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This America of Ours.

Possibly in the limited time which is ours and in view of world conditions which bring for the first time in our memory a serious question as to the future of this democracy which but recently seemed so certainly to be in a safe and advancing condition it may be well for us to consider what it is and how much sacrifice may be justified to preserve it.

Now the American concept of democracy is not to be understood except by a backward look into English history and a review of three immortal documents which resulted from a determined struggle there to determine whether the people or the Crown should rule.

The first of course was Magna Charta, wrested from stubborn King John in 1215 by the barons of England and of England's possessions in France. True it was concerned with the rights of noblemen but as a precious possession of the English it became a great stumbling block in the way of those monarchs who yearned to exercise what they liked to think of as the divine right of kings.

Briefly it provided that

- 1- there should be no taxation without representation
- 2- that the King should pay for what he took
- 3- that trial should be by jury
- 4- that justice should be prompt and not for sale
- 5- the creation of the Council of Barons as the beginning of representative government.

Some four hundred years later in 1628 came the Petition of Rights as a result of the quarrel between Parliament and Charles I over questions of constitutional right. It provided

- 1- there should be no taxation except by Parliament
- 2- that no one should be imprisoned contrary to the law of the land even by order of the King
- 3- that soldiers and mariners should not be quartered in private homes
- 4- that commissions of military law should not be issued

You will remember that Charles was so determined to have his own

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way that a civil war resulted which cost him his head and ushered in the decidedly undemocratic rule of Cromwell. The net gain however was that for the future the increasing power of parliament was assured.

Following the Protectorate came the restoration of the Stuarts in the person of Charles II who was followed by his brother, James II. Unable to learn from the past, perhaps believing with one of our chief industrialists that 'history is the bunk', he attempted to set aside laws of Parliament by kingly dispensation. The result was his flight to France, the declaration by Parliament that the throne was vacant, the invitation to William and Mary to take over and in 1689 the Bill of Rights, which purported to be a declaration of the 'true, ancient, and indubitable rights' of the people of the realm. It provided

- 1-that the pretended dispensing power by which James had evaded the law was illegal
- 2-that the people had the right to petition the King
- 3-that it was illegal to keep a standing army in time of peace except by consent of Parliament
- 4-that freedom of speech in Parliament should not be questioned outside that body
- 5-that excessive bail ought no be required, excessive fines imposed, nor cruel and unusual punishments inflicted
- 6-that William and Mary should rule and that no Papast or one married to a Papist should occupy the throne.

I remind you of these steps in the long struggle in England for the right of the people to rule thru Parliament that you may remember afresh that the protective provisions in our constitution were the result of this ancient struggle as modified by the struggle as it was continued here between the colonists and the Crown. In fact you recognize the presence of some of these identical clauses in our constitution. In passing I may say that undoubtedly the fundamental cause of the Revolution was that our colonial forbears were Englishmen and were as determined as had been

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their ancestors, that they would not be imposed upon either by the King or by a Parliament in which they did not have representation.

Immigrants to America came chiefly seeking social, economic political, and religious freedom. True a few came because their departure from the homeland was a condition for their release from jail but so far to my knowledge none of my friends in tracing their genealogy have found any one of these roosting in their family trees. What became of them nobody knows. Like the lost colony of Roanoke they vanished into the early mists and not even Brenau College possesses any stones which may or may not throw light on the mystery. But to return to the four more numerous groups—Political upheavals in England naturally made it safer oftentimes for numerous citizens to betake themselves beyond the reach of punishment which in those days was marked chiefly by its severity, and because government was invariably partial to some one religion and so prone to look upon those who adhered to other faiths as likely to be disloyal, it was sometimes difficult to draw a line between those who fled to escape persecution for political reasons and those whose religious faith was the determining factor which made them look for a boat. At any rate they had suffered sufficiently from religious bigotry with a political slant that their descendants carefully provided a religious liberty and no-state church plank in our constitution.

Now I believe I did notice recently in the paper where some preacher thought there should be a state church but I voted too that it was to be his church and I have a suspicion that he voted against Al Smith if he was old enough. The American people seem to not exercise their right to attend the church of their choice so much as they might and some might be led to the erroneous conclusion that they do not value it a great deal. I am persuaded on the contrary that

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much of the zeal which led the Pilgrims to leave first England and then Holland, which brought the Catholics to Maryland and which was responsible for the founding of a city called Providence is yet a very vital part of the make up of the average American and that he is still ready to fight for this freedom of worship which he seems to value so lightly. Society in England as you know was rather rigidly stratified. The urge to come to a country where a fellow could be as good as anybody else has many times been not sufficiently emphasized as a most powerful motive. The opportunity to make a better living was over a span of years probably the predominant cause for immigration. The meaning of America for the downtrodden of Europe during the next century has perhaps been best expressed by William Blake who wrote in 1793:

"Tho born on the cheating bank of the Thames,
Tho his waters bathed my infant limbs,
The Ohio shall wash his stains from me:
I was born a slave but I go to be free."

Further insight is given by the comment of farmer Thomas Hulme, the father of nine children who said, "I saw that of whatever I might be able to give my children as well as of what they might be able to earn, more than one half would be taken away to feed pensioned Lords and Ladies, soldiers to shoot at us, parsons to persecute us, and fundholders who had lent their money to be applied to purposes of enslaving us." After a visit to America in 1826 he said, "I saw an absence of human misery, a government taking away a very small portion of Men's earnings, ease and happiness, and a fearless utterance of thought." After moving his family here a year later he expressed his satisfaction by the following: "Here I am in no fear of spies, no false witnesses, no blood money men. Here no fines, irons, or gallowses await me, let me think or say what I will about the government."

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Constantly restricted by a multiplicity of governmental regulations, in constant fear of excessive punishment for petty crime, with no hope for his children to rise above their social condition at birth, a social nobody with no political influence and less economic future, the ordinary European thought of America as a Heaven on earth. By contrast, I think it was. In comparison with most of the world today, I think it still is. I would that all who live here might realize it.

We have not time to recall the development during the colonial period of the kind of government which became the pattern for our present constitution. In the main it tended toward less religious and economic restriction on the voting privilege and increasing power for the lower legislative house which was controlled on this side the water.

Perhaps Jefferson best expressed their philosophy in ,
"We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed!" Perhaps Patrick Henry best caught their spirit when he said, "Is life so dear or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it Almighty G_od! I know not what course others may take; but as for me , give me liberty or give me death! And we have said nothing of Samuel Adams and James Otis. Nor will time suffice to pay tribute to the effective voice and pen of Thomas Paine as the morale builder of the Revolution; nor could it suffice to do justice to the fortitude of Washington and his associates and their gallant troops who counted suffering well worth while if thru their sacrifice liberty might be won for their descendants.

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I pass over the troubles of the Continental Congress, financial and otherwise, and the frailties of the Articles of Confederation to consider the present constitution under which our country has made such satisfactory progress and which has met changing conditions with remarkably little change. My interest in it in this connection is to note the provisions included to protect those rights which history had taught them were most likely to be in danger from selfish rulers. Most are found in the first ten amendments, commonly known as the bill of rights .

- 1- they prohibited an established church, or the abridging of the freedom of speech, or of the press, or of peaceable assembly or of petition, or the right to keep and bear arms.
- 2- they provided that no soldier should be quartered in time of peace in any house without the consent of owner.
- 3- they announced the right of the people to be secure in persons and property against unreasonable search and seizure.
- 4- that a citizen under ordinary conditions to be held must be indicted by a grand jury, could not be placed in jeopardy twice for the same offense; could not be compelled to witness against himself; that he should not be deprived of life, liberty, or property without due process of law; and that there should be no taking of private property for public use without just compensation.
- 5- That a person should have a speedy trial by an impartial jury in the district where the crime was committed that he had a right to know the charges and to face the witnesses, to summon witnesses and to have a lawyer.
- 6- that in a civil case involving an amount greater than twenty dollars he should be entitled to trial by jury.
- ✓ 7- that excessive bail should not be required, nor excessive fines imposed, or cruel and unusual punishments inflicted.
- 8- that the enumeration of certain rights should not be construed to deny others retained by the people.
- 10- that the powers not delegated to the U.S. nor prohibited to the states should be reserved to the states or to the people.

And in the constitution proper they had already provided that there should be no suspension of the writ of habeas corpus in time of peace, that no bill of attainder or ex post facto law could be passed and had carefully defined treason and the proof necessary for conviction.

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I have perhaps been tedious in this somewhat lengthy review of why our forefathers insisted on a bill of rights as a guarantee of freedom in property and person and in religion and speech against government—even constitutional government. To them these provisions were not fancy phrases but the expression of rights won thru bloodshed from dictators of the past. And in this era of loose thinking and loose talking I am of the opinion that the time has come to study fundamentals so that we may know what democracy means to you and me.

I grow sick from reading the learned arguments of those who would show that Hitlerism is not so bad— that it is borne on the crest of a vast new tide which we must go along with if we are to progress; that the democratic way is a bit out of date and very inefficient and probably about ready for the discard. Those who adopted the Declaration of Independence and who formed our Constitution were not so much concerned with efficiency as with liberty but they would have recognized the devastating march of totalitarian hordes as being as old fashioned as Philip of Macedon and Attila the Hun; the removal of Poles from their homes and their replacement with Germans as being as old as the Babylonian captivity of the Children of Israel; the restriction of religious freedom as being an old device when Nero seized upon it; the blood of Jews as being a very frequent blot on history's pages, and the denial of the freedom of the individual to think and to then express his thoughts as a weapon hoary with age when it brought Socrates to the hemlock.

The American idea we have seen expressed by Jefferson, "that men are endowed by their Creator with certain inalienable

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rights among which are life ,liberty, and the pursuit of happiness and governments are instituted among men to secure these rights. Contrast this idea with taht back of the totalitarian governments under which as H.V.Kaltenborn said last summer,"there is no place for private enterprise,for private initiative,for anything but the all-devouring,all-demanding state." In a dictatorship life is safe only so long as you obey the demands of the dictator;the citizen has liberty only to do what HE wills and can pursue happiness only along a pathlaid out for him.

The American idea we have seen expressed again in the constitution with its guarantee to the individual of freedom of speech even against the government,of freedom of worship, of freedom of one's home and property against illegal search and seizure, of freedom ^{of} person against arrest and punishment without warrant and indictment and trial by a jury of his peers.

This may seem to apt but I pledge you that it was an actual experience.So far as I know my sleep had been undisturbed by dreams for month,till recently when in a dream I knew that I was to be shot by the government.There was no hope-nothing to done about it- I was to be shot ,that was all there was to it. I was resigned. By and by however in this dream it occurred to me that that this couldn't happen to me. I was entitled to be heard , to have counsel,to be tried by a jury. At that point I woke with a vivid memory of the dream and with a great thankfulness for America where my first situation could come about only in a dream; Democracy old fashioned and outmoded! I like old fashioned and outmoded things.

Time does not permith us to trace the history of America with its fine accomplishments and its failures, its vast expansion to the Pacific and our acquisition of Alaska and divers islands of

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the sea, our success in wars, our manifest genius for invention leading to phenomenal industrial development, our accomplishments in the fields of letters and of art, our development of a system of public education unparalleled in the opportunities offered to the children of all the people. Much we could find in it to the credit of democracy and much to its discredit for democracies are run by men but thru it all we would find the individual free to attend the church of his choice, to damn the government without molestation, to hold his home as his castle against illegal entry, to engage in research and to declare his findings without fear, to rise to the top in politics or industry because of his own ability, to rise and work and go to bed again without any knock on the door bringing the numbing fear of government spies or of a concentration camp or of a firing squad. The existence of such a condition is the very essence of democracy.

This America of ours embodies the forward march of freedom for a thousand years. What happens here is of inestimable importance for all the future. Washington said, "The preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered as deeply, perhaps as finally, staked on the experiment intrusted to the hands of the American people." A similar sentiment was expressed by Daniel Webster as follows: "If in our case the representative system ultimately fail, popular governments must be pronounced impossible. No combination of circumstances more favorable to the experiment can ever be expected to occur. The last hope of mankind therefore rests with us; and if it should be proclaimed that our example had become an argument against the experiment, the knell of popular liberty would be sounded thruout the earth."

Well we have weathered the storm till now. Yesterday there was no question but that the democratic experiment was successful. and safe; today the European democracies have largely ceased to be; tomorrow could see our American democracy fighting for its life threatened by dangers both without and within. I have attempted to review with you its fundamental virtues. Let me say over again what I have said thru the words of some distinguished Americans.

Abraham Lincoln in an address at Independence Hall, Feb. 22, 1861 said, "It was not the mere separation of the colonies from the motherland, but that sentiment in the Declaration of Independence which gave liberty not alone to the people of this country, but hope to all the world for all future time. It was that which gave promise that in due time the weights should be lifted from the shoulders of all men, and that all should have an equal chance."

Woodrow Wilson in an address in December 1911 said, "America is not a mere body of traders; it is a body of free men. Our greatness is built upon our freedom, which is moral not material. We have a great ardor for gain; but we have a great passion for the rights of man. Principles lie back of our action. America would be inconceivable without them."

Raymond Leslie Buell in his recent extremely challenging book, ISOLATED AMERICA, states, "What distinguishes this country from England and France is that America was a democracy before it was a nation. Its existence has rested upon a moral faith both in the inherent worth of the common man and in his capacity for reason. Our national spirit rests upon the belief that the object of society should be to create conditions of opportunity in which the most humble should be free to develop his talents tempered by a sense of equality and social obligation."

Our President said in his recent inaugural address, "America has been the new world in all tongues, to all peoples, not because this continent was a new-found land but because all those who came here believed they could create upon this continent a new life that should be new in freedom."

For the preservation of our democracy it is essential that we do not sentimentally stand on the platform that our experiment has brought a perfect state. To be sure the original dream of social, economic, and political equality, has fallen short of realization. While we still give lip service to the colonial idea that one man is just as good as another if not a little bit better, in actuality society has tended toward stratification and an aristocracy of wealth has arisen; the freedom of franchise has oft-times and in many places yielded to boss control, and the idea of freedom from economic tyranny did not find its hopes fulfilled in the condition existing in 1930 when according to Berle and Means 2000 of the 125,000,000 of America's population were in a position to control and direct half of its industry and one great corporation controlled more wealth than was contained in twenty one states of the union. True it might be said that we have no social stratification which makes it impossible for the poorest born to rise to the top, that the secret ballot does permit of boss overthrow, and that corporate wealth is widely distributed among ordinary folks. I think perhaps more peril lies in such arguments calculated to bring us contentment thru a rosy picture than a frank admission that we have fallen short of realization of the original dream. Let's admit the ills of concentrated wealth, of unemployment, of boss control of votes, of share-cropper misery, of destitution in the dust bowl; that there is some truth in TOBACCO ROAD and in GRAPES of WRATH, and that for democracy to live America must more

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nearly return to the dream of the fathers, but let us have faith that the American genius is such that the restoration can be made thru democratic processes without surrender of our individual liberties for which our fathers died.

Three things at least are essential for success:

FIRST a will to preserve democracy based on a knowledge on the part of each American citizen of what democracy really means to him as an individual in the way of personal liberty and of the struggles and sacrifice by which it became our possession. Not only the schools but every agency capable of spreading information must assume the task of giving this knowledge to young and old with a crusading zeal such as moved the early Christians to spread the gospel. And as feeding the hungry and ministering to the sick has been found a requisite for the spread of the gospel so those who preach the virtues of democracy must admit its responsibility to offer to the individual a genuine chance for the pursuit of happiness. Maybe that's what social security means.

The SECOND essential is more difficult of attainment but without it there is no hope. It is unselfishness expressed as a willingness to yield some personal advantage for the good of all. We have seen the destructive selfishness of capital, and we have seen the destructive selfishness of labor. We have seen the destructive selfishness of self-seeking individuals and of self-seeking blocs of all sorts. Their demands reach the ears of our representatives in government with such a roar and with such a threat of vengeance if these demands are not met, that the needs of the nation as a whole very often do not receive attention. Paradoxically, the best hope to bring about this unselfish attitude so essential to the preservation of democracy may be the selfish appeal that either each selfish group must be willing to yield some of its demands to the

general good, or stand a good chance to lose even what they have thru the passing of democratic government!

The THIRD essential is courageous faith. I mean faith which has the first essential, the will to preserve democracy, and the second essential, unselfishness, and is hence willing to make any sacrifice for democracy's preservation. We have been passing thru an age of cynicism. There has been prevalent a feeling that I, the individual, am of chief importance and that I must suffer no pain and make no sacrifice; that there are no causes, not even democracy, worth dying for. Now as a matter of fact, all the privileges of freedom of speech and of religion and of life which you and I enjoy, were won for us from tyrants of the past by men of courageous faith who were willing to forego length of life for themselves if necessary, in order that their children and their children's children might be free. The race has moved forward to new freedom over the broken bodies of those who had great faith. God forbid that in any threat to this America of ours and to the democratic ideals which are its treasure, our people shall be found so soft as to question the justification for sacrifice of wealth or of life if need be for its protection.

Remembering those who have died on countless fields that we might possess a priceless heritage, truly it is meet that, "we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people and for the people shall not perish from the earth.