionnaire. Students then submit their questionnaires to the entire class, or a selected portion of the class. Each student prepares an evaluation of the results of his poll.

Results: The various polls are discussed by the entire class to determine whether the questions were properly phrased to elicit the desired information, and whether the information was properly interpreted. Students should become aware of the importance of brief, unambigu-

ous, and objective questions, the techniques of securing a representative sample, and the correct approach to the person questioned. If several students poll the class on the same topic, their questionnaires can be compared for effectiveness. Students should note how different phrasing of similar questions may result in different answers, and how the interpretation of the answers depends on the inclinations of the questioners.

(B) Analyzing Newspaper Influence on Public Opinion

Scope: This project is designed to help students determine some of the forces influencing public opinion, examine the extent and technique of influence of these forces, and learn to assess the public information role of one of the media of mass communication.

Students make a content analysis of material appearing in one or more newspapers over a selected period of time. They compare the results with a poll obtained on a sampling of public opinion. They evaluate the influence of newspapers on public opinion.

Preliminaries: In communities where more than two papers enjoy wide circulation, a preliminary survey may be necessary to determine what papers are read most frequently. This survey may include questions on newspaper reading habits, types of material most commonly read in different papers, and readers' general attitudes toward the reliability of news reporting in the different papers. Depending upon the amount of student manpower available and the length of time to be devoted to the activity, the number of papers to be used in the study may be limited. Papers for which there is only a scattering of readers may be eliminated.

Procedures: Students select a period in the past for which newspapers which were widely read in the community are subjected to content analysis. Newspaper files are most commonly found in the library or in newspaper offices. Student committees divide the work, either in terms of topics, or in terms of newspapers or daily issues examined.

The class should study the basic methods of content analysis. Helpful suggestions may be found in Bernard Berelson, *Content Analysis in Communication Research,* Glencoe, Illinois: Free Press, 1952; Marie Jahoda, Morton Deutsch, and Stuart W. Cook, *Research Methods in Social Relations,* New York: Dryden Press, 1951, Part 2,

Chapter 16. Careful plans should be laid for committees to undertake the analysis, and deadline dates set for the completion of this initial phase of the project.

In tabulating the results of the content analysis, due attention should be paid to such questions as: Has the preponderance of communication favored one side of an issue? What side has the relative balance favored? What are the issues on which one paper or another, has most effectively devoted its space to a particular side, as contrasted with other issues, and with other papers? What issues have been fairly well treated in terms of emphasis and coverage by all or most newspapers? Does the newspaper's editorial policy influence its coverage of straight news? On what issues?

Next, the class prepares a list of questions designed to reveal public opinion regarding the issues which have been analyzed in the newspaper study. The class tries to determine the extent to which public opinion agrees with prevailing newspaper opinion, and to what extent similarities are the result of newspaper influence. Interviews may be carried out on a sampling basis. Or they may be limited to community leaders, or representatives of business organizations, or to other groups and agencies of which the community is composed.

Results: A comparison of newspaper content and poll results should reveal answers to such questions as: What newspapers appear to be most influential? On what types of issues are they most influential? What is the relation between newspaper influence and types of communication or propaganda device used? Are some newspaper attempts to influence people so obvious as to put the public on guard? Are there variations of influence with different population groups? Is there a relation between newspaper views and views already held by the public?

Variant: This project may also be used to investigate the influence of radio, television, campaign speeches of political candidates, or any other form of communication. If sufficient manpower is available, several communication media may be studied.

(C) Investigating the Contribution of Local Newspapers to Community Life

Scope: This project is designed to help students understand the meaning of press freedom, the obligation of the press to serve the public interest, and the practical problems confronting a medium of mass communication.

Students poll newspaper readers to find out whether the local paper gives them the news and other features they want in the proportions they want, and to find out how well the newspaper performs its public service function. This information may be made available to local newspaper men for their guidance.

Preliminaries: Students develop a definition of a free and responsible press and its role in the community. Historical perspective may be gained from references like Galt's *Peter Zenger,* Williams' *Liberty of the Press,* and McIlvaine's *It Happens Every Thursday.** Present day problems of the press may be studied by consulting the references at the end of Chapter 3.

Procedures: Students analyze newspaper content in several issues and tabulate proportions of space devoted to various types of world, national, and local news and features—sports, comics, editorials, feature stories, advertising, locally written news, "boiler plate," wire-service material, material prepared by press representatives, etc. They discuss with local newspaper personnel the reasons for inclusion or exclusion of material, page placement of material of various types, and other day-to-day decisions in editing and make-up.

In addition to sampling public preferences on amount and types of news and newspaper features, students may poll readers to find out how they actually read newspapers, how much they read, what they read, the extent to which they feel newspaper presentation of the news is reliable, the extent to which they read newspapers from outside the community, etc.

Results: Students report their findings to the cooperating newspaper men and discuss with them ways in which news publication can be improved as a public service. Complete copies of the report may also be placed in the library for use by students of journalism or related social science fields.

(D) Encouraging Greater Use of Improved Radio and Television Programs

Scope: This project is designed to help students understand the role of radio and television in American society, and to develop critical attitudes toward it.

Working with radio and television stage managers or pro-

* Thomas F. Galt, *Peter Zenger,* New York: Crowell, 1951; Chester S. Williams, *Liberty of the Press,* Evanston, Ill.: Row, Peterson, 1940; Jane S. McIlvaine, *It Happens Every Thursday,* Philadelphia: Macrae-Smith, 1951.

ducers, students sample public listening and viewing habits and tastes, and try to determine what improvements in local programming are likely to be successful.

Preliminaries: If local station managers are interested in securing the help of students in surveying public listening and viewing tastes, the managers should be questioned about legal requirements and the financial and mechanical limitations of public service programming. It is important to get answers to such questions as: Should more groups in the community take advantage of free time set aside by radio and television stations for public service programs? Would the station cooperate if students urged groups to apply? What community events might be covered by public service programs if financial difficulties could be overcome? Is the station interested in finding out the relative popularity of programs in the community? Would the station welcome the formation of some regular channel of communication between the listening public and the station? Would station managers listen to suggestions for improving programming?

Procedures: Students study station programming over the past six, eight, or ten week period, tabulating time allocations among various types of programs, ratio of advertising to entertainment and educational content, proportion of public service programs, etc. They prepare radio and television log blanks on which listeners, who have volunteered to do so, enter information showing the time their sets are turned on, programs and stations tuned in, reaction to programs, etc. Some check on volunteers may be necessary to insure fairly complete listening accounts.

Interviews should be conducted during the period of the test with all or a sampling of the families who have volunteered to keep logs. Interviewers ask listener opinion on programming policies, program preferences, and suggestions for program improvements. Leaders of community groups and agencies are interviewed to seek answers to such questions as: Would you be interested in using local radio or television time for a public service program? Would you assist in identifying local talent which might be used on entertainment or educational programs of local origin? Would you help others who undertook to promote programs of local origin?

Results: Students analyze the results of the various facets of the study to determine the influence of radio and television programs. A succinct report is made the basis of conferences with station personnel to

determine what steps, if any, should be taken as a result of the study, either in cooperation with community groups whose leaders were interviewed, or by the stations alone.

(E) Polling Opinion For a Legislative Representative *

Scope: The project is designed to give students an understanding of the relationship between opinion leaders and public opinion, and between public opinion and the legislative process. It indicates the means by which citizens make their opinions known to their representatives.

Students poll local opinion leaders, or the general public, on issues selected by a legislator, preferably on pending legislation, and inform him of the results.

Preliminaries: Students decide whether to perform this service for a city, county, state, or federal legislator. Public opinion may be solicited on one issue, or a group of issues. It may be recorded at a given time, or over an extended period of time. If the representative wishes, this may become a continuing service rendered by a class committee, club, or special group of students, or it may become an annually recurring activity for succeeding classes.

Procedures: A committee of students meets with the representative and offers to poll various segments of the public for their views on public issues, preferably issues related to pending or proposed legislation. The poll may concentrate on political party leaders, both friendly and opposed, labor and business leaders, selected local government officials, farm leaders, or leaders of various civic and community organizations. The rank and file should also be spot-checked.

Students agree to tabulate the results in a way that will distinguish varying opinions of different segments of the community. They agree to keep the representative's name out of the matter, if he wishes.

Results: The results of the poll are submitted to the legislator. The report should include pro and con statements by influential local citizens, statements from the local press, and statements by local party leaders. If the legislator wants certain results of the poll made public, the class can prepare news releases for the local press and radio. If possible, the report should be presented to the legislature.

A legislator may not always want the clear-cut opinion of his con-

* Adapted from the Laboratory Practices Card File of the Citizenship Education Project, Teachers College, Columbia University, New York.

stituency expressed on paper; he may wish greater leeway for negotiation and decision than a clear mandate from the people would allow him; he might like to know what his constituency thinks, without their knowing that he knows. He may be suspicious of the use to which his political opponents might put these data collected for his benefit; he may not trust opinion polls. An understanding of considerations such as these may yield greater insight into the legislative process than attainment of the main objective of getting a clear expression of community opinion.

(F) Investigating the Facts of an Issue for the Community or for A Community Agency

Scope: This project is designed to help students appreciate the relation between verifiable facts and opinions expressed by various interest groups on issues which touch them in different ways.

The class acts as a research agency to secure facts relating to a community problem, for the purpose of informing public opinion generally, or supplying some particular community agency with verified facts for use in a community campaign.

Preliminaries: The problem selected for investigation should be one in which the community is actively interested. Some community group may already have pressed for a solution. Possible problems include improved smoke control, improved traffic regulations or parking facilities, enforcement of gambling or liquor laws, enforcement of social hygiene laws, securing a resident doctor or a clinic, or a new hospital for the community, campaigning for or against fluoridation of the local water supply, or for or against a community chest X-ray survey or blood mobile.

If the class works with a community agency, that agency should be asked to cooperate in the selection of the problem. A class committee should propose to supply the agency with factual material which it will agree to distribute to the public. If the decision is to work independently of community agencies, the class must first plan how the results of the research can be made available to the public.

Procedures: The class collects and organizes all the known facts with regard to the question chosen. Class members, individually or in groups, interview specialists in the field of inquiry. They write to re-

search agencies, government bureaus, information services, professional societies, and similar organizations which supply literature and research results. Students may also directly investigate local conditions, resources, facilities, or patterns of behavior. They may examine pertinent public records, newspapers, library materials, and documents of local businesses or other agencies.

Since an important part of this project entails observing the effect of factual information upon public opinion, plans should be made for some systematic study of how the public responds. This can be done through a poll, by attending a discussion of the results of a city council meeting, by presenting the results at a public forum, by including representative panel participants in the radio or television programs through which the results are presented to the public, or by encouraging letters and other communications from readers of the newspaper articles or listeners to the radio programs. Does the public tend to react from a clear presentation of the facts in the way one would suppose? Is there a difference in the way leaders respond and the way the general public responds? Is there a difference in what people say about the issues and what the community does about them?

Results: A report of facts and conclusions is prepared for transmission to the cooperating community agency, if there is one, or to the public directly. The report may be presented through a series of articles in the local press, a series of radio or television programs, or a public discussion meeting in a special forum, or at a regular session of the city council.

(G) Conducting a Campaign to Influence Public Opinion

Scope: This project is designed to help students understand the extent to which public opinion is a power in deciding issues, the difference between latent and expressed public opinion, and the factors that influence the formation of public opinion.

Students cooperate with an interested community agency to develop public support for some specific public service project.

Preliminaries: The issue selected should be one related to public welfare in general, but of no particular urgency at the time. Suitable projects might include conducting a water or wild life conservation program; conducting a community clean-up or pest control campaign; or campaigning for a community chest X-ray examination or better hos-

pital facilities. The problems suggested in Project F, above, would be suitable, too. Students might also conduct a campaign to influence student opinion regarding campus policies.

Procedures: Students negotiate with a community group or agency (unless the issue is strictly a campus matter), and offer to assist in promoting the campaign in question. With agency leaders, they plan steps in the campaign and the various communication media to be used. They also decide on the methods to be employed by the class to observe the formation of public opinion relating to the campaign, and to assess the effectiveness of the campaign techniques used.

Results: The findings should attempt to answer certain vital questions, such as: Does a matter touching the general public welfare automatically secure general public support? How can one tell whether an issue has general public support? What is the role of opinion leaders in the formation of public opinion? Is there a difference between what leaders say about the issue and what members of the general public say? Who speaks for the "public"? For what parts of the public? Is there a difference between what people say about the issue and what leaders do about it in the policy-making agencies of the community? Is there any pattern of stratification of opinion in different groups of the community?

(H) Reporting on the History Behind the News *

Scope: This project is designed to help students and members of the community to learn how to form valid judgments on matters of public policy.

Students write a newspaper column on the historical background of current problems in the news.

Preliminaries: Students plan to prepare a column each week on a local or general news topic of continuing public interest. They might divide into teams of three to five students, each team investigating a different aspect of the topic. A sample column is submitted to a local editor. If he is willing to publish such a column regularly, agreement should be reached on the length of time the column will run, frequency of publication, deadline for copy, number of words in the column, forms of credit to be given to the student authors, nature of editing to be done, and style of writing to be followed.

* Adapted from the Laboratory Practices Card File of the Citizenship Education Project, Teachers College, Columbia University, New York.

Procedures: The class selects the topic to be covered, organizes itself into teams, and plans its specific activities. In general, the teams seek to answer such questions as: What is the importance of this event or problem? Under what circumstances has a similar event occurred previously, or a similar problem arisen? What action, if any, was taken, and what were the results? What conclusions can be drawn from the past to apply to the present situation?

Results: The teams pool their findings. They may select a special committee to write the column. The text can then be scrutinized by the entire class, rewritten, if necessary, and prepared for publication according to the editor's instructions.

See also Project A, Unit II.

Chapter 2

Your Opinion and Public Opinion

Your opinion is a part of public opinion. Most likely it is a very small part. Though power in a free society is widely distributed among many, it is not divided equally among all. Some people are more influential than others. We listen to them, we ask them for their opinions on various matters, we are influenced by their judgments. *Opinion leaders,* sociologists call them. Some opinion leaders have a greater following than others, and thus have more influence than others.

The giants among opinion leaders are those who reach high positions of leadership—candidates for president or governor, presidents of large corporations and labor unions, editors and publishers of major newspapers, some university presidents, speakers, writers, and others who have especially distinguished themselves in the world of public affairs. Any community has its most influential citizens—those whom others respect and listen to, or those in responsible positions of local government, or party leaders, or those who otherwise have distinguished themselves in local public affairs.

A leader must have a following. People listen to him, believe him, believe in him. Things he says are repeated, printed, and commented upon. And it goes without saying that in a free society every opinion leader has his opponents. They criticize him and disagree with his views and oppose his suggestions.

Some leaders have small followings, or followings with respect to a few topics only. For example, you would accept a baseball player's views when he is commenting upon the strain of world series competition, but you might not place much stock in his opinions on Middle Eastern affairs.

It would be hard to find a person whose opinions on all subjects would be ignored by everyone. Practically everyone has a following



Will the listener accept the views of this opinion leader, or will he form his own opinion? The power of opinion leaders depends on the size of their following.

Courtesy, New York Life Insurance Co.

of some sort and of some size, you as well as your neighbor. One of the marks of success in the world is the extent of the following you have—how many people will listen to you and on what topics. Though your part in the formation of public opinion may be small now, chances are it could be greater if you chose to make it so. Anyone may be an opinion leader. He may suddenly rise from obscurity when some opinion he has expressed attracts a large following. When he loses his following, he may return to obscurity.

WHAT IS PUBLIC OPINION?

There has been much speculation about the nature and role of public opinion in a democracy. Some believe that public opinion is a composite of the opinions of all the people. Others say that it is made up of the opinions of opinion leaders, which their followers automatically endorse. Some think that public opinion is the essential influence upon policies in a democratic society. Others deny that it is a positive force in public affairs. There is some truth in all of these views. What public opinion is and can achieve in fact, depends on the public.

Suppose that the policies proposed and acted upon by our elected representatives do not please us. What can we do about it? We may refuse to vote for these representatives in the next election. If a large



Courtesy, "Harvester World" International Harvester Co.

These men work at similar jobs. They are likely to come to a group conclusion in their discussion. Views of a vocal minority may prevail over a silent majority.

rights when he allows someone to speak for him if the opinion expressed is not really the one he holds.

Elected representatives can only listen to *expressed* opinions. An unexpressed view may be sound, well-informed, and the holder may enjoy studying and thinking in private about public affairs. But unless opinions are expressed publicly, they mean nothing at all as far as public affairs are concerned. If there were some way to make sure that every opinion held among the public could be expressed in strength proportionate to the numbers that held it, then policy-makers would have a true guide to the wishes of their constituents.

Two basic difficulties stand in the way of continuous clear channeling of public opinion to policy-makers. One is the *unequal expression of public opinion.* Expressed opinions often are minority opinions only. The other difficulty is the *uninformed expression of opinion.* Each of these has its psychological explanations.

Unequal Expression of Public Opinion

Why should anyone let someone else speak for him? Why should many people let a few do the talking?

People respond only when they are strongly stimulated. When people are extremely enthusiastic or extremely indignant, they will say what they think. When things seem to be going smoothly, or do not affect them directly and immediately, people tend to keep quiet. But when hard times come, when crises threaten, when emergencies occur, people will express their opinions—and plentifully. It is the odd, the strange, the different, the difficult that motivates people. Newspapers and periodicals exploit suggestions of crisis—war, strike, impending depression, or other difficulty—because they know that people will respond to strong motivations and buy more papers to read about calamities. Is it desirable that the public speaks up rarely except in emergencies or in response to sensational presentation of issues? Is the psychology of emergency a sound basis for appealing to the American people when new laws are needed?

On many issues people express no opinion because they do not feel directly affected by the matter. For instance, city dwellers may be indifferent to a new proposal for government subsidy of farm prices. They may believe that this is primarily a question concerning farmers' prosperity. Though city dwellers may not feel directly concerned, they are affected, of course. The proposal may greatly influence the prices city people will have to pay for food.

What can be done to raise the level of motivation that causes people to express themselves? There is something that you can do—you and millions like you. You can learn to grasp the importance of issues which may have no emotional overtones—issues like improvement of educational programs, rationalization of the tax structure, stream-lining of court procedures, reorganization of government structure. And you can work for the solution of these problems. You can assess the mood of public discussion on any issue, discount emotional appeals, and reach for factual and reasonable bases of judgment. And more than that, you can express your opinions in reasonable fashion and urge others to do so.

People behave according to the way members of their social class or group expect them to behave. People of the same social class tend to look at issues the same way. Take the "working class"—people who perform manual labor for wages paid by their employers. Working class attitudes are apt to differ from the attitudes of the management class, the small business class, or the professional class, on such matters as social security, taxation, and price control.

How does this fact lead to uneven expression of public opinion? People hesitate to express opinions contrary to those held generally by their social class or group. They are afraid that they may be considered traitors to their group, or be ostracized or censured for being different. A person's views on fair employment legislation, movie censorship, sex education, control of liquor sales, taxation of excess profits, prostitution, labor legislation, racial segregation, or immigration legislation, are likely to be influenced by the social group to which he belongs.

At times, membership in a minority group may deprive people of the right to speak freely, either because they will not be heard, or because their group is afraid to draw attention to itself through expression of unpopular opinions. Women, as a group, were long denied the right to express political opinions and vote because of a widespread belief that it was improper for a woman to have opinions on political issues. Advocates of woman suffrage forfeited their status as "ladies" to lead the crusade which they eventually won. Their victory was possible largely because American attitudes on the abilities and the social and political place of women underwent a profound change.

What can be done to offset the effect of class and group rules that often muzzle large portions of the public? First of all, you can assess the effect of such rules upon yourself. To what social class or group do *you* belong? What effects do its rules have upon your thinking? At the very least, you should be aware of your own prejudices. Moreover, a way needs to be found to relax the social rules that seem to compel a certain mode of personal action because the individual does not wish to lose status among his friends, or because he belongs to a minority group. Circumstances that tend to force an individual's uncritical acceptance or rejection of policies and modes of action need to be brought into the open.

A third reason for unequal expression of public opinion is that *some effort is usually required to express an opinion.* You can and often do talk freely to a friend—in private. What requires effort is the expression of opinion where it will count; for only a limited number of groups or individuals have easy access to means of communication which can reach more than a small circle of friends. Something that requires effort is easier left undone. People do not like to challenge and be challenged. People do not want to fight and take risks

when they can avoid it. People would rather watch the game than play it.

Newspaper editors, public speakers, preachers, prominent citizens, all can gain wide publicity for their opinions. So can the heads of important groups, organizations, and government agencies in statements to the press, remarks made in radio and TV appearances, and addresses to their members or followers. Wealthy groups and organizations may publish and circulate pamphlets, handbills, take paid space in newspapers, or use billboards.

But what about you? What about groups with meager financial resources? Advertisers, who have spent more money to mold public opinion than any other group in our country, contend that the best advertising is word-of-mouth advertising. Millions may be spent for newspaper and magazine space, for radio and television time to advertise a certain product. But in the end it is what people say about the product that determines its success. The main purpose of advertising is to get people to think and talk about the product. If they do not, they will not make the effort to buy it, merely because it has been widely advertised.

You may have no newspaper at your disposal; you may not be able to buy radio time. But you can be among the word-of-mouth advertisers. If any issue is to have an impact upon public consciousness, it must be because of efforts you and millions like you make in your day-to-day contacts with people whom you know.

A final reason for unequal expression of public opinion is that *people tend to ascribe to others the same motives that they have themselves.* The respectable person expects others to be respectable. Most people are respectable, but some are not. Some groups manage to pass off the opinions held by a few as the opinions of the majority. And the respectable majority does not detect the deception. Certainly, when views are presented to you as views of the majority, you need to ask, "Who is saying this? Whom does he represent?" And more important, "Am I going to let him speak for me, too?"

In a certain western town a man wrote trenchant letters almost every day to the local paper, and the paper published each one. The man complained about communism in the schools and demanded that a certain nationally known and widely used periodical printed for elementary school children be banned from the schools. His reason: this children's newspaper is printed by the same printers' union

that prints the *Daily Worker*. Since the *Daily Worker* is a communist newspaper, the children's newspaper must in some way be contaminated. But, as a matter of fact, the same union printed the *New York Times,* the *Chicago Tribune,* and the *Reader's Digest.* There is no communist printers' union. This man's views, which were published in good faith by the local paper, were doing considerable damage to the reputation of the local schools. When the Board of Education finally appointed a special committee of prominent citizens to investigate the charges, it became apparent that the man was representing no one but himself and that many citizens knew that his arguments were absurd. Yet not one citizen had taken the trouble to counter him to protect the public schools against the unfounded attacks by this misguided zealot.

Uninformed Expression of Public Opinion

The other major difficulty with public opinion is that it may be uninformed, or misinformed, regarding many issues. Should the United States share the results of its atomic energy research with other countries? Should we continue our policy of reciprocal foreign trade agreements with other countries? Should we raise or lower tariffs, and on what commodities? Should we have flexible or rigid price supports for farm products? Should unions continue to bargain for industry-wide contracts? Should a given state reorganize its court structure? Should a given community embark upon a school building program? Should the metropolitan area surrounding a large city join with the city in the government of the area?

These are highly technical questions. Few ordinary citizens would be able to answer them, even if they had access to the facts. Nor is it the function of the public to analyze problems of this sort and formulate solutions. What the public does is to take sides for or against a proposal after some individual or group has analyzed the problem and proposed possible solutions. Unfortunately, people often take sides without an adequate comprehension of the facts involved. They buy issues the way they buy cigarettes and soap—by slogans, the way the idea is packaged, and who else buys it—without specific reference to the merits of the issue itself. When public opinion is expressed on the basis of slogans and emotional appeals, rather than careful selection of what is likely to be the most reasonable solution of the problem at hand by the best qualified experts in the

doing. If at times you respond in this uncritical way to events and issues, know that you are doing so; and know that, for the time being, you have checked your intelligence at the nearest entrance to the grandstand.

HOW TO TELL WHAT THE PUBLIC THINKS

Legislators, other elected representatives, and appointed officials in policy-making positions always want to know: "What do the people really think about this issue?"



Courtesy, The Savings and Loan Foundation, Inc.

Here are the well-springs of that elusive force known as "public opinion"—the nurse, the policeman, the factory worker, the secretary, the grocer, and countless others.

The people can be heard speaking, but it is often hard to tell what the majority of well-informed citizens think. Some shout so loud that they drown out the others. Those who are ignorant of the facts often shout the loudest. Voting—except where the public is asked to approve a specific piece of legislation, as in a referendum or a constitutional amendment—is not a clear-cut expression of public opinion. Nevertheless, political reporters, columnists, political leaders, and other experts in analyzing political trends, can often deduce public opinion from the way people vote.

Public officials spend much time in sounding out opinion leaders.

They also listen to the precinct workers and others who specialize in getting the people to vote at election time. What complaints are most frequently heard? What is the opinion of people regarding this issue and that issue? Listening in this way, a policy-maker, especially a legislator, is able to discern how his constituency probably lines up on various issues. But because of limitations of time and money, the politician rarely consults anyone except opinion leaders and political workers. And their interpretation of public wishes may be faulty. Even though they may be exceedingly skilled in appraising public opinion, they may be misled to believe that a vocal minority expresses the views of the majority.

Writing to Congressmen

Letters and telegrams to legislators are a much talked-about device for the expression of public opinion. It is easy to write a letter or send a telegram. Some groups regularly urge their members to "write your Congressman." Though legislators may not read all the mail sent to them, they usually have clerks who tally the opinions expressed on both sides of a question.

But who writes most of the letters, and when do they write them? The person who dispatches frequent letters and telegrams is apt to be easily aroused and emotionally motivated. The person who weighs facts carefully and makes decisions more slowly is likely to write less frequently to his representatives. One study of a batch of mail sent to congressmen on a particular issue was checked against an opinion poll in the same locality from which the letters came. The poll revealed that the opinions of the letter writers did not represent public opinion in that locality at all. Even though this case is probably typical of many others, mail from the voters traditionally ranks high among legislators as a way to find out what the public thinks.

Two alternatives would improve this situation. Legislators might be disabused of their notion that mail from home is an accurate indicator of public thought. This seems hard to do. Just like anyone else, legislators like to receive mail, and are influenced by pleas addressed to them personally. The other alternative seems more reasonable: more of us must avail ourselves of the postal and telegraph privilege. More of us need to write letters for political as well as for business and personal reasons. For public opinion, as government officials hear it, may be biased against you unless you see that your view is represented fully and persuasively.

OPINION POLLS—HELPFUL OR HARMFUL?

The scientific measurement of public opinion has become well-developed in recent years. The organizations of Elmo Roper, George Gallup, and a number of others conduct opinion polls to find out what the public thinks about particular issues.

Opinion polls are based upon two assumptions. One is that if you read a statement to a person and ask whether he agrees or disagrees with it, he will honestly tell you. The other assumption is that if you question several thousand persons, chosen to represent a cross section of the country, their answers will mirror what the whole country thinks. The trouble with the first assumption is that some people cannot or will not honestly tell you. Suppose somebody asked you whether eighteen-year-olds should be allowed to vote. The issue may not concern you very directly, and you may never have given it any thought. You may make up your mind on the spur of the moment and give an answer. Later on you may realize that you were too hasty. Your real opinion, on reflection, is different from the one you gave.

The occasional inaccuracy of polls in predicting election results may be due to the fact that people give snap answers to pollsters which they would not have given upon reflection, or because people actually do change their minds, or because many people do not make up their minds until election day, or because some will not reveal their true sentiments to anybody. No way has been found to help the pollsters determine just how reliable each response is.

The trouble with the other assumption lies in determining what constitutes a representative sample and finding the two or three thousand whose opinions mirror those of the entire population. This is a statistical problem which has received much study. As a result, the statistical methods of the reputable polls have been developed to a high degree of refinement. Interpreted by experts, polls can indeed reveal how the public says it lines up at the moment. What is not known for any one polling, is the stability of the results. Therefore, the large polling organizations repeat samplings on the same question from time to time. Only by watching the shifts and the changes can pollsters determine the general trend of public opinion.

Problems in Polling

There are other problems which make it hard to secure a true expression of public opinion in a poll. The same idea, worded differ-



ently, can produce marked differences in response. Ambiguous words and phrases, and words and phrases which evoke emotional attitudes of which the pollster may be unaware, can also cause the poll to distort the true state of opinion. The use of the name of a prominent person in a poll question can cause a substantial shift in response.

A clear-cut answer to a question may not disclose the reasoning behind the answer. Suppose that the majority of Americans, in a poll taken at the close of World War II, demanded that the boys come home from Europe. Would this request express the sentiment of isolationism, or possibly a desire to help Russia by leaving Europe open to Russian armies? Or would the major motive be a longing by families to see their sons and husbands and sweethearts? Would the proposal that the boys come home show any attitude at all toward keeping a balance of power in Europe to diminish prospects of war?

At present, public opinion polling is not widely used by policy-makers to tailor policies to the public will. Policy-makers pay more attention to letters, telegrams, and personal appeals than to the results of polls. But polls are useful in giving short-range views of public attitudes. If a general policy has been adopted, a poll can help policy-makers decide specific details of policy. When a service is al-



A careful analysis of population trends provides a basis for polling a true cross section of citizens. After areas for interviewing have been determined and assigned (opposite page), poll takers conduct personal interviews.

International News Photos

ready being rendered, polls can uncover satisfaction or dissatisfaction with that service.

Some people claim that polls actually influence the formation and expression of public opinion. A poll may sway people to climb on the bandwagon, or to abandon a seemingly lost cause. The effect may be somewhat like tallying election results hour by hour on a big chart high on city hall, while voting is still in progress. If the voting got close, you might rush to the polls to support your candidate. Or if one candidate were winning handsomely, you might hurry to the polls to make his margin of victory even larger.

Polls may be dangerous if their results are misused through failure of interpreters to distinguish questions of fact from questions of opinion. Suppose the public is polled on this question of opinion: "Do you think that juvenile delinquents tend to be the offspring of foreign-born parents?" The public's response to this question tells us nothing about the factual relationship between national origin of parents and delinquency rates in their children. The answer merely reveals an attitude toward foreign immigrants which may or may not correspond to factual evidence. But the public's answer could be misused to suggest that, in fact, there is a positive or negative relationship between delinquency and foreign birth of parents.

HOW CHANGEABLE IS PUBLIC OPINION?

The charge is sometimes made that public opinion is fickle and changes too often and too fast to be a sound basis for public policy. Those who bring this charge may advocate giving more power to responsible representatives and allowing them to determine policies without reference to the public will.

Public opinion, it is true, is not stable or constant. Like private opinion, it changes in response to changing events. Presidential popularity polls throughout the years have resembled fever charts, beginning with a high crest of popularity which waxes and wanes thereafter in response to presidential policies and effectiveness. One of the most dramatic examples of rapidly changing public opinion on a major question occurred during World War II. In 1940, before the Low Countries were invaded by the Germans, only 30 per cent of the American public believed that the United States would enter the war. Four months later, after the fall of France, nearly 50 per cent thought that we would go to war. In May, 1941, when the United States announced that it was convoying supplies to Europe, the percentage rose to more than 80 per cent. Propaganda also may be an important factor in changing public opinion. Polls reveal that in many instances the change of public opinion coincides with propaganda campaigns undertaken to bring about a change.

Public opinion is fickle at times. At other times it only seems fickle. The public heaped adulation upon Charles A. Lindbergh after his famous flight, and for years he was a public idol. Opinion turned against him when he advocated a policy toward Nazi Germany which seemed like appeasement to some. The real reason for the public's abandonment of Lindbergh was not fickleness. It had followed him as long as his views agreed with public sentiments. It left him when his views clashed strongly with public opinion.

A similar thing happened to General Douglas MacArthur. Brought home, fired by the President with whom he had disagreed, he mistook public adulation for endorsement of his views. The crowds who greeted him were motivated by a multitude of sentiments, few of which related to MacArthur's political views. He had dared to challenge the power of a President whom many disliked; he was a war hero, a fighter for his ideals. But when he continued to press his views about American policy in the Far East, he found that his specific recommendations commanded very little support. Again it was

not a fickle public who deserted MacArthur. Public applause for MacArthur, the man, had not indicated approval of his views. Those who equated one with the other were mistaken.

Consistent American Attitudes

There are many attitudes and predispositions that have been a part of American public opinion for a long time. For example, Americans tend to sympathize with people who get into trouble through no fault of their own. Americans will voluntarily expend two thousand man-hours trying to extricate a little girl from a well, while thousands drop their work to watch, worry, suggest, and sympathize. Americans are more sympathetic with the underdog than most other peoples. Americans tend to distrust centralized government power, pay more attention to problems of rural living than urban living, tend to oppose collectivism and government ownership, tend to be suspicious of foreigners, react favorably to the word "economy," tend to favor little business over big business, and so on.

Public opinion is consistent with the body of ideas to which Americans tend to adhere. But not all these ideas are consistent with each other. The basic philosophies which are brought to bear on the solution of public issues often vary, depending on the type of public action involved. Our public education system, for instance, is a public enterprise supported by public taxation. Why not also support railroads as a public enterprise? One belief accounts for public schools —the belief that all persons have a right to equality of opportunity. Another belief accounts for private railroads—the belief that individuals, rather than the state, should own and operate major economic enterprises and finance their costs through charges paid by consumers who benefit from the service. Because now one premise, now another, is applied, policies are inconsistent with each other, though not with their premises. Moreover, that people tend to be conservative in some respects does not necessarily mean that they are conservative in all respects and at all times. Changing conditions may elicit emphasis on one basic principle now, and on an entirely different one later.

THE IMPORTANCE OF PUBLIC OPINION

In conclusion, we may say that public opinion is not likely to be expressed until some actual problem arises. Then someone proposes

a solution, and there are expressions of opinion for and against it, or an alternative solution may be suggested. Opinions probably will be expressed only by people who feel that the issue is related to their interests. They are likely to be people who do not feel that they will lose group status by expressing their views. Public opinion is usually consistent with certain basic beliefs of a particular group or class.

Often the reasons behind an expressed public opinion are difficult to discern. Misinterpretation, intentional or unintentional, is common. Sometimes public opinion is merely a follow-the-leader response. The leader proposes policies, the public accepts or rejects them. Though there are many means for the expression of public opinion and ways to analyze it, there are few certain, clearly formalized avenues for channeling public opinion directly to the policy-makers.

If you express your opinion about an issue, then your opinion may influence policy-makers. But if you do not speak, you have no influence. The vocal minority becomes the spokesman for all, even though the silent majority disagrees with the views expressed. The policy-makers have no alternative but to decide the matter in accordance with the opinions that are expressed. If policies do not please, if they favor only those who have exerted themselves to have their say while others have not taken the trouble to say anything at all, those who fail to speak have no one to blame but themselves.

If you want to exercise your rights of citizenship fully, you must see to it that your opinions are expressed, either directly by you, or by someone who shares your views. And you must seek ways to make sure that opinions you hold, when expressed, are heard and considered by policy-makers.

QUESTIONS FOR DISCUSSION

1. "In a democracy everyone is equal. Therefore, the presence of opinion leaders is antidemocratic." Comment on this point of view.
2. Would our country be better off if our elected representatives were required to act and vote entirely the way they think is right, without regard to the pressures and expressions of the public?
3. Our elected representatives at all levels of government must make their decisions in the light of public wishes; yet public wishes

are usually difficult to determine. How difficult does this make the job of an elected official? What qualifications does he need to represent his constituency properly? What should the public know about his job?

4. Is it essential that all citizens take sides and express views on public issues? If not, what proportion must be actively interested to keep power widely distributed? What percentage would represent the low danger point?

5. Examine recent copies of your daily paper. What proportion of the issues discussed on the front page derive from emergency conditions? Is it good or bad for the proper conduct of government that many public issues derive from conditions of emergency?

6. To what social groups do you belong? How does membership affect your opinions? On what particular issues?

7. What groups might censure their members if they expressed opinions on the following issues: Opposing chaperones for Saturday night dances? Favoring the abolition of fraternities and sororities? Favoring the abolition of intercollegiate athletics? Opposing taxation of excess profits? Favoring abolition of racial segregation in schools and public meeting places? Favoring sex education in the schools? Favoring restriction of immigration? Favoring removal of motion picture censorship?

8. What are some current issues—local, state, or national—on which prevailing expressed opinion is sharply different from your own?

9. What opinions have you formed because a slogan appealed to you, or because someone whom you admire adopted the same opinion, or because the idea "sounded good," at least on the surface?

10. Since a precinct numbers at most only a few hundred voters, there are probably at least 200,000 precinct workers of both parties in the country—more than there are physicians. Everyone has known at least one physician. How many in the class have ever

known, by name, a precinct worker? How many have ever spoken about a matter of public policy to a precinct worker, or to someone higher up in the party structure? How many know persons who have done so? What conclusions may be drawn?

11. What are your own attitudes toward the extent to which public opinion polling can serve the public interest? Do you believe that true democracy could be realized if we all had voting buttons which would enable us to register our opinions at a central tabulating station in a matter of seconds?

12. Which of the premises in this unit do you consider most important in guaranteeing wise and well-informed public opinion?

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Chapter 3

The Citizen and Mass Communication

Communication, in today's world, is not only rapid; it is everywhere. Literally hundreds of ideas swarm around you from morning to night. Over the telephone, on the newsstands, at your front door, over the book counter, on the magazine racks, on the air, on the stage, along the highway, on movie and television screens, ideas are competing for your attention. They are somebody else's ideas. They are beamed at you and millions like you. They seek not one ear and one eye, but a mass ear and a mass eye.

Mass communication seeks to entertain, to interest, to educate, to inform you. And, yes, it seeks to propagandize you—to get you to do this or that. It purveys facts and opinions, information and misinformation, good ideas and crackpot ideas, hints, hypotheses, proposals, challenges, education, and entertainment. This vast sea of communication washes against you practically all the time.

In our country no single person or agency operates or controls all the media of communication. If that were the case, then power would indeed be heavily concentrated in the hands of a few. While control of the means of communicating ideas is widely distributed in our society, in the Soviet Union, by contrast, all newspapers, magazines, theaters, movies, radio—every medium of communication—must follow the directives issued by the party in power. Hence, just as power in the government of Russia is heavily concentrated in the hands of a few, so is control of the means of communication.

Within certain limits, anyone in our country is free to disseminate news, ideas, and opinions through the press, by word of mouth, or by any other means that he can command. You are not only on the receiving end of communication; you can be on the sending end as well. Chances are that you are on the receiving end most of the time. Those who make communication a business spend more time on the send-



Courtesy, National Association of Manufacturers

In a democracy the press has free access to leaders of government, industry, and other fields. Information elicited during a press conference reaches the public through the media of mass communication.

ing end. They have something to sell. They have honest news and straight facts to sell, if you request them. They also have opinions, special points of view, attitudes they hope you will adopt; they have these to sell, if you accept them. In short, the same freedom of speech that protects the straight presentation of factual evidence also protects the purveyance of propaganda.

PROPAGANDA AND EDUCATION

You may think that propaganda is bad, that propaganda tries to get you to do something against your will, to bend you to the will of another. You may think of the propagandist as some mastermind trying to manipulate you with strings like a marionette. As a matter of fact, the word propaganda originally had no evil connotations. Any communication which propagated a doctrine or principle was "prop-

aganda." In this sense, any book about science would be propaganda for it would assist in the propagation of science.

Almost any definition of propaganda also applies, to some extent, to education. In fact, propaganda and education may be viewed as two extreme ends of a scale. The educator seeks a slow process of growth, while the propagandist aims at quick results. The educator tries to tell people how to think, while the propagandist tries to tell them what to think. Educators strive to develop individual responsibility, the propagandist mass effect. The educator fails unless he achieves an open mind; the propagandist fails unless he achieves a closed mind.

Yet these distinctions are not wholly valid. Sometimes the educator does get results in a hurry. One modern school of psychology shows how education may be a quick process through insight in learning. At times the educator does tell people what to think. In advanced societies the germ theory of disease has almost completely displaced the idea that disease is caused by an imbalance of humours in the body or the displeasure of the gods. Educators will tell people what and what not to think about the causes of disease. One could suggest like difficulties with the other distinctions between education and propaganda. Yet these distinctions make sense if we do not insist that they are always prevalent and always so clear-cut. We may say, for example, that telling people what to think is one extreme. The work of the propagandist fits this extreme. At the other extreme is teaching people how to think. This is the province of the educator. One can also say, in general, that the propagandist is primarily motivated by his own interests, while the educator considers the learner's interests first.

The prey of propaganda is you and millions like you. The object is to capture your opinion, even for a short time. The air is full of propaganda all the time, differing propagandas, conflicting and competing with each other. They compete for you. As Doob says:

> In modern society stimuli bombard the individual on all sides. From the physical environment come lights and scenery. From the internal environment come aches and drives and feelings. From the social environment come competing advertisements, competing political plans, competing social philosophies, and in general competing pressures.*

* Leonard W. Doob, *Public Opinion and Propaganda,* New York: Henry Holt, 1949, p. 313.

Who sifts all these stimuli, resolves them into some order, chooses some and rejects others? You do. No one can do this for you. And on your skill in doing this rests not only your own safety in steering your boat through the choppy sea of communication, but also the integrity of public opinion and the freedom of our society which depends upon the ability of the people to deal intelligently with all kinds of propaganda.

Propaganda will always be with us. Propaganda is not necessarily bad, even though it seeks blind acceptance of its conclusions. That the propagandist's interests may be foremost in the opinion he is expressing and in the point of view he is promoting does not mean that your own interests may not also be well served. A savings bank may urge you to save some of your earnings. It is to the bank's interest that people save money, but it may be to the people's interest also. In analyzing an appeal, it is not wise to reject it automatically merely because you discover that its purveyor is serving a selfish interest. To refuse to be convinced by any and all propaganda is just as much an error as to believe all of it. Any communication should be judged on its merits. The act of choice is the essential act for you.

Freedom of information means not only freedom for you to get facts and formulate opinions, but freedom for others to speak to you and try to influence your opinions and actions. There is no law or official protector to shield you from the constant rain of fact and opinion disseminated by others. You must grow your own protective covering. Any official protector who might be appointed or elected would have too much power over the dissemination of ideas and information. If we should cease to be free, then there will be only one brand of propaganda—that of those in power.

Types of Propaganda

If you know how to keep him so, the propagandist is at your mercy, rather than the other way around. If you do not blindly buy the propagandist's particular attitude and opinion, then you are not his puppet. In a democracy, you are in a position to pick and choose among competing communications. If, as in a dictatorship, there were only one propaganda line, and that one line were contained in all the media of communication with which you came in contact, then you would have no choice. Since in a democracy you are free to choose, it is important that you know what you are choosing.

Perhaps the most useful classification of propaganda is one that suggests whether the propagandist is above board or works undercover as an invisible mastermind. One results in *revealed* propaganda, the other in *concealed* propaganda. Propaganda is revealed when it is readily apparent to you that somebody is trying to influence you. Practically everything said or printed in a political campaign is revealed propaganda. So is most advertising, for it would be a very dull or immature person who did not realize that the purpose of an advertisement is to sell the product. The streetcorner barker does not reveal his purpose until he has a crowd around, but you know the minute he starts to speak that he has something to sell. Revealed propaganda is so common on the American scene that we have developed high immunity to much of it. This causes propagandists to strive harder and harder to gain public attention, often to the point of absurdity.

Concealed propaganda tries to influence you without your being aware that someone is persuading you. A news photo taken at a certain angle and with split-second timing may show up a political candidate in a bad light. A subversive group may masquerade with a patriotic name like "American Citizens for Democratic Unity." A pressure group may promote an idea by means of a pseudoscientific setup called a "research foundation" that turns out "news" relating to "discoveries" they have made that promote the purposes of the pressure group. Publicity agents try to get their clients' names into news stories, or promote feature articles or books about them. If no news story is available that puts an opposition idea in a bad light, an old story may be repeated as though it were new.

Propaganda may also be *unintentional*. It would then be concealed not only to the propagandee, but to the propagandist as well. The unintentional propagandist is influencing others to adopt a point of view uncritically without being aware that he is doing so. A housewife may glowingly praise a new product she has just bought. A gossip may spread a damaging rumor. A person may openly announce his decisions and his courses of action and in the process convince others to follow his lead.

Although revealed propaganda is by no means always innocuous, it is the concealed brand that is most likely to be dangerous. It is more difficult to detect. It is more easily mistaken for fact because

the victim is unaware of it and unprepared for it. It reaches him in the guise of straight news, factual reporting, or scientific evidence.

Propaganda Devices

Most propaganda devices are in themselves neither good nor bad.* All of them carry emotional overtones and hence partake of the same appeal as poetry. Perhaps that is what makes them so effective. They may be devastating weapons in argument and debate. The repeated and continual use of some or all of them by a writer or speaker should cause his audience to be wary.

Name calling attaches a bad label to an idea to make you reject it without examining the evidence. It is a particularly useful device for discrediting the opposition. Favorite examples today include calling an idea subversive, or socialist, or un-American. If any program or proposal gets stuck with such a label, it will have very hard sledding indeed, no matter how democratic or American or beneficial to freedom it may really be.

Glittering generality is the reverse of name calling. It associates something with a "virtue" word in order to make you accept or approve it without examining the evidence. The propagandist may assert "science proves that this product is good for you." Or he may criticize an opposing point of view and introduce his own views with "now for a simple and effective approach to the problem," though this approach may actually be more complicated and less effective than the other.

Association is the device of carrying the authority, sanction, or prestige of something that everybody respects over to something else in order to make the latter acceptable. Or, in reverse, by appeal to authority, sanction, and prestige, it may suggest disapproval. The political candidate may avow that "I stand foursquare for God, home, and country." It is his hope to gain approval for his program by identifying it with prestige words sacred to all his listeners.

Testimonial involves endorsement by some respected person in support of an idea, or in reverse, by some hated person to discredit an idea. The testimonial is used extensively in advertising. Movie stars are depicted as endorsing an idea or product to make it more attrac-

* The following classification of propaganda devices has been adapted from Leonard W. Doob, *Public Opinion and Propaganda*, New York: Henry Holt, 1949.

tive, or hated people, like Hitler or Stalin, are linked to an idea to make it abhorrent.

Plain folks makes you think an idea is good because ordinary people believe it. Speakers who wish to establish kinship with their audience may use some version of the "neighbor" appeal: "I am, after all, just one of you." "My grandfather spent two months in Kansas, and if he hadn't got itchy feet and moved on, I would have been a Kansan, too."

Card stacking selects facts carefully to make the best or worst possible case for an idea, proposal, program, or person. A good illustration is the story told in Chapter 2 about the man who wanted a certain children's periodical removed from the school. To discredit it, he called attention to the fact that it was printed by the same union that prints the *Daily Worker.*

Bandwagon conveys the idea that everybody, at least everybody in our group, favors this proposal. Therefore, you should come along with the crowd. "Everybody is backing Candidate John Doe; he is going to ride into office by the greatest majority any candidate ever got."

Editing and slanting are favorite devices of some newspaper publishers who have no scruples about reflecting the editorial policy of the paper in what is presumably straight news. Big headlines blaze out good things their candidates are doing, and bad things the opposition is doing. The opposition candidate's successes, if they appear at all, will be found under a small heading at the bottom of page 8.

Rumor, grapevine, scuttlebut, and quip play an important though insidious and sometimes vicious part in the propaganda battle. Rumors are started regarding the morals and family life of a political figure. Or the opposition will circulate jokes that tend to belittle a political figure or make him ridiculous or contemptible in the eyes of the public. Smear campaigns of this sort are always undercover. Their perpetrators are difficult to identify, but their motives are perfectly obvious. Many presidents have been the object of "mean" jokes.

The Role of Education

It is the function of education in a democracy to permit every individual to develop his talents and potentialities to their fullest. At the same time, education must produce new citizens at least as capable as the old ones of maintaining liberty and of operating our society, economy, and government. The first purpose is a personal and indi-

vidual one. It derives from the postulate that every person is of importance as an individual, and that his well-being is vital in itself. The other is a social purpose and derives from the postulate that men have the ability to govern themselves. These two postulates are the bases of the American system of public education. As the Ordinance of 1787 said: "Religion, morality and knowledge being necessary to good government and happiness of mankind, schools and the means of education shall forever be encouraged." If the people are to influence the policies under which they live, they must be sufficiently enlightened and skilled to exercise this influence wisely.

The methods and machinery of education are fully as important to the purposes of despotic government as they are to the purposes of democratic government. But in a dictatorship, the functions of the propagandist and educator are merged. The educator must propagandize, for he must teach content that is politically acceptable to the masters of government. And the propagandist is presumed to educate, since his communications, fully approved by the masters of government, are intended to "educate" the people on the policies of the government.

In the United States, public schools are placed under the control of lay boards representing the local community. We do not have a national system of schools. The power of education to mold minds was clearly apparent to those who established our first public schools. It was no more deemed safe to let the central government control all the schools, than it was to let the government control the press. Not only did the arrangements for the control of public education include thousands of separate boards, private schools sponsored by lay or religious bodies also were freely permitted. Just as political power is widely distributed, just as control of communication is widely distributed, so too, the opportunity for education and the vital power to control education of the young are widely distributed.

In a democracy the entire community should participate in setting the policies and approving the programs of education. Educational policies are more controversial than policies governing street paving, sewer building, and garbage disposal, for education determines what kind of citizens we shall possess in the future. Education can help to keep us free, or it can help to enslave us. Too many people have not recognized this importance. In some communities education is left too much to too few. The political party in power or a

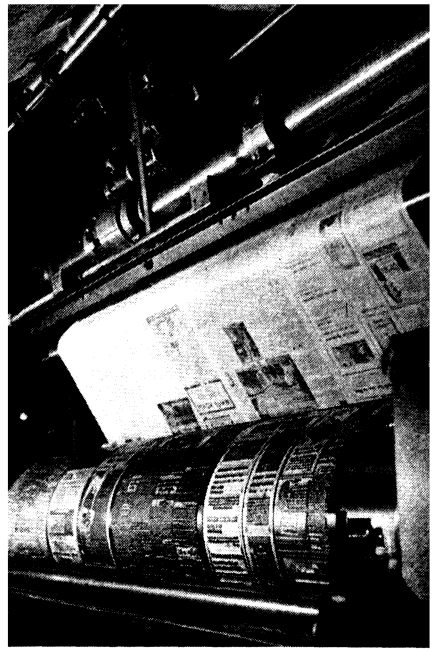
small clique in the board of education may control the schools. Or a highly vocal minority in the community may direct a sharp and well-financed attack upon the schools. Just as there is struggle among contending groups for control of all policy in our society, so there is struggle for control of educational policy. Whether a few will control and decide the policies that govern the many depends, in education as in anything else, upon just one thing—how alert "the many" are.

Americans have always had tremendous faith in the power of education. "Get an education" has been the motto for those who would rise in the world. Men educated to think for themselves are able to occupy policy-making positions. They become opinion leaders, contend with their fellows for positions of power, and make up the bulk of the people whose influence determines the course of public affairs. Through education they learn facts, learn the sources of facts, learn to form opinions, and learn not to be misled by propaganda. Without benefit of education widely dispersed throughout the citizenry, democracy could not function.

COMMUNICATION IS BIG BUSINESS

Communication today is big business because of the enormous capital investment required in practically any modern communications enterprise. The press that prints a large daily newspaper, the studio and transmission facilities that serve a large broadcasting station, the cameras and other technical equipment needed for motion picture production, the network of cables, the booster stations, and microwave relays that transmit telephone and telegraph messages—each of these represents enormous sums of money. To each must be added the cost of hiring people to operate these devices.

Early in the nineteenth century it was possible to start a newspaper on a simple scale. Benjamin H. Day started the *New York Sun* in 1833 with one assistant, two carrier boys, and a small job press. And it was a success, though the circulation was only four thousand copies at one cent each. Today, gathering, analyzing and publishing the news requires a vast organization scattered throughout the world. Newspapers pool their resources through such great news-gathering organizations as the Associated Press, United Press, International News Service, and a number of other agencies. In addition, large newspapers maintain sizeable staffs of foreign and domestic corre-



Modern printing presses, like the one illustrated here, are costly. But mass production methods reduce the unit cost, if mass circulation can be achieved.

Ewing Galloway

spondents, Washington and state capital reporters, and specialists who collect, write, and interpret news about foreign affairs, labor, business and economics, politics, education, sports, entertainment, the fine arts, and so on.

Producing magazines is likewise a big business. A three thousand word article in a weekly of national circulation may cost a dollar or more per word by the time the final copy is ready for the printer. An idea is born in the mind of an editor, a staff writer, or a free-lance writer. Getting the material may require much travel, interviewing, and library research. Photographs, drawings, or paintings may be needed for illustration. After all this work is done, the editor may decide that the article is not quite suitable, or it may no longer be timely. Magazines accept and pay for many more articles than they use. The radio and television business is also an expensive enterprise. Because of the much-publicized salaries of movie stars, everyone is aware how costly a business the movies are.

Because the investment is so great, because the cost of collecting, preparing, and printing material is so high, the communications business must seek a mass market. National magazines aim at circula-

tions in the millions. City newspapers must have circulations in the hundreds of thousands. Those that do not attract a mass audience will not be profitable. Why not print a small newspaper at low cost on a job press, the way Day did, and be content with a small circulation? Because at today's labor rates it would cost more to hand-set and print a four page newspaper on a job press than to turn out a sixty-four page edition on a modern rotary press. As in so many other respects, modern technology has lowered unit costs, but since the tools of modern technology are elaborate and expensive, mass production is necessary to make their use profitable.

Declining Number of Newspapers

The number of daily and weekly papers with small circulations is dwindling throughout the country. In 1909, more than 2,600 daily newspapers were published in this country. Forty-five years later their number had shrunk to less than 1,800 even though the population of the country had nearly doubled. The rate of newspaper mortality in cities has been even greater than for the country at large. In 1921, New York City had fourteen major daily newspapers. Today there are seven. Many sizeable cities now have only one or two newspapers, and these are often under the same management. To make news-gathering and preparation more economical, many newspapers have been bought up and formed into chains owned by a single man or corporation. Some of the large chains control newspapers in many different towns and cities.

Obviously, the reduction in the number of newspapers means concentration of power. The more the responsibility for news coverage is concentrated in the hands of a few, the narrower your individual choice of news sources becomes. Control over the policies of newspaper journalism is in the hands of fewer people today than it ever was before. Fortunately, other sources of news and information are open to us. News magazines are comparative newcomers to the journalistic scene. Radio and television furnish us as complete, if not as detailed, coverage of the news as do newspapers. So our choices, if we exercise them, are still comparatively wide, even though many broadcasting stations are owned by the same companies that operate newspapers.

Advertisers' Influence

Communication is big business in still another sense. Most of the giant media of communication are supported by advertising, rather

than by the price charged the consumer. Since he who pays the piper often calls the tune, the policies of some newspapers have been influenced by the desires of major advertisers. Many newspapers, however, maintain policies scrupulously free of the influence of advertisers or of any other pressure group.

The majority of American newspapers are conservative in political outlook, just as businessmen tend to be. Does this mean that one of our giant agencies, the free press, whose function it is to express public opinion and to help form public opinion through the free circulation of news, fact, and opinion, is over-representing one segment of the public? It probably does. But this may not be a matter of great concern except in some communities. Newspaper editorial policies do not have as powerful an influence upon public opinion as might be supposed. During twenty years of the Roosevelt and Truman administrations, the majority of American newspapers—in big cities the overwhelming majority—adopted editorial policies that were opposed to the policies of the party in power. Yet for eighteen of those twenty years the public continued to support that party at the polls. As long as there seem to be other influences upon public opinion which offset newspaper bias, we need not be overly concerned about a balanced view in what is only one agency in the dissemination of information.

There is another risk, however. Not everyone reads editorials, or, if he does, necessarily adopts the point of view of the editorial writer. For on the front page one finds the news, and from reading it, one can make up one's mind. But can one? In a number of newspapers editorial policy colors the treatment of front page news. The reader may think he is getting unbiased news when, in fact, he may be reading a version colored the way the publisher wants him to see it.

FREE PRESS AND PRESS RESPONSIBILITY

A free press is guaranteed by the Constitution. Amendment I states that Congress shall make no law abridging the freedom of the press. Government may not control newspapers by requiring them to be licensed. It may not censor the news after the newspaper gets it, though government officials may hold back reports that they do not wish to have published. Government may not tax newspapers as a class in excess of what would be a fair tax on any other corporation. Government may not use its police power to suppress the publication of a paper.

Free press means only free of government control. It does not mean freedom from any influence whatsoever, such as the influence of the opinions of the owner. Owners or publishers may freely influence the policies of their papers. When there is only one newspaper in a town, this makes the newspaper publisher a powerful man, especially now that it has become so difficult, because of high costs, to start a competing newspaper. The idea of a free press, in the sense that anybody is free to start a paper if he does not like opinions expressed in the established papers, has not worked out. But a free press, in the sense of freedom from government control, is a reality.

What forces keep the owners of newspapers from exercising more power than they should in a free society? Competition of other forms of communication as sources of news and opinion is one. Another is the pressure of public opinion. A paper is not going to be successful unless it reflects what the people want. Perhaps the most important curb on the exercise of press power has been a strong feeling of responsibility to the public among the most illustrious publishers, editors, and reporters. Newspaper publishing is more than a business. At its best, it adheres to the ideals and standards of a profession. The Canons of Journalism of the American Society of Newspaper Editors state:

> The right of a newspaper to attract and hold readers is restricted by nothing but consideration of public welfare. The use a newspaper makes of the share of public attention it gains serves to determine its sense of responsibility, which it shares with every member of its staff. A journalist who uses his power for any selfish or otherwise unworthy purpose is faithless to a high trust.

There have been newspaper men who have exercised the power of their position in an arbitrary and sometimes irresponsible manner. But, by and large, the American press lords have worn their power well. There is in American journalism a stronger tradition of responsibility and public trust than in the journalistic profession of many other nations. A part of this tradition is reflected in such principles as "keep the paper's editorial policy out of news reporting," "all the news that's fit to print," "the primary function of newspapers is to communicate to the human race what its members do, feel, and think."

When traditions of press responsibility are lacking, freedom from government control may be impossible. For example, India's 1949 constitution guarantees freedom of the press in India. But the Indian

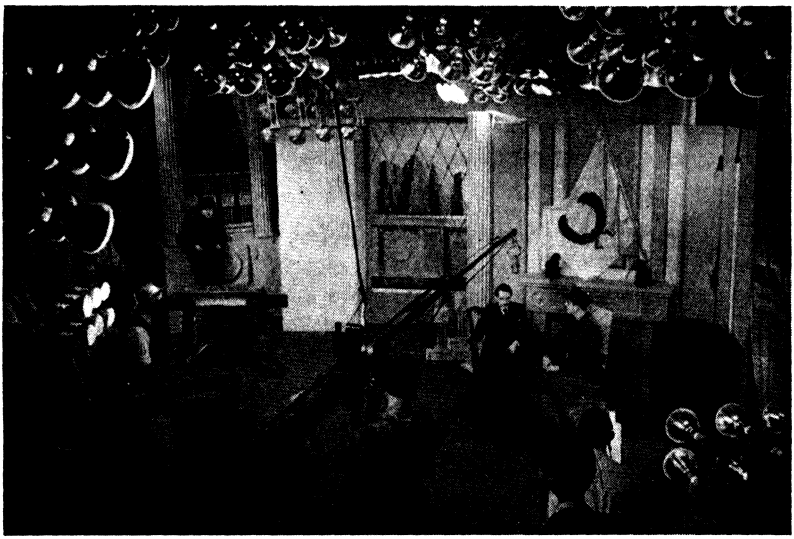
press exercised their freedom without responsibility. Newspapers attacked the government so viciously and fought so violently over issues that they incited the populace. Prime minister Nehru, in 1951, was forced to abridge press freedom in order to preserve peace and permit the new government to weather the early difficulties of statehood.

INFLUENCES ON OUR MANNERS AND MORALS

Mass communications influence more than our opinions. They influence our manners and morals as well. They help determine our tastes and wants. Television and movies tend to influence our fashions in dress. They often introduce us to worlds we do not normally enter—the world of glamour, the world of high society, the world of adventure—indeed, often to worlds that do not exist. It would be odd if the attractions of the screen did not affect habits and mores in cocktail drinking, marital fidelity, recreational pursuits, musical taste, interior decoration, small talk, personal relationships, and so on. Radio, too, has had noticeable effects, especially on musical tastes and modes of speech. Novels, short stories, comic books, all come in for their share of praise or blame for making us what we are. Research reveals that no single medium is fully responsible for any aspect of our collective personality, though in combination they help to make us sharply different from the citizen of fifty years ago.

As forms of expression, just what are radio, television, and movies? Radio and television may be viewed as a form of journalism. They disseminate news and opinion. But they are not as serious a medium for the purpose as newspapers. Their coverage tends to be sketchy. Their performers refrain from dealing with any subject at great length for fear of losing their audience. The ability of broadcasting to hold attention to a single subject over sustained periods of time cannot compare with that of books and newspapers. Only events like political conventions, congressional hearings, coronations, presidential inaugurations and the like succeed in sustaining prolonged interest.

Most movies are produced for entertainment and nothing more. But the screen can be a powerful propaganda medium. This is quite evident from the few feature pictures that have attempted to promote some point of view—on the race question, the evils of communism and nazism, on labor relations, alcoholism, drug addiction, and various issues in foreign relations. For years movies have been criticized



Courtesy, NBC Television

"Seeing is believing." The daily impact of television facts and fiction on the life of average Americans is a powerful force in shaping public opinion.

because they take no particular stand on the issues of the day. Movie producers have avoided dealing squarely with controversial questions because they have felt that movies devoted primarily to entertainment would make more money.

As art forms, movies and television are criticized because they cater to the mass taste. Their appeal, for the most part, is directed toward the average person. A radio or television advertiser wants to reach as many listeners as he can. A movie producer wants to draw as many customers to the box office as he can. When a particular type of program is highly successful at the box office, it is imitated by other producers almost *ad nauseam*. The effort to cater to mass audiences often means that sensitive and intelligent productions of artistic merit, which may have limited appeal only, are abandoned for poorer shows which have greater box-office drawing power. Still, individual pictures have frequently enough achieved both artistic acclaim and financial success to refute the conclusion that the general public does not appreciate artistic quality.

Book publishing, too, suffers from maladies of the mass market. To be profitable for publisher and author, a book must sell many thousand copies. Publisher and author alike try to give the book the widest

possible appeal. The jackpots are the big book clubs. Authors who aim for this market are inclined to imitate previous successes or to write what they think the public will buy. Wide and immediate public acceptance may be a good goal for political writing, but it often spells doom to artistic greatness. For the characteristic mark of the great artist in all ages is that he writes and paints as he pleases, rather than to please a mass audience. Nonetheless, many great artists have enjoyed wide popular acclaim in their lifetime. Shakespeare, Haydn, Mozart, Beethoven, Corneille, Racine, Leonardo, Raphael, Duccio, Wagner, Verdi, and Michelangelo are among the host of examples.

FREE RADIO AND FREE SCREEN

Broadcasts and shows do not enjoy the same measure of freedom from censorship that the press does. In New York, for instance, play producers must obtain a license prior to staging a play or musical production. But prior censorship of printed material, such as magazines, newspapers, books, paperbacks, and comics, is unconstitutional. If publishers issue libelous, salacious, or slanderous material, they may be punished *after* the appearance of the offending matter. This threat tends to keep most of them in line. If there is danger of movies overstepping the bounds of decency, why not deal with them as with the press?

One reason for different treatment is that motion-picture producers, as a group, have never fought for freedom of the screen. Press freedom has not been maintained without struggles. When Peter Zenger, in 1736, fought for the right to criticize a colonial governor and won acquittal from a libel charge, he was merely one of the first of a long line of fighters for the continued liberty of the press. In 1952, the Supreme Court of the United States brought freedom of the screen one step closer. It ruled in "The Miracle" case that motion pictures were "within the free speech and free press guaranty of the First and Fourteenth Amendments." * However, the court has not ruled that all censorship of movies prior to showing is unconstitutional. It may eventually do so, if a minority opinion expressed by Justice Douglas in a recent case indicates a forthcoming trend. Justice Douglas declared: "The First and Fourteenth Amendments say that Congress and the states shall make 'no law' that abridges freedom of speech or

* *Joseph Burstein, Inc.* v. *Wilson,* 343 U.S. 495 (1952).



International News Photo

Broadcasts to foreign nations are used by the State Department to create favorable public opinion abroad. Here a radio announcer for the "Voice of America" reports the news of the day. Translated into many different languages, his report will be broadcast throughout the world.

of the press . . . 'No law' does not mean . . . 'some laws' . . . In this nation every writer, actor, producer, no matter what medium of expression he may use, should be freed from the censor." *

Radio and television broadcasters have not fought for freedom from censorship and do not enjoy it in the same degree the press does. But this is not as serious as it may seem. These media are primarily devoted to entertainment and have been kept politically neutral. There is nothing in the radio world to compare with the editorial page of a newspaper. In fact, if a political figure is allowed to make a political broadcast, the station is obliged to permit an opposing political figure to reply.

One inherent deterrent to broadcasting freedom is the fact that the number of wave lengths for broadcasting is limited. There cannot be an unlimited number of stations, as there might be of newspapers, even if there were unlimited funds to invest. Regulatory machinery is needed to allocate wave lengths and supervise the industry so that two neighboring stations do not broadcast on the same wave length.

* *United States* v. *Paramount Pictures,* 334 U.S. 131 (1948).

Regulation has been entrusted to the Federal Communications Commission, which grants licenses to station operators to use certain wave lengths at stated hours. Station licenses are issued on a one-year basis. In order to qualify for a renewal, a station must show at a hearing conducted by the FCC that it has used its wave length allocation for the good of the general public. This requirement is a powerful restraint for station owners. Rather than risk losing a license, they abstain from controversial broadcasts.

The radio and movie industries are also subject to self-censorship through a code of ethical practice administered by the National Association of Radio and Television Broadcasters and the Motion Picture Association. Most producers adhere to the provisions of these codes which seek to suppress movies inciting to immorality and crime. The codes have been criticized as unwarranted infringements upon freedom of speech, as deterrents to adult forms of entertainment, and as unnecessary impediments to artistic freedom. They have been revised repeatedly to meet some of the complaints levelled against them.

QUESTIONS FOR DISCUSSION

1. Would you prefer an official or semiofficial local, state, or national board to screen all media of mass communication to delete all misinformation and objectionable material before it reaches the public? Or do you favor individual censorship by the consumer, as it exists now? If you chose official censorship, would this impede the propagation of new ideas? If you chose individual censorship, what should be done about people who are too unintelligent, too uninformed, or too lazy to judge the merits of communications for themselves?

2. There are laws against the misrepresentation of advertised products, laws that prohibit the false labeling of goods, and motion-picture censor laws. How could this type of legislation be extended, without impairing free speech and freedom of the press, to control exaggerated claims in advertising, the use of misleading names by propaganda organizations, and the use of daily news releases for personal publicity purposes?

3. Examine issues of two different daily papers of the same date. How many column inches are devoted to propaganda? How many to education? Do the two papers differ in the amount of material of one kind or another?

4. Secure a speech, letter, interview, article, or other extensive communication from your favorite public figure. Analyze the material in terms of the kind and frequency of the propaganda devices he has used. Do the same for a public figure you dislike. Compare the results. Is there any propaganda basis for your liking or disliking these two public figures? Have you consciously or unconsciously resisted propaganda appeals in making your choices? In the light of your analysis, should you reassess your attitudes regarding these two?

5. What effect does our American system of public education have on the distribution of power in our society? What effect would any of the following arrangements have: Tuition-supported schools from kindergarten through the university with each person paying for his own education? Schools completely supported and operated by the churches? Public schools that discharge after the sixth or seventh grade all pupils not bright enough to be prepared for college?

6. Analyze some of the recent criticisms of education. Is there any evidence that the critics are motivated by a desire for greater power for themselves?

7. If you do not wish to use the major news source in your town, what convenient and satisfactory alternatives for getting the news would be open to you?

8. What newspapers in your locality maintain editorial policies scrupulously free of the influence of advertisers? Will these papers reject advertising which might interfere with their objective coverage of the news?

9. If the framers of the Constitution were writing the free press amendment under conditions that obtain in the publishing busi-

ness today, do you think they would express the guarantee of press freedom differently?

10. What are some of your tastes, habits, and attitudes that have been influenced by the movies? By radio and television? By magazines?

11. What proposals would you make to improve the artistic content of motion pictures? Of television? What changes might cause these media to grapple more realistically with current problems? Would you prefer that they dealt more with current problems?

12. Would you favor extending the freedom enjoyed by the press to include motion pictures, radio programs, and plays?

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Chapter 4

Informing and Influencing Those Around You

You are a follower, but sometimes you are also a leader. You are the recipient of argument, idea, opinion, and persuasion, but sometimes you are also the purveyor. It must be this way if ours really is a free society. For in a free society, there is no essential distinction between government and people, between the class that gives out fact and opinion and the class that receives it, between those who help formulate policy and those who obey it.

A citizen should think of himself as one who influences quite as much as one who is influenced. If only a few think of themselves in this way and behave accordingly, power tends to concentrate in their hands. Your obligation to think of yourself in a dual way is greater, the better educated and informed you are. In a free society, a person with intellectual competence and knowledge has the obligation to master the skill of persuading others.

THE STAKE OF SCIENCE IN FREEDOM OF INFORMATION

The attempt of a group of atomic scientists to warn the world of the dangers of atomic war and urge the renunciation of war is a case in point. Typically, the natural scientist seeks the truth about nature without worrying about the use to which his findings may be put. In a sense, scientists have renounced responsibility for what they discover. "If I probe the atom and discover new sources of power, it is not my concern how mankind uses this new source of power." Such an attitude ignores the fact that the scientist is also a citizen, and a citizen with high obligations because of his intellectual accomplishments.

At the close of World War II, a group of atomic scientists began to reassess the role of science and scientists in formulating public pol-

icies. They had been instrumental in developing the atom bomb, a scientific accomplishment with potentially revolutionary effects upon public policy. Deliberately, these atomic scientists set out to tell the people and the governments of the world about the frightening implications of their discoveries. They emphasized the destructiveness of the new weapon. They insisted that there was no defense against it. They argued that for the first time in history, civilization has the means to destroy itself. Their purpose was a political and not a scientific one: to urge the governments of the world to renounce war and work for peace.

Unfortunately, their political skill was not equal to their scientific skill. They succeeded in alerting some of the free governments of the world. But they had very little impact on governments or people behind the Iron Curtain. People behind the Iron Curtain were not allowed to hear the scientists' plea. Instead, the communist governments pointed an accusing finger at the United States for being the first government to drop an atom bomb. Reform in American foreign policy, they told their people, rather than international cooperation, was required to save the world.

Scientists rarely are successful politicians. For the technique of science and the technique of politics are not the same. Considerations other than the purely scientific go into public policy-making. Still, scientific information is essential as a basis of sound public policy.

And science has much to gain and lose from the kinds of policies we maintain. Science flourishes through the same freedom of thought, speech, and press that benefit our lives generally. Without the free dissemination of information, science as we know it could not exist. The nineteenth and twentieth century progress of biology has been a collaboration between Englishmen, Frenchmen, Germans, Scandinavians, and Americans. They were able to communicate their findings without hindrance. Modern astronomy has been a collaboration between English theorizers and American observers, many of whom have never personally met. The wide interchange of scientific results is essential in any research field because information derived from the work of many scientists is put together by others to form new hypotheses which, in turn, are tested by the research of still others.

Any public policy that restricts the free dissemination of information weakens science. Unreasonable secrecy regarding the product

of scientific research cannot help but slow the progress of scientific research, even though secrecy may at times be necessary for reasons of national security. If public policy places scientific research, interchange of scientific information, and the granting of funds for scientific work in control of those who do not understand the nature of science, the progress of science will be hampered. Scientists may say, "Our concern is to seek after the truths of the world around us; we have no concern with public policy." But if they say this, they are wrong. Scientists are so vitally concerned with public policy that all should devote some thought and time and effort to public affairs.

SPECIAL INTEREST VERSUS PUBLIC INTEREST

Few groups ever seem to devote themselves to serving the general public interest—the greatest good for the greatest number. Rather, most groups seem to be working for their own particular advantage. Pickets carry placards accusing a struck store of being UNFAIR. Cattlemen descend on Washington asking for government help because beef prices have dropped. Cheese makers succeed in getting a tariff on cheese that will enable them to keep their prices high without the competition of imported cheese. Some Western lumbermen agitate for a return of national forests to state ownership to permit them to harvest the lumber without the restrictions imposed by the National Forest Service.

Even when groups do promote the general good, they find it necessary to appeal to different segments of the public in terms of each segment's special interest. Instead of saying "It's for the general good" they stress individual benefits to be derived by the listener. All this would make us cynical if we adhered rigidly to the principle that men should always behave altruistically. It *will* make us cynical if we consider influencing others as beneath us, a game for the selfish to play but not for us.

To decry self-interest is unwise for three reasons: 1. In a free society a certain amount, perhaps the major amount, of pressure on public policy must be from self-interest. 2. In the long run public policies initially derived from the promotion of some special interest are sound and in the public interest. 3. Special interests will serve the general interest if the public sees to it that they do.



Courtesy, Fitzpatrick and the "St. Louis Post-Dispatch"

New National Anthem

How Self-Interest Serves the Public Interest

Let us look at the first point. One of the basic assumptions of a free society is that those who are affected by policy have some voice in making it. As a rule, people speak up about public matters only when these matters touch them directly, or when they have special knowledge about them. What people say about an issue will probably not be something that harms their interests. More likely they will advocate a step that helps them in some way. It is proper for them to do so. For in a democracy government takes action on the basis of what the people seem to want to do, and not on the basis of what

government divines to be best for us in its own superior paternalism.

When a free government takes a step, it cannot tread on too many toes. People who are adversely affected have a right to protest. They not only have the right, they have the obligation. Otherwise government may not know whom its policies favor most and to whom injustices may be done. It is both understandable and constructive that the major pressure exerted upon government in a free society springs from the self-interest of various sides.

This brings us to point number 2. In the long run, public policies derived from the interaction of the self-interest of many different groups, are in the public interest. Special interest groups, motivated by selfish purposes, help to throw light on all aspects of a particular policy so that it receives a much more complete analysis than if no group took a special interest in it. The full airing of arguments and counterarguments permits an intelligent compromise.

Labor unions call strikes for union recognition and for higher wages—in complete self-interest. But higher wage policies have helped significantly to reduce poverty in this country. In the nineteenth century manufacturers pressed for high tariffs on imports of manufactured goods—in complete self-interest. Tariff protection made it easier to raise America's technological potential and improve working conditions. Farm groups advocate high tariffs on imports of some farm products and urge general farm price supports—in complete self-interest. But farm prosperity is closely tied to national prosperity, and conditions on farms have important repercussions on conditions in cities.

In some cases, policies which benefit one group do not further the general public interest. Examples include continuing tariff protection on imports of many types of manufactured goods, poor choices in the location of many public buildings, poor regulation of highway truck traffic, delay in the development of the nation's water power. Such policies, as a rule, did not result from the consideration of the point of view of every group affected. Some group or groups failed to speak up.

This brings us to point number 3. Pressures of special interests will serve the general interest only if all citizens take a stand on issues affecting them. When you read news of selective service legislation, economic conditions, labor proposals, foreign policy suggestions, how



Courtesy, Library of Congress

The thoughtful citizen does not merely listen to ideas and proposals. He analyzes how they will affect him and then takes a stand in support or opposition.

do you react? Do you ask yourself how these proposals, laws, and policies may affect you? Will a new trend make it easier for you to get a job? Will it influence your future career? Will it increase your cost of living? Will it enrich or curtail your education? Will it make it easier or harder for you to be heard on future issues? Will it increase or reduce the services that benefit you? If you ask such questions and make your views known, then your special interests will be considered in shaping public policy.

There is another type of question also. Is the proposal right? Is it just? Is it fair to all? Does it bear equally upon all? These questions deserve consideration, too. But no matter how high principled or altruistic you are, you are not wise if you do not ask questions of the first sort, too. If all people subjected all proposals that might affect them to questions of searching self-interest, took a stand on the issue, and let this stand be heard, more policies would mirror general public interest. For policy would result from full consideration of the self-interest of all those affected by it.

THE INDIVIDUAL'S STRATEGY IN THE POLICY BATTLE

What can the individual citizen do about policy-making? The mass media of communication seem to monopolize the public's ear. The issues of the day are distorted by the propaganda of many groups.

How can one choose sides and have one's choice count when so many are involved in deciding an issue? The active citizen must continually fight a two-fold battle. He must be proof against influences that tend to pervert public opinion, including his own. And he must act to influence the opinions of others—his friends, his acquaintances, anyone with whom he comes in contact.

Testing the Validity of Facts and Arguments

Persuasion contains two principal ingredients: fact and argument. Someone may say, "The incidence of smoke and smog has greatly increased in the air above cities." Someone else may say, "The incidence of lung cancer, respiratory infections, and similar diseases has greatly increased in recent years." These are both statements of fact. These two facts may be marshalled into the argument that impurities in the air lead to respiratory disease. The conclusion may be drawn that "Industrial establishments in cities should be compelled to use smoke-control equipment to protect the health of the people." This may be a sound argument and a sound conclusion.

Another conclusion might suggest an entirely different line of action: "It is not the industrial establishments but home incinerators and oil burners that cause most of the smoke and smog. Home incinerators and oil burners must be outlawed." Or "If industrial establishments in cities were compelled to use smoke control equipment to protect the health of the people, this might cost billions of dollars, bankrupt some industries, and force people out of work. If government were to install the equipment, taxpayers might oppose the increased tax load."

Now then, which of these positions do you support? Do you favor requiring industries to use smoke-control equipment? Of course, you may be more concerned with the economic impact on you than with public health. You may be a stockholder in an industrial concern and know that the cost of smoke-control equipment to that concern will reduce your dividends. You may be a worker whose job would be abolished if smokeless fuels were used. You may be a salesman of smoke-control equipment and favor the installation of such equipment, even if there were no clearly provable relation between smoke control and health. You, as a free citizen, are clearly within your rights to adopt any point of view for any reason whatsoever.

If you want to support the policy that derives from the most clearly proven facts and the soundest argument, you should raise two questions before making up your mind. 1. Are the "facts" really facts? 2. Is the argument sound?

What Is a Fact?

What are "facts"? The process of recognizing what is truly factual confounds most people. What we call a fact is only an approximation of the truth. Take, for example, the speed of light. It is supposed to be 186,273 miles per second. Yet this is only an approximation derived from the average of a number of separate measurements of the speed of light made by different scientists. No two of these measurements are exactly the same because of errors in methods of measurement, or because the speed of light may not always be the same. Just as we cannot be positively certain about the speed of light, so we cannot be completely sure about the relationship between smoke over cities and the increase of lung cancer and respiratory infections.

Someone may prove in the future that the incidence of lung cancer has not really increased. Instead he might prove that more cases are reported because of more accurate diagnosis and better public health reporting. Or someone may produce evidence to show that Los Angeles "smog" and New York "smaze" are due to the natural phenomena that have caused London fogs for centuries and not to industrial wastes. It is not very likely that such counterevidence will be adduced. But overturn of previously well-established facts has happened before. That the Piltdown skull was a half million years old was a rather well-accepted "fact." Recent analyses have shown it to be much younger and a part of the evidence that established its former age has been proved a hoax.

The whole texture of propaganda is filled partly with fact and partly with statements that are merely factual claims. A factual claim is a statement made as though it were a fact, though investigation would reveal insufficient evidence to support it. Someone may say with all the confidence and certainty in the world, "There are fifty-six politicians in this state who have ties with the underworld." It sounds as though someone had made an exact count. It might be so, or it might be merely a factual claim based on crude estimates, or on unreliable evidence. It might be nothing more than the fertilely dishonest imagination of the speaker.

How to Avoid Being Duped

You cannot check all the facts used in the arguments attempting to persuade you. But you can follow certain ground rules which will, at least most of the time, protect you from being duped.

Your first and best defense is an open mind. Do not believe everything you hear. Do not be overly confident about what you know. Above all, do not accept a statement as true merely because some "authority" made it. Note it, appraise it, but be as ready to disbelieve it as to believe it. Do not think that something is true merely because you encountered it in print. The fact that a statement is printed in a newspaper or book is no assurance that it is true.

Your next best defense is the constant query: "*Who* says this and *why* does he say it?" Obviously what a senator says about the atomic bomb should not be received with the same unquestioned acceptance as what an atomic scientist says. Though at times the senator may be as nearly right, or even more nearly right, the chances are that his statements are intended to have some persuasive effect rather than a purely enlightening one. Unlike the scientist, the senator must weigh his remarks in terms of their effect upon his constituency on whose opinion his job depends. The mere claim that someone is a scientist should not make his statements automatically acceptable, either. Who is this scientist? Is he in a position to know? What is his reputation among scientists? Is he merely seeking publicity? Who pays him? Statements that begin "science says . . . ," "scientists claim . . . ," "exhaustive study has shown . . . ," or "research has proved . . . ," may not come from scientific sources at all. Scientists, as a rule are extremely cautious in the claims they make. A typical statement might be: "Within the limitations of this study the evidence secured tends to confirm the hypothesis that such-and-such a condition exists at the present time."

What Makes a Good Argument?

What about the argument? Though the facts are straight, the argument may not be. One who wishes to convince dishonestly is likely to conceal facts unfavorable to his case. The facts which he cites may be well-supported by the evidence. But the conclusions reached may be false, because facts vital to the argument have been deliberately ignored or distorted. The reason why dishonest argument is so often

believed is that too few people examine the soundness of all the elements that make up the argument.

People tend to overlook fallacies in logic. One of the most common is the syllogism with the undistributed middle, which goes like this:

All men are mammals;
All pigs are mammals;
Therefore, all men are pigs.

The middle term, the term which appears in both premises—in this case mammals—is not distributed, that is, it is not used properly in the minor premise to permit a sound conclusion. Because you know a thing or two about pigs and about men, you immediately know that something is wrong about the conclusion. But if you did not know very much about the subject, you might be misled by such a fallacy in logic. For example, you might be fooled if someone said:

All Communists are Socialists;
This man advocates socialist theories;
Therefore this man is a Communist.

Other fallacies in logic arise from the use of inconsequent arguments. A conclusion is drawn or implied from a statement from which it does not logically follow. A favorite device of this type is the implication that the affirmative is true because the negative is not true. "This man, who lives in a crime-ridden slum, is probably a thief. After all, no one has proven that he has never stolen anything."

Sometimes, illogic of this kind is used in sustained fashion. A typical example might go like this: "This educational institution has never fought communism vigorously. In fact, its reputation is in the direction of statism and socialism. During the thirties a number of its professors were extremely left-wing in sentiment. Though these misguided faculty members have now largely ceased their subversive preachings, it was never proved that they were not card-carrying Communists. This man, who has just joined the faculty at this institution, must therefore be looked upon with extreme suspicion."

The persuader may use emotional words which tend to make his listener forsake logic for emotion. "Weeping, left-wing liberal," "obstinate, pigheaded, conservative," "sly, calculating, subversive conspirator," "brain washing," "character assassination," "disloyal un-

American revolutionary," "fanatical crackpot," "viciously twisted criminal mentality," "crooked thinking"—these are all examples of emotional terms. No one is proof against emotion. But you can know when you are merely feeling with respect to a proposal and when you are really thinking. You can be wary in the presence of arguments spiked with emotional terms.

Diversionary tactics are another favorite trick of the dishonest persuader. He diverts the argument from the main issue to side issues. One who opposed industrial installations of smoke control equipment might argue, for instance, that residence chimneys are the real cause of air pollution. If people start wrangling about whether residence chimneys cause pollution or not, the discussion is off the main track and likely to get stalled there without a decision on the main issue. To avoid side-tracking, one should keep asking "What is the main issue?" and concentrate on its solution.

Why do elected representatives, opinion leaders, writers and speakers stray so often from the path of honest thinking and straightforward argument? Many, of course, maintain good sportsmanship in discussion. For the rest, the stakes are temptingly high. When the stakes are high, the game often gets rough. The control of public opinion is the most important prize of verbal combat. To win it, men will resort to falsehood, if that will gain them the prize. Only if citizens reject falsehoods and insist on logical argument and clear presentation of facts, only then will Lyman Bryson's somber view of public life no longer be valid:

> There are kinds of statesmen who can work only by spitting out blackness like a squid, and men have to struggle to see clearly in their neighborhood. One of their techniques is to destroy science if they can. Science may not teach us what is of most worth; but it is hated by men who are crazy for power because it shows up the speciousness of so much that passes for good . . . The quality men most lack now and most need now is . . . questioning clarity of thought. They have emotions and drives and ideals—yes, even ideals aplenty. What they need is more exact knowledge of the world and of themselves.*

INFLUENCING THE OPINIONS OF OTHERS

To be a good citizen, you must express your point of view effectively and influence other voters. Who will listen to you? No one

* Lyman Bryson, *The New Prometheus,* New York: The Macmillan Company, 1941, p. 23.



Opinions tested in public debate acquire vigor. Ultimately they may prevail. Unexpressed or uncontested opinions rarely succeed.

Cy La Tour Photo

knows, until you try. Everyone has his coterie of friends, his circle of acquaintances, his day-to-day contacts. No one needs a soap box or a hall to promote his point of view among those with whom he comes face to face.

You need not fear that you are taking too much responsibility, that your judgments may not be as sound as those of others, that you may actually do more harm than good, that you have the moral obligation to allow others to come to their own conclusion. "No man is an island," said John Donne three hundred years ago. Your neighbor's opinions will be shaped by many influences. Whether yours is among them depends on what you do. Your influence, if it is to prevail in competition with others, must be sound. Your ideas must be well expressed. Those ideas that can hold their own in competition with others are likely to gain wide acceptance and emerge finally in the form of public policy.

If the expression of public opinion is not to be confined to what a few opinion leaders say, the first tactic of the intelligent and effective citizen is to make sure his opinions are expressed in the right places. The man who is well read and widely informed, who knows how to get the facts, who forms sound opinions on all aspects of local and

national policy is intelligent and educated. But he deserves no citation for good citizenship if he discusses the issues only in the comfort of his living room, surrounded by a small circle of his friends. If such men never attempt to take action on public issues, if they never try to influence lawmakers, then lawmakers will make their decisions on the basis of only a portion of informed opinion in the country.

The intelligent, conscientious citizen must frequently adopt the role of opinion leader. At the very least, he must listen to the opinions which are expressed and indicate his approval or disapproval. He must not allow someone to speak presumably for him when the views expressed are contrary to his own. As a working man, he must not permit some union leader to speak incorrectly for him. As a member of the constituency of an elected official, he must not let the official speak and act as though the entire constituency were solidly behind him, if this is not the case. When a newspaper editorial takes a stand of which he approves or disapproves, he lets the fact be known.

Knowing Whom to Influence

But to whom does the intelligent and effective citizen express himself? As a voter, he may try to influence as many other voters as he can. He expresses his opinion on candidates and issues whenever he has a chance to do so. The cab driver, the bootblack, his secretary, a fellow worker, a relative or neighbor, a hunting or golfing companion, the boss, a storekeeper, the newspaper editor—these people are all potential voters and they have contacts with other potential voters.

Will these efforts do any good? There is not much scientific evidence on the point. The most relevant evidence we have deals with rumor. It is known that rumor spreads fast by this word-of-mouth fashion. Rumor is often effective in changing opinion. But rumor is pathological. It is also known that advertising campaigns are highly successful when they generate a great deal of expression of word-of-mouth opinion among individuals. Unless advertising gets people talking to each other, it loses much of its punch. Certainly discussing his point of view with many others is a tactic that no effective citizen should fail to use.

Of course, some people may adopt an opposite view simply because it is you who have spoken. You may be anathema to some

people. The role of opinion leader, even on a small scale, requires some quality of leadership, an ability to gain respect for the things you say. At times it may be better to listen and see what the trend of opinions happens to be. Unintelligent comment or comment expressed at the wrong time or in the wrong place may do your cause more harm than good.

The citizen who really wants his opinions to count should try to reach the ear of policy-makers—the leader of the party, the president of the club, the elected representative from the district, the elected official in government. Or, failing contact with one of these, the citizen can hope to reach someone who is close to a policy-maker. If one has a case to make, it is best made to one who is in a position to decide the matter.

It is not always clear just who has the power of decision. Part of being an effective citizen is knowing just who does. To whom would you complain if you wanted to stop the excessive use of the street in front of your house by trucks which travel that way to avoid a stoplight two blocks down? Would you complain to the policeman on your beat, to the state traffic commission, to the local police commissioner, to the local traffic commissioner, to the truckers' association, to the companies whose trucks annoy you, to the mayor, to the governor, to the sheriff, to a justice of the peace, to a lawyer—to whom? The chances are better than ten to one that if you picked one of these officials at random his answer would be, "Well, that's not exactly in my department. You'll have to see someone else." The effective citizen will track down the source of responsibility, or, if there is none, will see to it that responsibility is placed where it is easily amenable to citizen control.

Knowing the Power Structure

Every community has its power structure. From the bottom to the top there are channels of influence. No significant policy change will be made without the consent of the person who is in a decision-making position regarding the matter in question. If it is a very important matter, then the top echelons in the power structure will have to consent. It may be that the most significant decisions require one man's approval. He may be the chief property owner and taxpayer

in a one-mill town, the publisher of the one newspaper that circulates throughout the area, the party boss of the local organization in a strongly one-party state, the crook who masterminds a gambling syndicate that handsomely pays off the officers of local government.

More typically, power is distributed among a number of groups. One study * of 37 small Pennsylvania communities revealed that fraternal organizations like the Elks, Masons, and Oddfellows were most influential in controlling nominations for public office in these particular localities. If you were dissatisfied with the caliber of nominees for election in such a community, it would not help very much to hold a protest mass meeting or become an active member in a political party. Your best tactic would be to join, along with others who believe as you do, one of the influential fraternal organizations.

The same study revealed that business associations like the Chamber of Commerce, the Junior Chamber of Commerce, the Manufacturers Association, and the Retail Merchants Association had more influence upon matters of public finance and taxation than any other type of group. Civic associations like the Kiwanis, Rotary, Lions, League of Women Voters, and the Association of Business and Professional Women had most influence in organizing and promoting programs of community improvement.

The patterns of influence might be entirely different in your community. The power structure varies from community to community and from state to state. It may even vary from time to time within the same community. For such is the nature of free society that concentrations of power are seldom permanent.

One of the principal marks of wisdom in a citizen of a free society is knowledge about the power structure.** He must know who, at the moment, holds power to decide the issue in question. Living under three separate governments complicates the citizen's task. Frequently citizens do not know what matters fall under the jurisdiction of local, state, and national governments, respectively. A voter will query a candidate for the state legislature on how he feels about

* William S. Vincent, John S. Kopp, and Eugene E. McCleary, *Interaction Between School and Local Community Groups,* State College, Pennsylvania: Pennsylvania School Study Council, 1948. See also laboratory practice A of Unit Two.

** See Floyd Hunter, *Community Power Structure,* Chapel Hill: University of North Carolina Press, 1953.

military aid to Europe—a purely national question. A citizen will assume that the State Commissioner of Education is the superior of the local superintendent of schools.

Every policy-maker is necessarily responsive to numbers. He will not usually decide on the basis of a single person's urging unless he believes that many others feel the same way. If you are serious about taking an active part in the formulation of public policy, you must gather others to your side. To this extent, the influencing of other citizens may be tactically as important as speaking directly to the policy-maker. Your objection to the excess of city smoke that comes through your window may sound like an isolated complaint unless you make it in concert with others who are equally annoyed by unnecessary smoke. Knowing whom to influence thus includes skill in identifying others of like views, and organizing them to pool their efforts with yours. This is the basis of pressure group formation, discussed more fully in Unit Two.

THE SOAPBOX, THE REFORMER, AND FREEDOM OF SPEECH

Columbus Circle in New York City used to be an island in the surrounding stream of traffic. In the old days, in good weather, you could pause there almost any time and listen to some soapbox orator fulminate against government, against economic policy, against our social system, against capitalism, against depression. Most of these speakers were against practically everything they spoke about. Their views were usually unreasonable or impractical. Most of them had very little influence. They very seldom attracted a large crowd, and even then, people gathered mainly for laughs. Still, Columbus Circle was important as a symbol of free speech in America. It was one place where no restrictions were placed on speakers so long as the gathering remained peaceful.

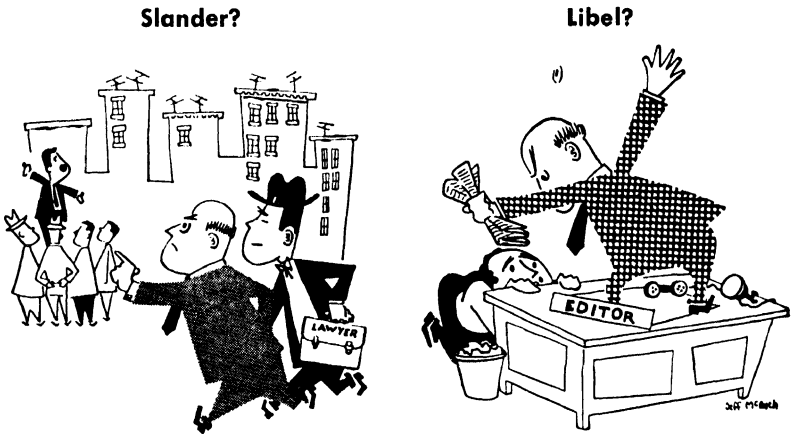
Without freedom of speech it would, of course, be impossible for you to influence others freely. The first amendment was added to the Constitution to assure that no government action would ever be taken to abridge freedom of speech. Such assurance is essential in a free society. It was government that tried to still Peter Zenger. It was government that closed *La Prensa* in Argentina. It was government that put Voltaire in prison for criticism of the monarch.

Dictators cannot afford free discussion. They cannot allow expres-

sion of questions or doubts about their policies. In a police state the vast apparatus of thought control includes wire tapping, spies, informers, neighbor pitted against neighbor. The intended result is that all citizens will take extreme pains to keep their mouth shut.

Freedom of Speech and Its Limits

Freedom of speech in a democracy does not mean and has never meant that any person is free to say whatever he pleases at any time on any subject. Laws against obscenity and slander are limitations



Jeff McGrath in "When Men Are Free"

If the soapbox orator slanders you, or the newspaper editor libels you, keep your temper! A lawyer will help you more than your fists can to right whatever wrong may have been done to you.

on free speech. A slandered person may bring a civil suit for damages. But no agency of government takes the initiative if there has been no disturbance of the public peace. When one speaks privately to a friend, there are no practical limits to freedom of speech except one's sense of what one's friend will think.

One may not with impunity make public speeches that incite others to crime, or to treason. For instance, under the New York Criminal Anarchy Statute any person is guilty of a felony if he "by word of mouth or writing advocates, advises or teaches the duty, necessity or propriety of overthrowing or overturning organized government by force or violence, or by assassination of the executive head or of any of the executive officials of government. . . ." Since assassi-

nation and use of physical violence are crimes, he who incites others to commit them is himself guilty of crime. The United States Supreme Court has ruled that such statutory limitations on free speech are consistent with the Constitution. Government has a right to protect itself and the institutions of society against those who advocate violence. It may punish them *after* they have spoken, if violence resulted, or if there is good evidence that violence was likely to result.

Some local governments require permits to hold public meetings. They contend that their duty to protect public safety necessitates some supervision of the right to speak in public. How else can local officials be certain that a speaker will not speak at a congested corner and delay traffic, or hold his meeting in a hall that is a fire trap? While there are sound reasons for requiring permits, such ordinances have at times been misused to prevent free speech by those whom public officials wanted to keep silent.

If one may not advocate the assassination of the heads of government, how far may one go in criticizing the heads of government or their policies? In 1789, the United States Congress passed the Sedition Act which provided fines and imprisonment for any person who might

> write, utter, or publish, or cause to be written, uttered, or published, any false, scandalous or malicious writing against the government of the United States, or either house of Congress, or the President with intent to defame or bring them into contempt or disrepute, or excite against them the hatred of the good people of the United States, or to stir up sedition, or to excite any unlawful combinations for opposing or resisting any law or any act of the President done in pursuance of law, or to resist, oppose, or defeat any such law or act.*

The zealous enforcement of this law might well have ended group or individual actions designed to bring about changes in public policy. So violent was the reaction of public opinion that the Federalist party that had sponsored the law lost the next election. Thomas Jefferson, who became president, promptly pardoned the four persons who had been convicted under the act, and the act itself was allowed to expire in 1801. Its constitutionality was never passed on by the Supreme Court.

Not until 1917 was any similar attempt made to limit freedom of

* As summarized by William G. Hale, *The Law of the Press,* St. Paul: West Publishing Company, 1923, p. 273.

speech about government actions or policies. Then Congress passed the Espionage Act which prohibited the circulation of "false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States . . ." In war time, no one was to willfully cause "insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States," or willfully obstruct "the recruiting or enlistment service of the United States." An amendment in 1918 further prohibited saying anything to obstruct the sale of United States bonds, or uttering disloyal, profane, scurrilous, or abusive language as regards the form of government of the United States, the Constitution, flag, or uniform of the Army or Navy.

This law was tested by the Supreme Court in 1919. A group of citizens had been convicted in the lower courts of inciting others to resist the draft. They had mailed circulars to draftees urging them to refuse service. The Supreme Court upheld the law as constitutional, and declared that it did not invade the right of free speech. Justice Holmes, in writing the opinion for the court, established the now famous "clear and present danger" doctrine. He said:

> We admit that . . . in ordinary times the defendants in saying all that was said . . . would have been within their Constitutional rights. But the character of every act depends upon the circumstances in which it is done. . . . The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent.*

When there is war or a grave emergency exists, the constitutional guarantees of freedom of speech may be limited in ways that would not be allowed in normal times. As Holmes observed in his opinion, no one has a right to shout "fire" in a crowded theater.

Aside from the limitations on free speech that are legal because they are essential for public safety, there are, in practice, numerous illegal restrictions on free speech. A person comes into a community to speak about an unpopular issue. He may be threatened with violence, or actually subjected to violence by local citizens or thugs who came to town to stop the speaker from exercising his right of free speech guaranteed by the Constitution. At times, these actions have been carried out with the knowledge of the local police, or even

* *Shenk* v. *United States,* 249 U.S. 47 (1919).

with their participation. Police have arbitrarily refused permits to speak, have barred the entrances to halls to keep speakers from entering, and have arrested individuals before they could speak. The offended speaker, of course, has a remedy. He may sue for false arrest or obtain a court injunction to prohibit the police from molesting him. But remedies at court are slow. By the time he obtains his remedy, it may be too late for him to benefit from it.

If violence is perpetrated, the injured person may swear out a criminal complaint against his attackers and bring them to trial. But to do this he must know the identity of his attackers. He must have witnesses. And where, in a hostile community, will he find someone to testify in his favor? If it is difficult to find an impartial jury to pass upon the evidence, the trial may be moved to another part of the state by a change of venue. Still, force has been used and the right to speak freely has been effectively blocked. Justice delayed may be justice denied.

Discussion as the Crucible of Ideas

Reformers often find their path blocked by public refusal to let them speak freely. They frequently are insulted and threatened. To persist in their efforts, reformers need a fanatical devotion to their cause. The more their proposals contravene prevailing public attitudes, the harder the road. Why do they persist? Does their idealism make them immune to public disfavor? Do they despise the public and disdain its reactions? Are they trying to compensate in their espousal of public reforms for feelings of personal inferiority? Do they have a compelling sense of mission which can be satisfied in no other way? The answer is difficult.

Few would-be reformers are successful. And it is well that this is so. The process of change in a free society puts all ideas and proposals to a severe test. Throughout the course of American history—throughout the whole of modern Western history, for that matter—thousands of ideas have been put forward by various individuals and groups. Many of these ideas are neither sensible nor practical. But who knows in advance which proposals are good and which are stupid? There is no way to test them except to propose them and see how they fare in the light of public discussion. The more novel the idea, the greater is the initial resistance to it. To accomplish a

radical change, much time and effort and promotion are required. As a new idea gains ground, those who oppose it increase their attacks upon it. It is a struggle for survival, a war of ideas.

The war of ideas is the really significant war in Western history that gives Western culture its peculiar vitality. Out of the conflict of ideas sound ones emerge and unsound ones perish. But what is unsound today may be sound tomorrow. What runs counter to public opinion today may be acceptable tomorrow. Were free speech denied to those whose ideas are totally contrary to public thinking, many sound improvements in public policy would be lost. But were it easy to get a novel proposition adopted, many unsound ideas might become a part of public policy. "Railroading" changes in public policy is as bad as putting roadblocks in their way.

The soapbox orator has a part to play in this war of ideas, though generally a very minor part. The persistent reformer contributes a share, though it rarely is large, despite the controversy which he may stir up. But occasionally his eventual contribution may be enormous. Labor organizers were scorned and abused in the 1920's. But ultimately they and their organizations attained a respected and powerful position. Townsend's "Fifty Dollars Every Thursday" plan for aiding all people over sixty-five gained a wide following in the 1930's. It finally disappeared like other unsound proposals.

What is your part in this war of ideas? You have the very highest stakes in maintaining freedom of speech. If Congress should ever pass a law like the Espionage Act of 1917 for use in peace time as well as in war, would you and other citizens remain silent? If you did, your freedom of speech would be in grave danger, and you would be to blame.

Most denials of free speech in the United States today are due to the actions of private groups. Such groups intimidate or discourage the discussion of issues or ideas which are unpopular locally. In some localities a person cannot freely discuss issues like civil rights, racial integration, public power, federal ownership of oil and timber lands, philosophies of education, the United Nations, the conflict between East and West, subversion in government, union representation, or public housing. This is where you can help. You as a local citizen can act to preserve the right of free speech whenever it is threatened locally. You can remember Voltaire's famous statement

to Madame du Deffand: "I disapprove of what you say, but I will defend to the death your right to say it." You can let it be a guide to your own behavior and urge others to follow it.

But you should avoid becoming tagged as a visionary, an impractical person, or a person with dangerous ideas. If you are tagged that way, your influence in your community dwindles. Your prospects of success are far greater as an ordinary, average citizen playing the day-to-day role of sensibly protecting your liberties. Your moves should always be related to the state of local public thinking. You cannot get too far ahead of local feeling and expect to be followed. You cannot attain very much, not immediately at least, if your opinions consistently run counter to local biases. If local biases are strong, if they inhibit discussion of many issues, then the locality involved enjoys only a modicum of truly free speech.

QUESTIONS FOR DISCUSSION

1. Examine the arguments in the press on some current policy such as return of ownership of national forests to the states, granting the vote to eighteen-year-olds, or rezoning a section of the community for industrial purposes. What are the arguments of the several parties to the controversy? Are they all affected directly by the ultimate outcome? Could a better decision be made if more groups unaffected by the outcome should enter the controversy?

2. What current issues of national, state, or local policy affect you directly? What have you and those similarly affected done to express your interest regarding each of these issues? What group has been most vocal about the issue? Is it voicing an interest similar to yours, or contrary to yours?

3. Does a person who receives the benefits of an education at public expense have an obligation to participate in public affairs? Or may he use his education exclusively for his own professional and personal advancement?

4. Is democracy working properly if no significant change can be made without the consent of whoever happens to be in a decision-making position?

5. What would be the advantage or disadvantage if there were an agency of government empowered to institute court actions for libel and slander?

6. Should Communists be granted or denied the right of free speech?

7. Opponents of new ideas may fight them with every legal means at their disposal. When does fighting of new ideas border upon the illegal? When does it border upon the unethical and dishonest? Give current examples and examples from earlier periods of American history.

8. Suppose Congress passed a law like the Espionage Act of 1917, to apply to peace time. What would its effect be on the influence that public opinion has on policy-making?

9. To what extent is freedom of speech limited in your community by public opinion to the effect that certain issues should not be discussed?

10. Which is better for you in the long run: (a) to support policies derived from the soundest argument and supported by the most clearly proven facts, or (b) to support policies that bring you the most personal benefit? Why? Would you follow "a" if the outcome meant the eventual end of the industry in which you work? Would you follow "b" if the majority of those affected by your action would be seriously inconvenienced by the outcome?

11. Examine the arguments presented on the editorial page of your favorite newspaper, or by your favorite news commentator. What use is made of fact or factual claims to support them? Compare the editorials of two or more papers discussing the same public question, or compare the opinions of two or more radio commentators.

12. Criticize the following statement from Edward Hallet Carr's *The Soviet Impact on the Western World,* New York: The Macmillan Company, 1947, p. 10: " 'Government by consent' is a contradiction in terms; for the purpose of government is to

compel people to do what they would not do of their own volition. In short, government is a process by which some people exercise compulsion on others."

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UNIT TWO

Influencing Public Affairs Through Voluntary Groups



PREMISES

Government shall not interfere with freedom of assembly or the right of petition.

U.S. Constitution, Amendment I, and court interpretations as in *De Jonge* v. *Oregon* (299 U.S. 353, 1937) and *Hague* v. *Congress of Industrial Organizations* (307 U.S. 496, 1939).

Government shall not deny to anyone the right to organize and join groups to promote their economic, social, political, and other interests.

U.S. Constitution, Amendments I and XIII, Section 1, as interpreted through such court decisions as *Commonwealth* v. *Hunt* (45 Mass. 111, 1842). See also such legislation as the National Labor Relations Act of 1935, Sections 7, 8, and 13.

Everyone has the responsibility to use democratic methods to achieve group agreement, to abide by the will of the majority, and to respect the rights and opinions of the minority.

These "ground rules" are reflected throughout the U.S. Constitution and the constitutions of the 50 states.

Everyone has the responsibility to subordinate to the common good private advantage and group and class loyalties that conflict with the welfare and security of the nation as a whole.

Principles expressed in court decisions such as *Munn* v. *Illinois* (94 U.S. 113, 1877), *Village of Euclid et al.* v. *Ambler Realty Co.* (272 U.S. 365, 1926).

Competition, as well as cooperation, is indispensable to the proper functioning of a free society.

Principles embodied in legislation such as the Sherman Antitrust Act of 1890 and the Clayton Antitrust and Federal Trade Commission Acts of 1914.

For additional documentation see:

Resources for Citizenship, Citizenship Education Project, Teachers College, Columbia University. Part III, pp. 245–283.

Introduction and Laboratory Projects

Americans are joiners. Perhaps you have heard the old gag: If three Americans were shipwrecked on a desert island, what is the first thing they would do? They would elect one of the three president, one secretary, and the other treasurer. To Alexis de Tocqueville, a Frenchman who visited this country in the 1830's, one of the most peculiar characteristics of the United States was the great variety of groups. This characteristic is no less apparent today. And with the enormous increase in ease and rapidity of transportation and communication, the number and variety of groups and meetings in which one may actively participate have grown steadily since Tocqueville's day.

Most of the country's business is transacted in groups. Bargaining sessions, staff conferences, board meetings, club meetings, legislative committees, conventions, caucuses, discussion panels, luncheon meetings, workshops, and forums are all standard types of working groups. Legislators, educators, doctors, lawyers, scientists, ministers, labor leaders, corporation directors, and a host of others in public affairs and the professions spend a great proportion of their time in meetings of various kinds and sizes. The higher a person ranks in an organization and the heavier his policy-making duties, the greater usually is the proportion of his time devoted to meeting with other people. The amount of time which many prominent persons spend merely sitting and talking or listening is truly astounding.

The group is an engine of democracy. Through groups people influence the policies under which they live. Within groups ideas, opinions, arguments, and facts are shared; public opinion is formed. Group membership may equal voting in importance. We select our officials through voting, but it is through group pressure that we keep them responsive to our wishes between elections. Since one vote in 65,000,000 counts for very little, citizens who want to influence

government must join with likeminded people to form a group large enough to count. One of your best opportunities for sharing in the decisions of government lies in joining a group known to have an influence on public policy.

Freedom to meet in groups is basic to a free society. The right of assembly is protected by the constitutional guarantee that "Congress shall make no law respecting . . . the right of the people peaceably to assemble, and to petition the government for a redress of grievances." This protection extends to all sorts of groups, from a picket line to a church service.

The group is government in miniature. Groups have their leaders and followers, their policies and policy-making processes, their system of internal communication. Group opinion is the analogue of public opinion. Groups have laws, and systems of punishment, and checks upon inordinate appetite for personal power. Through watching the group process you can learn how government operates and gain valuable insights regarding leadership, law, communication, and public opinion.

It is therefore important that you know and understand groups, their structure, processes, and functions. The material in the three chapters of this unit deals with groups—their types, their impact upon society at large, and their inner workings and primary characteristics. The chapters also discuss party politics, pressure group action, lobbies, negotiation, compromise, cooperation, cultural influences in our society, class structure, intercultural relations, community affairs, and local government. All these are group matters. With good group processes they function well; without good group processes they generate some of the major difficulties of democratic government. These various topics may be explored further through studying the readings suggested at the end of each chapter.

Chapter 5 discusses *Why You Should Join Groups.* It deals with the multiplicity of groups and the careful personal considerations that go into picking a group to join. It discusses the important function of groups, in a free society, in keeping representatives responsive to the popular will. It describes the tactics of group membership and the strategy of rising to a position of leadership within a group.

Chapter 6 considers *The Group at Work.* It shows that the group can accomplish certain kinds of work that no other instrumentality could achieve. Group processes such as argument, negotiation, com-

promise and cooperation are examined. Findings from the scientific study of group processes are also analyzed.

Chapter 7 views *Local Groups and Local Government* as two manifestations of the same thing: the ability of people to create institutions that will provide them with the services they need. Local government is viewed as the result of local efforts by local groups. Your power to influence local government is assessed in terms of membership in local groups.

The laboratory projects involve dealing actively with pressure group action, class structure, negotiation, compromise, intercultural relations, local government, and other aspects of the group process.

LABORATORY PROJECTS

(A) Analyzing the Power Structure of the Local Community *

Scope: The purpose of this project is to help students understand how policy-making power is distributed among various groups of the community, and teach them which groups have the greatest influence upon the most important factors in community life.

Students develop and administer a questionnaire to find out what groups in the community are most influential in the formulation of various types of public policy.

Preliminaries: A questionnaire should be composed to answer such questions as: Where does the real power lie in community affairs? What person or group usually "gives the nod" to the most essential decisions? Is there a clearly defined stratum of power, or does power shift from year to year? Who exerts the greatest influence upon matters of taxation and public expenditure? Who exerts the most influence upon nomination, campaigning, and election for public office? Who is most influential in getting local public works done, such as street repairs or water installations? Who is most active in community improvement projects, drives, charities, etc.?

Procedures: Since the questionnaire seeks knowledge rather than public opinion, it should be submitted only to a small group of long term residents who have played some part in public life. A dozen personal interviews may suffice for the average community. Criteria for identifying citizens who are to be questioned should be

* Adapted from a study carried out by the author, John S. Kopp, and Eugene E. McCleary, *A Study of Local Community Groups*, State College, Pennsylvania: Pennsylvania School Study Council, 1948.

discussed and established. Persons like the superintendent of schools, a minister of long residence, or a businessman of long experience might supply a list of names of those who know most about the inner workings of the community.

Results: Results should be charted, if possible, to show the relative importance of groups and the importance of the areas in which they are entrusted with decisions. What groups—service, educational, business, patriotic, church, political, etc.—are most influential in a given area? What functions—public finance, charitable drives, political campaigns—are most vital for the life of the community?

(B) Organizing a Procedure for Resolving Intergroup Conflict *

Scope: This project gives students firsthand knowledge of the forces that cause some groups to be "natural enemies" of other groups. It helps to develop skills in group procedures that generate cooperation in community betterment.

Students identify two groups which are in conflict. They select a community problem not related to the activities of either group. Then they organize a new group—a "bridging group"—to cope with this problem. The bridging group is composed of members from the first two groups. Its success in bringing about cooperation between members of the conflicting groups may reduce conflict between them.

Preliminaries: This project will be most valuable when group conflict in the community is of some magnitude and a matter of general community knowledge. It may be an overt or covert chronic conflict between labor and management, between two labor groups, between Negroes and Whites, or between any other cultural, economic, or social groups. The students organize a bridging group without revealing that their purpose is to reduce conflict between Groups A and B. The bridging group provides a channel for communication between the two groups.

Procedures: After locating conflicting groups, students organize a project on which the members of Groups A and B are willing to work together. It should deal with a problem which urgently requires solution, which is recognized by the community at large, and which is entirely separate from the conflicting interests of Groups A and B. Appeal to members of Groups A and B to join this new group should

* Adapted from Herbert A. Thelen, *Dynamics of Groups at Work*, Chicago: University of Chicago Press, 1954, pp. 349–355.

be made to them as individuals, not as representatives of their groups.

The new group—Group C—meets to consider the problem, develops a policy to deal with it, and proceeds as a work group to do something about it.

Results: The students, in providing the organizing service for Group C, either by themselves or in association with others in the community, contribute to the resolution of a community conflict, assist in undertaking a task of community betterment, and provide for themselves a laboratory in which they may develop skill in group process and observe the significant stages occurring in the resolution of intergroup conflict.

If members of Groups A and B dislike each other simply because they are members of their respective groups, their first discovery will be that they can work with each other on this new problem. Their second discovery will be that they begin to see each other in a different light.

An important landmark will be reached when member behavior in Group C grows more and more spontaneous and less reserved. Members of Group A may casually quote or refer to members of Group B. Members of Group B may talk about their position in the community and how it contrasts with the position of members of Group A.

Another important stage has been reached when members of Group A and B communicate freely with other members of their groups about what is going on in Group C. Since a member of Group A can no longer maintain hostile feelings about a member of Group B and continue to work in Group C, he will probably try to change the feeling of Group A about the members of Group B. If he is influential in Group A, he may be able to do so. If there are several members of Group A in Group C, the chances are even greater. Considerations like these should be borne in mind in the initial selection of members of Group C.

(C) Comparing Local Voluntary Groups

Scope: This project teaches students to discriminate among groups in terms of their impact upon the public interest, the relative degree of democracy in their internal processes, the extent of their cohesion, the soundness of their appeal to their members, their methods of selecting officers, the responsibility of officers to membership and to the community at large.

Students identify a variety of local voluntary groups. With the consent of each, they study its policies and procedures, and compare groups for similarities and differences in purpose, process, and policymaking.

Preliminaries: Groups that are obviously varied in purpose and process should be selected so that the variety of the community's group structure will be represented in the study. If possible, there should be a political club, fraternal organization, women's club, business group, or any other organization which admittedly has some influence upon local policies. No group should be included unless its leadership, at least, and possibly its membership, is thoroughly receptive to the idea.

Since a class committee of two to four members will be assigned to each group as "visiting members" who meet with it periodically to study its actions, the number of groups selected for observation will depend in part upon the amount of manpower available in the class.

Procedures: The committees determine what kinds of phenomena they plan to observe and prepare a form to record observations and impressions. Observations regarding leadership would be important. Has the president succeeded himself term after term? Is he a representative member of the group? Is he a representative member of the community at large? Similar observations may be made about the membership, about methods of communication within the group, stratification of membership into cliques, etc.

Some attention should also be given to group policy. To what extent does group policy consider the general good of the community? What is the usual policy-making process? Does the president make decisions independently or is there extensive discussion? Chapters 5, 6, and 7 of this unit, and the references at the end of these chapters suggest additional questions.

Results: The findings of the various committees should be discussed to determine the extent to which the community is well served or, on the other hand, victimized by its groups.

(D) Surveying Employment Practices for Minority Groups *

Scope: This project should give students keener insight into the realities of local employment practices. It provides experience in surveying a controversial phase of community life and seeking acceptable solutions in the face of strong prejudices.

* Adapted from *Citizenship Laboratory Practices for College Students*, New York: Citizenship Education Project, 1954.

Students survey employment opportunities for minority groups in the community, and make proposals to improve unfavorable conditions.

Preliminaries: This project cannot be undertaken successfully without the full cooperation of the groups concerned. It should receive prior approval of city and college authorities. After approval has been granted, students should determine what groups and what types of employment should be investigated. Approval for the project must be obtained from leaders of groups included in the survey.

Students must decide whether data can best be gathered by interviews, questionnaires, or both.

Procedures: Information should be sought on the type of work given to members of minority groups, and its relation to their qualifications. What are the amounts, regularity and duration of wage payments? What is the marital status of members of the minority, and the number and ages of dependents? How does the type, location, and condition of housing of members of the minority compare to that of the general population? To what extent are majority and minority groups organized, and what is the nature of their leadership? What are the attitudes of minority and majority groups toward work, and toward their employers and employees?

Results: After the data are collected, tabulated, and studied in terms of the overall history and present condition of the community, the class presents its findings to leaders of the minority groups. It discusses with them ways and means to improve unfavorable conditions.

(E) Organizing a Student Committee Liaison With Local Government

Scope: This project will give students firsthand insight into the problems faced by local government in the adjustment of conflicting group interests. It also develops skills in organizing and establishing a quasi-governmental agency.

Recognizing that there is often conflict between "town and gown," students organize a committee representing the student body, to maintain permanent liaison with local government in the formulation and execution of policies affecting town and gown jointly.

Preliminaries: This project is feasible only with the cooperation and approval of local governmental authorities. It will be most fruitful where there have been past misunderstandings and frictions between

students and townspeople, and the need for cooperation is recognized.

Procedures: In cooperation with local authorities, students decide on the composition and selection of the liaison committee, and its manner and scope of operation. They publicize the plan to the student body and townspeople, and promote its acceptance by them. They organize the establishment and continuance of the committee.

Results: The committee should become a permanent tie between the campus and the community, and should result in better coordination between the two groups, and avoidance of friction.

(F) Changing the Legal Status of a Municipality

Scope: This project will help students explore the nature and structure of local government, its relation to state sovereignty, and the influence of groups of various kinds in a major move setting up a new government.

Students act as a service committee for a group of resident citizens interested in qualifying a given area for incorporation, unincorporation, annexation, or home rule. They assist the citizens in determining the conditions and meeting the qualifications.

Preliminaries: If there is sentiment for a change in legal status in a nearby community, an offer by the students to gather information and otherwise assist in such a move will probably be gratefully accepted. Civic actions of this kind are time-consuming to those who take the major responsibility for them; any voluntary help will generally be welcome.

If there is no sentiment for a change in legal status, yet the need for such a move is obvious to the students and their instructor, students may undertake the role of a pressure group urging the importance of a change in legal status, and delineating the steps that should be taken.

If moves towards a change in legal status are well along, the students may perform the service of informing the public about the nature of the change, and the advantages and disadvantages of various forms of local government. Under some circumstances, the students may stress the advantages of a particular form of local government.

Procedures: Students should familiarize themselves with the constitu-

tional and statutory law applicable to the contemplated legal change. They may search for data to indicate whether legal requirements are locally met, or may prepare a chart showing requirements on one side and steps to their attainment on the other.

Requirements relating to the size of the local population may necessitate a census or count of some kind. A survey or calculation of area may be required in some cases. A petition from some proportion of the inhabitants of the area must usually be secured. Inhabitants must be informed about the effect which the proposed step will have on them. Petitions need to be drawn up, circulated for the requisite number of signatures, and presented to the proper authorities.

Or it may be necessary to select a commission to draw up a home rule charter, or to determine the extent and function of a special district which needs to be established. If an election is required before the change can be effective, students may inform voters and get them out to the polls.

Results: This project provides students with an opportunity to observe a number of public servants in action. They may be public servants the public rarely sees. Students should ask themselves: How did this man get this position? What are his qualifications for it? Of what advantage is it to him, or to someone else, for him to hold it?

Students should compare requirements for various forms of local government in their state with those in other states. How do requirements for incorporation reflect the governmental philosophy of the framers of the states' constitutions and statute laws? Do they seem to trust the people, or is there some evident intention to make home rule difficult to secure? How flexible is state law in providing municipal charters suitable to the particular district in question? What group's interests are best protected in your state? What groups deserve the greatest consideration in the present instance?

If the project involves a problem of annexation, where groups in a larger governmental unit try to annex adjacent territory over the opposition of the unincorporated region, students may assist in solving the dispute by gathering data to show the probable effects of annexation.

(G) Evaluating the Quality of a Local Government Service

Scope: This project gives students firsthand experience with some of the primary factors determining the quality and performance

of a local government service. They learn as citizens to evaluate the performance of public servants. They have an opportunity to observe some of the fundamental distinctions between business and government.

Students pick a service provided by local government—like road construction and maintenance, sewage disposal, police and fire protection—and devise and apply means for evaluating the quality of this service. They consider such factors as the size of the government district, the tax base supporting the service, methods of policy formulation, methods of hiring staff, as well as pressures that local groups exert relative to the service.

Preliminaries: The selection of a service to be evaluated requires great care. Students should make certain that they have the necessary resources and ability to do the job properly. If possible, cooperation of officials responsible for the service should be secured.

Procedures: An evaluation instrument and method of applying it should be worked out, and the class organized to secure the necessary data. If, for example, county roads are selected for evaluation, observations should be made on such matters as variation in surfacing from one county to another, or within the county; upkeep as measured by holes, cracks, surface evenness, etc.; cost of maintenance, as determined by an interview or by an inspection of financial records; methods of securing funds for maintenance and new construction; quality of engineering know-how possessed by county road supervisors and crews; personnel employment policies; extent to which operation of the service is responsive to the wishes of those served.

Results: After the evaluation is completed, the class should judge the efficiency of the service and should communicate its recommendations to the proper authorities, or to the public at large. Emphasis in the class report should not focus upon human inefficiencies and weaknesses in the operation of the service. Rather, attention should be concentrated on the design and organization of the agency set up to perform the service. Inefficiency of government services can frequently be traced to improper organization, poor relationship between the agency and the governmental unit of which it is a part, inadequate communication between the agency and those it serves, antiquated methods of public finance by which the service is supported, and so on.

Chapter 5

Why You Should Join Groups

Practically every community, large or small, is made up of a number of groups of many kinds. In one way or another they influence the policies and actions of the community and its government.

You may be unaware of your membership in some of these groups. The way others think of you makes you a member of some groups. The way you think of yourself makes you a member of other groups. Your membership in some may result from your likes and dislikes or from the way you behave. You may be a member of a certain group because your father or mother was a member. Others you may join by a conscious act of choice.

GROUPS TO WHICH YOU BELONG

You are a member of some *cultural group,* though your membership may not be as obvious as that of others. People who have the same folkways, beliefs, laws, manners, and fashions form a cultural group. The culture that distinguishes your group from others may be foreign or native in origin; it may be found in only a part of the United States or in the country as a whole; it may involve a large or small number of people. Americans who originated from the same part of Italy, who have the same likes and customs, are thus a cultural group. People think of you as an Italian-American, or Irish-American, or a Middle Westerner, or New Englander, or southern Negro, or northern Negro, or white-Protestant-early-settler, or Wisconsin German, or Minnesota Swede, or Tennessee mountaineer. The number and variety of such culture groups, determined by variations in origin, customs, habits, beliefs, and behavior are very large.

You are also a member of some *racial group.* You share with

some others a particular racial ancestry whose physical characteristics distinguish you to a greater or lesser degree from people who do not have the same ancestry. Negroes and whites form major racial groups in the United States. Each of these major groups can be divided into many sub-groups.

You are a member of a *religious group*. You may or may not belong to a particular church or be a confessed follower of a particular religion, but members of your family may be or have been. Most likely members of one or the other side of your family were predominantly of the same faith. Whether or not you are now a conscious follower of that faith, your family's attachment to it has left some mark on you in beliefs, attitudes, morals, manners, likes or dislikes, and outlook on life.

You are a member of an *occupational group*. Even if you do not have a job right now, you may already reflect the characteristic attitudes of the occupational class which you intend to join or to which your father or mother belongs. To the extent that their occupation colored their points of view on personal, social, and economic matters, it has colored yours also.

You are, of course, a member of an *age group*. Yours is probably a youngish age group, and you tend to think as a person with a full life ahead of you. Your attitudes on such matters as social security taxes, for example, may well differ from those of the age group nearing retirement.

You are a member of a *social class:* upper class, lower class, or middle class. Members of the upper class enjoy special esteem, and usually, though not always, possess money. They are frequently envied by members of middle and lower classes. Within each class there are subdivisions. Designations like upper-middle, or upper-lower, or lower-upper and the like are needed to express differences within each class. Our society is "classless" only in the sense that individuals are not irrevocably tagged as to class. In our country one moves from one class to another more freely than in most other societies in the world.

You are also a member of a number of *functional groups,* groups that exist to perform definite functions. Your family is a functional group. Your family does not only share the same name and a common ancestry. It is also a working unit of persons who live together in a home. You are a member of a class in college or university.

You may be an enrolled member of a church. You are or possibly will be, a member of a business group. Or you may be, now or later, a member of a fraternal organization such as a college fraternity, or a Masonic lodge, or of a patriotic organization such as the American Legion or the Veterans of Foreign Wars. You may be a member of a civic club, a political club, a recreational club. You are most likely a member of some gang, or circle, or clique. You and a limited number of others enjoy each other and like to be with each other more than with anyone else. This is *your* gang, or lodge, or fraternity. From it you may get your fullest satisfactions and feelings of security.

You may consider yourself a member of a political party because you may generally give moral support to or vote for that party's candidates, or you may consider yourself a member of that party largely because people in your family have always considered themselves members. Your political consciousness may thus be derived from your cultural group membership rather than from any positive choice on your part. Or you may *really* be a member of a political party because you contribute to its funds, or campaign for its candidates, or because you belong to that relatively small group of people who form the party's regular organization.

Sometimes you must join a group whether you wish to or not. In some industries you will be required to join a labor union either when you take a job or within a stated time afterward. In some industries unwillingness of a union to invite you to membership may bar you from employment. Or you may join a group because you feel it is expected of you. As a physician, you might feel obligated to join your local medical association and the American Medical Association, though membership in these organizations is not required to practice medicine.

GROUPS AND FREEDOM

In a free society people may join whatever groups they please. Groups whose purposes and activities appeal to many people gain many members and can be very powerful. Public officials listen to them, for the members of the groups represent votes. Officials listen not just at election time; they listen at any time.

Policy-makers seldom listen to a single individual, unless he represents a group. If he is a group leader, he presumably expresses the

views of a large proportion of the people in his group. He is politically powerful because he is an opinion leader with a large following. Insofar as his views reflect the views of members of his group, these members have an influence upon public policy.

In our society there is no restraint upon the freedom of two or more individuals to organize a group and to attract other members to their group. No license is required. Government does not interfere with groups whose actions and intentions are peaceable and lawful. Since groups are entirely free, they may restrict their own membership, but there is nothing to prevent excluded persons from forming a group of their own. Hence we speak of voluntary groups. In a dictatorship there may be no groups except those the government organizes or approves.

Literally thousands of groups constantly keep elected representatives informed of their views on issues. If a mayor says he is going to crack down on criminal elements before they have a chance to do wrong, many groups will applaud. But you may be sure that some group will accuse the mayor of abusing the rights of individuals. If the mayor says he is going to improve living conditions at the city jail, he will most likely be accused by some group of coddling the criminal elements of society. Group pressures bear on state and federal officials, too.

A public official may not pay the slightest attention to what a particular group says through its leadership. Part of the skill in politics lies in knowing when to be concerned over a challenge which emerges from the public. Generally speaking, the more active voters a group has in its membership, the more powerful its pleas. The official, if he wishes to stick by his guns when he has drawn the fire of a powerful group, may make a statement designed to arouse public sentiment against the group, or split some of the membership away from the leader who is talking. Other groups may join the fray. In the end, the official may be forced to back down, or to modify his policy, or he may emerge victorious.

If you have read your newspaper fairly well during the past two or three months, you should be able to recall at least one incident of this sort. At the time you may have considered yourself completely outside the squabble. You may have thought scornfully "those Democrats" or "those Republicans," or "those labor leaders," or "those money grabbers," or "those pussyfooters." You may have consid-

ered yourself a bystander with no responsibility in the matter. You may have thought of yourself as one who could not possibly have any voice in the matter, even if you had a point of view. If so, you made a mistake.

Furthermore, you may have thought the whole incident a disagreeable, disreputable matter. You may have been a little ashamed of it and hoped that a public squabble between a responsible, elected representative and the spokesman for a pressure group would not receive much publicity. What would responsible people think? Would they doubt the ability of the group to behave properly in a democracy? If you felt this way, you made a second mistake. Let us discuss that mistake first.

KEEPING REPRESENTATIVES RESPONSIBLE

The business of government is not carried on directly by all citizens. The people select certain of their fellows to carry out governmental duties on behalf of all. The need for a system of representation is obvious when a great number of citizens are scattered over a large territory. If there were only a few citizens within a political jurisdiction, they might vote directly on legislation and divide the responsibilities of government among themselves. This is the way the city-state of Athens was governed for a time. But when Athens reached a population of many thousands, it was too large to be governed by direct action of the people. Had the Greeks developed the device of the elected representative, which makes democracy possible in a large country, democracy in Athens might not have broken down in later years.

The device of the elected representative will work only if there are ways to keep representatives responsive to the wishes of those who elect them. The framers of the Constitution thought that periodic elections would keep public officials responsive to the public will. They did not believe that popular pressure needs to be brought to bear on the government between elections. But the people willed otherwise. Through group pressures, they keep their government informed of their wishes. No representative is ever elected to public office and then left alone. Much can happen in two or four or six years. Memories wear thin. Though most public officials are honest and responsible in the discharge of their duties, some are not. Con-

tinual surveillance of public servants is therefore essential. In our democracy this task is performed largely by voluntary groups on their own initiative.

Therefore it was a mistake if you abhorred a dispute between a mayor and a powerful local group. Such disputes are of utmost importance to our method of government. The dispute itself may be trivial. The fact that it can happen, that in happening it can crystallize opinion and channel action in one direction or another, guarantees that public policy can be formulated *in public*. Otherwise public policy may be formulated quietly, in secret, and without the knowledge or participation of more than a handful of citizens.

POLITICS AS A FUNCTION OF PRESSURE GROUPS

The other mistake you made was in not being a party to the dispute. Confronted with the pressure group system of influencing public policy, the individual must be a joiner if his views are to count for anything. If he chooses to remain independent, an individualist unencumbered and uncombined with other individuals, he is one lost among many. The only exception, and a rare one, would be the individual who has attained a position of such special prominence that policy-makers will listen to him whenever he speaks. Dwight Eisenhower, while president of Columbia University, once made a remark about our air defenses that generated much public discussion. A few weeks later Congress appropriated an additional $800,000,000 for air defense. But the influence enjoyed by prominent persons is by no means permanent or certain. And only a few ever become persons of such outstanding prominence.

If you want to be a responsible citizen you must, of course, have opinions on issues. You must attempt to influence the opinions of others. But you must also join a group, or several groups. The strategic importance of group membership cannot be overemphasized.

PICKING A GROUP TO JOIN

"No man is an island." No matter what your views or sentiments or beliefs regarding current issues and public figures, you can find someone else who agrees with you. He may not agree with you on every point, but he will agree with you on some point, perhaps sev-

eral points. You may be able to agree on the point you deem most important. If so, you may wish to form a group. To stay together you may have to give up some of your pet points, and he may have to give up some of his. If you can reach a compromise and agree upon a joint course of action, you have an effective group. If the points on which the two of you agree are points on which many others agree, your group may attract many members.



International News Photo

Composition and objectives of pressure groups vary widely. Here a group of mothers blocks a street to protest against traffic during school hours.

The members of your group may be very different from each other, some rich, others poor, some well-educated, others barely able to read and write, some men of honor and probity, others not. Yet they all agree on one point, the necessity, for example, to build the levee higher against the river flood that threatens to engulf the town. Politics makes strange bedfellows. Adversity does too. In a society which allows people to assemble freely, to conciliate differences, and to make the most of similarities, people with little in common can often unite to work for a cause which is acceptable to all.

When one joins a group, one does not abandon one's individuality.

One unites with others on the basis of a common, if limited, point of view. This is often overlooked by the independent who is afraid to join groups lest he lose his overall freedom of action.

Whether the group you join will help you reach your goals depends upon the wisdom of your choice. You may decide to choose a group which represents your interests already. Or you may join a group in order to change its point of view.

Before joining a group, you will want to know what its objectives are. These objectives may be stated generally, such as "to promote community welfare" or "to obtain economic justice for working people." You will need to look behind such general objectives and find out on what specific issues the group concentrates. Groups usually have more than one objective and are active on more than one issue. Their objectives change as conditions in the country and the interests of the members change. Group leaders who want to retain leadership are always alert to new issues to keep enthusiasm and group solidarity alive among members.

Groups vary tremendously in their degree of political activity. One group may influence nominations for public office. Another may be powerful in determining local policies of taxation and public expenditures. Often neither the leadership nor the membership of a group is aware of its potential political power. To them the objectives of the group may be purely fraternal or social.

Internal Group Structure

There are more than 100,000 major groups of all types in America, many of them organized on three levels. They have locals: chapters, posts, lodges, or whatever they may be called. Then there are the state organizations and the national organization. Whether the principal power of the group resides in the locals, or in the state or national organizations, depends upon the group.

Groups, like society at large, are apt to have their internal parties and factions, each faction with its own leaders and followers. Sometimes one faction is in power and sometimes another. Some groups are highly democratic in structure and operation. They have free elections, open contests for positions of leadership. Policy is made as the result of the wishes and actions of the membership. Other groups are just the opposite, as fully autocratic as a dictatorship, with the

members doing nothing except paying dues and benefiting from whatever objectives the group leaders achieve for the group. In picking a group to join, you should consider how it is organized and how it is run.

You should also weigh how powerful the group is. No senator from a farm state can ignore the wishes of his state Grange on matters which affect farmers, no matter what the national leaders of his party urge him to do. Labor learned this political fact of life during the thirties, forties and early fifties. It found out that real power lies in formulating a legislative program and demonstrating that members of its group back this program at the polls. In recent times there have been many instances where a governor or president has been able to push through a program without the support of members of his own party in the legislature. He gathered support from interest groups within the legislature and outside of it.

If you are interested in maximum political effectiveness, you should join more than one group. For you are a member of many publics, and you may wish your vote to be counted in each of these publics. You may be a machine-tool operator, and as such, a member of the union. You may invest your savings in stock, and thus be an investor. Everyone is a consumer. You may also be a member of the Optimist Club, the American Legion and the Methodist Church. You may have two children in school. What single group could take care of all these interests for you? As a citizen, your voice is multiplied by the number of groups to which you belong. William Allen White said that the citizen who is

> . . . content with one vote at the ballot box . . . is a pretty poor stick of a citizen . . . The ruling classes are those who use their craft societies, medical associations, farm bureaus, labor unions, banker's associations, women's leagues, and the like to influence government. Of course, it takes time and intelligence, and a little money, but not much. For fifty dollars a year the average family ought to be able to buy half a dozen powerful votes . . . each . . . ten times as powerful as the vote guaranteed by the Constitution.*

At times you may decide to join a group in order to influence its point of view. "If you can't lick 'em, join 'em." Or you may select a

* William Allen White, *Politics: The Citizen's Business,* New York: The Macmillan Company, 1924, pp. 15–16.

group because it offers you a good opportunity to rise to leadership within it. The greater your capacities, talents, and education, the greater your obligation to aspire to group leadership. When you attain a position of leadership within a powerful group, your opinion begins to count for much in the formulation of public policy.

THE TACTICS OF GROUP MEMBERSHIP

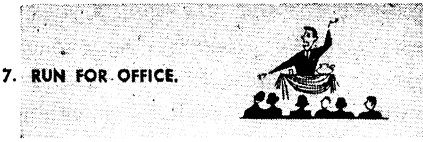
If you are like most group members, you pay your dues when you become a member, and that is about all. So far as the policies of the group are concerned, you let George do it, just as many citizens let George do it with regard to the public business at large. Some people call themselves Democrats or Republicans, but do nothing to help their party or its candidates. They do not attend party meetings, do not belong to a party club, do not donate money to party causes, sometimes do not even vote. Some people belong to unions, but never go to union meetings, never run for union office. Some people go to church and merely sit there. They put a coin in the collection plate, but they do not take part in church organization, do not help in its drives, do not perform any service of membership.

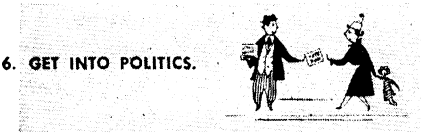
Obviously, if you join a group and behave in this fashion, you are not much better off than if you belonged to no group at all. Indeed, those who belong to a group as silent members and take no active interest in the conduct of its affairs, unwittingly multiply the power of a leader whom they may not endorse. As a group member, you should be an active member. Contribute, vote, discuss, propose, serve, hold office; if not, get out. Never be merely a name on the roll.

In many cases, especially in local groups, positions of group leadership go to whoever is willing to do the work. The president may merely be the most officious or the least busy person in the crowd. He shoulders his way into a position of leadership and others stand back. And he tends to hold on to his office term after term. Or rather she does, for this kind of leadership behavior is more common in local women's groups. This is leadership by default.

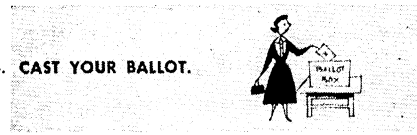
Certainly you as a group member should not allow anyone unqualified for the post to become an officer by default. If you are qualified, you should consider running for the office yourself. No citizen of a free society should pass lightly by the opportunity to add

SEVEN STEPS OF ACTIVE CITIZENSHIP

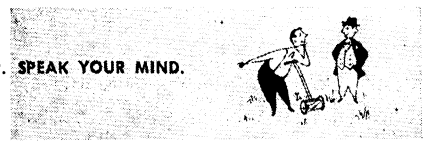














to his stature in public policy-making by assuming leadership responsibilities in his group.

You may feel that the group is not very important, that it has no real power, and that, therefore, it makes no difference who is president. But there is scarcely a group that is not potentially powerful in local policy-making. Gossip in an afternoon bridge club has been

known to unsettle a whole school district and unseat an efficient administrator.

Leaders can capture a group. They can usurp the power just as clearly and effectively as any dictator ever usurped the government of a nation. And they do this under almost identical circumstances—disinterest or lack of civic skill by members of the group. Once the group is captured by its leadership, leaders may manipulate group procedures, especially bylaws governing nomination and election to office, to stay in power indefinitely. Our constitutional guarantees of freedom do not protect us from the power of arbitrary group leaders; only from the arbitrary power of government.

John L. Lewis, president of the United Mine Workers, in 1954 could decide to lend $100,000 from the treasury of the United Mine Workers to the International Longshoremen's Association. This money came from dues paid by the miners. But miners had no chance to say whether they approved loaning their money to keep alive a union that had been discredited for its criminal ties. Lewis had been elected president of the United Mine Workers in 1920 and re-elected ever since.

While dictatorial control is undesirable within any group, firm leadership may be necessary to present a united front which can work effectively. Division within a union may weaken the union's bargaining power. The surrender of member freedom within a group to attain some economic benefit is not as dangerous a step as surrender of political freedom within the state. For the group does not have inescapable control over life and liberty. One may withdraw from a despotic group, but one would probably not be permitted to withdraw from a despotic state.

What can you as a group member do when the internal government of your group is not to your liking? In a despotic group, as in a despotic government, protests short of insurrection rarely succeed. The protest of a dissatisfied member of the United Mine Workers Union would count for little. It might even cost him his livelihood because his job depends on union membership. A wildcat strike might embarrass the union leadership, but it rarely causes its downfall. When you are dissatisfied with group policy in a democratic or semi-democratic group, you can contend for a position of power within the group. Ability to persuade, to influence followers, is a prerequisite. The same tactics used to attain power in society at large are required

to gain power within a group. Only specific details will vary, depending on the group involved.

PRESSURE GROUPS AND LOBBIES

One frequently hears the assertion or implication that pressure groups are bad, because they are private organizations and not public agencies subject to public scrutiny. This complaint ignores the fact that public agencies are not necessarily open to public scrutiny either. Whether government is to be secret or open, corrupt or honest is, over the long run, largely a question of whether the public is interested in government. Groups provide one of the primary means by which those who are interested in government can make their interest felt.

Pressure groups are bad if they lead to an imbalance in the concentration of power. But then any imbalance of power is bad, regardless of where the power is concentrated—in the hands of a group, a mayor, a president, a corporation, the police, a senator, the legislature, or any other agency of government or society. If freedom is to be maintained, power must be widely distributed. The freedom which permits groups to gather power for themselves also provides an antidote for excessive concentrations of power—the freedom to create other groups to checkmate those that would usurp a disproportionately large share of public power. Undue power concentrations may occur anywhere—in the hands of a party boss, a group of party leaders, powerful industrialists, farm or labor leaders, or any other influential group.

How can an imbalance of power be redressed? Certainly not by a law allocating specific amounts of power to various groups, agencies, and branches of government. Free government cannot be expressed in static blueprints. The only effective way to fight big concentrations of power is to oppose them with power. If one group gains and exercises too much power, an opposing group is needed. This opposing group will grow powerful if there are many who will join because their interests are hurt by the power of the first group. In the long run, this is precisely what happens. The speed and effectiveness of this adjustive mechanism would, of course, be greater if more citizens recognized and understood the process and consciously used

the means of group joining and group support to combat undue concentrations of power.

Tactics of Pressure Groups

Pressure groups most often concern themselves with economic policies. A few are interested mainly in social policies, like the National Association for the Advancement of Colored People, which fights for civil rights legislation and racial equality. Still others may devote most of their efforts to political policies. Thus the National American Woman Suffrage Association promoted women suffrage, and a veterans organization or teacher association may concern itself with votes for eighteen-year-olds. But generally speaking, pressure groups act with respect to economic policies which sooner or later mean more or less money to the members of the group. They are thus concerned with vital temporal matters—money and political power.

Pressure groups exercise their pressure not only upon legislative representatives. They are also very much interested in the administration of the law and therefore exert influence upon officials in the executive branch of government. This is especially true if the administrative official has much discretion about the execution of laws. Influencing him may often be more important than influencing legislators.

Pressure groups are especially active at election time. They want to help elect representatives who will vote for proposals favored by the pressure group. If pressure groups could not demonstrate their power in helping elect their friends and defeat their enemies, their influence on policy would be minimal.

A variety of strategies are used to influence the outcome of elections. In a state where the vote between the two major parties is usually close, a particular pressure group may attempt to swing the balance of power. To do this, the pressure group throws the weight of its effort to the party that will promise it the most. Or a pressure group may always go along with a particular party. For example, many unions tend to support the Democratic party.

Skillfully led pressure groups participate in the primaries. Since comparatively few people usually vote in primaries, a group from which a sizable number of voters cast votes in the primary may secure the nomination of a particular candidate. Where party leader-

ship is elected in the primary, the group may also help to determine party control.

After candidates are nominated, the pressure group may bombard them with questionnaires and letters. It may promise support in return for definite commitments in favor of the group's objectives. In districts where elections are usually won by small margins a candidate must calculate his chances in supporting the issues of this group or that. He is likely to favor a large and well-organized group which he thinks can deliver the most votes in the election.

Labor organizations, farm groups, and the American Legion have large memberships. They are capable of using their blocks of votes to influence close elections. The National Association of Manufacturers and the American Medical Association, on the other hand, have too few members to make this tactic effective. Some groups with large memberships are too loosely organized to be able to get out their potential vote. The Federation of Women's Clubs and the National Education Association are examples.

Groups may also attempt to influence elections by campaign contributions and propaganda. Contributions may be made to a political party, or to a committee formed to promote the campaign of a particular candidate. In either case, the contributor expects some advantage to accrue as a result of the contribution—either the candidate, if elected, will be generally favorable to the contributor's point of view, or he will devote a part of his energies to promoting a specific issue favored by the contributor. Propaganda may be used by a group at election time only, or throughout the year. Since propaganda is expensive, its availability is limited. A small group with money, like the National Association of Manufacturers, may be forced to use propaganda, while a large group that can influence elections by getting out large blocks of votes may not have to spend its financial resources on propaganda.

Over the past four or five decades the balance of power, at least in national affairs, has shifted away from small, moneyed groups to the groups with many members. But the reverse still obtains in state affairs in many states. Moneyed interests have receded into the background because groups with large memberships have learned to get out their vote. The large power enjoyed by labor at present is perhaps the clearest case in point.

Lobbying and Lobbyists

The process and the tactics of bringing pressure upon legislators is called lobbying. Lobbying derives from the right of petition. Probably no American legislative body since the Continental Congress has held a meeting unaccompanied by some form of lobbying.

When time is available, legislative committees usually hold hearings at which anyone interested in the bill under consideration may testify. Even if you or I as individuals are reluctant to seek a hearing, we may nevertheless gain it if we belong to a group whose purpose it is to argue in favor of our interest, and that of the other members. Our group may employ a specialist for the purpose, called a lobbyist. The tactics of lobbying require great skill and knowledge. Lobbyists represent the interests of their clients in the hearing rooms, lobbies, and cloakrooms of the legislature, much as an attorney represents a client before a court of law.

The professional lobbyist is usually a person who makes friends easily. He knows many people in the capital where he lobbies. He knows the legislators, influential people, and people to whom influential people owe favors. Often he is a former legislator himself. If he was respected as a legislator, he has an entree that no outsider could obtain. A lobbyist may be the "legislative agent" of several groups, each of which pays him a retainer to manage its interests with respect to bills that come before the legislature.

If the legislative agent is alert and skillful, he may succeed in getting his bill introduced early in the legislative session. If it is introduced late, when the legislative calendar is already crowded, there is much less opportunity for his group to exert pressure for favorable action on its bill. It is usually easy to find a legislator who will introduce and sponsor the bill, especially if the group represented by the lobbyist has many members.

After the bill has been referred to committee, the group tries to obtain a hearing for it. Such a hearing will give the group a chance to publicize its side of the case widely. Briefs will be presented and carefully abstracted in a form that reporters can readily use in press releases. Witnesses brought before the committee will be as prominent as possible so that their statements will be quoted in the newspapers. The lobbyist may dramatize his case by showing motion pictures, ex-



hibiting specimens, or displaying graphs and tables. The group membership, meanwhile, can bombard the members of the committee with petitions, telegrams, letters.

If the bill is not reported out by the committee, it is dead, unless some legislator by a rarely used parliamentary maneuver on the floor

of the legislature can force its consideration. If the bill is reported out, the lobbyist tries to secure for it a favorable position on the legislative calendar. When the time for a vote approaches, the group may send delegations of its members to call upon legislators in their offices, pack the galleries, or picket outside the hall.

Meanwhile the lobbyist and his assistants may seek to sway votes for the bill. The lobbyist may remind individual legislators of campaign promises made by them or by their party, of the size of the pressure group's membership, or of the fact that the group contributed heavily to the legislator's campaign expenses. Social inducements are also used. Parties, dinners, week-end trips, free tickets, receptions—these are a few techniques of the so-called social lobby. By such means friendly relations are cultivated and maintained between legislators and lobbyists.

Is lobbying on behalf of a bill proper? Within certain limits it is. It permits people to make their point of view known to their representatives and urge them to act accordingly. As Herring has said, "Lobbying organizations exist because thousands of citizens give them support. This is evidence of a feeling that some matters are of so much concern to the welfare of the individual that the formal system of political representation is not adequate." * Lobbying supplements our constitutionally outlined system of geographical representation. Farmers, for example, have representation not only through legislators elected on a geographical basis, but also through organizations like the American Farm Bureau Federation. Labor has functional representation through the Committee on Political Education of the AFL-CIO. The medical profession has representation through the legislative agents of the American Medical Association. A strong lobby can sometimes secure for a certain group more power than its numbers warrant. But abolishing lobbying would be like throwing out the baby with the bathwater. Rather, the remedy is to restore the balance of power. Citizens should join and support groups that take issue with groups that are too powerful.

General and specific laws on the federal and state level keep lobbying within legal bounds. In 1946 Congress passed the Federal Regulation of Lobbying Act to regulate lobbies in Washington. About three-quarters of the states have some sort of lobby regulation. These laws

* E. Pendleton Herring, "Lobby," in *Encyclopedia of the Social Sciences*, New York: The Macmillan Company, 1930–35, Vol. 9, p. 567.

do not remove all the abuses that attend lobbying. But they enforce the principle that all actions in the public interest should be fully disclosed and known to the public. Bribery, which lobbyists might be tempted to use, is a crime in all states. Under the Federal Regulation of Lobbying Act, lobbyists must register and reveal who employs them and what measures they promote or oppose. They must also file expense accounts open to public examination. Even so, many lobbying abuses remain. The Federal Lobbying Act is full of loopholes.

In the final analysis, the individual citizen determines which groups shall control the government, if he plays his hand skillfully. Through the intelligent use of his memberships he can vote many times. Through active group participation he can influence the group to sponsor policies which he favors. He can contribute to particular parties and candidacies in elections. Many small money contributions can total more than the sum of a few large contributions. Voting, group membership, and responsibility for contributing to the financial support of favored causes are all included in the alert and active citizen's kit of tools.

QUESTIONS FOR DISCUSSION

1. Can you classify yourself with respect to your cultural group? Religious group? Occupational group? Social class?

2. What groups have you joined consciously? What was your purpose in joining?

3. In light of the information in this chapter, which fraternal, patriotic, professional or business group would you now join? What would be your reasons for joining in each case?

4. Analyze the news stories in the current issue of a comprehensive daily newspaper. How many relate directly to statements by the heads of organized groups? How does the number of such news stories compare with the number of stories relating directly to statements by heads of government or government agencies?

5. What changes could be made in our system of organized groups to encourage them to put public interest before special advantage in their advocacy of public policies?

6. Do some groups have easier access to channels of communication than others? Do some groups take greater responsibility for expressing their opinions than others?

7. Can you find a case in the recent news in which a public official's policy was attacked by a pressure group? Did the official back down, save face, or emerge victorious? What action on his part, or that of the group, was responsible?

8. Why did the framers of the Constitution fail to establish regular channels for continuous contacts between people and their representatives?

9. Compare your college groups with other voluntary groups in terms of internal politics, selection of leadership, internal democracy, and political effectiveness.

10. Name several groups that you, or an adult like you, might join that would give you several powerful votes.

11. Give examples of group leaders in your community who gained their posts by default.

12. How would you go about organizing an opposition group to a pressure group which had become too powerful? What groups do you think have become too powerful? What kind of opposing group should be organized in each instance, and what kind of people would be likely to join?

13. Read about current lobbying practices. What restrictions would you place on lobbyists? Would any of your restrictions endanger the right of petition of citizens?

14. Would it be better for society if public officials listened to their own consciences rather than to the pressure groups and lobbyists of their constituencies?

15. Which of the premises for this Unit most clearly guarantee the right of pressure group action?

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Chapter 6

The Group at Work

In the previous chapter we dealt with specific groups and classes, particularly with pressure groups. Our concern in this chapter is with the group in its generic form. We shall devote our attention to the work and the nature of the group as it is most commonly seen—a manageable number of individuals meeting face to face for the accomplishment of some definable task.

THE CHARACTERISTICS OF GROUPS

Sociologists have for many years studied the similarities and differences of groups in various parts of the United States and under diverse socio-economic conditions. But the most extensive analysis of the group process has been undertaken by psychologists who have followed the pioneering work of Kurt Lewin and his colleagues. *Group dynamics* or *group process* as this field of study is called, is concerned with analyzing groups of various kinds and with developing methods for improving the operation of groups. In fact, group dynamics has already developed and will continue to develop new procedures to make democracy work better.

Research in group dynamics shows that a group is more than a collection of individual members. It is a separate entity. It has its own structure, lines of communication, value system, patterns of leadership and followership. It has group objectives which are different from individual objectives and it has its own, particular methods for attaining group goals. Every group is society in microcosm. Yet every group is different in some way, or in many ways, from any other group in the world, just as every individual is different from every other individual. The similarities among groups make it possible to deal with the group process as a phenomenon and as a technique, and to predict and direct it.

Besides the basic fact that a group is made up of people who are

alike in some respect, it usually has several other distinctive characteristics. Thelen cites a number of them.* First of all, the membership of a group can be defined. It is composed of the members on the roll. Or it consists of the people in this room, or around this table. Or it is the people who voted for Stevenson, or those who make their living driving trucks, or those who go to school, or to this school, or who sit in this classroom. There is a way to tell whether a given person is a member of a given group.

Second, the members of a group think of themselves as constituting a group. They possess a certain group consciousness. If people sitting in a darkened movie theater did not know where they were, they would not comprise a group. But since they do know, they form a group, and this knowledge colors not only their attitude toward each other but, for the time being, their attitude toward everybody and everything else.

Third, the members of a group feel that they can communicate with other members of their group more easily than they can with nonmembers. A member of "the lodge" can freely accost another member in a strange city, though the two may never have met before and may have nothing in common aside from their lodge.

A fourth characteristic is that members are expected to behave in a certain way. There are performance standards and limits to the things they may say and do. There is a code. A kind of group conscience tells members what action the group would approve or disapprove, encourage or discourage.

Internal Group Government

A group has, or develops, a set of rules to govern its actions. It will have a constitution and by-laws if it is a formally established organization with a large membership. If it is a large public meeting, it may have an elaborate set of rules, drawn up in advance by a planning committee. But even if it is a small face-to-face group, it develops a set of rules, even though they may never be written down or recognized as rules. The members come to have an understanding about the direction of the discussion, the kinds of things that may be said, the way they may be said, and whether heated emotion, argumentativeness, humor, or swearing are permitted.

* Herbert Thelen, *Dynamics of Groups at Work,* Chicago: University of Chicago Press, 1954, pp. 229–30.

That is why newly formed groups have silent members. New members, except for the more venturesome, wait until they find out what kind of rules are going to be developed for making remarks of various kinds. They do not want to run the risk of being thought foolish or uninformed on the topic under discussion. So they wait and see what the rationale of communication turns out to be. The venturesome, on the other hand, because they do not wait, help to formulate this rationale in the early stages of the group's life.

The longer the group continues, the more its tacit agreements regarding group rules assume the force of a constitution. These rules become the means by which the group maintains itself as a group. Consequently, the group will have a system of punishment for anyone who does not obey the rules. One who violates the rules will incur disapproval from the rest of the members. Verbal expressions of disapproval may be the group's principal means of punishment. Other punishments can range from minor restrictions of privileges of membership to expulsion from the group.

A group has leadership policies and roles. There has to be some agreement on who is the leader. He may be appointed beforehand by whoever calls the group together, or he may be elected by the group after they meet. Or a leader may emerge informally, and the members will recognize him as a leader, even if there has been no mention of a leader or the selection of one.

There is a status system in a group, or one emerges. Every member of the group has a position in the group in relation to everyone else, and members usually have a fairly clear idea where they fit. This occurs as a result of attitudes developed by the members toward each other. With different groups, different criteria exist by which status is determined. It may be degree of power or influence members have over each other. Some members may be more persuasive or appear to have more common sense than others. It may be the degree of importance or prestige members have outside the group. One member may be the boss or the teacher of some of the others. It may be the roles members play in the group in helping the group get its work done. It may be the degree of identification members have with the group. A member may take much of the leadership responsibility from an appointed leader who does not have the insight or capacity for the job, and earn a position in the eyes of the group above that of the nominal leader.

There is specialization of position within the group. Besides the leader, there is usually a coleader. Sometimes he is the antagonist of the leader, at other times he is a complement to him. If the leader is easy-going, he is vigorous; if the leader tends to make enemies among some of the members, he is a peacemaker. There is also a "confidant," as Thelen calls him. This is a person who does not talk very much. He watches what is going on and relays his observations to the leader. In a well-organized group, the leader may appoint such trusted lieutenants outright; but someone will usually assume this function even in an informal discussion group.

Division of labor among the members and specialization of membership roles is progressive the longer the group remains in existence. Some members become "watchdogs." They call attention to the wrong kind of behavior. In a discussion group, some members become summarizers. Periodically, as the discussion progresses, such a member will sense that it is necessary for him to perform his function, or the members will instinctively turn to him. Some keep the discussion on the track; they curb other members who enjoy digressing and direct sharp barbs to the discussion leader when the group has strayed from the subject. Some are critics: "Is this what we were supposed to do?" "I don't believe we are getting anywhere." Almost every group will have its scapegoat, or storyteller, or joker.

The most common event within most groups is communication. In fact, communication is fully as important to the life of most groups as it is to society at large. With all face-to-face groups there would be no sense of group at all without communication.

WHAT GROUPS DO FOR THEIR MEMBERS

People join groups for many reasons. These reasons relate to two basic objectives. People join groups for personal satisfaction, or they join groups to accomplish an end. They join the group because they like the people and the life in it, or because the group will give them prestige or political advantage, or will aid them in their jobs or business dealings.

If you join a group because it satisfies some personal need, you are likely to enjoy it. You may join a golf club because you like the people in it and like to be with them, or you enjoy the game of golf, or, most likely, you enjoy both. If you join a group solely as a means to some

other end, enjoyment may not be one of the rewards of membership. Suppose you become a member of the golf club because it is a swanky club and very exclusive. The prestige value of belonging means much to you. But if you do not like the members, or they do not accept you well, and if you do not care about playing golf, your enjoyment of club membership will be limited.



Courtesy, American Institute of Family Relations

People join and remain in groups they enjoy, without thinking of increasing their civic effectiveness through group membership.

The average person joins a group mostly for pleasure and not as a means to an end. If he enjoys being a leader within a group, he is more likely to settle for being a big frog in a little puddle than trying to compete for the leading role in a large pond. Competition for leadership in a large group usually involves a struggle. And most people do not like disagreement and argument and sharp competition.

When you pick a group for purposes of civic advancement you must not shy away from heated argument and competition. No group can be virile and actively engaged in policy-making without contention and bold exposition of opposing points of view. If you want your voice to count, you must join such a group and try to become a leader in it.

Research in group dynamics has revealed that all members perform acts of leadership for the group from time to time. You can help set group goals. You can help the group move toward its goals. You can return the discussion to essentials when others are arguing minor points. You can help to improve the quality of interaction among the members by speaking directly to silent members, by increasing the involvement of others in addition to yourself. You can help build cohesiveness in the group by talking and acting to unite the members of the group in accomplishing a group purpose. You can help to maintain membership in the group by promoting those characteristics that tend to make it attractive to the average person. You can do these things even in a small way, even occasionally. When you do them, you are exercising leadership. The group's members will probably recognize your leadership abilities and will appreciate your efforts on behalf of the group.

Groups differ in the extent to which there are opportunities for members to exercise these specific acts of leadership. Groups where leadership opportunities are freer are the more vigorous. Potentially, they are the more powerful groups if they become well led. New studies of group leadership stress the importance of flexibility. Vigorous, forward-moving groups should be able to assign leadership functions now to this member, now to that, depending upon the group task of the moment. There appears to be no such thing as a "leadership trait" that makes a person stand out above others in every situation. To the extent that he enhances the group's success, any member will be marked by other members as a leader. And he will in fact be formally so designated, by election or other means, if his efforts bring greater success to the group than someone else's. In choosing a group, therefore, you should be interested in its leadership advancement opportunities.

ARGUMENT—NEGOTIATION—COMPROMISE—COOPERATION

There are some things that groups can do that cannot be done by any other means. For example, groups can argue and debate. A single speaker can discuss the various sides of an issue—but he is bound to be partial to one. His personal preference will, as a rule, color his presentation. Debate implies that there is more than one point of view represented. A group debate starts with people who do not see alike

with regard to a certain matter. The members of the group want to do something or decide something about the matter. But they disagree about what to do or how to do it. If there were no difference of opinion, there would be no need for debate. Debate may result in a new proposal which, because it incorporates the viewpoints of many group members, may be more satisfactory than the proposal of any single member.

Discussion and compromise are at the heart of the group process. The discussion may be merely a sharing of information, as when a group of scientists assembles to discuss some phase of their research. Or discussion may take the form of arguments presented by those who wish to influence the decision of the group. In the latter case, if a decision is reached, the group becomes a policy-making group. Now suppose that in a policy-making group there are three sides of roughly equal strength. Neither side has a majority. Each side has strong arguments. Only two things can happen: either the group is paralyzed and nothing is accomplished because no side will budge; or a decision is made. American groups, as a rule, have a good record for reaching decisions through compromise. We are used to having groups meet in this country, and we are used to having their meetings bear fruit in decisions made or other useful work done. We are used to the process and practice of compromise. This is one of the traits which lend a distinctive flavor to American democracy. There are other free societies that do not make as great or frequent use of groups of different kinds for policy decisions.

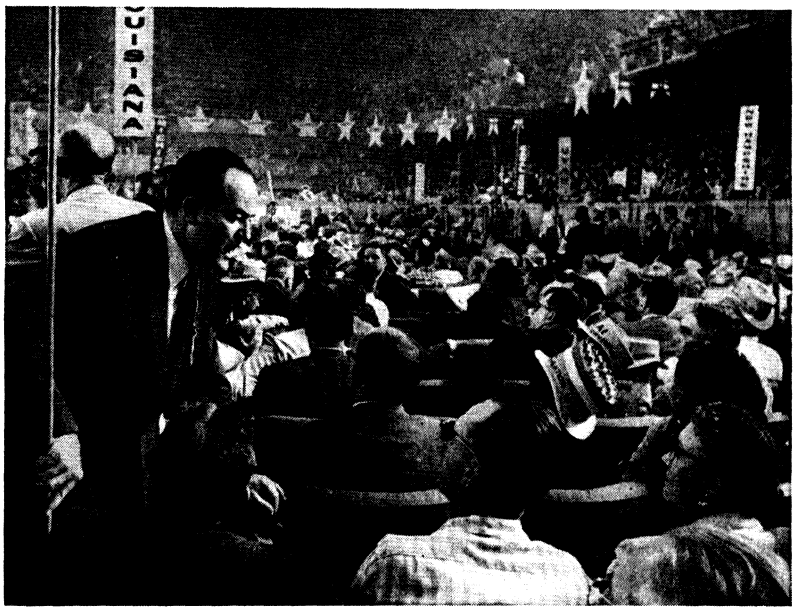
The Importance of Compromise

Compromise entails considerable skill in knowing when and how to yield and when to stand firm. Compromise requires some knowledge of human relations and some judgment of people. It is based upon the belief that agreement of some kind is more important than getting one's way.

Compromise within a group may occur in two ways. Somebody may abandon his position, or a part of it, in return for something. It is almost as though one were dealing in commodities, except that what one holds is not goods but a point of view. One gives something in order to get something. Suppose that you want John Jones for president of the student body and Henry Smith for vice-president. Your party may heed your request because they need your talents. You

may be a good campaign speaker and clever in getting out the vote. You may be effective in helping others win. Or you may have some other value for the group.

But there are others in the party, too, who have abilities that are valuable to the group, or whose opinions are influential. One of these wants Arthur Brown for president. James Black, a strong party man



United Press Telephoto

Compromise is the heart of political bargaining. Minnesota Senator Hubert Humphrey reasons with the Arkansas delegation during a Democratic Convention. To gain support, he must make concessions on some issues.

and a good vote-getter in his own behalf, may want to run for president himself. A process of discussion, argument, and trading ensues among the party leaders. You may emerge with your man John Jones in first place. James Black gets the nod for vice-president. Arthur Brown gets on the ticket as treasurer. Henry Smith, also your man, did not make it. You did not get all you wanted, but you compromised and emerged with part of it. Perhaps you really got all you seriously wanted—John Jones as the candidate for president. Perhaps you tacked Henry Smith onto your demands simply to supply yourself with something you could give up in trade. If this really was the case, and nobody suspected it, you were a very shrewd trader.

Or compromise may occur in another, less common, way. It may be that two different opinions can be conciliated on the basis of a third point of view that embraces them both. This method may not be useful for choosing candidates, or setting a price, or establishing wage rates, or trading horses, but it has worked successfully in solving problems. Mary Parker Follett * described a case where draymen, delivering milk to a creamery situated on a slope, raised the issue of which should unload first at the creamery platform—deliveries coming down hill or those coming up hill. The problem was solved by redesigning the platform so that two lines could unload at the same time. She called this "integration" rather than compromise. It is a compromise in which neither side attains its goal, but both sides are satisfied with a substitute solution which neither foresaw.

The Art of Negotiation

Before a compromise occurs, there is usually negotiation. This is the actual process of trading, of offering to yield in one place if the adversary will yield in another place. Like any process of trading, it involves risks. The final decision may simply be the best "deal" and not necessarily the best solution that one party can get. Its negotiators may not be skillful enough to get anything better. The group which they represent may not be powerful enough in number of members, total votes, financial resources, or other pertinent qualifications, to secure a better bargain. They may decide to reserve their fight on the matter for a later opportunity when their position may be stronger. Or they may refuse the deal, and there may be a paralyzing stalemate due to unwillingness to compromise, or insufficient skill in the techniques of compromise.

Because successful negotiation requires great skill, any group that does not have an experienced negotiator in its membership is indeed at a disadvantage. A group that wishes to conciliate its differences with another group should not attempt to do so in a joint meeting in which all members participate. The first step is to pick a negotiator from each group. He should be a person of prestige, usually an officer, or someone high up in the councils of the group. Otherwise he may not command sufficient respect. He must be skilled in negotiating. He and his opposite meet. They bargain, and out of their bargaining

* Henry C. Metcalf and L. Urwick eds., *Dynamic Administration, The Collected Papers of Mary Parker Follett*, New York: Harper, 1940, pp. 32–33.

they try to develop a recommendation on which both groups can agree. Sometimes the issue to be negotiated is so complex, or the size of the group for whom the representative is negotiating is so large, that negotiating teams are selected for the purpose.

One finds cooperation in non-free societies. But much of it is not cooperation obtained through argument, negotiation, and compromise. It is instilled cooperation—individuals are "educated" to behave in a certain way. Or it is forced cooperation—one does as one is told or suffers the consequences. One does as one is told, even in a free society. After a policy has been made, if it has the force of law, one obeys it. But the cooperation thus lent, even to a policy with which one may disagree, is a different matter from the forced cooperation of a non-free society. In a free society, though one cooperates, one reserves the right to attempt to change the policy through lawful means. Such means are available at all levels of government and in all democratically ruled voluntary groups. They are not readily available in dictatorships.

Groups are also a means for making it safe to maintain differences. To say that individuals have a right to their differences is merely another way of defining freedom. And yet, individual differences carried to the extreme result in anarchy. Groups as we have them in this country provide the means to preserve differences without sacrificing cooperation. Individuals of similar characteristics or purposes group together. They agree on a joint policy for all members of the group. Then they negotiate and compromise with other groups on inter-group differences.

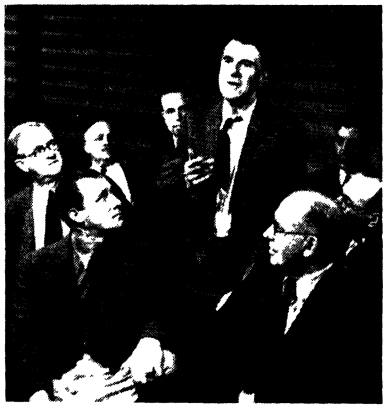
IMPROVING THE WAY GROUPS WORK

Some work is done best by individuals. But when two heads are better than one, it is a job for a group. Policy-making in a democratic society is usually a group job. An absolute monarch could make public policy decisions by himself, and he occasionally did. But even the king had his circle of courtiers and advisers whose principal function was to serve as a policy-suggesting if not a policy-making group. A modern dictator can make policy by himself. Hitler did occasionally—these were among his worst decisions. Even within the Kremlin the importance of group process, called "collective leadership," is beginning to be appreciated in formulating Soviet policies.

Policy execution is another important type of group activity. Work groups perform tasks that would be beyond the strength and knowledge of a single person. A task may require a wide variety of experiences. A group planning the relocation of an industrial plant would need firsthand knowledge about local business conditions, worker migration, traffic conditions, wage rates, property taxation, and slum redevelopment. A task may require a wide variety of talent. A group planning a fund-raising campaign might need administrators, advertising copy writers, speakers, artists, fund-solicitors, and clerical and bookkeeping assistants. A task may require wide repre-



UAW-CIO Photo by Jim Yardley



Ewing Galloway

Policy being made around a table and in a public meeting.

sentation. A group planning a community religious festival would do well to include representatives of the various faiths in the community.

The increasing use of groups for both policy-making and execution is one of the unique characteristics of modern times and is especially evident in the United States. There has been a strong trend toward making public policy decisions through groups. Modern public affairs have become so enormously complex that nothing short of a combination of minds is adequate to deal with them. Boards, commissions, councils, cabinets, conventions, conferences do much of the work of the modern world.

Groups often suffer from two principal defects in their work. They often waste time. And they often keep their members separated rather than uniting them. These two defects frequently go together. Groups waste time when neither membership nor leadership comprehend or agree upon what the group is supposed to do, or when they

are not strongly motivated to accomplish a given task. Sometimes a group seems to be wasting time when, in effect, it is overcoming the second defect. When groups lack unity, it is usually because neither members nor leaders, but principally leaders, understand the importance of good human relations in getting group work done. Leaders may be bossy, or overaggressive, or unreceptive to the contributions of members.

Occasionally the exceptionally able person, especially in a group of "average" people, is impatient with group process. To him the group is wasting time, especially his time. What it accomplishes, he could have done himself in half the time. He resents the necessity of taking time to get group consent and to work through committees. William Knudson of General Motors reputedly was contemptuous of committees and what they could achieve. The story is told that he did not even raise his head from his work one day in 1927 when an assistant rushed to announce, "Mr. Knudsen, Mr. Knudsen, Lindbergh has just flown the Atlantic." The assistant repeated the news, "Mr. Knudsen, didn't you hear me? Lindbergh just landed in Paris. He has flown the Atlantic." Knudson slowly raised his head from his work and snapped, "When a committee does it, let me know."

Parliamentary Procedure

Parliamentary procedure was developed to make group meetings efficient. Making and seconding motions, amending motions, discussing motions, calling for the question, and voting upon motions and amendments, are all part of parliamentary procedure. If both leadership and membership know how to use the rules of parliamentary procedure they can keep discussion moving smoothly and arrive at a decision when discussion is no longer fruitful. They can keep one person or a small clique from dominating the proceedings. And they can prevent the chairman from becoming a dictator, despite the great powers which he enjoys. For any person who takes his obligations as a citizen seriously, there is, of course, no excuse for not knowing and being experienced in parliamentary procedure. There are many descriptive and explanatory books on the subject. They include Robert's famous *Rules of Order,** as well as many other modern treatises.

No book on parliamentary procedure will tell you specifically when

* Henry Martyn Robert, *Rules of Order,* Chicago: Scott, Foresman, 1951.

Other group techniques include the *buzz session.* A group of people, whose members are unacquainted, are broken into a number of small "buzz groups" of six to eight members. In these buzz groups members become acquainted and begin to develop group cohesiveness. Buzz groups also permit what may prove to be a fruitful preliminary discussion of the issue to be dealt with by the group as a whole, later on.

There is also the *group interview.* Suppose you have to have eight different group reports. Eight speeches from as many chairmen might not only be dull, but a waste of time as well. An interviewer is appointed to question the eight chairmen assembled before the group. The interviewer asks only those questions which are of greatest interest to the group. Or the interviewer may question the chairmen privately and present one consolidated report for all. The *panel discussion,* which is essentially a conversation by several speakers in front of an audience, has been widely used to clarify complicated or controversial issues for large groups.

Improvement of the group techniques used by some of our important policy-making bodies would enormously benefit us all through better policy and better implementation of policy. School boards, city councils, legislative committees on the state and federal level, to mention but a few, all need greater knowledge of group process and greater skill in its use. More research in group dynamics, and more education and experience for us all with techniques of group formation and operation, are of great importance so that what is known about groups may be used to improve their functioning.

QUESTIONS FOR DISCUSSION

1. Which of the following are groups? Why or why not? People walking along a street; people in a store; people who wear sport shirts; people in prison cells; several persons lost in a desert and unaware of each other; men who weigh exactly 166 pounds; stamp collectors, all of them, everywhere; coeds all over the country; all medical students of the 50 states; people buried in the same cemetery.

2. Give some examples of compromise you have witnessed or in which you have participated.

and when not to use parliamentary procedure. There are many groups of which you will be a member or a leader in which it would be neither effective nor desirable to use parliamentary procedure. Families, for instance, would not normally govern their discussions and decisions by seconding the motion and moving the previous question. The same is true of most informal groups. At times, insistence upon parliamentary procedure will be essential to protect your interests and insure the success of the group's efforts. You must learn to sense with what kind of people and at what times it is important to have the rules understood before you start. You can learn this only by experiencing membership in many different groups and paying attention to what is going on. Even when a meeting seems dull and uneventful, much may be going on behind the façade. But it will be noticed only by an alert, observant member.

New Group Techniques

A number of new group techniques have been devised in recent years. One of the most useful is *role playing* in the manner suggested by J. L. Moreno, a New York psychiatrist. In the form of *sociodrama,* it can be used by most groups to test ideas in advance of putting them into effect. If, for example, someone in a group planning a fund-raising campaign suggests house-to-house canvassing, the group can test the idea through sociodrama. One member of the group plays the role of the doorbell pusher, another member acts as his helper, another pretends to be the housewife who answers the bell, and so on. Without script, but with careful briefing on principal points of the action, the role players provide the group with a "mock-up" of a suggested course of action. Like any model or picture, it gives the group something more specific to discuss than a suggestion made solely in words. Role playing has several other uses as well. By loosening members' inhibitions, it can draw them closer together and make the work of the group more efficient. It is especially useful for groups engaged in policy planning and for industrial training sessions.

Sociometry was also developed by Moreno. A rating system applied to individual members reveals the structure of the group. It shows who the leaders are, the subgroups and their leaders, the group friends and enemies, the "stars" and "isolates." Sociometry has had its greatest use and development as an educational technique, but it can be used to analyze the structure of other kinds of groups, too.

3. Could you have compromise without competition? Could you have cooperation without compromise?

4. Why is it that one person, rather than the whole group, is usually chosen to negotiate for a group? In a democratic group, should everyone participate in "making the deal?"

5. Can you give some recent examples to show that Communists rarely compromise in international affairs?

6. How do the group characteristics listed in this chapter apply to cultural, racial, religious, occupation, or age groups and to the social class to which you belong?

7. Can you analyze groups in your college or community as regards ease of access to leadership opportunities for their members?

8. As a member of a newly formed discussion group, how would you attempt to perform acts of leadership? For example, how would you help set group goals? How would you help improve the quality of interaction among the members? How would you help maintain the individuality of the group?

9. How would the group characteristics discussed in the text be manifested in a football team or baseball team?

10. On what policy-making groups and working groups have you served? Have you observed others without serving on them? With what type of group are you most familiar?

11. Make a list of the various groups mentioned in the news and feature stories and the editorials of a current major daily paper. Can you classify the groups according to policy-making groups and work groups?

12. In what groups have you participated in which the use of parliamentary procedure would have been neither effective nor desirable? Why? In what other groups, in which you have participated, was the use of parliamentary procedure an absolute must? Why?

13. Get the record of a public hearing of a congressional committee or other important investigating and policy-making group. Study it for evidence of good or bad group procedure. What group tactics might have been used to improve the effectiveness and efficiency of the committee's work?

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Chapter 7

Local Groups and Local Government

You may think that it is enough to study the pattern of local government of a town or city or township or county to understand local policy-making procedures. You may think that power resides in the government headed by elected officials. But often it is not the mayor who is most powerful, or even most prominent. It is the person who picked the mayor to run for office. Various community groups may dominate nomination and election to public office, party politics, community policies, the local budget and tax rate. A study of the structure of local government may tell you very little about who has the policy-making power in a community, because the power structure of a community is often like an iceberg: only a small part of it is above water.

GROUP INFLUENCE UPON LOCAL GOVERNMENT

Within a given community, some groups may mirror general community sentiment on such questions as legality of horse racing, Sunday afternoon movies, church attendance, school expenditures, prohibition, isolationism, or modern architecture. Other groups may provide an escape for those who generally oppose what the community favors. In a community whose populace detests modern art, you may find a small group which maintains an *avant-garde* art gallery. How much influence a group will have depends, in part, on whether it floats along with the main stream of public opinion or bucks the current.

Most groups concentrate their efforts within a limited range. There is a plexus of groups concerned with schools. Others foster patriotism, or concern themselves with the impact of public tax policies on the citizen's pocket book. Still others are interested in business activity,

in public welfare, in effective landscaping of their section of town, or in keeping the right kind of people in town and the wrong kind out.

In their contention for power, groups of the community attack each other and the government. Sometimes government officials can do little except await the decisions made in the inner councils of some powerful group that constitutes the "invisible" government. At other times government acts as a referee among contending groups. And, of course, local government sometimes is powerful enough actually to wield the authority of the community in plain sight for all to see. This situation usually occurs when most groups within the community choose to back their government vigorously, rather than ignore it, fight it, or seek to dominate it.

The last arrangement obviously is most desirable. Responsibility should coincide with authority. Government has the responsibility for maintaining the police, for regulating traffic, for making decisions on zoning, and a thousand and one other public concerns. But if someone other than an elected official can make the real decisions about promotions in the police force, or can dictate a community policy on zoning, then government does not have the authority that should go with its responsibility. Moreover, the person or persons who can make these decisions outside the formal government do not have the responsibility that should go along with their authority. If their decisions are bad, the public cannot readily hold them accountable for the consequences.

THE CALIBER OF VOLUNTARY GROUPS IN YOUR COMMUNITY

Since the caliber of local government depends on the caliber of local groups which support it, oppose it, or control it, it is important to assess the quality of local groups within your community. Groups can be evaluated in terms of (1) the responsibility of their membership, (2) the quality of their leadership, (3) the relation of group policies to the general public good, and (4) the ethics of their methods. You can have some influence upon the caliber of voluntary groups in your community because, if you wish and have the skill, you can do something about each of the four factors that determine the quality of a group's service.

Responsibility of membership means that the members of the group are concerned about what the group stands for and what it

does. Do members allow leaders to make statements on behalf of the group without regard to what the members think? Do members avoid attending meetings, avoid taking sides in intragroup controversies, avoid sponsoring candidates in group elections? If so, the responsibility of membership is low.

Labor unions generally rank low in member responsibility. The rank and file of union members fail to attend regular union meetings and do not take an active interest in union affairs. As a result of member apathy, some labor unions are run autocratically; some have lifetime presidents who cannot be seriously challenged in elections. More active interest in union affairs would give the individual a better chance to be heard about matters that vitally concern him and it would help union leaders to make sounder decisions.

The quality of group leadership depends largely on the attitude of its members. Who gets elected? Who does the nominating? Who does the work of politicking and campaigning? Whoever puts forth the effort to do these things determines who will occupy leadership positions in the group. Is the leader of the group well qualified for the position? Is he intelligent, informed, and conscious of his responsibility? Is the group distinguished by having him for its leader? If not, the quality of leadership is low.

At the local government level, high leadership quality is particularly important for school boards and city councils. The future of the city is determined by the city council's approach to traffic, parking, parks, housing, zoning, and a dozen other matters that it deals with month after month. The future of the city is also determined by what the school board does. Its conception of the cost and quality of education, its planning for future school expansion and modernization, its ideas about school staffing and school management, are all of considerable importance in determining whether the community will maintain or improve its quality of living in the future, or decline and become a slum.

Clearly, then, the school board and the city council should number among its members some of the best informed, most intelligent, most highly regarded citizens of the community. Is this the case in your community? If it is not, is there anything you can do about it? Who did the work of urging, interviewing, buttonholing, politicking, and campaigning for the persons who occupy positions in these two groups? If those who decide city affairs and school district affairs

are not to the liking of the average citizen, the fault is generally his own. He should work to place in these positions persons of whom he would approve. If he is qualified, he should seek office himself. One thing is certain. The more important the job, the better the man required for it. But the better the man, the busier he is already. Citizens who want him to take posts of public responsibility must assist in the time-consuming work of putting him in office, and must ease his burden while he serves.

Group Policy and the Public Good

Sometimes groups in the community put their own and their members' welfare above community welfare. They may do this even though they may have comparatively few members. A local businessmen's association, for example, may oppose the efforts of traffic safety officials to eliminate advertising which distracts motorists. Or it may object to a regular health check-up for employees whose job involves handling food. It may make these decisions entirely on the basis of the selfish interests of its members. If a group's action persistently ignores the general good or the rights of others, then this group is predatory and its power must be checked. This can be done in two ways. People can join it and change it. If that is impossible, another group can be formed to counterbalance it. Examples of the first method have occurred frequently in the past when honest citizens joined a graft-ridden political organization and brought about reforms. The growth of the labor movement is an illustration of the second method. Workers organized to counterbalance the excessive power formerly enjoyed by employers. Through their control of the labor force, unions have been able to wrest concessions from employers, even though the latter still hold the purse strings.

Some groups in the community may, for all practical purposes, be almost unassailable. The management group in a one-industry town is a good example. If such a group ignores public interests, the general citizen may be powerless to do anything about it. But at the very least, he should know what groups ignore public interests. The time may come when he can change their policies through joining them or through organizing an opposition group.

A group may use unethical methods. It may appeal unduly to fear, to gain acceptance of its proposals. It may deliberately foster dissension and capitalize upon group and class differences in the com-

munity. Political party organizations are often guilty of such actions. But they are by no means the sole offenders. A group that wishes to keep taxes low, or wants a certain type of philosophy to guide the work of the schools, or does not believe in universal public education, may attack the schools with any trumped-up charge likely to arouse public attention.

Certain groups rarely stoop to disreputable tactics. The Red Feather agencies, civic and service clubs, Boy Scouts and Girl Scouts, the Parent-Teacher Associations, keep their campaigns on a high plane. This does not mean that their efforts do not or should not arouse opposition. In fact, the more far-reaching a group's efforts at community betterment, the more resistance they are likely to generate. What seem like generally beneficial improvements to some groups may very well appear to be undesirable to others equally interested in community welfare.

THE NATURE OF LOCAL GOVERNMENT

To understand local government in the United States, one must appreciate its relationship to state government. A local government is a creature of and is dependent upon the state. Even large cities are legally subservient to the states in which they are situated. The people of Milwaukee, Wisconsin, for instance, cannot run their affairs exactly as they like. It was the people of Wisconsin who decided the design of the government of Milwaukee. When the Wisconsin state constitution was drawn up, power to establish local governments was given to the state legislature. Later on, the state legislature enacted laws pertaining to the government of cities. Under these laws, a government was set up for Milwaukee which permits the city's people to control municipal affairs within the city's boundaries.

Either in the state constitution, in law, or in both, there are certain stipulations and provisions that govern the manner in which the people of a locality may form and support a government to provide certain services for themselves. But local freedom is strictly limited. There are few provisions regarding local government which the state cannot change by a simple act of the legislature. Most states can even abolish cities, as the Tennessee legislature did to Memphis in 1879. States can also interfere in local affairs. In 1901 the Pennsylvania legislature, for political purposes, abolished the office of mayor in

Pittsburgh and in several other cities of the state. The state may restrict local power; thus the police of the cities of Boston, Baltimore, St. Louis, and Kansas City are operated not by the cities in question, but by the respective states.

The power that states have over their cities results in one serious disadvantage for large cities. Because representation, in at least one house of the state legislature, is usually based on geographical considerations and not on population density, at least one house of the state legislature is controlled by rural interests. The city, faced today by unparalleled problems due to size and density of population, often must look to a legislature dominated by rural interests for the solution of its problems. Such a legislature all too often lacks knowledge and sympathy for this task. Some relief has resulted from "home rule charters," a form of city government which permits a limited number of American cities to establish their own form of government and control all local affairs without state interference. Another curb against excessive meddling by states in local affairs lies in public opinion. The people of the state live in localities and prefer to decide locally on such matters as schools, police, fire protection, parks, sanitation, and zoning. Even in states without home rule charters, the state legislature, reflecting popular desires, leaves such matters to the localities.

FORMS OF LOCAL GOVERNMENT

In all forms of local government, there is always someone to represent the people and there is always someone to do the work. The people are represented by a commission, council, board, or the like. This agency is usually elected by the people. If a board, it may be appointed by a popularly elected official, such as a mayor, commissioner, councilman or president.

The work is done by a staff of some kind. This may consist of a professional director with a professional staff and a group of nonprofessional civil servants, or at the other extreme, a single person who spends full-time or part-time doing the agency's work. There is almost every type or combination of staff personnel in between these two extremes. Those who represent the people do not, as a rule, do the work; they formulate policy. The working staff does not set policy, though the chief staff officer often has, and indeed should

have, great influence upon policy. But in some instances the distinction between policy-makers and working staff is blurred. For example, in the strong mayor form of city government, the mayor is the policy-making representative of the people as well as the chief executive officer operating the services of the city.

Variety of Local Governments

The picture of local government throughout the country is very complex. Local governmental bodies vary not only in the types of service they render, but also in the forms of organization for rendering similar services. The forms of local government have many names —county, city, village, town, borough, township, special district. Generally speaking, the greatest variety of organization is found in the northeast, and the greatest simplicity in the west.

When citizens plan for the administration of local government services, they must decide what unit of government is best suited to perform particular services. The unit of government needs to be big enough to keep the service flexible, efficient and economical, yet small enough to permit variations in the service to reflect the wishes of the people. It must also be a unit for which taxes can be collected effectively. The optimum size from one point of view, or for one type of service, may not be the optimum size for another.

For example, cost and efficiency factors might indicate that the construction and maintenance of roads should be handled on at least a state-wide basis. But a unit of such size would be too large as a school district, because it would be too far removed from the people it is intended to serve. This is an important consideration in a personal service like education, but is of lesser consequence in maintaining roads. Water control, higher courts, and public health administration usually require larger units for most satisfactory operation. On the other hand, small units can effectively provide recreation facilities, local protective police, facilities for elementary education, and the building and maintenance of local streets.

The variety and complexity of local governmental units complicates the task of the citizen who is trying to keep track of the governments under which he lives, the services he may expect from them, and the number of tax bills he may have to pay. Many political scientists would prefer a simpler, neater arrangement, with all services

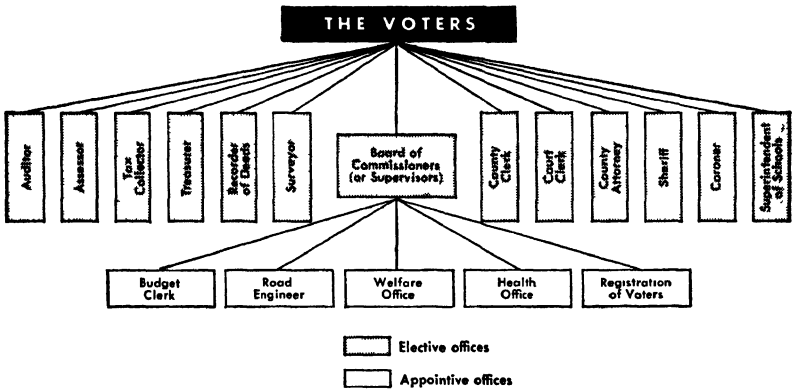
headed by one local government. If, for instance, there is to be a special district for schools, they would prefer it to be coterminous with other local governmental jurisdictions.

Certainly, placing all governmental functions under a single authority is simpler, more economical and more efficient. But allowing variety does enhance flexibility in providing the specific type of service needed at a particular place and time. A large number of boards, commissions, and other offices also make possible greater participation in government, if the people will see to it that these jobs are divided among a large number of responsible citizens. Unfortunately, the people do not use such opportunities to the fullest.

The County

Geographically the county (or parish, as it is called in Louisiana) is the largest unit of local government, though a few cities are as large

ORGANIZATION OF A TYPICAL COUNTY



County government organization varies from state to state and, in some states, from county to county.

or larger than a county. New York City, for instance, comprises five counties which, however, have lost their separate corporate character. In most states, cities are within counties, but in Virginia, cities over 10,000 population are not. In several large cities, Denver, Philadelphia, San Francisco, and St. Louis, for instance, city and county government have been consolidated.

As a rule, counties are organized to enforce state law and perform all sorts of state governmental services as an agency of the state.

County government is most active in the South and Far West and least active in New England. In Rhode Island counties are only territorial subdivisions of the state and have no governmental function.

Township and Town

Next in geographical size is the township, found in seventeen states of the northeast and northcentral part of the country. The township as a rule is merely a subdivision of the county and carries out governmental functions for the county, much as the county does for the state. Ordinarily, it has a governing board of three elected members whose duties are frequently *ex officio*. Township meetings, which are required in some states by law, are usually not very active in regulating township affairs.

A *town* generally includes a concentration of population around a business district and some surrounding rural or sparsely settled territory. In New England the surrounding rural or sparsely settled territory tends to be extensive because all the territory of the county is divided into towns. In fact, many New England towns are entirely rural and resemble the townships, rather than towns, of other sections of the country.

New England towns are governed by the "town-meeting," one of the oldest forms of government in the United States. Many features of local government found throughout the land are derived directly from the town meeting or are a modification to adapt town meeting techniques to heavily populated areas. The town meeting is one of our last remaining traces of direct democracy of the type that flourished in fifth century Athens. Any town citizen may go to the annual town meeting, participate in the discussions, vote for candidates, and, if he is qualified, be a candidate for office. The town meeting is the principal legislative assembly; it sets the tax rates and determines the budget. Between annual town meetings, selectmen selected by vote from the assembled citizenry of the town carry on the administrative business of the town. A town clerk is also elected.

The town meeting can operate successfully in small communities. It becomes impractical when the population grows too large to hold an effective discussion meeting of all the voters. Furthermore, many citizens lack sufficient interest in local government to attend a meeting which lasts a full day or evening. Consequently, control of town affairs may fall to a small group of politically active individuals.

The representative town meeting is a recent development intended to adapt the traditional town meeting to the needs of heavily populated New England towns. Instead of everybody's going to the town meeting only one representative for several hundred people may go. Since each representative has a small constituency, it is easy for each citizen to know him and to talk to him. Government remains close to the people, as in the traditional town meeting, but the device of representation makes it less cumbersome and less onerous for the individual citizen.

Special Districts

Almost any type of government service that people are likely to want can be provided through a special district. Special districts have been created for fire protection, highways, navigation, sewers, weed control, libraries, parks, drainage, diking, irrigation, soil conservation, cemeteries, water, power, light, gas, housing, and schools. Most special districts are school districts. In fact, there are more school districts than all others combined. Because most school districts are too small for the effective and economical operation of an adequate educational program, the past several decades have seen much consolidation leading to an enormous reduction in the number of school districts. Yet there are limits beyond which consolidation would be unwise.

Special districts form a crazy-quilt pattern superimposed on other political jurisdictions. There is in New York State, in Westchester county a special district called Eastchester school district. It includes part of the town of Eastchester and part of the town of Scarsdale. The rest of the town of Eastchester is in the school district that includes the city of Yonkers. The rest of the town of Scarsdale is a special school district all to itself. The school district that serves the city of Yonkers extends beyond the city, including a part of Eastchester and other suburban areas. The Edgemont school district is located in the town of Greenburgh, but the Edgemont post office is in the town of Scarsdale. Complicated as it is, this situation is by no means unusual for the northeastern United States.

Across the Hudson from Eastchester there is a place called Pearl River. It has a population of more than 10,000 people. It is not a town, or a village, or a township, or a city. It is a hamlet. This means it has no single central government; it is a settlement of people who

provide themselves with governmental services through a number of special districts. Pearl River is in the police district of the town of Orangetown. It has its own fire district with specially elected fire commissioners. It has a sewer district, not coterminous with the fire district. Larger in geographical extent than either of these other special districts is the Pearl River school district, also with its own government—a board of education selected by the people residing in the district.

The lighting district of Pearl River provides street lights. The Business Section Lighting District of Pearl River provides more and brighter light for the business district of the hamlet. Neither of these is coterminous with any other district. There is a special water district to furnish water for the fire hydrants. A private water company provides water for homes and businesses. A parking district provides for parking lots in the shopping areas. In each case taxes are levied against the real estate that is included within the district.

The City

The city or municipality is a unit of government designed to cope with the governmental problems created by population concentration and density. A small municipality is called a village, a town, or a borough. But the term "city" is not reserved for giants. In New York, Pennsylvania and Texas, a city must have a population of 10,000; in Ohio, Virginia, and Louisiana, 5,000 is enough; in Missouri and Minnesota, 3,000; in Arkansas, 2,500; in Alabama, 2,000; in Washington, 1,500; and in Illinois, Nebraska, and Montana, 1,000.

Large cities are recent phenomena. In 1800 there was no city in the world with a population of a million. Now there are over 60. Hence the problems with which such cities grapple, problems of increasing size and density of population, have no traditional solutions. The problems of the city, ranging from high incidence of crime to traffic jams, spring from the fact that too many people try to occupy too small a piece of territory. Yet those who choose to live in cities are compensated for the disadvantages of crowded living by such benefits as superior educational and cultural facilities, large markets for their products, specialized stores, and diversified job opportunities.

Cities operate under charters granted by the state legislature. The charter indicates what the boundaries of the city are to be, or how they are to be determined. It outlines the form of local government.

It prescribes the methods of electing officers to the city government and their powers. The charter permits the city to levy and collect certain kinds of taxes, up to a certain limit. Without this special grant of taxing power from the state, the city could not collect one cent to carry on its operations. The charter also prescribes the general manner of making the budget, and the conditions under which the city may go into debt. When new problems arise which have not been anticipated in the charter, the city must go to the state legislature and ask for additional powers, for the city has no powers except those specifically granted it by the state.

Types of City Charters

Five types of charters are found throughout the United States. A *special charter* is designed for and granted specifically to a particular city. At its best, a special charter gives each city a plan of government tailored to its exact needs. However, legislatures are prone to dictate the terms of local government without heeding the wishes of local people. If the legislature is predominantly Republican and the city normally Democratic, the special charter may be designed to favor Republican office holders over Democratic ones.

Under a *general charter* all cities of the state, regardless of size, have the same form of government. This plan, which has never been widely accepted, reduces the opportunity for legislative dictation. The legislature is still free to pass additional special legislation when changing conditions require it. The disadvantage of a general charter is its inflexibility. There is no single plan of government that can suit all cities within the state equally well.

The *classification system* of granting charters provides general charters to all cities within the same population class. This plan permits greater flexibility than the general charter system and less legislative bullying than the special charter plan. It does not wholly avoid legislative dictation, because classes can be set up so that only one city in the state falls within the class. Moreover, cities of the same population size may still be so different in other respects that a charter that suits one will be ill-adapted to the needs of another.

The *optional charter* permits the city to take a choice. A variety of forms of city government are permissible under state law, and the city, through its representatives, may choose the one it prefers. The

optional charter plan has gained widest acceptance of any plan thus far adopted.

The *home rule charter* plan is also very popular. First devised in the final quarter of the last century, the home rule charter has expanded in use until more than half of the states now have provisions for it. These provisions permit the people of cities to draft and adopt charter provisions to their own satisfaction, subject only to the state constitution and general state law. The system relieves the state legislature of a time-consuming task to which it is not as well suited as the people of the city for which the charter is drawn. Home rule stimulates citizen interest in local government and encourages experimentation and innovation.

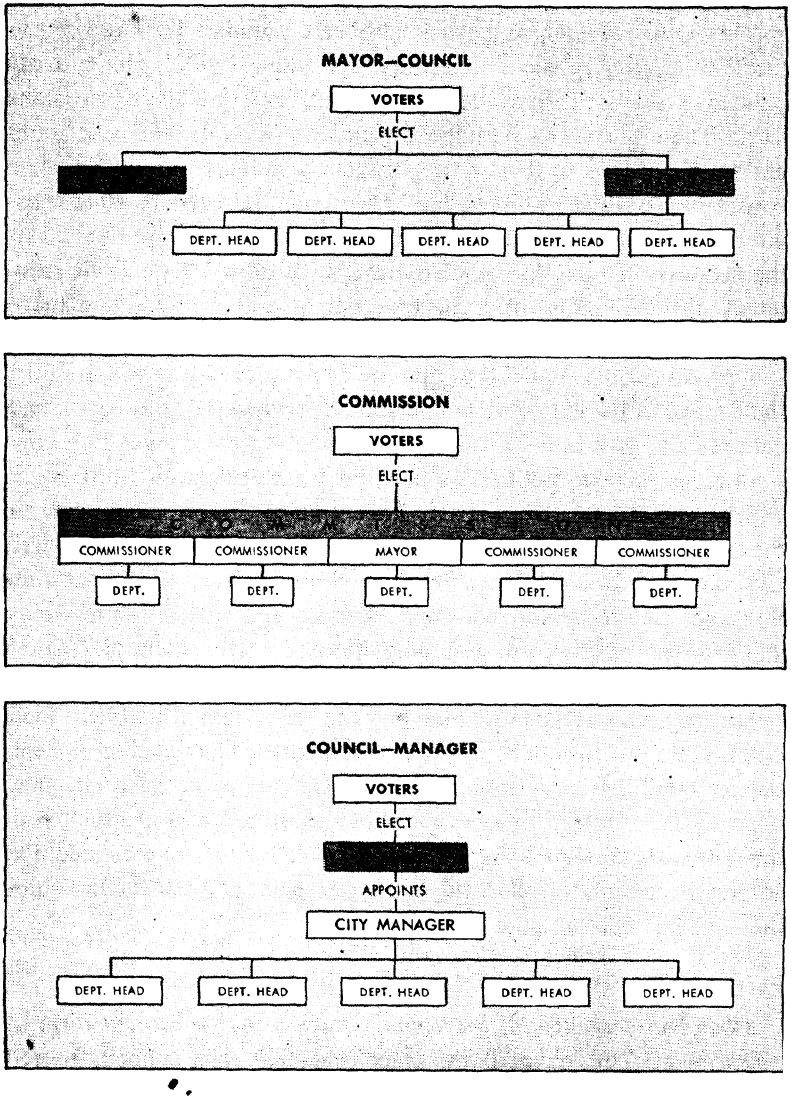
One danger of home rule is that the city is more likely to fail under the control of a local political machine. Yet when the state legislature controls city government, there is an equally great danger that considerations of state politics, as seen by legislators from rural areas, will be allowed to influence city government. Clearly, home rule or the optional charter comes closest to meeting the needs of the modern city. Yet even under home rule, restrictions imposed by the constitution and state legislature on public finance and similar matters may still prevent the city from grappling effectively with many of its most acute problems.

Several states make more than one charter system available to their cities. Ohio, for instance, has three systems: the classification system, the optional charter system, and the home rule plan. Each city may choose which system it wishes to follow. In those states in which both the optional charter system and the home rule plan are available, the biggest cities tend to follow the home rule plan, and the smaller cities the optional charter plan.

Forms of City Government

Over half the cities of the country have a *mayor-council* form of government. The mayor is the chief executive. The council, elected by wards or from the city at large, is the legislature and principal policy-making body. Under the weak mayor version, the mayor cannot hire and fire city employees; departments are headed by boards or commissions whose members are selected by the council. The mayor has little, if any, control over the city budget, and only a limited right

THREE FORMS OF CITY GOVERNMENT



to veto ordinances made by the city council. The strong mayor form is much to be preferred, for then the mayor has the authority as well as the responsibility to employ people to operate the city services under his jurisdiction. He shares in the budget-making, or assumes full control over it, and has reasonably effective veto powers over city or-

dinances. If things go well, the credit is his; if poorly, then the people know where to place the blame.

It was probably the traditional dislike of Americans for the strong executive that caused them to adopt the weak mayor plan of local government. But the plan encouraged bossism and is now disappearing, along with another weak-executive form of city government, the *commission form.* Under the commission plan, the heads of the city departments—usually five or seven commissioners—are elected to office, and sitting together form a commission to draft ordinances and otherwise act as a council. Under this system it is hard to tell who has responsibility for particular city policies. Officials selected to formulate policies must also carry them out, even though they may not be competent for this task. The plan does have the advantage of simplicity and economy for small cities. It has never been considered well suited to the needs of large cities.

The *council-manager form* of city government was launched in 1908 at Staunton, Virginia. Under this plan, there is a city council elected by the people. The mayor is chairman of the council and ceremonial head of the city. The council appoints a professionally trained manager to handle the administration of the city's affairs. The manager, who is divorced from political affiliation, takes full charge of administrative control of all city agencies. The council is the policy-making body; the manager is the chief executive. The manager form is efficient when the city selects a capable manager and the council restricts itself to its proper role, that of policy-making, and does not encroach upon the functions of the professional administrator. The manager's term is without tenure. He serves as long as he and the city can make mutually satisfactory arrangements.

SERVICES OF LOCAL GOVERNMENTS

Most of the government services that citizens enjoy in their daily lives are provided by various units of local government. For instance, two-thirds of the rural road mileage in the country is still under county and township control. These are the feeder roads and secondary roads that the cross-country driver, who uses federal or state highways, seldom sees. Most of such road construction and maintenance serves purely local purposes. In the northeastern and northcentral states, the town or township builds and maintains these roads. In the south,

southwest, and northwest the county generally controls them. In Delaware, North Carolina, Virginia, and West Virginia all roads, including rural roads, are under the central control of the state. In other states, state highway departments build and maintain state roads, but not secondary roads.

Decentralization in road construction and maintenance results in lack of uniformity. Every ten, twenty-five, or fifty miles there are easily discernible differences in construction methods, types of surfacing, frequency and quality of repairs, width of bridges and culverts, methods of grading and oiling, and so on. The town or township, and even the county, often does a poor and inefficient job of maintaining secondary roads, despite relatively expensive equipment. Therefore most authorities recommend centralized control and maintenance of all roads.

But road construction and maintenance involves politics. Local politicians are therefore loath to surrender control over roads to the state. Next to schools, roads represent the heaviest expenditures of local government. With money to spend on surfacing and construction, with jobs to dispense that require no special professional preparation, political organizations can and do use road contracts and road work as a means for rewarding party workers. Indeed, expensive equipment may in slack periods do odd jobs of terracing and ditching on the farms of the politically faithful. Advocates of state centralization of road operation maintain that their proposals would remove the road gang as a political pawn. Yet this is not necessarily so. In states that control all roads, the state highway department, numbering thousands of employees, may well become one of the bulwarks of the state political machine.

Public health and welfare services often are administered by county or township boards of health and welfare. Cities usually have their own health and welfare departments. These local agencies operate as part of a broader state and national program and receive financial help for their services from the state, which in turn receives some financial assistance from the federal government.

Since 1933, local welfare programs have been supplemented and in many cases superseded by federally operated social insurance and welfare plans. The poorhouse is disappearing, and in its place has come the Social Security Administration with a program of unemployment insurance, help for the handicapped and dependent, and

Federal Old Age and Survivors' Insurance, popularly known as "Social Security." Under government welfare programs, relief does not entail the embarrassment of "going to the poorhouse," which used to be the great fear of the extravagant and the warning of the miserly. Because of this privacy in the administration of relief, many people, who would otherwise be reluctant to apply, seek relief, including many who do not need it. Because of such abuses, many yearn for the old system forgetting that it, too, was subject to abuse. Aid to the indigent often carried with it the obligation that the indigent vote for the party in power.

Police protection is another important function of local government. In cities, municipal police enforce both state laws and municipal ordinances. In rural areas, the sheriff is the chief law enforcement officer. He is legally a state officer who enjoys broad powers and wide discretion in law enforcement within a county.

Though a state officer, the sheriff is usually intimately connected with local politics. He is locally elected; his term is usually short and he must therefore mend his political fences hurriedly if he wants to use the political power conveyed by the sheriff's office to advance him along the ladder of politics. In some localities, the sheriff's income is mainly derived from fees and fines and levied largely at his discretion. Since no special qualifications are required to be a sheriff, most candidates for the office lack professional experience in police work. To make police work more uniform and efficient, a number of states have created comprehensive police systems. Trained state officers enforce local as well as state laws.

Fire protection is frequently, though not always, a function of local government. Small and sparsely populated areas may have no official fire departments. Instead, they rely upon volunteer fire fighters. The volunteers serve without reward other than the distinction and personal satisfaction that go with community service. The local government unit furnishes the equipment. In some areas, local fire protection is provided by special fire districts.

Recreation, agricultural aid, libraries, water, and occasionally *electric power and light, gas,* and *transportation* are other services furnished by local government. So are *airports, hospitals,* and *low-cost housing,* many with federal aid; and, of course, *schools.* Local *taxation* will be discussed in Chapter 15, and local *election administration* in Chapter 9.

Local government is accessible to you, as a citizen, both individually and as a member of local groups. Local groups, local government, and local party policies, in turn, have great influence upon the policies of state and nation. Through them your steps toward active civic prominence in state and nation begin. Very truly, the career of the citizen begins at home.

QUESTIONS FOR DISCUSSION

1. What group or groups in the communities you know reflect most clearly the prevailing culture of the community? Is there any common pattern among national groups whose local branches reflect the prevailing community culture?

2. Give examples of groups that counter the common cultural tendencies of a given community.

3. Is it true that the caliber of voluntary groups, rather than the organizational pattern of government, determines the quality of government and the methods of public policy making? If true, how should this fact be reflected in local government organization? Are new plans necessary?

4. Name some groups whose members take no real responsibility for group policy. What is the relationship between lack of membership responsibility, on the one hand, and democracy or autocracy in group government, on the other?

5. Why is the quality of leadership in large part determined by the membership of the group? Could it be said that "the quality of government is in large part determined by the citizens"? In what ways are the two situations analogous, and in what ways do they differ?

6. What specific steps would you take to improve the leadership of a particular community group?

7. Give examples of predatory groups. How would you check the powers of each?

8. If the idea of a voluntary "time tax" took hold in your community, what people would you most want as participants in community programs?

9. Why, historically, were cities in this country not permitted to choose their own form of government, as did the city states of Athens, Venice, and Danzig? Is state control over local government desirable?

10. Is a prominent person in a community more likely to be chosen for membership in a policy-making group representing the people, or a professional or nonprofessional staff group which carries out policy?

11. Would you prefer to live in a hamlet of 10,000 people, whose public services are provided by a variety of special districts, or a city of 10,000 people where governmental services are administered under a mayor-council form of government? Why?

12. If a predominantly Republican legislature drafts a special charter for a normally Democratic city, what kinds of special conditions is the legislature likely to impose?

13. In the commission form of city government, policy-making and administration are mixed. Is it desirable or undesirable to mix these two functions?

14. Why is it harder for politicians to use the schools to promote party causes than to use road building, paving, and repair for political ends?

15. Of what significance is it that state functions like election administration and the administration of justice are performed by local units of government, even if for the state?

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BAKER, BENJAMIN. *Urban Government.* D. Van Nostrand Co.: 1957.

BROMAGE, ARTHUR W. *On the City Council.* Ann Arbor, Michigan, George Wahr Publishing Co.: 1950. Legislative and budget problems in city government are discussed in this pamphlet in relation to the pressure (and lack of interest) of different types of citizens.

BROMAGE, ARTHUR W. *A Councilman Speaks.* Ann Arbor, Michigan, George Wahr Publishing Co.: 1951. A city councilman deals with the relationship between formulating policies good for the city and taking measures to get re-elected. Discusses methods of a councilman in dealing with various problems.

BROMAGE, ARTHUR W. *Introduction to Municipal Government and Administration.* Appleton-Century-Crofts, 2nd ed.: 1957.

FISHER, MARGUERITE, J., and BISHOP, DONALD G. *Municipal and Other Local Governments.* Prentice-Hall: 1950.

KNEIER, CHARLES M. *City Government in the United States.* Harper, 3rd ed.: 1957.

MACDONALD, AUSTIN F. *American City Government and Administration.* Crowell, 6th ed.: 1956.

The nine books listed above deal with the variety of forms of city govern-

ment and the recent developments (such as the manager plan, direct legislation and recall) intended to improve city politics and administration. About half of each book is devoted to description and discussion of the staffing and administration of city services.

County Government

County government, rarely treated separately, is discussed in its variety of aspects throughout the United States in:

LANCASTER, LANE W. *Government in Rural America.* D. Van Nostrand Co., 2nd ed.: 1952. A well organized account of government and administration of the rural county, township, town, school district. Presented in terms of sociological influences and economic conditions as well as government organization.

MCLEAN, JOSEPH E. *State and Local Government.* Rinehart: 1953.

SNIDER, CLYDE F. *Local Government in Rural America.* Appleton-Century-Crofts: 1957.

WAGER, PAUL. *County Government Across the Nation.* University of North Carolina Press: 1950.

UNIT THREE

Influencing Public Affairs Through Elections



PREMISES

Men have the ability to govern themselves.

This is the fundamental premise of democratic government.

All power belongs to and comes from the people.

U.S. Constitution, Preamble and Amendment X; Declaration of Independence.

The people have the right to change their government by legal means when they so desire.

U.S. Constitution, Article V; Amendment procedures of the 50 state constitutions.

Every qualified citizen has the right to run for public office and the duty to accept office when the public interest requires it.

U.S. Constitution, Article VI, Section 3; Article I, Section 2, Clause 2, and Section 3, Clause 3; Article II, Section 1, Clause 4. Thomas Jefferson, Letter to James Madison, Philadelphia, June 9, 1793; 50 state constitutions.

The people have the right to select their representatives in government in frequent, regular elections.

U.S. Constitution, Article I, Sections 2 and 4; Amendments XV, XVII, and XIX.

The terms in office of elective officials are limited in duration.

U.S. Constitution, Article I, Sections 2 and 3; Article II, Section 1; Amendment XXII, Section 1; constitutions of the 50 states; George Mason's Virginia Declaration of Right.

Public officials are responsible to the people.

U.S. Constitution, Article IV, Section 4; and Amendment X.

For additional documentation see:

Resources for Citizenship, Citizenship Education Project, Teachers College Columbia University. Part III, pp. 245–283.

Introduction and Laboratory Projects

To some people *the* election is the one that occurs every four years when the president is chosen together with all congressmen and one-third of the senators. State officials are elected too, including some governors. To many people this quadrennial event is the mainstay of civic obligation. When they have voted on that November Tuesday every four years, they think they have discharged their responsibility as citizens.

Other people realize that there are important elections every two years. There are "off year" elections midway between presidential elections when congressmen and one-third of the senators are elected, as well as some state officials, including some governors. But there are fewer people who vote in off-year elections than when the president is elected.

Anyone who feels satisfied after voting in these two elections apparently thinks that the only important politics in American life is national politics. He forgets that there is at least one election every year. The citizens of every town, township, county, or city in the country have a chance to vote at least once each year. In most states there are at least two annual elections, the primary and the general election. Unfortunately, the percentage of voters who vote in local elections which are not held in conjunction with national elections averages less than a quarter of the number who vote for the president. And only sixty per cent of all eligible voters participate in the presidential election.

Every year there are spirited contests for positions of local leadership, as well as for positions in the state and national governments. But, generally speaking, more people are interested in following the fortunes of the local baseball team than in voting in all elections. This seems odd, since politics is a game at least as interesting as base-

ball or football. Even a local political contest is more important than a world series baseball game. Quite as much skill and team work are required. Furthermore, *you* can play. All you have to do to get into the game is invite yourself. You do not have to wait for some coach or captain to give you the nod from the bench. Start electioneering in your precinct for some candidate of your choice. Get voters out to the polls. Be only moderately successful at this and you will be quickly noticed by party leaders.

The parties need manpower, especially during campaigns and elections. The great variety of tasks that must be performed are gladly apportioned to anyone willing to undertake them. Under most circumstances parties have only one membership criterion: willingness to work and take responsibility. As a rule, parties are not exclusive. However, in some parts of the country, especially where one party is strongly entrenched, only certain people are admitted to the inner circle. Membership in the dominant social class or racial group may be a prerequisite to active membership in the dominant party. But if this is so, then the opposite may well be true of the other party. The second party may be small, if this is one-party territory, and it may be able to muster only a handful of votes. One way to increase its strength is to seek to attract all who are excluded from the other party because they belong to unwanted minorities.

Party structure provides a natural ladder of training and advancement. From election-day helper of the precinct captain, or worker in the headquarters of a candidate, there are easy stages of advancement in responsibility and importance. The lowliest tasks can be performed by anyone, even by a person who is still too young to vote. Each task performed well may lead upward.

Indeed, if you wish to play an important part in public affairs, you could hardly find a more effective means than party membership and activity. The voters elect the officers of government, but the parties select the candidates for the voters' approval. As a party member you may, depending upon your skill and intelligence, exert a much more wide-spread influence than that represented merely by putting an X opposite the name of your choice on your own ballot.

Unit Three looks into some of the possibilities of influencing public affairs through nominations, campaigns, and elections. The laboratory projects are designed to familiarize you with the nomination and election process, provide you with a firsthand knowledge of political

party organization in your locality, and begin the process of your political party advancement by placing you, as it were, on or near the first step. Whether you wish to go on is a decision that can be taken later; but you will at least have firsthand experience upon which to base your decision.

The three chapters of the Unit deal with the three principal manifestations of the election process. Chapter 8 is *Politics, Policies, and Parties,* and deals with the role which political parties play in the shaping of policy as they select candidates and help them get elected. Chapter 9 considers *The Machinery of Election.* Its concern is with the mechanics of nomination and election and with the techniques of campaigning. It discusses the means by which you might challenge the regular organization and become a candidate yourself. Chapter 10 deals with the results of elections—the selection of legislators on the local, state, and national level. It also deals with their most important function, the process of making our laws. The fifty state legislatures collectively do far more legislating than the national Congress; it is in them that we can see most clearly the difficulties of representative government. Hence, in this chapter, called *Representation in Lawmaking,* we view the process of lawmaking largely from the vantage point of the state legislature.

LABORATORY PROJECTS

(A) Assisting in Watching the Polls *

Scope: This project is designed to give students firsthand understanding of existing laws governing voting in the area in which the college is located, and actual experience in helping to enforce these laws by serving as watchers at the polls on election day. It calls for the exercise of skill and tact in working with election officials and local politicians.

Students work with political parties or good-government agencies to improve voting practices by serving as trained watchers at the polls.

Preliminaries: If possible, students should work with an established group that has an interest in better government procedures. A non-

* Adapted from a project developed at Indiana State College and reported by the Citizenship Education Project, Teachers College, Columbia University, New York.

partisan group such as the League of Women Voters, or one of the recognized political parties, may be chosen.

Members of the class must be thoroughly informed about such matters as basic election laws of the community, poll watching regulations, the extent of previous poll watching in the community, and the attitude of political leaders, newspapers, and leading citizens toward it. They should also consider the possible effect of the project on the public relations of the college. This information can best be obtained by small committees of the class, but should be recorded and summarized for easy reference by those members of the class who are to serve as poll watchers. Actual poll watching may have to be reserved for students who are themselves registered voters in the community. Student poll watchers should take special training from persons who have served as watchers so that the students may be certified as eligible for poll watching.

Procedures: Student poll watchers receive a notebook containing helpful suggestions from the experience of previous poll watchers, and telephone numbers of people from whom additional information may be obtained quickly. There should be conveniently arranged pages for recording the data which the class has agreed upon as important.

Students should appear at the polls early enough so that they may have their credentials checked and watch the regular officials being sworn in. They will thus be able to follow the voting during the entire day, check the tally on the voting, accompany the officials to the court house for the official election count, and check again as reporters send the result to their newspapers and broadcasting stations.

Results: Some appropriate form for recording the experience as a basis for discussion should be worked out. The discussion should give insight into the complexities of conducting an election, human relations and human vagaries in the election process, and the role of the individual voter and the general public in elections.

(B) Cooperating with Political Parties *

Scope: This project is designed to give students firsthand experience as participating citizens in a real election. It will involve them in activities which demonstrate the workings of the two-party

* Adapted from a description in the files of the Citizenship Education Project, Teachers College, Columbia University, New York.

system, and will emphasize the importance of citizen grass-roots control of political parties.

Students gain their experience by working with a local political party during an election.

Preliminaries: Students invite leaders of each party to talk to the class about their party and the kinds of political work students can do. Students choose the party organization for which they will work, and the kinds of activities which they will perform.

The local situation will determine the procedures adopted for cooperation with third parties. If possible, they should be included in the project.

Procedures: The instructor channels all arrangements for student activities through his hands, so that he may be certain that students are assigned to jobs which provide citizenship education rather than experience with routine chores. Students should realize that political leaders are interested in them as potential members of a party. They should learn to analyze campaign speeches, literature, and procedures, so that they may arrive at independent opinions about party matters. Students should study the relation of the local party group with which they work to the larger state and national party structure.

Results: Arrangements may be made for students to familiarize themselves with party work by answering the telephone at party offices; performing clerical work which provides an insight into the complexity of party organization; serving as receptionist at party headquarters; preparing and distributing publicity materials; participating in sound-truck publicity; ushering at rallies; serving as poll watcher or assistant; or taking minutes at party meetings.

(C) Campaigning to Get out the Vote *

Scope: This project will give students firsthand experience as participating citizens in a real election, and will make them aware of the importance of voting.

Students undertake a number of activities designed to get registered voters to the polls on election day.

Preliminaries: Students familiarize themselves with registration requirements in their districts by contacting local election officials and civic groups.

* Adapted from a description in the files of the Citizenship Education Project, Teachers College, Columbia University, New York.

Procedures: Students offer to cooperate with the many civic groups which are concerned with getting out the vote. They can compile reports on the voting record of their districts. They can prepare charts and graphs indicating the number voting in the last election, the number eligible to vote in the present election, and the probable number who will vote, based on past performance. A map indicating registration places would also be useful.

Results: Students induce local citizens to register and vote by making and distributing handbills explaining why and how to register and vote. In areas with permanent registration, only persons who have never registered need to be reminded about registration. Students produce a fifteen minute radio program explaining why and how to register and vote. They arrange with editors of local papers to publish a series of letters by different students on "Why Register and Vote." They make posters for display in downtown business places.

With permission from the local police department, they make and place tickets on parked cars throughout the town; the tickets state that the owner's attention is "arrested" and ask him if he is "guilty" of not registering or voting. Students send speakers to civic meetings to urge registering and voting. They organize, publicize, and run a free baby-sitting service for mothers while the mothers register and vote. They ring doorbells in areas where voting has been light previously. They organize car pools to take voters to the registration place and the polls.

Students make small cards with "I will register" or "I will vote" on one side, and "I have registered. Have you?" or "I have voted. Have you?" on the other. They form teams to patrol the streets and distribute these to citizens in return for a promise to register and vote. Each student is encouraged to be responsible for getting his parents to register and vote.

(D) Evaluating the Local Congressional District *

Scope: This project will give students an understanding of the right to fair and equal representation. It will show them the ways in which citizens can work to change conditions which deprive them of such representation.

Students find out whether their congressional district is

* Adapted from a description in the files of the Citizenship Education Project, Teachers College, Columbia University, New York.

geographically defined in such a way as to provide its citizens with "fair" representation. If an "unfair" situation exists, they publicize the fact and propose corrective procedures to public officials and interested civic groups.

Preliminaries: Because of the controversial nature of this project, students should get the permission of the college administration before beginning it. Since the cooperation of local political and civic leaders will be necessary if action toward the eventual redistricting of the congressional district is to be taken, it may be desirable to get advance information on local groups that may support or oppose redistricting. For example, the local League of Women Voters may be on record for redistricting of congressional districts in the state, or it may have approved of the existing district alignments.

To make the project more effective, students could form an advisory committee consisting of local civic and political leaders. This committee may assist them in developing a yardstick to be used in studying the congressional district. If the congressional districts within a state are fairly apportioned, each will have approximately the same number of residents. The exact number can be determined by dividing the population of the state by the number of congressional districts within the state. Each district should be reasonably compact and its boundaries should not divide cohesive political units unnecessarily.

Procedures: After a brief study of the nature and purpose of congressional districting, the class should figure what the average size of congressional districts in the state should be, considering its population and the number of representatives to which it is entitled. The class should get information on the shape of their congressional district; the population boundaries and voting record of the natural neighborhoods within the district; and the history of changes and attempted changes in district lines since its formation.

Results: Depending on the outcome of the study, two main courses of action are possible. If their congressional district offers citizens a fair representation, the class might submit its report and conclusions to all civic and political groups in the community. A news release containing the findings of the study should be sent to local newspapers and radio station.

If the class discovers that redistricting is necessary to create a more equal and natural representation for constituents, the report

should be discussed with the students' state senator or representative for action during the next legislative session. Specific plans and legislation could be drafted by the students jointly with a legislator who is willing to sponsor such a bill. Copies of the report and recommendations should be sent to local civic and political groups, and to the local press and radio. The advisory committee, if one has been organized, might suggest other courses of action open to the students.

Opportunities are especially rich in almost every community for projects relating to political parties and elections. The following examples, given in brief form with a few explanatory notes may suggest the great variety of possibilities.

(1) Providing Information About Candidates

Prior to an election, preferably a purely local one, students gather facts about each candidate's background and qualifications. They prepare and distribute a brochure, or publish a "Who's Who in the Election."

(2) Questioning Precinct Captains About Their Reasons for Doing Party Work

How did they start? What drew them to the party? How long have they served? What do they get from party service? How do they make a living? What proportion of time is spent on party work? Students who conduct the interview may also try to assess such personal qualities as integrity, intelligence, education, poise, grasp of facts and issues.

(3) Organizing an Observer Team to a State or National Convention

The assistance of political party leaders, preferably of both parties and at local and state levels, should be obtained to insure the success of the venture. Students may be able to interview candidates and political leaders, observe the press at work, attend open caucuses, visit candidates' headquarters, and, by prior arrangement, supply their home papers with daily stories on convention sidelights.

(4) Following a Convention by Press Reports and Television

It is not necessary to go to a convention to appreciate what takes place there. Television cameras do not focus upon the real decision-

making, but they often give evidence of strong changes in sentiment in a closely fought contest for nomination. An observation guide should be prepared ahead of time. It should list occurrences that might signify major shifts of opinion. In watching the convention, one should be alert to such evidence and not be distracted by what appears to be the center of action.

(5) Promoting Ballot Reforms or Use of Voting Machines

This project may be limited to interviewing politicians to find out how they explain the lack of ballot reform. Or it may grow into a serious attempt, in cooperation with some public-spirited group in the community, to effect ballot reform, or the adoption of voting machines. In the latter case, knowledge of state statutes pertaining to voting would be required, as well as knowledge of the channels by which changes in voting requirements are effectuated and skill in navigating the proposed change through these channels.

(6) Providing Citizens with Nonpartisan Political Information

Students set up a centrally located information booth to provide citizens with political information, especially in relation to a coming election—where to register, eligibility requirements, biographies of candidates, brief discussion of election issues, and so on. The booth will call attention to the importance of registering and voting.

(7) Analysis of the Nominating Process in Your State

The class prepares a check list of statutory requirements that apply to the nominating process throughout the country: open primary, nominating convention, number of signatures required on nominating petition, etc. They then use this check list as a guide in interviewing leading citizens of the community. What do they say about various types of nominating requirements? How do they feel about the advantages of reforms practiced elsewhere? What is the difference of opinion between political and nonpolitical leaders? To what extent are nonpolitical leaders cognizant of the nature and reason for various features of the nominating machinery? To what extent do they seem to appreciate and understand the issues involved?

(8) Getting Out the Primary Vote

This particular activity, though fraught with certain dangers, can perhaps better than any other firsthand experience illustrate the ease

with which, under certain circumstances, a small but determined band of citizens can secure control of the nominating process.

(9) Campaigning for a Candidate

Students attempt to influence others to vote for a certain political candidate. The project is intended to give students practical experience in influencing voters and promoting their choice of a candidate. Thus students are exercising one of the prerogatives of free citizens in a real election.

Chapter 8

Politics, Policies, and Parties

If a poll taker asked you, "What political party do you belong to?" you would most likely say, "I am a Republican," or "I am a Democrat." But the chances are better than twenty to one that you would not be telling the truth. Many people consider themselves to be members of the Democratic or the Republican party when they are not really members at all. They are sympathetic toward one party or the other. They lean toward the candidates of one or the other. They tend to defend the actions of one rather than the other. But they do not really belong.

IF YOU WERE REALLY A REPUBLICAN, OR A DEMOCRAT

If you were really a member of one party or the other, you would do something for it or pay something to it, or both. You would belong to a local party club. Or you would contribute money to regular party committees, or to special committees set up to finance the campaigns of particular candidates. Or you would be a precinct worker, distributing literature, buttonholing people and getting them to register, organizing transportation to get them to the polls on election day. Or you would make some effort to influence the make-up of the county party committee—urging certain persons to run for a vacancy, circulating petitions for them, or running for a spot on the committee yourself. Or you would attempt to influence the allocation of rewards for faithful party service—backing John Smith, who was especially diligent in precinct work, who is qualified for the job he wants as clerk in the sanitation department. Or you might fight the machine, or the regular organization by leading a faction against them, or promoting an opposition list of candidates.

Not much more than a million out of the eighty million voters in this country involve themselves in such a manner in political party affairs. The rest merely feel Republican, or feel Democratic. Or they

feel Independent. Independents do not identify themselves with any party. They say that they vote for the man, or the issue, and not the party. But as Independents they cannot have a voice in selecting candidates-to-be or framing party platforms.

What of it if only a few control the destinies of either party? Neither party can succeed without the votes of large numbers of citizens. Why should you not act like an executive and approve or disapprove the work of party workers when you cast your vote on election day? The answer is that if you let somebody else select candidates, you limit your choices. Usually you have only two names to choose between at election time. And you may not like either choice. Any one of five hundred people in your community might, in your opinion, make a better mayor or better senator or better councilman than the two candidates picked by the party regulars. They may have chosen their particular candidate simply because he has worked hard for the party, or because he can be counted upon to repay the party regulars with jobs and other favors.

GETTING YOUR CANDIDATE NOMINATED

It is *before* the primary election that your choice of candidates is greatest. You can pick your own man then—you can even pick yourself, if you wish. How do you do this? In most states you nominate a candidate for the primary by circulating a nominating petition to which you must get the requisite number of signatures to have his name placed on the primary ballot. In most states you do not even have to be a member of the regular organization of either party to nominate your man as either a Democrat or Republican. If you get the required number of signatures and present the petition to the proper authority at the right time, the name of your man will go on the primary ballot.

Naturally, if your move is regarded as a serious threat to regular party interests, you will run into all kinds of difficulties. Legal technicalities may be used to disqualify your candidate if you have been careless with technicalities on the petition. But if opposition to your petition is overcome, and if your man at the primary gets a plurality of votes, or majority if that is needed, he becomes the party candidate at the general election.

Obviously, it is not as easy as it sounds, or more people would try

it. But it is easier than most people think, especially when conditions are ripe. When people are dissatisfied with government, when there have been exposures of corruption and graft, when government has been characterized by an indifferent bureaucracy, when taxes have seemed too high, when business has seemed poor and employment low, it may be relatively easy to upset the regular organization



United Press Photo

A candidate for his party's nomination has a better chance to win if he can show that the public likes him.

of the party and capture the nomination or the election. A small but determined group may in some year wrest the nomination for a particular office from the regular organization. It has been done. On a wave of public indignation and dissatisfaction with the regular parties, newcomers to the political wars have risen to prominence time and time again. Reform movements typically occur in this way.

But there is no consolation prize for the loser, if you seek political office for your candidate outside the regular party channels. Within the regular party organization, there are many prizes. The losing candidate may later receive an appointive office available to members of his party. Party organization holds together, among other reasons, because there are many prizes for a variety of ambitious candidates.

With your single petition for one candidate, you either win or lose.

The stakes are high. It takes a great deal of time and money to plan the campaign, to prepare and print the petitions, to circulate them. You will need help, and you will need money. And there are many hurdles. You may not get enough signatures on your petition; you may miss it by a dozen names. Your man may not poll a plurality in the primary election. After a strong campaign with radio and television speeches, circulars, advertising, and buttonholing prospective voters, your man may come in second. Even if he wins the primary, he must wage another campaign for the general election. He may lose this one to his opponent from the other party.

Nor is winning a particular election or a particular office a guarantee of continued political success. Cut flowers stuck in the soil do not make a garden. There have to be roots. And the roots of political power are the party organization. Unless success at the polls is followed by the creation of a political organization, the success will not endure. Capture of no one office, no matter how prominent, can guarantee good government to any political unit of this country. The power to make government good is not possessed by any single officer. Government must have a continuous program which must be planned and carried out by a staff of persons of varied talents. The procurement of such a staff and the implementation of a program require organization.

It is good that primaries and elections can be won without the support of the regular party organizations. This helps to keep party organizations responsible to the public at large. It is good, too, that independent circulation of nominating petitions does not occur very frequently, and that success is not easy. Easy success would tend to break down our two-party system. This would be as great an evil as is rigid control of every nomination and election by a party boss and his machine.

THE FUNCTIONS OF POLITICAL PARTIES

In the United States, parties are more interested in winning elections than in any other party function. Nominating candidates for office and campaigning for their election receive primary emphasis.

The French, by contrast, have a different attitude. They have some twenty or thirty political parties. The primary purpose of each is to promote some particular policy. The members of each party tend to

see eye to eye on the issue or group of issues which the party sponsors. If, by compromising with some other party and joining forces in the campaign, they might place in office a candidate with half their views and half those of the other party, they would rather not win. Theirs is an all-or-nothing attitude.

In the United States, neither major party is primarily organized to promote a particular point of view. Our pressure groups do that. You could be against government ownership of the post office and be either a Democrat or a Republican. If you wanted to pick a group which would stand for this idea, you would join or form a pressure group devoted to restore the postal service to private ownership—a League for Private Enterprise in the Postal Service, you might call it.

Our political parties are a coalition of interests. A Texas or Georgia Democrat is apt to differ in political philosophy and social point of view from a New York City Democrat. Either, in turn, is likely to be different from a Massachusetts Democrat. A midwestern Republican may have views widely divergent on many issues from a northeastern or far western Republican. A southern Democrat is likely to have more in common with a Wyoming Republican on some issues, than with Democrats of the northeast. On certain issues, some Wisconsin Republicans see eye to eye with some Massachusetts Democrats. Within any state or region, there may be a wide range in views among leaders of the same party. Ellis Arnall and Herman Talmadge, both Georgia Democrats, could never see eye to eye in politics. William F. Knowland and Earl Warren, both California Republicans, differed widely in their views on many issues, but generally managed to subdue their differences when doing political battle with the Democrats.

Clashing points of view within the parties come to the fore in attempts by various factions to control the party, in efforts to select candidates for nomination, in the struggle to make party policy. The 1952 convention of the Republican party was not only a meeting to nominate a candidate for president. It was also an arena for the struggle between the conservative Taft and the liberal Eisenhower faction for the control of the party. The two factions differed substantially in point of view. Control of the presidency meant that the winning faction would be able to formulate and promote national policies for the *whole* party, consonant with its own point of view.

Parties As Coalitions

Politicians usually bury the hatchet in order to win elections. Contending factions within a party unite against the opposition of the other party. Taft and Eisenhower were bitter opponents in their struggle for the Republican nomination in 1952. After the smoke of battle for the nomination had disappeared, the Taft Republicans joined ranks with the Eisenhower Republicans to wage a successful campaign against the Democrats. The unsuccessful Democratic contenders for the nomination, such as Harriman, Barkley, and Kefauver, joined behind Stevenson, the party's nominee.

This is typical American political behavior. The fact that these men of different views made common cause against the other party did not mean that they would not later have their intraparty disagreements. They made common cause in an effort to win. They knew that to promote good government to the fullest, one must first get into office. Politicians can adhere to strong political beliefs all their life. But this need not prevent them from trading their support of another's policy for the other's support of their's.

What then is the difference between Democrats and Republicans? Over the long run, there are no major, consistent differences, though there may be clearcut divisions on specific issues at any particular time. Moreover, depending on its current status, each party assumes the characteristics of an "in" or an "out." When a party is in power, its various spokesmen generally endorse its actions and proposals. If they have differences, they usually express these in party circles only. Spokesmen of the party out of power in turn try to heap adverse criticism on the actions and proposals of the incumbent party. If they have any admiration for the party in power, they keep it to themselves. The purpose is not only to discredit the other party, but also to test proposals through spirited discussion.

The two parties have differed in the past in the degree of support they were willing to give to social and economic philosophies. In the middle of the twentieth century, the official policy of the Republican party tends to favor a lesser role for government in the life of the individual than does the official policy of the Democratic party. But distinctions such as these are not hard and fast during any particular administration or between successive administrations. For instance,

Theodore Roosevelt, a Republican, favored much more government intervention than did William Howard Taft, his successor and also a Republican. Franklin Roosevelt, a Democrat, advocated and put into practice a much wider role for government than did Harry Truman, his successor and also a Democrat.

On many issues the parties shift. Until recently, it was traditional Republican policy to favor high tariffs to keep lower-priced foreign manufactured goods from competing with higher-priced domestic goods. Democrats espoused a policy of low tariffs or no tariffs in the interests of lower prices for the consumer. In recent years, Democrats have advocated high tariffs, but for a different reason and for different commodities than Republicans. Democrats have adopted a policy of high tariffs on sugar, soybeans, and peanuts to protect southern farmers, who are traditionally Democratic, and who raise these products at a price higher than foreign growers charge.

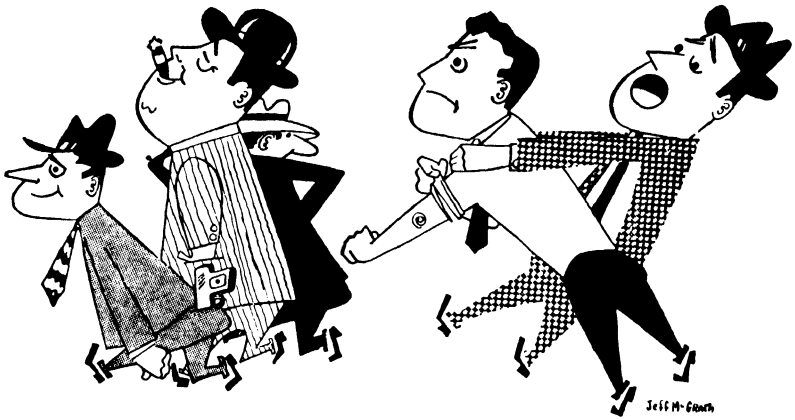
Party Responsiveness to Public Wishes

Why does a party shift its point of view? Changing conditions are one reason, desire to win votes another. Party leaders note the signs of the times and the temper of the people. They modify their policies to fit the needs of the public, trying to accommodate the largest number of voters and alienating as few as possible.

This process of changing party points of view is generally slow and accompanied by struggle. Those in the party who are willing to make a policy change encounter others who oppose the change. The argument of each side is that its position is sounder or more attractive to voters. If the proponents of a certain point of view win an election, this is interpreted as a popular verdict in their favor. That is why there are usually shifts of leadership and allegiance after almost every election. Sometimes they are far-reaching. Truman's victory in the presidential election of 1948 gave him control of party policy and leadership throughout the country. He not only defeated the Republicans. He also defeated those in the Democratic party who had competed with him for party leadership. Had he lost the election, then those factions within the Democratic party who had opposed him would have been in a strong position to wrest control from him at the next party convention.

Politicians modify the way they vote on an issue in order to stay in office, if it is clear that the attitude of the people requires this change.

Far from being critical of this type of behavior, one should recognize that it is essential to citizen control of government. As conditions change, so do the wishes of the people. New wishes can be reflected in new policies either by electing new politicians, or by having politicians whose political attitudes are flexible and correspond to the changing wishes of the people. If officeholders drift too far away from public opinion, they are not reelected.



Jeff McGrath in "When Men Are Free"

Fisticuffs are not necessary to keep an irresponsible officeholder in line. Irate citizens can get his political scalp on re-election day.

But rapid shifts of policy are dangerous. Some degree of stability is necessary in a government, even though the opinion of the people may blow hot and cold on an issue from one month to the next. Stability is furnished by the counterbalancing of clashing opinions within each party. Through compromise of widely divergent views, a moderate middle ground is usually reached. Opponents within each party are willing to compromise because they owe each other the obligation of cooperation in return for mutual help during the elections. As members of a single campaigning organization, they have learned to get along for the good of the party.

One-Party Territory

Despite our two-party system, much of the country is in reality one-party territory. Only half the states have a two-party organization in the sense that either party can capture the state legislature and administration. In the other states, the state organization of the minority

party is merely a token body as far as political power within the state is concerned. The principal function is to send delegates to the national party convention every four years. If their party captures the federal administration, then state organizations nominate leaders from among their ranks for federal appointment.

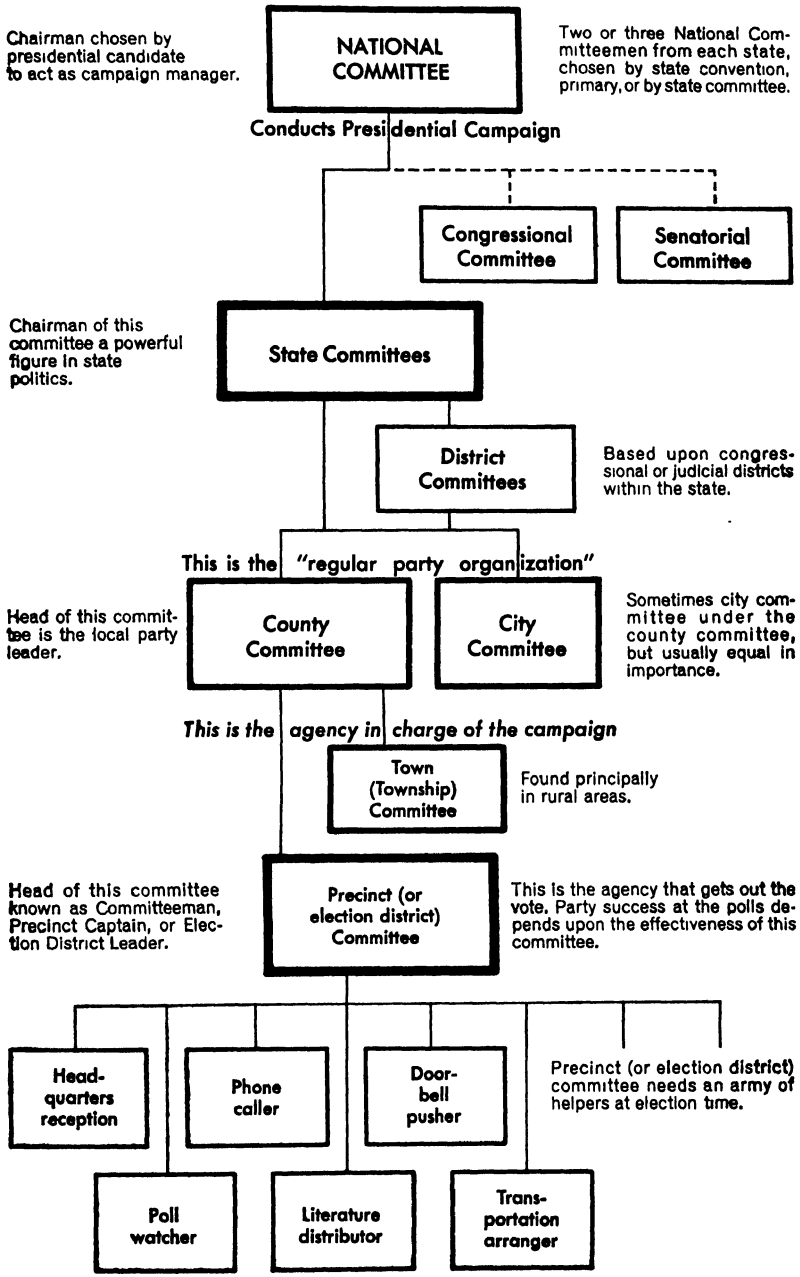
Actually, then, it is only in the control of the presidency and Congress that we are a competitive two-party country. The southern states are predominantly Democratic. Only rarely does a southern state go Republican in its vote for President. Southern governors and legislatures are traditionally Democratic. The South generally sends Democratic Congressmen to Washington, though here and there may be found a Republican island that elects a Congressman or state legislator occasionally. To a somewhat lesser extent Pennsylvania, Oregon, Maine, and a number of other states are Republican. In many states, like New York and Illinois, where political orientation changes fairly frequently, there may be little change in party attachment in most regions of the state. In each of those two states, the big city practically always goes Democratic, electing Democratic mayors, councilmen, and Congressmen. The rural territory can be counted upon as a Republican stronghold. There are only few localities within each state that support vigorous, competitive two-party local organizations.

THE STRUCTURE OF POLITICAL PARTIES

Parallel to our governmental structure, there are local, state, and national party organizations. The accompanying diagram gives a quick picture of the structure of either party. National units are placed at the top, state units in the middle, local units at the bottom. The relative importance to the party's organization of the various committees is indicated by heavier lines around more important units.

Three cogs in the party machinery are especially vital to its smooth operation. One is the National Committee. Membership on this committee is a matter of great party prestige. The committee is most active in a presidential election year. Then its normally modest quarters expand into many offices, bureaus, and divisions. It selects the city where the national convention will be held, sets the date, and draws up the ground rules for certification and seating of delegates and the conduct of the convention. It publishes and distributes literature, arranges for campaign speakers, and generally manages and

PARTY ORGANIZATION



conducts the campaign. However, its plans are subject to the wishes of the presidential candidate.

But the National Committee is not the party's center of gravity. Real power in the party lies in the state central committees, where most party policy is made, and in the precinct committees, which do most of the actual party work. The party big shots may make the headlines. But, collectively, the several hundred thousand precinct captains throughout the country, who receive little publicity, are more essential to winning elections.

The precinct captain must know the people in his district and keep in touch with them. This is not a difficult task if the party official has sufficient time to do it. A city district contains from three to six hundred voters. Many doctors, or lawyers, or ministers, know and serve that many people. Unfortunately, a precinct captain, unless he is wealthy, cannot spend full time on his party work because he must earn a living in some other occupation.

Registration and election time are the captain's busiest periods. He reminds people to register to vote, and on election day, he keeps tab on who has and who has not appeared at the polls, taking the laggards to the polls himself. But there is much work at other times, too. Does a faithful voter need legal counsel? The precinct committeeman may get it for him free. Has a son run afoul of the law? The committeeman may look into the matter and help, if possible. He may organize picnics, parties, dinners, and other social events. This kind of program may be especially useful in cities where immigrants or other newcomers without friends or acquaintances are settled. Great social ingenuity may go into the work of a highly effective precinct captain. All his moves are calculated, of course, to get out the vote for his party.

The nerve center of the party is in the county organization. The chairman of the county committee—or city committee, in those cities which have their own party organization—is the most important and powerful figure in the local party picture. This man is the "boss," usually. Though he must be reelected periodically, once he attains the chairmanship he may hold the post indefinitely, if he runs a good organization.

The state central committee is responsible for the conduct of all state and national campaigns. It collects money locally, receives money from national party coffers, and spends and distributes money among the county committees.

The county committee makes appointments to important party posts within the county, and it makes nominations to the state and district committees for appointment at that level. The county chairman may advise in the selection of appointees to national party posts. His influence over appointments is one of the things that makes a county chairman powerful in his county. If his recommendations to the state central committee get serious consideration, his local following will be that much more loyal.

District, state, and national organizations can help strengthen, or try to weaken, a particular leader's hold over a local organization. Whether they dare hurt him openly will generally depend upon the efficiency of his organization. If he regularly delivers sound majorities for his party in his district, the local leader's position is invulnerable.

PATRONAGE, SPOILS, GRAFT, AND CORRUPTION

The main source of power of the local organization is its ability to reward and punish. The county party organization that has won the elective offices of the county can use the county government to reward political favors. It can award road contracts in return for campaign contributions. It can appoint faithful party workers to county jobs, and expect them during each election campaign to spend more time on party affairs than on the job. It can extend special favors. A new county road may be built right where a certain landowner who has helped the party wants it. A county building may be put on a piece of property purchased at a good price from a particularly faithful contributor. Street or sewer extension or maintenance may depend upon whether there is a party "wheel" in the block who can command the allegiance of the rest of the people who live there. Road resurfacing and repair or snow removal may end short of the house of a particularly bitter party opponent.

Thus the county is like a cow that can be milked. When a dishonest job of milking is done, the words graft and corruption are used to describe it. When a legitimate job of milking is done, it is called patronage. The system by which the winning candidates award government jobs to the faithful is called the spoils system, after the saying "to the victor belong the spoils." Those who help the party, work for nothing if it loses. But if it wins, they expect to share the spoils. If local control of the party falls to a small clique of politicians who run the party as they see fit, we speak of a machine. It operates

smoothly, like a machine, because it knows how to get the votes through persuasion, favors, or even graft. Its candidates nearly always win. As it grows stronger, its opponents grow weaker. A strong machine can defy crusades against patronage, graft, or corruption.

Good government and good management practices have been conspicuously absent from most counties. Most county governments have resisted civil service reforms, sound practices in financial accounting, and regulations that require the awarding of contracts on a lowest-bid basis. They have resisted because local politicians have used the county budget to maintain the health of the county political organization. State political organizations used to do the same with state government. But such practices are on the decline now. Still, it is not unusual for state employees to be asked to pay a small percentage of their salaries to the party treasurer. Jobs in agencies of the state that employ a large number of workers who do not need special professional qualifications, like jobs in the road department, may be awarded entirely on a political basis. These things are usually done quietly and receive little newspaper publicity. The average citizen may never know about them.

Control of the national presidency used to give the winning party an especially fat patronage prize. Until 1882, all federal jobs could be filled by the incoming President and his political advisers and party workers from the ranks of those who had performed faithful party services or made campaign contributions. Previous holders of these jobs were political appointees and fair game to the incoming party. Though the new civil service law of 1883 applied to only about two per cent of federal jobs, Presidents were given the power to add positions to the original list. Successive Presidents have done so, and now more than ninety per cent of all federal employees are under civil service.

Other Ways to Finance Parties

Politicians who exact political kickbacks and deal in political favors and patronage often see nothing wrong in supporting the party organization in this manner. They realize that the service which the party organization performs must be paid for somehow.

What other alternatives are there to the present system? A system of collecting a small amount of party dues from each party member has been called too cumbersome and incapable of raising the large

sums required for campaigns and elections. The government might administer the nomination of candidates and conduct their election campaigns. But if this were done, there would be great danger that those already in control of the government would try to perpetuate themselves. If the parties did the nominating and campaigning, but received financial support from the government, the government might, at some later time, choke off parties by severely curtailing the amounts granted to them. It would be impractical to write the amount to be allotted to parties for campaigns into the state or federal constitution, because amounts needed would fluctuate as the value of the dollar fluctuates. Besides, the types of expenditure necessary for an effective campaign have steadily multiplied with the increasing complexity of devices for communication. But the principal danger in putting control or supervision in government hands is the danger of tyranny. So long as volunteers handle the staffing and financing of party offices, we are more likely to remain free from arbitrary government control.

Government regulation of party patronage practices has been tried, but has not been wholly successful. In 1939 Congress passed the Hatch Act forbidding federal employees to take an active part in political affairs or in political campaigns. An amendment passed in 1940 extended the ban to state and local employees who are paid in whole or in part from federal funds. Similar laws have been advocated for all government employees at the state and local levels. Yet the wisdom of even the federal law can be seriously questioned. Must people who work for the government be politically emasculated? How far should we limit the right of political participation of a person who happens to have a job paid out of tax funds?

The Hatch Act has been difficult to enforce, especially the amendment applying to state and local employees. Locally, enforcement depends on the discretion of local officers. It can become a weapon to be used against political enemies while friends are spared.

The key to reform lies in public interest and watchfulness, rather than in legislation. Why has the use of patronage to maintain party strength diminished at the federal and to some extent at the state level, while remaining common at the county level? One major reason is that public attention has been focussed more strongly on the state and federal governments. There has also been a change in general public attitudes toward political propriety. Formerly it was thought

proper to replace all or nearly all government workers when a new party came into power. The new party brought with it a new policy and a new program and wanted to be free to promote this new program—free of the possible damage which even the lowliest worker might inflict if he remained loyal to the party formerly in power. For it was assumed that all government officials could influence policy. The distinction between policy-making and policy-executing officials was not clearly understood. Nor was there much concern over the possibility that a winning party making appointments for political reasons might pick unfit candidates who would give poor service to the public. Only when the complexities of government began to loom large did people become aroused and upset over incompetence. As a result, a gradual change in federal political practice set in about 1920, accompanied by legal modifications in the selection of government employees.

Many states have gone a long way in civil service reform. Others have done very little. The deciding factor seems to be public attitude. Where the public looks with scorn upon large party patronage in its own state capital, improvements comparable to those in the federal government have been made. Where the public condones or tacitly approves of the spoils system, politicians do nothing to eliminate this evil.

Certainly not enough people are paying attention to what is going on at the local level. The public is much more concerned with national and international than with local affairs. Lack of public interest in local affairs, as much as anything else, enables local machines to get a strangle hold on the county government. This is particularly the case in one-party localities. With lack of public interest and lack of competition, those in power tend to reach for more power and to try to make secure the power they already have.

PARTY WORKER AND PARTY BOSS

Why does the party worker, from precinct captain to national committeeman, work? Desire to render public service is an important motive for many. There is also the love of power and prestige. And close to it is the love of the game. Politics is a thrilling, exciting gamble with political power as the stake. Political decisions affect multitudes of people; public budgets may be huge compared to those

of most private ventures. The game of politics is a game of personalities and favors, requiring the utmost skill in human relations for success. Many people have a high competence in such skill and delight in exercising it, just as others enjoy woodworking or reading.

Motivation of Party Workers

Some people engage in party affairs as they might have engaged in club work or bird watching or stamp collecting. It gives them something to do that gratifies a personal need. It may be the sociability of party work that satisfies—the picnics and clambakes. Or it may be the opportunity to be near and serve a hero, for indeed many workers came into the party because of their admiration for some prominent political figure.

There are those who work for the party because, in power or out, it is often a genuine service organization. The precinct captain's office may be a clearing house of information about jobs in the neighborhood. He frequently helps the indigent through taking up collections, distributing Christmas baskets, providing legal aid, or arranging for hospitalization. The people who benefit from such services usually support their benefactor on election day. Social security, unemployment insurance, hospitalization insurance, state and federal relief programs, legal aid societies, and state and veteran's employment services, together with the general high level of prosperity of recent years, have combined to weaken the hold of the party organization where its strength is built on helping the needy and unfortunate.

In addition to, or in place of other satisfactions, the party worker may want economic gain of some kind. He may pick up valuable information in the city hall that he may use for immediate financial gain. Or he may sell the tip. A new road is going through a particular piece of land. The present owner does not know it, but the party worker knows that whoever owns that land can sell it for a handsome profit. A service station is going to be worthless in a few months, for road-rebuilding plans not yet made public will close off all access to it for nearly a year. Advance information might bring a good price from owners of the station.

The party worker or his company may gain preferred treatment for contracts, work, supplies. His law firm may be regularly mentioned to persons who turn up in trouble in the county courthouse or city hall. His construction company may get advance information on

the lowest bid so far received for construction of a new building. His company may find it profitable to keep him on the payroll for no other purpose than to work for the party and keep his ears open.

He may get privileges, concessions, and protection that border on the illegal. Gambling in the back room of his tavern may never be molested by local police. The new jerry-built apartment house he owns, which has a foundation two inches thinner than required by law, may have gone up when the building inspector's back was turned. The fire inspector may be lenient if modernizing the heating system in his store in accordance with the law would cost a great deal of money. Since construction and fire safety laws usually are overcautious, catastrophies directly traceable to the illegal transaction occur only rarely.

Last but not least, the party worker may seek a party job. At first, until he has proved himself, he may be given odd jobs—a few dollars a day for poll watching or checking, a clerical job at tax-billing time. As he proves of greater value to the party, and therefore worthy of being "taken care of," he may get a more substantial and regular post. He may become an inspector of some sort, a job that may leave him free to spend many hours on party affairs. Or he may join the staff of the tax assessor. Formerly it was considered proper to award jobs in the public schools on a political basis. But the professionalization of teaching and school administration, together with state requirements for certification, have taken the public schools almost entirely out of spoils politics.

Judgeships, administrative posts, and commissionerships are among the most respected and highest paid appointive posts available for party patronage. But even these jobs are now mostly allocated on the basis of qualification, not solely considerations of faithful services performed for the party. A high office usually goes to a party member whose qualifications for the post will bring prestige to the party and to the appointing official.

In fact, expectation of a lucrative job is no longer a sound motive for entering party service. Most government jobs at the higher levels pay comparatively little. An able person normally can earn more in a private job. Many men and women who hold government posts, both elective and appointive, do so at a financial sacrifice. Occasional newspaper items mention that a certain official is retiring from public life to devote his remaining years to "the building of family security." Thus the ideal of public service, together with love of the work itself

rather than financial gain, are today the real attractions which draw able men into politics.

The Seeds of Boss Rule

The rule of the few in party affairs makes bosses possible. Bosses are impermanent, local dictators. They are rarely found in totalitarian societies, which instead have one all-powerful, permanent dictator at the national level. The party boss is king over the locality he rules. Frank Hague of Jersey City, when boss of Hudson County, said "I am the law." And he was right so far as the law of Jersey City and Hudson County was concerned. He may never have known that he echoed the words of another absolute ruler, Louis XIV, King of France, who said: "L'état, c'est moi."

Generally, boss rule is a local phenomenon. The boss is kept in power not by the forces he commands, but by neglect of responsibility by the people. In any machine-ridden locality there are enough people and enough votes outside the machine to upset the little local dictator, if they are marshalled for the purpose. And eventually they are. Therefore the boss' rule is temporary and subject to the will of the people.

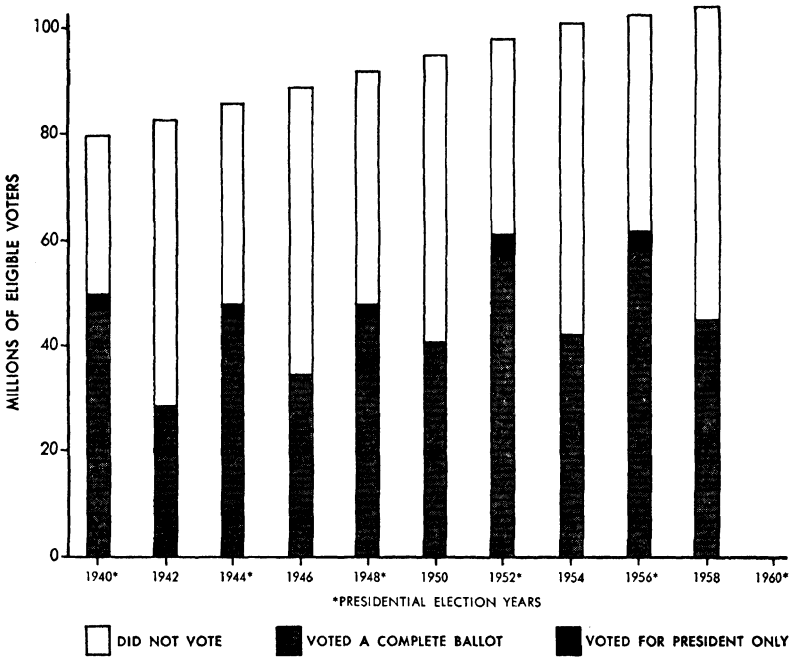
The boss and his machine thrive on a small turnout of voters. When votes are few, the machine can be counted on to deliver sufficient votes to carry the election. Overthrow of the machine requires that a large percentage of eligible voters goes to the polls on primary day as well as at election time. For it is in the primaries, in most states, that voters have a chance to select party leaders. To keep the numbers of voters small and manageable, party leaders frequently are the staunchest defenders of antiquated voting laws which are still on the statute books in many states. Such laws make registration and voting such a time-consuming chore that many citizens can be expected to refuse to go to the trouble.

Bosses and political machines of a noxious brand are most common in a large city or in a county where there is a large city. New York, Chicago, St. Louis, Kansas City, Memphis, and New Orleans are among the cities that, at one time or another, have felt the rule of some of the better-known bosses. Opportunities for large-scale graft are greater in big cities where citizens are out of touch with their local government. Bosses flourish particularly in cities that have had large immigrant populations. The need for help and friendship in a foreign land has led many an immigrant, and afterwards his children, to loyal

and uncritical support of the local party organization in return for help of various kinds from the party.

Since the boss rises to power and maintains power solely because he controls votes, he bestows his favors on the people under him who can deliver votes. Party workers rise in the party hierarchy depending on the number of votes they can deliver for the party. The boss is thus a

VOTING TURNOUT IN NATIONAL ELECTIONS



Source: Statistical Abstract of the United States, pp. 341, 351

strategist, a field general, and a leader of men who thinks in terms of the number of docile party-line votes he can muster at any particular moment. His arsenal of weapons of persuasion includes promises, favors, flattery, and innuendo. To wield them effectively, the boss must be intelligent and shrewd. Many of our strongest bosses have been enormously able men.

The Political Machine and You

Machine politics becomes possible when party affairs are controlled by a few. Wider political participation and public vigilance destroy boss rule. Participation and vigilance mean more than voting at elec-

tion time. Citizens must also participate actively in party work. Unless the local party is an unusually well-staffed machine, it always needs manpower, especially at the precinct level.

Citizens need not necessarily associate themselves with the dominant party. You may decide to join the weaker party to build up political competition, or because it is easier to become a big frog in a small puddle. In a one-party locality, you may pick some faction within the party and support its fight for party control. Factions of this kind in one-party states often resemble separate parties, fighting their principal campaigns in the primaries rather than the general elections.

Or you may choose to align yourself with an independent reform group. Such minor parties are rarely successful. Nationally there have been, among many others, the Dixiecrats, Prohibition party, Greenback party, and Theodore Roosevelt Progressives. Within states there have been the LaFollette Progressives of Wisconsin, the Farmer-Labor party of Minnesota, and the Liberal party of New York City. Independent forces have been most successful locally. The Citizen's Union in New York City and the Charter Committee of Cincinnati, for example, have been able to gain power locally to carry out their reform programs.

The real hope for clean politics lies in the millions of average citizens. They must become interested in politics. When many are involved in politics, the public affairs of a locality or state are likely to be clean. Then, too, if many ordinary citizens donated more of their time to party affairs and did not expect a few to devote so much of their time, the services that the parties render would be less costly and the influence of money in politics less great.

Even more important than participating in the work of political parties is constant citizen surveillance and scrutiny of the persons in power. The wish for an eternally strong and good man, who can be put in office and remain forever unwatched, is a vain hope. We may not all be fit to be political leaders, but we can all share in the job of watching those whom we entrust with governmental powers. No special competence is required, merely civic-mindedness.

QUESTIONS FOR DISCUSSION

1. Is the nominating process described in this chapter sufficiently democratic to permit interested citizens to have their candidate's

name appear on the ballot? Why are so many nominations made in the "smoke-filled room?"

2. What advantages can you see in making nomination and election outside regular party channels a difficult process? What are the disadvantages?

3. Should politicians and parties stand for principles and not compromise them under any circumstances? Or should politicians and parties change their policies to attract voters and win elections?

4. Which of the characteristics of groups discussed in Chapter 6 can you recognize in the structure and operation of political parties?

5. Why is it important that you should be active in a political party as well as in at least one pressure group?

6. If a politician's convictions are different from the convictions of the constituency he represents, should he resign? Why, or why not?

7. By what criterion should the tenure of a party leader be decided? By a legal limit on his term? By his ability to continue to deliver sound majorities for the party in every election?

8. What connection is there between the great power enjoyed by the party's state organization, and the fact that rural interests are highly influential in state and national politics?

9. Should citizens who work for the government be curtailed in their political rights? Should the Hatch Act be made more stringent, more lenient, or otherwise altered? Explain.

10. What is the most salutary motivation for party service? Is a desire for personal gain a blameworthy motivation? Is love of power a suitable motivation in a free society? If you were to serve as a precinct captain, what would be your motive?

11. Do you think citizens should be drafted for public service as they are drafted for military service?

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Chapter 9

The Machinery of Election

Picking candidates is the party's most important decision. Wisdom in doing this, plus vigor in supporting its candidates in the ensuing campaign, determine the party's success at the polls. Candidates usually are nominated as the result of a vigorous contest among those in the party who wish to run for office, or who favor particular candidates. The arena for the contest is either a primary, a caucus, or a convention.

NOMINATING CANDIDATES IN THE PRIMARY

The party's candidates for the various offices to be filled in a general election are usually selected in a primary.* The direct primary, which permits voters to voice approval or disapproval of nominees directly, rather than through party officials, was first used in Crawford County, Pennsylvania, in 1842. It spread rapidly, as such changes go, until by 1917 all but four states used it.

Voting in the primary, gives the citizen a chance to participate in the selection of candidates. In one-party districts, where nomination in the primary is tantamount to election, this is his only chance to express a choice between candidates.

In many states, the entire local party leadership is also selected in the primary. The real struggle for control of the party occurs here. Those who vote in the primary may help advance or retard the career of many a politician. A sizeable plurality for a candidate may convey

* In Georgia delegates to state party conventions are selected in primaries and candidates for public office are nominated in conventions; in New York, candidates for governor, lieutenant governor, and other officers to be elected at large are nominated in conventions, and other candidates are selected in primaries; South Carolina has no state law applying to nomination, leaving the matter up to the party to decide; and in Connecticut, a local primary is held if the slate of candidates nominated by either party in caucus is challenged by petition.

upon him a position of prominence within the party even though he may not win the nomination.

Plan of Choice of Candidates Made Possible by Primaries

Petitions of Candidacy Circulated for	Primary Candidates (enough signatures obtained)	Candidates for General Election (achieved plurality in primary)	Elected to Office (received majority in general election)
Democrats			
Smith			
Jones			
Booth	Booth		
Brown			
Emory	Emory	Emory	
Republicans			
Black			
Cook	Cook		
Wyland	Wyland	Wyland	Wyland
Green			
Baker	Baker		

The primary was once thought to be a means of making the nomination and election process more democratic. But it has not yet totally broken the hold of bosses and machine politicians. The primary does make possible a more direct popular expression of preference, both in nomination and in selection of party leadership. The fault lies with the many citizens who rarely take the trouble to vote in primaries.

Types of Primaries

Primaries occur in the spring or summer, depending upon state law, and both parties have their primary on the same day. In the open primary, a voter is not required to reveal his party affiliation. He can vote in the primary of either party. Voters from one party can invade the primary of the other party to vote for its weakest candidates, in the hope that the weak candidates will be nominated and later defeated in the final election. This is called party raiding. In the closed

primary, the voter must reveal his party choice. Usually he must have made a prior declaration of party in registering to vote. He is permitted to vote only in the primary of his chosen party. There is a nonpartisan primary in some states for selection of nominees for local offices. This type of primary, in which candidates are not identified by party labels, is used especially in selecting judges and school board members. The two top candidates for each office in the primary become the two contestants in the following election.

Presidential primaries are held in a number of states every four years to select delegates to the two national conventions that nominate the presidential candidates, or to select delegates to state conventions, which, in turn, select candidates to the national conventions. A presidential preference primary is held in some states to enable the people in each party to indicate which potential presidential nominee they favor. It is principally a popularity contest because its results are not binding on the party's state delegation to the national convention. The delegates may not be legally required to pay the slightest attention to it. Their preferences are likely to be guided by the state party leader who heads the delegation. Though preferential primaries are not binding, they are nevertheless important, because they show which potential candidate has the greatest voter appeal. It was Eisenhower's success in the preferential primaries in a number of states that led to his decision to run, and to the willingness of a number of politicians in the Republican party to support him.

Beating the Machine in the Primary

The strategy of the machine is first to control the primary and, secondly, to conduct a winning campaign for its nominees. Since the primary vote is generally light, it is relatively easy for the party to get out enough machine votes to control the result. Not only are the regular party nominees handily picked to run in the general election, the party leadership is likewise smoothly and quietly elected for another term of party control. Frequently the primary is uncontested. The machine candidate is the only choice presented to the voters in the primary, and he is the only alternative to the candidate of the other party in the general election. And the chances are that the opposition candidate was selected in the same way.

Despite machine politics, there are no insurmountable hurdles to placing a good candidate on the primary ballot. A determined, even

if comparatively small, group of citizens can, if it chooses, upset the machine. And the place for it to attack is in the primary, by filing a candidacy to oppose the party's nominee. If the "upstart" wins against the machine candidate, the machine would be shut out of the election. But it would not stay out, if the reformers limited their efforts to one election only. The battle must be re-fought and won for many elections and for many different offices. And the battle may be rough. A reform group may find their tax assessments raised, their business with governmental agencies reduced or stopped entirely, and their business and personal activities harassed through overly strict enforcement of local ordinances. Members of the group may protest, of course, but getting a hearing and a remedy takes time. When they throw down the gauntlet to the machine, they must be prepared to hurt as well as get hurt.

NOMINATING IN CAUCUS AND CONVENTION

The caucus is private while a primary is public. The caucus is informal. The size of its membership varies, but it tends to be small rather than large. It may be the "smoke-filled room." In a caucus, party leaders meet and agree on a candidate.

The convention is a formal meeting of duly elected delegates. Delegates to a state convention come from and represent the various county or city organizations. Delegates to a national convention come from and represent the party within the various states. The number of delegates is based on the number of people represented. Delegates are selected in state conventions or primaries. They bring with them the credentials from the state organization they represent to show that they have been legally selected.

There are two official purposes of a convention. One is to select the party's candidates for the coming election. The national convention selects the party's candidates for President and Vice President. A state convention selects the party's candidates for state offices. The other official purpose of a convention is to write the party platform. The national convention drafts its party platform just before the candidates for President and Vice-President are nominated. Some states require that parties hold a state convention after the primary, to write their platforms. The mass of voters cannot readily participate in the draft-

ing of the platform. But platforms, as such, mean little. They are written as a tool to get votes, and not as a working blueprint for party activities.

A convention does far more than accomplish its official purposes. It is also a place where party leadership and power is captured or reaffirmed. When the machine is in full control and the organization is running smoothly, the convention may be merely a formality to en-



International News Photo

During a recess in a state convention, delegates bargain for support for their favorite candidates. The outcome is usually a compromise. Party factions win support for some of their candidates in return for support for favorites of other factions.

dorse the proposals of the party leaders. Everything is harmonious, though noisy; for a convention, like an Indian war dance, is intended to whip up enthusiasm for the election campaign. There is a long grind ahead, many arduous days right up to the Tuesday of election. The party's success is not only dependent upon the actions and efforts of the candidates, but also upon the devoted and painstaking labors of the party workers, right down to the lowliest precinct worker.

When the party has lost the previous election, or when the incumbent cannot or will not run again, the convention becomes a struggle for control of the party. Nomination will depend on which faction has captured control. The struggle is marked by trading and bargaining for blocks of votes, carefully staged dramatics and spontaneous appeals for delegate support, persuasion, arguments, threats, and verbal

battles behind closed doors. This is especially true of national conventions when no single candidate dominates the political scene.

Candidates usually do not participate actively in the battle for control on the convention floor. Others fight this battle for them. The candidates stay "behind the lines," in their hotel suites. Once nominated, the candidate for the most important office on the ticket becomes the party's titular head. If he is strong and has political talent, he remains the party's head, especially if he is elected, and for a period of time even if defeated. If he is weak and politically inept, he may, like President Harding, be the pawn of others who stay behind the scenes yet control party affairs.

ADMINISTRATION OF ELECTIONS

Elections are administered locally. Whether national or state officials are being elected, whether it is a primary or a general election, local people set up and man the polls. They must conform to state election law, but beyond this, election procedures are matters of local discretion. Even enforcement of state law and prosecution of violators is left to localities, and not to the state police. The exercise of police power over elections is considered too crucial a power to be concentrated in a state enforcement agency.

Each election district has its board of elections or similar agency to administer elections. Membership is bipartisan. The election board usually decides where polling places will be, how and where ballots or sample ballots will be distributed, who may remain in the polling place during the voting, and how voters are to be instructed on the mechanics of voting. Usually the board is also in charge of registration and is responsible for checking that voters who come to the polls are properly registered. It usually designates poll watchers to see to it that no one votes who has not complied with voting regulations. The power to challenge voters to prove their qualifications can be abused to harass unwanted voters and keep them from voting.

Responsibility to set or reset boundaries of local election districts usually falls to the local board of elections or the county board of supervisors. On this body, the party in power has a majority. If it is so inclined, the majority party can attempt to fix the boundaries of election districts so as to favor the majority party. State legislatures have

reserved to themselves the right to set or reset boundaries of state election districts. Wielded with proper skill, the right can be made to yield vast political advantages in state and national elections for the party in power at the time of redistricting.

Voting Requirements

Voting requirements vary considerably from state to state. Their basic purpose is to assure that citizens who are permitted to vote are fit to perform this task with a modicum of intelligence. The reason for residence requirements for local elections is obvious. The voters who elect local officials should be familiar with the city, town, or county where the officials will have jurisdiction. Outsiders, transients, floaters, migratory workers, have no particular interest or ability for selecting local officials or influencing local policies. Yet local residence requirements work a hardship on people fully qualified to vote on state and national issues who are deprived of their vote simply because they have not lived in their locality for a sufficient length of time.

In addition to residence requirements, it seems reasonable to require that the voter should be able to make sound judgments. The illiterate, insane, and immature are generally disqualified. Age requirements and literacy tests serve this purpose. Of course, they cannot be more than rough guides. A person may be fully informed about politics even though he cannot read or write. Does a person really become mature and sound in judgment only after he passes his twenty-first birthday? Psychologists tell us that growth in mental age slacks off at about fifteen or sixteen. The ancient Greeks used eighteen as the demarcation of adulthood.

To make sure that those who come to the polls on election day are qualified to vote, all states register voters prior to elections. About three-quarters of the states provide permanent registration. A voter registers once and remains on the list as long as his status remains unchanged. The election board, or board of registrars, or a similar agency, administers the registration list. One drawback of permanent registration is that names tend to remain on the list indefinitely. The vote of many a person long since moved away, or deceased, or otherwise disqualified, has been cast by dishonest machine politicians. To avoid such abuses, permanent registration lists should be checked regularly.

Under a system of periodic registration, voters lists are discarded every year, or every two, four, six, or ten years, depending on the law. Every voter must then re-register. This system is costly and troublesome. Because of the added chore of periodic registration, fewer persons tend to vote than under the permanent system.

Election Fraud

The competitive nature of American politics—the intense struggle for power that each party wages—tempts politicians to gain political advantage by all means, fair and foul. There were charges of fraud even during the first election under the Constitution. "The charges have been repeated for most elections since, and the use of every conceivable device has been revealed by investigations and prosecutions." *

Election frauds fall under two general classifications: those connected with voting itself, and those connected with counting the ballots. Voting by proxy is a common fraud in which one person casts another's vote, falsely claiming to be the other person. This is done quite easily where permanent registration rolls are not checked periodically to delete names of persons who no longer reside in the district.

Voting requirements may be abused to deny the vote to qualified persons who for one reason or another seem undesirable voters to the officials in control of elections. For instance, where literacy requirements exist, even an educated person may be challenged. Though he can prove his literacy by reading and explaining a passage from the Constitution, the officials may call his efforts inadequate. In this way, individuals can be denied the right to vote when the election is close. This type of abuse is on the decline, though it is still used fairly commonly in the South to bar negroes from voting.

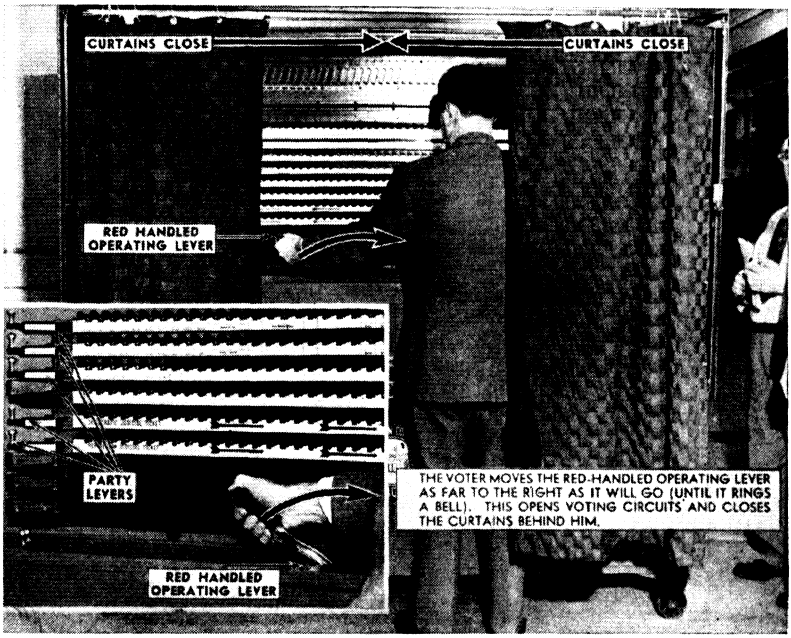
Chain voting is a typical fraud in states that do not have voting machines or numbered ballots. A person enters the polls and by some trick secures a ballot which he brings outside. He may do this by taking a ballot from an election official, without then voting it himself. Instead he slips a folded piece of paper into the ballot box. Outside the polling place, he gives the real ballot to the ringleader of this dodge, who then marks it to his satisfaction. The leader hands the marked ballot to a person whose vote is being bought. He instructs

* Dayton D. McKean, *Party and Pressure Politics*, Boston: Houghton Mifflin, 1949, p. 365.

this voter to cast the marked ballot and bring out the blank ballot given him. In this way, the process may be repeated endlessly.

Actually, it is only rarely necessary for even the most determined and venal machine to buy votes outright. Vote buying is very uneconomical except when the voting is light and the results close. Moreover, the whole process is very risky.

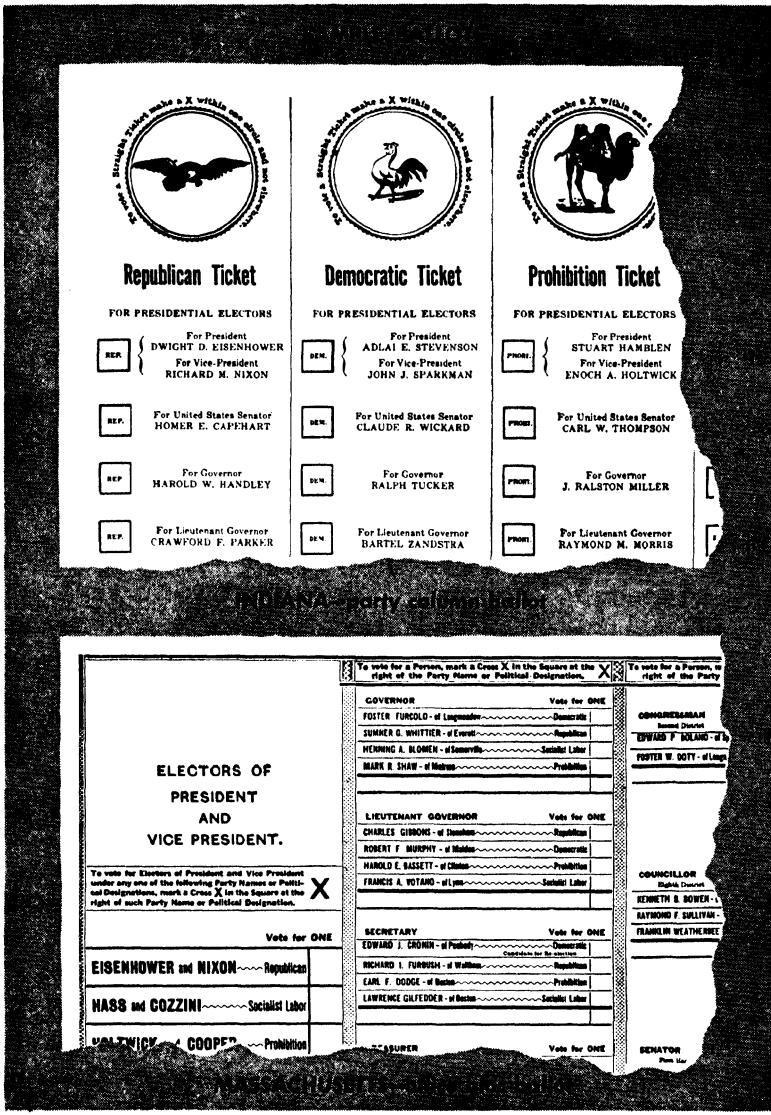
The most economical and least dangerous way to cheat in an election is to cheat in counting the ballots. If mistakes are discovered, it can be claimed that they were human errors, unavoidable in a long



United Press Photo

Voting machines are becoming increasingly popular because they make voting and vote-counting speedier and more accurate. Machine voting also reduces opportunities for fraud.

and tiresome task. There are many opportunities for deliberate falsification of the count. Tally sheets may be made out ahead of time and substituted for the true sheets, or the votes may not actually be counted at all. Ballots may be changed, or spoiled, or destroyed. Ballot tellers from one party may challenge any ballot supporting the other party that is dirty or unusual in marking or appearance. They may do this to wear down the opposition in the small hours of the



The two basic types of the Australian ballot.

morning and gain the advantage that accrues from inattention on the part of the opposition. Ballot boxes may be stuffed; that is, additional ballots may be added while the boxes are en route from the polling place to the place where the vote is counted. Ballot boxes have even been stolen or destroyed before the count.

The Australian Ballot and the Voting Machine

To stop fraud, most of the reforms in election procedure center around the ballot. In the early days, each party printed its own ballots. Lack of a uniform ballot made it easy to stuff the ballot boxes, to counterfeit ballots, or to cheat in other ways. Furthermore, anyone could tell the voter's choice by watching to see which color ballot he dropped in the ballot box. Lack of secrecy in voting prevented many a timid soul from voting his convictions, and it also led to many quarrels and fights. In fact, until recent decades election day commonly was punctuated by outbursts of violence throughout the country.

The Australian ballot was the first major reform. Under the Australian ballot system, all ballots are uniform, and contain the names of all candidates. They are printed at government expense. Ballots are given to voters only at the polls on election day. Each voter marks his ballot secretly in the voting booth.

The voting machine was the second major reform. It maintains the advantages of the Australian ballot, and adds the advantages of speed and almost foolproof accuracy in recording and totaling the vote. It cannot prevent frauds in permitting or denying voters access to the polls, but it does end all ballot frauds. It can be tampered with only with great difficulty. Citizens everywhere should seek the adoption of voting machines, even though this may involve overcoming vigorous opposition from politicians who fear that the machines will make elections less subject to manipulation.

In the long run, the principal curb to illegal election practices is vigilant local public opinion. Public disgust and dissatisfaction have tended to reduce the incidence of fraud in national and to some extent, in state politics. Fraudulent practices still are common on the local scene, especially in some cities and counties. They can continue only with the connivance of local election officials. Local citizens like you—not distant courts, commissions, or civic reform groups—must be the watchdogs.

THE CAMPAIGN

Party rallies of thousands of people, mass meetings in Madison Square Garden, Boston Garden, or Soldier Field, parades, motorcades and chartered planes for whirlwind tours of state or country,

hillbilly bands, squawkers, noisemakers, and cow bells are all part of the paraphernalia of the campaign. The intent is to create a band wagon psychology, an impression that "Everybody is supporting our candidates; why don't you?"

In a campaign one should expect all the techniques of propaganda. Stereotypes in the speeches of the candidates and their supporters are particularly prevalent. "More business in government," "less government in business," "protecting the American way of life," "champion of the people," "defender of right and liberty," are examples. Like the beautiful label on the can of peaches, these labels are meant to induce you to buy the labelled product on the assumption that the label indicates the quality.

Basically, it is the purpose of the campaign to present the candidate attractively and sell him, along with the party and the campaign issues. It is hoped that you will buy the candidate as just the kind of personality you want in office. Sometimes he is packaged as a simple man of the people, like Al Smith. Sometimes he is a forthright champion of action and pace setter, like Franklin D. Roosevelt. Sometimes he is cast in the role of a likeable and able comic, like Lee "Pass the Biscuits, Pappy" O'Daniel of Texas. Sometimes he is a sturdy pioneer in a coonskin cap, like Estes Kefauver of Tennessee. It is the hope of the campaign strategist that the people will be attracted by the label and buy the package.

Campaign methods can reveal a great deal about a candidate's character. During the senatorial campaign of 1950 in Maryland, candidate John M. Butler solicited help from fellow Republican Joseph R. McCarthy of Wisconsin, famed for his ruthless attacks on the character of his political opponents. During the same campaign a faked composite photograph was circulated by someone, showing Butler's opponent, Millard E. Tydings, with ear cocked as though listening to Earl Browder, the communist leader. A newspaper was issued sporadically to disseminate slanted writing which showed Butler in a favorable light and linked Tydings to questionable issues. An alert voter can spot such tactics. He knows that a candidate who stoops to falsification in a campaign is unscrupulous and contemptuous of the public's intelligence or integrity. If elected, such a candidate is likely to continue to use such tactics. Not only that, others will emulate him.

If a candidate feels he has been libeled, he may bring charges before a court of law. Or he may bring them before the legislative body for which he was running—Senate, House of Representatives, or

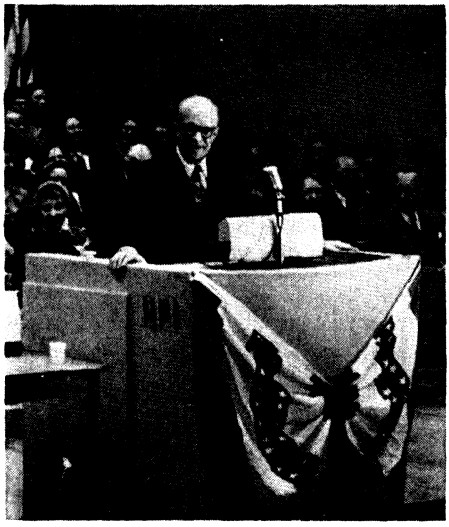
state legislature. Each house in the United States Congress has the constitutional right to judge the qualifications of its members, and many state legislatures are given the same power by their state constitutions. A house may refuse to seat a newly elected member because he used falsehood in the campaign. But it is very rare indeed that either a court or legislative assembly will rule in favor of a defeated candidate. The realities of campaigning are such that the thin line between what is lawful and what is not is very difficult to determine in most instances.

The principal guard against improper campaign tactics must be the voters themselves. If they react negatively to deceit and trickery, deceit and trickery will not be used. Campaigns soon become clean and honest when the voters support candidates who campaign cleanly and honestly, law or no law on the subject.

Whether campaigns cause large numbers of voters to change their minds is a moot question. Some studies indicate that very few people alter their opinions as a result of campaigns. There is a hard core of support for each party which invariably goes to them. Other studies reveal that many people do not make up their minds until the last minute. The campaign may influence their final decision.

Certainly the nature of campaigns is changing. For one thing, the circus aspects of campaigning seem to be on the wane, at least on the national scene, in recent years. Rallies and parades are less frequent than formerly. The educational level of the electorate has improved, and it has become evident to campaign strategists that today's voter will not fall for some of the crude tactics of the past. Modern media of communication and transportation are bringing about changes in campaign strategy. Radio and television make it possible for a candidate to reach more people in one evening than the most energetic candidate in 1920 could possibly reach in his entire campaign. This does not mean that campaigning is easier. For the pressure of a large audience, though most of it may be unseen, is enormous. And rapid transportation almost demands that the candidate speak more often in more places in each campaign day. As a result, it is no longer necessary to stretch a campaign out from June to November, as was formerly the case.

In addition to the strain on the candidates, there is strain on the voters. People get tired hearing the issues repeated and rephrased. There is the desire to reach a decision. "Too much preliminary—let's get the matter settled," is the reaction. Probably a month or six weeks



Speeches by presidential candidates always are campaign highlights. Here candidate Eisenhower addresses a public meeting to outline his policies.
United Press Photo

of campaigning under modern conditions will prove enough to get the issues and the personalities before the voters.

The Rising Cost of Campaigning

Though candidates and their aides can speak to and be seen by more people in less time than was the case before radio and television, the cost of campaigning has risen enormously. Nobody knows exactly how much Democrats and Republicans together spend on a presidential campaign, but estimates run over $40,000,000. Television time in the evening runs into four figures per minute. There is in addition the cost of travel, rent of headquarters and campaign offices, telephone, telegraph, printing, wages of secretarial and clerical help, and fees for publicity specialists and writers. Even a campaign for local office has become a costly affair.

The rising cost of campaigning raises an important question about our freedom. How free are we in our choice of candidates when effective campaigning requires tremendous financial support? How real is the citizen's right to run for office if only the wealthy can afford to run? There may be some comfort in the knowledge that not even a very wealthy man can afford nowadays to pay for his own campaign single-handedly. Getting elected to office requires help in campaigning and help in footing the bills. This help can only come from a mass organization like a political party. Federal law, as well as the law of

some states, prohibits campaign contributions from corporations or labor unions. And the Hatch Act puts a limit of $5,000 on the amount that any one person may contribute to the campaign of any candidate for federal office. There is a similar law in some states. This does not limit the wealthy individual's contributions to a total of $5,000, however. He may support his party by contributing up to $5,000 to the campaign of each of its candidates. But normally no single office holder will owe his election to a small group of benefactors, and possibly become their pawn as a result.

The Hatch Act prohibits any party or candidate from spending more than $3,000,000 in a presidential campaign. How then can twenty to thirty millions be spent on the campaign of a single candidate, as was the case in 1956? Separate groups organize for the purpose of collecting and spending funds to elect a candidate. The National Citizens Committee for Eisenhower, Citizens for Stevenson, Businessmen for Roosevelt, and Citizens Committee for Willkie were all organized on an *ad hoc* basis to solicit and receive contributions for the candidate in question. If the candidate's campaign manager wanted a large television presentation, a special committee would pick up the bill. While each committee was limited to a $3,000,000 total, there was no limit on the number of committees which could be organized on behalf of the same candidate.

Such circumvention of the law is certainly not within the spirit of the Hatch Act. But it is difficult to enforce a strict limit on campaign expenditures and still preserve a sufficient degree of freedom in campaigning for office. Power to enforce spending limits would have to be placed in some national election commissioner or other police official. This would concentrate too much power over elections in one official. He would have to supervise party expenditures in thousands of places throughout the country—an almost impossible task. The existing inadequate law may be preferable to a law that would be largely unenforceable and would endanger liberty. But many people still press for an absolute limit on campaign expenditures with heavy penalties for violators.

Your Money and Your Vote

Since campaigns are costly, political parties need money as well as votes. Though there may be much about campaigns that is wasteful and much propaganda that the intelligent voter ignores, elections

without speeches, television appearances, printed literature, all costly, are unthinkable. Voting is only part of the election process. The other part is the campaign wherein the issues are publicized and discussed.

If you wish to give full support to a particular candidate or party, you have accomplished only part of your task when you vote and work for the party. The other part is contributing financially to the cost of the campaign. If you persuade others to vote for your candidate, you have done only half a job when you get your friends to the polls. The other half of the job is to get their financial contributions for your candidate's campaign.

If everyone who votes in presidential elections contributed one dollar to the campaign fund of his particular candidate, no single large money contribution would be needed. One dollar from each of the millions of voters would more than defray all campaign expenses for both candidates of the major parties. No large donors could ask the winning candidate to pay off by acts not equally beneficial to the mass of the voters.

Running a campaign takes manpower. Much of this manpower is hired; some of it is donated. Distributing literature, answering telephones in the candidate's headquarters, doing secretarial and clerical work, greeting visitors, chauffeuring, copy writing and editing, buttonholing the voters in the precincts and getting them to the polls—these are all examples of the kind of work that has to be paid for or donated. What has been said about supporting a candidate through money contributions, applies also to support through donations of time and effort. One without money to donate can still make a contribution of personal service.

TWO KINDS OF VOTERS

There are independent voters who do not adhere to any party. The independent voter more or less carefully weighs issues and personalities at each election, and casts his vote according to his current preferences, and not according to party labels. In practice, many independents vote for just one party with a fair degree of consistency. But because they fail to declare their allegiance and join a party, they deprive themselves of the political effectiveness that goes with party membership.

Then there are the slavish voters who equally limit their political

effectiveness, this time by invariably voting for all the candidates of one party. They often vote for one party merely because they and their fathers and grandfathers have always done so. The percentage of voters who never change their party loyalty ranges from seventy to eighty-five per cent of all the votes cast in a presidential election. Most of this is blind voting, though some of it reflects a consistent, considered preference for one party.

The southern states and the New England states appear to be most consistent in their voting. States west of the Mississippi are less consistent. A continuing, unquestioning adherence to one party may be expected of that small minority of voters who work for and belong to the organization of one party or another. But there are many people who are not party workers who merely sit in the grandstand and cheer, without knowing precisely for what they are cheering. The party does not need to cater to the wishes of this large core of blind followers. By their abject loyalty they deprive themselves of being considered in the making of party policies and the selection of candidates. The solid South for many years was so safe for the Democrats that presidential candidates needed to do little speech-making there; party platforms needed to contain little of southern sectional appeal. Party policies were designed to lure the undecided voters. In this way, minorities in the voting population have tended to get special concessions. One or both major parties, for example, have catered to the farm vote, the labor vote, the Negro vote, the Catholic vote, or the Jewish vote.

As for you, you can vote blindly, and thereby encourage machine politics. The party leaders love to have large numbers of faithful supporters who can be counted to tag along wherever the party leads them. Or you can weigh your vote intelligently and carefully, throwing your influence toward whichever candidate and party best represents you. For maximum political effectiveness, you must actively affiliate with a party and seek a position of leadership. Which is the best strategy for you depends upon your conception of yourself and your plans for the kind of life you want to lead.

QUESTIONS FOR DISCUSSION

1. Is the procedure for nominating candidates and selecting party leaders sufficiently democratic in most states? What changes would you make to render it more democratic?

2. Should the presidential preference primary be binding on the convention delegates? Why take the trouble to vote if delegates do not have to abide by the results? What would be the effect on procedure in the nominating convention if the results were binding?

3. Assess the political importance of the independent voter. How independent is he? Under what conditions would you choose an independent role for yourself?

4. Look at the chart on page 226. Is the best man more likely to emerge in the last column because we started with ten good men in the first column? Would the same man have emerged if he had only one or two opponents at the start?

5. Is politics in a two-party state necessarily more democratic than in a one-party state? What are the effects of one-party rule on the distribution of political power throughout the country?

6. What is the justification for noise, parades, singing, and general whoop-de-do at national political conventions? Are such activities essential?

7. Would it be more democratic if qualifications for voting were eased so that everyone could vote?

8. Should eighteen-year-olds be allowed to vote? Why or why not? If you wanted to lower the voting age to eighteen, what steps would you take?

9. Since voting machines are superior to paper ballots, why have machines not been universally adopted throughout the country?

10. Should there be safeguards to prevent cheating and falsehood in campaigns, other than depending on the voters to repudiate such behavior? What safeguards would you suggest? What would be their advantages and disadvantages?

11. Is too much money spent on campaigns? Should parties be allowed to spend without limit in order to acquaint the public fully with their candidates and policies?

12. What would be the results in national policy if the solid South should become the doubtful South, if Iowa should frequently go Democratic, if Vermont should go Democratic as often as Republican? Can you name other examples of traditional sectional voting habits which, were they to change, would significantly alter the national political scene?

13. If, at times, political bosses enjoy great power, is it still true that "all power belongs to and comes from the people?"

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Chapter 10

Representation in Lawmaking

Representation is one of the most important of social inventions. It provides a means of getting work done by and for the people in a society that numbers millions of people. A limited, manageable number of persons does the negotiating and the agreeing for many. Because the few represent the many, their voices carry great weight.

ELECTING REPRESENTATIVES

The Basis of Representation

A number of theories about representation and a great variety of specific arrangements for selecting various types of representatives are incorporated in American state and federal constitutions and in statute law. Methods of representation fall into two main groups. Representatives may be elected from a particular territory with specific boundaries, like a state or a county. This is called *representation by territory*. The Senate of the United States has representation by territory. Each state has two senators regardless of size or population. New York, Rhode Island, Nevada, Texas, and Alaska are all the same in the United States Senate. The upper house in most of the state legislatures also has representation by territory. Each county or equivalent political unit is represented by a uniform allotment of senators. Total membership varies between 16 and 67 senators. Membership in the lower house ranges from 35 to 443 members.

In the state senates of Idaho, Montana, New Jersey, and South Carolina each county has one senator. Eleven rural counties in New Jersey with a population of about half a million people hold eleven seats in the state senate, while ten urban counties with a population six times as large hold only ten seats. In other states, population is the basis of apportionment, except that each county, however small, gets

at least one representative. This is true of the senate in Connecticut, Vermont, and Wyoming. It is true of the lower house in Arizona, Kansas, Louisiana, Mississippi, Missouri, New York, Pennsylvania, South Carolina, Utah, and Wyoming. Each county in Georgia, no matter how sparsely populated, gets one representative, and the larger counties get two or three.

Some variations in the rule of territorial representation discriminate against the population of larger cities. One of these is limitation of the number of representatives that may come from any city. In Pennsylvania no more than one-sixth of the senate may come from one city. The populous cities of Pittsburgh and Philadelphia can thus control no more than one-third of the senate. In Oklahoma no more than seven members of the senate may come from one city. The make-up of the senate is based upon population in California, but no county, or city and county, can have more than one senator. Los Angeles, with well over a million people, is thus no stronger in the state senate than the smallest senatorial district, which has a population of 10,000.

If boundaries are subject to change in accordance with population changes, as in congressional districts or assembly districts, we call the system *representation by population.* There is a representative for each ten thousand, hundred thousand, or other specified figure of population. Since different sections of the state and nation grow in population at different rates, it is necessary ever so often to reapportion the population into newly constituted districts. In this way, representation by population can be kept uniform.

In many states apportionment of representatives does not keep pace with population shifts. To avoid changes which might endanger entrenched politicians, the legislature may drag its heels on reapportionment. Illinois, for example, was not redistricted between 1901 and 1956. The Republican party, perennially in power in the Illinois legislature, could be sure of control of both houses only if populous Cook County, where Chicago is, was limited to representation based on its population of 1900. Therefore, despite a constitutional provision requiring the state legislature to redistrict every ten years following the census, skillful politicians managed to delay redistricting for over fifty years. The story is the same in many other states. Florida, Indiana, Missouri, North Carolina, Pennsylvania, Texas, Minnesota, Tennessee, Alabama, Kentucky, and Mississippi are among the states that have not kept up to date on apportionment.

Urban Versus Rural Representation

In state legislatures the rural areas have had the lion's share of representation. The cities, considering their population, have received scarcely more than the crumbs from the political table. Pressure politics tends to divide along urban-rural lines so that representatives from rural areas are often antagonistic to city groups. Rural representatives do not generally comprehend the needs of cities. And they have no intention to relinquish their control of the legislature to the city areas.

The strong rural bias of Americans has, since early federal times, operated against justice for the cities. Thomas Jefferson, for example, thought that people engaged in agriculture were the "chosen people of God." He thought cities and manufacturing were essentially evil. "Mobs of great cities," in Jefferson's opinion, "add just as much to the support of pure government as sores do to the strength of the human body." Such attitudes favorable to the rural way of life and disdainful of city living are still very much alive. Farming is viewed not merely as an economic enterprise, like manufacturing, but as a mode of life deserving of special protection. Hence special help to farmers through price supports and services rendered by state and federal agriculture departments is justified on moral and social as well as economic grounds.

Unicameral Versus Bicameral Legislatures

In the Congress of the United States, the two bases of representation, by territory and by population, were adopted as a compromise between the large and small states. The large and populous states wanted representation by population. The small states wanted equal representation by states, for they feared that Congress would be dominated by the large states if population became the basis of representation. As a compromise, a bicameral congress was chosen, the Senate representing states and the House representing population. Since bills must pass both houses before becoming laws, the small states need not fear that sparser populations will render them politically impotent.

Many of the states, in writing their constitutions, imitated the Senate and House in our national Congress. Others based their bicameral legislatures on the theory that two different types of interest should be represented in the legislature. The Senate was to represent aristocracy

and wealth of the landed interests; hence its basis of representation was territorial. The lower house was supposed to represent the common people who owned little or no land. Hence its basis of representation was by population. Though the rich were a smaller group, their control over legislation equalled that of the more numerous common people. The original system of electing United States senators also reflected this theory. Senators were elected by state legislatures, rather than popular vote, because state legislators were presumably people of substance who would tend to elect their own kind to represent them in Washington.

Changes in our social system have almost completely eliminated any class differences between the two houses, except that greater prestige still attaches to the office of senator, probably because senators are fewer, represent larger constituencies, and serve longer terms. Since the large–state—small–state conflict never materialized as feared, and since there is no longer any difference between the type of people represented by senators and representatives, why not adopt a unicameral system? Needless duplication in lawmaking would be eliminated; savings in time and money would accrue; citizens would be relieved of having to elect and watch an extra set of representatives. Nebraskans reasoned this way when they adopted a unicameral system in 1934. By all reports it works well. The system does save time. Responsibility is well fixed; lawmakers cannot shift the blame from one house to another when a poor law is passed or a good one fails of adoption. But no other state has followed suit, though Georgia, Pennsylvania, and Vermont all experimented with unicameral legislatures in their early histories as states.

Deliberation is probably the greatest virtue of the bicameral system. Laws can not pass in a breakneck hurry. There is a wider forum for the discussion of issues and broader opportunity for various interest groups to petition their representatives. If a senator will not listen, perhaps a representative will.

The very merits of each system also engender its disadvantages. The speed and efficiency of the unicameral system militate against deliberation. The more complex procedure and divided responsibility of the bicameral system often serve to cover up buck-passing, chicanery, and favoritism. Sometimes one house will pass a bill to curry favor with certain voters, because it is sure the other house will kill the measure which is not in the public interest.

MAJORITIES, MINORITIES, AND REPRESENTATION

Unanimity, Majority, and Plurality

Ideally a group of people who decide upon some course of action should all agree. This would be rule by unanimous consent. The Polish Diet during the eighteenth century operated on the principle of unanimous consent. Because it could practically never get a unanimous decision, it was paralyzed. A small group sitting around a campfire at night may all agree that tomorrow they will hike up the mountain rather than into the valley. But a sizeable group representing diverse interests could hardly ever vote unanimously on anything. Unanimous decisions by even the nine-member United States Supreme Court are relatively rare. A political convention may vote to "make the nomination unanimous," but this is simply a gracious gesture by the losers. The struggle was decided on the previous ballot when the victorious candidate polled a majority.

Since the unanimity rule is not practical in politics, the majority rule has been adopted in most instances. At times it is even troublesome to insist upon a majority. If there are more than two candidates, none may actually poll more than half of all the votes cast. The winner may merely have a plurality—more votes than anyone else, but still short of a majority. In that case, nine states provide for a run-off election between the two candidates with the highest score. Other states award the contest to the winner of the plurality as the more practicable arrangement, particularly in a primary where more than two candidates are likely to seek nomination. Our two-party system virtually assures a majority to one of the candidates in the general election, except in the unusual circumstance of strong independent or third-party candidacies.

The objection to making political decisions by a plurality is that it does not represent a mandate of a majority of the voters. The same objection can also be made to the usual majority vote, because so many voters fail to go to the polls. However, the result of most elections probably would not be changed even if all who were eligible to vote actually voted. Additional votes, it is likely, would divide in the same proportion as those actually cast. It is not necessary to tally every vote in order to figure out how the election will turn out. On election night the prognosticators can make fairly safe predictions early on the basis of a ten per cent return. There is reason to believe

that the outcome of an election won by a plurality is, more often than not, the same as if a majority vote had been required.

Minority Representation

There have been a number of proposals to make representation reflect more precisely the variety of points of view among the voters. Under the *Bucklin plan* the voter indicates his first, second, and third choices. If no candidate gets a majority of first choice votes, second, and if necessary third, choices are added to the first choice tally. Under the *Hare plan* the low candidates are successively eliminated and their votes transferred to higher candidates until some candidate has a majority. But at best, these are artificial majorities. Under *limited voting* the voter votes for fewer than the total number of vacancies. Under *cumulative voting* a voter gets several votes for one office; he may cast all of his votes for one candidate or distribute them among several. The intention in limited and cumulative voting is to increase the chances of the minority to elect at least a few candidates, either by preventing the majority from voting for all its candidates, or by concentrating all minority votes on one or two minority candidates.

Many election devices have been invented on the assumption that a legislature should contain in its membership every shade of opinion that exists in the body politic at large. France, for instance, has used a system of proportional representation to get all varieties of opinion proportionally represented in the national legislature. A few American cities have likewise tried the scheme.

The chief merit of proportional representation is that it permits all shades of opinion to be represented in the governing body. But it is in this very merit that its greatest dangers lie. It tends to undermine the strength and responsibility of political parties because no single party is responsible for what the government does or does not do. It tends to destroy responsibility in the representative. Just whom does he represent? He was chosen at large—and usually by an unknown combination of first, second and third choices. He may not even be anyone's first choice. If one wishes to petition one's representative, just whom, under these circumstances, does one see? Or must one see all of them, since all or most of them were marked as choices?

Some authorities claim that in the United States proportional representation—PR for short—offers the best method of selecting members of city councils. The more choices you make, the surer you are

to make your ballot count for one of them. But is this really true? The citizen's principal controls over government do not really lie in voting. It is more important that your representative is a person who must listen to you when you petition him, than that he is the person for whom you voted. Undue preoccupation with the election process may overshadow the importance of petition and pressure group action in keeping representatives responsive to the varieties of opinion that exist in the voting public.

Your Representative and You

A person may be your representative without your having participated in his selection. An ambassador from the United States to a foreign country, for example, is a representative of yours. So, for that matter, is any traveler in a foreign land, for that traveler, in the eyes and ears of those who see and hear him, is a representative of Americans. You would later find your own reception in the same place affected, for good or ill, by their experience with him.

You have many representatives, some known to you and others unknown. Those who represent you in government are your most clearly designated agents. It is not necessary that you helped pick them. You may be a Democrat who vigorously supported the Democratic candidate for Congress. Nevertheless, if the Republican candidate won, he is your representative. The same is true even if you did not vote. You may not have been near the polls all your life. Nevertheless, the representative in Congress from the district where you live is your representative.

You either vote or get voted. You are part of a population statistic. In setting up election districts by population, your presence was considered, whether you vote or not. Thus the device of representation is not necessarily democratic. Mao Tse-tung may represent the Chinese people in negotiating with the Western powers, though very few of the Chinese people had anything to do with his selection.

Representation is democratic only if we participate in the selection of our representative and keep him responsive to us. Whether he is a Republican or Democrat, you have the obligation to make your representative, not nominally, but in fact, your representative. You do this by virtue of your right of petition, and through the voluntary groups to which you belong. Keeping in touch with policy-making officials is the most important part of your job as citizen. The county agent, the

policeman, and the postal clerk are your representatives, too. But since they operate under policies established by policy-makers, you can control them by controlling their source of authority.

Laws embody precise and official formulations of public policy. They pertain to all spheres of public and private action that are of concern to society as a whole. Most efforts to influence public policy are therefore appropriately directed toward the legislative process. Pressure groups and their lobbies operate in the halls of the legislature. Party platforms refer to legislation that the party will enact if it is given the opportunity by the voters. Campaign speeches refer to laws that should be passed or repealed.

The outcome of the election will determine whether certain laws are enacted or not. In any election, the parties are usually opposed on some issues. The party out of power sees to this. It tries to stir up some opposition to the party in power by making issues out of what the latter has done or has failed to do. When you go to the polls, you may not only decide which group of would-be office-holders will direct the business of government, you may express your preference on public issues. Will there be a system of national superhighways? Will there be more policemen on the force? Will the armed forces rely upon infantry divisions or the Strategic Air Command? These are some of the questions that you may help to decide as you pick representatives, if these questions have been made issues in the campaign.

THE PROCESS OF LAWMAKING

Laws begin as bills. Bills are written on a regulation form and introduced on the floor of the upper or lower house of the legislature by a sponsor who is a duly elected member of the house. Sometimes the bill represents the sponsor's ideas, at other times it is inspired by others. The sponsor may have made a campaign promise to introduce the bill. Often representatives of a special interest group approach a member of the legislature and ask him to sponsor a certain bill. The administration has its preferred program of legislation, also. Bills may be prepared by the administrative branch and introduced by members of the House or Senate who are supporters of the administration.

Many more bills are introduced than find their way into the lawbooks. Indeed, every session of Congress and the state legislatures is flooded with bills. Bills propose legislation of various kinds for both

altruistic and selfish reasons, and range from the worth while to the "screwball." All bills are referred to committees which discuss them and decide upon their merits. The great majority of bills are allowed to die quietly in committee.

Legislatures have a great number of standing committees which specialize in analyzing specific fields of legislation. There are committees on highways, welfare, housing, state police, and similar matters in the state legislatures. There are committees on armed services, foreign relations, agriculture, atomic energy, and the like, in the



United Press Photo

A department head testifies at a Senate hearing on an important bill. Newsmen and press photographers cover the story for the public.

United States House and Senate. In considering a bill, congressional committees may use the Legislative Reference Service of the Library of Congress. Committees of most state legislatures have a legislative reference bureau available to them. These agencies provide background material of all kinds which may be pertinent to pending legislation. They also assist in drafting bills.

Hearings are held on important bills by the committees to which they have been referred. Persons for or against a bill may appear at its hearing to give evidence supporting their views of the measure. Hearings on an important bill may last days or even weeks. With the in-

formation it has gained, the committee goes into executive (secret) session. Committee members discuss the merits of the bill and the effect of favorable or unfavorable action upon their constituency, upon party politics, and upon the people generally. During the course of the executive session, members exchange views, compromise, and finally vote on the bill.

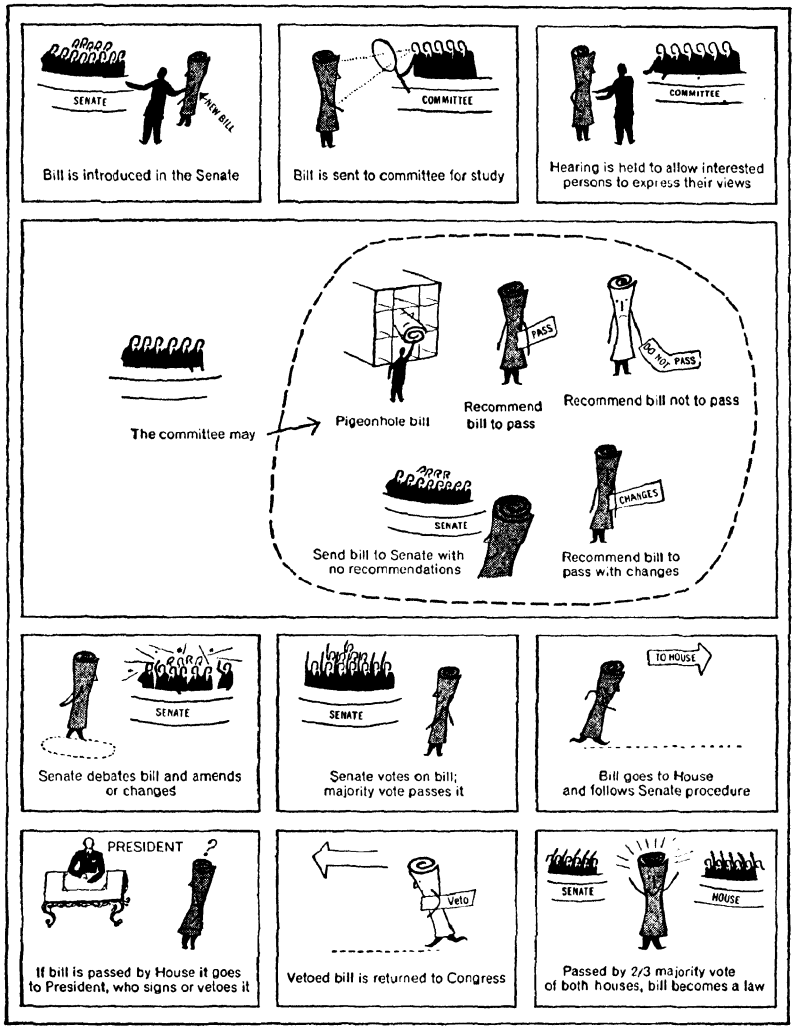
The committee may vote to report a bill favorably, vote to report it unfavorably, vote not to report it, or take no action at all. In reporting a bill, a committee brings it back to the floor of the house where it originated. It may report the bill just as it was introduced with a recommendation that it be passed unchanged. It may report it with changes. Or it may substitute a new bill, keeping only the enacting clause.

Bills reported favorably by committees are usually, though not always, passed by the house. The theory is that the committee has studied the bill thoroughly and considered all arguments for and against it. But a highly controversial bill reported favorably by a committee may be subjected to long debate on the floor of the house before being voted upon. Sometimes the house may require, through a petition with a requisite number of signatures of house members, that a committee be forced to report a bill that has been "bottled up" and not reported.

Where legislatures are bicameral, bills must pass both houses in identical language before they become law. It often happens that a bill passed by one house is amended or changed by a committee in the other house. Some of the greatest delays in legislation are occasioned by the need to reconcile differing versions of the same bill. The *conference committee* has been developed to facilitate agreement between the two houses. It is composed of important members of the appropriate standing committees of both houses. The conferees meet to seek some basis of agreement. Usually their recommendations are accepted by each parent house.

Once the bill is passed by the legislature, it must be approved by the executive. The president has ten days to sign bills, and indeed, signs most of them. If he does not sign, the measure becomes law anyway, if Congress is still in session at the time. But if Congress is not in session ten days after passage of the bill, it automatically dies if the president does not sign it. This is called a *pocket veto*. The president may also veto a bill by not signing it and returning it, with his reasons

HOW A BILL BECOMES A LAW



for vetoing it, to the house in which the bill originated. This house may reconsider the bill as a regular order of business and may vote upon it again. But in order to pass it over the veto, two-thirds of the membership of both houses must vote affirmatively for it. This does not happen very often.

The veto procedure is roughly the same in the states. The governor has the power of vetoing bills in every state except North Carolina.

Some twenty states permit use of the pocket veto. Unlike the president, most governors also have the item veto, which permits them to delete objectionable items from appropriation bills which are otherwise acceptable. The president must accept or reject a bill as a whole. Governors use the veto power much more liberally than does the president because special interest groups, which are more successful with the state legislatures than with Congress, frequently manage to get unwise bills passed. The governor is able to weed out such legislation through the veto. There are provisions for overriding the governor's veto by a two-thirds vote of the legislature, but gubernatorial vetoes are rarely overridden.

CONTROL OF THE LEGISLATURE

The Legislature and the Distribution of Power

Proposing legislation is not solely the prerogative of the legislative branch of the government. The executive may suggest legislation, and may have it introduced with the help of legislators who belong to his party. The weight of his prestige and popularity with the voters may force consideration of his proposals. The judiciary also has an important influence upon legislation. Courts may for various constitutional reasons set aside laws duly passed by the legislature. We shall discuss this power of the courts at greater length in Chapter 12.

While all three branches of government have some influence upon legislation, the legislature is the key agency in the lawmaking process. Control of the legislature is therefore a vital election goal for a political party. The party that wins a majority of seats in both houses of the legislature organizes both houses and chooses a majority of the members of the standing committees. Since all bills are referred to committees for study, control of the committees virtually assures control of legislation.

The chairmen of committees are always members of the majority party. The chairman is the most influential member of a committee. When he is a vigorous and determined person, he may single-handedly bottle up bills of which he does not personally approve. The chairman is not usually selected for his special competence, or general ability, or even party loyalty and hard work. He is selected by seniority. Those of the party who have been members of the legislature for the longest time may, under normal circumstances, choose to head the most important committees.

The Speaker of the House

Potentially, and often actually, the most important and most powerful single legislator in any state is the speaker of the lower house. The speaker is a member of the house chosen for the post by the members. Whichever party has the majority will thus elect one of its own as the speaker. The one they elect is likely to be the oldest and wisest of the party's legislative members, and certainly he is the acknowledged head of the house. He has distinguished himself as a party leader because he has consistently placed party ahead of faction, and of personal gain. He is usually the spokesman of party legislative policy. When the executive wants a particular bill to be passed, this is the man he has to see.

His opposite in the other party is the leader of the minority, selected by party caucus. There is a minority leader in both the lower house and senate. He has the responsibility for keeping the opposition organized, so that individual members do not waste their efforts on side issues that may not serve the interests of the minority party. He is not as powerful as the speaker, of course. But when his party does come into power, he is usually the one who is elected speaker, provided, of course, that he has not been defeated for re-election in his home district. This does not often happen, for a person strong enough to rise to a high position of party leadership is usually well entrenched at home. He has to be a party leader for a number of years in order to rise to the top. This means he has to win election after election. He cannot concentrate on party strategy if he has to worry too much about his own re-election. Hence legislative leaders tend to come from "safe" districts where re-election is rarely in doubt.

The speaker of the lower house is its presiding officer. But he does not preside impartially. He is a voting member of the house. This distinguishes him from the presiding officer of the upper house. In the federal government and in most of the states, the presiding officer of the upper house is not elected by the house membership, but by the people at large. In Congress he is the vice-president of the United States; in the legislatures he is the lieutenant governor. He presides impartially. He can vote only to break a tie, and this opportunity seldom occurs.

The speaker of the lower house is far more powerful in his own house and in the government as a whole than is his counterpart in the upper house. In the upper house, power comparable to that of the

speaker in the lower house is exercised by the majority leader. The majority leader of the senate is elected in a party caucus and guides party policy in the upper house. The executive consults with him about bills which the executive wants passed by the senate.

The speaker appoints the standing committees of the house. If he chooses, he can use this power to hinder or advance the political career of party members. A recalcitrant member may be placed on committees of small importance or little prestige, while pliable members receive the choicest assignments.



United Press Photo

Here the Speaker administers the oath of office to the members of a newly constituted House of Representatives.

Through his right of recognition, the speaker can guide the course of debate on a bill. When a member of the house rises to gain the recognition of the speaker: "Mr. Speaker, sir . . . ," the speaker may ignore him if some other, more welcome member, has also risen for recognition. This power is used principally to keep members of the speaker's own party in line. There is an unwritten law that members of the minority party must not be muffled.

The speaker may hurry the vote or delay the discussion through his right to rule on points of order. Throughout the course of debate

on a bill, intricate parliamentary maneuvering frequently goes on. "Mr. Speaker, I move an amendment to the amendment of section three . . . ," "Mr. Speaker, I move the previous question. . . ." The speaker's ruling on a point of order may be appealed to the house by any member who is dissatisfied with the ruling. But since the house elected the speaker, the subsequent vote on a point of order is likely to uphold the speaker.

Another discretionary power of the speaker is to assign bills to specific committees. Sometimes there is no choice. A housing bill, for instance, must be referred to the committee on housing. But many times there is more than one logical committee to which the bill may be referred for consideration. When this is the case, the speaker may choose the safest committee—the one that can be relied upon to rule on the bill the way the party leadership wishes.

The speaker rarely wields his great powers arbitrarily. For instance, in appointing party members to committees, he must take into account the opinions and wishes of other members of the party. Above all, he must in all matters heed public opinion, as he interprets its mandate. If he makes mistakes, his party will have to pay for them at the next election.

THE LEGISLATURE IN SESSION

State legislatures, on the whole, do not present a proud picture. Incompetence and chicanery, even outright graft and bribery, have spotted their history right up to the present. Recently, genuine efforts at reform have been made, but the task is by no means simple.

The number and length of legislative sessions has presented a problem. At the start, legislatures met every year with little limitation on the length of sessions. But when meetings of early legislatures resulted in much unwise and unnecessary legislation, people felt the need to curb the amount of time legislators could stay assembled. Presumably, in a shorter session, they would have time only to consider truly essential measures. In about half the states, the constitution limits legislative sessions to 60 to 150 days. If business is not complete at the end of the legal period, the legislators must adjourn anyway, or else stop the clock—literally—and try to put through final bills in one last, long, feverish session. Several states do not limit the session but stop the salaries of legislators after a specified number of days. This

removes the temptation to prolong the session in order to increase the total of daily salaries due to legislators. Biennial sessions are the rule in thirty-three states. In sixteen states the legislature meets every year. The trend towards annual sessions is increasing.

In our age, the task of the legislature has increased tremendously in volume and complexity. Inadequate time limits are responsible for much slovenly, slipshod legislation for which the legislators themselves are not entirely to blame. It is impossible properly to organize a new session, appoint committees, introduce bills, hold hearings on



As the legislative session draws to an end, clerks work frantically to get printed copies of bills ready for legislators. This scene is from the Indiana House of Representatives.

Associated Press Wire Photo

them, report on some two thousand proposals, give measures the requisite number of readings before the house, discuss them, negotiate differences, compromise, rewrite, and finally vote necessary laws in the time limit permitted in many states. A number of ingenious measures have been devised to enable the legislature to accomplish more in the time available.

Efficiency Measures

Special sessions are sometimes used to circumvent the constitutional time limit, although special sessions are called most often to handle genuine emergencies. Usually the lawmakers devote themselves to the issue for which the session was called, especially where the legislature and the governor are congenial because they belong to the same party. But in some states the legislature is permitted to digress into other areas of lawmaking. It may deliberately seek to embarrass the governor by its activities. It may not even accomplish the task for which it was convened. Thus special sessions may be useless in trying to complete unfinished business.

Split sessions are used in some states. The constitutionally established session is split into two approximately equal half-sessions. During the first half-session, organization work is accomplished, committees appointed, and bills introduced. The legislature than recesses, though committees may continue to hold hearings. Individual legislators go home and discuss with their constituency bills that have been introduced. On a specified date, the legislature reassembles for the second half-session. During this period, debates, compromises, and rewriting of bills for final passage occur. In theory, the split session is a good idea. But in practice it does not always work out as intended. One reason is that the general public does not take enough interest in pending bills during the interim discussion period.

To reduce the work of the legislature during its brief session and to furnish a greater measure of legislative continuity, both interim committees and legislative councils have been used. The *interim committee* is a small body chosen from the legislature. The members of this committee remain in close touch with each other between legislative sessions, hold regular meetings, and watch executive action. They observe how new legislation works out in practice. They may hold hearings, listening to public and expert opinion, so that they will be able to clarify issues for the legislature during its next session.

The *legislative council,* which is used increasingly by the states, is made up of a prescribed number of members, twelve for example, selected in a specified manner. Four may be appointed by the governor from members of the legislature, four may be elected by the legislature itself, and the other four may be designated officeholders like the speaker of the house, the lieutenant governor, the majority leader of the senate, or the governor. The legislative council does much of the spade work in clarifying issues, directing research on proposals, listening to opinion, and drafting legislation prior to the legislative session. While it is a great boon to efficient legislation, it can be used by the executive to increase his power. The legislative members of the council can serve as a well-organized, well-schooled team ready to assume leadership of the legislature when the session opens.

The *legislative reference bureau* is one of the most satisfactory aids to improved legislation. First organized in New York in 1890, reference bureaus are now found in forty-three states. The Interstate Reference Bureau established in Chicago in 1931 and sponsored by the American Legislator's Association, serves as a clearing house among

the various state bureaus. The legislative reference bureau has two purposes: research, and drafting of legislation. It secures for members of the legislature the latest information on topics of interest to members, but as a rule it does not evaluate the information. It merely furnishes facts, and then only when asked. In drafting legislation, the bureau supplies the purely technical service of putting proposals into satisfactory legal language, at the request of legislators.

The need for such a service is obvious. As MacDonald points out:

> Legislators are amateurs. Most of them have no special qualifications as lawmakers, no special training for public service, no special knowledge of public affairs. Few of them, prior to election, ever gave serious thought to government or its problems. Many are lawyers, but their legal training serves chiefly to foster a false sense of familiarity with governmental matters. Although most of them are professional or semi-professional politicians, their previous efforts have been confined largely to getting out the vote on election day and performing routine tasks for the party organization between elections. They are chosen representatives of the people, of course, but they are woefully ignorant of even the fundamentals of sound public policy. Ability to win an election does not necessarily indicate extraordinary wisdom or profound legislative skill.*

The Quality of Legislators

George Mason, Thomas Jefferson, James Madison, and the other framers of our governmental institutions believed that the people themselves should operate their government. They should elect certain ones among themselves to serve for stated terms in the legislature and in the executive. No special class, profession, or specially trained coterie would be required to man American political posts, for in a system based upon a special governing class there lie the roots of tyranny.

Because legislators were amateurs who served for short terms only, it became traditional to keep salaries low. Government service, it was thought, should be donated as much as possible as a civic duty. Indeed, political office in many small local governments throughout the country still carries no stipend at all. In England, government stipends were for a long time either low or nonexistent, but for a different reason. The ruling class, besides entering government service

* Austin F. MacDonald, *American State Government and Administration*, New York: Thomas Y. Crowell, 1946, p. 192.

from a sense of civic duty, enjoyed financial independence which made the size of the stipend immaterial to the officeholder. Conditions in England have, of course, now changed.

Salaries of state legislators range from five to fifty dollars per day. Fifteen dollars is most common. Per year, the usual income would be about two thousand dollars. Some states do better. New York pays $7,500 per year, Illinois and California, $6,000, Massachusetts, $5,200, and Ohio, $5,000. There is always an allowance for office expenses and travel as well.

Thus, in some states, there is a trend away from the unpaid amateur or country squire theory of reimbursing legislators. But the alternative theory, the "fair wage" theory, is not generally followed either. It would be hard to say what a legislator is worth, and it might be unwise to endow the job with too great a financial attraction. On the other hand, the poorly paid legislator is often a mark for bribery. Even if outright bribery is decreasing, the special favors purveyed by the more vigorous lobbyist may find a more ready acceptance when the lawmaker feels he is grossly underpaid.

Throughout the fifty states, the job of serving in the state legislature has generally not been conspicuously successful in attracting able men. There are, of course, exceptions, but neither in the past nor in recent times have state legislatures been distinguished by men of prominence. The federal Congress has been far more successful in this respect. The same holds true of the governorship in all the states. The consensus is that by and large poor pay has gotten us poor legislators. It is hard to say what the caliber of our legislators would be if we had held to the theory that legislators should be amateurs in politics and that everybody should devote some time to public service for his state and nation.

DIRECT POPULAR CONTROL OF GOVERNMENT

Because people came to distrust their legislatures, further means towards direct popular control of government were devised. Amending state constitutions by popular vote is the most common of these. Where amendment by this means is easy, constitutions may be cluttered with large numbers of amendments. Thus the constitution of California has over three hundred amendments, and the constitution of Louisiana almost that many. Frequently these amendments deal

with matters which should be part of statutory law and not in the constitution. A constitution should contain only the fundamentals of government structure and operation. The legislature then frames statute law in accordance with the constitution. The adoption and alteration of statute law should be easier and more flexible than the adoption and amendment of the constitution. If statute laws find their way into the constitution, they are too hard to change. At the same time, an easily amendable constitution does not provide sufficient safeguards against hasty changes in the fundamental structure and powers of the government.

A popular *referendum* may be used by the people to modify state constitutions as well as statute law. Twenty states now provide for some form of referendum. The legislature may vote to submit a measure for popular referendum, or the people may by petition initiate a proposal to be adopted by popular referendum. The latter process is known as the *initiative*. Seventeen states provide for this method of initiating constitutional amendments, ordinary legislation, or both. Where it applies to ordinary legislation, it may be used to circumvent the state legislature. In Oregon in particular, the legislature has at times been reluctant to exhibit any leadership in legislation, since groups of various kinds seize the initiative in proposing legislation for popular enactment at election time.

A group interested in adopting certain legislation through a popular referendum must first prepare a petition containing the exact wording of the amendment or statute to be voted upon. Copies are then circulated by the group throughout the state. A certain percentage of voters must sign the petition, usually between eight and fifteen per cent of the registered voters. If the requisite number of signatures is secured and submitted to the secretary of state in the proper form and at the proper time, the secretary checks the validity of the signatures and places the measure on the ballot. In six states the measure must go before the state legislature for a favorable vote before it can be placed on the ballot. In this case, we speak of an *indirect initiative.*

The *recall* is still another means of direct popular control of government. It involves a special election to determine whether a particular officeholder should be removed from his post. Twelve states have adopted the recall, though provisions vary considerably with regard to the offices to which it applies. If the people want to recall

a particular official from office before his term has expired, they must draft a petition and secure a prescribed number of signatures. When these requirements have been met, the secretary of state certifies that the question of recall of the particular official should be put on the ballot.

Cities, too, have made use of the initiative, referendum, and recall. In the cities in six states, the people may initiate ordinances if the city council fails to act. Where cities have the right to adopt home rule charters, a home rule commission to draft the charter is frequently created through a petition initiated by the electorate of the city involved.

Though it seems sound and democratic to make policy decisions by direct vote of the people, poor legislation results just as frequently as under the more traditional methods. A popular referendum does bring pressure groups out into the open. They must fight their battles at election time in full view of the public rather than in the cloakrooms of the legislature. But the voting public is no wiser than legislators in determining the wisdom of certain laws, and often does not study proposed legislation as carefully as conscientious legislators do. It was originally hoped that direct legislation by initiative and referendum would stimulate public interest in government. But it has not done so. Actually, the people seem to be less interested in voting upon issues than in voting for candidates. The trend toward the initiative, referendum, and recall came to a halt in 1920. No state has adopted these devices since.

Devices alone cannot and will not make a perfect government. Good government depends on the interest and understanding of the people who benefit by it. It would seem, therefore, that it is better to select representatives who will responsibly fill the policy-making positions of government, than to have the people legislate directly upon specific policy proposals.

QUESTIONS FOR DISCUSSION

1. Would you limit the number of bills on a given subject that could be introduced into a legislature?

2. Is it democratic that the speaker of the house wields tremendous power in the legislature? Is it fair to the opposition that the speaker is permitted to be partial to his own party?

3. Does the fact that legislative leaders tend to come from "safe" districts discriminate against other districts?

4. Do you favor unicameral or bicameral legislatures? Why? Do your reasons apply to the federal government?

5. If the candidate who won the election in your district is your representative regardless of party, then why bother with parties? Why not have him appointed by the governor and keep him in line by pressure group action?

6. Do you favor proportional representation over other forms of representation? For what types of government positions and at what levels would it be most suitable?

7. Consider these two facts: (a) Cities are discriminated against in representation in one or both houses of the legislature in all states. (b) Education is better supported and current information is more detailed, more varied, and more readily available in the cities. What effect might these two circumstances have on the general level of American politics? Do you see any evidences of such effect?

8. Consider these two facts: (a) Cities are discriminated against in representation in state legislatures. (b) State legislatures determine the organization and taxing powers of cities. How are these circumstances likely to affect the economic and social plight of modern cities?

9. Do you favor the country squire or fair wage theory for reimbursing public servants? How would you determine a fair wage?

10. Consider these two statements: (a) Governors enjoy greater power over legislation than the President; (b) politicians who serve in the state legislature are less able, as a group, than their counterparts in Congress. Would you favor curtailing the power of the governor under the circumstances? What steps would you suggest to improve the caliber of the legislature? How can the greater powers of the governor be reconciled with our theory of checks and balances?

11. Which, in your judgment, is likely in the long run to result in better laws: direct legislation by the people through initiative and referendum, or legislation enacted through responsible representatives? Is your answer any different for cities than for states? How about the federal government?

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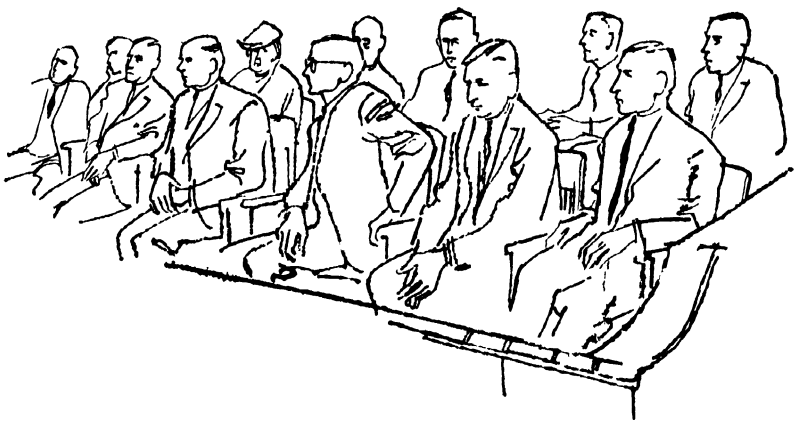
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UNIT FOUR

Participating in the Judicial Process



PREMISES

Every person shall be considered as an individual and judged on his merits; individual differences shall be respected.

U.S. Constitution, Amendments V and XIV, Section 1; Declaration of Independence.

Government may not deprive any person of life, liberty, or property without due process of law, nor abridge constitutional rights and guarantees.

U.S. Constitution, Amendments V and XIV, Section 1; see also *Near* v. *Minnesota* (283 U.S. 697, 1931).

Neither slavery nor involuntary servitude shall exist within the United States.

U.S. Constitution, Amendment XIII.

All persons shall enjoy equal protection of the laws.

U.S. Constitution, Amendment XIV, Section 1.

No bill of attainder or ex post facto law may be passed.

U.S. Constitution, Article I, Section 9, Clause 3, and Section 10, Clause 1.

Treason, clearly defined, can mean no other acts except those specified.

U.S. Constitution, Article III, Section 3.

Every person shall be secure from unreasonable search and seizure.

U.S. Constitution, Amendment IV, and 50 state constitutions.

Rights of a Fair Trial

All persons shall enjoy the following rights and privileges:

Privilege of the writ of habeas corpus.

U.S. Constitution, Article 1, Section 9, Clause 2; state constitutions.

Right to reasonable bail.

U.S. Constitution, Amendment VIII; state constitutions.

Right to indictment by grand jury.

U.S. Constitution, Amendment V; state constitutions.

Right to speedy, public trial.

U.S. Constitution, Amendment VI.

Right to counsel.

U.S. Constitution, Amendment VI; state constitutions.

Right to trial in the district where the crime was committed.

U.S. Constitution, Article III, Section 2, Clause 3; state constitutions.

Right to trial by an impartial jury.

U.S. Constitution, Article III, Section 2, Clause 3; Amendments VI and VII; state constitutions.

Right to be considered innocent until proven guilty.

Common law principle reflected in many court opinions such as *Lilienthal Tobacco* v. *U.S.* (97 U.S. 237, 266, 1877).

Right to compel witnesses to appear.

U.S. Constitution, Amendment VI; state constitutions.

Right to question all witnesses.

U.S. Constitution, Amendment VI; state constitutions.

Right to refuse to testify against oneself.

U.S. Constitution, Amendment V; state constitutions.

Right to appeal for a new trial.

U.S. Constitution, Article III, Section 1; state constitutions.

Freedom from double jeopardy.

U.S. Constitution, Amendment V; state constitutions.

Freedom from cruel and unusual punishments and from excessive fines.

U.S. Constitution, Amendment VIII.

For additional documentation see:

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Introduction and Laboratory Projects

All governments have coercive power. Freedom, or the lack of it, depends not so much on the amount of coercive power government has, but on how it exercises that power. Government has power over the person. It can put people in prison. Not only dictatorships, despotisms, and autocracies have such power over the person, but democracies as well. Government can also exercise power over thought. Dictatorships and autocracies have a complex apparatus to compel citizens to believe in their guiding principles. Democracies do not force their citizens to adhere to a rigidly outlined political ideology. But even democracies cannot survive unless most of their people subscribe to basic democratic principles. Democracies, like other forms of government, prohibit their citizens from preaching or teaching violence, murder, and crime.

Government has power over judicial procedures. In democracies as well as dictatorships the government operates a court system for judging infractions of its guiding principles and of the laws that are based upon these principles. It is the function of the legislative branch to adopt a criminal code which specifies what acts constitute a crime and how severe the penalties for crime should be. It is the function of the courts in a criminal trial to decide two things: whether a crime has indeed been committed, and whether the accused is the person who committed the crime. If a court convicts you of having violated a criminal law, it can impose penalties upon you ranging from a simple fine to imprisonment and even death, depending upon the gravity of the offense.

Chapter 11 deals with the police, the arm of government that exercises coercive power over the person, and with the prisons and other penal institutions. Chapter 12 deals with the courts, the arm of government that decides whether a wrong has been committed, with the

processes and doctrines by which right and wrong are determined. This body of doctrine is not only a matter of law—constitutional law, statute law, common law, and equity. It also includes the various sets of guiding principles that help to determine judgments of right and wrong in our society. There are moral principles. There are "common sense" principles that express a sense of the fitness of things which are common to people brought up in our tradition. And there are fundamental political and social principles which we have referred to as "Premises in the tradition of American liberty." All these matters are part of the *judicial process.*

Who shall be the judge and what principles he shall apply are questions the answers to which go to the heart of liberty. After the police arrest a suspect and he is adjudged in court, his liberty and even his life may be forfeited if he is found guilty. Certainly, then, judges are among the most powerful agents of any society. That is why participating in the judicial process is important in a free society. It is not enough that citizens vote to select their representatives. It is not enough that citizens concern themselves with public policies between elections and involve themselves in the activities of voluntary groups. It is not enough that citizens understand and deal alertly with the forces that mold public opinion. Citizens in a free society must also participate in the judicial process by assisting the police, serving on juries, and understanding the principles on which judgments are based in courts of law.

We are not a police state. It is not the policy of the government to watch every citizen closely. Therefore it is the responsibility of the private citizen to aid the police and report crimes he sees committed. He can indeed be punished if he fails to do so. Every citizen in America has the authority to arrest a person he sees committing a crime. Law enforcement officers depend on people to testify in criminal cases. Were this not so, it would be practically impossible under our rules to put anyone in prison. The citizen should also be concerned with the custody of criminals. He should see to it that penal institutions are administered according to sound principles of penology. For the citizen in a free society, much more than the subject of a despot or dictator, has a fundamental responsibility to assist with law enforcement.

The laboratory projects will bring the student in close contact with the police and the courts so that he may gain greater insight into their

purpose and function. The student will have opportunity to judge and consider bases for judgment. Several projects deal at first hand with the jury and jury administration. Jury duty brings the citizen judge into the court to play a part side by side with the professional judge. And jury duty is in dire need of reform.

LABORATORY PROJECTS

(A) Studying Penal Practices in the State

Scope: The purpose of this project is to correct the apathy of the general public towards jails, prisons, and the handling of convicted criminals, since this apathy is one of the blocks to penal reform.

Students plan to investigate penal practices and conditions, beginning with local jails and extending to the state penitentiary. They prepare for their investigation by developing a checklist based upon sound principles of modern penology. They report their findings and perhaps make recommendations for reform.

Preliminaries: The cooperation of authorities should be solicited in advance and at every step of this project. This includes cooperation by the police commissioner, sheriff, state commissioner of corrections, and wardens. The importance of creating public interest should be pointed out in discussing what form the study should take, and how the results should be reported. A committee of students might best serve in these negotiations.

Procedures: To help students understand what to look for and to get some basis for judging the practices and conditions they will see, students should read text literature in penology. Small committees of students can be organized to survey assigned portions of the literature. Each committee lists important principles, facts, or conditions, that distinguish either good or poor penology. Committee representatives meet to collate these several lists. The collation is unified into a checklist that may be used to guide observation, or the checklist may be developed to provide for a "quality score" based upon the presence or absence of good and poor conditions.

Results: The results of the survey should first be discussed with the officials concerned so that students may be sure of the validity of

what they have seen. Recommendations made directly to the officials may be sufficient. Publication of the results of the study and the recommendations may also be desirable to create awareness on the part of the public of the kind of penal institutions they have, and the need for public support for continuing reform. Participation of officials in the publication of results is helpful. Newspaper articles, radio reports, or television discussions are among the possible media that may be used in publicizing the report.

(B) Making a Community Study of the Factors Related to Crime

Scope: This project will give students firsthand contact with the use of sociological statistics to evaluate the behavior of the community in which they live. The project will also acquaint them with local social conditions and the need, if any, for remedial action.

From modern studies of criminology students develop a list of factors related to the incidence of crime. Using census data and other information, comparative figures are prepared to indicate whether the local community ranks relatively high or low in its rates of crime.

Preliminaries: City living, overcrowding, low economic status, social "unacceptance" and similar factors all contribute to a high incidence of crime. The importance of these factors in contributing to crime varies. They are discussed in textbooks like Mabel A. Elliott, *Crime in Modern Society,* Walter C. Reckless, *The Crime Problem,* listed in the selected readings, and in a number of other works which also review other writings in this field. From the reviews in the texts, or from the published studies themselves, students can prepare a list of the more prominent factors associated with crime, with quantitative data on each factor to indicate its relative importance.

Procedures: This checklist serves as a basis of investigation and observation of an entire community, or a neighborhood of a larger city. Data on each factor can be secured from census reports, police records, school population surveys, industrial surveys, or building and housing agencies. Comparisons can be made between predictions that might be based on the data, and the actual incidence of crime in different sections of the community.

Results: The results of the survey can be reported to the public at

large or to selected groups. If possible, the report should contain recommendations on how some of the factors contributing to crime can be remedied.

(C) Promoting a Local Legal Aid Society *

Scope: This project is designed to show students whether citizens in their community enjoy equal protection of the laws, and what steps can be taken to remove difficulties which may stand in the way of achieving equal protection.

Students find out whether there seems to be a need for a legal aid society in the community. If the need exists, they encourage the formation of the society through the local bar association and practicing attorneys. If a society exists already, they examine its operation to determine how effectively it meets community needs.

Preliminaries: If there is no legal aid society in their community, students poll citizens on such questions as: Have you ever failed to get needed legal advice because legal fees were too high? Have you lost money, property, or time because legal aid was not available? Have you tried to solve your own legal problems by questioning friends or reading on the subject? Would you pay a nominal fee to a legal aid society for expert legal advice? If a society exists, students try to discover who uses its services and why users are pleased or not pleased.

Procedures: Students compile data on the kinds of legal aid people need most, and on the kinds of people who do not know where to turn for legal advice. People are most likely to need help with making of wills, settling of estates, tax problems, property liens, mortgages, titles, and the like.

Results: If the results of the poll favor the establishment of a legal aid society or show that an existing society is not used to best advantage, students should submit the data to the local bar association, since most legal aid societies have grown out of local bar associations. Students might ask officers of the bar association to put the question of forming a legal aid society or making an existing one more effective on the agenda of the next bar association meeting. Students might volunteer to appear at that meeting to give an oral report of their survey and of their proposals. They could agree to work for the society

* Adapted from reports in the files of the Citizenship Education Project, Teachers College, Columbia University, New York.

by publicizing it and providing clerical help for its operation. If it appears that a legal aid society is too cumbersome for a small community, students might study other methods which have been used to provide inexpensive legal services. For instance, a small claims court might be proposed.

(D) Surveying and Publicizing the Local Jury System *

Scope: This project is designed to give students an understanding of the jury system and of the importance of citizen support of our judicial system by volunteering for jury service.

Students arrange with the courts to attend meetings of jury panels, analyze whether juries are representative of all citizens in the community, and report their findings to interested groups and to the community as a whole. They interview local judges, the County Clerk, and court officials, to find out the legal qualifications of jurors and the problems involved in getting citizens to undertake jury service. They report this information to the community and encourage citizens to appreciate the importance of jury service. They seek volunteers for jury duty.

Preliminaries: With the cooperation of local courts, students observe jury service, from the initial selection of persons who may be chosen as jurors, through the impaneling, or final choosing, and service at jury trials. They interview the County Clerk and court officials to learn about the legal requirements governing the selection of jurors, the actual way in which local jurors are selected and approved for jury duty, and the problems involved in getting qualified citizens to serve on juries. They learn how difficult it is to get a balanced jury because of the system of challenges, and postponements and dismissals granted to citizens who have been called for jury duty.

Students study the lists containing the names of citizens to be called for jury duty, checking such matters as age, sex, race, religion, and occupation. Through official court transcripts they analyze the composition of juries in past trials, and seek to discover the reasons behind the selection of certain unbalanced juries.

Procedures: When the survey has been completed, the students discuss their findings with the cooperating judges. These discussions

* Adapted from reports in the files of the Citizenship Education Project, Teachers College, Columbia University, New York.

should facilitate a realistic interpretation of the data, and may lead to recommendations for the improvement of juries.

Results: Students inform the community about the results of their study and about the qualifications for jury service. They may encourage citizens to add their names to the lists from which jurors are drawn. Students can also work out slogans and appeals to explain to the public the premises upon which our judicial system is based. The legal code which states the qualifications for jury service will probably have to be reworded in simple language.

To publicize the information widely, students can present a radio program over a local station in which they dramatize how a citizen can volunteer for jury duty. The qualifications for jury service might be highlighted through poster displays, news releases, or public discussion forums.

Variant 1: Working in cooperation with local court officials, students evaluate procedures of jury selection and facilities offered jurors in court buildings. They report their findings and recommendations to state representatives and to the community.

Variant 2: Students encourage local employers to accept a plan, developed with the help of an advisory committee, whereby all employees could serve as jurors without loss of pay or vacation time. They report their success to the community.

(E) Polling the Community on Values and Principles

Scope: The purpose of this project is to enable students to determine how close a relation exists between community opinion and some of the principles most basic to our institutions.

Students develop an interview checklist of basic principles and poll the community to determine which principles are widely accepted.

Preliminaries: Students select certain values and principles which are presumably acceptable to the community, and poll the community on its attitude towards these principles. They might select principles from the Bill of Rights which have recently come to public notice, as the Fifth Amendment has in the past. Or they might select certain moral or ethical principles which are basic to the social welfare of the community.

Procedures: Instead of asking direct questions such as "Do you believe that every person is created equal?" or "Should a person always tell the truth?", it might be more instructive to provide some illustration which the respondent is asked to judge. People are likely to agree to broad principles. Their opinions may change when the principle has to be applied to a concrete situation.

Results: The results of the poll should form the basis for class discussion about the degree of public acceptance of basic principles. The results might also be submitted to the public through the press, radio, or public meetings.

Chapter 11

Crime and Punishment

Dictatorships and democracies differ vastly in their attitude towards crime and the criminal. In a dictatorship, the police might knock on your door in the middle of the night. They might order you to come with them. They might then imprison you without telling you why. Months later you might have a trial. You would then be told the charges against you. Did you steal something? Did you murder someone? Did you break a traffic law? Did you physically injure someone or destroy his property? No, in this case let us assume that you did not. You are accused of committing a "crime against the state." And you may be found guilty as charged and sentenced to severe penalties.

What is a "crime against the state?" Is it treason? Is it advocating the overthrow of the government? Is it criticism of the government? Is it refusal to obey an order of the government? Is it holding to beliefs that are contrary to those of the government? Is it belonging to a political party of which the government does not approve? It could be any of these things, and many others, besides.

If there happen to be constitutional guarantees of individual liberty for the citizens of a particular dictatorship, they can easily be revoked or circumvented. If the dictator wants to suspend these rights for all the people, or for a few individuals, all he usually needs to do is to announce that the suspension is necessary for the good of the state. When rights depend on a dictator's whim, they are like lifeless puppets. They exist only at the mercy of the dictator who can suspend them whenever he wishes to punish an enemy. By accusing his opponents of crimes against the state and putting them in jail, a dictator may keep himself in power indefinitely.

In a free society, there are few crimes against the state. Treason is one of them, but it is usually very narrowly defined. Article III, Section 3 of the Constitution of the United States provides that "Treason against the United States shall consist only in levying War against

them, or in adhering to their Enemies, giving them Aid and Comfort. . . ." Nothing else is treason. The charge of "traitor" has often been hurled during political arguments, but there have not been more than a handful of treason trials in the whole of American history. Spying, especially in wartime, is considered a crime against the state. But it is very hard to prove and convict a person on a charge of spying. Refusal to serve your country in the military forces may be punished by a jail sentence. A jail sentence or, more likely a fine, may also be imposed on persons who are unwilling to share their incomes with the government by paying taxes. As for talking against the government, there is little you need to worry about in a free society. You may say what you like without fear of punishment as long as you do not teach the overthrow of the government by force or incite others to violence. There is little else that you or any other individual can do to make you liable to punishment for something you have done or have not done to the state.

In free societies, crime consists largely of acts that are injurious to one's fellow men. You can be apprehended for stealing or destroying another's property, for murder or assault, or for a whole series of acts of greater or lesser violations of the person or the property of others. But these are acts committed against individuals. Prosecution by the state occurs on behalf of individuals and for their benefit.

THE NATURE OF CRIME

Crime is behavior deviating destructively from normal behavior. What acts are crimes in a society thus depends upon what that society considers normal. You have undoubtedly heard it said that there is no sin or wrong in any society that is not considered normal in some other society. There is considerable truth to the assertion.

Laws reflect values treasured by the community. In order to have a crime, there must always be a law that is broken, and the law must prescribe some penalty for breaking it. For instance, since we place a premium upon cleanliness, we have a great many laws applying to such matters as spitting on the sidewalk, disposal of garbage, regulation of sanitary conditions in the sale of food. Violators of these laws are punished. Few other countries put legal sanctions behind simple sanitary rules. As another example, because we in America place great importance upon private ownership of property, we have a

considerable body of law protecting property from the unwitting, the ill-considered, as well as the malicious, acts of others.

What society as a whole considers normal may differ considerably from the way some class or segment of the society views the matter. Laws tend to be the rules set up by the respectable, property-owning classes. This is undoubtedly true to a great extent of the laws of property. But these laws may be viewed as interferences with normal patterns of behavior by other economic and social groups. Taking small items from a wealthy employer may not be considered stealing by some people. Persons reared under abnormal social conditions often disagree with the lawmakers' views of what constitutes proper behavior. We tend to get abnormal behavior from such people, not only with respect to property, but in sexual mores, health habits, and attitudes towards personal violence.

Thus the norms of behavior, expressed in our laws, may actually contribute to lawbreaking. If large numbers of people do not share the lawmakers' views about what is and is not normal, there will be much lawbreaking. A common example will illustrate the point. Many of our states attempt to control automobile traffic with speed laws some of which are not acceptable to the public. A 45 mile an hour speed limit on a four-lane highway would be an example. Because most drivers do not consider such a speed limit to be reasonable, they violate it. In some states, practically every motorist is a lawbreaker every day.

By setting standards of normal behavior for the individual, society exerts control over his actions. Individuals stay within certain limits of behavior, much of the time at least, because they are expected to behave that way by their fellows. Wherever social controls are widely honored, crime rates tend to be low. Small towns may have less thievery and other crimes than large cities because social pressures work more effectively. The individual is well known by many townspeople and cannot escape from the watchful guidance of his acquaintances.

Types of Crime

Crimes may be classified as *crimes against persons* and *crimes involving property*. Personal crimes like murder, manslaughter, assault, and sex offenses tend to result from emotional disturbances. The murderer and the sex offender, according to some authorities, are always psychopathic. So is the arsonist, at times. His crime may be a

violent way of venting his feelings. If arson is committed merely to collect insurance illegally, it becomes a property crime. Assault is a milder form of crime against the person. The offender beats up his victim, but does not kill him. Manslaughter involves killing another person accidentally or as the result of negligence. Negligence in itself usually has psychopathic rather than criminal implications.

There are several kinds of property crimes. Some, like robbery and burglary, entail violence. One must assault a person or enter his premises by force to commit one of these crimes. The nonviolent property



Jeff McGrath in "When Men Are Free"

Impartial justice knows no social distinctions. Rich man and poor man alike must obey the law or suffer penalties.

crimes include larceny, embezzlement, fraud, and forgery. The object of any of these offenses is to deprive someone else of his property.

Certain acts, while harmless in themselves, are punishable as *contributory crimes* because they are likely to cause crime. Carrying concealed weapons is an example. No one is harmed when you carry a pistol in your pocket. But in many jurisdictions it is an offense nevertheless because criminals are likely to carry concealed weapons. Violation of the narcotics laws is another example. Illegal distribution of narcotics is a criminal act. Laws prohibiting the sale of liquor to minors or to intoxicated persons are also intended to forestall crime.

Petty crimes, such as minor traffic violations or drunkenness, are known as summary offenses. Before a person can be tried for such a

crime, he is simply charged by a police officer, such as the motorcycle patrolman writing out a ticket. Major offenses, on the other hand, can only be prosecuted after a person is indicted, or formally charged, by a grand jury. Most major offenses are misdemeanors. Examples of them are disturbing the peace, small-scale stealing, driving while drunk, and so on. The big crimes are called felonies. The most serious felonies of all are treason and murder. Others are burglary, perjury, breaking and entering, and embezzlement. The maximum penalty that may be assessed against the person convicted of a crime ranges from a small fine or a few days in jail for minor summary offenses, up to life imprisonment or in some states, even death, for conviction of murder or treason.

Organized Crime

Senate investigations and police studies have shown that crime is a big business. The relationship between organized crime and certain political organizations has also been laid bare. Why should a criminal organization seek a political tie-up of some kind? Since the organization engages in crime for a profit, it is important that it be allowed to pursue its operations without interference. If the police press too hard, if the apparatus of law enforcement causes too much trouble, not only will there be no profits, but the organization's operators will find themselves no longer in the organization but behind bars. Hence it is important, for the good of the business, to make sure that officials with the power to arrest and prosecute and imprison do not become overly zealous. It is not necessary to buy off every politician or officeholder in the community. It is only necessary to bribe the strategically placed few. A police lieutenant, a handful of policemen, a judge, a councilman—any one or a small combination of officials might provide sufficient protection.

Organized crime has increased its chances for survival by limiting its operations. A given syndicate may stick to gambling only. The gambling parlors are all located in a particularly run-down part of town because the organization is careful not to offend the sensibilities of the more substantial citizens of the community who might become leaders in the fight against organized crime. Or the organization may victimize only liquor dealers or taxicab operators in a shakedown racket. It usually fastens on a segment of the economic community that does not come under much public notice. And it sticks to that ex-

cept when greed emboldens it to reach further afield. At different times, organizations have worked rackets in gunrunning, counterfeiting, narcotics, liquor, stocks and bonds, gambling, book-making, night clubs, garages and automobiles, burglary and selling stolen goods, prostitution, loan sharking, and union shakedowns. Labor unions have been infested with syndicate representatives if their leaders could be bribed or intimidated.

FACTORS RELATED TO CRIME

At one time, it was thought that the criminal was just a "bad egg" or that there was some other simple explanation for his crimes. We now know that it is difficult to assign causes in individual cases of criminality; that many different factors are usually involved. For what appears to cause crime in one person may be present to an even greater degree in the background of another, law-abiding person. People commit crimes because they get emotionally upset. They get mad or jealous or vengeful. But most people get emotionally wrought up at times without committing crimes. People commit crimes because they want money. But most people choose lawful means to get ahead financially in the world. So we cannot say that a desire to get even leads to murder, or a desire to get rich leads to larceny. We can only try to determine the *factors* which predispose an individual to gratify his emotions through crimes.

There are cultural, social, biological and psychological factors which may have a bearing on crime. Crime tends to occur more frequently when one or several of these factors are present than when they are absent. How much more frequently, depends upon the importance and significance of the factor.

Cultural Factors

America is a land of considerable cultural complexity. People from the racial stocks and culture groups of Europe, Africa, and Asia mingle in the population of the United States. Newcomers vie with early settlers for position and prestige. Old-timers resent strangers. Homogeneous communities are suspicious of people who are "different." The rejected individuals or groups may be strongly motivated to "get even." Thus, out of the culture conflict, may be generated a variety of actions that break the law.

In certain cultures it is the accepted practice to have individuals or private groups administer justice. A wrong is punished by the injured party, by a group, or by the religious sect to which the individual belongs. Private administration of justice is found in many of the countries of the Near East, since the concept is comfortably consonant with the Mohammedan religion. Under the dictum of the Koran that an eye shall be exacted for an eye and a tooth for a tooth, the relatives of a person who has been injured or killed have the responsibility for taking retributive action. In the nineteenth century, in the United States, feuds between families in the mountain country stemmed from much the same view of retributive justice. Everywhere in the United States today, however, a group that takes or attempts to take law into its own hands is itself committing a crime.

Certain ideals of our culture affect the crime rate. Take for example the high premium placed upon material well-being. The high standard of living that we enjoy may incite some persons to commit crimes, instead of removing the economic urge to crime. The desire for a car, a radio or television set, fine clothes and furs, good food, liquor, and a variety of other products of our material civilization may, in some cases, be as powerful an incentive to crime as hunger. The yearning for expensive luxuries can inspire crime among the rich as well as among the poor. Many an embezzler has misappropriated money to maintain an even more luxurious scale of living than his sizable income permitted.

Economic Factors

Is there a relationship between poverty and crime? Indeed there is. People who commit crimes come mostly from the poorest economic groups. This does not mean that poverty always causes crime. Most poor people are law-abiding citizens, and there are many criminals who are well-to-do. Nonetheless, both juvenile delinquency and adult crime are disproportionately frequent in the economically blighted sections of cities.

If we got rid of poverty, would there be less crime? One important study showed a marked tendency for burglary, housebreaking, and robbery to increase in times of economic depression and to decrease during prosperity. On the other hand, the incidence of poverty has decreased enormously since the depth of the depression. There has been no corresponding decrease in thievery, burglary, and robbery.

Social Factors

It is surprising how often criminal behavior is related to family difficulties. The juvenile delinquent often comes from a home where parents are divorced, or where there is constant wrangling, immorality, or complete rejection of children. Practically all studies of delinquency and crime show a larger than normal percentage of these unsatisfactory home conditions.

For boys and young men in particular, crime is frequently a group activity. More important than the economic gain to be derived from stealing is the thrill and excitement, the opportunity to prove oneself worthy of the admiration of one's gang.

Young people may turn to pursuits outside the law because society pays them little notice until they do something wrong, or because they feel frustrated. In our complex civilization, a teenager who is adult biologically is not ordinarily allowed to shoulder the responsibilities of adulthood until he has finished his formal education. Child labor laws, tough educational and experience requirements for jobs, poor starting pay for young workers, all tend to make it difficult for the young adult to be independent early. In many instances, families tend to overprotect their children and refuse to allow them to take on responsibilities commensurate with their abilities. All this can lead to serious frustrations in the life of young adults.

Biological Factors

At the beginning of the century, Cesare Lombroso, an Italian prison physician, conducted a series of anthropometric measurements on Italian prisoners. He concluded that there is a "criminal type." The criminal is a throwback to an earlier stage of human evolution. He has certain ape-like physical characteristics—low forehead, projecting ears, receding chin.

For a time Lombroso's conclusions were fairly widely accepted, but now they have been generally discredited. If indeed there were born criminals, the treatment of crime would be a very simple matter indeed. Catch criminals as early as possible—perhaps use scientific means to identify them before they actually commit crimes—and shut them up in jail. The idea that criminality is a trait that cannot be eradicated underlies many of our present methods of handling criminals. The penitentiary is designed as a place to isolate the criminal

from society and punish him, not cure him. The belief that criminality is inherited is also on the wane. It is true that crime tends to run in families. But this would also be true if environmental factors alone were responsible, since the members of a family usually are subject to the same environmental influences.

Psychological Factors

Are criminals highly intelligent, or do they tend to be on the dull side? We might expect prisoners to have low IQ's, on the assumption that only persons of inferior intelligence would allow themselves to be led into crime. Furthermore, the clever ones are more likely to remain undetected, while their less intelligent colleagues get caught. Many studies show that mental ability varies among criminals just as it does in the population at large. Certain crimes require brains and planning of a high order. On the other hand, the lower echelons of crime are filled by people who are not very bright.

More common than any other factor in the crime picture is emotional disturbance. Maladjustment, frustration, fear, compulsions and inhibitions, delusions and hallucinations appear frequently in the life history of the criminal. The criminal is protesting against something. He is not usually performing his criminal acts solely for what appears to be the obvious reason. A clever burglar may pursue his trade because of the inner personal satisfactions it gives him. A bank robber may plan his operation with an intelligence that would earn him a handsome living in legitimate business. But he cannot adjust to legitimate business; he has no feeling of belonging to the respectable world.

The compulsion of these men is not unlike that of the old-time sailor who is never happy except at sea, or the hobo whose only care is for a life of wandering. They are misfits in the normal world. The criminal has failed to mature and to adjust normally to the demands of society. He seeks compensation in crime, just as other maladjusted persons seek compensation in withdrawal, daydreams, an inferiority complex, or temper tantrums. When maladjustment is extreme, it is called a psychosis or insanity. Many murderers, sex offenders, and arsonists are criminally insane.

PUNISHMENT AND PREVENTION

If crime is related to personality adjustment, the problem of what to do with the criminal, once he is apprehended and found guilty, be-

comes more than merely a matter of putting him in jail. Treatment may be much more important in his rehabilitation than punishment. Therefore psychiatric services are needed in most large prisons. Because they are expensive, they have thus far been used on a limited scale only. Yet even if psychiatry were able to reform people's personalities completely, it would not be possible in the typical prison to make full use of the psychiatrist's skills. The atmosphere and philosophy are not conducive to the idea of treatment.

The Nature of Punishment

Prisoners no longer wear the ball and chain of former years. They have better food and living conditions. After their work is done, they may enjoy radio, television, movies, books, and magazines. They play baseball, football, and other games. Yet these improvements in prison routine have not basically changed the prison. It is still a repressive institution where pressure becomes so unbearable at times that it is vented in prison riots.

The treatment of wrongdoers throughout history has not made a pretty passage. Punishment has been frequently based on vengeance and sadism. An eye for an eye, branding, mutilation, the whipping post, the dunking stool, public execution—all seem designed to gratify the avenger of the crime and his observers, rather than to reform the criminal. How could a criminal be cured by lopping off his ears, as was done in colonial times? If anything, such a punishment would increase his inner tensions and rebellion at society. Thanks to common-sense humanity, if not to psychological insight, our Constitution contains a prohibition against cruel and inhuman punishments.

The death penalty is our principal remnant of the vengeance school of punishment. Many people deny that society possesses the right deliberately to take the life of a human being. They object to the death penalty also because it is irremediable in case of error. In states where the death penalty is mandatory after a murder conviction, it is often difficult to get a conviction. The death penalty for murder is authorized in forty-two states. In some states other crimes are also punishable by death—crimes like armed robbery, rape, arson, and train wrecking. Congress authorizes the death penalty for treason, spying, murder and kidnapping. There is no evidence that fear of the death penalty reduces the number of capital crimes.

The cruel and inhuman punishments of the past have largely disappeared. Floggings, the sweatbox, the straitjacket, the thumbscrew

are strictly illegal. But one still occasionally finds the use of the third degree and sadistic punishments administered by guards in penitentiaries and reformatories.

Origin of the Prison

The prison was introduced in the early part of the nineteenth century as an experiment to take the place of public floggings, the pillory, the stocks, the dunking stool, and mutilations. Advocates of prisons said that the substitution of imprisonment for brutal physical punishment would do a better job of reforming wrongdoers. They were certainly mistaken. It may be better for our sensibilities to keep culprits behind thick walls rather than on public display. As for any beneficial effect upon the culprits themselves, or any reduction in crime, the prison is a failure. A high percentage of the inmates return to crime after their sentence has been served—well over half, some studies show. Unfortunately many prisons tend to be universities of crime.

Those who are aware of the inadequacies of our present system of prisons have introduced some sound improvements. Not all prisons are surrounded by thick stone walls any more, as are maximum security institutions like Sing Sing, Leavenworth, or Alcatraz. A number of medium and minimum security institutions have been constructed in recent years. Medium security prisons usually have no outside walls and have only a few barred cells for periodic use in problem cases. Minimum security institutions are generally prison farms without walls, bars, or lockups of any kind. The federal prison at Seagoville, Texas, is one of the best known of this type. This institution has shown that the security that can come from belonging to a working group where people are treated in humane fashion can be more effective against escape than high stone walls and bars.

Another improvement in prison administration is the variety of educational programs offered to prisoners. Illiterates may learn to read. Others may pursue elementary and high school studies. Adult education programs in the liberal arts and vocations may be offered by prison employees, outside teachers, or through correspondence courses. Vocational rehabilitation is one of the major objectives of modern prison administration. Parole boards require evidence that the inmate about to be released has some useful means of making a decent living.

In general, bad prison conditions can be traced to public apathy.

This accounts for the low salaries paid guards, overcrowding, lack of adequate educational and recreational facilities, brutality in some prisons, scarcity of trained penologists, and many other shortcomings. Prison life for the most part goes on behind closed doors in more than one sense. The public knows little about prison conditions and, since the criminal is an outcast of society, cares little. Yet it costs $200,000,000 a year to operate penal institutions throughout the country, not to mention the continuing cost to society when first offenders turn into hardened criminals due in part to inadequate prison treatment.

Indeterminate Sentence and Parole

Among the newer developments in penology are the indeterminate sentence and parole. The plan took hold during the latter half of the nineteenth century and now most states have provisions for it. The prisoner is sentenced for an indeterminate period, such as two to five years. At the end of the minimum sentence he may request a consideration of his case by the parole board. The parole board may be a special state board, or a committee attached to the prison, or the supervising board of the prison. Parole boards meet periodically and consider the applications of prisoners eligible for parole.

Each prisoner's case is treated individually. His case history is examined. The opinions of the psychiatrist, social worker, and other professional personnel are considered. The board makes its decision on the basis of all the facts it can secure and its best collective guess as to what is wisest under the circumstances, both for the criminal and for society. If the prisoner is paroled, he is released to begin a law-abiding life under the supervision of a parole officer to whom he must report periodically. If the parolee makes a good record, he is completely released from custody after a period of time.

The purpose of the indeterminate sentence and parole is to provide a transition from prison life to freedom. Does it work? Most parolees keep out of trouble. However, according to one study of 90,000 cases, between one quarter and one third of paroled prisoners violated the rules laid down by the parole board and parole supervisor. Studies of the factors most closely related to successful parole show that married parolees who return to their wives seldom violate parole, while unmarried parolees have poor records. Persons who behave well in prison do better after release than those who cause trouble in prison.

Parolees who locate in rural areas or villages succeed more often than parolees in big cities. Men past twenty-two do better than offenders under eighteen. The seriousness of the offense has no apparent relation to the success of the parole. A knowledge of factors such as these is of utmost importance to parole boards. Boards can reduce the number of bad judgments when they know what the conditions for successful parole are.

Even though the parole system is not completely satisfactory, there seems to be no reasonable alternative to it. One alternative is com-



Courtesy, American Council to Improve Our Neighborhoods

Slums are breeding places for crime, disease, and other social evils. The direct and indirect costs to the community are staggering.

plete release. The other is to keep some prisoners locked up for life—repeaters, persons convicted of especially heinous crimes, and particularly dangerous criminals. No state has yet undertaken to do this, except for the incurably insane or feeble-minded. Almost all prisoners are ultimately released. The indeterminate sentence and parole is certainly a more scientific and sensible device than merely unlocking the door when the last day of the sentence has been served.

Crime Prevention

The objective of society should be prevention before there is any need to cure. Public apathy has made most prevention attempts half-

hearted. Nevertheless, some progress has been made. We have learned that little can be accomplished in crime prevention by working on the problem piecemeal. Crime is a social problem and needs to be attacked on a community or regional basis. Cooperation of state and national governments is important in prevention.

We know, too, that the key to prevention of crimes by adults is prevention of juvenile delinquencies. Community recreation projects, boys' clubs, and mental hygiene clinics that analyze and treat personality difficulties among children and youth all help in a program of



Courtesy, Housing Authority of Baltimore City

Low-rent housing projects can solve the slum problem. This pleasant apartment project in Baltimore includes a "tot-lot in the sky" play area.

prevention. The conditions that produce personal maladjustment are much more difficult to correct. The broken home, the rejected child, the need for security and desire for social approbation: these are problems in human relations which can be mitigated, but never completely solved.

We know that juvenile and adult delinquency occurs more often in slum areas than in better neighborhoods. This suggests the need to eradicate our slums to reduce the conditions which breed crime.

LAW ENFORCEMENT AND THE POLICE

In free societies and dictatorships alike, law enforcement is entrusted to a special branch of the executive called the police. If the

agency that makes the law were to enforce the law also, it would have enormous power over the populace. In essence, this is the situation under dictatorship of any kind. To prohibit such concentration of power over the people, our form of government provides for a separation of powers between the legislative and the executive.

Even where the legislative and executive powers are separated, a law enforcement branch can still enjoy tremendous powers if it is large, efficient, well financed, not dependent upon the lawmaking agency for its funds, and if it does not have to answer to the people for what it does. Where these conditions exist, we speak of a "police state." Dictatorships must be police states because they need a powerful repressive force to keep the people under strict government control at all times.

The police force is not the same as the army. Policemen normally work alone or in small groups. Their efforts are directed toward individuals. The police force is not a mass force fighting against large numbers of people, the way an army is. This is true of police in all countries—free societies as well as dictatorships. This is true whether the police are moving against a murderer, or against a political leader who has criticized the government.

This brings us to one of the most notable differences between free societies and dictatorships. That difference is the ratio of police to people. In a free society the ratio is small, in a dictatorship it is large. In a free society, people are expected to behave themselves, and generally do. Only a small proportion of the American people engage in serious crimes. There is no need for a high ratio of police to people. All that is needed is a force large enough to protect the law-abiding majority from the relatively few offenders.

In a dictatorship, the police have a different function. They protect law-abiding people from murderers and thieves, of course. But in addition, the police must protect the government from the people. For this, a large police force is required.

Americans, with their traditional fear of a strong executive, have kept the powers of the police limited. They have tended to have too few rather than too many policemen. Indeed, with the increase in crime that has accompanied the rapid increase in population and increase in the complexities of urban living, we have not increased our police forces sufficiently.

Though we rely on the police for protection from criminals, po-

licemen are not very popular with the average American. He resents laws which restrict his personal liberty, and transfers this resentment to the policeman who must enforce these laws. Consequently, police in practice exercise considerable discretion in law enforcement. Widespread public opposition to an unpopular law may make it unenforceable, because the police cannot and will not arrest large numbers of violators. Many laws have died through lack of enforcement, though they may still be on the statute books. It is debatable whether the right of the people to approve or disapprove the making and enforcement of laws in this fashion is a good or bad thing for society.

New England night watchmen were the precursors of our present police. The town constable and the county sheriff, modeled after officials of the same name in England, were the chief law enforcement officers before the Revolution. As cities grew in population, full-time police forces became necessary. They were first organized in large cities as a branch of the city government. It is noteworthy that, in the interest of freedom, we have left control of our largest police forces to local authorities. In many other countries, like Spain, Italy, and Mexico, the armed constabulary is a mobile unit controlled by the central government and sent by it into any part of the land, wherever it is needed.

Urban Police

The city police force is under a chief of police or an officer with similar title. He usually serves under a civilian commissioner appointed by the mayor. Sometimes the commissioner is elected. The police force is made up of professionals who have received training for their job and make a career of police work. The commissioner represents the element of civilian control customary for all uniformed forces in this country.

In some places, there is no police chief or other professionally trained head of the force. The heads of the various police divisions report directly to the commissioner. Under such circumstances, there may be extreme fragmentation of the police service. "Politics," graft, underworld links may become common to the detriment of the service and the community.

In a well-organized system, there are captains of police directly under the chief. They are in charge of the major police activities like the detective division, division of vehicular traffic, and division of

vice, liquor, and gambling. They report to the chief and are responsible to him. Under the captains are lieutenants in charge of platoons of policemen.

A pyramidal system of organization like this makes for more effective headquarters control, which is one of the most important factors in effective police work. The overall supervision of the entire force from a single headquarters—or division headquarters, where the city



United Press Photo

Here policemen attend a class in traffic accident analysis. Efficient police work requires many specialized skills and much training.

is large—means that police can be dispatched immediately to trouble spots. The development of radio communication has enormously increased the effectiveness of headquarters control.

Another prerequisite for effective police work is a good records department. Records departments, which keep in touch with their counterparts throughout the country, are one result of the trend towards scientific police work evident in recent decades. Statistical records of crimes and criminals are kept on punched cards and can be sorted by machine to secure data in a matter of minutes. Cards may list all the

criminals who have been known to use a certain type of weapon, or who have blond hair, or who use a particular method of breaking into a house, or who have been arrested on a given charge. This information can be quickly pulled out of the files to give leads in the investigation of any specific crime. Police laboratory work, combining medicine, chemistry, microscopy, and a variety of other sciences, has also helped to take much of the guesswork out of crime detection.

The principal problems faced by municipal police, in common with many other social service agencies, are lack of money and lack of personnel. Modern police work and training of policemen are expensive. Before hiring a police rookie, his character is investigated. He is given examinations which include a police aptitude test, an intelligence test, and even a test of judgment under stress. He must also undergo a rigid physical examination. More than half of the larger cities require a high school diploma for policemen. Though training and qualifications are rigorous, and though police work involves much personal risk, it does not generally pay well enough to attract a sufficient number of good men.

Typically, police work is patrol work. More policemen walk a beat or man squad cars than perform any other single function. In a few cities the percentage of policemen who walk a beat is as high as seventy-five or eighty-five per cent. In others it is as low as five or ten per cent, with a high reliance upon patrolling by squad car. Adequate police patrolling is probably the most important factor in keeping crime down in a large city, especially at night. Some experts believe that the trend to substitute motorized patrols for foot patrols has been unwise. They contend that squad cars, despite their greater mobility, are not as effective in deterring crime as the foot patrolman who slowly and conspicuously walks his beat.

County Police

The sheriff is the chief of police of the county. While he may have a variety of duties besides police work—usually he is an important figure in county politics—his police duties are of primary importance. The office rarely pays a regular salary. Instead, the sheriff receives fees for his services. This method of payment often makes his post a very lucrative one.

The organization of county police forces generally is neither scientific nor effective. The sheriff is elected to office. He wears no

uniform, usually. He does not have a permanent force. If he needs help, he deputizes ordinary citizens. A posse carries out a specific mission and is then disbanded. By contrast, in most countries of Europe and Latin America, rural police forces are composed of professional policemen, stationed at a permanent rural gendarmerie, and controlled by the central government.

Some counties, particularly in New York State, have county police systems organized independently of the sheriff's office. They operate as efficiently as municipal police. In some instances, the villages of the county which have been willing to give up their local police forces, are under the protection of the county police.

Practically every township and New England town has a constable. He is elected in most states, but in a few appointed by county officials. He gets no regular income, and merely holds his position as a side line. Since his duties are negligible, his job could be abolished with injury to nothing but local pride.

State Police

State police are the most recent development in police organization. Most state forces are not comparable in size to the police forces of large cities. But every state now has a police force of some type. Since Americans were originally unwilling to risk the danger of dictation by a central state police, why did they permit creation of state police forces? The Texas Rangers were created to patrol the borders when Texas was an independent state. Arizona and New Mexico organized police forces for similar purposes. Connecticut and Massachusetts organized small forces to combat gambling and vice. The governor of Pennsylvania needed state constabulary to keep order in the coal fields. But it is the great increase in highway traffic that accounts for the growth of most state police systems. The traffic supervising function of state police forces is often reflected in their name: department of public safety, highway patrol. Colorado calls its department the "State Highway Courtesy Patrol."

These designations emphasize that the state police ordinarily have only limited jurisdiction. They do not have power to enforce state law generally. Some states permit the state police to arrest violators of state law in an emergency. Where states have bureaus of criminal investigation, these agencies usually are separate from the state police. Nor do state police normally have authority over local police.

Federal Police

The police forces of the federal government are not unified in one department. They are scattered among various agencies, each performing a specific set of tasks.

Best known, of course, is the Federal Bureau of Investigation. The FBI is primarily an investigative bureau. It investigates infractions of federal antitrust laws, admiralty law, bankruptcy law, copyright law, the Federal Kidnapping Act, and the Federal Reserve Bank Act. It investigates charges of espionage, crimes in interstate commerce,





Photos by courtesy of Los Angeles Police Dept.

After making a plaster cast of a footprint at the scene of a crime, the cast is compared with a suspect's shoe. Modern crime laboratories are equipped with many scientific devices to aid in the detection of crime.

theft or embezzlement of government property, crimes on government property, Veterans Bureau violations, and a variety of other infractions.

The FBI maintains a crime laboratory that has spurred the development of scientific police work. Together with the Criminal Identification Division, the laboratory frequently acts in a service capacity and as a clearing house for the investigative work of local police departments. The FBI publishes the Uniform Crime Reports, which are the principal statistical compilation of crime records for the United States as a whole.

Other important federal police agencies enforce different kinds of

federal legislation. The Secret Service in the Treasury Department prosecutes cases of counterfeiting, and is responsible for protecting the person of the President. The Bureau of Internal Revenue has a unit to check on income-tax frauds and evasions and infractions of the Alcoholic Tax Act. In this latter capacity, its agents are the familiar "revenuers" of fabled mountain song and story.

The Bureau of Customs has power to inspect luggage coming from abroad and investigate infractions of the customs laws. The Bureau of Narcotics in the Treasury Department has police jurisdiction over the federal narcotics laws. Post Office Department inspectors check up on postal law violations.

Congress has steadfastly refused to accept the recommendation to combine most of the police functions of the federal government into one agency. Its reluctance, regardless of the increased efficiency that might accrue, is easy to explain. Concentration of federal police power in one giant agency is feared as a potential danger to our liberties.

QUESTIONS FOR DISCUSSION

1. Would it be possible to have a society where there is no crime?

2. Compare a news account of a Soviet trial with a news account of a United States trial. How do these two events compare in the nature of the criminal charge? The conduct of the court? The presentation of the evidence? The purpose of the trial?

3. Why does a right not really exist if the government can revoke it easily?

4. Why is it important to individual freedom that treason is specifically defined in the constitution and limited to the acts so defined?

5. Why is evidence secured by wiretapping not admissible as evidence in a federal court?

6. Would our laws be any better if, instead of reflecting the mores and attitudes of the "respectable," property-owning classes of

society, they had been made by some other element? How might laws be different if all lawmakers came from the poor? If all lawmakers came from the crowded tenement districts? From the least respected social group in your community? What are some of the laws that might not be on the books? What other laws would probably be enacted?

7. Suppose a crime organization extended its extortions beyond a limited segment of the economic community. How would this expansion of its enterprise quickly bring an end to the organization?

8. When a person commits a crime to right a wrong done him or his family, should this be an extenuating consideration in judging him? Can you think of any instance in our society where such extenuating considerations are commonly given?

9. Do you agree that the refusal of parents to allow maturing children to take on adult responsibilities can lead to serious frustrations? Can you cite evidence to support your position?

10. Do you think severe punishment is the best deterrent to crime? Do you think crime is on the increase because too many lawbreakers go uncaught? Do you think kindness and compassion have any place in dealing with persons who have committed vicious crimes? Do you think radio, television, books, good food, and comfortable quarters in prisons actually contribute to crime because, if caught, criminals do not dread prison?

11. Since parole does not always work, would you favor a system of keeping repeaters in prison for life? Would the public be willing to pay for increased prison costs if many prisoners remained in prison for life?

12. Examine the examples in the text of the factors closely related to successful parole. Can you explain the relation that each factor has to successful parole?

13. Would you favor rigid enforcement of an unpopular law as a means of getting it repealed? What about persons who were con-

victed before it was retracted? What does widespread public disapproval and disregard of any law do to our general attitudes toward law?

14. What are the most important qualifications for a policeman? Should these qualifications relate not only to the efficiency of the police, but also to the protection of civil liberties?

15. Would it be wise to abandon some of our traditional fears of the strong central executive, and particularly of the police, and concentrate for a time upon improving efficiency in fighting crime?

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Chapter 12

Amateur and Professional Judges

In our governmental arrangements, it has become the practice to write down our laws. We believe that laws should regulate all foreseeable problems, and should be consistent, well ordered, and codified. They should be drawn together in one place, readily available to all who want to find out what the law is.

In England the legal tradition has been somewhat different. The idea that all law should be collected and written down in one document or in one book has not found favor. The English "constitution" is no single written document. It is composed of laws, procedures, and traditions, not compiled into any one written record. Indeed, some of it remains unwritten to this day.

We have learned that a law, even when written down, does not guarantee the appropriate behavior of the persons to whom it applies. We had, for example, a constitutional provision prohibiting the purchase and sale of alcoholic beverages. This provision was widely and openly flouted. An unwritten tradition that guarantees a suitable pattern of action is quite as effective as any written law. Writing the law merely makes it easier for the citizen to find out precisely what the law is.

COMMON LAW FOR THE COMMON PEOPLE

English common law developed when parties with disputes or grievances came before the court. It might be that a local constable had struck a man without just cause. It might be that one of the king's soldiers had forced his way into a townsman's home and spent the night there. It might be that pigs, unbeknownst to their owner and of their own pig will, had rooted up the lawn of a neighbor. There might be no written law to cover any of these complaints.

If there was a written law, it might be difficult to find, because there was a dearth of paper and printed documents in late medieval England. And even if there was a written law, only a few were able to read it. Good common sense had to be relied upon. The judge of the court decided what in his best judgment should be done under the circumstances to right the wrong.

A judge would tend to decide similar cases in the same way. He might become quite famous for his wisdom and the reasons he cited for the decisions he made. The wiser his decisions and the more cogent his reasoning, the more likely that other judges would decide similar cases in the same way. Over a period of many centuries, a considerable body of judicial opinion was built up. This body of opinion, covering practically every phase of human relations, including criminal as well as civil cases, came to have the force of law. That is what English common law is. It is not law enacted by a legislature. It is law that, by custom, has come to govern judges in the making of decisions in the absence of a written law specifically touching upon the case.

When our governmental pattern took shape in the late eighteenth century, we drew upon many sources. Particularly, we drew upon English common law, which had contributed much to the growth of freedom. English common law assured protection of the weak against the strong, and protection of the people against the military, and against the arbitrary actions of the king's agents. Common law provided much-needed protection for the accused against an arbitrary accuser. In the rough and tumble of human affairs, it is easy for one to damage another by an accusation. When a wrong has been committed emotions often overrule intelligence and public opinion, eager to satisfy the desire for revenge, fastens upon any likely suspect.

Our governmental procedures assume the validity of English common law. Our courts have built up a common law of their own that is derived from English common law. It is English common law shaped by American conditions and brought up to date. One principle of English common law, for example, is that the king can do no wrong. Our courts have adapted this principle; in this country it is that the state can do no wrong. Thus it is that at common law the state cannot be sued.

Common law governs only in the absence of specific written law. Legislatures may enact statute laws that take the place of common

law provisions. In several states, the legislatures have set aside the principle that the state can do no wrong to the extent of permitting individuals to bring suit against the state.

Because English common law represented at the time the most complete legal bulwark of freedom, many of the delegates to the Constitutional Convention in 1787 were insistent that some of the provisions of English common law be written into the federal Constitution. These were provisions that protect the individual against the arbitrary power of government. Others felt that it was not necessary to write these down because they were already in the common law. As a compromise, these provisions were not written into the body of the Constitution, but made a part of it by becoming the first ten amendments.

By holding that the word "liberty" in the due process clause of the Fourteenth Amendment means freedom of speech and press, freedom of religion, freedom from unreasonable search and seizures, and so on, the United States Supreme Court has placed the states under some of the same limitations imposed by the Bill of Rights on the federal government. However, not all features of the Bill of Rights have been included. For instance, states need not heed the limitations which the federal Bill of Rights places on trial procedures.

JUDGING GUILT

Our carefully prescribed procedure for the determination of guilt represents one of the major triumphs of freedom. The ruler who can arbitrarily imprison any person by executive fiat, can perpetuate himself in office indefinitely, thanks to this power—provided he has enough prisons at his disposal. He also needs a sufficient number of dutiful policemen to carry out his orders. But this poses no problem. There are usually ways for a head of state to keep such minions happy through promises, favors, and recognitions of various sorts.

Obviously, where the power to put you in prison is concentrated in this fashion in the hands of a single person or small group, there is not much freedom. Therefore the wide distribution of power that is characteristic of the executive and legislative branches of the federal government in the United States is also characteristic of its judicial branch. No single person can put you or anyone else in jail. The

procedure for the imposition of penalties is complex and involved. A number of persons and agencies participate in the process.

Let us examine the rules and procedures somewhat in the order in which they would apply during the course of a trial. First is the privilege of the writ of habeas corpus, which means that a person cannot be held except for probable cause. The police may arrest you, even though you have not done anything wrong. But they must release you unless charges are properly brought against you. If the police should try to hold on to you, even though they have not charged you with a specific misdeed, your attorney can go to court and secure a writ of habeas corpus forcing the police to release you.

Article I, Section 9, Clause 2, of the Constitution states that "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." Thus there is only one condition under which it may be suspended. Otherwise the right to a writ of habeas corpus may not be denied by either state or federal authorities.

But suppose you are charged with a crime when you are arrested. Then the writ of habeas corpus cannot secure your release. Nevertheless, you cannot be kept in prison indefinitely awaiting a trial. There is a common law principle, incorporated into the federal and most state constitutions, that provides for your release on bail. You put up a sum of money to guarantee that you will return for trial, the money to be returned to you when you reappear. Release before trial enables you to make arrangements for your defense. Of course, inability to pay the required sum of money may prevent you from doing this, if you have little money or if the bail is large. There are professional bondsmen who will, for a fee, put up the money for people with limited financial resources. To keep bail requirements moderate, the eighth amendment to the Constitution provides that "excessive bail shall not be required."

Prescribed Trial Procedure

May just anyone, bigot or screwball, raise his finger to accuse you merely on suspicion or dislike? The carefully spelled out provisions for a fair trial make accusation a formally regulated process. "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, . . ."

says the fifth amendment to the Constitution, reflecting a common law practice of long standing. Twenty-six state constitutions have similar provisions. In other states, the formal procedure for bringing a person to trial does not have to make use of a grand jury, substituting an affidavit by the prosecuting officer. Grand juries are groups of twenty-four citizens impaneled to look into the circumstances surrounding a crime or supposed crime. The grand jury decides whether or not a crime has been committed, and what person or persons should be brought to trial. The later trial before a petit jury, numbering only twelve jurors, is an attempt to find out on the basis of the evidence whether the person indicted by the grand jury has committed the crime.

A person who has been indicted by grand jury, magistrate, or prosecutor, is considered innocent until he is proven guilty. The burden of proof is on the government whose officials conduct the trial. There is no mention of this right anywhere in the Constitution. Nevertheless, this principle is so essential a part of our common law heritage that it underlies the entire court procedure.

A person might be accused of crime, released on bail, but never brought to trial. The accusation might hang over him for the rest of his life, interfering with his business and social relationships. This is what an arbitrary or vengeful government might do to a political opponent. But the sixth amendment to the Constitution expresses the deeply rooted common law principle that "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial . . ."

The requirement that the trial be public is important. In the Soviet Union, administrative trials, closed to the public have been common. An administrative or police official, not a court or judicial official, conducts protracted questioning of the prisoner.* This procedure may not be unlike the third degree technique in that it can go on for days with little relief. The investigating officer or investigating team may take turns harassing the prisoner if they are determined to find him guilty. If a public trial is held later, the prisoner has already confessed. The public trial is merely a theatrical rehash of such evidence as the prosecuting officials wish to publicize for propaganda purposes.

* See Arthur Koestler's novel *Darkness at Noon,* New York: The Macmillan Co., 1941, for a vivid account of the procedure of a communist administrative trial.

There is scarcely any attempt on the part of defense attorneys to protect their client.

In the United States nearly every case is tried in public. People are freely admitted up to the capacity of the courtroom, and members of the press are present to report the proceedings. In some cases higher courts have set aside verdicts of guilty by lower courts because the lower court erroneously excluded the public from the trial. Such exclusion is permitted only to protect public morals and safety. A public trial by jury protects the accused against manipulations of the trial procedure by which an arbitrary government might try to "put away" its political enemies.

Importance of Trial by Jury

Article III, Section 2, Clause 3, of the Constitution says that "Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; . . ." In all states and on the federal level, guilt or innocence is determined by a jury, a group of ordinary people from all walks of life. They are a group of home-town folks who live in the locality where the trial is held. They will still be in town after the trial is over. The power to judge belongs to the people, not to officials of the government.

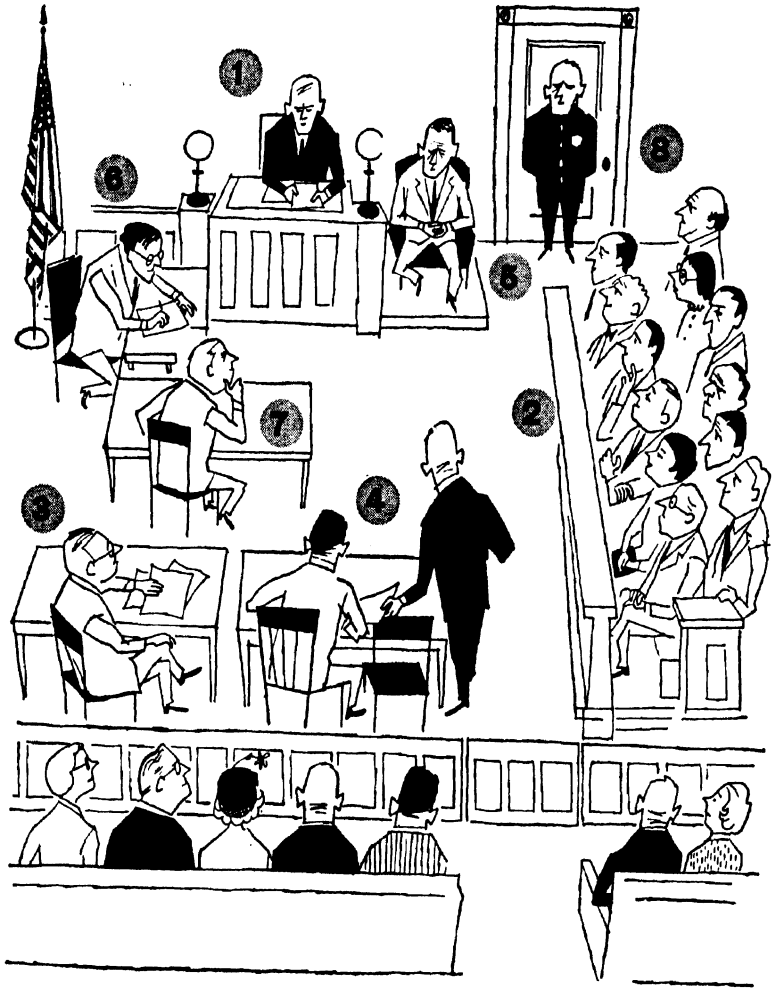
The rules that govern a jury's deliberations are clear and specific. They have been developed through experience that extends back into history several centuries. They derive from English common law. So far as our society is concerned, they constitute a fundamental part of the "rules of the game." They are exceedingly important. For if you change the rules, you change the game.

The sixth amendment also states that "the accused shall enjoy the right to . . . trial by an impartial jury . . ." Getting an impartial jury can be a long and time-consuming process. The attorney for the accused has the right to reject any prospective juror who does not satisfy his criterion of impartiality.

The trial is conducted on home grounds. The accused is not carted off to some far away place where he may have no friends or acquaintances. The sixth amendment to the federal Constitution and many state constitutions grant to the accused the right to be tried in the district where the crime was committed.

The accused may have help in his defense. According to the sixth amendment, "In all criminal prosecutions, the accused shall . . .

A COURT ROOM



1. The judge on the "bench"
2. The jury in the jury "box"
3. The county attorney
4. The defendant and his attorney
5. The witness chair or "stand"
6. The court reporter
7. The clerk of the court
8. The bailiff, or police officer

have the Assistance of Counsel for his defence." The amendment also empowers him, as well as the government, to compel witnesses to testify. "In all criminal prosecutions, the accused shall enjoy the right . . . to have compulsory process for obtaining Witnesses in his favor, . . ." Then too, he cannot be accused by unknown enemies. Those who point a finger at him must also look him in the eye. The sixth amendment stipulates that "In all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him; . . ." Nor can the accused be compelled to testify against himself. For "No person shall . . . be compelled in any criminal case to be a witness against himself, . . ." according to the fifth amendment and the constitutions of most of the states. The Soviet technique of basing a case entirely upon the confessions of the accused, secured by means of an administrative "trial," would not be legally possible in this country.*

If in the opinion of the accused or his attorney the trial is not conducted properly in all respects, there is the right of appeal for a new trial. This right is found in the federal constitution and in every one of the forty-nine state constitutions. A higher court, upon presentation of the evidence, may declare a mistrial. This is a protection for the accused against arbitrary action by judicial officials.

If the accused is found innocent, that is legally the end of the affair. The accusation can no longer hang over his head. Even if new evidence should come to the fore, he cannot be tried again. For the fifth amendment guarantees that no person shall ". . . be subject for the same offence to be twice put in jeopardy of life or limb; . . ."

A trial is extremely costly because so many persons are involved, and because it may take much effort to find out whether the accused is innocent or guilty. Why do we proceed so meticuously? We do it because a fundamental premise of every free society is that every person is important as an individual, and his well-being is a first consideration. It is for this reason that a free government must go to great lengths to protect any citizen from unjust penalties.

Is it possible that with so complicated a procedure, the guilty many times escape? Indeed it is. This is unavoidable, when it is of primary

* Police in this country have at times extracted confessions by brutal means not unlike those that have been used in the Soviet Union against political prisoners. This has always been illegal. If it happens, the judge may declare a mistrial. Prisoners may withdraw even a signed confession if it was obtained through illegal means.

importance that no innocent man should be punished. A system designed in accordance with this basic principle cannot also closely accord with the principle that no guilty person should ever escape. These two are incompatible. If the former is paramount, the latter must take second place. Any system of justice must decide in which direction it should err. We have chosen to err on the side of the accused, in the interest of freedom. Even so, occasionally an innocent person is convicted nonetheless.

THE EFFICIENCY OF JUSTICE

There has been much criticism of trial by jury. One criticism is its costliness and slowness. Cases pile up faster than they can be handled, partly because fact finding and deciding guilt or innocence are slow and deliberate processes. In some cities the courts are more than three years behind in trying automobile accident cases. This delay is a real hardship for the injured parties and may, in effect, deprive them of justice. Though trial by jury, developed in a less complex and more leisurely age, seems inefficient in our complex urban society, lawmakers have been loath to tamper with it. It would be difficult to find an alternative system that would completely resolve the conflict between maximum protection for the accused, and efficiency.

More damaging is the criticism that the jury system, though excellent in theory, does not work out as well as it should in practice. The judge who presides over the court decides on points of law. The jury decides questions of fact. But the jury may not get all the facts. The attorneys for the two parties bring out only those facts that in each instance make the best case for their clients. Important evidence may be glossed over or cleverly manipulated to create a false impression.

The judge and attorneys are professionals. The jury is amateur—usually too amateur. It has been suggested that the judge should sit with the jury and assist them in weighing evidence even though the determination of guilt or innocence is supposed to be solely in the hands of ordinary citizens. The suggestion is sound because many jurors have never served in that capacity before. How can they do an acceptable job without instruction or experience?

When court is in session, a number of citizens are regularly sum-

moned for jury service. A citizen may be required to devote two weeks to jury service, and spend the entire time waiting in an anteroom. In a busy city court, there may be fifty or a hundred citizens sitting in the anteroom waiting to be called. This additional waste of time, over and above the slowness of the trial, is an example of inefficiency that is not so much inherent in the jury system as in the manner in which it is administered. A case is called in a courtroom and twelve of these citizens—fewer in some states—are impanelled to serve as the jury. Each juror must be satisfactory to both parties in the dispute. Particularly in a criminal proceeding, the attorney for the defense will take pains to make sure that no juror is unfavorably predisposed to his client's case. The attorney has the right to challenge each prospective juror and to ask searching questions to reveal prejudice.

Sometimes the attorneys overdo their challenging. The net result may be a jury that is less objective, less able to judge facts, less intelligent than it need be. First-rate business and professional people of a community have no time to waste. They dislike being chosen for jury service when it means fruitless waiting around and then being released for what may appear to be flimsy reasons. When they are called for service, many of our ablest citizens use various excuses to avoid jury duty.

CRIMINAL LAW AND CIVIL LAW

We have so far discussed the law as though it were primarily concerned with putting people in prison. That is not so. Actually criminal law is involved in litigation far less frequently than that other great branch of the law—the civil law.

In criminal cases, the government prosecutes the action because a crime is a serious danger to society at large. If crime were rampant, the survival of society would be jeopardized. A civil law action is initiated by a citizen, or a group of citizens, against another citizen, or group of citizens. The government stays out of the action entirely unless it is an injured party. It merely provides the forum in which the suit may be tried—the court of law. Property has been damaged, a person has been killed in an accident, someone has refused to pay a bill owed to his doctor or a storekeeper, someone makes so much

noise at night that his neighbors cannot sleep, a party to a contract has refused to carry out his end of the bargain. The injured party has the right to sue the offender in a court of law.

Some civil actions also involve a corresponding criminal action. Take the case of a person maimed in an automobile accident. The only way that he may recover for the injury done him is to sue for damages in a court of law. The state may also bring a criminal action against the offending party, if a breach of criminal law was involved. An indictment of criminal negligence might be brought. The two actions would be entirely independent of each other, though witnesses in the two cases would be the same.

One may sue at law and get damages, if one wins. Or one may sue in equity and, if one wins, the court may order the loser to do what the winner had asked. If one party to a contract has not carried out his promise, the other party may not want damages. He may only want to force the contract breaker to carry out his pledge. A suit in equity may accomplish this end.

Suppose your neighbor decides to turn his home into a tavern, and you do not want him to do so because it would annoy you and depreciate the value of your property. You can go to a court of equity and secure an injunction that, for the time being at least, will prohibit him from carrying out his plans. Of course, you could wait until he carries out his intentions, and, if you can prove that your property has been depreciated or you have been inconvenienced, sue for damages in a court of law. Usually the same court or judge sits alternately as a court of law or court of equity.

PRETRIAL CONFERENCE AND ARBITRATION

Two recent devices show promise of making the administration of justice in civil cases more efficient. One is the pretrial conference, to simplify the task of getting evidence. Instead of the full set of personnel that staffs a courtroom, only the judge and the attorneys, sometimes with their clients, meet in an effort to analyze the case. The intention is to bring about understandings between the two parties that will simplify trial procedure later, or bring about a settlement of the case before the formal trial.

Arbitration is a judicial procedure that permits settlement of a controversy without using a court. When two parties enter into a con-

tract, they may agree beforehand to settle any dispute about contract terms in accordance with the rules of the American Arbitration Association. If a dispute arises, the Association is asked to nominate an arbitrator, whose decision is binding on both parties. The cost of this procedure is modest compared to the expense of going to court, and the process is speedy. Arbitration is especially valuable when the dispute involves highly technical matters such as costs in connection with job printing, failure to deliver a chemical ingredient on time, damage to a steam engine, failure to render a financial accounting in the form prescribed. An arbritrator, who is expert in the particular matter under dispute can render a sound, acceptable decision. The tedious and difficult procedure of establishing expertness of witnesses and the evaluation of their testimony are dispensed with entirely.

STATE COURT SYSTEMS

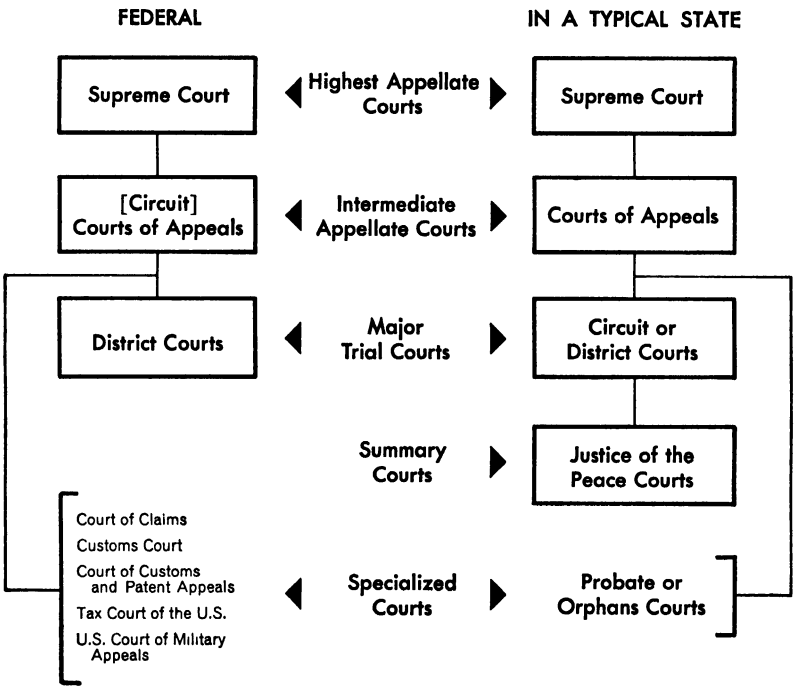
Most disputes are of a minor nature. Numerous small courts must be readily available to decide such issues. Only the most serious and most momentous actions are reserved for the highest court, and such actions are relatively few. Hence the idea of a pyramidal court system has been developed, with many minor local courts at the bottom, county or circuit courts next above, and a supreme court at the top. A system of courts like this gives the individual every chance for justice. He does not have to accept the verdict of the court that tries his case, if he can show that some error was made in the trial. In a civil action, the losing party can automatically appeal if he wishes to go to the trouble and expense, both of which are considerable. The higher court may not retry the case, but may merely review the record of the trial and render a verdict that substantiates, or reverses, the action of the lower court.

Minor Courts

States may have several thousand minor courts. These are usually presided over by justices of the peace. The courtroom may be an ordinary office or living room. Justices of the peace are elected, and usually are amateur judges, rather than professionals trained in the law. They may be farmers, laborers, unskilled workers, housewives. The only prerequisite is the ability to get elected. The job is not a full-time one, and their pay in most states derives only from fees.

The cases which justices of the peace handle concern breach of contract, trespass, bill collection, and the like as well as minor traffic violations. Most cases involve only a few hundred dollars. Where the sum at stake is less than a hundred dollars, the decision of the justice in a minor court is usually final. In criminal actions the justice may hold a preliminary hearing without a jury. But in none of these pro-

ORGANIZATION OF COURTS IN THE UNITED STATES



ceedings is any record kept; hence the minor court is a summary court, not a court of record. Justices of the peace also perform marriage ceremonies; this may be the most lucrative phase of their activities.

Circuit or County Courts

The circuit or county court is the lowest of the courts of record. It has a courtroom, a professional judge, a clerk, a bailiff, and other court personnel, and it keeps a record of its proceedings. The judge is

usually elected, but he is required to have legal training. Besides being called circuit or county court, this court may be known as the superior or district court. It is called circuit court because originally the judge traveled a circuit from one county courthouse to another, holding court at different places in rotation. In New York State, oddly, it is called the supreme court, and the highest court is called the court of appeals.

Major crimes committed locally are tried in the local court of record which meets in the county court house. The court also hears civil suits, both at law and in equity. Most actions are tried before a jury. Sometimes these courts try appeals from the justices of the peace. When they do, they pay no attention to the previous decision but try the case all over again. Generally, though, they are courts of original jurisdiction. That is to say, most of the cases handled here originate here. And since there are comparatively few appeals, most cases that are tried here end here, too.

In some states the same judge hears all types of cases in the same court, but assigns distinct periods of time for each type of case. In other states the judge uses different courts for different types of cases. In still other states, each type of court has its own complement of judges. Different names are used in different states for the various divisions of the court, and organization varies. You will find names like courts of session, quarter session, oyer and terminer, orphans, common pleas, hustings, and surrogate court. The jurisdiction of these courts extends over an area which is as large or larger than a county.

Intermediate Appeals Courts

In the most populous states, next in the pyramid comes the court of appeals. It receives cases on appeal only from the circuit court. There may be one or more of these tribunals with from three to nine judges, called justices of the court of appeals. These justices are usually elected.

An appellate court considers whether the lower court applied the law correctly and observed all legal formalities. This is a purely professional task, requiring legal training. Was the public illegally excluded from the trial? Was the right of the accused to compel witnesses denied? Was inadmissible evidence considered? Decisions are reached by majority vote of the participating justices. This court never uses a jury. If it appears that points of fact were not properly deter-

mined, then the appellate court orders a retrial in the lower court before a new jury.

Supreme Courts

Like the intermediate courts, the highest court in the state is a court of appellate jurisdiction. Consisting of from five to nine judges, depending upon the state, it is usually called the supreme court, though it may also be known by some other designation, such as court of appeals.

Supreme courts decide appeals cases concerning the most important and the most fundamental points of law. They also have the important function of interpreting the meaning of laws. They may be called upon to compare legislation with provisions of the constitution to see if the laws follow the constitution. So far as state laws and the state constitutions are concerned, the state supreme courts are the final arbiters.

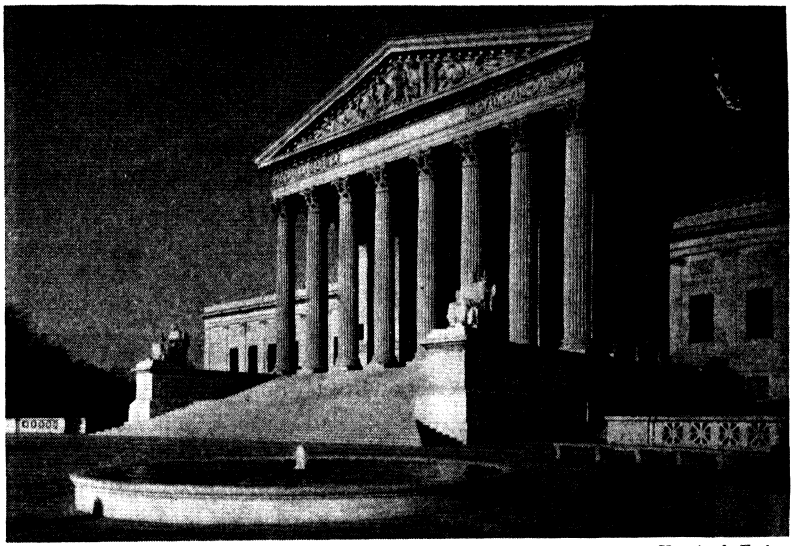
FEDERAL COURT SYSTEM

The federal court system is organized in three levels. At the top is the United States Supreme Court. Below the Supreme Court are eleven United States circuit courts of appeals. Circuit judges hold court in one or more cities of each of the eleven regions into which the country is divided. In the early days they "rode the circuit" from city to city—hence the name. Each of the circuits has from three to six circuit judges assigned to it. Two circuit judges constitute the required quorum to hold court. Court is held in buildings owned or leased by the federal government.

At the lowest level are the federal district courts. Each of the eleven judicial circuits is divided into districts. There are eighty-six court districts in the continental United States. The number of judges in a district depends upon the amount of litigation. In some instances one judge serves two or more districts. Some districts have a dozen or more judges. A federal district court building is situated in one or more of the principal cities of the district, and court is held there at regular intervals. Most federal cases originate in the district courts. Ordinarily cases are tried before one judge and a jury.

What kinds of cases come before the federal courts? Not a murder trial, ordinarily, for most murder cases are prosecuted under state

law. Cases that are tried in federal courts include civil actions in which one of the parties is a state, or in which citizens of different states are suing each other. Suits affecting ambassadors, foreign consuls, and others possessing diplomatic status are also subject to federal jurisdiction. Civil and criminal cases originating on the high seas are tried in federal courts according to the rules of admiralty or maritime law. There are also federal criminal laws, distinct from state criminal laws. For example, the Lindbergh Law provides the death



Harris & Ewing

The United States Supreme Court building. Judges of the federal courts are appointed for life by the President. They may voluntarily retire at age 70 on full pay.

penalty for kidnapping across state lines. Other cases tried in federal district courts are cases involving patents and copyrights, and violations of federal bankruptcy laws.

The federal district courts, circuit courts, and Supreme Court are called "constitutional" courts because they are prescribed in Article III of the Constitution, the judicial article. There are also federal "legislative" courts. These are created by Congress pursuant to Article I, the legislative article, to have jurisdiction over special types of cases. The United States Customs Court, for instance, adjudicates claims involving valuations placed by customs officers upon imports.

The United States Court of Customs and Patent Appeals considers appeals from the customs courts and from decisions of the United States Patent Office.

Territorial courts are set up for each territory of the United States such as Puerto Rico, the Virgin Islands, and the Panama Canal Zone. Since territories are not self-governing, their courts are instruments of the federal government created to adjudicate all matters within the territory.

Similar to the territorial courts are the courts of the District of Columbia. The District is governed by the federal government through a committee of Congress and other agencies set up by Congress. The judicial power is administered by a District Court and a Court of Appeals set up to handle all matters, local as well as federal, that arise within the District. The District of Columbia Court of Appeals also hears appeals from decisions of the boards and commissions of the federal government.

THE GOVERNMENT AS REFEREE

Settling disputes is one of the most important services that government performs. When a controversy arises, the government by means of its courts provides an impartial judge to settle it, and his decisions have the force of law. In our free society we do not place final authority in a king or dictator. We place it in courts of law. The judge is the voice of authority, and when he speaks, we must obey as though he possessed the physical force of a dictator. Yet the power of judges is not absolute. It is based upon the basic willingness of men to be ruled by law rather than by physical force.

Even though we have given great power to the judge, we need not fear him as we would an absolute king or a dictator. The reason is that the judge is not a single person but an institution, and the procedure by which we ask him to adjudicate is a carefully prescribed one developed through ages of tradition and experience. We have the opportunity to appeal his decision through the various levels of the court system. Even when the decision goes against us, we can usually be sure that the case has had the most careful and objective scrutiny. Judges have been known to be wrong, but most of them take their responsibilities seriously and make decisions which prove valid in the long run.

THE SELECTION OF JUDGES OF THE STATE COURT SYSTEMS

The typical method of selection is shown for each state.
There may be variations within any given state.

METHOD	STATE	TERM IN OFFICE	STATE	TERM IN OFFICE
1. APPOINTED BY LEGISLATURE	Rhode Island	For life	Vermont	2 years
	South Carolina	10 years	Virginia	12 years
2. NOMINATED BY GOVERNOR, APPOINTED BY LEGISLATURE	Connecticut	8 years		
3. APPOINTED BY GOVERNOR AND ADVISORY COUNCIL	Delaware [1]	12 years	Massachusetts	For life
	Hawaii [1]	7 years	New Hampshire	To age 70
	Maine	7 years		
4. NOMINATED AND ELECTED BY DISTRICTS	Illinois	9 years	Mississippi	8 years
	Kentucky	8 years	Nebraska	6 years
	Louisiana	14 years	North Carolina	8 years
	Maryland	15 years		
5. NOMINATED BY DISTRICTS, ELECTED AT LARGE	Indiana	6 years	South Dakota [2]	6 years
	Oklahoma	6 years		
6. NOMINATED AND ELECTED AT LARGE	Alabama	6 years	New Mexico	8 years
	Arizona	6 years	New York	14 years
	Arkansas	8 years	North Dakota	10 years
	Colorado	10 years	Ohio	6 years
	Florida	6 years	Oregon	6 years
	Georgia	6 years	Pennsylvania	21 years
	Idaho	6 years	Tennessee	8 years
	Iowa	6 years	Texas	6 years
	Kansas	6 years	Utah	10 years
	Michigan	8 years	Washington	6 years
	Minnesota	6 years	West Virginia	12 years
	Missouri	12 years	Wisconsin	10 years
	Montana	6 years	Wyoming	8 years
	Nevada	6 years		
7. SPECIAL	Alaska		Missouri	
	California		New Jersey	

[1] Senate approval required. [2] District residence required.

Qualifications and Selection of Professional Judges

What is the best way to secure good judges? Some judges are elected, others are appointed. The theory behind the appointment of judges is this: The task of the judge is a highly exacting, professional one. The ability to get votes should not be made one of the qualifications for the job. Therefore some publicly elected official,

such as the president or governor, should appoint judges on the basis of their professional qualifications for the post.

Justices for the federal bench serve by appointment. District, Circuit, and Supreme Court judges serve for "good behavior," which usually means for life. They can be removed only by impeachment. Since their job is secure, they presumably are less likely to be influenced by temporary political considerations in making their decisions. Some states also appoint their supreme court justices, though the majority elect them.

The theory behind the election of judges is this: Persons holding the powers judges do, whose decisions may greatly influence public policy, should be selected by the people, just like governors or mayors, and serve for a limited term only. In practice, the election of judges has not mitigated against filling these posts with well-qualified persons. Because judicial qualifications have been important, both parties have often agreed on a single slate of judges. In other instances, judges have been nominated by their parties without contest upon recommendation of fellow judges and members of the legal profession. Even judges who are appointed or nominated as a political favor have generally met high standards of professional qualification.

Judicial Review

The basic set of rules by which courts decide cases are found in the constitution. State constitutions govern in matters relating solely to citizens within the state. The federal Constitution governs in matters arising between states, or citizens of different states, or controversies between a state and its citizens. The federal Constitution serves as the basic body of law governing the decisions of the federal courts.

We most often hear of the United States Supreme Court with regard to constitutional law decisions. Any case originating in the usual manner in a lower court may, in due course of time, be brought before the Supreme Court if it involves an interpretation of the federal Constitution. This may be done in the hope of winning, or to clarify a constitutional principle through the court's decision. In fact, many cases brought before the Supreme Court involve relatively small amounts of money, compared to the cost of litigation. Decision is important only because it will set a precedent for comparable cases. For this reason, an interested voluntary group may support the action of

the presumably injured individual and finance the case, supply lawyers, and procure testimony.

State supreme courts play a similar role. They are the final arbiters of questions involving the state constitution. Why then do we hear more of the role of the national court in this respect? The reasons are several. First, the decisions of the United States Supreme Court apply throughout the nation. Second, in the complex life of today, many issues that come up for litigation, especially those involving business or economic matters, are not confined to one state. Third, the federal Constitution, in some respects, takes precedence over the state constitutions. Article VI of the federal Constitution provides that "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land; . . ." Thus one of the regular provisions of the federal Constitution makes that document, as well as Federal Law, superior to the state constitutions in cases of conflict.

The final authority in interpreting the federal Constitution is the United States Supreme Court. There is no specific statement in the Constitution that gives the court this power. But it was assumed from the beginning of the Union that the court possessed and needed this authority under our federal form of government and checks and balance system.

Suppose someone is prosecuted for the violation of a statute. He argues that the statute contradicts the "supreme law of the land"—the Constitution. The high court then decides if the Constitution has been infringed. If a majority of the court believes that the statute is contrary to provisions in the Constitution, it rules that the law is unconstitutional. The defendant wins his case because he cannot be convicted under a law that contradicts the Constitution.

The practice of judicial review has become a well-established and unique power of American supreme courts. Few other countries have endowed their courts with the power to void statutes passed by the legislature. The federal supreme court does not give advisory opinions on legislation which is being enacted, though several state supreme courts do. The federal court renders opinions only if actual cases are brought before it by litigants.

It does not happen very often that the Supreme Court declares acts of Congress unconstitutional. The first time was in 1801 in the

famous case of *Marbury* v. *Madison.* * The court held that the Judiciary Act of 1789 was, in effect, an amendment to the Constitution which could not be passed by Congress as if it were an ordinary law. No more laws were declared unconstitutional until 1855. Then the court ruled in the Dred Scott case ** that the Missouri Compromise limiting the expansion of slavery was unconstitutional. There were four more cases during the Civil War period. The Supreme Court has invalidated legislation only about seventy times since then, the bulk of the cases occurring during the economic transition of the thirties.

In a sense, then, the law is what the courts say it is. The process of legislation does not end with the legislative branch and with approval of legislation by the executive. The Supreme Court may have the last word. From the Court's decision there is no appeal, except that Congress may write another law omitting the offending part. For generally it is some detail rather than an entire act which is declared unconstitutional. Or Congress may initiate the long procedure of amending the Constitution. In this way the checks and balances system that inhibits the concentration of power in our society extends to the judiciary. The courts have power to check through judicial review; their power is balanced by provisions for alternative legislation and constitutional amendment.

WHAT IS THE JUDICIAL PROCESS?

What is the judicial process? It is a process of relating a current instance to a body of values. Let us say that you see a man beating a child. Is this right? Is it good? Is it proper? Chances are you will have an opinion. You may even rush in to stop the man. What makes you so sure of your opinion when you decide what is right in this instance? You may say, "The way I have been brought up; what I was taught; my religion; my beliefs." What you mean is that you have a body of values. You may not always know what it is. You are not often called upon to state it fully in words. You may not even realize that you have a body of values until it is shocked in this fashion. But every time you form a judgment you are relating a present instance to these values.

You learned these values from the formal institutions of our society—family, church, school, club, association. You learned them

* 1 Cranch 137 (1803).
** *Dred Scott* v. *Sandford,* 19 Howard 393 (1857).

from the informal influences upon you of the society and culture in which you live. The values that we hold are a reflection of the kind of culture of which we are products.

Judging by Moral Principles

There are many sets of value principles. Everyone has a set of moral principles to which he subscribes to greater or lesser degree. For most persons moral principles derive from their religion. One of the basic functions of philosophy is to establish moral and ethical principles. Even when philosophies agree on the importance of certain principles, they may differ in their reasons for selecting these principles. For example, one philosophy may maintain that "thou shalt not kill" because each human being is created in the image of God and God has ordered us not to kill. Another philosophy may maintain that if one is allowed to kill his neighbor, society will be destroyed. The best-known, most widely held set of moral principles in Western society are the Ten Commandments.

Judging by Common Sense Principles

There are also common sense principles. We are constantly making judgments like this: I have a limited amount of money; I want two articles but cannot afford both. Which shall I buy? One candidate promises lower taxes but says nothing about improving the lighting on my street; the other candidate talks about improved public services, but I know they will cost more. I want both lower taxes and improved services. Which candidate shall I support? I must dismiss one employee because business will not support both. Shall I discharge the older, less efficient one who has more experience, or the younger, highly efficient one who will require a good deal of training?

We have principles to guide us in making judgments like these. We think of people who make good judgments as having a lot of common sense. What we mean is that they quickly sense the realities of life and make judgments in terms of these realities. We tend to follow such people. We elect them to office. We entrust them with our money and our decisions. They become opinion leaders. In solving personal problems, in helping others solve their problems, in making decisions on matters of business and government, the ability to make balanced judgments in terms of common-sense principles is very valuable. We must all acquire it to remain free. For free men are not always told

what to do or what is right. They must make balanced judgments for themselves.

What are these common-sense principles? There are many, and you will find them reflected in "wise sayings" and maxims. "Better to be safe than sorry" reflects the principle of prudence which is a constant guide for many people. The cautious, the conservative prefer "the bird in the hand" to the "two in the bush." Though excessive caution can block progress, and even mild caution is sometimes decried by the young, prudence is fully necessary to human life. It is the reason behind shatterproof windows on automobiles, parachutes in airplanes, fire extinguishers in halls, and erasers on pencils. You may not need one of these things very often, but when you need it, you need it badly.

Adaptability and venturesomeness are other important principles. They have been strong in American life. "Nothing ventured, nothing gained." Pioneers could not tame a continent, develop its resources, and fill it with inventions without a venturesome attitude toward life. Progress depends on adaptability. But those who venture to gain can also lose. Henry Ford developed methods of manufacturing automobiles that made it possible for more people to buy them. Ford became a millionaire. But many other early auto manufacturers went bankrupt when their plans misfired.

People who accept changes readily encounter the opposition of their more conservative fellows. While change means something new, it often means sacrifice of something old. The first steam buggy in England brought riots because some people realized that it would completely change the character of the countryside. Every decision involving change must be weighed in terms of the losses which the change will bring. The principle of stability commands, "Leave well enough alone."

Democracy is a principle. It is cited frequently as the reason for this action or that. A group has to decide whether to have a picnic or go to the movies; so they vote. The principle of democracy says, "Keep the power to decide as close as possible to those affected by the decision." Often the principle of democracy conflicts with other common-sense principles, such as the principle of efficiency. Should we change a particular street to one-way traffic? We do not take a vote of the motorists that habitually use the street. That would be the democratic thing to do. But it would probably be quite complicated

and not well suited for making a highly technical decision. The principle of efficiency guides us instead. We have a special agency charged with deciding traffic matters.

There are many other common-sense principles. Now one, now another, is applied in decisions that affect both private and public affairs every day. The principle of adaptability resembles flexibility. Allied to democracy are the principles of justice and equality. Along with prudence are other principles reflecting caution and conservatism, such as the principles of economy, simplicity, efficiency, and responsibility. Some of these have been more important in public life than others.

The principle of justice has been, by its very definition, the guiding principle in the development of our judicial system. But other principles are important, too. There is, for instance, an inherent stability in the law that causes it to change slowly. Laws themselves may be enacted quickly, but court systems and the rules by which laws are applied and judged change only slowly. Basic principles, such as the rule that the accused is presumed innocent until proven guilty, were not adopted by popular vote, as the principle of democracy might require. Nor can they be changed by popular vote. The American public is exceedingly conservative when it comes to changes in the court system. Franklin D. Roosevelt discovered this when he attempted to change the number of justices on the Supreme Court in an effort to liberalize the policies of the court.

Judging by Premises in the Tradition of American Liberty

Another set of principles comprise the core values of the American tradition. They are not purely American, for we have borrowed them from English common law, from the writings of the great French political philosophers, and from the social and economic traditions of western Europe. We have referred to them as "premises" and have dealt with them in the introductory section of each unit of this book. They are stated or implied in the Constitution, and therefore are guidelines for judges in making their decisions. These premises constitute the basis of our legal institutions. We should be certain that these institutions measure up to the yardstick embodied in them.

QUESTIONS FOR DISCUSSION

1. Are there any of the numerous rights to fair trial that, in your judgment, have been abused by individuals? If so, would you be

willing to suspend such rights? Can you think of circumstances under which all of these rights might have to be suspended?

2. Which would you prefer if you were accused of a crime? (a) Trial by a jury of ordinary local people just like you, or (b) trial by a single judge sent out from Washington, and appointed by the President of the United States? What are your reasons?

3. What changes would have to be made in our present rights of fair trial if we substituted the principle that no guilty person should escape, for the principle that no innocent person shall be punished? In the interests of reducing crime, would you be willing to accept these changes?

4. Could innocence or guilt be determined more efficiently in criminal cases by a system other than trial by jury? If so, could there be adequate safeguards against the exercise of arbitrary power by public officials?

5. Does a pyramidal court structure primarily assure efficiency, or popular freedom?

6. Are there sound reasons for having two systems of courts, state and federal? What are the disadvantages of two systems?

7. Which method of selection of judges do you favor—election or appointment? Why?

8. Can group discussion precipitate a list of moral principles to which the group subscribes fully and which it applies in its judgments?

9. Give examples of passages in this book where common-sense principles, such as responsibility, justice, equality, or efficiency, have been referred to or implied as guiding a decision or a particular arrangement.

10. Which of the premises in the tradition of American liberty mentioned in the introduction to this unit do you consider the most important?

11. Do you think that an elementary knowledge of law should be an important part of general education?

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UNIT FIVE

The Citizen in a World of Big Government and Pressure Groups



PREMISES

Government shall foster an increasing national productivity, made possible by technological development that results in lower cost of goods and a higher standard of living.

Party platforms since 1940; economic legislation and executive acts, such as the Employment Act of 1946.

Government shall foster the freest possible economic competition consistent with the general welfare.

Sherman Antitrust Act of 1890, the Clayton Antitrust Act of 1914, and the Federal Trade Commission Act of 1914.

Government shall strive for full employment at fair pay and protection for those who need it against hazards such as old age, sickness, accident, and unemployment. There shall be opportunity for all to strive for happiness.

Social Security Act of 1935, the Fair Labor Standards Act of 1938, the Hospital Survey and Construction Act of 1946, and the National Housing Act of 1949.

No one may be deprived of property without due process of law.

U.S. Constitution, Amendments V and XIV, Section 1.

No tax may be imposed without consent of the people, expressed through a majority of their chosen representatives in government.

U.S. Constitution, Article I, Section 8, Clause 1.

PRIVILEGES OF INDIVIDUAL ENTERPRISE

Anyone may own and use land, houses, money and other property, natural resources and the means of production.

U.S. Constitution, Amendments V and XIV, Section 1.

Property may be bequeathed to others of one's choosing.

A common law principle reflected in such documents as the Massachusetts Bay Charter of 1629, the Virginia Bill of Rights of 1776, and the Northwest Ordinance of 1787.

Anyone may spend, save, or invest his money as he may desire.

U.S. Constitution, Amendments V and XIV, Section 1.

Anyone may enter into business for financial profit.

U.S. Constitution, Amendment XIV, Section 1 as interpreted by such court decisions as *Allgeyer* v. *Louisiana* (165 U.S. 578, 1897) and *New State Ice Co.* v. *Liebman* (285 U.S. 262, 1932).

Parties may make contracts with the assurance that they will be equally binding upon all.

U.S. Constitution, Article I, Section 10, Clause 1.

Anyone may protect his right to his ideas and inventions by patents and copyrights.

U.S. Constitution, Article I, Section 8, Clause 8.

Anyone may, in accordance with law, employ other persons and direct their work.

U.S. Constitution, Amendment XIV, Section 1, as interpreted by such court decisions as *Allgeyer* v. *Louisiana* (165 U.S. 578, 1897) and *New State Ice Co.* v. *Liebman* (285 U.S. 262, 1932); and as defined by such legislation as the Fair Labor Standards Act of 1938, and the Labor-Management Relations Act of 1947.

Anyone is free to work at any job or occupation he can obtain and keep, and to leave it when he desires. No one may be forced to labor involuntarily except as punishment for a crime or in defense of the nation.

U.S. Constitution, Amendments XIII, Section 1, and XIV, Section 1, as interpreted by such court decisions as *Truax* v. *Raich* (239 U.S. 33, 1915) and *Edwards* v. *California* (314 U.S. 160, 1941).

For additional documentation see:

Resources for Citizenship, Citizenship Education Project, Teachers College, Columbia University. Part III, pp. 245–283.

Introduction and Laboratory Projects

We live in an era of big government, big labor organizations, big corporations, big pressure groups. The days of small government and small concerns and direct individual contact with government at all levels are at an end. As a result, some people throw up their hands and say, "The days of individual liberty are over." But that need not be so. What is needed is the big citizen. As society changes, so must the citizen. He must change in ways that will maintain rather than curtail his freedom.

The big citizen is constantly vigilant of his role in helping to determine the policies under which he lives. Many of the ills peculiar to public affairs today are traceable to the apathy of citizens. Too many have not consciously accepted or exercised their membership in the groups to which they belong. They do not go to meetings. Too many do not actively engage in politics and other public affairs. As a consequence, the few who participate fully in public life tend to control the policies and actions of many groups.

It seems relatively easy for a local civic club, fraternal organization, patriotic or veterans' group to stir itself up over what is going on in China, in the Middle East, or in Germany, or what our federal policies will be on the TVA, or on forest lands, or on atomic energy, or what is being argued in another state or another community about schools, race relations, or religion. And indeed everyone has the right, not to say the obligation, to concern himself about these matters. But who is to concern himself about local issues?

Overattention to national agencies and issues and neglect of matters right at home is a disturbing characteristic of citizen interest today. Perhaps we have lost interest in local affairs and cannot be bothered except when many people and large amounts of money are involved; or perhaps we feel we can solve big problems when we can-

not solve small ones. We vote fairly often in national elections, but seldom in primaries and local elections. Newspapers feature national and world news rather than local news. But the single individual, as he views the enormous terrain of national and international affairs, is indeed a small citizen. The avenue to bigness of the citizen is, paradoxically, through concern with local organizations.

In our world of big government and pressure groups, many of our problems, if not most of them, are subject to solutions that can be started close to home. It is the nature of our society that makes this possible, with its wide geographical distribution of power and its habits of local control. This should make us optimistic. It means that we —ordinary citizens—can take a hand and do something about our problems. We can start now. If ours were a highly centralized society with political and economic power concentrated in the national capital, then there would be very little that an ordinary citizen could do to improve government. He would have to wait until he could somehow attain a position of national prominence and influence.

This unit deals with the services government performs for the people. In Chapter 13 we look at *Government as Servant.* We see that the agencies that supply us with the services we need are most often private organizations, but that government is increasing its service functions steadily in scope and variety. In Chapter 14 we look at *Government as Referee.* In its regulatory function government deals with business, labor, consumers, agriculture, transportation, and a variety of other aspects of the economy. What means do we have for influencing government policy in these fields? In Chapter 15 we deal with *Our Government and Our Money.* This includes not only a discussion of what government does for us through taxes, but also a consideration of the way in which government fiscal policies dip invisibly into our pockets.

The laboratory projects are designed to reveal to the student ways in which he may influence policies of government that are concerned with service and money. But the citizen is not only subject to government policies and actions. He is also subject to the decisions of the large private organizations and corporations whose role it is to serve the public. Therefore, the citizen must concern himself with the policies of these organizations, too. In all these matters, whatever the individual citizen can do, begins at the local level. That is where the laboratory projects take place.

LABORATORY PROJECTS

(A) Assisting in the Operation of a Local Social Service Center *

Scope: This project is designed to give students experience in analyzing a complex social and economic situation and finding workable solutions to community problems.

Students collaborate with a local social service center to discover ways in which the center's services can be helped and improved, and to assist in such a program of improvement.

Preliminaries: A class committee and people from the cooperating agency decide what problems are most pressing and can best be handled by the class in the time and with the resources available.

Procedures: Separate class committees are set up to study each problem. One committee might study the amount and permanence of the center's financial support. Another might investigate the services rendered and the relation of the center to other agencies. Still another might deal with personnel expansion or change of function.

Results: The class as a whole, or a class committee, coordinates the work of the several committees and prepares a report to be submitted to the agency. This report may include recommendations for the solution of existing problems. Students might volunteer their services to assist in carrying out the recommendations.

(B) Interning with Community Leaders **

Scope: This project is designed to give students both knowledge of and experience with important tasks of community leadership.

Students identify important community leaders and negotiate to have selected students intern with these leaders.

Preliminaries: The term "internship" is used in this project to describe an arrangement in which a student works with a community leader and observes the leader as he performs official duties. The purpose is to allow the student to evaluate the personal qualifications of leaders, to observe actual procedures and operations of the job, and to help carry out some of the duties and responsibilities connected with it.

* Adapted from a project carried out at Montclair State Teachers College, Montclair, New Jersey.

** Adapted from the Laboratory Practices Card File of the Citizenship Education Project, Teachers College, Columbia University, New York.

Procedures: Students talk with selected civic leaders to explain the objectives of the proposed project, and to solicit cooperation. Leaders may include such people as the town supervisor, police chief, welfare commissioner, justice of the peace, Boy and Girl Scout executives, service club presidents, or Red Cross chairmen. Further details are then worked out with the leaders who indicate willingness to cooperate, and whose jobs offer valuable experience in group leadership. These details include specific arrangements concerning intern activities, time schedules, and evaluation techniques.

Some method must also be devised for selecting students who will work with specific civic leaders. If possible, students should arrange for as many internships as there are members of the class. An arrangement for rotating interns among the leaders might be made, enabling each student to become acquainted with several types of community agencies and offices.

Before going on the job, each student should study the nature of the position in which he will serve as an intern, and should know that he is to observe, assimilate, and evaluate—not to interfere or reform. **Results:** Each intern should report on his experience to the rest of the class. The community leaders may be invited to give their reactions before the class also. Discussions should follow these reports, to clarify any questions which may be raised by the reports.

(C) Federal Aid in Support of Education

Scope: This project will give students experience in investigating an important controversial problem. It helps them to formulate sound opinions and present them effectively.

Students analyze the bases of financial support for public education in their state to determine what part, if any, the federal government should assume. They use their findings to inform others, or they may try to influence others in favor of a definite point of view.

Preliminaries: Before this study can be attempted, students must acquire a minimum historical background about the reasons for state, rather than federal control over the American school system. They must know about the steadily increasing costs of education in a society forever demanding higher standards, and about the greater difficulty faced by the states, as compared to the national government, in raising ample revenues. This background information may be ac-

quired by class committees making special studies and reporting their findings to the class as a whole. The class may wish to concentrate on limited aspects of the problem, such as support for higher education, or private schools.

Procedures: State aid programs, whereby state funds are distributed to political sub-divisions to aid their educational program, should be examined to determine whether control necessarily follows the dollar. Existing federal aid programs should be analyzed to determine whether they involve any degree of control of the educational programs aided, and if so, if control is inherent in the plan, or by specific intent.

Results: On the basis of their study, students should be able to discuss the most important issues intelligently, such as: Will federal support result in federal control, and if so, control of *what?* Is federal control undesirable? Will federal support decrease local interest and initiative? Will it really tend to equalize educational opportunities, or will it tend to make approved minimum standards into the maximum standards in poorer states? Should federal support extend to private and parochial schools? To all phases of the school program? Will it throw schools into politics? What should be the basis of support —ability to pay, reward for effort, matching funds? Should it apply to all educational levels from nursery school through adult education?

Students should also try to identify the national and state groups that favor and oppose federal support of education, and seek to discover the reasons for their differing points of view. Students might then stage a debate to argue the pros and cons of federal aid to education, or they may prepare a paper in support of their point of view.

(D) A Survey of Housing As a Local and National Problem *

Scope: This project will give students insight into the sociological and political implications of adequate and inadequate housing, and the role of government in remedying housing problems.

Students undertake to analyze the housing conditions in a community to discover varying standards and factors causing the variations. They make recommendations for long-term plans for improvement.

* Adapted from projects carried out at Stephens College, Columbia, Missouri, and Northwestern University, Evanston, Illinois.

Preliminaries: Before this project can be started, students must acquire a fair background of the most important factors in present-day society that affect housing standards. They should become aware of the groups in the community which would be most interested in and most affected by changes in housing conditions. Students should determine what area or areas in the locality present particularly vexatious problems of land use—where zoning boundaries call for abrupt changes, or where nonconforming structures built before zoning was started seem to impede land development.

After this preliminary study, students should outline the questions to which they will seek an answer. Does the community have a housing problem? If so, what is the scope and nature of the problem? What local, state, and national legislation on inadequate and slum housing is pertinent? What additions or changes might be proposed? How does the community feel about the problem? How do slum dwellers feel? How do prominent citizens feel?

Procedures: After a preliminary tour of the area to be surveyed, committees of students secure data relating to the area's problems. Data may be collected from the police and fire departments, truancy officers, health and sanitation departments, social service and welfare agencies, representatives of minority groups, ministers, real estate agents, and housing and rental authorities. Students may invite informed individuals to appear before the class to discuss with them the area's housing needs and possible solutions. A model may be constructed to show how the area might look after reconstruction.

Results: Students submit the results of their survey and suggestions for improvements to the public at large, or to selected government officials, or to interested civic groups.

(E) Assessing the Operation of "Fair Trade Laws" *

Scope: This project teaches students to evaluate the desirability and effectiveness of government regulation of economic processes in a capitalistic democracy.

Students analyze the problems involved in enforcing Retail Price Maintenance Laws. They study the operation of such laws in specific communities in order to make recommendations regarding changes in the laws or in their enforcement, or both.

* Adapted from a project carried out at Haverford College, Haverford, Pennsylvania, and Amherst College, Amherst, Massachusetts.

Preliminaries: For background information, the class acquaints itself with the pros and cons of state and federal government legislation in the area of price-fixing and the activities of various pressure groups working for or against such controls. Students then decide on what specific phase of the problem they wish to concentrate. They may limit the number of articles to be considered, or the size of the area to be covered, or the number and types of interviews to be conducted.
Procedures: The class prepares a questionnaire to secure the information it desires. It decides on the number and type of persons to be interviewed.
Results: The completed questionnaires form the basis for a report and recommendations to lawmakers. The report may also be submitted to the public at large.

(F) Influencing the Renewal of a Transportation Franchise *

Scope: This project is designed to help students understand how and why public utilities are made to exercise economic power consistent with the general welfare.

Students interview executives of a transportation company, city and state officials concerned with public transportation, and passengers, before making a report to the community supporting or opposing the renewal of a public transportation franchise.

Preliminaries: Students discuss public transportation in terms of present and future needs in the community. They plan a study of a local public transportation company which has applied for renewal of its franchise.
Procedures: Class members interview executives of the transportation company, city and state officials in charge of enforcing regulations governing public carriers, and passengers. They may seek information on the legal aspects of the franchise in question, existing facilities and expansion plans of the transportation company, and the resources of the company for continuous growth without an excessive increase in fares.

Students may survey the actual service given by the company, and poll citizens to determine the weaknesses and strengths of existing facilities. The poll might be particularly important in discovering how

* Adapted from the Laboratory Practices Card File of the Citizenship Education Project, Teachers College, Columbia University, New York.

well the company is meeting the needs of new residential and industrial sections of the community.

Results: Students present their findings to public officials and the public at large, and recommend renewal or cancellation of the franchise. If renewal is recommended, students may suggest changes in the franchise to improve services.

(G) Preparing a Land-use Atlas for a Planning Commission *

Scope: This project gives students experience in the interpretation and graphical presentation of census data. It teaches them how to work with local governmental bodies.

Students prepare, from census data and field surveys, a land-use map for use by a planning commission or by city tax officials.

Preliminaries: Students should plan the project in cooperation with members of the local planning commission or other local officials. They should familiarize themselves with the problems involved in land use in the community as faced by planning and tax officials.

As a pilot test, students may make a preliminary land-use map of the college campus. Such a test will give them practice in the use and interpretation of standard map symbols.

Procedures: Census tract maps are used by committees from the class to gather data on land use. Data are taken from existing census figures and from data secured during field surveys conducted by the students. The data are later entered on a master map of land use for the area.

Students may also take an occupancy census of the most congested census tract in the area to indicate the occupancy and housing changes that have taken place since the previous census. These data may be analyzed by a committee of students and a report prepared on the implications of the changes.

Results: Students make a statistical summary of their findings, prepare maps and graphs, and an interpretive report for use by the planning commission and by tax officials.

(H) Forming a Student Mutual Investment Fund **

Scope: This project is designed to give students insight into the processes of our capitalistic system and the relationship of government regulations of stock market transactions to our tra-

* This project can be carried out in combination with project J, below.

** Adapted from the Laboratory Practices Card File of the Citizenship Education Project, Teachers College, Columbia University, New York.

ditional beliefs in personal freedom and the public good.

Students form a mutual investment fund, buy and sell real securities, and apportion profits or losses among subscribers

Caution: This project has the official approval of the SEC within the limitations quoted below. If students want to start a mutual investment fund differing even slightly from the one suggested here, they should make direct application for approval to the Securities and Exchange Commission, Division of Corporation Finance, 425 Second Street, N.W., Washington, D.C.

SEC Limitations: "It is not expected that a number in excess of thirty or forty persons for each class would subscribe, or that the total sum of subscriptions by any one class would exceed 100 or the amount of subscriptions $5000. According to the terms of their organization the students would invest the fund, operate it for the school year and liquidate it at the termination of such year. The gains or losses arising from the operation of the fund would be apportioned pro rata according to the students' original subscriptions. There would be no affiliation between the various . . . classes adopting the . . . proposed plan. . . . Each class would . . . be a separate entity and its members would subscribe only to their own fund."

Preliminaries: Students decide to form an investment fund. They invite local bank officials and corporation lawyers to act as advisers.

Procedures: With the help of their advisers, students draw up a charter stating the number of shares the fund may sell, the cost of each share, the number of shares one person may hold, the way in which dividends are to be paid, the officers and their duties, and the kinds of securities the fund may purchase. They elect a Board of Directors, define its duties, and set dates for meetings.

The Board of Directors asks a local investment broker to discuss with the students what kinds of securities they should buy, how much capital will be needed for a realistic investment, and to make the necessary purchases for them. Students should try to develop a balanced portfolio of stocks, some speculative, some gilt-edged. They should study the role of the Securities and Exchange Commission, and stock market conditions that led up to the crash of 1929.

Results: Students follow market fluctuations as reported in the newspapers, and meet once a week to discuss how their stocks are doing.

They decide whether to buy or sell stocks, to declare dividends, or reinvest in more stocks. When the fund is dissolved, profits or losses from the sale of the stocks are apportioned among the subscribers according to their original subscription.

(I) Promoting or Opposing a Special Tax Proposal for City Improvements *

Scope: This project will give students first-hand experience with the ways in which taxes for special purposes are voted in a city. Students assist in a campaign to promote or oppose the passage of special tax legislation in the city.

Preliminaries: Students investigate a given locality to determine whether it should undertake a certain public project requiring special tax legislation. For instance, there may be a proposal for a special tax for additional recreational facilities in the city. The class determines whether the proposed facilities are really needed.

Procedures: Class committees may investigate such questions as: What recreational facilities exist for various age groups? To what extent are they used? What experiences of other cities would be pertinent to the local problem? Are there legal limitations on the local taxing power?

The class may benefit from help from other student groups in the college, such as those in health, physical education, and recreation, who can supply needed technical information about the proposed program. A class in geography might be asked to assist in making sectional residence maps of the city to show the distribution of existing recreational facilities in relation to population concentration.

Results: On the basis of information gathered by the class, it decides whether to promote or oppose the special tax. It may prepare for public distribution of propaganda for or against the tax. This publicity work may be done independently, or in cooperation with a public agency which shares the students' views.

(J) Making a Tax Map **

Scope: This project will give students an understanding of the legal and administrative aspects of local property tax administra-

* Adapted from a project carried out at Kansas State College, Emporia, Kansas.

** This project may be combined with Project G, above. Adapted from the Laboratory Practices Card File of the Citizenship Education Project, Teachers College, Columbia University, New York.

tion. It will provide citizens in the community with a valuable source of information on the assessment and valuation of local property.

Students prepare a tax map of the community and present it, together with a summary of their findings, to local tax officials.

Preliminaries: Students should familiarize themselves with local methods of property assessment and taxation. What qualifications, if any, are required for election as tax assessor and tax collector? Are there any limits imposed by state law upon the amount and method of local taxation? What are these limits, if any? Do these limits vary among different tax districts within the state? Local and state tax officials, the zoning commissioners, and the planning engineer all may have valuable information.

From the tax assessor's office the students may obtain data on each parcel of property in the district and its assessed valuation, including tax exemptions and reasons for them. They also find out what improvements or services affect property values. When the students are ready to record the data, they obtain scaled property maps of the community from local real estate offices, local or state bureaus of vital statistics, or offices of fire insurance companies.

Procedures: The students enter the data on the tax map. *Construction and Use of Tax Maps,* Assessment Practice Series I, National Association of Assessing Officers, 1313 E. 60th Street, Chicago 37, Ill., gives detailed directions for making such a map. When finished, the map should show most of the following items: location and name of all streets, roads, alleys, streams, lakes, railroads, and other distinctive physical and cultural features; location of all lot lines, property lines, or both, with dimensions, bearings, and areas, where required; section, block, and lot number for each parcel of property; present assessment, exemptions, if any, new or additional structures on parcel since last assessment; boundaries of tax districts partially or wholly within the assessment district; names of public buildings, parks, churches, cemeteries, schools, and other tax-exempt land; house numbers; public utility services; zoning; road surfacing.

Results: In presenting the tax map to local officials, students should emphasize unsolved problems. Are similar lots assessed at the same rate? Are there pieces of property missing from the rolls? Have recent property improvements shown up on the assessment? Are assessments equitable?

(K) Setting up a Buyers' Clinic *

Scope: This project is designed to make students aware of the relation of good buying practices to our economy, and of the role local specialists can play in disseminating consumer information locally.

In cooperation with organizations interested in the subjects, students organize and promote a consumer buying consultation service in the community.

Preliminaries: Students make plans to set up a buyers' clinic to disseminate information on good buying habits to help consumers improve their buying practices.

Procedures: After the plans are formulated, students contact various individuals and institutions in the community who are concerned with consumer buying. Among those included might be the local chamber of commerce, the county representatives of the Agricultural Extension Service, department store buying consultants, and local retailers. They ask the leaders of these institutions to cooperate with them in establishing and operating the clinic. They urge certain members to agree to serve as consultants.

For material and information on wise buying standards, which may be useful for the operation of the clinic, students may write to such organizations as the National Canners Association, Washington, D.C., and the National Consumer-Retailer Council, 80 W. 40th Street, New York, New York. The Bureau of Human Nutrition and Home Economics in the Department of Agriculture, Washington, D.C., and the Household Finance Corporation in Chicago, Illinois, are particularly good sources for materials related to standards for consumer goods.

Results: Students operate the clinic and record their observations on the type of assistance needed most by consumers, the type of individuals seeking assistance, and the effectiveness of the clinic in raising buying standards.

(L) Promoting Informative Labeling *

Scope: This project is designed to help students understand the role citizens can take in influencing business groups to adopt

* Adapted from the Laboratory Practices Card File of the Citizenship Education Project, Teachers College, Columbia University, New York.

standards which are beyond minimum government requirements.

Students find out what information consumers consider necessary to more effective labeling of goods, and report their findings to manufacturers and to the community.

Preliminaries: At the start, students should gather information about good labeling practices from such sources as the Good Standards Bureau of Weights and Measures of the Department of Agriculture, Washington, D.C., or the National Consumer-Retailer Council, 80 W. 40th Street, New York, New York, which publishes the booklet *Informative Labeling,* and has samples of labels that will be useful. Public Affairs Pamphlet No. 51, *Read Your Labels,* is another good source.

Procedures: Students then collect labels of products sold locally and analyze them in the light of mandatory government standards and their own information about labeling. They should select a range of different kinds of products that are used frequently.

Students also devise a questionnaire which asks consumers what information they think labels of specified products should carry. Sample questions might be: What kinds of information about the quality of the product should be included on the label? What information about use and care of the product would be helpful? What facts about the processing and construction of goods do you need to know? What information concerning nature and quantity is necessary? How could seals of approval, guarantees, and standardization and grading information be made more meaningful?

Along with canvassing consumers, students may also wish to consult retailers, manufacturers, and representatives of consumer groups in the community to get their ideas on the subject of labeling.

Results: Students interpret the data and prepare a report with constructive recommendations. A special effort should be made to report findings to manufacturers and retail organizations since these groups are directly concerned. This can be done through visits and correspondence with individual companies.

The projects described in Project F. Unit I and Project D, Unit 2, are also suitable for inclusion in Unit 5.

Chapter 13

Government as Servant

The purpose of government in a dictatorship differs greatly from the purpose of government in a free society. In a dictatorship government is primarily a supervisor and policeman. In a free society, government is primarily a servant. Since there are free institutions which permit the people to express their will, practical politics is concerned with what the people want. In this country we generally take it for granted that government officials are our servants. We are not the servants of the government.

You will find that providing services of one kind or another is a major government activity. Generally government performs the services not likely to be provided by any other agency, or which government can render more cheaply or on a larger scale. They tend to be essential services in which cost is not the first consideration. We must have them either free or at a charge so low that all can afford them. Water, education, paved roads, postal service are good examples.

PUBLIC ENTERPRISE VERSUS PRIVATE ENTERPRISE

Where should we draw the dividing line between services that should be rendered by government and those that should be rendered by private enterprise? If a service is so important to our way of life that we think everyone should have it, regardless of ability to pay, then it may be best if government renders it. Private business would not be interested in supplying it if no reasonable profit could be made.

Education is a good example. Americans believe that nobody ought to be denied a primary and secondary education. If this schooling had to be paid for by the one that receives it, many of our brightest youngsters could not afford it and would be denied the right to develop their talents fully. Society would lose as well as the individual. It is therefore public policy in this country to provide free public

schools at government expense, despite the fact that we have a system of privately supported schools and colleges.

Water is another good example. Water is provided in the vast majority of municipalities by publicly owned water works. A rate is charged for the service, but it is not a profitable rate. It is low enough so that poor families can have an adequate supply of water. We consider it important for us all that everyone have abundant supplies of pure water. Some cities may have to build water mains as much as two hundred miles long to secure adequate supplies. The cost may exceed the income from water rates by appreciable amounts, even on a long term basis.

Supplying food, on the other hand, has generally been left to private enterprise. There have been two significant exceptions in recent times. During the depression, food stamps were issued to families on relief. Each person could buy one dollar and fifty cents worth of orange-colored stamps per week. For every dollar's worth of orange stamps, the purchaser would receive fifty cents' worth of blue stamps free. The orange stamps could be exchanged for any type of food; but the blue stamps were good only for certain designated surplus commodities. The store deposited the orange and blue stamps in the bank, just like money. The other exception is the federal school lunch program in which schools may receive certain surplus commodities free. They agree to serve these free to pupils.

Should electric light and power be furnished by private or public enterprise? Here is an issue that has engendered heated controversy. In the late twenties the federal government launched a large-scale, multipurpose river development program that included the generation of electric power. The government began this program with the enactment of legislation for the construction of Hoover Dam. The most discussed project of this nature is the Tennessee Valley Authority, which has competed with private power companies in the Tennessee-Alabama area.

One theory holds that government should provide electric power in the same way and for the same reasons that water and postal services are provided. Electricity is something everybody should have, regardless of the cost. Electricity is one of the most important factors in the industrial and agricultural development of a region. No region should be allowed to remain poor when it has undeveloped water-

power resources that private capital has not used. If water resources are underdeveloped, government should enter the picture, produce the power, and market it so that all can benefit.

The opposing theory holds that electric power, like coal, oil, or any other source of energy, should be developed and marketed by private enterprise. When government enters the power business in a region like the Tennessee Valley, the whole country actually pays for the increased productivity of that area. The dams are built with taxpayers' money. If the power is sold for less than it costs, all the country's taxpayers are paying for it. Furthermore, private power companies pay taxes, while public power projects do not. When the government produces power, it actually loses the taxes it might have collected from a private company.

Neither theory is applied consistently to divide the domain of public and private enterprise in our economy. Apparently we consider postal service important enough for government ownership, but not telephone service. Express service is privately owned and in direct competition with the government's parcel post service. Though 90 per cent of our electric power supply is privately owned, 80 per cent of our water supply is publicly owned. Some cities provide a comprehensive garbage and trash removal service. Others provide no such service, forcing businesses and householders to get rid of their garbage and trash through private facilities.

All public services except the postal service were at one time exclusively private ventures. Yet, while the newly formed federal government arranged for carrying letters as one of its first services, it had private competitors, like Wells Fargo, in the early days. At one time roads were private, and the owners whose lands they crossed exacted tolls. The first water works were private businesses. Education was at first provided exclusively in private schools. Public schools in New England were originally planned for the indigent only.

Actually what we have come to in this country is a pragmatic compromise between public service and private enterprise. We take care of the matter in the way that seems most practical and opportune at the time in terms of the service to be rendered and who is to receive it. And we change our minds from time to time. Every time we change our minds, every time we make any change, there is controversy. There has been over the years a progressive extension of government

in the direction of providing services in ever greater variety and ever vaster scope.

THE KINDS OF SERVICE THAT GOVERNMENT PROVIDES

Increase in services raises the cost of government. Local, state, and national governments all spend more than they did formerly. As late as 1913 the federal budget was only $990,000,000. Its current level is around $80,000,000,000. The budget of New York City was a paltry $116,805,490 just fifty years ago. Today the city's budget exceeds $2,000,000,000—twice as much as that of the entire federal government in 1913.

The increase in government expenditures creates important political problems. Some people believe that the trend of providing more and more government services and increasing government expenditures will ultimately lead to socialism. Under socialism the government operates all major economic enterprises and therefore has almost complete control over the economic affairs of the nation. Other people believe that government must and should take care of the needs of the people and should provide important services which are not furnished by private enterprise. We needed roads. No private agency built enough roads, so government did. Old people and unemployed workers needed assistance. So government created social security for them.

There is scarcely any disagreement that it is proper for government to provide a necessary service, if it cannot be provided at a profit by private enterprise. There has been no serious proposal that the post office be returned to private enterprise. Business generally is glad to benefit by postal rates so low that they do not cover the cost of the mail service.

It is also widely agreed that it is proper for government to provide a necessary service, if it can be more effectively and more impartially furnished at public than at private expense. Police protection is an example. Of course, there are still private detective agencies that a person may employ to perform purely private investigative work that tax-supported institutions would not be justified in doing.

Government services are of two broad types. Some are intended to *equalize opportunity* so that all citizens have an equal chance to suc-

ceed in life regardless of physical, economic, social or other handicaps which they may have. Government attempts to offset these handicaps, particularly if they affect the public welfare adversely. Lack of proper education, health, welfare, and housing, for instance, would endanger not only those immediately involved, but the entire community. In making sure that everyone is well taken care of in these respects, regardless of ability to pay, the entire society benefits.

The other type of government service is the *direct promotion* of some economic interest in the society. Government does things that improve business conditions, or promote the prosperity of the farmer, or help the wage earner, or benefit the consumer. Some measures are of particular benefit to some special group, such as labor legislation or aids to agriculture, while others, such as conservation laws, may confer benefits more equally on the entire nation.

We shall now examine some of the typical examples of government service under these two categories. We shall look particularly at education, health and medical care, welfare, and housing as services that attempt to equalize opportunity. We shall examine aids to labor, road building, conservation, aids to agriculture, and aids to the consumer as services that promote economic interests.

EQUALIZATION OF OPPORTUNITY

The ideal of equality has been strong in our society from the beginning. Equality does not mean making everybody equal in every respect. It does not mean uniformity. It means removing handicaps that might, through no personal fault, keep an individual from attaining goals that he might otherwise be able to reach. It is the idea of "tempering the wind to the shorn lamb." When we go out of our way to assist the crippled or the blind, we are following the principle of equalization of opportunity. Legislation to aid the underdog may, at times, be slow, but in the long run, its chances for passage are excellent, especially in an election year.

The principal fields in which government equalizes opportunity are education, health, welfare, and housing. The first three are of primary importance as evidenced by the fact that local, state, and national governments spend more on these three services than they do on any other service except national defense and transportation.

Public Education

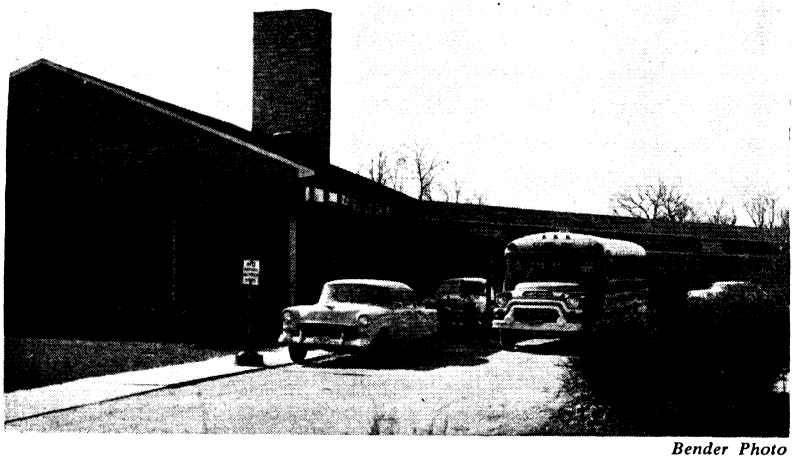
Public schools were first instituted more than a hundred years ago as a means of providing the essentials of literacy to the children of the poor. Anyone who could afford to do so sent his offspring to private schools. In order to pay for these public schools, a special tax levy was collected based on property assessments. To spend money and manage the schools, boards of education or school committees were established. They represented the general public in the operation of public schools.

It was deemed wise to separate the control and management of education from the other functions and services of government. Hence, separate school districts were set up, and in almost all the states they are separate even today. In cities the schools, controlled by a board of education, are usually in a special district separate from the city government. The fact that in cities the school district lines and the city limits usually coincide tends to make people forget that schools have their own government. Generally the board has some taxing power of its own. In most cities, however, the board must go to the city council for approval of its budget. It is not fiscally independent the way it frequently is in smaller districts.

Control over schools is much more highly centralized in Maryland, Delaware, and North Carolina, than in other states. There are still local districts, but the local boards possess far less initiative and power than is customary in other states.

The fact that public education was originally conceived as schooling for the poor has impeded financial progress. Only recently has concern for the importance of public education as a great force for economic and social betterment begun to bring more adequate funds for its support. In 1900 the average annual expenditure per pupil was about $20 throughout the country. By 1958 the average per pupil expenditure had climbed to about $300, though costs of living had risen sharply. Even today some states average as little as $80 annually per pupil, and a number of individual school districts dip considerably below even that figure. A school which spends only $80 per pupil per year can hardly be expected to render good services to its students. Usually, it cannot pay high enough salaries to attract adequately prepared teachers.

A few districts spend more than $600 per pupil per year. In them, well-paid, capable teachers working with the latest equipment and materials provide the quality of education that will furnish the nation with the well-trained engineers, scientists, physicians, economists, and other professional and technical workers on whom the future of our society depends. Through modern training in the arts, humanities, and applied arts, education can greatly improve the quality of our living and enjoyment of life.



Bender Photo

Improved transportation facilities make it possible to bring children from rural districts to modern, well-equipped, and centrally located schools.

Adequate financial support of schools cannot be assured if the property tax continues to supply the bulk of school funds. This tax served very well in the early days when relatively small amounts of money were needed in relatively stable sums from year to year. But the property tax cannot be raised sharply on short notice to get emergency sums of money. Nor is it possible any longer, by raising its rate, to increase substantially the revenues required for the more complex services that local government must now perform. In most communities the property tax cannot adequately carry the major burden of school support, as many communities still are expecting it to do.

Equalized State Aid for Schools

How can the state make sure that children of its poor communities are not denied an adequate education simply because their commu-

nity cannot pay for it? More than half the states have adopted an equalization program. It works this way: a minimum level of school support is established. By law no community may support its schools below this level. The community raises whatever a uniform, prescribed tax rate on its property will yield. If it is a poor community this will not be very much. The state makes up the difference in state aid. Thus the two contributions, the local contribution and state aid, will equalize the minimum level of school support. In a rich community the prescribed tax rate will yield all that is necessary to attain this minimum level; its state aid may be little or nothing. In practice, states provide some state aid for all communities, even rich ones, as a relief for the local property tax burden. Of course, any community may spend additional sums from its own taxes on its own schools.

What should the minimum level of school support be? It should be realistic in terms of what an adequate educational program costs today. It should be realistic in terms of community and state resources. There is nowhere at the present time any danger of the latter limit being reached. It is safe to say that the minimum all over the state should be at least what a community of average wealth in the state could raise locally from a reasonable property tax rate. Thus the state and locality together should make at least an average effort in the support of their schools, if equality of educational opportunity is to be attained throughout the state.

The total bill for public education runs around six billion dollars annually. All schools and colleges, private as well as public, spend a little over nine billion dollars annually. This includes not only the cost of operating schools, but building construction and maintenance as well. The bulk of public school support comes from state and local governments. The federal government supplies aid in support of vocational, agricultural, and home economics programs in the schools. It also contributes to school lunches and pupil health programs. The bulk of the support of private schools and colleges comes from tuition, contributions of religious sects, and income on endowment.

While the size of the private elementary and secondary school enrollment is not large, comparatively, it is important that we maintain private schools. Public schools must design their programs to meet the needs of all. There are many reasons why one might wish to select a school to meet some particular individual need. The freedom of choice that lies at the heart of a free society is as important in the

matter of being able to choose a school as it is in choosing a newspaper, church, or restaurant. The Supreme Court has held that states may enforce compulsory education laws, but they may not compel children to attend a public school if adequate private school facilities are available.

Health and Medical Care

Health services and medical care have been largely matters of private support. One of the recurrent issues of public concern during the past twenty-five years is whether government should enlarge its responsibility in this field. Among the proponents of such a move are those who claim that adequate medical care has become too expensive for the average American. In the public interest, government should undertake to equalize opportunity for medical care because the good health of even the poorest of us is of importance to all. The organized medical profession, represented by the American Medical Association, opposes government medical care. They contend that government operation of medical services would lead to "socialized medicine," debase the medical profession, reduce the quality of medical service and eliminate the freedom of choice people now have in selecting their doctors.

We spend about fifteen billion dollars a year for health and medical services. This is considerably more than we spend on education. One cause for the tremendous increase in the nation's medical bill is the progress that has occurred in medical science during the past fifty years. Standards of medical care have improved. Hospitals are better staffed and their staffs are better trained. Medical techniques have increased in effectiveness and complexity. New drugs have greatly reduced the ravages of disease. All of these improvements result in higher costs in the short run, although they reduce the long term cost of illness.

Some people need to spend very little on health and medical care. For other people the burden may be excessive. This unevenness of the medical burden creates one of the principal problems associated with health and medical care. A variety of arrangements have been devised to prevent peaks in the cost of medical care of the average family. Voluntary health insurance is one of the most significant of these. Nearly 60 per cent of the population of the United States has some form of voluntary insurance protection against hospital or medical

costs. Among major health insurance companies are the Blue Cross Plan for hospital care and the Blue Shield Plan for the bills of physicians. Both of them are approved by the American Hospital Association and the American Medical Association.

Some other plans have no direct affiliation with the medical profession. These include the Health Insurance Plan of Greater New



Chest X-rays make possible the early detection of tuberculosis. Early detection helps to check the spread of this most prevalent of the serious communicable diseases.

Courtesy, Chamber of Commerce, Jacksonville, Florida

York, the Group Health Association of Washington, D.C., and the Group Health Cooperative of Puget Sound. They are regional or local. Their premiums are higher and their services are greater than those furnished by the Blue Cross and Blue Shield plans. They come closer to overall medical protection in return for a stated regular fee. General insurance companies also provide health policies that serve the same purpose, with a great variety of benefit provisions available. Some unions maintain health programs for their members.

When you are not protected by health insurance, you must pay for any illness out of your current income or savings. You pay on the traditional basis of fee for service rendered. You pay whatever your hospital and your doctor charge you—unless your income is so low that you are classed as a charity patient treated at a nominal charge or no charge at all. You pay, that is, unless you choose to overlook your doctor bill—pay food and rent but let the doctor wait. This sometimes happens. The result is that the standard fee that the doctor asks must include an amount to cover charity work and uncollectable or overdue accounts.

Critics of our present system have made a number of proposals for

government action. These proposals range all the way from compulsory health insurance to government medical service similar to the socialized medical program of Great Britain. None of the solutions proposed thus far has received enough support for enactment into law. If the medical profession were better organized to handle public service problems, it might find a solution without government intervention of one kind or other.

Traditionally, government activities in medicine have been limited to public health programs. All the states maintain such programs, though expenditures for this purpose vary between $33 per capita in New York during fiscal 1956, and $16 in Arkansas during the same period. Public health programs are concerned principally with the control of contagious diseases, including tuberculosis and the venereal diseases, and with maternal health, crippled children, and rehabilitation of the disabled. The federal government helps support state and local health activities through grants-in-aid to the states.



The Department of Health, Education, and Welfare tests and licenses drugs and sponsors research dealing with major medical problems.

Courtesy, National Institutes of Health

The federal government's principal direct undertaking in the field of health is the veterans' medical care program. More than 150 veterans' hospitals cost over $400,000,000 a year to operate. They are staffed by a corps of 120,000 full-time employees, including 4000 doctors, 900 dentists, and nearly 14,000 nurses.

While the question of the government's role in medical care is still controversial, it is well settled that government should guarantee the minimum conditions of sanitation. In particular, sanitary disposal of waste materials is a responsibility of local governments. Localities provide sewer systems and sewage treatment plants, garbage collection and disposal, and waste collection. We have come some distance since medieval times when burghers threw the contents of their chamber pots out the window.

Some epidemic or contagious diseases can be controlled more effectively on the state or federal than the local level. In an age of rapid and widely used mass transportation throughout the entire country, this is true of an increasing number of health problems. Having achieved the minimum essentials of sanitation, having learned how to prevent and control many epidemic diseases, our people now face the question of whether they have gone as far as they can go in using government to serve their health needs.

Providing for the Needy

Charity was a purely private matter for many years. When it became a government responsibility, it was at first handled on a strictly local basis. The traditional poorhouse was a county home, operated for the aged and indigent by the board of county commissioners. In addition, "poor assistance" was meted out by town and city governments to widowed mothers, to orphans, and to the aged.

A sizeable proportion of the welfare budget is still derived from private donations. Charitable contributions by individuals and corporations run just under two billion dollars a year. These gifts are to churches, colleges, universities, community chests, national health and welfare organizations, and other organized charities. Donations by individual citizens are declining, while government expenditures for welfare and allied purposes have been increasing steadily. Total expenditures for welfare, public and private, are impressive—more than twenty billion dollars in 1958, which is more than twice as much as is spent on education of all kinds. However, more than a third of this amount is not really charity. It is for social insurance, pension funds, and the like.

The federal government entered the welfare picture in a big way during the depression of the 1930's. At that time many people were practically penniless. The bank crash that came with the depression wiped out savings accumulated during the prosperous twenties. Government had to do something—and it did. It organized four types of public assistance programs: old-age assistance, aid to dependent children, aid to the blind, and general assistance. Aid to the totally disabled was added subsequently.

General assistance, or relief, originally accounted for the largest share of expenditures in public assistance. It is intended for cases not covered by the special assistance programs. As prosperity returned and most persons were able to find work, general assistance declined

sharply. The special assistance programs are administered by the states with the federal government contributing about 45 per cent of the costs. General assistance is now entirely state supported.

The most striking development in charity, besides the decline in private giving, has been the gradual elimination of the poorhouse or county home. This once prevalent and forbidding institution required needy individuals to give up their liberties if they were to live. They had to move into the institution and remain there for the rest of their lives. Now a poor person receives his dole without going "over the hill to the poorhouse" or having to adopt any garb or badge of indigence. Moreover, public assistance no longer depends upon political affiliation, as it formerly did. Professionally trained social workers, and not the local political machine, now make investigations of need. They arrive at their decisions on the basis of carefully prepared standards written into law. Assistance is automatic and regular when a need for it clearly exists. Relief is no longer traded for votes.

Social security legislation was enacted in 1935 to provide retirement income for persons when they had reached sixty-five years of age and had retired from gainful employment. Its principle is to tax workers and their employers during the working years, and lay aside this money as a nest egg for old age. Actually, however, the building up of a reserve fund was delayed until 1954 when Congress sharply increased the rate of contribution. Old Age and Survivors Insurance now provides not only retirement benefits but, in case of death, pays benefits to widows and minor children of insured workers. Under revisions and extensions of the Social Security Act, more than sixty million people are now covered. More than seven million persons over sixty-five years of age now receive OASI retirement incomes.

Workmen's compensation and unemployment insurance are other governmental programs intended to even out the hardship of unexpected disability and layoffs. Retirement systems for policemen, firemen, and teachers have been initiated by state and local governments and supplement the Social Security System. Federal, state, and local governments also provide programs of vocational rehabilitation, child welfare, institutional care for children and school lunch programs. The Veterans Administration is the largest of all health and welfare organizations. Veterans and their wives, children, and other dependents total roughly eighty million, nearly half our population. All are eligible for benefits through the Veterans Administra-

tion. These benefits, which vary with the status of the person involved, include pension and disability payments, readjustment allowances, vocational rehabilitation, insurance, and educational benefits. The amount and cost of these services is expected to increase as veterans and their dependents grow older and need more assistance.

In addition to public and private welfare programs, many indus-

OASI TAX RATES

Years	Paid by			Self-employed
	Employee	Employer	Total	
1959	2½%	2½%	5%	3¾%
1960–62	3	3	6	4½
1963–65	3½	3½	7	5¼
1966–68	4	4	8	6
1969 on	4½	4½	9	6¾

SAMPLE OASI BENEFITS

Average Monthly Earnings	Monthly Benefits	
	Single Person	Couple at 65
$ 50.00	$ 33.00	$ 49.50
100.00	59.00	88.50
200.00	84.00	126.00
300.00	105.00	157.50
400.00	127.50	190.50

tries have their own health, welfare, and pension plans. These are financed by the employer alone or jointly by employer and employee contributions. They supplement social security and other government welfare programs.

Government's Role in Housing

Providing a place to live was looked upon as a purely private matter as recently as twenty-five years ago. But the realization of the tragic consequences of slum living gradually began to wake people up to the high social cost of poor housing.

Slums are costly in health. The incidence of tuberculosis and pneumonia, for example, has been known to run three to six times as high in slums as in other sections of cities. Slums are costly in taxes. Because the incidence of crime and fire in slum areas is far above average, more policemen and firemen are required in slum areas and in sections bordering upon them, than in other parts of cities. These services cost money, yet the slum returns only a small share of their cost in taxes, because of depressed real estate values. Slums are costly in human resources. Slums are breeding grounds for crime and criminals. The disturbing influences and the economic disadvantages suf-

fered by persons living in slum areas deny them chances for advancement available to those who live in better sections of the community.

On the theory that slum dwellers are not responsible for creating slums, the government has tried in recent years to give them an opportunity for better housing. It does this chiefly by making low-cost, long-term housing loans available.

Banks normally cannot be liberal in lending money to build houses. A bank is in business to make profits. It must be careful to maintain a prudent margin of safety between the amount of the mortgage and the market value of the house. A local business slump in the community where the bank operates might throw a lot of people out of work. Hence payments on many mortgages would stop simultaneously—at least for a while—and the bank could not dispose of all the houses involved, except at a loss. So the usual practice is to lend only a half or two-thirds of the value of the house. This means that the prospective home builder or buyer must have sufficient resources to pay for the rest out of savings.

The mortgage guarantee activities of the federal government are spread over many communities. Risks are thus better balanced. Even if mortgagees in a few communities default, the bulk of funds lent to home buyers all over the country is, as a whole, perfectly safe, as long as business conditions throughout the country generally are good. That is why the Federal Housing Administration has been able to guarantee mortgages amounting to as much as 90 per cent of the cost of a new house. In the case of veterans, even the 10 per cent down payment is waived and guaranteed by the Veterans Administration.

So, with relatively modest savings to start with, a person can afford to own his home. A steady, adequate income from a job or other sources is all that is needed to guarantee that most people throughout the country will eventually be able to pay off the mortgages on the houses they buy, if they are allowed to pay in regular installments. Most people will make such payments conscientiously even if they have not made a large down payment. More than a billion dollars a month is spent in the United States for places to live. Government guarantee of loans has stimulated house building and home ownership among citizens with limited financial resources.

Government mortgage insurance has not taken business from the banks, for without such a guarantee the banks would not have engaged in lending on so liberal a basis. Banks and other mortgage

lenders have been stimulated by the building activities made possible by the government. The government has also aided banks through establishing the Federal Deposit Insurance Corporation, which guarantees deposits up to $10,000 per depositor in banks and the Federal National Mortgage Association which performs the same service for savings and loan associations. Small savers have thus been encouraged to deposit their funds and have used these funds as down payments for house building, house improvement, or other purchases which stimulate the economy.

Government mortgage insurance has certainly stimulated the private building industry. Among the most spectacular examples are Levittown on Long Island, Levittown in Pennsylvania on the Delaware River, and Parkwood in Houston, Texas. These are communities of many thousands of people, built after World War II on land that was formerly open country. New construction methods, coupled with lending policies that make home financing possible for the average person, have enabled the building industry to construct houses by the block rather than one by one.

Mass production methods have been widely used in slum clearance projects in cities. Unfortunately, much slum clearance housing in this country is unattractive and poorly planned. An unimaginative plain brick façade, monotonously repeated, is too often typical. Some projects fail to provide necessary schools, theaters, stores, and public buildings near new mass housing. As can be seen in many low-cost housing projects abroad, particularly in Germany, Brazil, and Sweden, variation, simple decoration, and functional design, as well as properly planned public facilities, can greatly improve the appearance and functional usefulness of mass housing.

Difficulties in the Building Industry

The local governments in many areas hinder progress in building activities through outdated building codes. A builder must have a permit to put up a new building or to make a substantial modification in an old one. To get the permit, his construction methods must comply with the local building code, which embodies the rules of safe construction acceptable at the time the code was written. Waste pipes have to be a prescribed diameter in relation to the size of the pipes feeding into them. Walls must be a certain thickness in relation to the height of the building. Materials of proper density and weight must

be incorporated in the construction of all stress-bearing walls. Smokestacks must be of a minimum size. Particular kinds of brick may be specified.

If a new kind of building material comes on the market, builders may not be able to use it, even though it is cheaper and easier to use, because the building code does not specify it. For example, walls no longer support many modern buildings. A steel and concrete skeleton does. Yet the building code may still require that all walls be thick enough to support the building. It is easy to see how codes which are several decades old restrict the use of new methods and materials, and cause building to be much more expensive than it need otherwise be.

Why do cities keep outdated codes? Powerful craft unions see to it, in many instances. There are carpenters, cabinetmakers, structural steel workers, riveters, electricians, sheet metal workers, ornamental iron workers, masons, steam fitters, plumbers, painters, plasterers, paper hangers, cement workers, and many other craftsmen engaged in the construction of a building in the typical city. Each of these unions jealously guards the work of its members and resists labor-saving devices. Carpenters and plasterers object to prefabricated walls. Electricians oppose new inventions that simplify the wiring of a building. There is a new type of plastic pipe that will not corrode, rust, or burst, yet it can be cut, spliced, and laid with a minimum of skill. The plumbers' union fights its inclusion in building codes for fear that plumbers may lose work. Since the writing of legislation governing the construction industry is a complex and specialized task, members of the building trade unions must usually be consulted. If they oppose modification of the building code, little can be done.

Obsolete building codes are not the only reason for waste and inefficiency and resulting high costs. With better organization, many construction jobs could be completed much faster than at present, with fewer workers and more machines. Nowadays, most general contractors or builders subcontract with mason contractors, plumbing contractors, excavation contractors, and the like, to do a particular part of the work. But the working schedules of these subcontractors often do not dovetail. The brick masons putting up a chimney must wait for the carpenter to come to cut a hole in the roof. Later the masons must wait again for the sheet metal workers to place the metal flashing between the chimney and the roof. Some union rules further

hamper the efficient use of labor. For example, a plumbing contractor must be a master plumber, yet he cannot do any plumbing himself. He must employ at least one journeyman plumber and one apprentice plumber. If there is too much work for the journeyman and the apprentice, the contractor may not do the extra work himself but must hire another man. Practices such as these account in part for the high cost of building and help to explain why America is still poorly housed, even though we are enjoying the highest levels of prosperity in our history.

GOVERNMENT PROMOTION OF ECONOMIC INTERESTS

Promotion of economic interests has been a traditional role of government in this country. By land grants to railroads the federal government encouraged the construction of a rail network across the country during the nineteenth century. Both state and federal governments stimulated rail, dam, bridge, and highway construction through direct building operations and in some instances, by purchase of stock in private companies. Government helped manufacturers during the nineteenth century, and still does. By means of tariffs it protects many products from lower-cost goods imported from abroad. Farmers at first complained that tariffs hurt them, but they were willing to accept tariff protection for themselves at a later date to keep cheap foreign cotton, peanuts, and beef from domestic markets. By its silver purchases, government has benefited the five principal silver-producing states. By building roads and paving streets, state and local governments have aided the automobile industry. By farm price supports, the federal government has helped crop farmers. By its labor legislation, the government put unions into a position to secure wage increases through collective bargaining. And so it goes. Now one economic group is benefited, now another. In the long run the whole society tends to grow more prosperous as government presides over the slicing of the economic pie.

The federal government has, of course, the greatest power over the economy, since its activities cover the entire country. But state and local governments also play an important part. In fact, there is a marvelous interrelationship of functions among the various segments of our economy that results in a system of high productivity and wide distribution of benefits. It is not free enterprise alone, nor small busi-

ness, nor big business, nor government, nor local initiative, nor any particular group that is responsible for our high level of prosperity. It is the interaction of all of these that is responsible.

By 1965, if our productivity continues at a little less than the average rate of increase since the end of World War II, we will have a national income of more than $500,000,000,000. This income is distributed more widely now than ever before. Each year a million more people cross the $4000 annual income line. That means they can afford to buy luxury items such as automobiles, refrigerators, washing machines, and air conditioners.

Government, Labor, and Management

Over the past several decades organized labor has secured for itself a larger slice of the economic pie than ever before, despite the consistent and continued resistance of management. Yet in the long run business itself has benefited from labor's gains in ways that neither management nor labor could foresee. The increased cost of labor has stimulated industry to develop more labor-saving machines and procedures, thus increasing productivity. More money in the workers' pockets, because of higher wages, has increased purchasing power, thus lifting our total economy to higher levels of prosperity through increased production and consumption. Greater earnings have increased the government's share taken in taxes. Tax revenues make possible additional government services which further stimulate the economy.

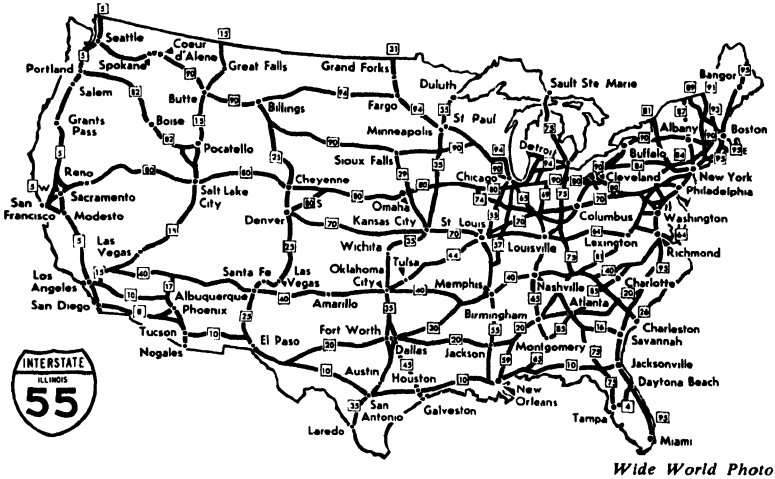
Government has taken an active part in the struggle between labor and management. The National Labor Relations Act of 1935 placed the bargaining power of labor on at least an equal footing. Previously, employers held most of the trump cards. Government has also served the two groups as referee. The United States Conciliation Service, the National Mediation Board, and the appointment of "fact-finding" boards in labor-management disputes have facilitated labor-management negotiations.

Stimulating the Economy Through Road Building

When automobiles first appeared about sixty years ago, roads were thoroughly inadequate. They had been carved out, for the most part, by the horse-drawn traffic that crawled over them. New types of road surfaces were needed that would withstand power applied directly to the wheel.

As the automobile grew in popularity, local, state, and federal governments began to build roads. At first, the existing roads were merely given an all-weather surface. This meant laying better surfaces upon existing road beds while maintaining the same curves and grades. Some of these road beds bent over hills in hairpin turns and steep grades. Such curves became "dead man's curves" because the increasing speed of the automobile made them hazardous.

THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS



Wide World Photo

Over 40,000 miles of superhighways will crisscross the nation when the projected Interstate Expressway System is completed. Construction is estimated to cost $50 billion. Nine-tenths of the cost will be met by grants-in-aid to the states from the federal government.

A million miles of roads were built in this casual fashion, mostly by state and local governments, though the federal government paid for some. Between 1920 and 1952, seventy billion dollars was spent by local, state, and federal governments on road construction. The money came mostly from a special gasoline tax. This is a very fair tax because those who pay it benefit from the roads built with the money.

It would be hard to name all the segments of our economy that have benefited by government activities in road building. Without good roads, modern high-powered automobiles would be impractical. They would not be a mass production and mass consumption item. The auto industry, which is capable of manufacturing seven million cars a year, would not furnish jobs for several hundred thousand workers. The auto industry helps support the steel industry, the glass

industry, the plastic and chemical industries, and the manufacturers of auto parts. It keeps the oil and tire industries busy. It helps make money for hundreds of thousands of stockholders and millions of workers in all of these industries. But the automobile industry would be impossible without roads built by government.

From 1952 to the present time, the cost of road construction has jumped from just under three billion dollars a year to well over six billion dollars. For a time, at the end of the second World War, it was popular to build toll roads to ease the congestion on ordinary highways. The attractiveness and profitability of the original toll road, the Pennsylvania Turnpike, was a stimulant. Toll roads were built in nine more states, all without the aid of federal government funds.

Yet the program was not enough. The number of vehicles travelling our highways increased faster than the road system. What was called for was a national system of limited access toll-free highways. In 1956 Congress authorized the construction of such a new Interstate Expressway System, a network of 40,000 miles of limited access roads covering the entire country. You enter and leave these roads at special entrances and exits. There are no crossings, no traffic lights. Cars can travel at high speeds with comparative safety.

To build a limited access highway costs three times more per mile than a standard highway. The right-of-way, the many bridges, the two traffic strips separated by a dividing strip, are costly features. The total cost of the new highway system will exceed sixty billion dollars by the time construction is finished in 1966. Nine-tenths of the total cost will have been paid by the national government through grants-in-aid to the states.

Conservation and the Economy

Conservation protects public resources from the few who would like to make a lot of money by using them up quickly. Unchecked, some lumber companies would denude a stand of lumber and destroy its tree-bearing capacity for many years to come. In the scramble to pump the most oil out of the ground, an oilfield may be agitated, mixing the oil with salt water and ruining the field. Some companies behave this way because they are concerned with profits in the present rather than operations in the future. Other companies have, of course, developed practices consistent with conservation. But it is easier for government to take the interests of the nation as a whole into consid-

eration, unborn generations as well as those living now. Government is the principal agency serving the cause of conservation in this country, although there are many voluntary groups and organizations that perform valuable services in this field. Sometimes their greatest service lies in pressuring government to undertake new conservation measures.

The post of Federal Commissioner of Fish and Fisheries was created as early as 1871. The American Forestry Association was organized in 1875. The Department of Agriculture established the first national forest preserve in 1891. During the administration of Theodore Roosevelt, millions of acres of the public domain were placed in national forests. A National Conservation Commission was appointed to study conservation needs of the country. As a result a number of conservation agencies were organized to deal with various facets of the conservation problem. Most conservation agencies of the federal government are in the Department of the Interior. The Bureau of Mines, the Geological Survey, the Bureau of Reclamation, the Federal Petroleum Board the Bureau of Land Management, the National Park Service, and the Fish and Wild Life Service are all more or less concerned with conservation.

But more than the official acts of government agencies, conservation is a way of life. Particularly, conservation is a way of conducting the business of the country so that resources are not depleted faster than they are replaced, or that resources that cannot be replaced are not wasted. This applies to the use of water and minerals, the cutting of forests, the grazing of grasslands, fishing, hunting, and the like. The turning point in our attitude towards utilization of natural resources came about 1940. Before that time we had an exportable surplus of minerals, timber, and various other natural resources. Since 1940 we have had to import widely to satisfy our needs. From now on we must manage what we have with ever increasing care.

We have been guilty of extravagance in the past. Many of the best grades of our raw materials are nearly gone. Still, we are rich in many of the basic raw materials that we need in industry, especially iron and aluminum. Petroleum, copper, lead, and zinc are likely to be scarce in the future because our economy needs large quantities of these. Deficiencies of nickel, cobalt, columbium, tantalum, tungsten, molybdenum, and vanadium—additives that are alloyed with steel, a fundamental material in our technology—may also cause us

some concern in the future. We can obtain these minerals from foreign sources in various parts of the world, as long as peace prevails. Thus, if we are to maintain the kind of life we enjoy, we must work for international peace.

The problem of adequate water supplies is becoming steadily more acute. We use about eighty billion gallons of water a day throughout the country, most of it for industrial purposes. It comes from streams, lakes, and underground sources. Where streams are too small for the increasing water needs of a city or industry, or underground sources are gradually being drained out faster than they fill up, there is trouble ahead. This is happening in many sections of the country. On the eastern seaboard, for example, water-bearing sands are being drained of fresh water. Normally water slowly flows into them from the western highlands. As the fresh water level sinks, salt water from the sea to the east seeps in to fill the vacancy. Once these sands become salty they will be forever destroyed as a source of fresh water for human use.

Our water needs may more than double during the next twenty or thirty years. Almost all of this increase will go to industries. The time may be close when our use of water must be regulated on a national scale by the federal government. At present, water use is largely a state or local matter. Most waterworks are municipal facilities. Some states have to regulate the utilization of water on a state-wide basis. But the problem of securing adequate water supplies frequently does not stop at state lines. Los Angeles must seek water from the Colorado River separating California and Arizona. New York City must go to the headwaters of the Delaware River, which serves New Jersey, Pennsylvania, and Delaware as well.

We have not used our soil with very great foresight, either. Originally half of the 1.9 billion acres of the United States was forest land. Of the remainder, three-quarters was grassland. Four hundred years later, much of the grassland has been plowed for crops. Some has been overgrazed. In some parts of the West as much as 50 per cent of the range land is seriously eroded because the grass cover has been destroyed. Forest lands, too, have been used wastefully, to our sorrow. Reforestation has not kept pace with timber cutting.

Much of the land used for grazing and farming is marginal and should be retired. Often it is land that has been wastefully cultivated without fertilization until the nitrogens and other minerals are ex-



U.S.D.A. Photo

This once fertile land has become useless. Erosion of top soil, dust storms, and water shortages are the penalties for wasteful land use and lack of conservation practices.

hausted. Then the land becomes marginal—so poor that only a bare subsistence can be gained from farming it. Much land in the South was exhausted during the nineteenth century. When soil would no longer grow a good cotton crop, new land was cleared and cultivated. The old land, left fallow, often began to erode.

The government's Soil Conservation Service has led to the retirement of much marginal farm land. During the thirties, the government began to pay farmers *not* to plant crops on portions of their acreage. The payments compensated the farmer for the loss occasioned by keeping part of his land out of cultivation.

Government Aid to Agriculture

The county agent, paid from state and federal funds, is perhaps the most familiar government official serving the farmer. Assigned to



U.S.D.A. Photo

Contour plowing and strip cropping eliminate soil erosion and help to improve land fertility. Government agricultural services help farmers plan the most efficient use of their lands.

a particular county, he keeps the farmers in his county informed of new developments in agriculture and animal husbandry. He conducts demonstrations and encourages farmers to experiment with new varieties of plants. Practically every county in the United States that has farm acreage has a county agent. He works closely with state agricultural colleges and with the United States Department of Agriculture to improve farming techniques in his county.

Government aid to agricultural research through grants to state agricultural colleges has helped increase the productivity of the land and develop new species and varieties of plants and animals. State departments of agriculture and the United States Department of Agriculture maintain agricultural experiment stations. The United States Department of Agriculture has a crew of men exploring the world for

plants and animals that may prove useful to American farmers. A rust-resistant strain of wheat, a larger blueberry, a cold-climate watermelon, and cattle with sweat glands are among the prizes they have brought back. Crossed with existing strains in this country, these and many other exotic imports have improved yield, eliminated diseases, or made new cash crops possible in many sections of the country.

Increasing productivity of farms has led to the troublesome problem of overproduction. When supply outruns demand, prices go down. When the price that the farmer receives for his product drops below a certain point, he loses money. The manager of a factory can shut down when demand for his product decreases and prices drop dangerously. The farmer cannot shut his factory down. He plants his seeds in the spring. He does not know how demand and supply will tally and what his income will be until the fall. His manufacturing cycle is long-term and cannot be interrupted once it has started.

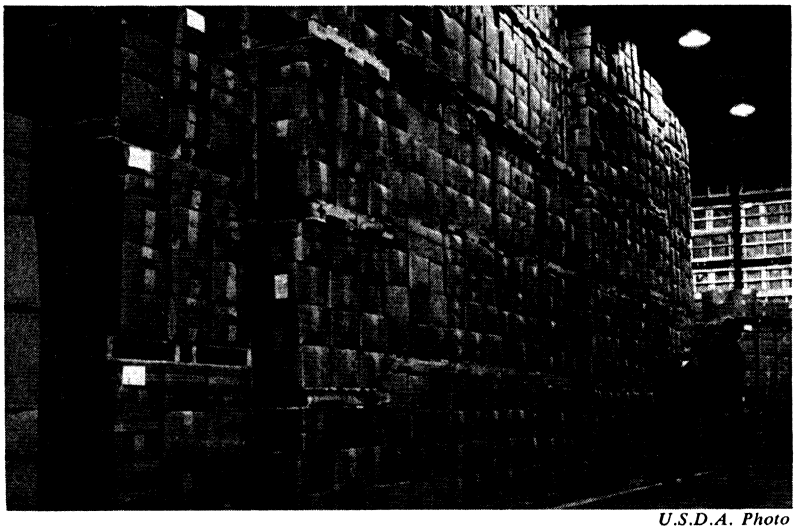
During the 1920's the farmer got caught in this cycle. Farm prices plunged downward; large surpluses accumulated; farm mortgages were foreclosed. Almost every segment of the economy was prospering except agriculture. The farm bloc in Congress argued that the farmers were not receiving their fair share of the national income. The bloc was composed of senators and representatives from the farming states who, regardless of party, supported legislation favoring farmers. Legislation was passed to stimulate the export of farm surpluses. But other countries had surpluses of their own. Foreign markets dried up.

The Agricultural Adjustment Act of 1933 brought sweeping changes and set the pattern of farm price supports that remains to this day. The purpose of AAA was to secure for farmers prices for their products that would be fair in relation to the prices farmers have to pay for what they buy. It worked by controlling the supply of farm products in two ways. When the supply got so great that the price fell dangerously low, the government bought up and stored the surpluses. The government also entered into contracts with farmers to restrict their acreage so that there would be no oversupply. Farmers who cooperated received benefit payments to compensate them for the money lost through restricting their crops.

The period of August, 1909 to July, 1914 was chosen as representing a period of fair relationship between prices of farm and nonfarm products. The price relationship at that time was called the *par-*

ity level. At one time, farmers who agreed to restrict their acreage received the full difference between parity and the actual market price of crops covered by the program. New regulations permit the Secretary of Agriculture, within limits, to compensate the farmer for only a percentage of the difference.

Surpluses which accumulate despite acreage control are stored by farmers in government warehouses. The farmer receives a loan from the Commodity Credit Corporation on the crop so stored. The



U.S.D.A. Photo

Farm surpluses pose a serious problem which has defied solution thus far. Here surplus butter is stored in a government warehouse. Sale of the surplus would depress butter prices below the price guaranteed to the farmer.

system applies to wheat, cotton, corn, peanuts, rice, tobacco, mohair, tung nuts, wool, milk products, barley, beans, oats, rye, flaxseed, honey, sorghum grain, soybeans, cottonseed, and crude pine gum.

Though controversial, the principle of farm price support seems to be here to stay. Under the price support system, the consumer and the taxpayer foot the bill to keep the farm economy stable. Certainly the city dweller is not benefited by having to pay higher prices for what he eats. As surpluses mount in government warehouses, the question of what to do with them becomes acute. Modifications in the farm price support policy that would allow prices to find their own level, eliminate piling up surpluses, but maintain farm income

through direct payments, have been proposed. But all such proposals have thus far been turned down by Congress.

Other federal agencies aid agriculture largely through making loans. The Farm Credit Administration grants credits to build new buildings, make repairs, or improve the soil. The Rural Electrification Administration provides loans for rural power extension and for rural telephone service. The Farmers Home Administration makes it easy for farmers to get loans to build and improve their homes. The Soil Conservation Service works with farmers in improving their land through terracing, rotation, cover planting, and retiring marginal land.

Government Promotion of the Consumer's Interest

Everyone is a consumer. You would think that everyone would look out for his interests as a consumer, which lie in securing the best quality of goods and services at the lowest possible price. But people in this country do not generally organize to promote consumer interests. They tend to organize as producers only. The consumers cooperative movement, which has flourished in Finland, Sweden, and Switzerland, has played only a minor economic role in the United States. Consumers Research and Consumers Union make commodity tests and publish results in their own periodicals to which consumers may subscribe. Better business bureaus guard against unethical business practices that victimize the consumer. Some women's organizations are influential in promoting the consumer's interest.

But it is the federal government that has been most effective in protecting the consumer from the grossest forms of exploitation. Widespread adulteration of foods and uncontrolled distribution of drugs and patent medicines had stirred up public sentiment for some kind of regulation. The Pure Food and Drug Act of 1906 forbade the misbranding of foods and drugs. It required that drugs must not be adulterated, and that their ingredients be stated on the label. Administration of the act, since extended and improved, is in the hands of the Food and Drug Administration in the United States Department of Agriculture. The Food and Drug Administration also tests serums, toxins, and vaccines, and licenses their manufacturers.

Testing services of the National Bureau of Standards and regulatory actions of the Federal Trade Commission are other federal services which aid consumers. Various consumers' councils and consum-

ers' advisory boards have also been set up within the government from time to time to represent consumer interests. There has even been some agitation for a Department of the Consumer in the Cabinet to balance the interests of labor, business, agriculture, education, and welfare. But while other segments of the economy are actively furthering their interests, the consumer rarely acts, except in response to an emergency.

It was an accident that brought about passage of the 1938 Food, Drug, and Cosmetic Act, a long-needed improvement in the act of 1906. Through one delaying tactic after another, producer groups had managed for five years to keep Congress from enacting a new law further regulating false claims, misbranding, and adulteration. Such a law was obviously in the public interest, but various groups objected to particular provisions which they considered unfavorable. Consequently one amendment after another, one committee session after another, delayed the bill's passage. When nearly a hundred persons died from taking a new drug called elixir sulfanilamide, the public clamor that arose because of this disaster provided the pressure to pass the bill. Had consumers pushed the legislation more vigorously before, the disaster might have been avoided.

QUESTIONS FOR DISCUSSION

1. What government services could be provided more efficiently and satisfactorily on a private enterprise basis? What private enterprises would be preferable as public ventures on a local, state, or national level?

2. What are your views on public power versus private power?

3. If we did not have a system of public schools, would many people be denied the right to develop their capacities fully?

4. Which argument do you prefer, and why? (a) Government erred when it began to provide more services at increased costs to the taxpayers. (b) Government should extend its services when there are real needs which private enterprise does not fill. Is there a middle ground?

5. How does a program of "equalized" state aid, as described in the text, implement a policy of equality of opportunity? How can you find out whether the program of aid in your state is equalized?

6. What should be the minimum dollar school expenditure per year per child, excluding buildings and bus service? Can you justify your estimate?

7. Should medical care be provided on a private, public, or mixed basis?

8. In what way does the unevenness of the medical expense burden raise the issue of equalization of opportunity?

9. Is it fair that veterans and their dependents enjoy health, medical, insurance, pension, and educational benefits that are not available to nonveterans and their families? Why have veterans received such preferred status?

10. Is it true that a person who does not have a decent home usually is not to blame for this handicap?

11. If levels of productivity continue to increase, with a more even distribution of national income among all, do you foresee a time when the number and variety of government services can be reduced because people can afford to buy their own education, insurance benefits, health protection, etc.?

12. What arguments can you give for and against federal regulation of water supplies?

13. What policy issues confront the federal government today in the realm of conservation?

14. Do you think that the use of tax money for government price support of farm products is proper? Is the argument valid that the city dweller pays twice for farm price supports—once in taxes and once in the higher prices he pays for what he eats? What

would be the alternative to government price supports and acreage controls?

15. Do you agree that most persons are more interested in organizing to raise their wages than in organizing to lower prices? How about you? Is there any difference either way?

16. What means would you propose to get consumer interests better represented in public policy making?

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Chapter 14

Government as Referee

Government performs two principal regulatory functions. One of them is "busting the powerful." In a free society no single element should become too strong. With the powers of government deliberately restricted, power might easily concentrate unduly somewhere else—in the hands of big business interests, banking and investment interests, labor interests, or even criminal interests. Indeed, occasionally concentrations in the hands of such interests have occurred. Government has in time usually managed to crack down on the offender. Government also equalizes the powers of contending groups. It sees to it that antagonists are well matched so that competitors will be forced to cooperate.

The other major regulatory function finds government as a coordinator of the various interdependent interests, actions, and agencies in our society, to assure smooth interrelationships. For action by one group may have serious consequences for another. For instance, if farmers raise fewer hogs, there will be less pork on the city dweller's table and the price will be higher. If buying on the installment plan becomes too easy, the debt burden will get too large and inflation may force the general price level up. If government raises postal rates, businesses that depend heavily upon advertising and selling through the mails may have to raise prices. If they operate on a narrow profit margin, they may be forced out of business. Magazines and newspapers will also suffer because they are subsidized by low postal rates on reading matter.

We shall examine first how government regulates powerful interests in the economy. Government in this case is usually the federal government. After that we shall look at coordinating and planning by government. Here it is not only the federal government, but particularly state and local government and various regional agencies of government that we shall see in action. Though we examine these two functions separately, we should remember that one shades into the

other; it is impossible for government to discharge one function without also to some extent discharging the other.

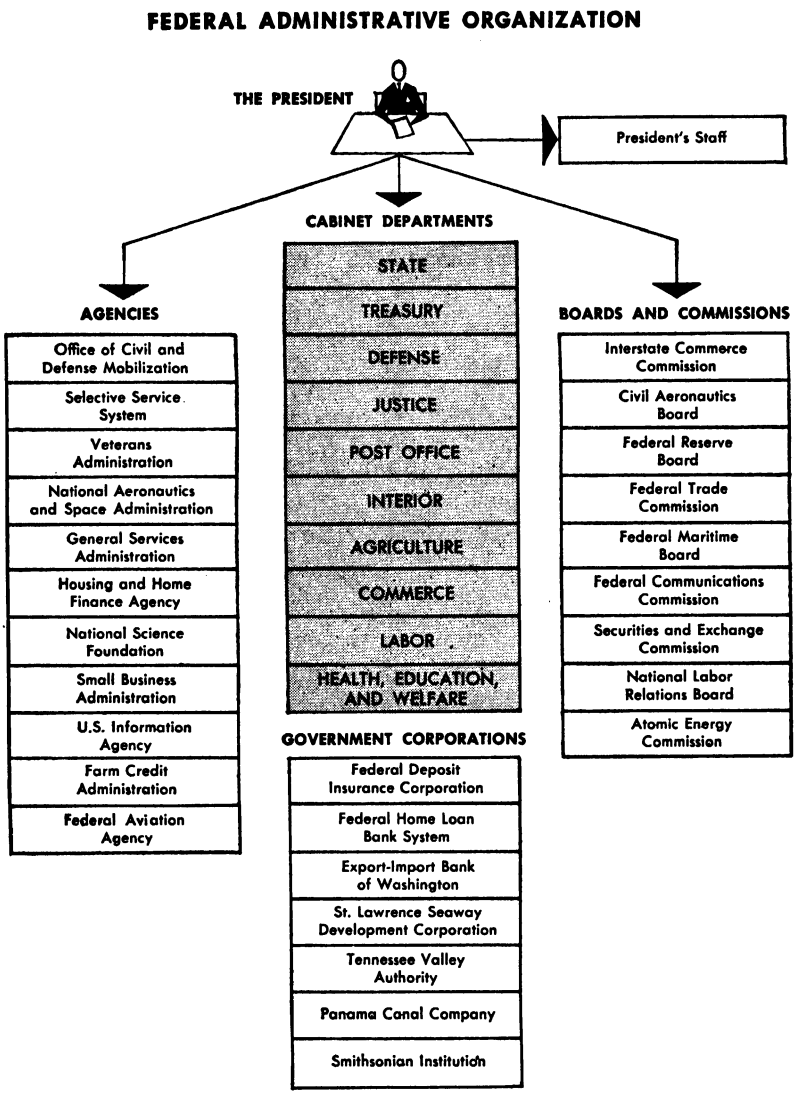
GOVERNMENT REGULATION OF BUSINESS

The idea of government regulation is as old as the Constitution. Indeed, within the structure of that document are contained all the regulatory powers that have subsequently been expressed in more detailed laws. Though many of the Founding Fathers feared the excessive power that might become lodged in private business and financial interests, no major problem of power concentration arose in the early days.

The chief role government played during the nineteenth century was to promote the westward expansion of the country. It was a physical expansion, accompanied by growth of technology and of manufacturing enterprises. Encouragement, rather than restriction or regulation, appeared to be the proper policy during this period. But from time to time, there were requests for regulation even then. Jefferson, Jackson, and, in the seventies, the voice of the Granger movement called for restraints on the nearly complete freedom which business and industry exercised in matters affecting the destiny of the entire country. Thus began the move toward regulation. At every turn it has been a hotly fought issue—not regulation itself, but how much and on what.

On the whole, government probably could do nothing quite so acceptable to businessmen as leaving business alone. Businessmen whose activities are restrained by the government ordinarily resent these curbs. They talk about how much better things would be if the government would leave them alone. Electric power interests, for example, object to government interference in electric rate making and to government competition in the form of public power. But manufacturers who are customers of public power or favored by government regulation of electric rates are by no means distressed, so long as their own activities remain unregulated.

It is fairly clear that left alone, as business was during the nineteenth century, some firms and industries accumulate enormous powers over important areas of the economy. They then can dictate to the government, to the rest of the business community, and to the country at large. That is what business titans such as J. P. Morgan,



Federal agencies, deparments, boards, and corporations participate in the regulation of business.

Charles M. Schwab, the first John D. Rockefeller, Andrew W. Mellon, Andrew Carnegie, and their contemporaries did. Great wealth alone does not explain their power. There are men today whose control over wealth is as great. Rather, the influence of the early financiers was great because there were few government restraints and be-

cause business was more powerful, relative to other parts of society, than it is now.

Insuring Competition in Business

The basis of government regulation of business is the Sherman Antitrust Act of 1890. It makes illegal "every contract, combination in the form of trust . . . or conspiracy, in restraint of trade," and it forbids any monopoly or "attempt to monopolize, or combine or conspire with any other person . . . to monopolize any part of . . . trade or commerce among the several states, or with foreign nations. . . ." In prohibiting monopoly it guarantees competition. In guaranteeing competition it insures against the aggrandizement of power by any particular business or any particular firm. It keeps the adversaries in business competition more nearly equal.

Government uses the Sherman Act and its subsequent corollaries, the Clayton Act, the Robinson-Patman Act, and the Miller-Tydings Act, as the principal "rules of the game" by which it referees business competition. In the main, these rules say that when one adversary gets a predominant share of the market, his control over the market must be reduced. For when one firm controls too large a share of the market, it can throttle competition by price manipulation, absorb rival companies, and, after creating a monopoly, have things its own way. The public at large suffers then. Customers have no other firm to go to in case they are dissatisfied with price or quality of goods or services. They are compelled to accept the monopolist firm's goods on whatever terms that firm chooses to offer them.

Regulation is not concerned with mere bigness of the corporation. The size and wealth of some of the corporations in American business are greater today than ever. Seven corporations exceed two billion dollars in assets: General Motors, Standard Oil of New Jersey, U.S. Steel, Ford, General Electric, Gulf Oil, and Socony Mobil Oil. Each is considerably larger than the Standard Oil Company or the American Tobacco Company was in 1911, when the government successfully prosecuted both under the Sherman Act. It was not that they were too big as corporations. They controlled too large a share of their respective markets. They deliberately tried to get more of the business and squeeze out competition.

If one company succeeds in getting business away from another by fair means, no one can object so long as some competitors remain in

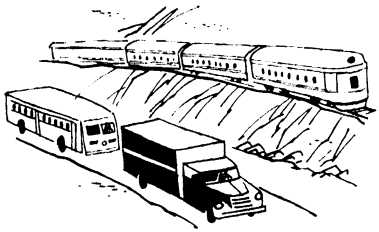
the field. The successful company may have a more efficient plant and produce the product for less money. Or it may produce a better product for the same money. This kind of competition results in increased efficiency, greater productivity, lower prices, and a wider choice of products and services. These we all enjoy. But unfair or cutthroat competition is harmful to the public as well as to the companies against which it is directed. A big company setting out to stifle all competitors can reduce prices below cost. Smaller companies will not be able to sell their products unless they lower prices too, and if they do, they will lose money and go bankrupt. The big company can afford to play this game because it has larger resources. Indeed, if it operates in a large area, it can raise prices in sections where it has no competition to make up for losses it incurs where it is carrying on a price war. While price wars and price cutting may be a legitimate part of the competitive business picture, they are harmful and should be prohibited when the sole purpose is to secure a monopoly of business for one company.

The Federal Trade Commission

Who decides what is fair and what is not? The court does when an injured party brings a case to court, or when the government sues under the Sherman Antitrust Act. But many of the cases involving business are highly technical, complex, and detailed. Points at issue are generally questions of fact, rather than points of law. These cases, requiring a high degree of technical business competence, may be submitted to an administrative commission, one of the most important innovations in government during the last century. The Federal Trade Commission, established in 1914 to regulate business competition, is an example. It receives complaints, investigates the facts, and makes rulings. Besides acting as an executive and judicial body, the commission also acts as a legislative body, for it can make certain rules that amplify the regulatory legislation passed by Congress.

Why do we permit administrative commissions to exercise legislative, executive, and judicial powers, when these powers were carefully separated in the principal branches of government? The answer lies in the difference in the task to be performed. In the making of broad policy, separation is important if we do not wish one branch of government to become omnipotent and dictatorial. But in carrying out policy in some particular field, tyranny is less of a threat. It is

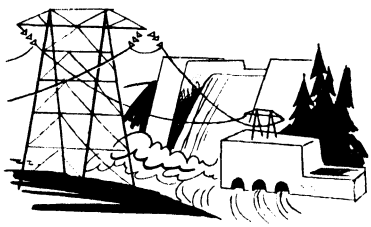
FEDERAL COMMISSIONS THAT REGULATE BUSINESS



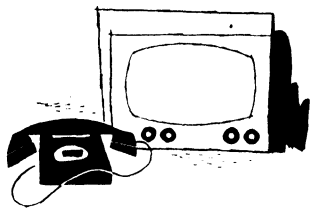
The Interstate Commerce Commission regulates the rates charged by interstate railroads, trucks and busses, and steamships on inland waters.



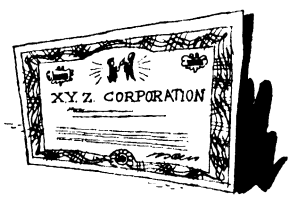
The Federal Trade Commission protects the public and honest competitors against unfair methods of competition in interstate commerce.



The Federal Power Commission regulates the rates charged for the interstate movement of gas and electricity and electricity produced by big dams.



The Federal Communications Commission regulates the rates charged for interstate telegrams and telephone calls. It assigns radio and television channels.



The Securities and Exchange Commission protects the public against false practices in buying and selling stocks and bonds in interstate commerce.



The Federal Maritime Board regulates the rates charged by American steamship companies that carry freight to and from foreign ports.

important to have an agency composed of experts, relatively independent of the political shifts in the policy-making branches of the government. While the administrative commission is powerful because it is charged with rule-making as well as prosecution of violators and adjudication, its powers are nevertheless limited. They do not extend over the whole society or economy, but only over a clearly

defined segment of it. Furthermore, the orders of administrative commissions are subject to appeal to the courts.

RAILROAD REGULATION AND THE INTERSTATE COMMERCE COMMISSION

During the early years of our country, government stimulated the development of transportation by every means possible. We recognized that transportation would play an important part in westward expansion, in holding a large country together, and making it economically great. We planned a network of canals and set about building them. The Erie Canal, still used in part, was the most successful and perhaps the most used of these canals. The building of canals was brought to a halt by the advent of the railroad.

Railroad promoters were viewed as public benefactors. Government aided railroad construction by grants of land, by temporary tax exemptions, by buying stock in railroad companies, and by construction of bridges and other installations. Federal and state governments participated in promoting transportation so that by 1869 our network of rails reached from coast to coast. At first the settlers welcomed railroads and hailed them as harbingers of civilization. But before long farmers in the Middle West began to complain that transportation cost too much. The farmers charged that excessive rail rates raised the cost of goods they bought from the city and the big bite that railroads took out of the selling price of farm products lowered farm income.

Farmer dissatisfaction with railroad management during the seventies spearheaded the development of the Granger movement. This was a pressure group of farmers, directed specifically at bringing about some form of railroad regulation. States developed their first administrative commissions to regulate the railroads. But state regulation was unsatisfactory because the bulk of railroad business consists of interstate traffic. Federal regulation was required.

During the eighties, the complaints of the farmers were supplemented by the voices of small businessmen in the East as they, too, began to feel the pinch of high rail rates. Railroads made under-cover arrangements with large manufacturers and dealers, giving them lower rates. These rates discriminated against small businesses and against certain cities and sections of the country.

After more than a decade of continuing pressure, Congress passed the Interstate Commerce Act of 1887. This act established the first federal administrative commission, the Interstate Commerce Commission, to regulate railroad freight and passenger rates. At first the authority of the ICC was extremely limited. It could not enforce its orders against railroads without obtaining a court order, and a number of its policies were reversed by the Supreme Court.

Railroad regulation did not become truly effective until the Hepburn Act of 1906 broadened the powers of the ICC. A battle of pressure groups preceded passage of the act. Shippers' groups pressed for effective regulation while the railroads launched an expensive publicity campaign to try to persuade Congress that the public was opposed to the bill. The House of Representatives had favored the measure since its first proposal by President Theodore Roosevelt. But in the Senate, conservatives of both parties fought to the last against effective regulation.

The Hepburn Act and subsequent legislation gave the ICC jurisdiction over express companies, petroleum pipe lines, buses, trucks, and other transportation facilities. The ICC was empowered to supervise the making of transportation rates and to determine what were reasonable maximum rates. Today, if a railroad wishes to raise the price of its passenger tickets for interstate travel or raise its freight rates for interstate hauling, it may not do so without the approval of the Interstate Commerce Commission. The various states also have state commerce commissions or public service commissions that regulate intrastate traffic rates and services.

REGULATION OF OTHER MASS TRANSPORTATION FACILITIES

Regulation of all mass transportation facilities is now the accepted norm. Most of them are considered public utilities—enterprises performing an essential public service. Transportation utilities include air lines, bus lines, trucking and shipping lines, as well as railroads.

Utilities, whether privately or publicly owned, usually are monopolies or near-monopolies having no serious competition in their particular type of service in a given area. You can go from New York to Chicago, or from Los Angeles to Seattle by more than one rail route. But the competition between railroads is greatly restricted. Most likely, there is only one bus company serving your community.

It operates under a franchise—a contract made with the city which permits the bus company to serve specified routes. Usually no other bus company may pick up and discharge passengers for a fare on the same streets. Thus the bus company does not have to fear competition. Its managers will not wake up some fine morning and find some cut-rate bus company operating in its territory and stealing its passengers.

In return for monopoly, the utility submits to regulation. An administrative commission, such as a state transportation commission or public service commission, supervises rates and services, or the power to regulate strictly local facilities may be vested in the city council or some local agency created for the purpose. Utilities are not free to charge "whatever the traffic will bear" or give service at their own discretion the way some other businesses do. A railroad or bus line may be losing money on a particular run, but it is not free to discontinue the service at will. It must present the matter to its regulatory commission. Then the request is published so that interested parties have a chance to object to the proposed change. The regulatory commission renders its decision in terms of the public interest, not purely in terms of whether the railroad or bus line is making or losing money. If the commission believes that the proposed change is not in the public interest, the commission may compel the line to continue the service even at a loss. However, rates are adjusted in such a way that losses on one or two runs are normally offset by profits on other runs.

Government regulation of utilities differs from the usual relationship of government to business. Usually government prevents monopoly in restraint of trade. The theory is that one company competing against another tends to keep both efficient, and that the public benefits from continually increasing quality and decreasing prices. But competition would be wasteful in the utility field. Imagine two local bus lines serving the same street! In the utility field, as a substitute for the corrective effects of competition, government regulates the cost and quality of service to the public.

Government regulation does not always succeed in making the industry efficient or keeping the quality of service as high as it might be under the stimulus of competition. Many of our mass transportation facilities are in serious financial difficulties. Railroads, for instance, have been losing ground to airplanes, buses, trucks, and pipe-

lines. They still carry more than 350 million passengers a year for a total of twenty-eight billion passenger miles. And they do half of the freight business in the country. Railroads blame much of their financial trouble on the fact that they must provide and maintain their own rights of way while the trucking industry pays relatively low fees for use of the public roads. Charges for truck licenses do not generally reflect the truckers' share of road maintenance.

Buses do a passenger business of twenty-four billion passenger miles a year. But they, too, have been losing ground. Airplanes are the big competitor. They carry more than forty-five million passengers a year for a total of twenty-eight billion passenger-miles. Air travel is regulated by the federal Civil Aeronautics Board and the Federal Aviation Agency. Not only are air travel rates and services subject to federal regulation, but also safety measures, airport operation, civilian and military air traffic control, and business relationships between airlines. Interstate bus and truck traffic comes under the jurisdiction of the ICC.

Today, media of public transportation take only a minor share of the nation's travel dollar. Private auto transport on city streets and interurban highways accounts for eighty cents of every dollar spent for passenger transportation. The rate of travel spending has risen rapidly since 1945. At present, it amounts to more than thirty billion dollars per year.

PUBLIC POWER, PRIVATE POWER, AND GOVERNMENT REGULATION

The power industry is relatively young. It did not become an important business until 1902. At first, most power companies were small, serving a town or section of a large city. But it soon became evident that electric service could be provided most economically and efficiently only if the company served a large area. With improvements in electrical technology, the low-cost generating of electricity has come to require huge installations. To make such installations pay, a large service territory is needed. During the twenties, a series of mergers and combinations resulted in a group of giant power companies. By 1935, three quarters of the electrical business of the country was handled by twenty-two large companies.

Regulation of these huge companies which enjoy a virtual monop-

oly in large territories, is still a controversial issue. As in the railroad field, regulation began on the state level, but proved unsuccessful. Most power companies served interstate areas. Measures to bring about federal regulation were introduced in Congress even before World War I, but the power companies, through well-financed publicity campaigns, sought to convince the public and Congress that regulation was not in the public interest. The major public complaint, at



Giant power companies enjoy a virtual monopoly in the areas which they serve. Government regulation keeps service and rates reasonable.

Courtesy, Chamber of Commerce, Phoenix, Arizona

the time, was that power rates were too high. In 1920 Congress finally created the Federal Power Commission. At first, it played a weak and ineffectual role. It was not until the passage of the Federal Power Act of 1935 that effective regulation became a reality.

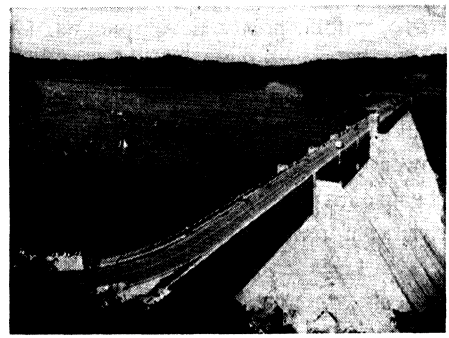
The Federal Power Commission regulates the interstate transmission of electricity and natural gas. It may require the coordination of facilities for the interchange of power from one system to another. It may fix wholesale rates and transmission charges. It may regulate the issuance of stocks and bonds by power companies. Mergers and sales of property are subject to its approval. It has control over generation of electricity by water power through its supervision of the licensing of hydroelectric power sites. It has authority to prevent interlocking directorates, a system whereby one company places members of its own board of directors on the board of directors of another company. In this manner it can influence the policies of the other company without actually owning much of its stock.

The broad powers of the FPC, especially as regards corporate structure, stock issues, and supervision of certain accounting procedures, is an outgrowth of abuses by power magnates during the twenties and early thirties. Holding companies had been created solely

to own stock in other companies and thereby control vast assets and eliminate competition. Their structure was so complex that shady practices were easy to hide. They managed to sell much of their stock to the public at good prices, even when their assets were relatively worthless. A financial house of cards was built that came tumbling down in the great stock crash of 1929 and the depression of the 1930's. The most notorious example of this kind of utility management was the power empire of Samuel J. Insull.

Public Power Versus Private Power

Even more controversial than the issue of regulation is the issue of public versus private power. Only ten per cent of the power-generating capacity in the United States is publicly owned, most of it since the early thirties only. Bonneville and Grand Coulee Dams in the Columbia River Valley, the Central Valley Project in California, Fort Peck Dam on the Missouri River in Montana, Hoover Dam on the Colorado River, Roosevelt Dam in Arizona, and the Tennessee Valley Authority are among the largest and best known of the public power projects.



The Tennessee Valley Authority operates twenty-one major dams. Norris Dam, shown here, furnishes water storage and power.

Courtesy, Tennessee Conservation Dept. Photo by Moore

Generation of power was not the primary consideration behind most of these projects. Dams in the rivers control water flow and thus relieve draught, floods and erosion. Some dams create chains of lakes which, in conjunction with locks to raise and lower boats from one level to another, make rivers navigable. Some of the lakes become beautiful resort areas. Thus a combination of purposes is served—flood control, generation of power, irrigation, soil conservation, navigation, and recreation.

Private power companies cannot afford to take these other pur-

poses into consideration. There is no direct profit in flood control, soil conservation, or navigation. Private power companies must develop a site to get the maximum power-generating capacity out of it, for electricity is what they sell. In developing the site in this way, the private power company may actually impede navigation and soil conservation while doing nothing for flood control and recreation.

Another objective of large public power projects is the stimulation of agricultural and industrial development. In many parts of the arid West, future development depends on the conservation of water resources. In other parts of the country, cheap electric power and improved farming methods have lifted the standard of living substantially in less than a generation.

Private power companies tend to reject all these arguments in favor of public power developments. Granted that irrigation and soil conservation are important, there are other ways to get these without tying them to power. Cheap power from public sources, moreover, is a will-o'-the-wisp. If any section of the country is getting cheap power from public projects, the rest of the country is paying for it, because taxpayers' money finances the construction of power projects. Furthermore, while private power companies pay local, state, and federal taxes, and must include these costs in their rates, public power projects are not taxed.

Competition from public power companies has forced private companies to lower their rates in many instances. Some people believe, therefore, that we need not abandon our prevailing policy of private power. It may be sufficient, in the interest of competition in this monopolistic industry, that low public power rates in various parts of the country provide a yardstick for services and prices which private power companies will be forced to meet if they wish to remain in business.

Electric Power in the Future

Two decades ago, electricity meant electric lights, mainly. The Rural Electrification Administration, the federal agency that, through credit services to groups of farmers, helped bring electricity to most farms of the country, was thought of as bringing electric lights to barns and farm homes and reducing fire hazards. But now we have begun to use the electricity genie as power. And as power it unlocks the door to a fabulous future of lessened drudgery.

But where are we going to get sufficient electricity to run our electric toasters, fans, television sets, refrigerators, washing machines, vacuum cleaners, automatic ice-cream freezers, garbage disposers, germ-killing lamps, electric roasters, electric blankets, air conditioners, electric radiant heating, and other power gadgets already in use or sure to be invented in the future? Thirty per cent of our electricity comes from water power. But only twenty per cent of our water power sites have been developed. Four times as much generating capacity remains untapped as we have yet used. If we developed all the sites that are known, we could more than double our total generating capacity.

We may find in the next few decades that atomic or solar power is even cheaper than water power. In that case, water power may become obsolescent. We have every reason to expect that in the future there will be vast resources of cheap electric power, cheap enough that all of us may use all we wish. We have the know-how to produce it, and we most likely shall, either under private auspices or through public power projects, or more probably both.

TELEPHONE, TELEGRAPH, BROADCASTING, AND THE FEDERAL COMMUNICATIONS COMMISSION

The history of modern communication in this country can be told in terms of the Bell system. This is the American Telephone and Telegraph Company which operates long-distance telephone lines and is the owner company, or principal owner, of most of the regional telephone companies that serve the nation. At one time it owned Western Union. Later this ownership was deemed a violation of antitrust laws. AT&T now owns basic teletype and telephoto patents which enable it to provide circuits on a rental basis for Western Union. Its facilities provide the wires for the great news services. Its subsidiary, Western Electric, manufactures ninety per cent of the telephone equipment produced in this country. AT&T owns basic patents in sound recording and motion pictures. It was an early developer of radio, though antitrust laws forced the company to withdraw from broadcasting. It owns coaxial cable systems and microwave relay stations that television uses for network purposes, and its telephone lines have served radio networks for more than two decades. AT&T maintains one of the most comprehensive electronics research programs

of any institution in the world. The products of this research are constantly improving the quality and reducing the cost of telephone service.

Originally there were many telephone companies, but the Bell interests owned the key patents. In the 1870's they embarked upon a policy of expansion. They bought up competing companies. They granted licenses to use their patents in return for stock in other companies. They gradually unified telephone services until now AT&T has the controlling interest in more than eighty per cent of the local and ninety per cent of the long-distance telephone business in the entire country.

Western Union proceeded on a similar policy of expansion in the telegraph field. It too would have been the single company of its kind in the country, except for the Postal Telegraph system which was organized in 1886 as a domestic counterpart of the company which then owned and operated the transatlantic cable. The telegraph industry is now in decline, after a prosperous period up to the middle 1930's. The progressive reduction of telephone rates and the increasing flexibility of telephone service have substantially reduced the use of telegraph facilities. The problem now is one of keeping this useful service alive, as the volume of business will not yield a great return on its investments.

The story of regulation in the communications field parallels that of the other utilities. In the mid-nineteenth century, there was government stimulation of communications and lack of regulation. As the communication industry began to grow to giant proportions controlled by a handful of huge companies, there was a movement toward regulation. State regulation alone proved ineffective because the telephone business is nation-wide and the Bell system is a complex organization of several corporations that extends beyond the jurisdiction of any one state. Federal regulation through the Interstate Commerce Commission, initiated in 1910, was ineffective because the powers of the ICC were small and it was principally interested in railroads, rather than telephone and telegraph service.

The Federal Communications Commission was created in 1934. It has authority over telephone and telegraph rates and services. It also has the responsibility of preventing one company from controlling several competing channels of communication. Without the approval of the commission no person may be an officer or director of

more than one communications company. Both radio and wire communication facilities in any one area may not be controlled by one company.

The FCC is best known to the public as regulator of radio and television. The number of radio wave lengths and television channels is limited, and the FCC renews licenses annually for their use. A station's license prescribes the power that the station may use in broadcasting. FCC also determines general policies of broadcasting. It decides such things as which color system may be used on television, whether broadcasting financed by means other than advertising may be tried, and the conditions under which various financial interests may own or control radio and television stations.

There are giant companies in the broadcasting field, just as in the other fields subject to regulation. In fact, the technical requirements for broadcasting are so complex and expensive that great financial resources are needed. The Radio Corporation of America was organized by General Electric to administer the patent rights of the old Marconi Company which GE had bought. Westinghouse and AT&T objected to the arrangement between the two companies and threatened suit. Agreements among the four finally settled the matter, and RCA, GE, and Westinghouse became known as the "radio group." More recently other interests have come into the broadcasting field, so that it is not as narrowly controlled as it formerly was. RCA was required by the FCC to sell one of the two radio networks it operated through its subsidiary, the National Broadcasting Company. The Columbia Broadcasting System, American Broadcasting Company, Mutual Broadcasting System, and smaller independents have also entered the field and made it more competitive.

PRICE FIXING, INDUSTRIAL EFFICIENCY, AND REGULATION IN COAL, OIL, AND MILK

The coal industry is a "sick" industry. There is a great deal more coal still in the ground than we shall ever use because we have newer, cheaper, and more efficient sources of energy. The largest part of the price of coal goes to pay the labor to dig it and the railroads to ship it. Coal mining is a hard and dangerous job at best. Miners have struggled to keep their wages in line with those paid in other industries. This has been difficult since technological advances in coal pro-

duction have not kept pace with other industries. An efficient industry can pay higher wages, or charge lower prices, or do both, while an inefficient one cannot.

During the 1930's it was feared that the coal industry would get sicker and its labor relations would worsen if coal-producers continued to compete with each other. Therefore the National Bituminous Coal Commission was established in 1937 to supervise fixing of coal prices. The Coal Commission set up minimum prices for coal on the basis of carefully calculated costs of production, including the payment of a fair wage to the miners. Producers agreed to market coal at these fixed prices. Along came World War II. Prices began to climb. The Coal Commission quietly went out of business. For a time nobody had to worry any more about minimum coal prices.

Since the war the miners' union, the United Mine Workers, has limited the production of coal in order to keep the price from falling. It has done this by limiting the number of days each week the miners may work. In the meantime, demand for coal has been declining because oil and gas are increasingly used instead. The number of miners has decreased gradually as mechanical means for mining coal have been developed. But the miners' daily wages have stayed up because overall production has been controlled.

Normally we view price fixing unfavorably in this country. It is a form of restraint of trade prohibited by law. But when there is no satisfactory alternative, our pragmatic approach to politics and economics permits us to use methods which we would not allow in normal situations. Price fixing, under strict government regulation, is also common in the milk industry. Milk is a bulky commodity, costly to produce and transport in relation to its value. Milk producers cannot compete on a price basis as producers of other commodities can, since they supply regular quantities to a market that normally buys about the same amount every day. They must do this in accordance with regulations for milk production and distribution prescribed by public health officials.

To assure a steady supply of pure milk to the public, both federal and state governments have developed procedures for fixing prices at levels which will encourage the farmer to produce an adequate supply. The secretary of agriculture is in charge of regulation whenever milk comes from a milkshed in more than one state. The secretary can act only when two-thirds of the producers consent. Otherwise the

regulatory agency is a state board with some such title as State Milk Commission.

The oil industry is also controlled by government so that our dwindling sources of petroleum are not squandered by the many independent producers in the industry. Instead of price fixing, production quotas are used. Each of the twenty-eight states that produces oil and is a member of the Interstate Oil Compact Commission sets the quotas for the various oil fields within its borders. The Federal Petroleum Board within the federal Department of the Interior then sees to it that oil in excess of these quotas is not shipped in interstate commerce. The amount of oil that may be pumped equals that portion of the projected monthly demand for oil which should come from within the United States. Thus, in a mad scramble of competition, oil fields are not pumped at an excessive rate.

THE STOCK MARKET AND THE SECURITIES AND EXCHANGE COMMISSION

It is important that people invest in the country's business enterprises. Our freedom is based not only on distribution of political power, but also upon distribution of economic power. We cannot all own real estate these days. Over half of us live in cities, many in rented apartments. But everyone can own stock in one or more of the important industrial or financial corporations of the country. There are 1,409,000 shareholders that own the American Telephone and Telegraph Company; 565,000 own General Motors; 296,330 have stock in the United States Steel Corporation. Even though we have achieved a high degree of wealth distribution in this country, there are probably only fifteen million, surely not over twenty million, people who own common stocks in this country. That is certainly a minority in a country of 175 million people.

Of course, you are an indirect investor in many corporations. If you have money in a savings bank, the bank has invested your money. But it will pay you at a fixed rate of interest which does not vary with the earnings of the investments and loans the bank has bought with your money. If you have an insurance policy, you are also an indirect investor. The insurance company takes the money paid it by its policyholders and invests it. Often it buys real estate or builds apartment houses. Sometimes it invests in common stocks. Again



Ewing Galloway

Buying and selling the stocks and bonds of the largest U.S. corporations in the New York Stock Exchange, the biggest of five exchanges in the U.S. Securities of smaller corporations are traded "over the counter" in the offices of brokers.

the return on insurance is a fixed return. It is safe, but it does not vary with the earnings received by the insurance company from the investments which it makes with your money.

If you wish to benefit from the dividends and capital gains which accrue from your investment, you must be a stockholder in a company. Capital gains are increases in the value of the property you own. Dividends are your share of the company's earnings. Occasionally, the value of stock declines, and stockholders who sell their stock must assume this loss. If you want to buy stocks, you get them through a broker who buys for you at the stock exchange where stocks are bought and sold.

Firsthand ownership of stocks gives you the right to a voice in the control of the company. You can go to the annual stockholders' meeting. There you can vote on issues affecting the management of the

company. Usually you vote for candidates for the board of directors. You have one vote for each share of stock you own. Before the meeting you will receive a form to fill out asking for your proxy. A signed proxy gives someone else the right to vote your stocks. This may be very important. Robert C. Young got control of the New York Central railroad largely by proxy votes. Not long thereafter, Louis Wolfson tried to get control of Montgomery Ward, but he failed to line up enough proxy votes. Neither Young nor Wolfson owned a majority of the stock in either of these companies.

Investment and Speculation

There are two motives for buying stocks—investment and speculation. The investor buys stocks in stable companies at reasonable prices. He expects that the stocks will yield dividends and will increase in value as the company grows more productive. The investor thus uses his savings to generate financial security for himself and to provide capital for a corporation that is likely to succeed in business. The speculator looks for a quick gain. He buys stocks which are likely to appreciate fast, in the next few days or weeks, with the idea of selling them at a profit. When he sells them, he buys other stocks. Sometimes he puts his money into a very risky business that nevertheless turns out to have a very successful product. Sometimes he guesses wrong and loses the money he put into the stock. Both types of stock buyers are valuable to our economy. A person should never be a speculator, though, unless he has money to lose, knows stocks and stock market behavior, and has the right kind of temperament.

An investor who invests in stocks of well-established companies in a number of fields, now-a-days is putting his money in a safe place. This was not always the case. There was a time when you could be swindled very easily. Fleecing unsuspecting investors by selling watered stock, worthless stock, "gold bricks," or stock in nonexistent companies used to be a flourishing confidence game.

Even the legitimate investment banking business engaged in many questionable practices before the passage of the Securities Act of 1933 and the Securities and Exchange Act of 1934. Large banks sometimes organized affiliated investment companies to participate in stock market operations and manipulate the price of stocks. Insiders would be given the option of buying a new stock at a price below the public market. Stocks based upon insufficient physical or financial prop-

erties were marketed at bloated prices. Stock market pools, cornering of the market, and personal use of inside information by directors and officers of corporations were common practices.

The stock market crash in 1929 was basically due to unsound and unethical financial practices and the overvaluation of stocks. The stock rise preceding the crash was not based upon increase in productivity and general prosperity. With the collapse of the stock market in 1929, the time was ripe to survey the situation and consider remedies.

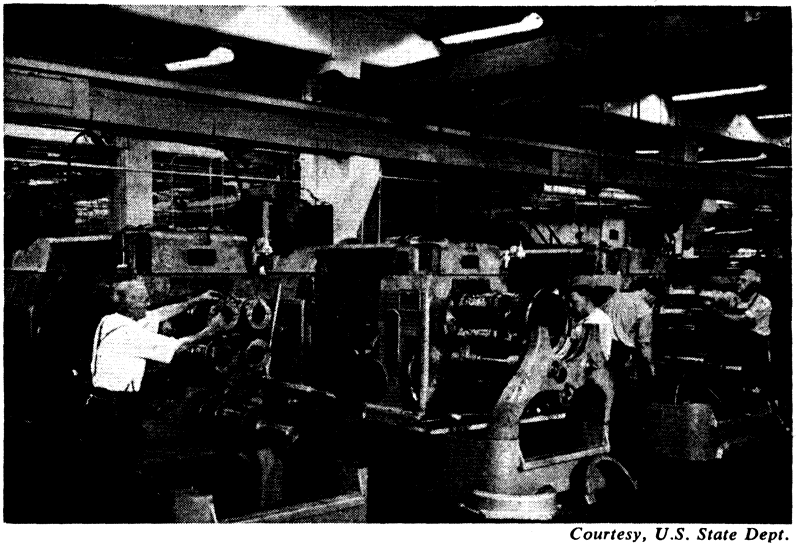
At present, all securities issues must be registered with the Securities and Exchange Commission. The registration statement must contain all information pertinent to the stock issue. The information must be truthful and complete. Thus the public knows exactly what it is buying, if it studies available information carefully. The SEC is empowered to prohibit stock price manipulation and other abuses in the security markets.

Through regulation of margin requirements by the Federal Reserve Board, the government can discourage stock speculation. You do not have to pay the full price of a stock when you buy it. If the margin requirement is 50 per cent, then you must put up at least 50 per cent of the price of the stock but you may borrow the rest. You pay interest on what you borrow, and the stock is collateral to guarantee that you will repay the loan. The higher the margin requirement, the fewer stocks you can buy with a given sum of money.

LABOR AND THE NATIONAL LABOR RELATIONS BOARD

The wealthy long were the rulers of the world. Some people were born rich while others were born poor and had to work for a living. The poor had little power or influence. The workman was paid what the employer wished to pay him, and could be hired and fired in accordance with the employer's whims. Laborers did not discover for a long time that they had power too, if they combined and acted together. If labor organizes to deal with management, it can effectively bargain for better wages, hours, and working conditions. The long history of the labor movement is the history of the gradual organization of laborers into unions so that they could bargain for better employment conditions from a position of collective strength.

The first organizing attempts of unions were condemned by the



Courtesy, U.S. State Dept.

Workmen want modern equipment, clean and safe factories.



Courtesy, UAW

Collective bargaining has made American workers the highest-paid and privileged labor force in the world. Here workers await news on a new contract between union and management.

courts as conspiracies. It was not until the middle of the nineteenth century that the courts began to recognize the right of labor to organize. Still, the laws of the land favored the rights of owners and managers. By 1935 the law recognized labor as an equal partner in the industrial enterprise. In that year Congress passed the National Labor Relations Act. Also known as the Wagner Act, it has often been called labor's Magna Charta. It provides that employees "shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection."

The employer's principal weapon is the purse. Labor's principal weapon is the strike. Strikes may involve violence. They reduce production. They cause losses to management, but also to workers and the public. Because the threat of labor strife is a constant danger to the public welfare, the National Labor Relations Board was set up under the Wagner Act to assist in the peaceful adjustment of labor-management difficulties.

The NLRB is a five-man board with headquarters in Washington. It has regional and subregional offices all over the country with personnel near industrial locations, to assist in settling disputes and to perform other duties. The NLRB supervises elections held in plants to determine which union, if any, will represent the workers of the plant in bargaining with management. NLRB also hears complaints and makes rulings on charges of violation of the labor relations act.

The Taft-Hartley Labor-Management Relations Act of 1947 modified the original National Labor Relations Act. Management had complained that the Wagner Act gave labor too much power. Labor, on the other hand, is opposed to some of the restrictions in the Taft-Hartley Act and has unsuccessfully sought a return to the original law. The Taft-Hartley Act outlawed the "closed" shop, which requires that a prospective employee must be a member of the union before he can get a job. Unions must register certain information about their internal affairs with the NLRB and must comply with certain rules in their financial management. The act prohibits jurisdictional strikes, which are battles between unions to determine which shall do certain types of work; featherbedding, which forces employers to pay for work not done or for unnecessary work; and pressure on employers to force them to discriminate against an employee who is at odds with the union.

PLANNING

In recent years, it has frequently been suggested that there ought to be more planning behind the acts of government—planning in terms of the future effects of present acts, planning in terms of coordinating to some degree the various divergencies in our complex society, planning to avoid sharp rises and drops in the business cycle.

We have had government planning for a long time. City planning is one of the oldest forms. The most illustrious example in this country is Washington, D.C. A recent example of regional planning is the development of the navigation and power resources of the St. Lawrence River Valley and the Great Lakes. States plan the development of recreational resources—state parks, highway rest areas, game and forest preserves, and state monuments. Federal planning activities include subsidies for research, conservation of water power and forest resources, plans to insure full employment, stabilize prices, or stimulate continued production. There is also military planning for the continued development of our defense forces.

Without planning we may make grievous mistakes that may seriously affect our well-being for years to come. Mistakes in the use of water supplies, protection of wild life, traffic routing, soil conservation, extraction of oil and mineral resources, and power development are already costing us dearly. Two major aspects of the planning process will be examined in greater detail. One of these is the physical planning of the surroundings in which we live. This is generally, though not exclusively, the province of city or community planning. The other is economic planning. Without some planning, especially in these times of rapid technological change, any business would be forced out of its market and into bankruptcy. The same holds true of government business. Moreover, since the acts of government affect the economy, the government must plan them carefully. The main question no longer is whether there should be planning, but how much and of what kind.

Community Planning

City growth has caused problems with regard to traffic, water, slums, recreation, smog, even juvenile delinquency. Cities were originally designed for horse-drawn vehicles and walking, and for a much smaller population than they now have. Modern cities have outgrown themselves.

Cities grow in rings. The outer ring at first is the grass belt. People who can afford to do so move out to the grass belt. But as more people move into this outer rim, it loses its semi-rural aspect. Buildings are crowded closer and closer, and a new grass belt is established farther out. To accommodate this outward movement, more rapid means of transportation and wider highways and bridges are built to link the suburbs with the city.

As the people move out, the stores move out too. So do offices and some industries. The industrial suburb, the office community specially built for a particular firm, the new type shopping center of supermarkets and ample parking space—all these are becoming common around large cities throughout the country.

The people who are left behind in the cities tend to be the poor who cannot afford to move out. As newer rings are added around the city's perimeter, the inner rings become blighted. The housing that remains, in an area devoted mostly to office buildings and manufacturing, is almost always slum. Overcrowding and dilapidation are its chief characteristics. Health, safety, and the morals of its inhabitants are relatively low. So is the financial return the city gathers from taxable property in these areas. For all these reasons, some cities are rebuilding their inner core where it has become a blighted area. They undertake slum clearance projects, relocate traffic, and plan for parks and playgrounds. This is called urban redevelopment.

In the heart of the city lies the principal shopping area, surrounded by industries and residential slums. Farther out is a ring of apartment houses. Then come the semidetached houses. And last of all comes a grass belt. In 1900 the grass belt was only two or three miles from the center; now it may be ten or fifteen miles out, depending upon the size of the city.

As cities expand and rebuild, what assurance do we have that the same mistakes will not be repeated? How do we know that the new city will not be as obsolete in twenty-five years as the old city is now? We do not know for sure, but we can plan to avoid mistakes. We can prevent crowding by planning for parks and wide spacing of buildings. We can prevent traffic hazards by planning through routes and feeder routes and recreational areas.

Anticipating Future Needs

Planning must include five kinds of demands: dwelling areas, working areas, transportation facilities, education facilities and places of

recreation. The city or town that plans all these well, will be a good place to live.

Planning for adequate dwellings must take into account the value of the land while avoiding crowding and lack of privacy. Houses need to be located so that the noise of traffic, the shouting of children playing, and the other sounds of the city are minimized. Old concepts of house design no longer fit city needs.

Commuting to and from work is the bane of city existence. Working places are crowded and poorly located in relation to each other and to dwelling areas. This causes "pendulum" traffic from home to work and back home again, at needless expense in time and money. More people work in the four city blocks of Rockefeller Center in New York than live in the whole state of Nevada. They all come to work about 9 A.M. and leave about 5 P.M. They jam transportation facilities simply because there has been little thought in planning the location and hours of work. The financial district around Wall Street in New York is a ghost city on week ends. Though thousands work there, few live there.

The city has enormous concentrations of cultural and educational facilities such as museums, stores, art galleries, concert halls, theaters, schools, and colleges. The country has facilities for outdoor recreation—fishing, swimming, boating, golf, hiking, gardening, picnicking, and the like. But city people must usually make a long trip to enjoy these relaxations, just as country people must make a trip to the city to enjoy the advantages it has to offer. Proper regional planning would make it possible for city and country advantages to be more readily available regardless of where one lives.

The problem of community planning involves foreseeing future needs. It also involves the creation of proper agencies to do the planning. Community planning in most sizeable communities is done by a community planning board. But often city problems extend into the suburbs and surrounding country. Though the problems are larger than a single community, states rarely deal with them because they are not state-wide. And there is no other government agency with broad enough jurisdiction to handle the task. A confederation of metropolitan communities has been suggested as a possible answer. Regional governmental entities like the Port of New York Authority are another possible solution. Such an authority, invested by one or several cooperating states with power to develop certain regions, might serve very well. Certainly the Port of New York Authority has suc-

ceeded in securing interstate cooperation in harbor development and bridge and tunnel building.

Economic Planning—Is It Socialism?

Before the depression of the 1930's the tendency was to let business and private interests do their own planning on the assumption that the competition and interrelationship of their actions would generate an economic climate that would be beneficial for the public. The depression brought pressure to a head for some sort of government economic planning for certain segments of the economy. Under the New Deal enormous changes were made in the manner in which government coordinates and supervises our economy. Though more than twenty-five years old, much of the New Deal legislation is still controversial, though less so than before. The outbreak of World War II did a lot to advance the techniques of economic planning and to prove that planning, in and of itself, is not tantamount to socialism, as some critics have charged. Planning was essential to fight and win the war. It is equally essential in time of peace.

The American people face several critical problems which cannot be solved without planning. The elimination of the business cycle with consequent boom and depression is one of them. Inflation must be controlled and intense deflation prevented. The depression of the 1930's was not the only depression we have suffered, though it was the worst. There were severe depressions in 1873, 1884, and 1907, and milder ones in between. The consensus is that we must avoid another depression, and economists say we can.

One tool is government's ability to encourage inflation or deflation when the economy needs to be boosted or depressed. During inflation the value of money is reduced, savings shrivel, prices rise. During deflation prices are low, money is scarce and high in value. When the Federal Reserve Board increases the margin requirements for the purchase of stocks, this reduces credit. Reducing credit decreases the amount of money, and this is deflationary. If the United States Treasury spends more than it gets in taxes, and makes up the difference by borrowing from commercial banks, this expands the money supply. It may result in raising prices and increasing business activity, thus fostering inflation.

Government's control over the flow of money is one illustration of the kind of action government can take to assure the overall welfare of the economy. It also shows that in our democracy economic plan-

ning is not the function of some single all-powerful agency in the government. It involves many agencies.

Another critical problem is the maintenance of full employment. By its various economic policies, government can influence the amount of business and hence the number of jobs available. Other actions can affect buying habits and thus the level of business. If larger down payments are required for installment sales, and the repayment period is shortened, people will buy less. This results in less business and fewer jobs, and reduces inflation. The opposite actions would be inflationary and would increase the number of jobs.

The government can also subsidize industries. It has subsidized manufacturing and farming through tariffs. It has subsidized railroads through land grants. It subsidizes air lines through mail contracts, printing through low mail rates, heavy industry through research grants, specific businesses through defense contracts. Subsidies, direct or indirect, increase the amount of business and make more jobs.

Government can also engage in public works. If it builds bridges and highways when jobs are plentiful, money is scarce, and prices are high, it is merely adding fuel to the inflationary fires. If it engages in public works during a mild deflation, it can cause the economy to pick up and the number of jobs to increase.

Another objective of government economic planning is the elimination of poverty. Now for the first time in history this is within our grasp. It has been partially accomplished already in the prosperity of the past decade. Other objectives which government may seek to accomplish in the future include reduction in working hours, a universally good system of education available to all, and better housing and recreational facilities.

While direct governmental planning is not tantamount to socialism, there is always the danger that it might become an entering wedge leading to ultimate government operation of all businesses. But this danger is more apparent than real in the United States with its individualistic tradition. Under socialism, the government runs the economy. It does not merely regulate certain industries, but owns and operates them.

Dangers of Socialism

Some call our present system of government regulation "creeping socialism," which will gradually lead us to the socialistic state. To them the cure of our economic ills through government regulation is

worse than the disease. Others point to the tendency of the past decades for government services to increase and for government to spend more and more money in providing these services. Because such tendencies are also common in socialistic states, these critics bracket the "welfare" state and the socialist state as one. Since socialist states operate the various important industries and businesses of their economy, they must engage in a great deal of planning. Because planning is thus a feature of socialism, some people claim that we are moving toward socialism if we engage in economic planning by government.

If there is direct governmental planning of economic policies, control over policy may be moved far away from those affected by the policy. This is one danger of socialism. It is also dangerous to adopt a new policy with no chance of reversal if it proves to be mistaken. This is the case in Russia, where state planning and centralized control of the economy are permanent features of governmental administration. The Soviet State Planning Commission has exclusive authority to determine what policies will be adopted. The people affected have little, if any, voice.

These two characteristics were absent in the socialism of Britain under the Labor movement. The people did have something to say about what was happening, and they said it in the election of 1951 when the Labor Government was turned out and the Conservatives returned to power. The Conservative government promptly reversed the socialization of the steel and trucking industries, returning them to their former owners. Several other industries were allowed to remain nationalized, including coal mining and electricity.

Even as a temporary policy, socialism is dangerous to the institutions of a free society because of the dominant role it bestows on government, which government can easily abuse. The American people, on the whole, are too suspicious of the powers of government to favor extensive socialism. We are too strongly committed to our free institutions and to constant experimentation. Practical as we are, we have a long history of working out solutions slowly over a long period and of adhering to what seems to work best within the framework of our free institutions.

QUESTIONS FOR DISCUSSION

1. Should government perform specific services for business as it does for agriculture, labor, education, welfare, and the like?

2. In light of the story told in the text, what would you say about the political power of farmers in this country? Does this picture match your previous conception of the political power of farmers?

3. Can you cite any recent examples of battles over proposed government regulation that resemble the 1906 battle over the Hepburn Act?

4. Is it fair that utilities must submit to regulation while other businesses do not? Why not allow two or more companies to compete, as some railroads and many truckers do? What makes the transportation business different from other businesses?

5. What to you are the decisive arguments in the public versus private power issue?

6. The FCC prevents one company from controlling competing channels of communication or controlling both radio and wire communication facilities in any one area. Without its approval no person may be an officer or director of more than one communications company. What effect do these requirements have on the dissemination of information in a free society as we discussed this matter in Unit One?

7. Would it be better to allow inefficient industries to fight for survival unaided, running the risk that they may go under, rather than use price fixing and quota systems to aid them?

8. In investing your personal savings, should you seek complete safety of your investment and a guaranteed return, or should you seek returns which vary with business conditions, at somewhat greater risk to your investment?

9. Do you favor the closed shop or open shop? Do you think jurisdictional strikes should be permitted or prohibited by law? Would you make any modifications in the Taft-Hartley Act?

10. Are there communities in your area which cannot solve major problems of traffic, transportation, recreation, garbage disposal,

air pollution, and the like without close cooperation with each other? Would you propose some regional governmental entity created by the state, or by interstate compact? How would you go about setting up a master plan for the area?

11. Can you think of any recent threats to our tradition of free economic and social institutions?

12. Do you note any difference in the manner in which the economic premises are documented compared to the premises which deal with free government and individual liberty? Are the economic guarantees clearly stated in the Constitution? What arguments would you use to show that the American economic way of life is as firmly rooted in our premises as any of the liberties specifically mentioned in the Constitution?

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Chapter 15

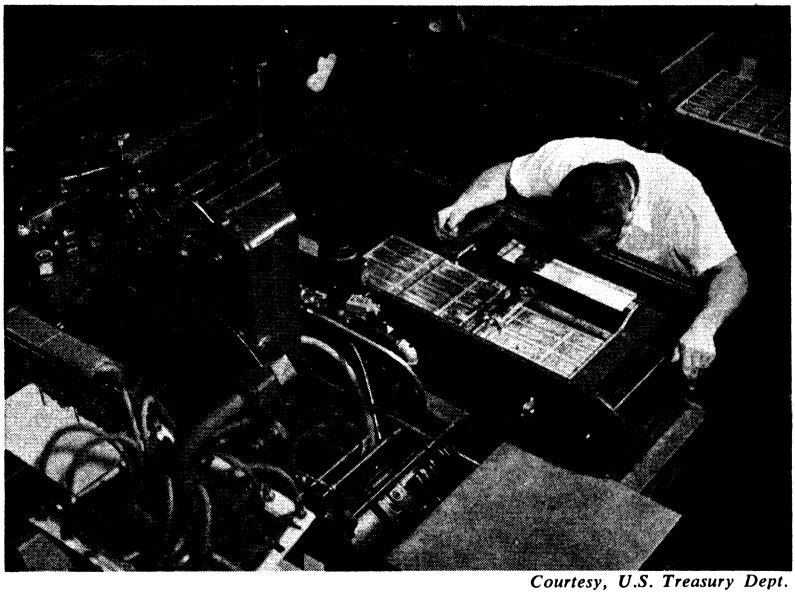
Our Government and Our Money

What is money? Money represents the ability to buy. If you have purchased a bag of groceries at the supermarket, you can pay for it in a variety of ways. You can (1) give the cashier a handful of silver coins. You can (2) give the cashier a ten-dollar bill—a special kind of paper made and printed by the government. You can (3) write your own paper, a check—if the store will take it. You can (4) charge it and promise to pay later—if the store will trust you. If you purchase something that costs more money than you have, you can (5) go to the bank and get a loan. The bank gives you credit in return for your signature on a piece of paper called a *note*. You can write checks against this credit or take it out in cash.

There is still another way. You can (6) charge your purchases for a definite length of time—say ninety days. You give the seller a signed promise to pay—a *trade acceptance*. The seller takes this piece of paper and deposits it in the bank, just like money. But he does not receive its full face value. The bank *discounts* it, because it is advancing the money for ninety days until you repay the bank. The bank may charge a small amount, such as one per cent of the face amount of the trade acceptance as discount. In ninety days you pay the bank and get your paper back.

OUR SYSTEM OF MONEY AND CREDIT

Not all of the media described above for the making of payments are technically *money*. Some are *credit instruments*. Money is a particular, valuable metal in the form of coins or bullion. Or it may be a government promise to pay in metal, such as the silver certificate issued by the United States Treasury. A credit instrument is a promise to pay money later. The person who is willing to accept such a



Courtesy, U.S. Treasury Dept.

Woe to the private entrepreneur who tries to crash this government monopoly—the coining and printing of money!

promise in place of money is extending *credit.* For practical purposes, money and credit instruments are the same. By far the largest proportion of our business and personal payments today are made in credit instruments rather than money.

If people who sell would insist on immediate payment in money, business transactions would be much more difficult. A person might have to carry large sums of money with him at all times and risk losing them. Sellers would miss many sales because the customer might not have sufficient money immediately available. But with various types of credit, all the buyer needs to do is write a check or trade acceptance. All the seller needs to do is make out a little slip on which to "charge it." Every time a credit purchase is made, a medium of exchange is "created" with which to make the transaction. It is this creation of purchasing power through credit that makes our monetary system one of the most significant inventions in history. Without it our high level of business activity and standard of living would not be possible.

Our monetary system, which relies so heavily upon credits and debits entered daily into millions of ledgers all over the country, is

based upon trust. There is trust in one another and there is trust in government. What, for example, makes a seller willing to accept a piece of paper for goods his factory has produced? The seller believes that this piece of paper can be exchanged for money or used in place of money. Someone else will accept this piece of paper, or one like it, for goods. At the end of the month, through the medium of a bank statement, the businessman gets a report on how his credits and debits balance.

Banks balance accounts among thousands of buyers and sellers. Through their clearing houses, banks arrive at similar balances among themselves. Because almost everybody behaves according to the rules, the system works beautifully. If a sizeable number of people started writing checks without credit balances to cover those checks, the whole system would go awry. Its basic foundation—mutual trust —would be undermined.

The Value of a Dollar

The chief difficulty with our monetary system is that the value of the dollar is not steady. Sometimes it has greater purchasing power than at other times. For example, most commodities today cost, in dollars, several times what they cost during the depression of the 1930's. Incomes have gone up too. In those days $200 per month was considered a high salary. Today it has become a low one because the dollar's purchasing power has dropped sharply.

The causes of these fluctuations are numerous. The acts of business, government tax policies, banking policies, the level of productivity, the level of employment, the level of sales, the amount of credit, and the amount of money in circulation are all factors influencing the value of the dollar.

The gold standard, which this country abandoned domestically in 1933—and which the other countries of the world have also abandoned—provided a stable standard of monetary value because the price of gold varies only slightly. Prices of goods could be quoted in gold, as long as dollars could be freely exchanged for gold. And prices expressed that way fluctuated only slightly. The gold standard was changed when the current price of gold became too restrictive of business activity. The United States, through foreign trade payable in gold, acquired the lion's share of the world's gold in the years after the first World War. When foreign countries ran short of gold and re-

fused to exchange their dwindling gold reserves for local currencies, trade stagnated. To revive foreign trade and alleviate the world-wide depression, the United States devalued its currency in international trade. Domestically the gold standard was abandoned altogether. It was felt that the gold standard made little difference at home, since people rarely used their right to exchange paper and silver money for gold. They were accustomed to accepting payment from each other in silver, paper money, or credit.

The Federal Reserve System

Our system of money and credit could not exist without government. That a mere piece of paper can represent purchasing power is predicated on a society with a well-organized set of financial policies. For the government's stability helps make these checks valid. Government policies affect employment levels, productivity, the amount of credit, and the amount of money in circulation. And all these factors influence the value of money. Our financial well-being depends to a large degree on the taxation and banking policies of government.

The operation of banks was systematized by the Federal Reserve Act of 1913. National banks were placed under the control of a Federal Reserve Board, known since the Banking Act of 1935 as the Board of Governors of the Federal Reserve System. This board is similar to the other administrative boards or commissions used for government regulation.

Before 1913, there were national banks operated under charters issued by the federal government, and state banks operated under charters issued by the states. In states where state banking laws were less stringent than federal banking laws, many banks preferred a state to a federal charter. In some states, reserve requirements were extremely lenient. A bank does not need to keep a dollar in reserves for every dollar deposited. If it did, there would be no flexible system of credit that expands and contracts to meet business needs. Credit would be limited to the actual amount of money in circulation. But there is a safe percentage of its deposits that a bank should hold in money reserves for depositors who want their money back. Lack of satisfactory reserve requirements in many of the states led to frequent bank failures during times of business panic or depression. Panics occurred whenever large numbers of depositors, for various reasons, doubted the solvency of banks or needed money in a hurry, and simul-

taneously drew out their money. The banks could pay off the first few who came, but had no liquid reserves left for the rest. The Federal Reserve System was created to forestall bank failures due to inadequate reserves.

There are twelve Federal Reserve districts in the United States, each with a Federal Reserve Bank managed by the Board of Governors of the Federal Reserve System. Each national bank must be a member of the Federal Reserve Bank of its district. State banks are permitted to become members if they meet the requirements. In addition to the member banks, the only other depositor in Federal Reserve Banks is the United States Treasury. The Federal Reserve



Courtesy, Board of Governors, Federal Reserve System

The Federal Reserve Building in Washington, D.C. is headquarters for the Board of Governors of the Federal Reserve System. Each Federal Reserve Bank has its own board of directors, six elected by member banks and three appointed by the Board of Governors.

Bank thus does not serve the general public directly. It is the "banks' bank." Member banks are required to buy stock in the Federal Reserve Bank equal to six per cent of their own capital and surplus. They also must maintain reserves on deposit in the Federal Reserve Bank of their district equal to a certain percentage of their customers' deposits. The percentage varies—thirteen, ten, or seven per cent—depending upon the type of bank. The member bank can then accept deposits from its own customers in the ratio of five dollars for every one dollar of reserves it has deposited in the Federal Reserve Bank. The Federal Reserve Bank itself must own one dollar of gold or other lawful money for every three dollars its member banks or the federal Treasury have on deposit with it.

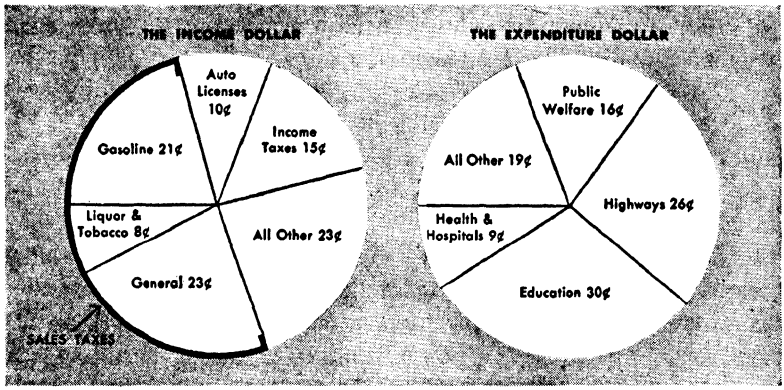
Regulating the Flow of Money and Credit

This system lends a measure of stability to the entire banking system of the United States, as well as flexibility in the amount of purchasing power in the economy. The expansive capacity given to bank credit by the Federal Reserve System is fifteen to one. Every dollar of gold or other lawful money held by a Federal Reserve Bank can act as reserve for three dollars of deposits by member banks; and every dollar of deposit by member banks can act as reserve for five dollars of deposits by their customers. This ratio of fifteen to one is the legal maximum. The actual ratio is usually lower than that. The Board of Governors can reduce or increase the ratio as their judgment warrants. Reductions are deflationary, increases inflationary.

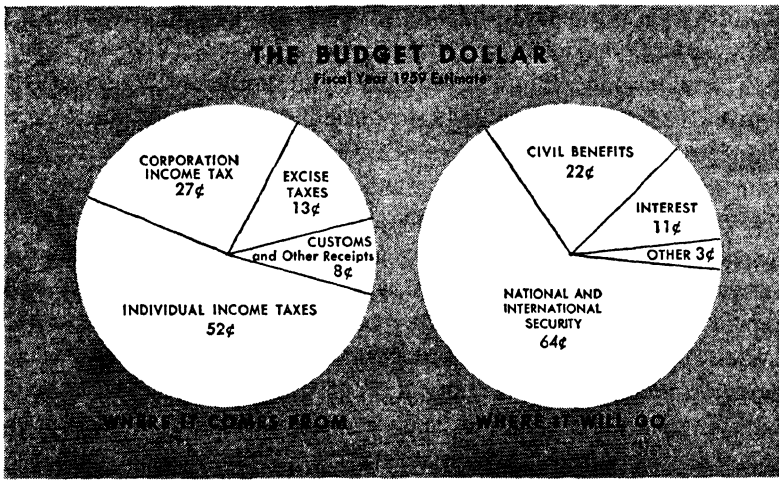
The Federal Reserve System is able to influence inflationary or deflationary tendencies in the economy in still another way. It can make credit easier or harder to get. When interest rates are low, credit is easy. This is inflationary, for business tends to borrow more and to expand. When interest rates are high, the reverse tends to be the case. If it seems that deflationary tendencies are beginning to depress the economy, the Federal Reserve Banks can lower their rediscount rates. The rediscount rate is the interest percentage that the Federal Reserve Bank charges member banks for handling their commercial paper. An example of commercial paper is the trade acceptance discussed previously. The bank, in that case, could take the trade acceptance that it bought for a discount of one per cent of its face value and deposit it in the Federal Reserve Bank. The Federal Reserve Bank might take it for a rediscount of three-quarters of one per cent of the face value, and credit the member bank accordingly. This credit increases the reserves of the member bank and hence its lending power. It is by increasing or decreasing rediscount rates that the Federal Reserve Bank can to some extent decelerate or accelerate the tempo of business.

Still another regulatory influence of the Federal Reserve Bank is its activity in the open market. It can suddenly become a large-scale buyer of credit instruments, such as commercial paper, bank acceptances, and United States bonds. This large-scale buying increases the market prices of such credit instruments and reduces interest rates. When the Federal Reserve Bank enters the market as a large-scale

INCOME AND OUTGO FOR ALL STATE GOVERNMENTS COMBINED



Compare the greater diversity of state income and expenditures (above), with federal income and expenditures (below). Note how budgets reveal government functions.



Source: Executive Office of the President, Bureau of the Budget, 1958

which the money is to be put and the effect that taxes have on the general economy.

To assure a high yield, taxes should fall most heavily on the wealthy. Conforming to the principle of justice, the tax burden should be widely distributed and should fall equally on persons equally able to pay it. It should not discriminate against any segment of the economy. It should not "milk" the farmer while allowing the manu-

facturer to go scot free. It should not discourage productivity, make people work less hard, or keep them from investing their savings.

There are some lawmakers, especially in the state legislatures, who are often timid in aiming a tax at that portion of the economy that can obviously best pay it. If prosperous oil interests are politically powerful in the state, taxes on oil drilling and oil properties tend to be lighter than they might be. If railroad or manufacturing interests are powerful, taxes on these properties may be lower than taxes on houses, for example. A tax on soft drinks, or movie admissions, or even on cigarettes may be politically safer, even if less reasonable economically. It is the unorganized consumer who pays it.

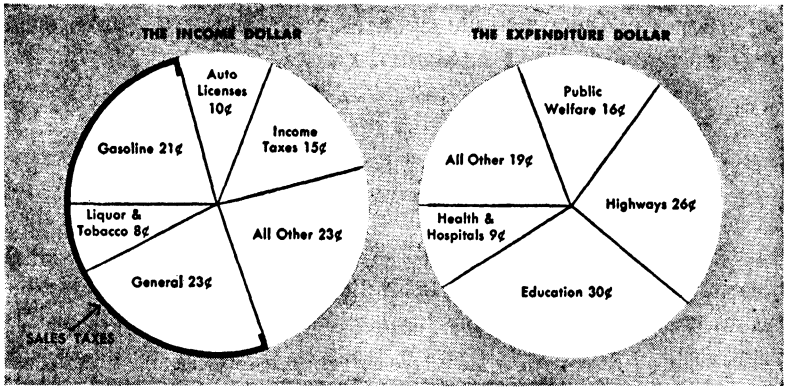
No single tax can be judged without reference to the total tax system of which it is a part at all levels of government. States should not levy taxes without regard to what the federal government is doing on one hand, and what the localities in the state are permitted to do on the other. Nor should the federal government be oblivious to state patterns of taxation in deciding what kinds of taxes it will use to get its revenues. The local government has the least discretion of all because its taxing powers are carefully circumscribed by its charter. Even so, the city council or the county commissioners or the board of education, in setting their own tax rates, cannot be unmindful of the public's other tax bills.

Criteria for a System of Taxation

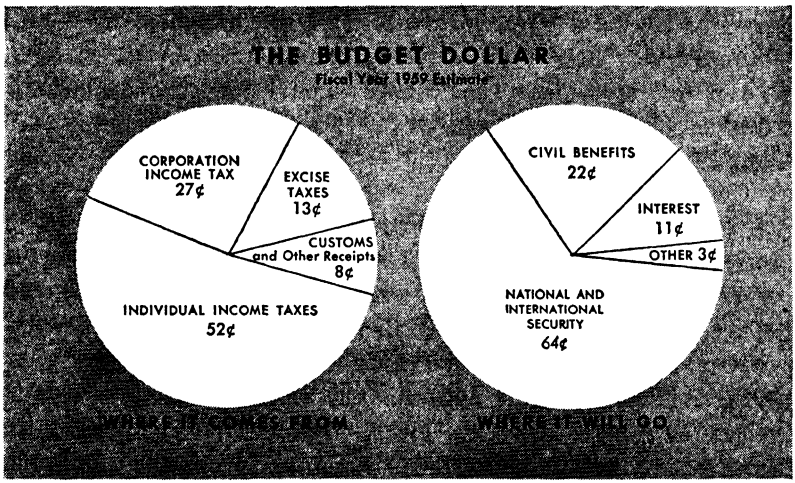
Should a tax be levied in accordance with the *benefit* the taxpayer derives from the government, or in accordance with the *ability* of the taxpayer to pay the tax? These alternatives define two schools of thought. The benefit theory is the older of the two. The taxpayer paid his taxes and expected government to perform certain specific services for him. The dog warden kept dogs away from his sheep. The constable protected his property. Those who paid a specific toll were permitted to cross a particular road or bridge. The nearest approach to the benefit theory today is the gasoline tax as it was originally levied in most states. Tax receipts are used to maintain the roads. The people who buy gasoline are those who use the roads. Those who do not use the roads do not have to pay the tax.

But the benefit theory provides a totally unworkable and inadequate basis for levying taxes to support the services of modern government. How can one possibly determine who benefits most from

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the services of the police—the woman whose stolen pearls are recovered, the man whose store is watched by the foot patrolman, the man who is arrested for speeding, or the citizen who may not be aware of police protection because nothing ever happens to him? As the requirements of government for revenues increase, taxation must get money from those who have it, regardless of the benefits they receive from government. This means that the more wealth or income one has, the greater the tax one should pay. This is the ability theory. After paying for the necessities of life, the poor have less left over to contribute to government support in the form of taxes than do the rich.

The ability theory is by no means new. Adam Smith defined it in classic form: "The subjects of every state ought to contribute toward the support of the government as nearly as possible in proportion to their respective abilities." He tied it to the benefit theory which was prevalent in his time by further saying that taxpayers should pay taxes to the state "in proportion to the revenues which they respectively enjoy under the protection of the state." Thus it may be argued that the man who owns property or securities or money in the bank stands to gain more from government because he has more to lose if government fails to protect him than the man who owns nothing.

Progressive and Regressive Taxes

The principle of taxing on the basis of ability is reasonable enough. But it is not always easy to measure ability to pay. The graduated federal income tax is an example of a tax based on the ability principle. The more one's income, the higher the percentage of income that must be paid in taxes. This is called a *progressive* tax. Thus a person with a net taxable income of $100,000 may, under normal circumstances, pay nearly 70 per cent of it to the government as federal income tax. A person with a net taxable income of $1000 may pay only 20 per cent. The tax is steeply progressive because it takes nearly 70 per cent of the taxable income of the $100,000 man and only 20 per cent of the taxable income of the $1000 man. The rich man still has over $30,000 after taxes; the poor man has only some $800. The rich man is still better off after the big tax he has to pay than the poor man after paying the small tax.

But the rich man probably feels that he has made a greater sacrifice. The sacrifice may be more psychological than material—disappointment that he has so little after expecting so much. Equality

of sacrifice is impossible to achieve fully in devising a practical tax system, for people vary considerably in their circumstances. A tax of $500 on an annual income of $5000 might be much harder to pay for one taxpayer than another with exactly the same income. The reasons might be that one taxpayer's living expenses are greater because his tastes are more expensive. Perhaps they are scaled to an annual income of $8000 which he was earning four years ago while the other man was earning $3500 annually. It is neither just nor possible to take all these factors into account. Only a limited number of expenses entitle the taxpayer to tax deductions. These include medical expenses, support of family members, or special incapacity such as blindness.

A tax that bears more heavily upon those less able to pay is *regressive*. The sales tax is an example. Suppose there is a three per cent sales tax on essentials such as food and clothing which rich and poor alike must buy. The poor man may spend half of his income on food and clothing and pay the three per cent tax. The rich man may spend only 10 per cent of his income on food and clothing. He thus is taxed on only 10 per cent of his income. Our $1000 man would pay $15 in sales taxes which represents a much larger proportion of his total income than the $300 sales tax which the rich man would have to pay. In short, sales taxes bear more heavily upon the poor than they do upon the wealthy.

The property tax is neither regressive nor progressive. It bears equally all along the line, depending on the amount of property owned, though it does not take the property owner's other financial circumstances into account. If a man owns a piece of property assessed at $10,000 and the tax rate is 3.5 per cent, he pays a tax of $350. If a man owns property assessed at $100,000, he pays a tax of $3500. The rate is the same proportion of the value of the property so that the man with the more extensive holdings pays the greater tax. Presumably, greater holdings reflect greater ability to pay.

Efficiency in Tax Collection

There are several important criteria for judging the efficiency of a tax system. A tax should be relatively easy to collect and collection costs should not be excessive in proportion to the tax yield. The federal cigarette tax, for instance, is relatively inexpensive to collect, compared to the income tax. Cigarette manufacturers pay it when

they buy revenue stamps from the government to paste on each pack of cigarettes. Anyone who sells a pack of cigarettes without the stamp is liable to federal prosecution.

A tax should not be easy to evade or avoid. A state income tax is easier to evade than a federal income tax. One reason is that people may work in one state but live in another. A sales tax, especially a local one, is easier to avoid than a tax on real property. A person can drive to another town to make his purchases and thus avoid a local sales tax. But a piece of real property cannot be smuggled out of town at tax assessment time.

The tax system should be flexible. It should be capable of yielding revenues in relation to the government's need for them. The sales tax is a good producer of large sums of tax revenue especially in depressions, when the government's need for taxes actually increases. The property tax, on the other hand, is inflexible. Its yields are fairly stable, and increases in rates do not yield quick increases in revenues because tax collections are infrequent.

Should taxes be used to control the economy as well as to raise revenue? The principal emphasis in our tax system is upon raising revenue. Yet is it impossible to levy a tax without, in some degree, influencing the economy. A tax on luxuries, if it is passed on to the consumer, reduces luxury consumption. A heavy local real estate tax can discourage people from moving into the community. A heavy income tax may discourage people from working harder and producing more. Certain types of income tax exemptions may encourage people to save more.

Some taxes are deliberately levied for reasons of control. The liquor tax is intended to reduce liquor consumption. The tariff is intended to encourage domestic producers. A tariff on foreign watches, for instance, may be used as a means of keeping our own watch-making industry profitable in the face of more efficient foreign competition. This may be desirable because the watch industry manufactures aircraft instruments important to national defense. Corporations are permitted to take tax deductions to amortize the cost of certain types of machinery, plants, and equipment in four years. This encourages industries to reinvest some of their earnings in plant expansion. Industries facing unusual risks of loss, like oil prospecting, get special tax considerations to encourage people to take risks.

A tax system should be judged in terms of its effects upon the

economy. Revenues should be secured in ways that encourage productivity and discourage laziness. We cannot always predict the effect of a given tax, but we should be aware that it may influence sales, employment, willingness to work, willingness to save, size of capital investments, incentive to produce particular types of goods, the location of homes, industrial plants and offices, habits of consumption, and many other facets of economic and social behavior. Any particular tax, as well as the total tax system, should be watched with respect to these influences.

Types of Taxes

The property tax is one of our oldest taxes. It is the principal source of revenue for local governments. It is more easily and economically administered by small units of government than any other tax. Prior to this century, the property tax was the standby of state as well as local governments which needed relatively little revenue then. A simple ad valorem tax—so much per hundred dollars of assessed valuation —yielded enough revenue to maintain roads, furnish police protection, and supply the other government services required in a chiefly rural horse-and-buggy society. All the states have since abandoned the property tax for other taxes like sales and income taxes.

The growth of cities, the diversification of types of real property, and the increase of intangible property have made the property tax more difficult to levy. City property is harder to assess than rural property. For purposes of assessment, it is difficult to equate a manufacturing plant with a house, or a railroad station with a store. While it may be impossible for a man who owns a house to evade the property tax, a man who owns a fortune in stocks and other securities locked in a strongbox may pay no property tax at all.

When real property is assessed for purposes of taxation, a value is placed upon it. This is a highly intricate procedure which requires a knowledge of the market values of the various kinds of real estate and other property subject to the tax. Unfortunately, tax assessment is highly unscientific in many localities. Assessors are usually elected and have no particular training for their work. Assessment procedures differ from one assessor to another, and from district to district. County and district tax equalization boards exist to hear complaints and correct inequalities. A number of states have a state equalization board or a state tax commission to make a continuing study of

local tax assessment procedures and to supervise and regulate local tax administration.

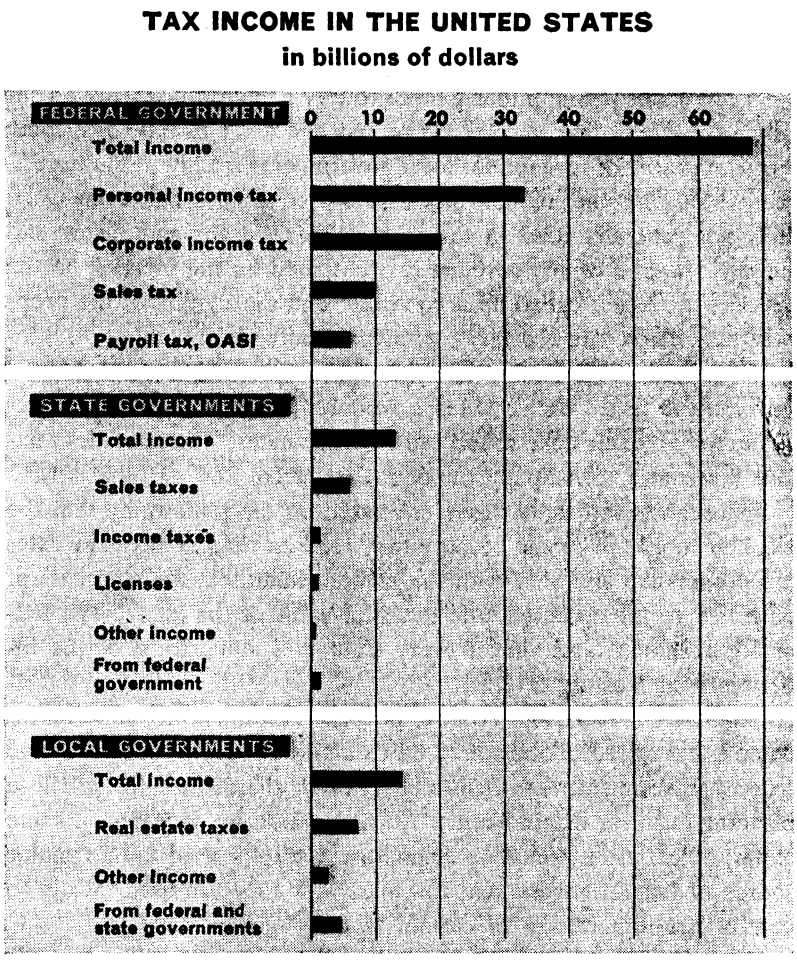
Sometimes assessments in a given locality are nowhere near true value. Property may be assessed at only one-third or one-half its value. Another county or city in the same state may assess property at full value. Even when scientifically reliable means have been used for determining true market value, the habit of using only some proportion of true value for tax purposes makes comparison of tax burdens difficult. One community may have a tax rate of $2.00 per thousand dollars assessed valuation. The next community may have a rate of $4.00 per thousand dollars assessed valuation. The second community's taxes look high until one finds that its rate is levied on an assessment of only one-half of true value, while the former's rate is levied on an assessment of full value. The taxes are actually the same in the two communities.

Most states restrict the taxing powers of localities. Some states limit the total amount of taxes that localities may raise to an expressed percentage of assessed valuation. If a city assesses its property at only one-third or one-half of the true value, it severely limits its taxing powers. Most states apply a similar limitation on bonded indebtedness of municipalities. Bond issues to pay for school buildings, streets, sewers, and other public works may not exceed a certain percentage of total property assessments. Inadequate methods of assessment, coupled with the practice of assessing at only a fraction of true value, can and do seriously cripple the ability of many cities to keep themselves up-to-date in public buildings. "On paper" the community is too poor to provide adequate facilities for its citizens. In states which have tax and debt limits, assessment at full value would substantially increase the capacity of many localities to raise money without any change in the state law.

Which Taxes Are Best?

Under modern conditions, the sales and income tax are better sources of revenue for states than the property tax. Thirty-one states use an income tax. State income taxes are not as steeply progressive as federal income taxes and take only a moderate proportion of income. Seven per cent is the top limit, with most using a lower percentage.

Thirty-three states levy a sales tax. The sales tax came into vogue during the depression because it yielded large amounts of revenue in



Income from taxes varies from year to year. This chart shows the relative proportions of tax income from different sources—*not* the precise amount of revenue collected.

a short time. Various methods were devised for collecting it from retail stores—tokens, tax boxes mounted on cash registers, a percentage levy against a store's total retail sales.

Though there has been some advocacy of a federal sales tax, there seems to be a tacit agreement that the states may use this tax exclusively while the federal government confines itself to the progressive income tax. The federal government is thus a progressive taxer while the states tend to be regressive taxers. Carefully worked out

agreements between the states and federal government could even out the tax burden fairly well.

A few states permit municipalities to levy a payroll tax. This is usually a flat one or two per cent tax on pay checks. This type of income tax as a source of revenue for local governments is only in the experimental stage. Some municipalities have used a sales tax, even when it is not generally used in the state. The need for some new and lucrative source of city revenue is occasioned by the increase in the services the city is called upon to render and the rigidity of the property tax, heretofore the city's principal source of revenue.

The excise tax is a sales tax applied to a specific item. The federal government levies excise taxes on liquor, cigarettes, gasoline, perfume, furs, theater tickets, and other luxury items. The states levy excise taxes also, principally on liquor, tobacco, and gasoline.

Inheritance and estate taxes are based on the philosophy that the wealthy should pay most because they are best able to pay. The rates are progressive and vary with the amount inherited, the closeness of each heir to the deceased, and the total value of the estate. The federal government and almost every state uses some form of the inheritance and estate tax.

The states levy various types of business taxes. The corporation income tax is levied in about two-thirds of the states, as well as by the federal government. A franchise tax is often charged for the privilege of doing business within a state. An occupation tax is levied in some states; others use a capitation or poll tax. Customs used to be a major source of federal government revenue. Now they are used mostly to control the importation of certain types of goods.

Unemployment compensation taxes, social security taxes, and the like, are not actually taxes. They are insurance payments intended to build up a fund out of which the payer may eventually receive a return. Levied as payroll taxes, these assessments amount to more than $8 billion per year, of which nearly $7½ billion is paid out in benefits and most of the remainder is placed in a reserve.

The Incidence of Taxation

A person who rents his home may think that he does not pay any real estate tax. It is true that he does not get a tax bill. But the incidence of the tax falls on him nevertheless. The landlord passes on the cost of the tax, among other costs, when he sets the rent. Thus a tax

may be levied upon one person or class of persons, but may actually be shifted to another. Suppose a two per cent manufacturer's tax is levied on electrical appliances. The manufacturer pays the tax to the government. But in the price he charges distributors of his products, he passes on the actual burden of the tax. Of course, he may decide to absorb the tax himself if business is bad or if competition forces him to do so.

When the incidence of a tax is shifted to another person by the person upon whom it is levied initially, the tax becomes an indirect tax. The person who pays an indirect tax often does not know that he is paying it. When the person upon whom the tax is levied is actually the person who pays it, then the tax is a direct tax. The income tax is a direct tax, and so are estate and inheritance taxes, and poll and occupation taxes. Sales taxes, excises, and customs taxes may be indirect taxes. The government collects from the seller, but the consumer actually pays the tax.

Are indirect taxes bad? If the citizen is unaware of the indirect taxes which he pays, then tax shifting is bad. If a citizen who pays direct taxes takes greater notice of how his government is run and how tax money is spent, then direct taxes are better than indirect ones. Indirect taxes tend to be misused by politicians who wish to hide the costs of government from the public. Their theory is that the least noticeable tax is best.

GOVERNMENT AS SPENDER

In the past forty years, a revolution in taxation has taken place. Not only has the amount of taxes increased, but the source of tax revenues has shifted. The wealthy no longer bear most of the cost of government. Though a person with a high income may pay a steeply progressive income tax, the total tax revenue from all such persons is small compared with the total tax revenues derived from the millions of tax payers of average ability.

In 1913, the first year of the federal income tax, only slightly more than one per cent of government revenues—local, state, and federal—was derived from the income tax. The property tax, paid by persons wealthy enough to own property, accounted for roughly forty-two per cent of government revenues. By 1958 the relative positions of these two taxes had virtually reversed. The income tax was sup-

plying just under fifty per cent of government revenues, the property tax a little less than nine per cent.

Another shift has occurred. In 1913 government revenues totalled $3,140,000,000. Of this sum local government got three-fifths—$1,868,000,000. The federal government had revenues of slightly less than $1,000,000,000; the states received slightly under $400,000,000. By 1958 the picture had reversed. The amount of government revenue had increased enormously to a total of $119,000,000,000. Local government received a share of $23,000,000,000. It was spending better than ten times more than in 1913, but its share in the total tax take had decreased to one fifth. The states were still in third place, taking in $21,000,000,000. The federal government had become the big tax collector with a yield of $75,000,000,000, most of it from the income tax. A bigger share of this goes for national defense than for any other purpose.

Budgets and Audits

All levels of government, national, state, and local, are now required by law to use a budget. A budget is an itemized plan of expenditures and receipts. It is prepared ahead of time, for a specified time period, by the executive branch of government and must be approved by some other branch, such as Congress, the state legislature, or a city council. In some school districts the people vote on the budget; in others the budget must be approved by some other organ of local government, such as the city council. There are three noteworthy features of a government budget. It is a public document. It is developed and approved through a regular procedure. And it is an expression in dollars of an administration's attitude toward its function as a public servant.

The purpose of an audit is to check that government money is spent for authorized purposes. An audit is an examination of every bookkeeping entry traced back to the bill or voucher authorizing the transaction. Audits are usually conducted by a regularly constituted arm of government. They serve as a protection for government officials as well as a guard upon the public purse. They protect officials against charges of fraud or dishonesty.

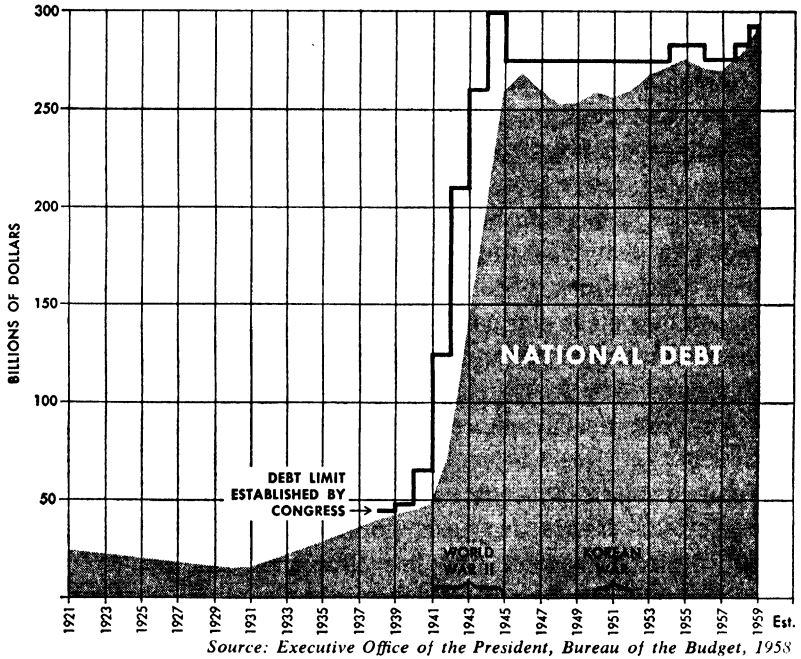
Good management of the public money is as important as good management of private or corporate resources, even though the principles may be different. Most states and communities tend to be too

timid in their financial management. Officers of government might be much more venturesome if they were handling their own funds. The reasons are not far to seek. The management of the public money is a public trust, and its handling is hedged about with many well-barbed laws which protect the public interest.

The National Debt

Even though it has become a big tax collector, the federal government has had difficulty balancing its budget. Since 1930 the federal government has taken in more than it has spent only in five years: 1947, 1948, 1951, 1956, and 1957. In all other years the federal government spent more than it took in. Thus the net result of each year's operation has been to pile up debt. Despite the enormous increase in taxes, the national debt rose from sixteen billion dollars in 1932 to nearly 300 billion dollars in 1959. Even in 1932 the size of the debt was viewed with some alarm. Government measures to overcome the depression, followed by all-out efforts to win World War II have accounted for the increase.

THE NATIONAL DEBT OF THE UNITED STATES



Source: Executive Office of the President, Bureau of the Budget, 1958

Is a public debt of this size dangerous to the economy? Should it be paid off as soon as possible? A public debt differs from private debt. A private debtor owes money to another person whose power to spend is lessened because someone borrowed his funds. But to whom does the government actually owe its debt? It owes it to the people, and from the people it can by means of taxes secure the money to pay off the debt. Instead of spending all their money themselves, some people have, in effect loaned it to the government. This they have done voluntarily. The government could, by virtue of its power to tax, compel the people to pay the same amounts in taxes so that the government would not have to borrow from them. Instead, it followed the inflationary course of borrowing. The borrowed money, unlike taxes, is gradually repaid to the lenders, with interest, and then constitutes additional purchasing power leading to higher prices.

The government could have increased taxes from year to year to balance the budget. This would have left the people with less money to spend and would have been deflationary. Other factors remaining equal, the value of the money would have remained about the same; prices would have remained stable; salaries and wages would have been stationary. Such a policy would not have been to our liking because we were in a depression when spending in excess of income began. Levying sufficiently large taxes to pay off the huge national debt in a short time, say ten years, could be extremely deflationary. It could be disastrous, for if the government reduces purchasing power by collecting more taxes from each of us, there will be fewer sales, less manufacturing, fewer jobs, declining prosperity.

The national debt can be used to inflate or deflate the economy depending on the needs of the country. Whether the national debt is too high, or whether it is beneficial or disadvantageous to have one as high as we now do, is thus a matter which must be viewed in terms of the debt's effect upon the economy. One must also consider the relationship of the debt to national income. When national income rises, as it has done steadily, the nation can support a correspondingly higher debt.

Factors involved in the state and local debt picture differ from the national picture. State and local government obligations are frequently owned by people who live elsewhere. The amounts borrowed may be larger than the amounts which could be raised through

taxation in the state or locality which is borrowing. Repayment may thus be difficult.

While it should be an objective of personal finance to pay off debt or at least to keep the amount of debt small, this is not necessarily the case with public finance. A sharp and considerable increase in the bonded debt of a state or local government is not necessarily a mark of poor public administration. It depends upon the use made of the bond money—whether the use is in itself productive of further wealth or a better life for the people. Particularly it depends upon whether the wealth of the community or state in question is sufficient to support the works for which the debt is incurred.

Economy in Government

Economy is always a watchword in public affairs. Practically every proposal is challenged on the basis of economy because almost every proposal requires expenditure of funds. Some politicians have made themselves famous almost solely by preaching economy throughout the period of their public service. Senator Harry F. Byrd of Virginia is an example. The Commission on Organization of the Executive Branch of Government—the Hoover Commission—was set up originally to determine whether the framework of the executive branch of the federal government permits the executive to operate smoothly, effectively, and in accordance with the principles governing a free society. The group studied the enormously complex organization of the federal government and made seven separate reports, all of them emphasizing economy. In the Commission's opinion an estimated $865,000,000 of federal expenditures which were then running to about $65,000,000,000 annually could be saved through improved management. Billions of dollars also might be saved through disposal of federal farm product surpluses.

Certainly, economy in government is a very important consideration at all times. We do not want public officials squandering public funds through poor management. But we should not hesitate to make necessary expenditures. A rich country need not be miserly. Locally we hear economy mentioned often in connection with school budgets. But it is false economy when schools are required to spend little more than they did in the thirties while costs and incomes have tripled. Conservation is a much more positive approach to the utilization of

resources than economy; yet as a people we have not been very diligent in the conservation of natural resources. Oddly enough, some of the same public officials who most vigorously preach economy in government oppose government measures to conserve natural resources throughout the nation.

Though public opinion favors the idea of economy, we are certainly among the most wasteful people in the world. Our high standard of living and the wealth created by our productivity tend to make us practice economy less than, say, the French or Chinese do. Our concern with economy in government may be motivated primarily by our fundamental distrust of government. If government has too much to spend, it grows too big. As government grows large, it may grow away from the people it serves. The people may be able to exert less and less control over its policies. If we give government less to spend, perhaps it will remain smaller. It is interesting to note that most of the advocates of government economy also favor less government regulation and curtailment of government payrolls.

PRIVATE ENTERPRISE, THE PUBLIC, AND GOVERNMENT

It is difficult to characterize the American economic system in a few words. Certainly no tag like "free enterprise" system or "capitalistic" system or "individual business" system is adequate. Freedom and pragmatism have enabled the American economy to grow in many different ways.

Sometimes we choose to organize an economic enterprise as a government service, and not for private profit. We organized the postal service that way. We have handled local water supply that way, generally. We have organized some power and irrigation projects that way. At other times we have chosen the private profit system. We have organized food supply that way, and clothing and the hundreds of other needs that are met in the market place. Whether or not businessmen will render a certain service and the quality of that service will depend on whether or not a fair profit can be anticipated. Private business is not expected to keep public welfare considerations uppermost. For example, a dealer in used automobile parts may scatter his rusting hulks all over the grassy approaches of the city, so long as he owns the land on which he dumps his discards. The city sanita-

tion department could not do this because it is a non-profit public service.

Within the two extremes of service-regardless-of-cost on the one hand and business-for-profit on the other, we have every possible gradation and variation. These gradations and variations result from the extent to which government controls, watches, referees, or completely leaves alone a given type of enterprise. Our system is not pure capitalism. There is too much government control for this. It is not anywhere near socialism. There is too much private enterprise for that. It is obviously not even close to communism or fascism. There is too much individual freedom for that. Ours is sometimes called a "mixed economy." This is just another way of saying that we operate in this country by various devices and use whatever seems likely to serve us best under the circumstances. We have some monopolies; but ours is not a cartelized economy as much of prewar Europe was. We encourage competition, but we keep it within limits. The shifts and changes that characterize our politics are intended to readjust the positions of various elements of the economy, keeping management and labor, farmers and manufacturers, private business and public interest, and all the other opposing and cooperating forces as nearly as possible in equitable competition with each other.

The Creative Function of Free Capital

In this environment money works as a great creative force. We enjoy in this country a variety of goods and services unparalleled in the history of the world. The average man has more comforts than even the kings and princes of former times could have. This standard of living is the product of the manner in which we allow individuals to keep and invest their money.

Let us say that Mr. White, a bright young man just out of engineering school, has a shop in the Middle West in which he repairs and makes parts for farm machinery. He invents a new type of farm machine—a series of small specialized machines, each costing much less than a large tractor. A farmer can buy one or several of these machines for specialized jobs on the farm and save time and money. Mr. White makes a few of these machines and sells them quickly for a profit. Though Mr. White enjoys his work, he is also interested in earning money. He takes the profits he has made from his first sales

and reinvests them in his business. After a while, he has made enough money to build an addition to his plant and to buy some new machinery and employ additional workers.

This is the classic pattern in which many businesses got started in this country. Edison, Ford, Bell, Firestone, Rockefeller, Carnegie, and hundreds of other men famous in American business made their fortunes by creating and offering to the public a new product or a new service, and by reinvesting profits in the expansion of the business which they were operating.

But the demand for Mr. White's product increases faster than his profits do. Businessmen of former days kept the lion's share of what their business brought in. Today taxes take more, labor gets a larger slice of what the business produces, and business takes its service responsibilities to the public more seriously. Hence the proportion of profit to gross income is smaller. Mr. White's profits do not permit him to build the large new plant that he needs to keep up with the demand for his new farm machines.

So what does Mr. White do? He looks for venture capital. He does not borrow it from the bank because the bank is interested only in safe investments. It puts its money in mortgages backed by readily salable collateral, and in the stocks and bonds of well-established companies whose business is so secure that there is little risk. Mr. White's business is not secure enough. A few farmers have bought his machines. But that does not mean that his business will succeed on a large scale. There are many business failures each year.

Mr. White makes inquiries about private investors who might be interested in his business, and the name of Mr. Green is mentioned. Mr. Green is quite rich. How rich? He has enough money that he is willing to risk half a million dollars in a business venture. That is the sum Mr. White needs to build his new plant. Mr. White discusses his business affairs with Mr. Green, who is interested in developing a new business. After careful investigations and planning, the two agree that Mr. White should reincorporate his business and sell 40,000 of the 100,000 shares of stock to Mr. Green for $12.50 a share. Mr. White will keep a sizeable block of shares—probably the controlling interest in return for his patents, his present plant, his good will, his production know-how, the fact that he has a going business.

Let us assume that Mr. White's farm machinery business succeeds handsomely. Mr. Green earns over a million dollars in dividends dur-

ing the next seven year period. Mr. Green's other financial holdings remain the same. He already had all the money he wanted to spend. His income is so high that this additional million will be paid largely to the government in the form of income taxes. Why did he risk it? He might have lost the half million, and he could have bought a yacht with it, or race horses, or a villa on the Riviera.

He did it for profit, it is true. He did not want to lose his money, though it would not have bankrupted him or endangered his family's financial security if the venture had failed. But, as we see, at best the profit was small. What was left after taxes could hardly add much to Mr. Green's standard of living. Whatever Mr. Green's personal motives, and they may be varied, the fact is he used his money to create. In much the same way that an artist uses paint or a writer uses words, businessmen use money as a medium of economic creation. Most new enterprises are financed by venture capital. Even large and well-established companies automatically set aside a certain proportion of their profits as risk capital. This money is invested in new ideas that may or may not pay off. In this way both well-established and new companies have increased, and continue to increase, the quality and variety of goods and services we all enjoy.

There are other patterns of investment besides the one we have examined. A rich corporation may risk some of its income as venture capital to develop new types of products—like DuPont's $20,000,000 development of nylon or RCA's $7,000,000 development of television. Or relatively safe securities may be bought by a fiduciary trust. In this way funds managed for their clients by insurance companies, savings banks, trust companies, and the like are invested in business. There is also the modest investment of savings by the average wage earner. He, too, is a capitalist when he owns properties or securities that represent funds invested in the hope of securing a profitable return on the investment.

The process of capital formation is vital to our entire economy. It has been estimated that new capital at the rate of fifty billion dollars per year is needed over the next twenty years if we are to maintain our present level of economic activity. The continued reinvestment of a proportion of our national income in business expansion and new business ventures is as important as any other economic activity. It is at this point that our economy differs from the socialist economy. Under socialism, investment is a function of government.

Individuals do not invest privately, though their money, paid as taxes, is used by the government for investments.

In the United States anyone with savings or an income can become an investor. It is good that we have a certain number of rich people and rich corporations who can, without great worry, risk large amounts of capital in the promotion of a new venture. Riches thus are useful to the entire community, not only to those who accumulate them. But the accumulation of riches is not, in our highly productive economy, limited to a few. As has often been said, "Anyone can get rich in America." Anyone can contribute to the important process of capital formation merely by investing his savings.

QUESTIONS FOR DISCUSSION

1. Banks, some utilities, newspapers, and other communications enterprises possess certain characteristics that distinguish them from other businesses. All of them are subject to special government regulation. Are such regulations justified in all these instances or are they a violation of some historic American principle? Are there other industries or enterprises that occupy or are approaching a similar status in our economy?

2. Why is it important to establish a good credit rating? Can an individual who is not in business benefit from a good credit rating? How can one establish such a rating?

3. Under what conditions is a person in business justified in borrowing money? Do these considerations extend to an individual not in business? Is it good or bad to be in debt?

4. Is there any evidence, in your state, that lawmakers for political reasons keep taxes low for wealthy and influential segments of the public? Is the tax burden equitably distributed in your state?

5. Analyze the tax system under which you live in terms of progressive-regressive features. Does your state government still use the property tax for a substantial proportion of its revenues?

6. About what aspects of tax policies should the informed citizen be concerned? Are taxpayers associations usually concerned about such policies, or is their primary concern to keep taxes low?

7. Which of these would be justifiable grounds for a sharp increase in local government indebtedness in your home town: building a new high school; building a high school stadium seating 35,000; establishing a fund to provide free health service and low cost food and housing for the poor; establishing a fund to send the ten brightest high school graduates each year to college; building a new produce market; building a through highway.

8. Enumerate all taxes which you pay. Which of them are direct and which are indirect taxes?

9. Do you think that the national debt should be reduced? Why? How could it be reduced with the least economic dislocation?

10. It is rarely possible for new businesses nowadays to grow larger solely on the basis of reinvesting profits. Is this situation bad for business? Is it bad for the country? Should we revert to tax and labor conditions of the nineteenth century?

11. Which of the premises lay down the fundamental rules on taxation?

12. Are our economic arrangements adequate for realizing the basic economic goals of our society?

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