

**THE YOUNG
CITIZEN'S READER**

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CITIZEN'S READER**

by

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updated by

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INTRODUCTION

Young persons are not alone in preferring to see how things are done in political life rather than to study the bare legal framework of the state. The author believes that emphasis on the structure of our government has been carried too far, especially in books for children and young students. The subject has been given too much of a legal character. Now to see people at work, to see them struggling for influence and power and performing the duties of office and of citizenship, is undoubtedly far more interesting than to consider the underlying legal principles of constitutional organization. The writer of this little book, the result of a period of leisure from more exacting duties, has therefore attempted to make it a portrayal of action in political life. Its prime purpose is to train boys and girls to notice and to understand what is going on about them in their town, state, and nation. However, for intelligent action in matters of politics, we need also some understanding of the outward form of government. After the more essential methods of political action have been described, some attention will therefore be given to the structure of the state in all its parts. To the ordinary citizen it is far more important to understand the meaning of such matters as elections, the action of the city council, and the police, than to

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dwell upon the refinements of constitutional law. Only the most essential features of state organization have therefore been pointed out.

Politics and government are human action — life and action of the most interesting kind. They are action, moreover, upon which our personal welfare and happiness are directly dependent. We cannot be members of a state in which corruption and injustice govern without feeling the bad results in our own life. The life of a state is our life written large. Without a well-arranged and orderly state life, complete private happiness is not possible. Moreover, there is no satisfaction in life so great as devotion to the welfare of the state. All private satisfaction seems small when compared with that of a citizen who has gained the confidence of fellow-citizens through honest action and personal sacrifice.

There is such a multitude of facts in connection with political life that it is necessary to select those which are most important for young Americans to know. A small book like this cannot pretend to be complete. If we should try to fill it with a description of every political institution, it would become a dreary catalogue of things that mean nothing to our minds. But while we cannot cover the ground completely, we can endeavor to point out those things which are most vital and important, in order that they may acquire a meaning in the minds of young persons which will help them much in after life. This is not a handbook on American government, but only the first introduction into that fascinating field.

INTRODUCTION

Institutions differ so much in different parts of our country that some of them can be described only in general terms. It is for the young students themselves to see what particular form an institution takes in their own community and neighborhood. To make them find out these things by inquiry and observation is the best training that their minds can receive. People should be able to see for themselves and interpret the meaning of what is going on around them. For this reason there have been added to each chapter a few questions to be answered by the pupil after inquiry and observation. These are, of course, only in the nature of suggestions to the teacher. The information is not to be taken from books, but is to be obtained through personal inquiry. The intelligent use of newspaper information [and trusted internet sources, too], may be taught in this connection. Often these questions will be designed also to train the judgment in that they will call for a decision between two alternatives. The study of political action offers a rare opportunity for training the power of observation as well as the judgment. As in the natural sciences, a pupil must learn to observe accurately and to judge what he sees. It is apparent that a republic is especially in need of citizens who are able to do their own thinking, and to see the real through the veil of outward appearances.

P. S. R.

THE UNIVERSITY OF WISCONSIN,

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PART I

*The Government
and the Citizen*

CHAPTER I

THE TRUE NATURE
OF GOVERNMENT

Government in Early Times. — Wherever people live together in communities, government exists. It has, however, very different forms. Among the isolated peoples in Africa, Asia, and South America, the communities are typically very small. They have at their head a chieftain. As isolation decreases, a number of such communities or tribes are brought together under the power of a single ruler. In the earlier stages of community life there is apt to be much warfare. War demands obedience on the part of the army to its commander. So it comes about that the head of the state at times when war is common becomes very powerful. As the power passes from generation to generation, certain families establish their authority for long periods. Such royal families, whose history goes back to these early warlike times, still exist in a few countries, like England and Sweden. In some of these countries, however, the power of the sovereign has been greatly limited; while in a number of countries such as the United States, France, and Switzerland, no sovereign

family exists at all, the government being carried on by persons elected by the citizens in general.

In earlier times government was looked upon as something imposed from above. The royal power seemed so strong that there was no possibility of resisting it. Kings and queens often claimed that they exercised divine power. In such periods the people were not supposed to do anything but obey commands given from above. A state with such a government has an unstable foundation. As it would be unsafe to build a house upon a foundation narrower than the house itself, so a state which rests only on a small number of people is not secure. It is far better that the power of all the people should be recognized in order that the state may have their intelligent support.

Government in Modern Times. — In our own times a government that should rely on force alone would have no security among an intelligent people. Our idea of government is different. The government is merely the people acting directly or through its agents and representatives, for their own benefit. We cannot live happily unless we are willing to obey reasonable laws which protect the life and property of ourselves as well as of others. We need the company and assistance of other people. We need schools, churches, universities, business associations, societies, and clubs of various kinds. In order that we may be able to enjoy all these advantages of social life, we must also observe the rules laid down for social action. In order that these rules may be just and reasonable and impartially enforced, we elect certain of our fellow-citizens to make laws or

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to appoint officials for their execution. When we obey these laws and officers, we are simply obeying what we ourselves consider just and right.

The Real Government. — The government is composed of the individuals whom the people elect to office, together with officers who are appointed by them under the law. These persons do the work in which all citizens are interested. They ought, therefore, to consider the welfare and interest of all members of the state. The government is not something apart from our life, something outside of us, set over us; it is simply ourselves, the people, acting for our common benefit. The persons whom we intrust with power do not have any special privilege, nor should they look upon their office as a source of advantage to themselves. We have given them influence and authority in order that they may do the work in which we are all interested. An official, no matter how high, is under the law just as any other citizen. Thus, if a governor or a president should violate the speed laws on a public road, he or she would be subject to arrest and fine like any other citizen. The power of an individual is only such as the law has prescribed, and is no greater than that individual's responsibilities.

We need faithful, unselfish public servants who really think of and work for what is best for the community, that is, for all of us. Such persons we shall honor and reward for their honesty and efficiency. In individuals who use their office simply to benefit themselves or their friends, we shall have no confidence. If they consider what is good for any small group of persons or for any

corporation rather than for the people as a whole, they are not faithful servants of the public. They are servants of the few — of individuals who possibly reward them with private gain, while we, the public, are ignored as of no importance. We shall not trust persons in office when we discover that their character is not that of honest public servants.

QUESTIONS

1. Are you a citizen? Of what? Tell the difference between a citizen and a voter.

2. What is a monarchy? An oligarchy? A plutocracy? A democracy?

3. How far back can you trace the family of Queen Elizabeth II?

4. What is a corporation? A republic? An ordinance?

5. Why should we obey city ordinances?

6. What is patriotism? How can boys and girls show their patriotism?

7. Name some public officials in your city or town. Were they elected or appointed, and by whom?

8. How does the government of the United States differ from that of England?

CHAPTER II

THE CITIZEN'S PART IN GOVERNMENT

A Pure Democracy. — While the work of government is carried on by elected and appointed officials who represent the people, the citizens themselves have important duties to fulfill in connection with the public business. There are some small communities in which the citizens themselves directly perform almost the entire work of governing. In the mountain regions of Switzerland there are cantons or communities in which all the citizens meet once or several times a year to discuss all matters of common interest. On these occasions they vote for laws and regulations and instruct the permanent officials as to how they are to conduct public affairs. In our country we have a similar institution in the *town meeting* found in New England, in New York, and in several Western commonwealths, in which the citizens of a town come together to discuss matters relating to the common welfare. They vote on the raising of money, on the building and repair of roads, on school business, and similar matters. They elect some of their number, often called *selectmen*, to carry

their votes into effect and transact business connected therewith. We call this form of public action *direct democracy*. Democracy is a Greek word meaning the rule of the people. In the town the people rule directly. They make their own by-laws and regulations without electing representatives for that purpose.

A Representative Government. — But it is plain that in a large city, in a state, or in a nation, it would be impossible to have all the citizens meet together for discussion and voting. A mass meeting of several thousand or a hundred thousand people is wholly impracticable. It is therefore necessary that smaller groups within the city or state — say wards or districts in the city or towns and counties in the state — should select representatives to meet together as a council or legislature to make laws and regulations for the government of the community. In a nation like our own the most important duty of the citizens, therefore, is that of voting. When the citizen casts his ballot, he decides who is to represent him in the exercise of power. The people not only select the persons who are to hold office, but they also control the policies of public action which are to be followed, because candidates for office always declare what policies they stand for. The citizens or electors therefore choose not only between individuals but between policies.

Intelligent Voting. — Many people do not realize the importance of the act they perform when they cast their ballots. There are even people who do not think for themselves when they are voting, but follow the advice of others. All citizens should know what candidates they

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want to vote for as the best representatives of their idea of the public good. They should inquire about them, and find out whether in offices which they may have formerly held they have been honest and efficient. They should read their arguments and see what policies they support. If they find that they are not to be trusted, or that they support wrong policies, they should not vote for them.

We see that there are many things to inquire about before voting. It is, therefore, better that there should not be too many elective offices. Let the most important officers be elected by the people, but let all other officials be appointed. If we have to vote for a large number of offices, we cannot often vote intelligently. We cannot learn all we ought to know about the individual candidates before the election. If, however, we vote only for persons to fill the most important positions, we may ordinarily do so wisely, and may thus control the policy of the entire government, the subordinate officials being dependent in their action.

Admission to Citizenship. — All persons born in the United States are American citizens, no matter what the nationality of their parents may be. People from other countries who are lawful permanent residents of the United States may apply for citizenship.

QUESTIONS

1. What is the difference between a direct democracy and a representative democracy?

2. What are cantons? By-laws? A constitution? Selectmen?

3. Which form of government is better in a place of fifteen thousand inhabitants? Why?

4. Who is at the head of the government in the place of your residence? Are his or her assistants appointed or elected?

5. Give four names applied to the presiding officer of a meeting.

6. What is a ward or district? How many in your city?

7. What is a county? How constituted? How many in your state?

8. What is the most important duty that a citizen has to perform? Why?

9. Should a citizen vote for a candidate for office or for the policies which the candidate represents? Why?

10. What is a town meeting? Where found? What matters are voted upon?

11. What steps must a person born in another country take to become a citizen of the United States?

CHAPTER III

NOMINATIONS

Selecting Candidates for Office. — In the election one may, of course, vote for any citizen whom one desires to place in office. It is customary, however, for voters to name or nominate certain candidates before the election, because otherwise the votes would be scattered. One would not care to throw away one's vote by casting it for a person whom no one else puts on his ballot. Citizens, therefore, combine to select a person for whom they will vote. In this way parties are formed. *Political parties* are citizens within the state who stand for certain policies and who act together in nominating officials to carry out those policies.

Nominating Process. — The process of nominating candidates to stand for public office at the local, state, and national levels varies from one state to another and from one party to another.

For the presidency the nomination process consists of two types of elections held at the state level — primaries and caucuses — followed by a national convention.

Primaries. — In a primary, voters go to a local

polling place and vote by secret ballot for their preferred candidate from a slate of candidates. The number of votes each candidate receives determines the number of delegates that candidate will have at their party's convention.

Caucuses. — Caucuses are private meetings run by political parties. In most, participants divide themselves into groups according to the candidate they support, with undecided voters forming into a group of their own. Each group then gives speeches supporting its candidate and tries to persuade others to join its group. At the end of the caucus, party organizers count the voters in each candidate's group and calculate how many delegates each candidate has won.

Conventions. — After the primaries and caucuses, most political parties hold national conventions to finalize their choice for Presidential and Vice Presidential nominees. The national conventions typically confirm the candidate who has already won the required number of delegates through the primaries and caucuses. However, if no candidate has received the majority of a party's delegates, the convention becomes the stage for choosing that party's Presidential nominee.

NOMINATIONS

QUESTIONS

1. Do you have primaries or caucuses in your state?

2. At the next primary election let your parent show you a ballot, or go online to see a sample ballot. See how many candidates are named on this ballot.

3. What is the meaning of primary? Politics? Nominate? Try to find the origin of the word “candidate.”

4. Which is more important, the nomination or the election of an official?

5. What is a political party? Name four.

6. What is a convention? What does the word “convention” mean?

7. Who is entitled to vote in a primary?

8. For what offices were candidates voted for in the last primary in your town?

CHAPTER IV

ELECTIONS

Voting by Ballot. — With us, elections are carried on entirely by *ballot*; that is, by a vote written or printed upon a slip or sheet of paper, or recorded on a voting machine. A ballot includes the names of the candidates of all parties, with the candidates of each party typically printed in a separate column. A person desiring to vote for all the candidates of one party can mark the box at the head of that party column. But a person desiring to vote for candidates from different parties can mark the box next to the name of each candidate for whom he or she wishes to vote.

Voting Machines. — Voting machines are in use in many states. These machines save the trouble of marking a ballot, while counting and registering the number of votes cast for every candidate.

The Process of Voting. — Elections are held in local polling places. Representatives of the local election board staff each polling place to verify the registration of voters as they enter. Once verified, the voter receives a ballot (if paper ballots are used) and proceeds to the voting booth. On entering the voting booth, the voter

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marks his or her ballot. After carefully looking it over to see that no mistake has been made, the voter deposits it in the ballot-box. If there is a voting machine, the voter will pull certain levers or press certain buttons which will register his or her vote. Each party is entitled to have election observers present at each polling place to ensure fairness of the proceedings.

Whether the voter casts his or her vote by paper ballot or by machine, the vote is secret, and nobody knows who has been favored. At the present time one is not obliged to make one's vote public, though most persons are independent enough to tell frankly whom they have supported. Some people think that it is a disgrace to have voted for a candidate who has been defeated; but if the voter acts intelligently and honestly, defeat does not matter. The majority is sometimes wrong. It is better to feel that one is right with a few than wrong with the majority.

Political Campaigns. — Preceding the election, the candidates urge upon the voters their claims to office. A campaign really is a series of military movements and battles in a war. As we have substituted the ballot for force, we have freed ourselves from the need of battles to determine who the rulers shall be; but we call a political contest a campaign because citizens can fight with speeches and ballots as well as with arms. Careful voters will make up their minds in their choice between different candidates on the basis of the principles they stand for and the service they have rendered. In this they are assisted by the arguments made during the campaign. These we sometimes call stump speeches,

because when our country was new and but recently settled, many tree stumps were still left standing in village streets. It was very convenient for a candidate who wanted to address the villagers to mount one of these stumps and to make his speech from this point of vantage. If he became very profuse in cheap and insincere patriotism, it was said, "He made the eagle scream." Very often the campaign speeches took the form of deriding and blackening the character of the other party, or of telling jokes meant to ridicule the opposition. At present, campaigns have become more dignified. We like to hear a witty speaker who knows how to take advantage of the weaknesses of the other side, but we are not satisfied with ancient jokes and a superficial oratory. The most successful political orators today know that the great interests of the public, the important work that the government is doing, are more fascinating subjects than anything else on which a campaign speech can be made. They, therefore, speak to their audiences upon matters that are really worth while. They do not seek merely to amuse their hearers, but they appeal to their judgment.

Voting on Changes in the Constitution. — While citizens most frequently vote for public officials, they are also occasionally called on to express their choice regarding important matters of law or public expediency. This takes place when *constitutional amendments* are submitted to the people. A constitution is the body of law which lies at the basis of government. It fixes the general powers of officers and guarantees the rights of citizens. A change in the constitution, called an

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amendment, is the most important act of the citizens of a free state. The fundamental law upon which everything else depends is affected by such action. The proposed amendments will be printed at the bottom of the ballots or upon separate sheets. Upon these amendments the citizens vote either “yes” or “no.” It is strange that usually the vote on amendments is very small as compared with the vote for officials. This shows that many people do not appreciate the importance of a change in the constitution. They do not take the time to inform themselves as to what the amendment means. For example, it may provide that the state shall be authorized to borrow money for the construction of public roads. Voters should consider whether it is advisable for the state to incur a debt for this purpose. They should consider how valuable good roads are to a commonwealth — how much they add in usefulness and enjoyment to the life of the citizens. Only after one has fully considered these matters and is fully informed should one cast one’s vote.

Oversight of Officials. — We ought to know the business of the state or government because it is our own business and affects our own happiness. We should give heed to what the public servants are doing and how they are fulfilling their duties. We cannot expect that officials will be faithful to our interests if we do not reward them for honest action with our confidence. If we do not attend to our own affairs, nobody else will do it for us. We have a common proverb, “Mind your own business.” This has often been falsely interpreted to mean that a person should confine himself exclusively

to his or her own individual interests. It is, of course, very wise that we should not waste any attention on what concerns other people only. But when we go before the legislature and argue for the protection of forests or for the building of good roads, or when we tell the city council that no franchises should be given without proper return to the people and the city, we are attending to our own business; because, if these things are not settled in the right manner, we may personally suffer in consequence.

QUESTIONS

1. What is a "hand vote"? A "yea and nay vote"? A "roll-call vote"? A "*viva voce* vote"?
2. When may each of these ways of voting be used?
3. What is a ballot? Try to find the origin of the word.
4. Why are states sometimes called commonwealths?
5. What are some of the advantages of a secret ballot?
6. What are some of the advantages of a voting machine?
7. Find the meaning of guarantee; legislature; franchise; register.

CHAPTER V

SOME DUTIES OF CITIZENS

Office-holding. — The duty of the citizen is not fully done when one has voted for officials and on constitutional amendments. One may be called by one's fellow-citizens to hold public office oneself. In this case it is one's duty, even at some personal sacrifice, to undertake this work for the state and the community. Some offices do not require much attention. They are simply honorary and without salary. The office of presidential elector is such. In most cases, however, public office involves labor and time. It is, therefore, just that the public should pay its officers well, so that their loss may not be too great. We ought not to expect persons to leave their business and devote their time and thought and energy to the public without suitable remuneration. But in turn the office-holder should look upon oneself as a representative of the public. The value of one's position is not to be estimated by the privileges or income which it brings to oneself, but by the advantages which one can secure for the public by means of it. The highest honor in the world is public confidence, not a large income. The President of the United States is paid \$400,000 a year. Its Chief

Justice receives \$255,500, cabinet officers, \$205,700, and senators and representatives, \$174,000. Yet there are many millionaires who would willingly surrender their entire income in order to enjoy the public confidence which goes with these high offices.

Jury Service. — Another duty of citizens is to serve on juries in the trial of civil and criminal cases. For this service the citizen is given a small remuneration, but it is a duty which is often irksome and disagreeable. To sit through a long, tedious trial, perhaps for weeks, listening to testimony and the arguments of attorneys, and then to be confined with other jurors for hours, or even days, until the verdict has been agreed upon, is often a very undesirable experience. There is no duty of citizens, however, in the performance of which higher demands are made upon their character. All our laws rest upon the people. They must ultimately enforce them through juries in all parts of our country. When a person has committed a crime, that person ought to be punished. He or she should neither be persecuted in malice nor freed through pity. The *majesty* of the law must be upheld. Often when jurors see how a person has been led into temptation by others, how that person has failed through weakness of character, and how his or her spouse and innocent children will suffer through that person's imprisonment, they are moved with compassion, and it becomes a hard task to condemn the defendant. Yet it must be done, because punishment is meted out to offenders in order that the people may be protected. Upon the character and intelligence of jurors depend the enforcement of law

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and the security of the people.

Military Service. — All citizens of the state are under obligation to defend their country in case of need. Should our country be attacked from without, the citizen must be ready to come to its aid. At such a time one is merely standing up for the defense of one's home, one's family, and all that is dear to him or her. In times of war the government is given the right to compel the citizen to render military service. One may be drafted into the army, and must serve unless one's physical condition is such as to make it impossible. While, happily, our country is so powerful and in such friendly relations with other countries that war need not be feared, yet it is our duty to be ready at any time to enter the military and fight for the security of our country. We should train our bodies so that we can endure fatigue and hardship, otherwise the first experience in a military camp would make us helpless. Our nation will be strong if its citizens are healthy, vigorous, and able to defend themselves.

Payment of Taxes. — It is the duty of the citizen to be always ready and willing to contribute to the support of the government. When we consider all the benefits which come to us through the government, we should be willing to pay our share of its expenses. Unfortunately, some people, in one way or another, avoid the payment of their just part of the burden of taxation. In defrauding the state citizens defraud themselves, because if they do not want to carry the burdens, they cannot expect to share the privileges of good government.

QUESTIONS

1. What are the disadvantages of an official salary that is too small? Of one that is too large?

2. What are the salaries of some of your town or state officers?

3. How are jurors selected?

4. What persons are excused from jury service?

5. Is it proper for a candidate for office to advocate his or her own election?

6. Are "office-seekers" good citizens?

7. What qualities make a person a good juror? A good soldier? A good office-holder? A good citizen?

8. Is it worse to cheat your neighbor or to cheat the government?

9. Who should be excused from military service?

10. Does the same jury consider all kinds of cases? Why not?

11. What are jurors paid?

12. Who is the commander-in-chief of the United States army?

13. What is a tax? How are taxes levied?

14. Name three kinds of taxes.

15. What is an income tax? Is an income tax justifiable? Why?

PART II

What Governments Do

CHAPTER VI

MAINTAINING ORDER

Protection in Feudal Times. — We all desire to live in peace, to have our homes free from invasion, to have our property protected. Only thus may we work, travel, and play in comfort and peace. But who threatens the order under which we live? In earlier ages society was very insecure. Men desired to get what they could, and had little respect for one another's rights. So it was necessary for each man to protect his own by the force of his right arm. Sheltered locations were much sought after. Men preferred to build their homes on high and inaccessible rocks. When we stand on the ramparts of one of the castles in Scotland or on the Rhine, we realize what protection against injury meant in those early days. The man who had succeeded in building for himself a castle on an eminence, well protected with powerful walls and battlements, had not only secured safety for himself and family, but he could also give protection to the people of the neighborhood. On his watch-towers stood sentinels who could see a hostile force approaching from the distance. They could give warning to the peasants who were working in the fertile fields of the plains and valleys below. These would hurry

with their wives and children up the road to the castle to seek protection within its walls. But, for the safety thus gained, they had given up their independence to the lord of the castle. They worked for him, they brought what grain they could produce and what cattle they could raise for his use, keeping only enough themselves to support a bare existence. Thus protection against violence is an advantage for which people have in many cases given up practically all they had.

Cities grew in this fashion. Athens, Corinth, Rome, — all the cities of antiquity — were built on precipitous hills. They had their acropolis, a word which means a steep city, a fortress on an inaccessible hill-top. There stood the temples in which the divinities of the city found their home. On the lower slopes and on the surrounding plains citizens lived, worked, and traded. But they could always take refuge within the protecting walls of the fortress. As their wealth and importance grew, they built outer fortress walls enclosing the entire settlement. In the Middle Ages all towns were walled in this fashion. The citizens thus protected could develop their rights of free government. The cities were the cradles of modern liberty. They could successfully defend themselves against long sieges; although when the force of the opponent was overpowering, they fell, their walls were broken down, and the city given over to massacre and destruction.

Protection against Individuals. — In our age people in general have a greater respect for one another's rights. Castles or city walls are no longer needed for protection. Nations, indeed, are still building powerful fortresses,

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but within their own territory mutual protection does not require castle walls. Castles are relics of a former civilization, interesting chiefly for their picturesqueness and for the beautiful views that can be enjoyed from their ramparts. We are protected by the general respect for the rights of life and property which pervade the entire community.

There are, however, still found in almost every community those who will violate the rights of others by theft, murder, or other crimes. These individuals have the instincts of an earlier time in the development of our civilization. They are a menace against which the state is under obligation to protect us. This work of protection is carried on by the police force and other officials who have police powers, such as sheriffs and constables in towns. The police should be constantly watchful to prevent crime and to make its punishment possible by the arrest of suspects. A police officer who falls asleep on his or her beat or spends time at places of amusement, where not stationed by orders of the chief, should be dismissed from the service. Criminal activity is lessened in cities where an efficient police force exists, but increased in towns where the police force is inefficient or corrupt. As protection against crime and violence is the first duty of the government, so no greater evil can exist than an alliance between the police and wrong-doers, through which wrong-doers are allowed to escape in return for a share in their ill-gotten gains. It seems impossible that such things can exist; and yet when citizens are not watchful, greed and corruption will sometimes bring about such deplorable

conditions.

The Arrest of the Suspect. — When a police officer suspects that a crime has been committed, or that a person has broken the law, he should at once arrest the suspect. In a country district such arrest will usually be made by a sheriff or constable. To resist a peace officer is itself a crime, so that even if the arrest is illegal, no resistance should be made. If the officer is not able to handle the suspect or suspects alone, he or she may call in the assistance of any citizens present, and the latter are obliged to help in making the arrest or in pursuing the fleeing suspect. If one should see a crime committed, it is one's right and duty to arrest the suspect on the spot in order to prevent his or her escape. Here, too, we see that the agents of the government are only doing the work which we as citizens might do for ourselves, but which for convenience has been intrusted to some designated person. No citizen should, however, assume to judge and punish a wrong-doer outside of the regular courts.

Extradition. — Should a suspect escape into another state, a judge in the state where the crime was committed will issue an interstate arrest warrant. Once the suspect is arrested, the state where the crime was alleged to have been committed will ask to have the suspect extradited. *Extradition* means the handing over of an arrested person by one state to the authorities of another. Should large bodies of the population riot and destroy the property and endanger the lives of other citizens, the militia of the state may be called out to assist the peace officers; and when the legislature or

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governor of a state asks for it, United States troops in the form of the Army National Guard and the Air National Guard will be sent to help in restoring order. The militia and the troops should, however, be used only when actual violence is threatened and when the ordinary peace officers are plainly unable to restore order.

Trial of Defendants. — When a suspect has been arrested, his or her trial before a court of the state follows. The accused is first given a preliminary hearing before a magistrate, that is, a justice of the peace or a municipal judge. After it is found that good cause exists for his or her arrest, the accused will be bound over for trial. The magistrate, if the case is not one of murder, will ordinarily permit the accused to go free until the time of trial, if sufficient bail can be furnished. *Bail* may be described as a payment of money, or as a promise of such payment, to secure the appearance of an accused person at trial. If the accused should meanwhile escape and not appear when the trial begins, the money thus paid or promised would be forfeited to the state.

In criminal actions the state itself is the plaintiff. It is represented by the prosecuting attorney, who is usually called State's Attorney or District Attorney. He or she draws up the accusation against the accused in proper legal form. This must be done exceedingly carefully, because if the crime charged is not properly described, the action may fail and the accused may be dismissed by the court. When the day for trial comes, the accused is arraigned before the court. The defendant is asked whether he or she pleads guilty or not guilty to the charges. Should the accused plead guilty, that is, should

he or she admit guilt openly, the judge will immediately pronounce judgment and fix the punishment under the law. If the defendant pleads not guilty, that is, denies guilt, the trial begins.

The Defense of the Defendant. — The accused is entitled to counsel. If the individual cannot afford to pay an attorney, the judge will appoint some one to defend him or her. Formerly, the accused was not permitted to bring any counsel into the court, and in general was treated as if guilty and had to prove his or her innocence. But it was found that many innocent persons were unjustly condemned and punished under this arrangement. In our country we have decided to give the accused every possible protection in order that one may clear oneself if one is not guilty. The defendant is allowed counsel. One need not testify against oneself, though one may testify in one's own favor. The defendant is presumed not to be guilty until his or her guilt is proven, and it must be proven so strongly that no reasonable doubt remains. If the defendant thinks the judge will be unfavorable to him or her, or that the entire neighborhood is strongly prejudiced, he or she may ask to have the case tried in some other county. This is called a *change of venue*. If the persons who have been drawn for the jury do not seem fair to him or her, the defendant may object to a certain number of them, and when the verdict and judgment have been finally given, it may be appealed to a higher court. Certainly the rights of an individual could not be protected more carefully than is done under our laws. It is unfortunate that improper advantage is taken of this liberality, and

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that scheming attorneys will sometimes shield the guilty by using many legal technicalities which our liberal system makes possible.

The Jury. — To return to the trial. The first thing after the accused has pleaded not guilty is to select a jury of twelve people to decide the question of his or her innocence or guilt. The sheriff or jury commissioners have prepared a list of jurors called a *panel*. These jurors are called up one by one by the clerk of the court. They are questioned as to whether they have any prejudice in the matter, and if neither the accused nor the state objects to a juror, the individual is sworn in by the clerk of the court, and takes his or her seat in the jury-box. When twelve jurors have thus been selected, the trial begins. Witnesses are examined, the attorneys make their arguments, and the judge instructs or *charges* the jury as to what law ought to be applied in the case. After this the jurors retire to a special room, where they hold their deliberations. They must agree before the verdict can be rendered. Sometimes they will sit through days and nights before they can come to a decision. If they are so hopelessly divided that they can never unite in their opinions, they will report to the court that they cannot render a verdict, and a new trial must take place. As a trial is expensive, it is always desirable that juries should give a verdict. When they have united on a verdict, they inform the judge, who calls the court together in the presence of the jury and prisoner. They then give the *verdict* of guilty or not guilty.

Evidence of Guilt. — The position of a juror is one of great responsibility. One should be absolutely

impartial, and not allow one's feelings to injure or favor the accused. While one will feel sympathy for the offender, one must remember that law and order can only be upheld by the punishment of criminals. If one has a reasonable doubt of the guilt of the accused, one should not pronounce him or her guilty, even if there is much popular clamor for conviction.

It is often difficult to arrive at a judgment on *circumstantial evidence*. Most crimes are committed in secret, so that direct evidence of the crime cannot be given. Sometimes, however, circumstantial evidence is as convincing as direct evidence. If a person, after a crime had been committed, should be seen burying a bloody weapon, and should thereafter be caught disposing of some articles taken from the body of a murdered man, the person's guilt would be presumed, if he or she could not give an entirely satisfactory explanation of these unusual acts. Though no one has seen the person committing the crime, this behavior shows that he or she is guilty. In all such matters the common sense, honesty, and character of the jury must be relied upon. This illustrates how our government rests upon the people, and how the people must stand back of every law if it is enforced.

The Punishment. — When the jury has returned its verdict, the judge pronounces judgment and determines the punishment of the crime under the law. It is then the privilege of the accused to make an appeal from the decision of the court to a higher tribunal, where the case will be definitely disposed of.

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In the punishment of criminals two objects are sought, the protection of society and the reformation of the individual. In cases where the character of the criminal is such that any improvement is hopeless, — if, for instance, he or she has been inhuman enough to take the life of another person, — some commonwealths punish the criminal with death. In many states, however, imprisonment for life is the most severe punishment. We should, of course, consider that criminals are often unfortunate beings who have been driven to their desperate acts by unhappy conditions, but this should not lead us to weakness in dealing with them. They must be placed where they cannot do any further harm. Nevertheless, with all criminals, but especially with those guilty of less serious crimes, the effort should be made to inflict punishment in such a manner that their character may be improved and that they may be enabled to atone for their wrongdoing. Prisoners should be given an opportunity to do useful work, and every evidence of a desire to reform should be recognized and encouraged. When released from prison after their term of punishment has expired, they should be helped to obtain some honest occupation, that they may not be driven back to a criminal life.

Criminal laws deal with acts which are directed against the safety of all of us. When an individual is wounded, when a person's house is invaded by burglars, when thieves carry off the property of others, we all feel the danger to ourselves, and we demand that the government shall protect us against such acts and shall punish them as crimes against society itself.

Unjust Arrest. — The law also protects innocent persons against unjust arrest or imprisonment. When the liberty of any individual is restrained, the person's friends may go before any judge and get from him a writ of *habeas corpus* (Latin for "You may have the body"). This writ is a command of the court, directing the sheriff, or other person under whose control the prisoner may be, to bring said prisoner before the court and to show for what reason he or she is imprisoned. If no legal cause can be shown, the judge will then immediately set free the prisoner thus illegally restrained. In times of war the privilege of the writ of *habeas corpus* may be temporarily suspended. It is a great protection to the liberty of citizens against official tyranny or unjust persecution, that the legality of an arrest can thus at any time be tested.

QUESTIONS

1. Define feudal; acropolis; plaintiff; defendant; bail; extradite; venue; panel; *habeas corpus*.
2. What are some of the qualities that make a good police officer? A good judge?
3. How may crime be prevented?
4. What is the business of a juvenile court?
5. What is capital punishment? Is it justifiable?
6. What is "lynch law"?
7. How do you discriminate between a felony and a misdemeanor?

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8. What are the duties of a sheriff? A constable?
9. Why were juvenile courts established? Have they helped any boys or girls to become better men and women? How?
10. Is a person guilty because arrested? What is “reasonable doubt”?
11. What is “circumstantial evidence”?
12. Why should criminals be punished?