

January 1936

The Constitution

Ralph W. McCrillis

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

Recommended Citation

Ralph W. McCrillis, The Constitution, 13 Dicta 295 (1936).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

The Constitution

THE CONSTITUTION

By RALPH W. MCCRILLIS, *of the Denver Bar*

When we hear or speak of the Constitution, what particular document do we have in mind?

There are many constitutions adopted by nations, our states and smaller organizations of every conceivable kind. In fact, they are not considered organized until a constitution has been adopted.

However, the Constitution always means of the United States of America because it has been the model and inspiration for all others for a century and a half.

It is, and since its adoption has been, a live and vital instrument exciting the admiration of all organized people.

Perhaps this statement is too broad because its ratification by the states in March of 1789 followed a tumultuous period of years, during which were the historical events which led up to the American Revolution.

The Declaration of Independence had crystallized the issues of that day, which culminated in the birth of a new nation.

The same men who had thus won freedom from long years of despotism under the rule of George the Third of England were confronted with the task of maintaining the freedom they had won at tremendous sacrifice of lives, homes across the Atlantic and with an empty treasury, drained not only by the costs of war but by the confiscatory tax levies of the king who gave them no representation in government for the taxes exacted of them and spent the money derived from these taxes, not in America, but at the seat of government in England.

It therefore casts no reflection upon the patriots to say that they entered upon their new task with many misgivings; for they had to resort to new and untried methods of government, having no desire to commence anew the European type of government.

The Articles of Confederation had been prepared by the Continental Congress immediately following the Revolution and were finally ratified by the states in 1781, but they proved to be "a rope of sand," so after six years of fruitless and hopeless experiment the Federal Convention was called and

adopted the Constitution with Articles I to VII, inclusive, and it was finally ratified by the states and put into effect by act of Congress on March 4, 1789.

Two years, later at the insistent demand of the people, the first eight amendments were ratified by the states and are known as the Bill of Rights. At the same time Amendments 9 and 10 were submitted and ratified, whereby the central or national government was strictly limited in authority to the powers granted in the Constitution and all other powers not so delegated were reserved to the states or to the people.

Then it was that a national spirit began to take shape. It was inspired by the realization of the people that they themselves, through a representative form of government, were masters of their own destiny and free from the fear of despotism, from which they had rebelled.

George Washington was their president and had refused to accept a crown but in its stead had chosen to become the agent or servant of the people under the limitations imposed upon him by the Constitution and its Bill of Rights.

The Constitution, by its ratification by the people, became the will of the people and for the first time in the history of mankind a concrete foundation of government with which they and their public officials with delegated powers could and must abide was established.

It was the master stroke in history, whereby the forgotten people gained jurisdiction over themselves through a government of laws and not of men.

The progress made under the American Constitution has been the marvel of the world and because thereof the United States has long since been the melting pot for the people from all nations, who have come here to enjoy our advantages in such numbers that immigration has had to be restricted.

Who has ever known of any significant number of Americans leaving the country because of its bad government or Constitution?

The method of its amendment is provided for and has been resorted to as recently as the repeal of the 18th Amendment.

The method contemplates the will of the people and no other method abides by the Constitution which in case of

question is decided by the courts of law, in accord with the will of the people as expressed in the Constitution and its amendments.

Without the courts, how could the people enforce their will and demand that their governmental servants abide by the Constitution, which is the fundamental and supreme law of the land, to which all departments of government, legislative, executive and judicial, must yield obedience.

The word abide, for human reasons, is preferable to obey in this connection.

Before the American Revolution the word "obey" was the order of the day.

It has been referred to as the horse and buggy day.

In this more modern day and age, in the light of experience and judicial precedents, we have come to know the value of something definite to abide by, which applies to all men and classes alike.

We often refer to our government as the "Ship of State." It makes no difference whether it be a four-masted wind-jammer of days gone by or a modern Leviathan, its charted course is attained by a proper use of the compass and the rudder, without which a ship soon becomes a derelict with nothing to abide by except the changing currents, winds and storms—which lead to the shores of Spain.

* * *

"* * * the American Constitution is, so far as I can see, the most wonderful work ever struck off at a given time by the brain and purpose of men. It has had a century of trial, under the pressure of exigencies caused by an expansion unexampled in point of rapidity and range; and its exemption from formal change, though not entire, has certainly proved the sagacity of the constructors, and the stubborn strength of the fabric." —Gladstone.

* * *

"Were we directed from Washington when to sow and when to reap, we should soon want for bread." —Thomas Jefferson.

* * *

"The destruction of our state governments, annihilation of their control over the local concerns of the people, would lead directly to revolution and anarchy and finally to despotism. . . . In proportion, therefore, as the general government encroaches on the rights of the states, in the same proportion does it impair its own power and detract from its ability to fulfil the purposes of its creation." —Andrew Jackson.

* * *

"The maintenance inviolate of the rights of the states, and especially the right of each state to order and control its own domestic

institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends." —*Abraham Lincoln.*

* * *

"The verdict of our voters . . . enjoins upon the people's servants the duty of exposing and destroying the—evils which are the unwholesome progeny of paternalism. This is the bane of republican institutions and the constant peril of our government by the people. It degrades . . . the plan of rule our fathers established and bequeathed to us as an object of our love and veneration. It perverts the patriotic sentiments of our countrymen and tempts them to pitiful calculation of the sordid gain to be derived from their government's maintenance. It undermines the self-reliance of our people and substitutes in its place dependence upon government's favoritism. It stifles the spirit of true Americanism and stupefies every ennobling trait of American citizenship." —*Grover Cleveland.*

* * *

"No method of procedure has ever been devised by which liberty could be divorced from local self-government. No plan of centralization has ever been adopted which did not result in bureaucracy, tyranny, inflexibility, reaction and decline." —*Calvin Coolidge.*

* * *

"Let us remember that, from the very beginning, differences in climate, soil conditions, habits and modes of living in states separated by thousands of miles rendered it necessary to give the fullest individual latitude to the individual states. . . . It is obvious that almost every new or old problem of government must be solved, if it is to be solved to the satisfaction of the people of the whole country, by each state in its own way." —*Franklin D. Roosevelt, Governor of New York.*

* * *

"Now, to bring about government by oligarchy masquerading as democracy, it is fundamentally essential that all authority and control be centralized in our national government. The individual sovereignty of our states must first be destroyed, except in mere minor matters of legislation. We are safe from the dangers of any such departure from the principles on which this country is founded just so long as the individual home rule of the states is scrupulously preserved and fought for whenever they seem in danger."

"Thus it will be seen, that this home rule is a most important thing—the most vital thing—if we are to continue along the course on which we have so far progressed with such unprecedented success. * * *"

—*Franklin D. Roosevelt, Governor of New York.*

* * *

"I do not want to live under a philanthropy. I do not want to be taken care of by the government. . . . I want to have right and justice prevail so far as I am concerned. Give me right and justice and I will undertake to take care of myself. I will not live under trustees if I can help it. I do not care how wise, nor patriotic, the trustees may be. I have never heard of any group of men in whose hands I am willing to trust the liberties of the American people." —*Woodrow Wilson.*