

A PEOPLE'S CONSTITUTION

Address Delivered by William Jennings Bryan Before the Constitutional Convention of Nebraska at Lincoln, January 12, 1920

PRESIDENT WEAVER'S INTRODUCTION

(Introductory address of Hon. A. J. Weaver, President of the Nebraska Constitutional Convention.)

As Nebraskans we take a just pride in our state, in its wonderful agricultural resources, in its great industries, and its varied business; in the growth and prosperity of its cities, its villages, and rural communities; and above all in the intelligence and high character of its citizenship.

For above the wealth of fertile lands, of factories and of industries stands the character of the people in the final analysis of the quality of the state. And today as representative of the fine citizenship of this state, by reason of his high character, his beautiful home life, his honesty of purpose, his superb courage, and his great ability, we are honored by the presence of a man who has made Nebraska known the world over as "The home of Bryan." We are proud to have it so. He has represented this state in the National Congress. He has three times been the candidate of his party for the most exalted office in the gift of the whole people. He has sat in the President's cabinet. And yet, during all the years, whether in or out of office, he has always worked among the people in the vineyard of governmental problems, going here and there in his democratic simplicity and has earned the title of "The Great Commoner."

And today to this distinguished guest, in behalf of this Constitutional Convention, I am pleased to say—"We are glad that you are here, Mr. Bryan. We feel honored by your presence. We know that we shall be benefited in having your advice and counsel on the important constitutional questions which will be considered by this Convention, and we invite your suggestions, as well as suggestions from other citizens, as to what should be placed in this constitution."

Our ambition as representatives of the people of Nebraska is to so administer the important trust confided to us that Nebraska's new constitution, in whatever form it is submitted, may be a real charter for a great modern state and that it will not only safeguard the personal rights of every citizen and of his property, but that it will also conform to the progressive ideals of organized government. And when this work is completed we hope that the people of this state can adopt it, not as a makeshift, nor as a matter of expediency, but because it is fundamentally right as to principles of government and because it stands for the general welfare.

I would express the further hope that when this constitution is submitted to the people for their consideration that we may have your approval, Mr. Bryan, as to the quality of our work.

It is my great pleasure now, to present to this Convention our distinguished fellow Nebraskan, whom we all respect, the Honorable William Jennings Bryan.

MR. BRYAN'S ADDRESS

Mr. President, Members of the Constitutional Convention, State Officials, and Ladies and Gentlemen:

I am grateful to your distinguished president for the gracious and very generous words employed in presenting me to you. I appreciate, more than language can express, the honor you do me in inviting me to address you and the privilege you accord me in listening to me. I have an exalted opinion of a constitutional convention and its membership. My father was a member of the constitutional convention of Illinois (in 1870) that wrote the constitution that has remained the organic law of that state for fifty years. I look back to that as the greatest honor ever conferred upon him. I think so highly of a constitutional convention that, if circumstances had permitted, I would have esteemed it a great privilege to serve in this convention with you; I would even have submitted a request to the people that they permit me to serve them in this capacity.

I understand something of the character of the membership of a constitutional convention.

Bancroft, the great historian, has paid the highest tribute (in prose) to the common people, and in that tribute he explains that it is not proper to say that "the voice of the people is the voice of God," but that it is rather proper to say that the universal conscience is the nearest approach on earth to the voice of God. So I regard the intelligence, the wisdom, and the patriotism represented in a constitutional convention as the highest expression of the capacity of the people for popular government.

You who gather here to frame this new constitution occupy a position superior to that of any officer in this state. The people look up to the chief executive, the state officials and the members of the Supreme Court, but THE MEMBERS OF THIS CONVENTION DEFINE THE AUTHORITY, PRESCRIBE THE QUALIFICATIONS, AND FIX THE REQUIREMENTS OF ALL THESE OFFICIALS. I share with you the pride that you feel in the task that you have been called to perform and in the state for which you speak. I yield to none of you in my love for the great commonwealth of Nebraska. (Applause) And I put none above you in that love, for the fact that you are here is proof conclusive that there are no others who have the confidence of the people to a greater extent, or who, in the judgment of the voters, can be better trusted with this important work.

I feel more at home speaking to you than I would if I were speaking to a court, for while the law is my profession, I have not had much time to practise because of my interest in what I regard as more important work. If I were practising before a court, I would be engaged in helping the court to determine what the law IS, but I come before you to help you, if I can, to determine what the law SHOULD BE. What OUGHT TO BE is more important than WHAT IS, for what ought to be is that which overturns that which is. That which WAS good is changed to that which IS better.

A MODEL CONSTITUTION

I am here, my friends, because I desire this constitution to be THE BEST CONSTITUTION IN THE UNITED STATES; more than that, I desire it to be THE BEST CONSTITUTION IN THE WORLD. And why should it not be THE BEST CONSTITUTION IN THE WORLD? You have all the past to guide you, and surely none have higher purposes to inspire them.

There never was a time when good example could have a larger influence than today. I was told that, when they were writing the constitutions of the states of China, they asked an American for an American constitution that they might take as a model. The constitution of Oklahoma had recently been written, and the American to whom the request was made recommended the Oklahoma constitution, and, I am informed, the constitution of Oklahoma became the model upon which the states of China wrote their constitutions.

This constitution ought to be written with the desire that it shall be made so nearly perfect and be brought so completely up to date that nations everywhere may find in it the highest expression of constitutional wisdom in one of the best states of the greatest republic the world ever saw. (Applause).

JEFFERSON GREATEST CONSTRUCTIVE STATESMAN

I venture to submit some observations in line with the important work you have in hand. Jefferson, who to my mind was the greatest constructive statesman the world has ever known—I put him in a class by himself and permit no one to association with him in the expression of things fundamental in popular government, the growing government of the world—Jefferson growing government of public thought; he put the was a moulder of public thought; he put the aspiration of the people into language that could be easily remembered and effectively used. He simplified the problems of government. Some think them complex and difficult to understand, but Jefferson tried to make them plain. He had faith in the people. He said, "The art of govern-

ment is the art of being honest," and added that "the principles of right and wrong are so easily discerned that they require not the aid of many counselors." My purpose is to plainly state these principles of government, the principles that you may have occasion to apply, so that you may understand how easy it is for honest men to agree when their purpose is the same and no selfish interest keeps them apart.

In addressing this constitutional convention I address it in the belief that every member so appreciates the honor conferred upon him and the responsibility of his position that he will work with an eye single to his state's welfare and his country's good.

GOVERNMENT COERCIVE AND COOPERATIVE

Government may be divided into two parts, coercive and cooperative. The theoretical anarchist argues that a time will finally come in the progress of the human race when men will need no government because each one will be a law unto himself. As civilization improves, as moral standards are lifted up, the COERCIVE part of government will decrease; as people more and more do right, because of the light that comes from within, they will less and less need the "thou shalt not" of the criminal law, but I am persuaded that the COOPERATIVE part of government will grow as the coercive part of government diminishes.

THE PEOPLE'S RIGHT TO RULE

The fundamental principle of popular government, whether coercive or cooperative, is that the people have a right to have what they want in government. If I can burn into your minds and hearts no other thought today I would rather leave this thought than any other, viz, that the people have a right to have what they want; that the people are the source of power. There is no other source to be trusted. Not that the people will make no mistakes, but that THE PEOPLE HAVE A RIGHT TO MAKE THEIR OWN MISTAKES, and that few people have a God-given right to make mistakes for the rest of the people. Mistakes will occur no matter what form of government we have. In a monarchy the king makes mistakes for all the people, and history shows that the kings of the world have lived fully up to their opportunities in this respect. In an aristocracy the few make mistakes for the rest of the people, and sometimes they find it so profitable that they refuse to correct them, even when they are pointed out. Many of the wars of the world have been waged for the purpose of correcting mistakes that the FEW found it profitable to make.

Let us consider some of the advantages of this theory. In the first place, it never pays the people to make mistakes, and therefore they are not as likely to make them as those are who find it profitable.

In the second place, if the people make their own mistakes, they accept the results and bear the punishment more patiently than they do if somebody else makes the mistakes; that is an element not to be overlooked in government. "You did it; now submit to the penalty until you can correct it," is a difficult argument to answer.

In the third place, because they suffer when they make mistakes and are sorry that they made them, they will correct them as soon as they find them out. The first fundamental principle that I leave with you and ask you to remember (I shall return to it later) is to trust the people. Have faith in them because that faith is the foundation of free government; and that faith is spreading throughout the world.

COERCIVE GOVERNMENT

Let us first consider coercive government. Punishments are for two purposes, viz., the protection of society and the correction of the persons punished; but when you examine closely you will find that it is really one purpose rather than two, because the greatest protection that society can have is to be found in the correction of the individual. Nothing is more sure than