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# REVOLUTIONARY BACKGROUND OF THE UNITED STATES CONSTITUTION

BY EARL BROWDER

**F**EW countries have a richer heritage of traditions of revolutionary struggle for human freedom than our own United States. Yet this heritage has been shamefully neglected by the modern fighters for liberation from oppression. By default, the reactionary camp has been permitted to claim for itself the championship of the preservation of the American tradition. It is only in the past few years that the Communist Party has broken with this neglectful attitude, foisted upon the radical movement some generations ago by the sectarian influences that dominated the Socialist Party, and, following the advice of Lenin, even if belatedly, began to develop the slogan "Communism is Twentieth Century Americanism."

The revolutionary gold in the ore of American history is so rich and abundant that even the reactionary miners digging here turn up a great wealth for us to begin to work on. This is why I spent many hours recently, while traveling, in a study of three books on American history (two of them recent publications), some material from which forms the basis of the present article. Needless to say, the authors of the books in question would probably object to the conclu-

sions which we draw from them. But the facts will speak for themselves, and, in our opinion, also for our conclusions.

The three books are: *Jefferson and Hamilton*, by Claude G. Bowers, a study of the first twelve years under the Constitution, the period of Washington's two administrations and that of John Adams; *Jefferson in Power*, by the same author, dealing with the ensuing eight years of Jefferson's presidency; and *Bulwark of the Republic: Biography of the Constitution*, by Burton J. Hendrick, a running account of the constitutional struggle from 1787 to the present time.

## THE DILEMMA OF THE CONSTITUTION MAKERS

The United States Constitution was a product of the American Revolution, which separated the thirteen colonies from England, established them as independent states, and united them in a loose Confederation, not yet a united nation even in the most limited aspect of a customs union (such as for example later laid the foundation for the German national unification). Under the Confederation a single united policy in dealing with foreign relations was impossible; the

same thing was true of domestic problems affecting all thirteen states. The revolution which cut off the oppressive and economically strangling control of London had at the same time removed the unifying authority of Britain without substituting a new one, but set up instead thirteen authorities, all too often in sharp contradiction to one another. At the same time, the revolutionary war had loosed a democratic mass movement among the population, which was not at all welcome to the ruling circles in the thirteen states. In fact, it was the threat of the unruly democratic masses which, more than any other single factor, brought these ruling circles (aristocrats, landowners and slave-holders, and rich merchants) to a keen realization of the inadequacy of the Articles of Confederation, and gave birth to the Constitution.

Having participated in making the revolution, the problem of those interests which dominated the Constitutional Convention had become how to curb that revolution among the masses, how to harness it to their special class interests, and how to make the realization of national unity, a generally felt necessity, dependent upon the dominance of their class groupings in the central government. Their dilemma was that these aims brought them into conflict with the aroused and crystallized aspirations of the masses, which had been flamingly voiced in the writings of Tom Paine and in the Declaration of Independence. The struggle around the formation and adoption of the Constitution was the first great battle between democracy and reaction; it gave birth to the first national system

of political parties; it posed the essential questions which run through American history, in forms corresponding to the stages of social and economic development of various periods, down to the present.

The camp of privilege and reaction was apparently in the saddle. But the forces of democracy among the masses, though scattered and unorganized, were powerful and rising. This was the inevitable consequence of the revolutionary war, which Lenin had in mind when, in writing his *Letter to American Workers*, he said:

“The history of modern civilized America opens with one of those great, really liberating, really revolutionary wars. . . . It was a war of the American people against English robbers who subjected America and held it in colonial slavery. . . .” \*

Everything that has marked off the development of America, as distinguished from that of Europe, finds its origin in this “great, really liberating, really revolutionary war,” which planted deeply in the American people the aspirations of democracy; its unexampled growth in wealth and productive resources, its welding of a population of manifold national and racial origin into a united nation, and its extension of the concept of the nation to embrace half a continent—all those features that made America preeminent among capitalist nations found their origin in the revolutionary war and the mobilization of the people to carry it to success.

This war unleashed incalculable forces among the masses, which operate down to the present day. The

\* V. I. Lenin, *A Letter to American Workers*, p. 9. International Publishers, New York, 3 cents.

struggle between these forces of the people and the forces of property and privilege is the hallmark of constitutional history. The dilemma of the Constitution makers in 1787, who predominantly represented property and privilege striving to subdue the revolution and harness it, was that of finding out how far they could go without wrecking their whole plan upon the resistance of the people. Their task was to find the minimum to which they could keep the democratic achievements of the revolution without completely wrecking it.

This judgment is not confined to the radical, or popular, camp. It is agreed to by Mr. Hendrick who, on the whole, belongs decidedly to the Tory camp. He says:

"The underlying purpose was to keep political power, as far as possible, out of the hands of the masses. . . . They [the drafters of the Constitution] had before them a more difficult task even than framing a constitution; the more difficult job was to get it ratified. And the concessions gradually made to what today would be called the proletariat represented their ambition to establish a strong, effective government, and one that, at the same time, the propertyless, who then, as always, comprised the great majority of the people, would accept." (Pp. 92-93.)

The Constitution that emerged was thus a compromise. It was a compromise between conflicting regional interests of the bourgeoisie; it was a compromise between two antagonistic social-economic systems, the slave system of the Southern plantation owners and the budding capitalism of the Northern merchants and manufacturers; and, most basic of all and continuing to the present, it was a compromise between aristocratic and democratic principles of government.

It is not the purpose of this brief article to examine in detail the contradictions and compromises of the Constitution, and of its evolution. To the extent that they are essential to our argument, we will refer to them in relation to the great constitutional struggles that arose.

THE STRUGGLE FOR THE BILL OF RIGHTS

The first great constitutional struggle arose on the question of the adoption of the proposed document. As it affects the present day, the chief point of interest was the embryonic gathering of the democratic forces around the demand for a Bill of Rights, finally victorious in the first ten amendments which became a condition for the adoption of the Constitution. The democratic-minded people correctly recognized in the Constitution as drafted a victory for the Tories, for all its concessions to the revolutionary spirit of the time. At the same time, both camps were agreed upon the necessity for establishment of a government sufficiently strong to deal with difficult foreign relations and subdue divisionist forces, which threatened destruction to the fruits of the revolution. Thomas Jefferson, chief figure among the democratic forces, absent in France on a diplomatic mission when the Constitution was being drafted, nevertheless sent his criticism of the document and demand for a Bill of Rights by mail to Madison, Washington, and other friends, and he finally returned in time to play a leading role in the fight for the Bill of Rights and its adoption.

Tremendous significance attaches to this struggle and the Bill of Rights which it achieved. Not that the people

actually received those things ostensibly guaranteed by the first ten amendments. The fight for these rights was merely transferred to the separate states where the struggle for their realization continues down to the present, although it must be noted that a number of states such as Virginia and Pennsylvania had previously adopted highly progressive Bills of Rights. Even the negative gain of specifically prohibiting the national government from encroaching upon civil rights did not prevent the Adams administration (1797-1800) from adopting the notorious Alien and Sedition Laws (the predecessors of our modern criminal syndicalism and deportation laws), in the desperate struggle of the Federalist Party to crush the rising democratic trend, represented by the Republican Party which put Jefferson in power in 1800.

Notwithstanding the absence of enforcement of the Bill of Rights (which continues until today), the struggle for its inclusion in the Constitution crystallized an elementary program for the democratic camp which was gradually achieved in the separate states to a greater or lesser degree, began the organization of the democratic forces, and set the popular mind in a democratic direction. It was the first great victory in the constitutional struggle for the forces of the people, with not only national but worldwide consequences.

#### FEDERALIST PARTY RULE UNDER HAMILTON

George Washington, commander-in-chief of the victorious revolutionary armies, was the popular symbol of national independence, and of the na-

tional unity accomplished by the new Constitution. He inevitably became the first President, serving in that position for eight years, until 1797. His role in the creation of an independent united nation was unquestionably of the first order. The honorary title of "Father of his Country" given him by history is solidly based in historic fact.

It is of peculiar interest to note today that the theory of government embodied in the Constitution made no room for rival parties contending for control of governmental office. There were in fact no national parties, when the Constitution was drafted, nor were party struggles foreseen as a major instrumentality of government. Washington's Cabinet was theoretically chosen on the basis of picking the most qualified men for particular duties without thought of party divisions; and in fact, according to general agreement, by its inclusion of Hamilton and Jefferson, chief leaders of the two great parties which soon arose in opposition to each other, it had in this respect at least realized its theory.

Hamilton and Jefferson, the two intellectual giants of America's formative period, should, according to the theory, by their collaboration under Washington's presidency, have realized national unification by a permanent collaboration of the two basic camps which had produced the compromise of the Constitution. The camp of property and privilege had its perfect representative in Hamilton, founder of the American financial system, the first great manufacturing promoter, monarchist and anti-democrat in political tendency, and to this

day the hero as well as ideological guide and inspiration of the camp of reaction.

The democratic camp, that of the masses of the people (that meant), first of all, agrarian democracy), had an equally fitting representative in Thomas Jefferson, close friend of Tom Paine (the fiery revolutionary tribune of the people whose writings inspired the masses and the revolutionary army to the heroic effort required for victory), author of the Declaration of Independence in collaboration with Paine, student of progressive thought throughout the world, philosopher and statesman of democracy. But life quickly consigned to the waste-basket of history the theory of peaceful collaboration between these two antagonistic forces. Hamilton and Jefferson were soon engaged in a death-struggle within Washington's Cabinet for dominant influence in directing the course of government. Out of that struggle grew the Federalist and Democratic (officially then called Republican) Parties, and the first national party conflict.

Jefferson could not long remain in Washington's Cabinet, because Hamilton soon became the decisive influence, more and more winning dominance over Washington, and establishing the Federalist Party which reached out to control every office. Jefferson, in the few years he was Secretary of State, already had laid the foundations of one of the most cherished American traditions—active solidarity with the forces of democracy and progress in other lands—in the relations between the United

States and France.\* Jefferson finally resigned this position to have his hands more free to organize the struggle against Hamilton and the Federalist Party, which he bodily labeled "monarchical" and "monocratic."

Democratic clubs sprang up all over the country to struggle against the oppressive and corrupt rule of Hamilton's party. They were stimulated by the example of the Jacobin Clubs of the French Revolution, with which the democratic masses of the United States were enthusiastically in accord. They found their leader in Jefferson.

The Federalist Party was alarmed by the signs of the rise of a rival party basing itself upon the "unruly masses" and democratic principles. It set out to crush these clubs before they could organize the majority. Then began the first "Red scare" in American history, which has served as a model for all others down to the present time. The democratic clubs were denounced as "alien and subversive influences" financed by "French gold," and all the powers of public authority and repression were brought into play to break them up. Even the aging Washington was drawn into this battle with a vitriolic denunciation of the democratic movement in one of his last presidential messages to Congress. It is one of the little ironies of history that Tammany Hall, which, through Al Smith and Senator Copeland, is staging a similar "Red scare" against President Roosevelt, itself originated in the last years of the eighteenth century as one of those "alien and sub-

\* See pamphlet, *Lenin and Spain*, by Earl Browder, Workers Library Publishers, New York.—Ed.

versive" clubs denounced by George Washington.

During the eight years of Washington's presidency the struggle, while constantly sharpening, was held in some restraint by the President, whose authority among the masses was great, and who, while estranged from Jefferson, Paine and the other active democratic leaders, could never entirely forget their tremendously important role in founding the nation which he headed. But when in 1797 Washington was succeeded by John Adams all restraints upon Hamilton and the Federalist Party disappeared. Adams was a puppet in the hands of Hamilton, who controlled his Cabinet, taken over entire from Washington, through a secret party conspiracy. Hamilton in power rode hard and desperately to realize his dictatorial ambitions. In the four short years of Adams' term he unleashed the full fury of reaction. This was the period of the notorious Alien and Sedition Laws. Jefferson was patiently and stubbornly gathering the scattered forces of democracy into the new party. The very fury of Hamilton's offensive defeated his ends, and consolidated Jefferson's party, while disintegrating and preparing the downfall of his own. Apparently in complete control of all the agencies of the national government, with all the "substantial" citizens arrayed behind him, having betrayed his puppet, President Adams, and destroyed his authority to pave the way for naming one of his own close associates, Hamilton's schemes and his party were wrecked on the passions, greed and ambitions he had so recklessly unloosed. His own backers, especially

those speculators who had been enriched by Hamilton's financial policy, entered into a conspiracy to elect Aaron Burr to the presidency, in opposition to Hamilton's choice.

It is one of the few political services that Hamilton performed for his country that he steadfastly refused any association with Burr, sharply warned his party against that future traitor, and rather than submit to the conspiracy of his associates went down to defeat and retired from leadership of his party. For this service history must probably thank Hamilton's extreme arrogance and egotism as much as any political principles. His writings in this period had become incoherent and hysterical, and all the evidence indicates that he had lost his political bearings entirely. Jefferson was elected, after a long deadlock in the electoral college. Aaron Burr, according to the original constitutional theory, became vice-president. A few years later Hamilton fell before Burr's pistol in the famous duel that ended this historic political feud. The arrogant and powerful Federalist Party had fallen almost overnight. It never recovered. Going from bad to worse, it was soon to be involved in a series of treasonable conspiracies, including that of Burr, directed toward the dismemberment of the United States.

#### JEFFERSON AND THE SUPREME COURT

Jefferson and his party were in power. The Constitution, which had served to enthrone the counter-revolution of the privileged classes for twelve years, had failed its makers. The concessions won by the democratic masses in the first great fight over its adoption had left the door

open for the defeat of the reactionary party. Those who but a few short years before had been denounced by Washington himself as "subversive" were in control of Congress and the Executive.

But the Tories, though defeated, had no thoughts of surrender. They still had a powerful ace up their sleeve. The people had rejected them—but they still had the national judiciary, appointed for life and irremovable; especially, they had the Supreme Court. Not only that, but in the closing hours of their expiring administration they rushed a judiciary law, doubling the number of judges and courts, and issuing the certificates of office in the last moments before midnight of their last day in power. They had double-locked their control of the judicial power, apparently for a generation at least. It was one of the most shameless and brazen reactionary coups in American history. From that day to the present, the Supreme Court and the judiciary in general have been recognized by the privileged and property classes as their final and supreme stronghold, to maintain which they are ready to go to any length.

Jefferson's two entire administrations were carried through in constant struggle with the Supreme Court and the judiciary. The struggle continued long afterward, so long as the Jeffersonian tradition continued to dominate the government. Even though he followed up his first victory four years later with a smashing defeat of the Federalist Party, which was thoroughly discredited everywhere, the rejected Tories continued to hold the Courts in their hands, using them shameless-

ly as weapons of party struggle. It was not until ten years later, during Madison's first administration, that Jefferson was able to write:

"At length, then, we have a chance of getting a republican majority in the Supreme judiciary. For ten years that branch braved the spirit and will of the nation, after the nation had manifested its will by a complete reform in every branch depending upon them." (Letter to Wm. Gallatin, September 27, 1810.)

John Marshall, a leading Federalist, member of Adams' Cabinet, had been appointed Chief Justice of the Supreme Court in the last days before Jefferson assumed office. He it was who molded that institution into an instrument of reaction which, in 1935 and 1936, could so arrogantly assume supreme power over Congress and legislation—and get away with it. But when Marshall took office, the Supreme Court was in low public esteem. He would never have dared assume the arrogance of Chief Justice Hughes, knowing that a political uprising of the aroused masses would have put an end once and for all to such pretensions. What he could not do directly, he proceeded to do by judicial trickery.

Jefferson, rightly indignant at the Federalists' packing of the courts after their defeat at the polls, had caused Congress to repeal that infamous measure, and refused to honor the notorious "midnight" judicial commissions. Marshall and his party were furious over this balking of their pretty scheme. It was a ruthless overriding of the Tory theory of the "inviolability" of the judiciary at the hands of democracy. They denounced the repeal as "unconstitutional." They played with the idea of having

the Supreme Court declaring it therefore invalid. Such a power is not granted in the Constitution, and in fact had been specifically rejected in the Constitutional Convention. But to the Tory mind it was an "implied power," a supreme power out of reach of the people, without which government was to them unthinkable. But, afraid of an open test of strength with the triumphant democracy, they abandoned their original intention for a more subtle road to the same end.

Choosing an obscure justice of a minor court, a certain Marbury, whose commission, granted by Adams and Marshall, had not been executed by Jefferson and Madison, they brought suit in the Supreme Court against Madison (Secretary of State) to compel the issuance of the commission, citing an existing law granting jurisdiction over such questions to the Supreme Court. Whereupon Marshall issued that historic decision upon which was later erected the whole structure of judicial dictatorship. He declared that Marbury was justified in his demand, that his commission had been wrongly withheld from him, but *refused his request* for a court order to enforce that right on grounds of *lack of jurisdiction*, declaring that the law passed by Congress creating that jurisdiction was itself unconstitutional and therefore void. Thus, the case was decided apparently *in favor* of Jefferson and his administration, but in reality affirming, in a form giving no opportunity for challenge, the power of the Supreme Court to annul acts of Congress.

This more than questionable doc-

trine, thus affirmed, stood upon such a flimsy foundation, was so alien to the American mind as dominated then and for years thereafter by the teachings of Jefferson, and was so fiercely attacked by Jefferson throughout his life that for over fifty years it was never again invoked in a major political issue. It was clear to all that any attempt to exercise this usurped power at that time would have caused a political upheaval and the shearing from the Supreme Court of its immunity from popular control. When, finally, in 1857, this doctrine was again invoked in a major political issue, in the Dred Scott Case, a revolutionary civil war was required to wipe out that decision and its consequences. It was only generations later, when the Supreme Court and the Tories found the democratic forces divided, that they dared to revive and apply this usurped power. And only in the past few years, when the country is in the deepest crisis of its history, the Supreme Court has found the desperate temerity to apply the judicial veto to a whole series of laws passed by Congress and affirmed at the polls by a renewed electoral mandate.

Jefferson was always outspoken in denouncing this usurpation of power by the judiciary. Here are a few of his typical expressions:

"Certainly there is not a word in the Constitution which has given that power to them more than to the executive or legislative branches." (Letter to W. H. Terrance, June 11, 1815.)

"The right they [the Supreme Court] usurp of exclusively explaining the Constitution." (Letter to Judge Roane, September 6, 1819.)



"A very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy." (Letter to Mr. Jarvis, September 28, 1820.)

"When the legislative or executive functionaries act unconstitutionally, they are responsible to the people in their elective capacity. The exemption of the judges from that is quite dangerous enough. I know no safe depository of the ultimate powers of society but the people themselves." (*Ibid.*)

"The judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundations of our confederated fabric. . . . A judiciary independent of a king or executive alone is a good thing, but independence of the will of the nation is a solecism, at least in a republican government." (Letter to Thomas Ritchie, December 25, 1820.)

". . . The germ of the dissolution of our federal government is the constitution of the federal judiciary; an irresponsible body . . . working like gravity by night and by day . . . advancing its noiseless steps like a thief over the field of jurisdiction." (Letter to Mr. Hammond, August 18, 1821.)

"Let the future appointment of judges be for four or six years, and removable by the President and Senate." (Letter to Wm. T. Barry, July 2, 1822.)

These quotations, peculiarly enough, are not to be found in the popular histories. For access to the outspoken words of Jefferson, the student must dig into the libraries of collected works and original sources. And, of course, it is needless to say that for Al Smith, Carter Glass, and similar self-styled "Jeffersonian Democrats" of today, Jefferson's teachings about the Courts are to be carefully hidden. They have use for Jefferson's name only to cover up their own desperate Toryism which is the exact opposite to Jeffersonianism.

Chief Justice Marshall, next to Hamilton the chief hero of American

privileged classes, is extolled by them as the great protector of the Constitution and of national unity. This claim needs to be examined in the light of much-neglected historical facts which it is the merit of Mr. Bowers to bring out sharply. These facts are:

1. That Marshall, a fierce partisan, leader in his Federalist Party, was deep in the councils which plotted with the British to divide the United States, reclaiming the West and New England to the British Crown, as the only means of defeating the hated Jefferson and the Democrats;

2. That when Aaron Burr was caught in his treasonable expedition to separate the Louisiana Territory (which failed due to the double-treason of his chief military confederate, a United States Army General), it was Justice Marshall, presiding over Burr's trial, who secured his acquittal by a ruling which excluded the evidence in the hands of the government, a ruling which reversed a previous one of Marshall himself delivered not two months before, a ruling which has never been followed since by the Supreme Court or any other court in the world;

3. That while Burr was awaiting trial on the charge of treason, of which history has fully convicted him, Justice Marshall, knowing he would preside at the trial, openly attended a banquet given in honor of Burr by the treasonable circles of the Federalist Party aristocracy. Such a record is quite fitting for one of the chief founders of American Tory politics, but hardly squares with the boasts of the modern Hamiltonians of his loyalty to American independence and the Constitution.

SOME CONFUSION IN INTERPRETING  
AMERICAN HISTORY

Much of the prevailing confusion among students of American history arises from the effort to interpret events as the working out of abstract conceptions and particular ideas in the world of reality. Real events refuse to fit into such schemes, for which the historians usually refuse to accept the blame, preferring to put the confusion to the account of history. A typical example is the effort to fit the history of the Constitution into the scheme of a struggle between state rights versus centralized national government, as the two constant poles of political struggle. In this idealistic conception, the name of Jefferson and the democratic camp is put forth as the classical champions of extreme state rights and the loosest form of national unity. Against Jefferson, the Federalist Party is supposed to have represented the principle of highest national centralization. Such a scheme, taken from a particular historical moment, is soon found in contradiction to the facts of a later moment; thus, the historian convicts the men who made history of "inconsistency"—"everybody is out of step but Jack (the historian)."

The facts are clear to everyone who can read the books of the same historians. Up until 1800, while the Federalists ruled the national government, the democratic camp headed by Jefferson fought against all their attempts to aggrandize their power, and played off the demands of local self-government against them. But when Jefferson's party came to power, and even long after Jefferson had retired

from office, by bringing the national government into harmony with the development of local democracy it largely reversed its attitude toward strengthening the national unity. Never before was such national unification achieved as under Jefferson, in his second election. And it was Jefferson who, to the horror of the Federalists, used the national power (in a way not provided by the Constitution) to secure to the United States the great territory of the Louisiana Purchase, and thus first opened up this nation to its continental perspectives, the highroad of national development. Those who had used national unity as an argument against Jefferson, the supposed champions of a strong central government—the Federalist Party—quickly became the plotters with foreign powers for dismemberment of the United States and the destruction of the Constitution, and the return of Louisiana Territory to foreign powers together with substantial sections of the original thirteen colonies.

The whole thing looks like a jig-saw puzzle when it is explained as the struggle between two hostile principles, in the abstract. But when we substitute living social and economic classes of men, and their interests, in place of these abstract principles; when we see these men voicing certain principles under one set of circumstances, and opposite principles under another; when we study these classes and interests in the first place, and the abstract principles only secondarily, then the chaos dissolves into a very definite and consistent picture. We see logic, consistency, and unifying principle which unite Jefferson's whole

career. He is fighting against vested interests and monopoly, and against financial control of government, for opening up the continent to the masses, and the fullest development of the economic life of the people as a whole, not merely of the rich and privileged. At one moment this called for opposition to the national government, at another for its unexampled use of power. If he had been true to abstract "principles," he would have betrayed his followers; being true to the people, he is accused by the historians of betraying the "principles" which they wish to use for interpreting history.

Similarly, it was the complete transformation of the country by the development of transport and industry, following the opening up of the continent for development, and the tremendous role played by the discovery of gold in the West, and the consequent "Gold Rush" that created an entirely new set of circumstances toward the middle of the nineteenth century, which again reshuffled the position of men and parties on all the abstract "principles" of Constitutional law.\* A large part of the Democratic Party, and of the Whigs, revived the early-Jefferson "principles" for the emphatically anti-Jeffersonian purpose of extending slavery over the continent: the party of reaction, of the Tories, again came forward with the doctrine of state rights, masking their position with a hypocritical appeal to all the great founders of American democracy.

Again it was the Supreme Court

which was the last stronghold of Tory reaction within the Constitution; the notorious Dred Scott decision declared the American people without power to determine their own national destiny.\* Again it was the forces of democracy, of the people, this time united with the rising industrialism of the North, which represented progress as opposed to the plantation-landlord slavery and their allies, that reasserted national unity and achieved it in four years of civil war, incidentally wiping out the slave system forever. Again it was demonstrated that national unity and a strong central government are not necessarily opposed to progress and democracy, but on the contrary may and do become essential instruments for their achievement.

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We are now in the third great constitutional crisis, exemplified for the

\* The decision in the Dred Scott case was handed down in 1857.

Dred Scott was a slave in Missouri whose owner took him to reside for a time in a free state and in free territory. Scott on this basis claimed his freedom after having moved back to Missouri. The Supreme Court decided that under the Constitution free Negroes could not be citizens and that the Congressional Act, the Missouri Compromise, prohibiting slavery in the Northwest Territory, was unconstitutional, because it deprived Southern citizens of their property if they moved into this territory. It was in this decision that Chief Justice Taney stated that the Negro has no rights which the white man is bound to respect.

As a result of this decision Congress from then on had no authority to regulate slavery in the great western territory extending south from Canada and west to the Pacific Ocean. In those states already admitted to the Union the regulation of slavery was under the jurisdiction of the individual states.—*Ed.*

\* See quotation from Marx and Engels on pages 806-7 of this issue.—*Ed.*

moment by the fight around the Roosevelt proposal for reform of the Supreme Court. Again parties and men are being reshuffled in their relation to abstract "principles" of Constitutional law. Again we can find no clue to understanding the struggle in terms of these abstractions, nor in terms of old political labels. As in the previous great crises, the solution in all probability will require a new system of political parties, the old alignment having lost all meaning. Again we can understand the struggle, find our place in it, bring order out of chaos, only by seeing beyond and beneath all talk of abstract "principles" to the real forces which are struggling with one another—social and economic classes and groupings, in which the polar forces opposing each other are, on the one side Tory reaction—now materialized in finance capital, Wall Street, and the democratic camp of the people on the other side—now materialized in the organized labor movement, first of all the great movement of the Committee for Industrial Organization (C.I.O.) and the progressive movements led by middle-class figures within the old parties.

The modern crisis finds many of the social groupings formerly associated with progress, now occupying an extreme reactionary position. This has always been true, and will be so long as we are dealing with the development of a society based upon classes. A great part of the population are in the midst of political change and regrouping, which they understand only dimly or not at all. Individuals and groups grope their way blindly, sometimes on one side of the fight, then on

another. But in each of the main camps there is emerging a more or less stable core, with growing consciousness of what the struggle is about. On the democratic side today, this more conscious center is the progressive labor movement. The new alignment will draw the whole population before long into two main camps, which will constitute in essence two entirely new political parties. The reactionary side will be the American equivalent of Europe's fascism, the democratic and progressive side will be America's equivalent of the People's Front.

#### PLACE OF THE COMMUNISTS AND THE SOCIALIST PROGRAM

We Communists know quite well where is our place in this realignment of our country's political life. We know we belong in the camp of democracy and progress, as the most conscious and loyal fighters and organizers of the fight against reaction and fascism. We belong with the People's Front.

The program of the People's Front does not include the establishment of socialism. In the material aspect of our country's development it is fully and adequately prepared for socialism, the common ownership and operation by all the people of our country's unexampled economic heritage for the benefit of the whole people. But we also know that the overwhelming majority of the people, including the working class, does not yet understand the necessity, the inevitability, of socialism. The Tory camp, the reactionaries and fascists, the camp of Wall Street, have a well-defined program which would, by speculating

upon the ignorance and prejudices of the masses concerning socialism, and by making it seem a fearful thing to them, stampede the population onto the paths of reaction and fascism, to the destruction of the democratic and progressive heritage of our country. That is why we, as the Party of socialism, as the best exponents of socialism, as the Party of those who will lead in the building of socialism, declare the first necessity of our country's political development is the creation of the People's Front to guarantee against the victory of reaction and fascism in America.

*We of the Communist Party never did and never will hold to a program of forcible establishment of socialism against the will of the people.* While the majority of the people, and above all of the working class, do not yet accept the program of socialism, our program of socialist reconstruction of society is a matter for educational work to win the majority, while our practical and immediate political work is to be in the forefront in the organization of the majority of the workers and of the people generally, against the reactionary menace to their rights and interests, for a program of betterment of their lives such as the majority is ready to accept and fight for now—the program of the People's Front. If our understanding of history is correct, this is the surest and least difficult road to winning the majority for socialism in the long run. Those who do not believe in socialism have no reason, on account of our understanding of history, to fear our collaboration with them in the People's Front; if they believed with us that history itself will reinforce the

Communist Party program they would either join our Party or the fascists. So long as they think a democratic and progressive road short of socialism is possible, and will fight for it, they have the guarantee of our loyal cooperation so long as the majority of the people agree with them.

A hundred and fifty years have passed since the American Constitution was drafted. The world today presents a far different picture than in those early years of our national history. The struggle against fascism and for the extension of democracy is of worldwide significance. When we speak of the changes that have occurred throughout the world, we are most strongly reminded of the new Stalin Constitution which has been adopted in the Soviet Union, and whose foundations rest on the construction of a new social order, where capitalism has been abolished and socialism successfully established.

The Constitution which has gone into effect in the Soviet Union "proceeds from the fact of the abolition of the capitalist system, from the fact of the victory of the socialist system in the U.S.S.R."\*

Stalin stated in his report on the Constitution:

"Bourgeois constitutions usually limit themselves to recording the formal rights of citizens without concerning themselves about the conditions of exercising these rights, about the possibility of exercising them, the means of exercising them. They speak about equality of citizens, but forget that real equality between master and workman, between landlord and peasant, is impossible if the former enjoy wealth and political weight in society, while the latter are de-

\* *Stalin on the New Soviet Constitution*, p. 15, International Publishers, New York. 2 cents.

prived of both; if the former are exploiters and the latter are exploited."\*

The material prerequisites for real democracy have been established in the Soviet Union because exploiting classes and nations have given way to a socialist society of equal nations and races. Democracy in the Soviet Union has more reality than is conceivably possible under capitalism because the right to a job and the right to leisure are maintained and guaranteed by the existence of socialism.

Thus, on a worldwide scale, as fascism drives to destroy democracy, not only in Spain and China, but throughout the world, the Soviet Union, under its new Constitution, gives an unbreakable weapon to the masses who are fighting fascism in every land. The Soviet Constitution records what has been achieved in the U.S.S.R., namely, the construction of a socialist society. For the masses throughout the world, the Soviet Constitution is a program showing the way to the logical and most extensive application of democratic principles.

In forging a solid People's Front against reaction and fascism, a great role can and must be played by a revived and deepened understanding of the history of our country, and the wealth of revolutionary traditions with which it abounds. Far too long have we been neglectful of it. We have only begun its serious study, and its serious dissemination among the masses is hardly even begun. We are far too little armed with even the facts of this history, and our interpretation of it is still inexpert and un-

satisfactory. The anti-socialist progressives and the open reactionaries have far more command of historical fact than we, though it must be said they have grave difficulties in making use of this weapon effectively. We have something, however, that all others lack, the key to unlock these great treasures, in the scientific study of history, historical materialism, founded by Marx and Engels and developed by Lenin and Stalin. With this key, even our first tentative approaches to American history transforms it into a living thing, full of meat and meaning for today, throwing light and understanding upon every problem which our country faces at this time.

History marches toward socialism. The deep truth of this is witnessed by the way in which every honest and serious historical study of America, even by non-socialists, serves to give material to, and build a foundation for, the position of the Party of socialism, the Communist Party, for its practical program for the present day and for its ultimate aim of a completely socialized America. "Communism Is Twentieth Century Americanism."

\* \* \*

[NOTE: *Following is the quotation referred to on page 803:*]

Marx and Engels in the *Neue Rheinische Revue*, on January, 1850, wrote the following:

"The most important event that has occurred here, more important even than the February Revolution, is the discovery of the California gold mines. Even now, scarcely eighteen months later, it can be foreseen that this discovery will have much more magnificent results than even the discovery of America. For three hundred and thirty years, the entire trade of Europe to the Pacific

\* *Ibid.*

Ocean was conducted with the most touching patience around the Cape of Good Hope or Cape Horn. All proposals for cutting through the Isthmus of Panama came to naught because of the stupid jealousy of the trading nations. The Californian gold mines have been discovered for eighteen months now, and the Yankees have already begun a railroad, a great highway, a canal from the Gulf of Mexico; already steamboats are plying regularly from New York to Chagres, from Panama to San Francisco; already the trade of the Pacific Ocean is concentrating in Panama and the voyage around Cape Horn is antiquated.

"A coast thirty degrees latitude long, one of the most beautiful and fruitful in the world, hitherto as good as uninhabited, is transformed at sight into a rich, civilized land, thickly populated by people of all races, from the Yankee to the Chinaman, from the Negro to the Indian and Malayan, from the Creole and Mestizo to the European. California gold pours out in streams over America and the Asiatic coast of the Pacific Ocean, and sweeps the obstinate barbarian peoples into world trade, into civilization.

"For the second time, world trade receives a new direction. What Tyre, Carthage and Alexandria were in antiquity, Venice and Genoa in the Middle Ages, what hitherto London and Liverpool have been, emporiums of world trade, New York and San Francisco, San Juan de Nicaragua and Leon, Chagres and Panama are becoming now. The center of gravity of world commerce, in the Middle Ages Italy, in more recent times England,

is now the southern half of the North American Peninsula. The industry and trade of old Europe must make a tremendous exertion if it does not wish to fall into the same decay as the industry and trade of Italy since the sixteenth century, if England and France are not to become the same as Venice, Genoa and Holland are today.

"In a few years, we shall have a regular steam-packet line from England to Chagres, from Chagres and San Francisco to Sidney, Canton and Singapore. Thanks to Californian gold and the indefatigable energy of the Yankees, both coasts of the Pacific Ocean will soon be just as populated, just as open for trade, just as industrial as is now the coast from Boston to New Orleans. Then the Pacific Ocean will play the same role that now the Atlantic plays, and in antiquity the Mediterranean Sea—the role of the great water-highway of world commerce; and the Atlantic Ocean will sink to the role of an inland sea as is now played by the Mediterranean.

"The only chance, then, for the European civilized countries not to fall into the same industrial, commercial and political dependence in which Italy, Spain and Portugal now find themselves lies in a social revolution which, as long as there is still time, transforms the method of production and distribution in accord with the needs of production itself proceeding from the modern productive forces, and thereby makes possible the creation of new productive forces which secure the superiority of European industry and thus equalize the disadvantages of its geographical position."