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## *Dines Discusses "Demagogues"*

Those who comfortably feel that the day of the demagogue is past in America should have been present at the meeting of the Association on February first to hear Tyson S. Dines, Sr., discuss "the Menace of Demagogism," for Mr. Dines, with great force and no little old-fashioned oratory, presented facts and figures to prove that the danger from the activities of these undesirable gentry is perhaps greater than ever before.

### **Days of Discontent**

Mr. Dines said that we were living in days of restlessness and discontent. There was much running to and fro and there were many people who, failing to realize their hopes in the post-war period and unable to adjust themselves to the new conditions, had joined the society of discontent. Economic laws involved not only the unwary but the wary. Bolshevik Russia was an important factor in the present discontent and was the product of the same causes that produced the French Revolution. Both were born of tyranny and oppression and both had their Utopian dreamers. When they found leaders, organization took place and they became destructive. The Communist party in Russia, he declared, numbered less than 600,000 and ruled a nation of 150,000,000 people. Mighty Russia, with all her vast resources had offered too fertile a field to be neglected by the forces of destruction.

The truth of the Russian revolution, Mr. Dines said, had set revolution ablaze everywhere. Our own country had been invaded by the communists but here there was no background of oppression so that their work was not yet effective. But they were still hard at work here and we must remember always that the price of civil liberty is eternal vigilance. The idea was sufficiently strong here, he pointed out, to muster a million votes at the last presidential election and some of our political leaders had shown that they were willing to sell their souls and birthrights for votes. Just as the medical charlatans and quacks found a ready market for their panaceas, so, in time of stress, political quacks become for a space heroes to the masses. Under the

hypnotic effect of their perfervid oratory, many believe that their Utopian dream of an equal division of property is coming true, although, if all property were equally divided, we would have but \$9.00 apiece.

### **Men Are Not Equal**

It had taken a long time, Mr. Dines said, for people to realize that when the Declaration of Independence had said that all men were created equal it meant political equality and not moral, mental, or physical equality. No scientific fact was better established than that a child's mind was a blank page save for the impressions made upon it by instruction and hereditary traits. Mental capacity was fixed by heredity and could not be affected by environment. Never had acquired traits of civilization or education been transmitted by heredity, and civilization had been passed by the superior minds of one generation to the superior minds of the next. Inferior minds were merely followers and imitators; they could never be originators. If we wanted to get an idea or the audience addressed by the demagogue, we should read "the Revolt Against Civilization" and "the Passing of a Great Race."

Mr. Dines then cited the figures compiled as a result of the psychological tests made during the war. Based on these figures, he said, nearly one half of our population could never attain a greater intellectual capacity than that of the average child of twelve. We should tremble for the future of the country if this government of the people, for the people, and by the people depends upon the intellectual capacity of the rank and file. Of 1,700,000 officers and men in war service, he pointed out, 4 1-2% were of very superior intelligence; 9% of superior intelligence; 16 1-2% of high average intelligence; 25% of average intelligence; 20% of low average intelligence; 15% of inferior capacity; and 10% of very inferior capacity. Only 30% were capable of originating and 70% were mere followers. An alarming feature of this situation, Mr. Dines said, was that those lacking in mental capacity were breeding much faster than the superior types.

He pointed out how the modern ideals of charity had affected the situation by saving the weak, infirm, insane, and criminal people and eventually turning them out of all of our charitable institutions to re-enter life and multiply their inferior intellects. Our former immigration policy also had added the off-scouring of Europe to our population and the "melting pot" idea had been a mere license to breed out the superior human strain. If a superior type mates with an inferior one, he declared, it takes but a short time to breed out all of the superior qualities.

With 45,000,000 of our people having no more mental capacity than that of a twelve-year-old child and a substantial portion of them in the society of discontents, we could see how liable we were to listen to the demagogue. Under the circumstances the initiative and referendum were a menace to the country.

#### Tyranny from Within

One of the judges of our district court, Mr. Dines said, had said in a certain decision that the constitution was specially designed to protect us from tyranny within and tyranny without. The framers of the constitution had realized that people were not equal to the task of dealing with inherent rights and that they might, like Samson, pull down the pillars of the temple on their heads. We are now living in the days of tyranny from within by the people, he said, and while the demagogue continues to thrive we will be threatened with destruction.

Demagogues often succeeded, Mr. Dines declared, in getting high positions in the political life of the nation and it was no wonder that the people sometimes mistook them for the really great. He told of how one of our states had been dominated by political quacks who had put the state into the milling and elevator business, among other socialistic enterprises, and of how he had heard a United States senator from that state speak in Los Angeles and make the statement that the Supreme Court of the United States had "usurped the power to declare acts of Congress unconstitutional." This man was uneducated in the law and the amazing thing about it was that any man could make such a false public statement and be believed by any considerable number of people. This

senator had said that the Supreme Court had exceeded its jurisdiction and such statements, Mr. Dines pointed out, were not only misleading but shook the confidence of the people in our courts.

#### Early Constitutional Decisions

The first statement made by a court in the United States construing the constitution, Mr. Dines said, was made in May 1791 by a Connecticut court. A year later a federal court held a statute of Rhode Island unconstitutional; in 1793 another state statute, this time a Connecticut statute, was held unconstitutional and an act of Congress was also held unconstitutional; and in 1795 a Pennsylvania statute was held unconstitutional. These decisions resulted in the formation of the Federalist and Anti-Federalist parties, but both these parties had agreed that the courts had the right to declare statutes unconstitutional, and Mr. Dines cited and quoted at length extracts from publications then current to prove his point. He then cited the debates of 1829 and the decisions in *Marbury vs. Madison* holding that Congress could not either enlarge or limit the constitutionality of its acts.

We were not compelled, Mr. Dines said, to rely upon the declarations of interested parties to determine that the constitution of the United States is pure gold. Scores of the greatest political thinkers of foreign lands had said so in no uncertain terms and he quoted, with effect, the poem, "We know what master laid thy keel."

#### Beware of Changes

In conclusion, Mr. Dines urged his hearers to look with suspicion on all who proposed to change the constitution and never to permit it to be amended so as to leave its construction to Congress or state legislatures. Radicals are still busily attempting to change it, he said, and the presses are busy turning out their literature. Amendments are dangerous and no one is wise enough to foretell what leaks an entering wedge may produce in the ship of state.

We must look to the young lawyers, he declared, to see to it that no light changes were made in the Constitution, which was as good today as the day it was first signed.

—J. C. S.