

**50 Years of  
Winning Orations  
in  
The American Legion  
National High School  
Oratorical Contest**



**National Americanism Commission  
The American Legion  
P. O. Box 1055  
Indianapolis, Indiana 46206**

# NATIONAL FINALS CONTESTS

## AND

### FIRST PLACE WINNERS

Year	Location	First Place Winners
1938	Norman, OK	John Janson
1939	Springfield, IL	H. Fletcher Padgett, Jr., Saluda, SC
1940	Boston, MA	Thomas E. Haggerty, Rosedale, NY
1941	Charleston, SC	Frank Church, Jr., Boise, ID
1942	Milwaukee, WI	Albert P. Smith, Jr., Hendersonville, TN
1943	New Orleans, LA	Burton Bernard, Granite City, IL
1944	Boonville, MO	Brent Bozell, Omaha, NE
1945	Buffalo, NY	Robert A. Kelly, Jersey City, NJ
1946	Grinnell, Iowa	William O. Wollin, Los Gatos, CA
1947	Charleston, WV	Roy F. Greenaway, Fresno, CA
1948	Savannah, GA	James H. Grant, Orlando, FL
1949	Philadelphia, PA	Paul T. Heyne, Concordia, MO
1950	Phoenix, AZ	James A. Robinson, Blackwell, OK
1951	Richmond, VA	Jeanne-Mann Dickinson, Roanoke, VA
1952	Baton Rouge, LA	Cliff Thompson, Kansas City, KS
1953	Jersey City, NJ	Joel M. Bernstein, Buffalo, NY
1954	Los Angeles, CA	Jack McNeas, Kansas City, KS
1955	Blackwell, OK	Michael Miller, Los Angeles, CA
1956	St. Louis, MO	Daniel Duckworth, Cleveland, TN
1957	Waterville, ME	Dan McCall, Modesta, CA
1958	Portales, NM	Reed M. Stewart, Brazil, IN
1959	Lodi, CA	Roger R. Majak, Lansing, IL
1960	Penn Yan, NY	Lanny Unruh, Newton, KS
1961	East Hartford, CT	Robert J. O'Connell, New York, NY
1962	Salt Lake City, UT	Patricia Ann Turner, Muskogee, OK
1963	Eau Claire, WI	Stephen A. Oxman, Short Hills, NJ
1964	Tampa, FL	David Bruce Marth, Wausau, WI
1965	Portland, OR	James F. Kay, Fullerton, CA
1966	Henniker, NJ	Ronald T. McCoy, Nogales, AZ
1967	Lincoln, NE	Alan L. Keyes, San Antonio, TX
1968	St. Paul, MN	John Joseph Cangilos, Albany, NY
1969	Boise, ID	Benjamin Gene Davidian, Tracy, CA
1970	Houston, TX	Michael Patrick Gallagher, Sommerville, MA
1971	Maryville, MO	William H. White, San Antonio, TX
1972	Weirton, WV	Thomas W. Joiner, Rock Hill, SC
1973	Charlotte, NC	John W. Frost, Peoria, IL
1974	Sioux Falls, SD	Steven L. Zeller, Columbus, IN
1975	Albany, GA	Michael Begley, Baltimore, MD
1976	Springfield, IL	Robert H. Maus, Honolulu, HI
1977	Washington Crossing, PA	Mark R. Thompson, Glen Ellyn, IL
1978	Klamath Falls, OR	Debra A. Morris, Lawton, OK
1979	El Reno, OK	Fernando Baell, Lafayette Hill, PA
1980	Williamsburg, VA	Laura Vance, Lawton, OK
1981	Indianapolis, IN	Marlene Van Dyk, Grand Rapids, MI
		Dean F. Clancy, Denver, CO
1982	Bismarck, ND	William Kephart, Jr., Chillicothe, IL
1983	Annapolis, MD	Keith R. Finch, Blacksburg, VA
1984	Lansing, MI	Arthur Jordan, Pittsburg, PA
1985	Des Moines, IA	Gwen Connolly, Cedarburg, WI
1986	Tuscaloosa, AL	Jennifer Jane Demmon, Marshalltown, IA
1987	Lee's Summit, MO	Maryagnes Barbieri, Milton, MA

# The Beginning

Though several American Legion departments had oratorical contest programs functioning in the early days of The American Legion, William A. Kitchen, an attorney and former Department Commander of Missouri, can be credited with developing the program and having it adopted as a national program.

Kitchen first experimented with his idea of an oratorical contest in a few local high schools in and around Kansas City during the school year 1934-35, using "The Constitution of the United States of America" as the subject for the orations.

Shortly after Earl H. Shackelford was elected Department Commander of Missouri, at Columbia, in 1935, he appointed a contest committee with Kitchen as chairman. This committee planned and carried out a successful department-wide contest during the 1935-36 school year.

The committee developed rules, many of which are incorporated in the present national rules. They developed the elimination procedure, still in use in determining state and national champions. In that first year, \$500 in cash prizes were awarded to the four state finalists. Medals were awarded to winners of lesser contests.

The first state finals contest was held in the State Capitol of Missouri, Jefferson City, on May 2, 1936. Each of the four finalists (zone winners) delivered a six-minute prepared oration and a four-minute extemporaneous address on the Constitution of the United States.

Thomas Tierney of St. Louis and Charles Brown of Springfield tied for first place in that first state finals contest. After an hour of deliberation, the judges awarded first place to Tierney.

The success of the Missouri program reached National Headquarters and three years later, the activity became a national program. Eleven departments with over 4,000 students competing, took part in 1938. That same year, the first national finals contest was held at Norman, Oklahoma, with John Janson of Phoenix, Arizona, being judged the first national champion.

Since that time, over \$1.4 million in college scholarships have been awarded at the national level of competition.

## 1938

**JOHN JANSON**

**PHOENIX, ARIZONA**

### **The Need of Governmental Reorganization**

The first annual National High School Oratorical Contest was held June 1, 1938, at the University of Oklahoma in Norman. The winner of that contest was John Janson of Phoenix, Arizona. He received an engraved wristwatch, a four-day trip to Washington, D.C., and an invitation to appear on the floor of the 1938 National Convention in Los Angeles, California.

Janson was selected as the national champion by defeating three other national finalists. Second place went to Thomas McElin of Aurora, Illinois. The third place finisher was Treva Davidson of Tahlequah,

Oklahoma, and Mary Buckley of Cambridge, Massachusetts, was fourth. The June issue of *The National Legionnaire* reported "...the scoring of Janson and McElin was so close that the judges had to figure fractions to determine the winner."

In his winning oration, Janson said, in part:

"This is the great challenge to American democracy today: To make democracy work; to keep a democratic, efficient, workable government that can cope with all the old and new problems and responsibilities forced upon

us by the mechanization and industrialization of the Twentieth Century, and to keep in step with the boundless technological and scientific progress that is yet to come...

“It is our responsibility and must be our destiny to prove to ourselves and to a suffering and disillusioned world that democracy can exist, can grow, and can flourish in this modern age.

“This is not a responsibility that can be shouldered merely by fine words, and inspiring orations, but must be

solved by hard work, by intelligent citizenship, by widespread public education, by constant vigilance, by rejection of old prejudices and outworn ideas, by a determination on the part of all the people to make democracy work so that their faith in democracy will be justified.

“It is too much to ask that we, in 1938, meet our problems as fearlessly, with as much determination and foresight, as those founding fathers met theirs? Is it too much to ask that we build one in 1789, to serve adequately the purposes of American democracy?”

## 1939

**FLETCHER PADGET, JR.**

**SALUDA, SOUTH CAROLINA**

### **The Citizen's Appreciation of the Constitution of the United States of America**

*Note: Fletcher Padget won the South Carolina state finals contest which made him eligible to compete in the National Southeastern Regional Contest which was held at the College of William and Mary in Williamsburg, Virginia, on April 9, 1939. Five days later he won the national finals contest at Springfield, Illinois. For his efforts, Padget was awarded a \$4,000 college scholarship given by noted radio and screen comedian Eddie Cantor, and was invited to appear on Cantor's radio program on May 1, 1939.*

*Padget later attended the University of South Carolina and received his law degree in 1948. He practiced law in Columbia, South Carolina, and also taught at the University of South Carolina Law School.*

Does the average citizen of the United States of America appreciate the Constitution? Does he know its value and the rights guaranteed to him thereunder? Does he stop to consider the price at which it was purchased? Is he willing to make the necessary sacrifices in order that these rights may be perpetuated for himself and for his posterity?

Upon the answer to these questions depends whether or not the citizenship of America will be lost and engulfed in the “Isms” that threaten to destroy the democracies of the world, or whether this nation will come triumphant through this period of the world's history which is marked by socialistic, communistic, and individualistic trends of thought and action.

The average citizen of the United States, the man that you ordinarily meet upon the street or upon the highway, does not take the time to consider what the Constitution means to him. He does not know that our Constitution is so constructed that it wraps the cloak of protection as securely around the most lowly laborer and peasant farmer as it does for those who have been fortunate enough to be possessed of fabulous wealth, and, not knowing this, he does not fully appreciate this immortal document. He is too engrossed in his business, in the job

of making a living for himself and his family, and in facing the common and everyday problems of his life to appreciate fully the protection provided by the Constitution. He takes for granted the rights which he enjoys and which were guaranteed to him under the provisions of the fundamental law of this land. He and his immediate predecessors are too far removed from the time when these rights were secured. He does not read the history of its making and is unacquainted with the trials and difficulties which the founders of this great republic suffered and endured in order that this great document, with all of its meaning and protection to every citizen, might be made the cornerstone and bed-rock upon which this nation was founded.

“The founding fathers of this grand Palladium of Liberty,” believed and has faith in the ability of the people to rule themselves. They believed that the people were entitled to a form of government which recognized the inalienable rights of its citizens. They evidenced this thought and ideal by incorporating therein this beautiful sentiment, “We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure, the blessings of liberty to ourselves and our posterity, do ordain and

establish this Constitution for the United States of America.”

The keenly intellectual and master minds of those who framed this Constitution were careful to see that the rights of each individual citizen were protected. The right of trial by a jury of his equals, where his life, liberty or property was at stake, was secured to him in no unmistakable terms. The right to tax him was given only with his consent or the consent of his legally elected representatives. Everything that pertained to his happiness and welfare was left to the voice and consent of him who was governed. There was no place in this instrument for the iron rule of an autocrat or a dictator. What the Constitution has meant to the American citizens since its adoption cannot be estimated. No historian, no economist, and no student of government would even attempt to place a value upon it. It has been a godsend to womanhood, a shelter to the weak, a barrier to the strong, a relief to the oppressed, and a model and pattern for all liberty loving people.

Standing as we do today in point of time, far distant from the adoption of the Constitution, it is difficult for us to understand and appreciate what it cost. If we could go back across the years and stand by the side of the men who took part in the framing of this great instrument, we would better appreciate its meaning. They were fresh from a conflict that was brought about by misrule; they had seen their property taken away from them by unjust taxes; they had been oppressed by overloads and rulers; they had seen their rights trampled under foot with impunity; they had dared challenge the right of a great and powerful nation to impose unjust rules and taxes; they had banded themselves together in a common cause to resist the injustices which were being heaped upon them. They had marched from Lexington to Concord, to Bunker Hill, Valley Forge and Yorktown; they willingly endured the hardships of a merciless war in order that liberty might be guaranteed to them and to their posterity. They paid the price in order that man might set up in a new world a new form of government, and time

has proven the soundness of their reasoning.

Have the sacrifices of our forefathers been in vain, and will this experiment, which started more than one hundred fifty years ago, be able to stand through all the vicissitudes which now encompass the nations of the world, or will the historians of future generations have to write that the greatest democracy of the world failed? No, the fight and struggle for self-government and freedom must go on. The citizenship of America have taken upon themselves the responsibility of proving to the world that people are able to govern themselves. The

privileges of citizenship in a free country are too priceless a heritage to give up. The history of the past with all of its bloodshed, its heartaches, its sorrows, its toils and sacrifices in order that man might be free, demand that this generation and those who come after us shall ever keep alive our form of free government. The Constitution of this country must be honored, appreciated and defended at all costs. The heroes of the past cry out to this generation to save and protect it. Every liberty loving man the world over is working with hope and faith to the end that this Constitution shall be preserved. It is the duty of every individual citizen, your duty and mine, to learn the meaning of the Constitution, its value, and the things for which it stands; thus showing our appreciation to the founders of the Constitution for guaranteeing to the citizens of the United States of America the freedom and liberty that we now enjoy, and for which many of our forefathers paid the supreme sacrifice.

Founded upon a philosophy of free government that was born in the hearts and minds of free men, tested in the trials of peace and war which it has experienced through the years, and solidified by a faith that shall live, this nation will endure. Though the rains of discord and dissension may descend, the flood of “Isms” may come and the winds of adversity blow, this constitutional form of government will stand, for it is founded not upon sands that shift with the ebb and flow of a tide, but upon an everlasting rock.

## 1940

**THOMAS E. HAGGERTY**

**ROSEDALE, NEW YORK**

### **The Constitution, a Guarantee of Human Rights**

Thomas E. Haggerty, the son of a disabled World War veteran, won the third annual National High School Oratorical Contest held at historic Faneuil Hall in Boston, Massachusetts. Speaking before an audience of 1,000, Haggerty defeated three other contestants who advanced to the national finals after winning their respective sectional eliminations.

Haggerty won a \$4,000 college scholarship. Second place and a \$1,000 scholarship went to Clarence Carlson of Pontiac, Michigan. Third place was awarded to Joseph Minihan of Casper, Wyoming, and fourth place went to Hugh Overby of Jacksonville, Florida.

Extemporaneous talks by the four national finalists were broadcast nationally by a Mutual radio network.

Arthur F. Brunner, a reporter for the Providence Evening Bulletin, told this story of Haggerty:

"Before he (Haggerty) left Providence to go to the Lawrence sectional and Boston finals contests, he rubbed my automobile number plate for luck. The number is

B-7-11!"

Haggerty later graduated from St. Francis College and Fordham University before earning his MD from the Georgetown University School of Medicine in 1946. After service with the Army Medical Corps, he established a personal practice of Falls Church, Virginia.

# 1941

## FRANK F. CHURCH, JR.

### BOISE, IDAHO

## The American Way of Life

*Note: Frank F. Church, Jr., won the fourth annual National High School Oratorical Contest, held in Charleston, South Carolina. He received a \$4,000 scholarship for his efforts. Other finalists were Harris Proctor of Durham, North Carolina, James McBath of South Carolina, and Phillis Anderson of Moorestown, New Jersey.*

*Church went on to attain national prominence as a senator from the State of Idaho. He served in the U.S. Army during World War II and, following his discharge, received his law degree from Stanford University.*

During the course of the past year the American people have witnessed with apprehension the destruction of democracy in all parts of the world. We have witnessed this conquest at the hands of a brutal, alien philosophy of life and we have determined, in unanimity, that the fate of France, the fate of Norway, of Belgium, and of Poland shall not be the fate of America. To realize this objective we are engaged in an unprecedented program of defense.

Do you believe that this effort to prepare is merely for the defense of our independence? Do you believe that it is merely to protect our farms, our industries and our property, or do you believe, with me, that it is primarily to defend democracy, to defend freedom, to defend the American way of life. Our ambition to succeed in this attempt is laudable, but we will not succeed, we cannot succeed in defending the American way unless we thoroughly and completely understand it. What, then, is the American way? How can we understand it? How can we defend it?

Over fifty years ago the noted clergyman, Henry Ward Beecher, made this statement: "The real democratic American ideal is, not that every man should be on the same level with every other, but that everyone shall have liberty, without hindrance, to be what God made him." In other words, that everyone is to have the opportunity to develop according to his own wish and his own ability. This, friends, is the one way to find and enjoy "life, liberty, and the pursuit of happiness."

Around this ideal we have moulded our manner of living in America and have founded it upon three fundamental principles of freedom.

The first of these principles is the natural development of our history. It is that of a society, free, classless and equal. A free and equal society was inevitable in America. Our ancestors fled from Europe to break away from a society of privilege. In the new world they established one of justice and equality. In Europe, command and guidance were the result of hereditary rank. In America, authority and leadership became the result of diligence, ability, and toil. In Europe, opportunity was dependent upon riches and prestige. In America, depending upon nothing, but open to all. Our system of free schools and our public libraries manifest that equality of opportunity afforded to every American. And we must keep it that way! We must keep it free from all privilege in order that every citizen, unhampered by birth, or rank, or wealth, might continue to enjoy an equal chance to succeed. We must, because a free society is the first of the three principles upon which our system rests. A free society is a vital part of the American way!

The second principle in our manner of living is inseparable from the first. What value would a free society have for any one of you if you were the victim of a regimented economy? Social freedom is worthless in an economy where all industrial policy is decided and directed from above, and where every position, every advancement is dependent upon the whims of a political bureaucrat. Indeed, the inalienable truth that social freedom must always go hand in hand with economic freedom has ever been recognized in America. Because of this we have encouraged free enterprise and private initiative. We have respected the freedom of every citizen, first, to select his own occupation and secondly, if possible, to own his own business. The natural ambition to succeed, the

natural desire for private gain, and the efficiency-making competition of free, rival enterprise has built our dynamic economy, and our free, dynamic economy has given us more luxuries, more comforts, and a higher standard of living than any other people have ever enjoyed in any other place or at any other time.

Even so, this system is not perfect. Its greatest weakness is monopoly, for monopoly alone can destroy all its advantages and inevitably results in shocking abuse of power. But our federal government has the authority to destroy monopoly. It must use this authority. It must wage a constant fight against abuse of power and favor justice for the common man. It must do so in a constructive defense of our free capital and our free economy; for, economic freedom, as social freedom, is a vital part of the American way!

Today, all of us are confronted with a tremendous task—that of defending our manner of life. We shall willingly defend it from without, but we are baffled and confused when we ponder how to defend it from within. Even at this moment as insidiously inspired propaganda campaign is causing that confusion. This campaign is being waged, not against social freedom, not against economic freedom, but against the third principle of the American way—political freedom. If this principle fails, the others shall perish; if it endures, the others will endure. The incomparable privilege of political freedom is more than majority rule or representative government. It is pro-

tection for the minority. It is the freedom granted to every individual to speak, to read, and to think as he pleases. It is the right to worship God according to the dictates of his own conscience. It is his guarantee, in emergency, of a speedy, public trial by jury, and his protection against excessive fines of cruel and unusual punishment. It is his right to be secure against unreasonable search or seizure, in his person, his property and his home.

Friends, of all our obligations to the American Way, not one is more vital than a jealous defense of political freedom against any kind of limitation, for there has been no period in all the centuries of the history of man where political freedom has been limited and where democracy has survived. This does not mean that our government should take no action against spies, saboteurs, or traitors. Such is the obligation of responsible government. But it does mean that we must respect the political freedom of every citizen and every sincere minority, for only in that manner can we protect democracy, and only in that way can a truly enlightened people discuss fairly, and adequately solve, their problems.

If, during the crisis that confronts us, today and tomorrow, and we defend social, economic and political freedom, guided by the precepts of Christian faith, we shall have maintained the American Way. Preserve, protect and defend these three principles and, no matter how dark the future may be, a united America will move forward with unshakable courage and irresistible power toward unlimited democracy and happier times.

## 1942

ALBERT P. SMITH

HENDERSONVILLE, TENNESSEE

### For This We Fight

*Note: Albert P. Smith, Jr., won the fifth annual National High School Oratorical Contest. He topped three other national finalists before an audience estimated at 3,000 at Shorewood High School in Milwaukee, Wisconsin. Over 100,000 high school students from across the country competed in the annual contest.*

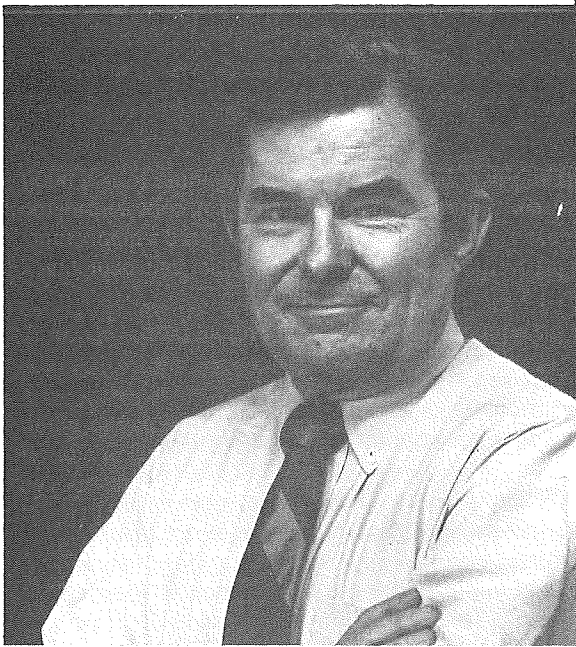
*Second place went to Herbert C. Burton, Jr., of Kaysville, Utah. Third place was awarded to Harold Pollman of Williston, North Dakota, while Evelyn Miller of Connecticut garnered fourth place honors.*

*Mr. Smith began a career in journalism at the age of 20, following service in World War II. He wrote for daily newspapers in the New Orleans, Louisiana, area for ten years before moving to Kentucky. He is currently general manager and vice president of Park Newspapers of Kentucky, Inc., publishers of newspapers at London in eastern Kentucky and Russellville and Leitchfield in western Kentucky.*

*From January, 1980 until October, 1983, he was in Washington as Federal Co-chairman of the Appalachian Regional Commission, an economic development agency serving some 20 million people in 13 states. He was appointed to this post by President Carter, succeeding former Gov. Robert Scott of North Carolina, and remained in office at the request of the White House for nearly two years of the Reagan Administration.*

*Mr. Smith describes his participation in the contest as follows:*

*"The themes of this contest are woven through most of what my life has been about in the four decades that followed—writing, studying, debating and trying to shape public policy, speech making, informal commentary on television about politics and lots of work with schools and young people."*



Albert P. Smith, Jr. (TN)  
1942 Oratorical Contest Champion

“We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for a common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

Thus begins the greatest document ever conceived in the minds and hearts of mortal men—the Constitution of the United States. With its framing began, for the first time in the annals of civilization, a government established of the people, by the people and for the people.

With the world in its present state of unrest and political turmoil, with the forces of greed, and hate, and might and lust menacing the very life of the Nation, and with America fighting for the existence of the things we hold sacred—our unalienable rights to life, liberty and the pursuit of happiness—there is a need, as never before in American history, for every American to study and understand the Constitution of the United States, for this Constitution is his individual guarantee of freedom under God—for this we fight.

America is at war today, not to destroy our enemies, but, primarily, to preserve and protect our way of life and the right to its living. We fight for liberty, we fight for justice, yes, we fight for life. We fight for our God given rights as treasured for us in the Constitution. Should this great bulwark of human liberty be destroyed, it would be a calamity, not only to America, but to the whole world—a world that had waited seven thousand years for this document.

Our forefathers who made the Constitution were not ordinary men; they were men of strong principle and character. They were men imbued with an Unquenchable

spirit that burned like a beacon in the night. They were red-blooded men. They faced a wilderness with only their hands, but they possessed a hardy, fearless, self-reliant spirit, and toiling and striving they slowly, step by step, made their way across this great continent, and they conquered the wilderness, and they vanquished the savage. They faced the tomahawk and scalping knife and a soil that had never been caressed by a plow. But, with an indomitable courage that refused to be humbled, they went forth with a plow in one hand and a rifle in the other and they gave us our country—a land of liberty and independence—for this we fight.

Because they had helped make this new world with their own hands, our ancestors never doubted they had a right to defend it from injustice and tyranny. And when their freedom was threatened, they endured eight long dreary years of strife and struggle, suffering and privation, and from the might of kings, finally wrested American independence that gave us the blessings of life, liberty and the pursuit of happiness—for this we fight.

After they had won their independence they were determined that the ideals for which they had fought should be perpetuated forever, so they assembled together and formed the most glorious heritage of American life—the Constitution—and for this we fight.

In order that we may fully appreciate the ideals and institutions for which we fight, it is necessary that we analyze and ponder the provisions of the Constitution and their relation to us. For in this remarkable charter can be found every concept and vision that has inspired American progress in the past one hundred and fifty years.

What is it that gives the Constitution its strength? The answer is found in the first three words—“We the people.” For in this document can be found two great principles which are eternal in nature. First, that the government exists for the benefit of all the people, and second, that the just powers of the government are derived from the consent of the governed.

Many people think of the Constitution as a dry and wordy document, but that is not true—for it is alive and vibrant with a vitality that gives it the power to change as economic and social conditions change and yet not lose its purpose. It is an elastic Constitution, flexible, in order that the law of the land may fully meet the progress that is bound to take place in a country as energetic as America

Consider the symmetry of the Constitution, its conciseness, and the manner in which it presents the simple laws that govern a democracy. Consisting of seven short articles and twenty-one amendments it possesses political ideas heretofore undreamed of in government. The provisions of the Constitution fall into two great categories; the machinery provisions are those governing the mechanics of government and the manner in which our Nation shall function. The charter provisions deal with



the great principles that make a democracy what it is—freedom of religion, freedom of speech, freedom of press and freedom of assembly. These principles are the rock upon which our republic is built—for this we fight.

Our forefathers were wise in framing our Constitution. They were students of history and they profited by the mistakes that other governments had made. They had before them the Magna Charta and the basic laws of the world, and from those laws, and from their own personal experiences, they formed a Constitution of a perfect state, which in the words of Chief Justice Chase “Is an indissoluble Union of indestructible states.”

They limited themselves to a short document that would contain the ideals that they knew indispensable to a democratic government, and the result was a constitution that will never be obsolete—a constitution that is as American as apple pie and ice cream. A Constitution that stands for decency, tolerance, equality and justice—for this we fight.

As Washington and his men left their farms to battle against the tyrant, as Jackson and his men fought for America’s freedom of the seas, as Lee and the South and Lincoln and the North fought for what they believed right, as a sympathetic America extended aid to a beleaguered Philippines against iron rule, and as our fathers went to war in 1917 to fight for humanity, just as our fathers suffered and shed blood to make the world safe for democracy, just as the Pershings and Alvin Yorks fought for liberty, we, their sons and daughters, the younger generation, pledge ourselves to fight also. And when this war is won, their shall be no World War III,

for we will see to it that peace shall be free from danger of attack by the backstabbing, God-hating gangsters that plunged the world into chaos and made waste the efforts of American boys who died for democracy in the last war.

We will go on to victory with the spirit of the Constitution—the spirit which has inspired Americans since Valley Forge. We will go on to victory with the spirit of Nathan Hale, when he faced death and said, “I only regret I have but one life to give for my country.” We will go on to victory with the spirit of Patrick Henry when he gave us those immortal words, “I know not what course others may take, but as for me, give me liberty or give me death.”

We will go on to victory remembering the spirit of Pershing when he said, “Lafayette, we are here.” We will go on to victory remembering the spirit of the men who fought and died for the Constitution of the Argonne, Chateau Thierry, Belleau Woods and San Miheil. We will go on to victory remembering Pearl Harbor and the spirit of the Colin Kelleys who died that freedom might live.

We will go on to victory remembering Wake Island and a handful of Marines who heroically defended themselves against overwhelming odds. We will go on to victory remembering the spirit of MacArthur’s men, who are America’s first line of defense. We will go on to victory remembering—and we will not forget! We fight for the Constitution, which is the light of civilization and the hope of a just and enduring peace—for this we fight!

## 1943

**BURTON C. BERNARD**

**GRANITE CITY, ILLINOIS**

### **Legislative Transfusion**

*Note: Burton C. Bernard received a \$4,000 college scholarship for winning the 1943 National High School Oratorical Contest. The National Finals Contest was conducted at Francis T. Nicholls High School in New Orleans, Louisiana.*

*Second place was awarded to Burl Dean Smith of Redlands, California, who took home a \$750 scholarship. Third place and a \$500 scholarship went to Howard Cole of Lansing, Michigan, and fourth place and \$250 was awarded Charles D. Elyea, Jr., of Atlanta, Georgia. Each of the four finalists were also presented engraved wrist watches.*

*It was reported that tabulation of judges’ score cards at the national finals contest showed that Bernard tied with Smith on the low score total of the judges records of choice, but on the total points scored, Bernard had 430 against Smith’s 429. It was also reported that 109,000 students entered the contest.*

*Bernard received his law degree from Harvard University in 1950, after completing undergraduate requirements at Washington University in St. Louis, Missouri. He operates a law practice in St. Louis, Missouri.*

# 1944

## BRENT BOZELL

### OMAHA, NEBRASKA

## Our Constitution: The American Philosophy of Government

*Note: Brent Bozell of Omaha, Nebraska, captured first place honors in the seventh annual National High School Oratorical Contest. The National Finals Contest was held at the Kemper Military School in Boonville, Missouri. He received a \$4,000 college scholarship for his efforts.*

*Second place went to Richard Gill of Cambridge, New Jersey. He was presented a \$750 scholarship. Robert Ripley of Kalispell, Montana, received \$500 for taking third and Harry Schutte of Atlanta, Georgia, was fourth and received a \$250 scholarship.*

*Shortly after winning The American Legion's contest, Bozell was ordered to report for active duty with the U.S. Navy. After returning to civilian status, he completed his high school education and enrolled in the Yale University Law School.*

Not many weeks ago an American soldier and his father stood hand in hand in the doorway of their home. This was the last good-bye for the young fighting man, who was departing once again for the world battlefronts. For a moment the two stood there not knowing quite what to say. Then the father broke in, "Son, I know what you're thinking . . . that you've come home from an awful mess and found a bigger one here. These strikes, these political wranglings, this waste and corruption . . . but son, don't worry. You just go ahead and fight. We'll fix things up."

"No, Dad, I'm not worrying about that. You see, the fellows over there, most of them, have seen those things too; and they're talking about coming back with guns after the War to make sure this mess is cleaned up. No, Dad, you're the one who had better worry, because that's the way the guys are feeling."

Now this is no horror story predicting that a military anarchy will overrun this country after the War. You and I have enough faith in the common sense of the American soldier to throw out any such talk as that. The point is that there is a comprehensive realization on the battlefronts that something is drastically wrong here at home; that America is becoming internally rotten. You and I realize that fact too; we sense a foreboding of disaster; our political, our social, our economic footing is becoming insecure. We can't quite put our finger on it, but we know the state of our nation is not sound. The question in everyone's mind is, Why? Why is our way of life being threatened? Why is our national stability being destroyed?

Often we are tempted to throw the blame upon inefficient bureaucracies and fuddy-duddy congressmen, or to accuse labor or business. But this is just the convenient way: to blame one another. The problem is far more profound than that. These daily wranglings are but a surface to a violent under-current of misconception

and untruths. The answer lies not so much in what man does, as in what man believes. And it is what man believes today, his prevailing philosophy of government that is unsound, is dangerous, and is inherently wrong! He is forgetting the teachings of the American Constitution and is substituting for them doctrines which are totally alien to the American conception of government.

In this country today there are two outstanding trends of political thought. Although not avowed as such, both are distinct governmental philosophies. Both express a specific relationship between the government and the people.

One of these ideas is the basic theory of all totalitarian government—of Nazism, Fascism, and Communism—that the supreme institution of any nation is its government. The government is the magnet to which the other functions of life inexorably cling. The government assumes the responsibilities and dictates the means of obtaining the national welfare. It denies the preeminence of the individual person; it laughs at the dignity of man.

Now far on the other extreme is that equally false theory that the government is a means to secure the individual's ends—an instrument to be wielded as private interests dictate. Here the dignity of the government is belittled; its function as an organ of a collective society is ignored. The government is merely an outlet for the realization of selfish goals.

These two philosophies which tend to confuse and misrepresent the true relationship between man and his government, these two philosophies are the nuclei of the problem which faces us today. They are the thorns in the side of the nation. They are the forces wreaking havoc with our constitutional conception of government.

Let us be specific. You know that the present adminis-

tration is alternately called fascist, communistic, totalitarian—all of which are gross exaggerations of the actual fact. But false as these accusations may be, their basic supposition is true; and that is that certain political factions sublimate the position of government and look down upon the individual man. They assume that the human being either isn't smart enough or willing enough to think for himself or to govern himself.

This all began back in the days of the depression when the government, first under the Republicans and then under the Democrats, sought to supervise business and labor in order to restore the national economy. Now the merits and evils of this emergency policy are not in question. Certainly no one can deny that tremendous social and economic gains were made under the legislation of that time. But the fact that the men in power have continued to dictate to the American people and have continued to do their thinking for them proves that this emergency policy of government control has grown into a distinct philosophy of governmental preeminence.

Now the other false theory that we must consider today is equally prevalent in our national life. Right now it is imperative that we thwart the onrush, the inflation. But instead of trying to save the nation by collective action, men are dividing up into certain little blocs of completely antagonistic policies and are attempting to use the government to further these policies. By use of the government the farm bloc is attempting to pry off the ceiling on farm prices; and the labor bloc to raise the wages of certain workers—both totally disregarding the prosperity of the whole and striving for the prosperity of the few. They are attempting to use the Government of the United States of America as a tool to obtain their own individual ends.

## 1945

**ROBERT A. KELLY**

**JERSEY CITY, NEW JERSEY**

### **The Constitution Guardian of People's Rights**

*Note: Robert A. Kelly of Jersey City, New Jersey, won the eighth annual American Legion National High School Oratorical Contest and took home a \$4,000 college scholarship for his efforts. The national finals contest was held at State Teacher's College, Buffalo, New York. Kelly was sponsored by Albert L. Quinn Post 52 of Jersey City.*

*Second place and a \$750 scholarship was awarded Douglas M. Fisher of Nashville, Tennessee. Donald Klene of Burlington, Iowa, was third and received \$500 in scholarship monies. Fourth place at \$250 went to Arthur L. Pretzer of Fresno, California.*

*Kelly went on to pursue a career in law, enrolling at the Harvard Law School after completing undergraduate requirements at St. Peter's College in June, 1951. He served in the U.S. Armed Forces in Germany from 1954-56.*

The air is still with the silence of snow. White cloaks the bushes, hangs heavy on the trees, shuts out sun and sky. White cloaks a thin, crouched line of soldiers, frosts their

This, then, is the source of the confusion, of the trouble that confronts us today; the mistaken relationship between the government and the people. What then, we ask, is the true relationship? What are we to do for a new philosophy? What can the American people expect when for so long they have depended upon a cut-and-dried Constitution to give them all the answers?

Ladies and gentlemen, I say to you we must realize that the American Constitution, more than an organic law of government, is an ethical philosophy. It is the American doctrine of individual freedom protected by a collective society through the medium of government.

Our Constitution was built upon Thomas Jefferson's thesis that the people alone possess God-given rights, and in his words: "Governments were instituted among men to make secure these rights." Every provision of our Constitution is either a specific delegation of power by the people to the government, or is a recognition by the government of the people's inherent rights. Always it is the people the source; the government, the means. But our Constitution says more than this. Its preamble expressly states that the objective of this government shall be "to promote the general welfare", to secure the common good.

This, ladies and gentlemen, is our Constitution. This is the true American philosophy. It is for us today as American citizens to reclaim this philosophy, to insert our Constitution into the blood of the nation, a nation which is not dying but one that stands—though wounded—waiting for its people to give it new life. And so, "with malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive to finish the work we are in, to bind up the nation's wounds"...before our wounded return.

rifles, ices their cold, stiff fingers. The only movement is the vapor of their breath, the only sound a racking cough. And in the background, stiller than the air, more hushed

than the know, lie the silent shallow mounds that shroud the dead.

This is Valley Forge. This is the ragged remnant of Washington's army in the winter of '77.

No class of Americans, no walk of American life was absent from these ranks. The drawling farmer from Georgia, the numble New York clerk, the proud Virginian aristocrat, —men of every State, of every faith were here joined together to suffer for one common purpose. As if at the call of the angel of vengeance, simple farmers had left their plows, sturdy frontiersmen abandoned the homes they had wrested from the wilderness, smiths turned from their forges, grasped what weapons they could, trekked off to join the "rabble in arms", as Lord North so contemptuously called Washington's gallant little army. This was the people of America.

Their chests had swelled with the pride of free men then, and their eyes had sparkled with the brilliant lustre that comes with an overpowering patriotism. But now their chests are sunken, their eyes dull. These men feel only the piercing bite of the cold; their uniforms are tattered rags; their food—measly rations they would not have fed their own pigs.

Every motion within their tortured bodies cried out, "Why?"—and then perhaps amid all this suffering they recalled the simple words of a Virginia planter whose mind had taken flight and whose thoughts had flung their case into the face of history: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights." These rights had not been theirs! They remembered countrymen, fellow-Americans, who had been arrested without warrant, torn from their homes, carried across the sea to be tried by judges subservient to the Crown. They recalled the outrages of foreign troops who had plundered their fields, ravaged their coasts, burnt their towns. Their charters had been perverted and twisted into chains with which their freedom was shackled. And when they had risen to cry out against these outrages, their voice of protest had been scorned like the whine of a wayward puppy who had annoyed his master.

It was thoughts like these and the spirit they stirred that melted the snow of Valley Forge. Out of that valley of hunger and cold and death, marched an army, grim and resolute, armed with a spirit bullets could not kill nor force put down—a flaming spirit of right that seared their souls and tempered their swords. Gone from their hearts was the chill of despair. Those men of Valley Forge became the unwavering line of Saratoga, the swift horsemen of Cowpens, the granite wall of Yorktown. Out of that valley of hunger and cold and death flamed the will to win, the unconquerable will of free men to guard their rights, a roaring holocaust that swallowed up the forces of tyranny in its path and swept on to victory.

But their battle was only half won. Six shifting years passed by—years of friction, resentment, quarreling among the Independent States of America. The Articles of Confederation were too tenuous a bond of union. Not for this had the people of America taken up arms and fought. "We have banded together in war," the people said. "Why can we not band together in peace and secure our liberty?"

The people had spoken and their words was obeyed. Their command assembled the Constitutional Convention in 1787, their petitions urged it to secure their liberties, their ideals charged its thought. The delegates were apart in philosophy and in methods to establish the machinery of government, they were of every hue in the political rainbow, yet on one ideal they were unshakably united: that this new Constitution would protect the liberties which they had fought to achieve. They would create an instrument that would guarantee the personal freedom of every individual America.

And so, from Independence Hall, there came a document of sublime purpose—assuring the various legal principles of free men and securing the citizens of the new republic from domestic tyranny. But still a spirit of discontent prevailed. The people read this document and were dissatisfied. The people of America—the men of Valley Forge, of Saratoga, or Yorktown—cried out for an indelible charter of their rights. And once again their voice was heard. The Bill of Rights set down in black and white—for all the world to see—the previous freedoms of American citizens: freedom of speech, freedom of the press, freedom of worship.

Here was a complete charter of liberty. Here for the first time in the history of government the people were dealt with not as a mass, but as individuals. Whether he be black or white, rich or poor, whether the symbol of his faith be the cross of Christ or the star of David, it is the individual who counts, for he has been cast in a divine mould. Out of a valley of hunger and cold and death, from the trembling lips of soldiers, from the still lips of snow-shrouded graves, across a continent a plea for freedom had echoed and reechoed until it had been gathered up in the thundering clarion call of free men that rang out across the world from Independence Hall—a sacred, solemn answer—the Constitution of the United States.

The air is still with the silence of snow. White cloaks the bushes, hangs heavy on the trees, shuts out sun and sky. White cloaks a thin, crouched line of soldiers, frosts their rifles, ices their cold, still fingers.

But this is not Valley Forge. This is the Ardennes Forest. These men are not ghosts of the past, but men of today—men whom you and I knew—and the men who faced the driving fury of a blizzard and a desperate enemy lunged into Belgium this past December and did not flinch. For the glorious spirit of Valley Forge happily still haunts this nation. The bloody foot-prints of 1777 have spanned a century and still make their imprint whatever Americans

may struggle. Anzio, Saipan, Tarawa, Normandy, Bastogne—these are the new symbols of our unchanging faith that freedom is a precious thing and eternal vigilance its price.

Today the soil of all nations has echoed the tramp of American soldiers; today citizens of all nations have seen the irresistible power of free men; they have watched a numberless American people rise up as a single man to crush the enemies of their freedom. Wherever they march, our men are bearing the torch of liberty, holding

## 1946

**WILLIAM O. WOLLIN**

**LOS GATOS, CALIFORNIA**

### **The Constitution—Guardian of Peoples' Rights**

*Note: William O. Wollin, a 17-year old farm boy from California won the ninth annual national finals of The American Legion National High School Oratorical Contest. The contest was conducted at Grinnell College in Grinnell, Iowa, as part of the college's centennial celebration. He took home a \$4,000 scholarship by bettering competition that numbered over 150,000 participants.*

*Second place and a \$750 scholarship went to Doris Letourneau of Lawrence, Massachusetts. The third place finisher was Martin R. Haley of Chiselm, Minnesota, who won a \$500 scholarship. Clifford Clark of Savannah, Georgia, a 20-year old who was wounded three times during the Normandy Invasion, took home a \$250 scholarship by placing fourth.*

The streams of ragged soldiers had left the dusty roads and had gone home. The fife and rolling drums had long been silent. The twisted scraps of cannons, swords and baggage trains had been cleared, leaving white the beaches of Yorktown. The Red Coats had gone. Yet on that cold January winter's day, 1787, it seemed as though the tenth birthday of our young nation would be its last. On that day, Captain Shays led his army of two thousand men up the hill at Springfield. He wore his Continental uniform and the muskets of his men were those they had used against the British and the Hessians. They were now to be fired on the Massachusetts militia defending the arsenal above. Shays was a simple man of the people. During the revolution he had fought to right the intolerable wrongs that wicked men had inflicted on America. He thought he was fighting again for the same reason. The lawyers and financiers in Boston, the legislatures that they owned, were just as wicked as King George and his ministers. They had brought him and the common people everywhere to the point of ruin, so he believed.

#### **Knew Public Mind**

In a small assembly room in Philadelphia gathered a group of chosen representatives of the people. They intended to revise the Articles of Confederation, whose weak control had brought the conditions which Shays and his men were fighting against. Never before had such

it aloft that it may bathe in its cleansing beams the weak and the oppressed and penetrate the darkened corners of tyranny to awaken the slumbering spirit of freedom. Wherever they march, our men breathe forth the hope of a finer world in which all men can know and cherish their God-given rights. Wherever Yankee is marching, the weak, the crushed, the enslaved are reading our Charter of Rights, not in the cold, lifeless letters of print, but in the grim jaw, the burning eyes, the flaming hearts of Americans upon whose souls that charter has been branded.

genius and such talent assembled under the same roof. Presiding over that small earnest group was America's leading citizen, George Washington. He knew first hand what the people were thinking about. He had heard what they had to say at Valley Forge, Saratoga, Trenton, Princeton, Yorktown. He had shared in their highest hopes and deepest despairs. Now he gave to the convention all the insight, the courage, the honor and the dignity that he gave to his rough and motley band of soldiers.

Next to him was a shy little man, bent over his desk with his feather quill. There he meticulously recorded the work of the convention. His profound knowledge of government, from the Romans on up, was an invaluable aid to his colleagues. Many call James Madison the Father of the Constitution.

In the middle sat the grand old man of the convention, feeble with age and gout, Benjamin Franklin. Long before many of his colleagues were born, he had been in public service. His fame was wide spread. To the heated discussions, he poured forth his humorous home-spun philosophy of government. On one occasion when the subject of the presidency was brought up, the room was grimly silent. With the wounds of Kings and Tyrants still smarting in their minds, the members were wrapped in bitter thought. No one spoke. Then old Ben got up, gave a choory smile and said in his high failing voice: "It is an interesting subject and I'd like to hear what you delegates

have to say, gentlemen.” That got them started. Many times he saved the convention from disruption.

Adding his striking personality to the group was Virginia’s Edmond Randolph. At twenty-three, he was her first Attorney General. Remaining true to the American cause, even though his family were Loyalists in 1776 he had fought with the minute men. From his intimate experience with his people, he gave to the convention in marvelous eloquence, the peoples’ simple desires and struggles for freedom.

### Servant of the People

Gouverneur Morris, Roger Sherman, James Wilson, Rufus King, John Rutledge, all were there. This was a group of the statesmen of America, statesmen for a new kind of governmental institution. They knew the struggle for human liberty and its 2000 years of bloody history. They knew why ancient republics had fallen, why empires had dwindled to dust, why Kings and Czars had been overthrown. They knew the overcrowded prisons in England. The public whippings, the freezing poor people turned out in the snow. They also knew what Captain Shays was thinking about that afternoon. Now they were determined to work out a system whereby man was a human soul, with certain inalienable rights endowed to him by his Creator. For this task they had come hundreds of miles on horseback to give unselfishly of their energies. Sawdust was spread on nearby pavements so nothing would disturb their work. Through 99 days, often ten and twelve hours a day, they argued, reasoned, debated, fought, groping their way, hoping somehow to reach their goal. And out of their unceasing efforts they framed the Federal Constitution of the United States: A plan of government so radically different from any existing at that time, a government which was not the master, but the servant of the people! It was to be run by the people themselves, for the people and made up of leaders from the rank and file of the people. Thus it was that they created in a world so long torn by oppression and tyranny, American Democracy. The convention broke up and went home to tell the people what they had done.

The Constitution was read and discussed in every little village and hamlet. It was taken apart and examined by the farmers who gathered around the cracker box in the general stores. Blacksmiths, shoemakers, bartenders, shipbuilders, coach drivers all gathered in their town meetings and asked questions, argued, and fought over certain phases of the Constitution. The people were taking a good look at this new idea called Democratic Government! Yet, they were not satisfied. They became suspicious, and their murmurings grew to rumblings and outbreaks of rebellion! Where were the freedoms which their fathers came over to seek? Where was the freedom they had just fought four bloody years to gain? Where was the freedom which Shays and his men fought for, they shouted. Where were those inalienable rights that Jefferson was talking about? They were not written in

the new Constitution.

Our first congress met, with the cries of the people still ringing in their ears. They wanted a guarantee of liberty. The constitution was acceptable—but it must be cemented in freedom! And from that great call came the grandest guarantee of human liberties the world has ever known—the Bill of Rights, the first ten amendments to the Constitution. This document comprised the sum of the sweat, the toil, the blood of martyrs, the thousands of unknown graves of the history of man’s struggle to be free. They gave to the people the sum of man’s victories over the forces of barbarism and oppression for generations. The freedoms engulfed in it were those inalienable rights Jefferson talked about. Freedom of religion, freedom of speech, freedom to assemble peaceably and petition the government for a redress of grievances: freedom to keep and bear arms, freedom of person, home, and property against unreasonable searches and seizures; freedom of the home from the quartering of soldiers, freedom to a speedy trial, freedom of life, liberty and property from infringement without due process of the law, freedom from excessive bail, from cruel and unusual punishment.

### Dream of the People

This was what the pilgrims had visioned as they stepped out on Plymouth Rock. It was what Washington’s men had dreamed about at Valley Forge. It was Betsy Ross was thinking about while she was sewing the Stars and Stripes. It was what John Paul Jones was thinking about when he shouted, “I have not yet begun to fight”! It was what Captain Shays was telling his men of that fateful January afternoon. It was what a shackled humanity had been waiting for through so many long years of bondage!

That Bill of Rights has been the Charter of the American way of life. It has been the guardian of the Peoples’ Rights. It is the rudder by which America has steered herself to a World Power as a free nation. Today America is the last stronghold of free government. In no country are the citizens endowed with such liberties as we in the United States. But the constitution, and the Bill of Rights are powerless to keep our democracy free. They are forms only and cannot live without substance. What has kept American democracy free is the Faith of her citizens in this new kind of governmental institution. This Faith is the substance of America and it should run through our blood and bones, for if it doesn’t, then our democracy is living on borrowed time. For it was by the faith of the Washingtons, the Madisons, the Adams, the Jeffersons, the Colin Kelleys, the Sergeant Yorks and the hosts of free Americans in times past that our freedom was preserved for us today.

American! It has taken centuries of time, it has taken rivers of blood to achieve those freedoms that our constitution, that our Bill of Rights give to us. They can only stand as long as free men keep faith in their principles. The call goes out to you! Keep faith in your

Constitution, the guardian of the Peoples' Rights. Keep faith in Democracy! Our flag calls to us:

"Oh pledge me, my people; pledge me your faith,  
And your hope and your loyalty bold;

Oh pledge me, my people, hear you may call,  
Set me high as you march to your goals.  
Oh pledge me America, give me your all!  
Your mind, your heart and your soul."

# 1947

## ROY F. GREENWAY

### FRESNO, CALIFORNIA

## The Constitution in a Changing World

*Note: Roy Greenway defeated three other national finalists to capture first place in the tenth annual National High School Oratorical Contest. The California youth went home from the national finals contest at Charleston, West Virginia, with a \$4,000 college scholarship.*

*Greenway graduated from the University of Chicago in 1950 with a BA Degree and later received his MA Degree from Fresno State College. He was employed as a high school teacher in his native California.*

*Second place and a \$2,500 scholarship was awarded to Kent Frizzell of Wichita, Kansas. Gerald Hornung II of Oklahoma received a \$1,000 scholarship for finishing third and Edward F. Smith of Gasport, New York, was fourth and received a \$500 stipend.*

The past glories of a nation live only in the minds of its students and in the hearts of its ancients.

The moving finger writes;  
and, having writ,  
Moves on; —

And as it moves ceaselessly onward, its past words become more and more indistinguishable until finally they fade into the mists and oblivion of time. For what is it to you and me that there was a skirmish at Concord, or that John Paul Jones was a great admiral, or that Lee surrendered the Southern cause at Appomattox? It means nothing, for the United States as a nation, does not live in the past. And this is as it should be for a nation that lives in the past cannot live in the present or in the future.

When we hear of Lincoln's address at Gettysburg, we think not of how it applied to that audience in the year 1863, but of how it applies to us in this year 1947. Our American history is one of the most glorious chapters in the story of mankind, and yet, like all history it is past glory and soon forgotten.

But past glory is not true glory, for true glory is not an act that can be written in the history books and forgotten, but is an intangible thought of heritage that must live in the hearts of the people. Since our American heritage is freedom and independence, our true glory is that which constitutes that government which gives us freedom and independence—our Constitution.

On the surface it is merely an historical document that

has weathered the storm of time. But read between the lines and there you will find it, you will find our national soul, our American ideal, our true glory. Our true glory that cannot be hidden in the mists of time but which must live in the clarity of our minds if we are to remain Americans.

But what of today, April, 1947? Are the American people today living with that same optimism that has been the true American spirit?

No, Ladies and Gentlemen, many of us are not. Many of the American people feel that now we have reached the zenith—now we have accomplished all that we can hope to accomplish and that now we must be cautious—cautious in our foreign policy and so many of us have fallen into that particular line of thought. We are willing to support the United Nations, few of us are actually opposed to that assembly—yet we are not willing to allow the United Nations to destroy any of our sovereignty, our nationalism, because we do not have the faith in the U.N. to completely trust it. And, we further believe that anyone who would give the United Nations a large amount of power would be taking an unwarranted gamble with the security of the United States of America.

Yet our forefathers were willing to gamble with their security. For when they were asked to unite their thirteen separate states into one nation, and to allow their national power to be taken from their own nation and be given to a central government, and to allow that central almost foreign government to rule them, they said, "Yes." And in that yes they signified that they had

enough faith in their fellow men to entrust their entire security and future to a few selected officials. But there is no such faith today—there is no American faith in newspapers that are constantly suspicious of Russia and England, there is no American glory in a nation that has no policy but defense and no motto but “caution”.

And yet, there are many people that would turn America into just such a nation—people who are thus our foreign policy, people who are cautious even here in our country’s domestic life. For there are many of our people who are keeping their money out of circulation who are highly cautious in their business affairs because they too fear for their security—they are afraid of another depression, another 1929, another crash.

And so, instead of progressing with foresight and confidence, they are holding back in cautious fear, thus weakening our entire economic system. Ladies and Gentlemen, there will be no depression. If we have a healthy economic structure there will be a gradual leveling off of prices and wages. Economists agree on this. Yet we must have a healthy example of free enterprise to attain this “gradual decline.” We cannot have a healthy system when half that system is marching and the other half is standing still.

These people who continually cry “caution” do not have the true spirit of the Constitution. America has always been willing to gamble what it has to obtain something better, and thus we have obtained stature, and power and money. We have fallen many times, fallen hard. Yet we have always bounced back again, and have always had the courage to try again where we have failed before. The Constitution itself was the rebound from a failure called the “Articles of Confederation.” And with the same strength and courage that was personified in our forefathers, America has grown from a nation of three million to a nation of one hundred and forty million people. And if our nation is to continue to grow each one of that one hundred and forty million must understand the spirit and essence of the Constitution, for that is the psychology that has promoted the great American Empire. And yet we have those who don’t understand what the Constitution is—who don’t understand what America is. And those are the weak links in the chain, those of whom I spoke, the stories of 1947, and others. The disillusioned few who have lost faith in America. Those who believe that democracy has failed because they see slums, and prejudice, and an uneven distribution of wealth.

A type of control that denies that free men are able to govern themselves fairly and honestly, but instead substitutes a system of strong government control. This control takes the form of an economic system ‘communism’ and is soon followed by a type of government, ‘dictatorship.’

The old kings of England said about the same thing. They said that the peasants were slow stupid oxen who could

never rule themselves to say nothing of ruling a nation, and that the colonies were overrun with savages and criminals whose only salvation was that they had been bestowed an almost divine king whose beneficent grace was the only thing that could save them from corruption.

And it worked!

We proved to that British king and to all people for all time that just such a government would work. We are not yet perfect, no more than a half grown tree is perfect—for we are still growing. Certainly we still have slums and prejudice, certainly we still have oppression and intolerance.

But we have a nation of people that can read and write. We have a nation that recognizes the fundamental dignity of man in regard to speech and religion assembly. We have the sanctity of the home. We have freedom—a freedom that cannot be sacrificed to gain security—for security will come to us as we grow—as we grow so grows the Constitution—each nourishing the other for in actuality they are the same thing, the Constitution and the soul of America.

You may believe I have exaggerated the role of the Constitution in our present world, yet had the Constitution been merely the document it appears to be on the surface it would have died years ago. But it didn’t rather, it grew and flourished as our nation grew and flourished. Its spirit is a simple thing—merely faith, faith in your fellow man and faith in the future.

Ladies and Gentlemen, if you and I and All of America could embrace that faith, there would be a rebirth of the real spirit of the Constitution—the spirit that we proclaimed a century and a half ago when we said, “We the people.” Not we the poor or we the rich, not we of the North or South or East or West, not we of one race, or church, or political creed—but “We the people” and that battle-cry has told the story of the great American Empire.

And now the world is waiting for just such a phrase. Now the world is waiting for a leader among nations to say “We the people of the World.” It is our role to play and there is but one qualification that each one of us, honestly and fervently and in the depths of our hearts believes in our true glory, our American spirit.

Thus, you and I and all of America are to decide the fate of our Constitution in a changing world.



# 1948

## JAMES H. GRANT

### ORLANDO, FLORIDA

## Democracy's Manifesto

*Note: James H. Grant took home \$4,000 in scholarship funds after winning the eleventh annual National High School Oratorical Contest. Grant defeated three other national finalists at the final elimination contest held at Savannah, Georgia.*

*Grant later attended Emory College and studied theology at the University of Edinburgh at Edinburgh, Scotland. He later studied at the University of Geneva.*

*Finishing second in the 1948 contest was Lloyd J. Ogilvie of Kenosha, Wisconsin. He received a scholarship totalling \$2,500. The third place finisher was Roger A. Moore of Massachusetts and finishing fourth was Edward G. Marshall of Las Vegas, Nevada, who earned \$500 in scholarship monies.*

One hundred years ago Karl Marx sent the cancerous statements of his Communist Manifesto around the world. This document has been the bible of world Communism. Those of us who today have the responsibility of selling democracy to the nations can well take note to the first sentence "A spectre is haunting Europe—the spectre of Communism".

The victory which we have won in war has given us a greater responsibility in peace. The people of the world, the freedom loving people of the world, look to American today as the last hope for the world. If we intend to fulfill this hope, we must sell democracy to the nations. We must know why our product is better than any other. Never has the salesmanship of so few meant so much to so many. One hundred forty million Americans, salesmen for freedom, must sell democracy to the world.

The aim of the enemy with which we must fight is clearly defined in the last paragraph of the Communist Manifesto, and I quote: "In short, the Communists everywhere support revolutionary movement against the existing social and political order of things. They openly declare that their ends can be attained only by the forcible overthrow of all existing social conditions".

The aim thus outlined is no longer just idle words. Today it is one of the greatest threats to our American Way of Life. When we realize that mass demonstrations are being held in support of a candidate for the presidency who has welcomed the support of the Communists of America, when we realize that there are among us such modern reincarnations of Benedict Arnold who are just waiting their chance to sell America down the Communist road, we see the time has come for a national rebirth of good citizenship, and of the belief in the American ideals of government. As America goes so goes the world. The

Czechoslovakias and the Finlands of today will be the Italys and the Frances of tomorrow. The time for action is now, to preserve the ideals of freedom and justice.

And how shall we go about getting that action? What better way than by a rebirth of interest in Democracy's Manifesto . . . ?

A school boy was once asked, "What is the Constitution of the United States?" He thought a minute and then said, "It is that part of the book in small print in the back that nobody ever reads." Someone else said that we Americans had rather defend our Constitution than read it. It is true, the word "democracy" does not appear in the Constitution, but we must realize that if Constitutional Government fails in the United States today, our republic and democracy throughout the world fails. Since first it was evolved back in 1787, the Constitution has been the bulwark of freedom against dictatorship and tyranny the world around.

When the fifty-five men gathered in Philadelphia to formulate this document, they were doing something never before done in the recorded history of man. Never before had men met to decide their destiny and the destiny of a continent. Out of this convention came an idea totally new to the peoples of the world; that man owed allegiance only to God and to his own conscience. With it, the bright sun began to rise and the light of self-government began to shine in the depressed hearts of humanity the world over. Even as the states were celebrating the ratification of the Constitution in 1789, the sound of falling tyranny and the shouts of free men began to rumble like the thunder of an early summer storm. The breaking of the chains of bondage rose to a mighty crescendo—all set in motion by fifty-five men meeting in Philadelphia.

In 1789 the Constitution was a piece of paper. Today it is a way of life. The final draft prepared for the Philadelphia Convention was a brief document of about 6,000 words and can be read in about thirty minutes. Yet it is second only to the Bible in the effects which it has had upon modern civilization. Perhaps the reason for this can be found in the first three words of its preamble—"WE, THE PEOPLE". There were no sinister motives behind this statement; there was no call for world revolutions, but merely a simple statement of facts;—"WE, THE PEOPLE, IN ORDER TO FORM A MORE PERFECT UNION".

The entire Constitution is a monument to the free man. Perhaps the greatest powers invested in the American citizen are, first, the power to elect his representatives in the government. If the statement "A GOVERNMENT BY THE PEOPLE" has any truth, then here this power must reside—the power to elect officials. No other duty given to a citizen under the Constitution should be tended with more care. Yet it is a fact that only an average of one third of the qualified voters of the nation vote in a national election and even less in local contests. Senator Alexander Wiley, of Wisconsin, seems to have summed up the conditions in the Congress when he said: "The Congress belongs to the people, so if you think Congress is funny, the joke's on you". But the situation has ceased to be funny. The ballot is the greatest weapon that the people have against the forces of aggression here in America, but it also works the other way. This is especially important in this year of presidential election. Freedom of speech, freedom of religion, the right of peaceable assembly are very beautiful terms but unless the people back them up with responsible officials, they are just so many words, empty and without meaning. When Americans realize that the only reason that our Constitution has succeeded in the past and the only way that it will succeed in the future is with the support of all the people, then and then only will we start to make inroads into the great problems of the day.

The second great power given to the people in our republic is the power of Constitutional Amendment. Under the Constitution the power to interpret the Constitution is given to the Supreme Court, but the ultimate application is given to the people of the United States. The citizens have the right to petition for the amendment of the Constitution. With this power firmly in his hand, the citizen is truly the government.

These two powers, first, the power of electing the officials of the government and second, the power of Constitutional Amendment, have made for the greatness of America today, and their use either wisely or unwisely will be the deciding factor of the nation's greatness tomorrow. The future of democratic civilization depends on the ability of the American people to realize their responsibilities today.

A national program for the education of the citizens of

America to know their duties as well as their rights should be one of the foremost weapons in the fight against the Communist influence in the United States. Of course, the ideal place for such education is in the schools, but the time is too short to wait for another generation to come to power.

The combined forces of the press, radio, theater, movie and television industries should be asked to help to inform the people better about their Constitution. We are tempted to say "It cannot happen here", but it can and it will unless action is taken NOW. The greatest weapon we have against the forces of aggression here in America is a well enlightened public.

It is inconceivable that a person who has partaken of the vast riches of our nation could give his support to organizations and political parties who are void of all allegiance to democracy; we must presume that they act out of ignorance of the issues.

If we cultivate the seeds of democracy in America today, we shall reap the crops of peace in the world tomorrow.

Let's look at Karl Marx's statement—"A spectre is haunting Europe—the spectre of Communism". Now, let's complete the statement—"A SPECTRE IS HAUNTING COMMUNISM—THE SPECTRE OF TRUTH."

Let the Constitution be our battle plan—WE, THE PEOPLE, our battle cry. Then and only then, will Democracy's Manifesto triumph. Then and only then will the spectre of Communism be vanquished. Then and only then can we hope for world peace.



# 1949

PAUL T. HEYNE

CONCORDIA, MISSOURI

## The Sovereignty of the People—Then and Now

*Note: Paul T. Heyne of Concordia, Missouri, journeyed to Philadelphia, Pennsylvania, for the twelfth annual national finals contest of the National High School Oratorical Contest. He came away with the first place prize—a \$4,000 college scholarship.*

*Heyne, who later studied at numerous colleges and universities, received his MA Degree in 1957 from Washington University in St. Louis, Missouri.*

*Roger Moore of Massachusetts, who finished third in the contest in 1948, captured second place honors and a \$2,500 scholarship. He later studied at Harvard University, earning academic honors. The third place finisher was Ewell P. Wather, Jr. of Thibadaux, Louisiana, who received a \$1,000 scholarship. The fourth place finisher was William Chris Morsch of Idaho who received \$500 in scholarship monies.*

Sir Arthur Conan Doyle, one of the greatest of all writers of detective stories, and the creator of Sherlock Holmes, was fond of having his hero comment that “every-one observes, but no one notices.” The truth of that statement can hardly be denied, especially here in America, where haste is the watchword, and where every-one goes through the routine of existence perfunctorily.

Today, with the hurry and scurry of business and pleasure, the American people can find no time to devote to anything not directly connected with their rapid rate of living. But this morning, let’s call a halt for a few moments to the stir and commotion of life in order that we may do a little serious thinking. Let us this morning journey back in time to the trouble-filled years toward the close of the eighteenth century. Let us listen to the voices of men who lived through the dark and dreary days which accompanied and followed the Revolutionary War, the framers of our Constitution.

Several times each year we probably all glance at or hear the words of the preamble to the constitution of the United States. But in our usual way, we are inclined to view them as nothing more than perhaps a very compact summary of the aims and purposes of the Constitution. But this morning let us notice that within the lines of the preamble lies a message, a message important to the original colonists, a message of vital importance to the safety and welfare of our nation today.

The Constitution begins, “We the people ... do ordain and establish this Constitution for the United States of America.” The authors of the supreme law of the land did not write, “we, the lawful representatives” nor “we, the elected rulers of this land.” Instead they chose to begin this immortal document by saying that it was

actually the people of the United States who were accepting the Constitution as the guide and overseer of all their actions; that it was the people themselves who were responsible for securing all the rights and privileges granted by the Creator to all men. These three words, “we the people,” brought home strikingly to the American public of that day the knowledge that the vigilance and courage of each individual citizen was the deciding factor which would make this unprecedented experiment in democracy a success or a failure.

Now, 160 years later, the Constitution has been firmly ordained and established. And with the passing of the years has come the idea to many an American citizen that he has now been relieved of all duty. Along with the gradual advancement of our nation to a major position in the world has come the impression to a large majority of the American people that the only requirements of a good citizen are that he listen to the Fourth of July speeches, hang out his flag on national holidays, and stand at attention whenever he hears a rendition of the Star-Spangled Banner.

What a dangerous assumption! What foolhardy complacency! Just as our liberty was bought with a price, the blood, sweat, and tears of countless hundreds, so also must it be preserved with a price.

Today, dark, menacing clouds are rolling ominously above the horizon; once again we hear the far-off muttering of the gathering storm. Can any person read of the war in China, the insurrections in Italy and France, the struggle over Berlin, and deny that a world-wide danger exists? Can any conscientious citizen read of the current Un-American Activities Investigations and still say that we here in the United States are immune to

attack? No one but a person afraid or unwilling to face the stark realities of life can deny that the zero hour in our nation's history is rapidly approaching.

But blissfully asleep to the important role which we must play in the conflict, we go our way, secure in the absolutely false and unfounded belief that democracy is invincible in itself, that as the God-ordained and ideal way of life, it simply cannot fail. History bears out no such assumption. On the contrary, history shows that whenever any nation assumed such an attitude, it was but a short time before the light of democracy was extinguished in that country; that whenever any people failed to govern themselves vigorously and intelligently, they soon lost the right to govern themselves at all.

My friends, in this respect the U. S. is no different. Demagogues who go about screaming that the U. S. can defeat any or all of the countries of the world, that our nation is so sound internally and its foundation is so deeply rooted in the eternal verities that it simply cannot decay—such men are a poison to our nation, for they are lulling the people into even deeper slumber, when they should be prodding and stinging them into long over-due action.

Exactly what is there for us to do? Let us examine a few facts well known to anyone who reads the newspapers, and the answer to this question will become obvious. General Dwight D. Eisenhower, in a recent letter to the alumni of Columbia University, stated that there are two ways for a government to become a dictatorship. "One is to slide into it," and the other is to become "enslaved by a stronger military power."

Though it may seem trite to say it, yet it is true, and the fact cannot be too strongly impressed upon the minds of the American people that the greatest enemy of democracy today is the deadly plague of Communism. Its long, menacing fingers, already clutching at the throat of a large part of the world are today reaching into our country, the last stronghold of free government. Russia, cognizant of the fact that our nation is most easily attacked from within, is making a concerted effort to undermine our government and our way of life. With her agents of propaganda painting roseate pictures of life under Communism, taking advantage of the fact that so many American people do not realize that under such a system of government, genuine freedom cannot exist, Russia is today undermining the bulwark of our nation, the people. More and more she is attempting to place representatives of the Kremlin into public office. Only too frequently do we see new indications of disloyalty in our government, new cases of espionage on the part of persons high up in Washington. When subsequent investigations frequently prove that the guilty officials had been suspected of anti-American activities before their election or appointment, we are forced to ask ourselves the question, "How can these things happen?"

We are forced to answer that they are due to the indifference of the American people. The average man simply is not interested in the affairs of government and politics. The old attitude is constantly arising, "I have no time for such things. That's why we're paying taxes -to get our thinking done for us." But then in our indifference too often we do not even choose the men to do our thinking for us. We either do not vote at all, or else we care so little that we don't bother to investigate the men for whom we do cast our ballots.

Have memories of the last global conflict already slipped from our minds? Was the war so long ago that the American people have forgotten the devastating struggle which brought misery to millions, which caused blue stars to appear in the windows of homes all over the nation, which caused many of these stars later to change to gold? Have the memories of thousands of boys who returned from the war leaving limbs on the soil of some foreign country, faded into a dim picture of something that happened once, but can't happen again?

Such indifference and complacency can and will wreak the same havoc in our nation that they wrought in the republic of Rome two thousand years ago. My friends, if you doubt the seriousness of such indifference, if you think that such things just don't happen, look at Czechoslovakia. They did not want Communism. But by allowing Communists to creep into their government, they themselves set the stage for the gigantic coup-de-tat which rocked that country in the past year.

Yes, it can happen here. But it must not! We must prevent it. Let us become educated, aroused citizens, well able to govern ourselves vigorously and intelligently. Above all, let us not fall asleep under the false impression that all the responsibility for preserving our Constitution and our way of life lies with the state department. As is the case in any democracy, it is upon you and upon me that the responsibility lies for keeping our nation strong. We the people founded and established the Constitution. We the people were the deciding factor which held the nation together in countless trials since its beginning. And, God-willing, we the people, vigilant and courageous, will hold aloft the shining beacon of democracy.

We the people, custodians of the Constitution, stewards of the priceless blessing of liberty, must make the words of Thomas Jefferson ring true when he said, "I believe this is the strongest government on earth, for it is the only nation where every man, at the call of the law, will fly to the standard of the law, and will meet every invasion of public order as his own personal concern."

The world, fellow Americans, looks to us. We must not, we dare not, we shall not fail!

# 1950

## JAMES A. ROBINSON

### BLACKWELL, OKLAHOMA

## Our Constitution Sustained by Free Men

*Note: James A. Robinson of Blackwell, Oklahoma, won the thirteenth annual American Legion High School Oratorical Contest. The national finals contest, conducted in Phoenix, Arizona, saw Robinson defeat three other national finalists to capture the \$4,000 first place award.*

*Second place went to Edmund Kersten of Milwaukee, Wisconsin. He took home a \$2,500 scholarship. The third place winner was Rodney Mara of Rhode Island who received a \$4,000 scholarship. Fourth place went to Ross Larson of Kansas City, Kansas. He received a \$500 stipend.*

The strength of the Constitution of the United States lies in the spirit by which it is sustained by free men. The very character of this dynamic document thrives on free men's meeting changing conditions. The American way of life always presents an enticement to free men, a challenge to be an individualist, to pioneer. The American people, free as they are, never hesitate to sweat and toil, to die if necessary, for a better day. In the pioneer spirit, free men nurture our free nation.

When the Fathers of this noble Republic launched the Ship of State in 1789, the pioneer spirit, the spirit of the Constitution, flourished. Tides of rugged individualism swept over the treacherous mountains, across the mighty Mississippi, up the rolling plains to the steep Rockies and beyond until this young nation of free men had stretched her borders from the Atlantic to the Pacific. Over the swollen streams the pioneer led his family. In ox cart, in covered wagon, on foot, the young and the old alike dared to make their way. As they tilled the fresh black sod with their crude plows, they never once lost sight of their belief in freedom and their trust in free men. The determination of the frontiersman, his tenacity, his rugged individualism built a great nation with its functioning local and state units and sustained that timeless Constitution with its division of powers. The Constitution with its declaration of the rights of free speech, a free press, and freedom of assembly provided an irresistible incentive for the pioneer. Free men under their Constitution raised an enviable nation out of a vast wilderness.

Unlike the land from which our forefathers hailed, this young country breathed deeply of individualism. Across the seas man served the State; in the new America the State served the individual. This relationship between individual and State was not achieved overnight. Because people had experienced generations of monarchical denial of life, liberty, and the pursuit of happiness, the early Americans did not ask for, ladies and gentlemen, they demanded a set of written laws, the Bill of Rights. The

constitutional protection of the home against unlawful searches and seizures by the militia, the insurance of due process of law, the guarantee of the rights of the individual established freedom from fear among the populace. The flexibility of the Constitution in meeting the rapid strides of scientific developments encouraged interstate commerce that has blessed the people with freedom from want. The resounding voice of the people spoke in the adoption of the Constitution. The age-old dream of freedom for free men began to be realized.

But like all roads to progress the winds of hard time blew ferociously. The House of State divided into opposite camps for almost a generation. But even in disunion, the fundamental principles of the Constitution still lived in both the North and the South. Even the War between the States did not deny freedom of speech, freedom of the press, and freedom of assembly. The reunion of the Gray and the Blue gave the world a living example of the efforts of free men.

Seemingly, however, the world was not yet ready for the way of life our Constitution emulated—domestic tranquility, the secret ballot, trial by jury. The Kaiser pardoned his atrocities with the excuse that his people were a superior race. Here was the first indication that a people who had pioneered as individualists and who had sustained freedom at home dare not remain neutral in the world-wide attack on the very essence of our Constitution. Liberty-loving people coined an international maxim: "One is not free, if all are not free." The principles of our Constitution were at stake in a world at war. Our progress and our constitutional development had made us internationally minded. The belief in one world tied the sustainment of our Constitution, of peace, of individual freedom, of human liberty to the safety of Europe.

Free men fought that war to make the world safe for democracy. While the famed American Expeditionary Force waded in the mud in France, Woodrow Wilson and others formulated the doctrine of "self-determination of all peoples." A quarter of a century later a new

generation resumed the battle to defend our Constitution. For many American boys boot camp and battle ground meant the first time ever to be away from home. And it was a rare American family whose representative in that war to sustain freedom and protect our Constitution was neither a victim of casualty or death. As a result of their giving the best years of their youth, or sacrificing their very lives on the bloodstained fields of battle, more people breathe the air of freedom today than ever before. The blessings of independence have come to India, Burma, the Philippines, Israel, and Indonesia, all because free men believe that "one is not free, if all are not free." Today no force can confine individualism and the principles of our Constitution to this continent.

Accompanied by the presence of his Constitution, the American doughboy has proudly taken Old Glory into every climate. As her shining Stars and brilliant Stripes unfurled, a long-kindled hope of freedom burst forth as a mighty furnace. Her colors of courage, truth, and valor give expression to the forward-moving hopes of free men everywhere. All over the globe free men are sustaining the freedom expressed in our Constitution.

The free men of America have paid a price to sustain their Constitution. The sacrifices of the thousands of Americans whose bodies lie limp in veterans' hospitals or are to move no more from foreign graves bear witness to the intensity of mass-murder warfare. The Death March on Bataan with its pitiful undernourishment so sapped thousands of American boys that today they are coughing away their lives in tuberculosis sanatoriums. Hundreds stricken with jungle fever will spend their remaining days suffering between alternate sensations of burning heat and shivering chills, eternally separated from home and family. The shock of torment and the anguish of war cause many psychotic patients to bang their heads against the walls of padded cells. Ladies and gentlemen, these men did not seek heroism. They would not have chosen such awful pain and misery. But they had no alternative if they were to protect their families, to defend the way of

life which they held dear, to preserve liberty and freedom under the Constitution.

How marvelous it is that, even while the military forces were away, constitutional freedoms were never impaired. The United States still had trial by jury. The American people held their elections regularly as the Constitution prescribed. In fact, for the first time even those in uniform participated in the election of their own commander-in-chief. The greatest opportunity of our time is to utilize that Constitution in peace as our boys bravely defended and sustained it in war.

The seeds which the Puritans and the Cavaliers planted with their prayers, the men of 1776 cultivated into a magnificent Constitution with its inherent checks and balances. The strength of that document lies in the spirit of the American people. It is their courage, faith, and valor that continually sustain the Constitution. It is the courage of the pioneer to go west and homestead. It is the faith of the thousands who have given their lives in defense of home, family, country, and Constitution. It is the valor of the men in the Doolittle mission who, when in every theatre of war America was on the defensive, flew over Tokyo and revived our spirits to sustain our Constitution.

So keep faith, America! Keep faith in the spirit that has sustained our Constitution. Keep faith in the tenacity of the pioneer, the spirit of free men, men who accept challenges and create better ways of life. Give us a nation of American free men with their self-reliance, initiative, and ingenuity, and we will pit our nation against any mass of millions of regimented peoples anywhere, even if the supreme test must be war. Even while the current tempest between individualism and collectivism requires our eternal vigilance, our apprehension need not turn to fear. For as long as free men live they will cherish the spirit of the American pioneer—courage, truth, and faithfulness—until in God's appointed time all men shall awaken to the spirit of our Constitution sustained by free men.

## 1951

**JEANNE MANN DICKINSON**

**ROANOKE, VIRGINIA**

**My Birthright in America**

*Note: Jeanne Mann Dickinson of Roanoke, Virginia, won the fourteenth annual American Legion National High School Oratorical Contest held in her home state of Virginia. She became the first female to capture the national championship.*

*Ms. Dickinson later became Mrs. Ronald Irwin Friedman and earned Honor Graduate honors at the Carnegie Institute of Technology in Pittsburg, Pennsylvania.*

*The 1951 second place finisher was Ronald Hengen of Long Island, New York. He received \$2,500 in scholarship monies. Third place went to Francis McDermott of Omaha, Nebraska, while fourth place was awarded to Ralph Petersburger of Davenport, Iowa.*

I haven't spent much time in the past thinking about democracy and liberty, and our written Constitution which guarantees these things to us. I have somehow just accepted them, like my father and mother, for instance, and my home. In a vague way, they have been wrapped up in my mind with security, great heroes, our Flag, and the Fourth of July.

How well do I remember the first time I thought of democracy seriously! As I gazed at the tall, simple white monument in our nation's capital, I was filled with awe and a sense of being glad to belong to a great wonderful country. I wanted to sing "America, The Beautiful," I wanted to pray, "Our Father..."—but I just stood there, silently looking, then turned and fumbled for my daddy's hand. I think it was on that day that I really became an American.

It wasn't so much later that I came face to face with the written document great men have named the Constitution, in the back pages of my history book. But I didn't meet and learn to know this document under the stern eye of a master of discipline while I sat at rigid attention. A fellow American, a teacher, brought it alive for me by allowing the members of his class to discuss it, toss ideas about it back and forth, even gripe a little about some of the ambiguous language and learn by being aroused to interest and a desire to learn more about this "last, best hope of mankind."

I remember first of all that I learned that the Constitution is the written document of "The American Way of Life," which is the constant revolution of the free individual against all forms of enslavement, whether political, spiritual, or economic, which would strive to govern man without his consent. I remember that it was pointed out to me that this belief in the free individual was not only for Americans, but for all mankind. And if we search for words from the great men who made and later fought for this principle, we can find the same idea expressed by them. It was John Adams who called our Constitution "the grand scheme and design of providence," while Washington said, "We have finally staked and stated the experiment entrusted in the hands of the American people." But it remained for the great Thomas Jefferson to breathe soul into it by stating, "No society can make a really permanent constitution—the earth belongs always to the living generation."

Therefore, ladies and gentlemen, as citizens, we must never become so self-satisfied with the works of those who have gone before us that we become stagnate and stop growing. Our forefathers gave us, for example, free speech, and a great American of our own generation put it into fresher words for us as one of the "Four Freedoms." But what about the THINKING that goes on behind this free speech. what about the purposes which impel us to "say"? What about the ignorance, the prejudice, the smugness, that still chain us? It seems to me that we must go further in this quest which the Constitution stated for us and add other freedoms if we are to continue "toward the light." Shouldn't we add

"freedom from ignorance" and "freedom from hate" to this concept of the growing "American Way of Life"?

Our Constitution has been sprinkled by the sacrificing blood of so many heroes in so many wars in order to make it come alive for all mankind.

When I look at the gold stars after the names on our Roll of Honor in the last war, when I visit the large hospital just west of my city to dance or read for the men of shattered minds and bodies who laid health and mind on the altar of this "last, best hope," and even more, when I go with a group of friends to see off to camp my classmates who have been snatched from their pursuit of education into the grim necessity of another war, who have been hurled into maturity while they are still laughing boys, I grow a bit dismayed at wondering why it all has to be. The adult world around us seems so insecure, hardly knowing what path to follow from day to day. It is at a time like this that it seems to me that true worth and value of our Constitution, in its application to our modern world, can be best felt. We must re-read and re-think its basic principles, and apply them to our growing concept of a modern, free world. We must re-read and think about our Bill of Rights, which built fences around liberties which governments might want to take away from the individual.

Our Constitution makes the angry majority think twice and the tyrant slink away. It makes our problems of war, the atom bomb, inflation, foreign policy, even government controls and "waste," solvable, if not easy to solve. And if many of us want to change things which others believe should remain the same, it is merely exercising one more of the rights given us by this written document, "our right to disagree." One-hundred years ago, for example, our compulsory education, supported by taxes, was loudly derided by churches, politicians, teachers, citizens, who wanted their freedom to educate or not to educate their children. Freedom to try public education won, and America, under the Constitution, gave her greatest contribution to civilization.

If we seem to have lost some freedoms in this process of growth, we have gained others, and kept our system a living, vital, growing thing. Thus our Constitution lives, and grows, and continues to be the "greatest experiment man has ever devised for the governing of himself."

Why, in a close analysis, have I chosen to call our Constitution my birthright in America? Well, in the first place, my being here this afternoon is a distinction, a gift, a birthright which could come to me, an American girl of sixteen, in very few places in the world even in this Atomic Age. Even though I am a girl, I am educated by my country, I am encouraged to develop my mind and my talents, to seek a career, to hold my country's greatest law of the land up for examination and discussion, and yes, even for suggestion, on what I, a teenager, feel about it. I am heartened by the facts I have learned in my school that I am part owner and inheritor of this country, which, under the Constitution, has expanded from thirteen to

forty-eight states, always pursuing a “more perfect union” and domestic tranquility. I am made proud in the knowledge that, while my country’s history may have held some weak presidents, there has never been a dangerous or lawless one, that my country has never yielded to a military dictator, that it has avoided revolutions, and that, using the great Constitution as a pattern, it has been able to settle all problems by compromise except the one of slavery and states’ rights, and it emerged from that conflict stronger than ever. Only a people taught self-government over a period of years could have left such achievements as birthrights for the teenagers of our country. I believe I can speak for the majority of us when I say that we want to be considered as responsible members of our community. We want to have a share in home and community life. My system of education under the Constitution has given me that sense of sharing. In the classroom, on the playground, in the athletic and forensic fields, the same code of sharing has ruled, the same awards and applause for work well done has been given, regardless of the color of our skins, the syllables in our names, or the churches we attend on Sunday. I must serve that birthright well—I must keep its value untarnished and growing. I must never forget that even today men are dying so that my birthright might be kept free.

## 1952

CLIFF THOMPSON

KANSAS CITY, KANSAS

### Our Constitution — Insurance For Liberty

*Note: The fifteenth annual American Legion National High School Oratorical Contest was won by Cliff Thompson of Kansas City, Kansas. He bettered three other national finalists at the final elimination contest held in Baton Rouge, Louisiana.*

*Second place was awarded to Robert John Wysong of Roselle Park, New Jersey. Don Wright of Santa Fe, New Mexico, was third and George G. Russel, Jr., of Miami, Oklahoma, was fourth.*

Footsteps echo in the darkness. A man is walking home. He has worked today, as other days, to gain the benefits of “comfortable” living for his family. If that man were to be taken suddenly from life, what would become of those things he has worked so hard to gain? If he has had foresight to provide a life insurance policy, you know his children will be able to benefit from the toil of his labor. Today we Americans are reaping benefits from the greatest insurance measure in history — the United States Constitution. This policy was not gained at the cost of a few dollars or cents. It was secured at a much higher price ... Remember the blood spilled at Bunker Hill and Saratoga, remember the minutemen fighting to the last; remember George Washington and his troops during the cold hard winter at Valley Forge. These American patriots were fighting for ideals of freedom

I read a letter recently that was sent just two months ago from the battlefield of Korea, a letter which sums up all the feelings of young America for its home and country. Private John McCormick wrote it to his two very small daughters—and it stated, in part— “I want you both to know that I’d be with you if I could, but there are a lot of bad men in the world, and if they were allowed to do

what they wanted to do, little girls like you wouldn’t be allowed to go to church on Sunday or be able to go to the school you wanted to. So I’ve got to help fight these men and keep them from coming where you and Mommy live. It might take a long time and maybe Daddy will have to go and help God up in Heaven—but there is one thing I want both of you to remember. If your conscience tells you something is right, always stand up for it. And don’t forget to pray—for Daddy.”

That is my birthright, handed to me and protected for me by men like Private John McCormick—freedom to pray, and learn and live in America.

Yes, I am proud to be an American under this Constitution as the permanent revolution of the individual for my birthright, the free way of life.

which they held dear — ideals which we Americans sometimes take for granted...

It was in Philadelphia during the hot moist summer days of 1787 that our founding fathers drew up a Constitution that set forth principles of government that were unprecedented in history. It guaranteed rights to the individual citizens and formulated a government of checks and balances. The Bill of Rights gave added protection to the states and people. We have died for these rights on the battlefields of two great World Wars. Today we are struggling in the hills and valleys of liquid mud of Korea to defend our principles of government. In the future, Americans will be ready to fight again, if necessary, to protect the insurance policy that was given us over a century and a half ago...



You know from experience that an insurance policy is only as good as its backing company. In like manner, our Constitution is only as good as its company. What we Americans must fully realize is that we the people are the company, we are the deciding factors in the success of the continued benefits. We have every advantage to urge us on — we have not been sold a bum policy by a quack salesman...Look across the sea of Germany. She was tricked by Hitler and his smooth sales talks. Mussolini fooled Italy with the same type of trash that Stalin is now using in Russia. Our founding fathers gave us a sound and firm basis on which to stand. We must use and protect that foundation, if we are to survive as a democratic nation.

But because our rights come to us so easily, we tend to forget the value of the initial endowment paid to secure our Constitution. We forget the blood, toil, loyalty, and patriotism that were spent to secure our rights. Only through continued payments can we retain our American way of life.

We speak of the American Way of Life! What is it? Unlike many nations, our people can go into business for themselves, work where they please, and trade on a free market. We can enjoy privacy in our homes; **in Russia a house can be entered and searched without warning.** Americans are privileged with freedom of speech and press; **a little more than a year ago a newspaper was silenced in Argentina.** We may assemble for public discussions or debates; **dictatorial nations control the public mind by prohibiting public gatherings.** We may petition for redress of our grievances; **enslaved countries are allowed no grievances.** Persons accused of crime in our nation are given a fair trial by a jury; in Soviet Russia they are liquidated. In America we may own our own property and move about freely; **Socialistic regimes "distribute" the property and make travel in their countries difficult.**

In the United States we have a fundamental belief in God and may worship Him in any manner we choose. The Union of Soviet Socialist Republics believes in no God.

**Contrast these Rights with the Red Hordes of Communism pouring down out of Asia like a flood to drown the spirit of a free world. What is it that we defend in our way of life?**

The Right Hand of Liberty has recorded —

**We defend "American children from slavery, starvation, and degradation as suffered in the conquered lands behind the Iron Curtain".**

**We defend — "the American standard of living against the tyranny of regimentation and blood lust of Communism."**

**We defend — the right to worship the ideals symbolized by the Statue of Liberty instead of the "totem pole of dictatorship".**

It would be well for us to remember some of the duties and responsibilities by which we defend our way of life:

All Americans should be educated, **for a democracy depends upon the intelligence of many people, not upon the wisdom of a few.** Equal and universal educational opportunity is the real life stream of our great republic. We must be educated to meet the rising problems of our country and to protect our rights. As Abraham Lincoln once stated, "I view education as the most important subject we as a people can be engaged in".

If we are sufficiently educated to fulfill our duties as citizens, we should show an interest in politics and be willing to vote on election day. There is no specific reference to politics or political parties in the Constitution, but your representatives and senators, who are mentioned, must be chosen by the people. It is every American's duty to examine carefully each candidate's qualifications, and to vote for the one who he feels is best qualified. Your public officials stand for you, you should help choose them.

Moreover, a loyal citizen should respect the United States Flag and what it stands for. Old Glory is a symbol of our Constitution and its fundamental rights. Henry Ward Beecher once said, "A Thoughtful Mind, when it sees a nation's flag, sees not the flag only, but the nation itself; and...he reads chiefly in the flag the government, the principles, the truths, the history which belongs to the nation that set it forth."

America is aided by citizens who become engaged in a useful occupation — one that will benefit our democratic nation. Such fields as education — to teach youth the work knowledge needed for the future; government and judicial work, to maintain our democratic statutes; labor and business management, to build a better America; writing or broadcasting — to present the facts to the public so that they may know the truth; ministry and the field of social service — to give aid and comfort to those who need it; these fields of service are contributing to strengthening the arm of liberty.

Strengthen the arm of liberty? Some need not be told this. Yes, men work and sacrifice, and some men die for liberty. We say — "He Died For Freedom", he was a casualty for Korean liberty, one of more than a hundred thousand casualties. "What kind of freedom are we asking our boys to die for?"

**Is it freedom "that encourages Britains trading with the Reds"?**

**Is it freedom "to pay ransom to Hungarian Pirates"?**

And whether you be a Democrat or a Republican, may I ask you:

Is it freedom to support bureaucrats who amass fortunes from unknown incomes?

**We say — He Died For Freedom! . . .**

How long must husbands and sons claw their way to the

crests of these heartbreak ridges to become human sacrifices to the pagan gods of War?

**The time for decision is here!** Remember the words of Charles Caleb Colton, who said, "Liberty will not descend to a people, a people must raise themselves to liberty, it is a blessing that must be earned before it can be enjoyed." —

We have within our grasps the benefits of an "insurance policy" drawn up over 16 decades ago. This Constitution was formed by wise and experienced men, who placed human rights above selfish interests. Our policy is backed by the greatest company in the world; we make the company what it is. We must not forget the value of the initial payments that were sacrificed to secure our Constitution. Future generations will continue to benefit

from this "policy" of liberties and personal rights as long as we make our payments and remember our obligations and duties. Now is the time to take out a permanent measure of freedom for a better America. With Brutus, we must realize that —

"There is a tide in the affairs of men,  
Which, taken at the flood, leads on to fortune;  
Omitted, all the voyage of this life  
Is bound in shallows and in miseries."

It is upon such a full sea that we are now afloat, and we must take the current of opportunity when it serves, or lose our venture of democracy. My friends, remember your Constitution and pay your "premium" of diligence to guarantee your government — "of the people, by the people, and for the people".

## 1953

**JOEL M. BERNSTEIN**

**BUFFALO, NEW YORK**

### We the People

*Note: Joel Bernstein, a student at Fosdick-Masten High School in Buffalo, New York, traveled to Jersey City, New Jersey, to win the sixteenth annual American Legion National High School Oratorical Contest. In capturing the title, Bernstein took home a \$4,000 college scholarship.*

*Second place honors went to William Parsons of Roanoke, Virginia. He received a \$2,500 scholarship for his efforts. Roger Lindeman of Detroit, Michigan, received a \$1,000 scholarship and third place while Rex E. Lee of St. Johns, Arizona, was fourth and received a \$500 reward.*

*Following the national finals contest, all four finalists appeared on Ed Sullivan's CBS-TV "Toast of the Town" program.*

We, the people of the United States, in order to — that's very familiar, isn't it? And it goes on to say something about a more perfect union, common defense and justice. Ladies and gentlemen, the aspirations of our founding fathers have been fulfilled but we, the people, you and I, whether one is the son of an immigrant or has been here since Plymouth Rock, we must pledge ourselves to defend and protect this vast heritage of liberties, the American Constitution, in face of enemies who are trying to undermine the precious liberties granted to us in that document.

But how can we protect this document in words and actions? How can we defend something we don't even understand? Let me tell you the simple story of a boy who thought he knew much about the American Constitution, but was greatly enlightened when a foreign boy had to explain its real significance to him.

I was walking home from school with a Czech boy who had recently come to America and was making a new home. After a lively basketball game, we talked of many

things but as we talked, our exhilarated spirits gradually calmed in keeping with the tranquility of our surroundings.

The air was brisk and the season that season when the leaves of the trees turn to a beautiful crimson. Our conversation naturally veered to serious themes. Henry was grateful for his new found home. How humble I felt when he illuminated the rights and privileges we Americans enjoy. Suddenly, he asked me a question. "What does the American Constitution mean to you?" Shocked at my unpreparedness to answer, I, stumbling with words, reversed the question.

In a soft, sympathetic voice, he started. "The Constitution to me means life itself. All the things which Americans enjoy today and seem to regard as something that is to be expected are things which, in my country, people don't even dare to dream of. In my country, people have paid with their lives for expressing only a wish to speak freely and worship as they please".

When the boy finished, there was a moment of silence. Silence filled with pride and fear. Pride because I enjoyed the very blessings which his countrymen wished for. Fear because I suddenly realized I was doing nothing to defend and protect these sacred blessings. I suddenly realized that we Americans all do so very little to defend something which people in some parts of the world regard as life itself. I suddenly realized that the Constitution was life itself to me too, for it gave me the right to say what I wanted to say, do what I wanted to do, listen to what I wanted to listen to, read what I wanted to read, pray as I wanted to pray. In reality, the Constitution is life itself. After the interpretation the refugee gave me, I did feel that my inability to answer his original question was not so much ignorance but rather that modern disease of every American to take all the good things in life for granted. If I could have only told him when asked:

“Let me show you how one document is just as strong and powerful today with our nation of 160 million people as it was a century and a half ago in a small country of three million. Let me show you a document which has weathered seven major depressions and five great wars and, through it all, has not once allowed this nation to resort to slave labor camps or the suspension of the rights of the individual”.

I would have told him that: Implicit in our Constitution is a great religious theme. This theme is that man has God-given rights. Our Founding Fathers were men of deep religious convictions. They believed that the conviction that there was but one God had its corollary that there is but one mankind. This mankind they felt was equal in birth and, hence, each individual is entitled to equal human rights. Unlike the Russia of today, they believed that political privilege is not the right of the few. Rather, they felt that it is the right of the many ... that government should be the privilege of the many and the responsibility of the many.

I could have told him how people like him and me —average Americans — could take their complaints up to the highest court in the land, the Supreme Court. Can you picture any Russian court which would dare to disagree with Stalin and his henchmen? Can you picture the Schecter poultry case in Russia or China? As you remember, that was the case wherein one dead chicken was the basis of the decision through which the entire National Recovery Act was declared unconstitutional.

Many of the great modern steps for freedom have been taken by our independent judiciary. Remember the famous Scottsboro case in which the right of a man to sit on a jury cannot be denied to race, color or creed. Even as recently as six years ago, it was decided that a state university cannot deny admission to any student because of race, color or creed. These are great forward steps.

But how many of us in our everyday actions, know that the Constitution is the backbone of every little thing we

do? are we ready to die, if need be, to defend the Constitution?

We must realize that this Constitution sets forth all the principals of our way of life, that this Constitution mirrors every ideal America stands for. And such principals demand our solemn duty to fight for their continuance. We must read and re-read all the provisions, so that we can understand why people in other parts of the world are looking to us for guidance and are willing to die in order to break away from their constitutions. Our boys are fighting in Korea to defend our sacred privileges. We must stand behind them by revitalizing and re-establishing those principals which alone make life worth living or death on the battlefield worth facing. We must become more community minded, realizing in every action that what we are doing serves a purpose.

Henry and I concurred on our interpretations of the Constitution and in retrospect we looked back at those powerful men who implemented and strengthened the Constitution. We saw the founding fathers at Philadelphia in 1787 chiseling out the words that have been our guides and must continue to be. We saw Washington and his men at Valley Forge struggling in the bitter cold for freedom from tyranny. We saw John Marshall and the Supreme Court giving the decision to the famous McCoullough vs. Maryland in 1819 in which he accepted a liberal interpretation of the Constitution. Ladies and gentlemen, this could easily be singled out as the most important reason why the United States Constitution has endured for over a century and a half. We saw Abraham Lincoln at Gettysburg telling the American people that “government of the people, and for the people must not perish. It must not ...”.

The air was brisk and the season, that season when the leaves of the trees turn to a beautiful crimson. It was Henry, a foreign-born boy, who had given me the real interpretation of my own Constitution, and a prayer took form in my heart at that time and now I would like to repeat it to you!

“Dear God, Father of all, make us mindful of thy spirit which is all powerful, make us see that no man liveth to himself alone. Make us realize that we enrich the lives of our brethren and help us, oh God, as we strive to make ourselves worthy of thy kingdom on earth, Amen.”

# 1954

## JACK McNEES

### KANSAS CITY, KANSAS

## The Constitution on Trial

*Note: Los Angeles, California, was the site of the Seventeenth Annual National Finals of The American Legion's National High School Oratorical Contest.*

*Jack McNees of Kansas City, Kansas, took home the top prize of \$4,000 in scholarships. Second place went to Milton Copeland of Wichita Falls, Texas. He received a \$2,500 scholarship. George Clements of Penn Yan, New York was third and garnered a scholarship prize of \$1,000.*

Ladies and Gentlemen of the Jury:

We, the people, who in America are the ultimate arbiters, are met here today in the high court of public assemblage, with God as our judge and history as our witness, to pass judgment on the foundation stone of a republic — the Constitution of the United States.

The charges brought against it are neither new nor unknown to any of you, but, in clarification of the issues at stake, let the indictment be read once again:

“The Constitution is old and out-moded. It was written nearly two centuries ago, before the advent of the machine age, political parties, industrial and international competition, as well as a host of other modern realities which today make its strait-laced moralizing impractical and anachronistic.

“The Constitution yields too much power to the masses. It allows the people to rule unchecked by the rich, the well-born, the pure-blooded, and the rest of their natural superiors.

“The Constitution guarantees the most petty unit of modern society — the individual — copious personal rights which, because they are held hallowed and inviolate, gravely impede the necessary evolution of our country toward the benefits of centralized and socialistic government.

“Finally, the Constitution is based on the deistic superstitions of the eighteenth century and therefore its words have become meaningless; its principles, obsolete.”

These accusations against our Constitution are heard by us nearly everyday.

It is time, therefore, that the concepts of America were brought to justice; that the truth were known once and for all about this Constitution of the United States; that the indictment as well as our very nation itself should either stand or fall.

I speak in defense of America.

Long ago, on some primordial landscape, men first came together and decided that like the wolves, they would form a pack, and that like the wolves, one individual ... one ... would rule them all.

The civilizations of the next ten thousand years witnessed a procession of sages, saints, and martyrs who strove to lead humanity forth from out of its self-imposed bondage,

but these few, long prophets were all too easily crushed and the sultans, czars, and caesars thought they had little to fear.

Then, in 1776, the thrones of monarchs and dictators all the world over began to quake and tremble as the voice of an enraged people in thirteen oppressed British colonies arose in a mighty affirmation of the freedoms they were ready to die to secure; in an overwhelming denunciation of all the autocracies that had tyrannized mankind since civilization began; in an earthshaking, revolutionary, and heart lifting Declaration of Independence.

“‘We hold these truths to be self evident’; they said, ‘that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the Pursuit of Happiness...’.

“That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive to these ends, it is the right of the people to alter or abolish it...”

The Americans had said it at last. The news was out and, within a generation, the world was in ferment. First, Louis XVI was dragged to the guillotine, then Maximillian to the firing squad, and so the flames of freedom spread, as they are still spreading even today, from nation to nation, from century to century, deposing tyrants and freeing the down-trodden, sweeping across the face of the earth.

With the surrender of Cornwallis, however, the thirteen now United States had settled themselves to the most difficult, critical, and complex task of all — the Revolution was over and anarchy was no longer enough: Now they must make a government.

This was the all-important turning point, the crisis of our history. Men had thought they'd won Freedom before, but because they had failed to make it secure in a tangible bill of rights, all was soon lost to a skillful demagogue or dictator.

The men that met in that crucial convention then, looked back over the centuries to the very beginning, even as we have done today, and to all that had come to pass since then. They looked back upon the triumphs, trials, and tragedies of the human spirit in every age and era, in every land and time.

And then, they began to write.

They looked back and saw the British Parliament dissolved by the edict of Cromwell; House of Burgesses disrupted by underlings of the Crown; the early Christian forced into the sewers and catacombs of Rome because forbidden to meet elsewhere and the men of the Constitution wrote the people shall forever have the right to peaceful, public assemblage.

They looked back and saw the battlefield at Runnymede, King John forced to sign the Magna Carta, habeus corpus at last guaranteed to all freedmen; they saw Copernicus and Galileo, old men in their dying years, dragged before the tribunals of the Inquisition and forced to renounce the work of a lifetime; they saw Joan of Arc tried, tormented, and condemned by a court of her arch enemies; and the men of the Constitution wrote the people shall forever have the right to a fair and speedy trial by jury.

They looked back and saw the works of Rousseau, Spinoza, and Voltaire banned because they'd ventured to publish their convictions; saw the press of John Peter Zenger hacked apart because he had dared to print the truth about British injustice; and the men of the Constitution wrote the people shall forever enjoy freedom of the press.

They looked back and saw Socrates forced to drink the cup of poisoned hemlock because he had discoursed on democracy; saw Martin Luther flinging his defiance to a corrupted clergy by refusing to recant a word of his reforms; saw Savonarola burned alive because he'd dared show wanton Florence its own lustful shame; and the men of the Constitution wrote the people shall forever possess freedom of speech.

Lastly, they looked back and saw the Huguenots of France slain by the hundreds in the St. Bartholomew's Day Massacre; saw the ancient Mayflower braving the fury of an Atlantic storm so that the Pilgrims might worship as they pleased; saw Roger Williams driven into the New England wilderness because he's protested Salem's witch burnings; finally, they look back and saw a Jew bolted to the cross atop Golgotha because he had dared introduce a God of lore into the world; and the men of the Constitution declared that above all else, the people shall forever hold freedom of religion.

This is our Constitution: As it stands today, as it has stood since 1791 — the culmination of ten thousand years' history, a hundred centuries' fight for freedom.

And yet, part of the indictment against the Constitution seemingly still stands:

For to many, it is true, its principles have apparently become outdated; its words, have become meaningless; But Ladies and Gentlemen of the Jury, it is not the Constitution — no it is not the Constitution, indeed that should be on trial here today for this offense! — for it is rather We, the people, who have failed — failed so miserably in our duty to mankind.

Witness the facts: That less than half of us who are qualified usually even bother to vote; that over a fourth of the people cannot even name their own senator or congressman; That the front page must take third place behind the scoreboard and the comic strip in America's

reading habits; That the great gulfs of segregation and discrimination must still loom between races of men created in the same divine image; that free men, or many of them, will resort to almost any indolent alibi or artifice to avoid jury duty. Yes, this is the indictment against us — that we, the people, the citizens of America have thus so desecrated the high altar of freedom with our own cheap apathy.

But there is yet a hope; our survival no longer depends on the sacrifices of the past, the patronage of our allies, or the contingencies of fortune.

The future, ladies and gentlemen of the jury, rest with you.

Bequeathed to us by unnumbered generations is indeed a noble heritage: One planted in the rich soil of truth, guarded by seven generations' wars, tended by the dignity of time, watered with the blood of patriots, and lighted by the hand of God. It is a heritage that was lived for in the lives of earth's greatest men; It is a heritage that was died for at Waterloo, Rome, and Calvary in no less a degree than it was at Normandy, Guam, and Heartbreak Ridge. It is a heritage that has been entrusted to the American people.

How then will history find us: Guilty or not guilty?

Guilty? Guilty of apathy; ignorance, and despair? Guilty or not serving, not know, not caring? Guilty of a heritage lost? Guilty of a nation's death? Guilty of liberty's demise? Guilty of murder — murder by stagnation, by oblivion, by neglect?

Or, are we instead about to rally before it is too late? About to recognize our moral obligation to the consecrated dead for the past, to ourselves for the present, and to posterity for all time?

Yes, are we about to arise and again be worthy of time's might heritage? To re-affirm its worth: To heighten its glory; Deepen its faith; Exalt its aim, and to fulfill its vision? By realizing the great truth that every freedom engenders its responsibility; That every right begets its duty?

Which is it to be? Shame or Glory? Guilty or not Guilty? Immortality or Extinction? Which is it to be?

The verdict, ladies and gentlemen of the Jury, is in your hands — your hands alone! — and the world awaits your decision.

America rests its case.

# 1955

## MICHAEL MILLER

### LOS ANGELES, CALIFORNIA

## Checks and Balances — Barrier Against Tyranny

*Note: Over 325,000 students entered competition in the Eighteenth Annual American Legion National High School Oratorical Contest. A lad from Los Angeles, California, Michael Miller, took home the top prize at the national finals contest held at Blackwell, Oklahoma. He received a \$4,000 scholarship for his efforts.*

*The other national finalists who received scholarships of \$2,500, \$1,000, and \$500 respectively were David Leahy of Brooklyn, New York; Gary Schulz of Mitchell, South Dakota; and Dan Duckworth of Jacksonville, Florida.*

“The Government shall secure for the people of freedom of thought and self-expression as manifested in speech, printed publication, assemblage, and religious worship.”

Shockingly enough, these words are not found in the Constitution of the United States; they are a direct quotation from the Constitution of the Soviet Union! Yet, although the Soviet Constitution guarantees the same fundamental rights and liberties as does the Constitution of the United States, the Soviet Union exists in the dark nightmare of tyranny, while the United States is illuminated by the light of freedom. Why? What is the reason for this striking difference? What is it within our Constitution that makes our way of life so different from that of the Russian people? The answer simple. The Soviet Constitution is unable to preserve the freedom it guarantees because it contains no machinery whatsoever to prevent the rise of tyranny. On the other hand, the American Constitution possesses the most effective safeguard against the rise of tyranny ever conceived by modern man — the system of checks and balances.

And it is for this reason that I have selected as my topic for this evening, “CHECKS AND BALANCES — BARRIER AGAINST TYRANNY.”

The American checks and balances system is manifested in two principal phases of our Constitution: the checks and balances between the various branches of government, and the checks and balances of political authority between the states and the national federal government. It is a system whose effectiveness in thwarting the rise of tyranny is best appreciated when viewed in the light of the political system of the Soviet Union.

In Soviet Russia, all political power is concentrated in the hands of eleven men who compose the Presidium of the Communist Party. In Soviet government, the Presidium constitutes the executive branch of government,

since it is legally responsible for executing and carrying out the laws of the Soviet Union. Yet, as the same time, this Presidium can **make** any law it wishes, and **interpret** that law in any manner it sees fit. The inevitable result of this over-concentration of governmental power can be found in the inhuman dictatorship which hold the Russian people in total enslavement.

In the United States, however, governmental power is divided between the branches of government. Under our Constitution, the Congress is to make the laws, the President is to enforce the laws, and the Supreme Court is to interpret the laws. Under our Constitution, the President may veto an act of Congress, the Congress may override a Presidential veto, and the Supreme Court may overrule both the President and the Congress on matters concerning the interpretation of the Constitution.

Thus, by balancing power between the branches of government, and setting up one branch as a check on the other, no one branch of government could ever acquire enough political power to be used as an instrument of tyranny or oppression.

Perhaps the most striking example I could offer you this evening of just **HOW** this system of checks and balances has protected the freedom of the American people, occurred during the Steel Strike of 1952, when the Supreme Court overruled President Truman's seizure of the Steel Mills as unconstitutional, and thus ended a dangerous precedent of expanded Presidential power. Thus, the checks and balances had protected American freedom from the possible tyranny of an over-powerful executive.

Equally important in his task of safeguarding our way of life against the threat of tyranny is the checks and balances of political authority between the states and the national Federal Government.

In the Soviet Union, the machinery of government is

centralized completely on a national level. All powers of governmental administration are confined within the cold, bleak walls of Moscow's Kremlin, in whose path provincial self-government is but an empty dream. What is the result to this over-centralization of political power on a national level in the Soviet Union? Ask the Turkestan shepherd, whose native culture and traditional independence were mercilessly crushed beneath the heel of a centralized Soviet bureaucracy. Ask the Ukrainian peasant whose life is slowly ground into dust by the Godless wheels of Moscow's collectivized farm system. Ask these men, and you shall have your answer.

But here in the United States, the powers of governmental administration are divided between the states and the national federal government. For the 10th Amendment to the Constitution declares, "All powers not granted by the Constitution to the Federal Government, nor prohibited by it to the states, are reserved to the states respectively, and to the people within those states". Thus, our Constitutional checks and balances make it impossible for either the states or the federal government to gain enough power to menace the liberty of the American people.

The effectiveness of this phase of the checks and balances system in combatting the rise of tyranny was clearly exemplified in 1795, when the state legislatures of Kentucky and Virginia, exercising their Constitutional power as sovereign states, refused to enforce the Alien and Sedition Laws on the grounds that they violated the Constitution by prohibiting the exercise of free speech or free press as a means of criticizing governmental policy. Thus, the checks and balances system had protected the freedom of the American people from the tyranny of an all-powerful federal government.

Truly, it has been the checks and balances system which has protected America from falling victim to the oppression and subjugation which today enslaves the

Soviet Union. But in recent years it has done to menaced by the ominous shadow of its own destruction.

For two decades we have borne witness to the gradual disintegration of the authority of the state in the wake of increased and expanded power of a centralized Federal Bureaucracy; we have witnessed the increase and enlargement of the powers of the Executive Branch to the extent that it threatens to undermine not only the independence of the Legislative and Judicial, but the very existence of the checks and balances system itself. Why has this erosion of our barrier against tyranny? The answer lies within ourselves. We have failed to realize that with the protection of our Constitution checks and balances, also comes the responsibility of eternal vigilance against any weakening or undermining of their safety. We have failed to recognize our Constitutional checks and balancing as comprising a supreme law, transcending the pronouncements and proclamations of political leaders. We have, instead, substituted the thesis that if a governmental policy aims at humanitarian or benevolent goals, it is justified in ignoring or overriding the checks and balances themselves in order to achieve those goals. Ladies and gentlemen, the handwriting is upon the wall! If we are to remain free; if we are to escape the dread fate which has befallen the Soviet Union, we must awaken to our responsibilities to the Constitution, we must restore our Constitutional checks and balances to their rightful position of supreme law to which all governmental policy must be made to conform. This is perhaps the greatest challenge confronting the future of our country. It is a challenge which we and we alone can decide. Shall it be an America where lack of vigilance and failure of responsibility have created a land in whose dreary domain Constitutional principle lies shattered in the darkness of tyranny, or shall it be an America kept strong and free by a people vigilant and awakened to their responsibilities to that heritage which is their Constitution. An America illuminated forever by the eternal light of freedom, shining from the torch of our Constitution. The choice is ours. Which shall it be?

## 1956

**DANIEL DUCKWORTH**

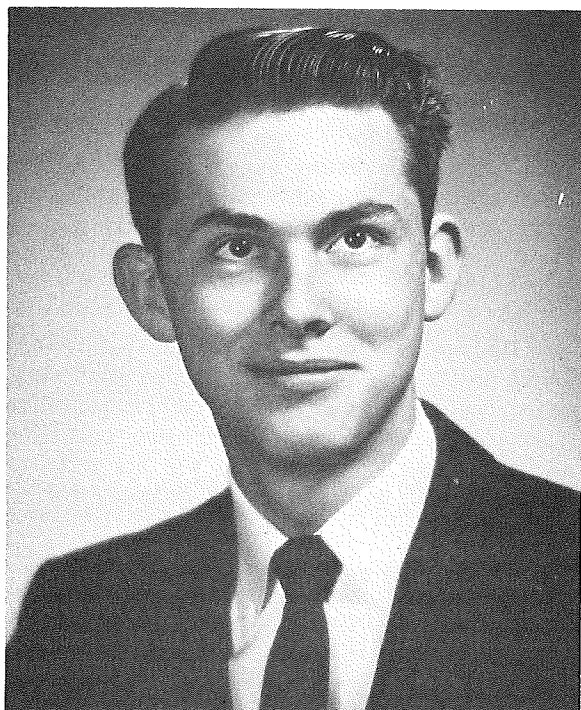
**CLEVELAND, TENNESSEE**

### **We the People**

*Note: With over 2,000 people looking on, Daniel Duckworth of Cleveland, Tennessee, won the national High School Oratorical Contest finals at St. Louis, Missouri. He took home a \$4,000 scholarship and was the first contestant to be a national prize winner two years in a row. Duckworth finished fourth in 1955.*

*Robert L. Durard of San Jose, California, was second and took home a \$2,500 scholarship. Galen Hanson of Benson, Minnesota, was third and received a \$1,000 award. Fourth place went to David LaMarche of Brattleboro, Vermont*

*Following the contest, the four finalists appeared on the NBC-TV Show "Today" with Dave Garroway where American Legion National Commander J. Addington Wagner presented the scholarship awards.*



Daniel A. Duckworth (TN)  
1956 Oratorical Contest Champion

We, the people. These are the first three words of our Constitution — we, the people. Not we, the farmers of New Jersey, or we, the wealthy land owners, or we, the members of the established church, but very simply we, the people. Here is the key to the success of America. Embodied in these three words is man's age-old struggle for a government on consent of the governed—a government centered around we, the people. Ebenezer Elliott captured the spirit of this struggle in his poem "The People's Anthem."

"When wilt thou save the People?  
O God of mercy, when?  
Not kings and lords, but nations!  
Not thrones and crowns, but men!  
Flowers of thy heart, O God, are they!  
Let them not pass, like weeds away!  
Their heritage but a sunless day!  
GOD SAVE THE PEOPLE!

Is not America indeed a land where God has saved the people? The American citizen of 1956 is protected by a carefully worked out Constitution; a Constitution which provides for a controlled government of checks and balances; a government that directly benefits the people by educating their children, by providing for their old age and unemployment, and by protecting their homes and families. Every blessing of the American citizen results directly from our Constitution. The church on the corner, the school, the courthouse, the newspaper office — all must look to the Constitution to justify their existence. This list could go on and on, for the blessings and privileges of the American people are innumerable.

Today America stands strong and proud among the nations of the world. This is not merely an accident, something that just happened. From the time of the Constitution's adoption until today, the people in every walk of life the young and old, have given their time, their talent, their possessions, and in many cases their very lives to the building of our nation. To understand the greatness of America one must look at the men who laid the foundations of our country, those men who wrote in bold, black letters, "We, the People."

The year is 1787. It is a period of great tension and crisis, a period during which the newly independent colonies were searching for the system of government that would not only unite the people but also protect their rights. On September 17, 1787, the delegates to the Constitutional Convention presented to the colonies a plan of government. In less than four months these delegates had drawn up the most nearly perfect system of self-government that has ever been conceived in the mind of man. The great search was ended. On March 4, 1789, the Constitution went into effect. No longer was it a government in theory, but a government in hard, sound fact—a government of action. And this Constitution became the foundation upon which our Republic was built.

As the years passed, it faced many critical situations—the War of 1812, growing pains of expansion, tariff disputes, and the greatest crisis of all, The War Between the States. Our Constitution and the nation it represented were enabled to survive, not because of the laws that were passed, or because of truths that were held to be self-evident, or because of high sounding ideals and principles, but rather America was enabled to survive because of the **people** who passed the laws, the **people** who held the truths to be self-evident, the **people** who had high ideals and principles; men of courage like Oliver Hazard Perry, who reported, "We have met the enemy and they are ours;" men of strength such as Andrew Jackson who believed, "Our Federal Union; it must be preserved;"

and men of love like Abe Lincoln who said, "As I would not be a slave, so I would not be a master. This expresses my idea of democracy."

As the years continued to pass, America and her people faced even greater problems and greatest of these were the World Wars. Soon after the turn of the century, the American people awakened to the realization that isolationism would no longer protect their liberty. European dictators and their godless regimes had become a menace to all peace-loving nations. Realizing this, the doughboys of World War I and the G.I.'s of World War II joined the free people of the World in their fight against aggression and the totalitarian state.

It was only constant struggle such as this that enabled America to maintain her liberty. The American people today live in a land that is strong and proud as a result of the vigilance of our forefathers—the people of the past.



But now, turn to the future. At this point many people will stop. They are hesitant to look ahead, for their minds are clouded with doubt and fear. And indeed their fears are not groundless; the very atmosphere of our world seems to throb with hate and war. The terror of all-out atomic warfare hangs like a giant storm cloud on the horizon of our future. Each nation eyes the other with unrest and hostility, while all join in the senseless struggle for military supremacy.

And yet, just as a small candle casts its warm glow on the darkness of the night, so our Constitution brightens the blackness of the future. What is the hope for America? America's hope is her people.

In the past thousands of Americans have given "the last full measure of devotion" in the defense of our country. Today they again stand ready to fight and to die, if necessary, for our American way of life. But our country does not need men who are willing to die for her. What America needs today more than anything else is people who are willing to live for their country...people who feel obligated by duty and conscience to defend all of the basic principles that are contained in our Constitution...people who believe in freedom of worship, freedom of speech, freedom of the press...people who believe that all men are created equal, that every human being should be free in his pursuit of happiness.

America's hope lies in people who intelligently exercise their privilege of voting—people who take an active part in the affairs of government, realizing that this too is a duty which must not be shirked. Here is a point that cannot be stressed too strongly.

Willis J. Ballinger, in his book, *BY VOTE OF THE PEOPLE*, relates vividly how many of history's great civilizations and republics fell into the hands of dictators. Rome, Venice, and the Republic of France all fell in this manner. Germany and Italy were entrapped by the police states of Adolph Hitler and Benito Mussolini. Why did this happen? In each case the people had the power to run their own government, their freedom

seemed secure. Yet, through lack of interest and lack of effort, the right to self-government was lost—by vote of the people!

To often we Americans forget that neglect of duty by good citizens can destroy our Democracy far more effectively than all the subversives with their lies and propaganda. But more and more Americans are realizing this danger and are responding to the challenge that is before them.

Yes, the hope for America is her people—wholesome, young people who, by taking an active part in their government, can wipe away the cloud of suspicion and contempt that so often surrounds the name "politician;" intelligent, thinking people who will not shrug off corruption and inefficiency as a necessary part of government.

Today across this land of ours there are millions of people — the backbone of our nation. To these people the future presents a challenge, a challenge that cannot be met half way. Upon the shoulders of every American citizen rests the responsibility of meeting the problems of the future. A tremendous challenge? Indeed it is! And yet it is a challenge that **MUST** be met; a challenge that **CAN** be met; and above all it is a challenge that **WILL** be met, with the same courage and resourcefulness that has characterized the American from the very day of his beginning.

Today America stands at the crossroads of time—the present, where things are happening now; the past, where people built a strong nation based on their belief in the divine equality of every individual; the future, with its promise of a new and better world. We must now face with confidence and determination the road that leads on to the unknown tomorrow and as our fathers before us dedicated their "lives", their "fortunes", and their "sacred honor" to the building of a great nation, so now must we pledge our untiring effort to the building of an even greater nation, a nation governed always by "We, the People."

# 1957

DAN McCALL

MODESTO, CALIFORNIA

## Constitution

*Note: Dan McCall survived competition that involved over 350,000 high school students nationally to win the 20th annual American Legion National High School Oratorical Contest. Young McCall travelled to the east coast community of Waterville, Maine, to compete in the national finals contest.*

*McCall, whose father was President of Modesto Junior College, earned a college scholarship totalling \$4,000.*

*The other finalists were Theodore Everingham of Jackson, Michigan, who placed second and earned a \$2,500 award; William J. Toth of New York, New York, who finished third and received a \$1,000 scholarship; and Paul Fowler, Jr., of Jacksonville, Florida, who was fourth and took home a \$500 award.*

*Governor Edmund Muskie of Maine served on the panel of judges and the finals were broadcast on several Maine radio stations. Following the finals contest, McCall appeared on the Dave Garroway television show.*

When Harry Emerson Fosdick preached the dedicatory sermon in his great new Riverside Church, he expressed the desire that some sign signifying its unique function might be placed over the entry-way. He then jokingly suggested he would like to steal for that purpose a Fifth Avenue sign of a utilities Light and Power. Light and Power — we might also employ the same sign to symbolize the functions of the Constitution of the United States, for it throws light upon the proper of man to man, and provides for the distribution of power among people.

It is easy to praise the Constitution, and most of us can; it is far more difficult, however, to it and too few of us do. It is to be revered, yes—but more important, revealed to layman as lawyer. It is to this latter task that I dedicate my efforts, to discern and set down those characteristics of the Constitution which make it a unique document, which account for its unparalleled to which may be ascribed its world-wide recognition and acclaim. For I assume that we are met today to pay tribute to a document, or at least to the intellectual and moral achievements of a segment of humanity as set forth therein.

I choose to place first on my list of priceless ingredients the Constitution's concern for the for people—but for person, not for numbers and the common man, but for names, and the man.

A tired New York City housewife answered the doorbell to greet with a weary smile the census taker. After asking the usual questions, he requested the number of children in her family. "Well, let's see," she said, "there's Mary and Henry and Jack—"

"No, no, I don't want the names, just the number."

She patiently smiled, "They ain't got numbers. All got names."

This is important. This is important because our Constitution does not promote a nebulum of numbers, rather—a nation of names. It places individual dignity even above the state's integrity. As James A. Garfield, who served many years in Congress before he became president, said, "I have represented a district whose approval I greatly desired for a long time, but I desired still more the approval the man, and his name is Garfield. For, he is the one man I am compelled to sleep with and eat with and live with and die with, and if I do not have his approval I should have had companionship." The Constitution guarantees that every Garfield shall have the right to become the kind of Garfield he desires to be.

It does not say Americans are lovers of freedom. Rather it says something much more basic, much more fundamental: Mr. Citizen shall be free. He may go to the Baptist Church, or the synagogue, or St. Andrews—any church he likes. He may write what is in his own head. He may tell his friends what he thinks. He may market his own eggs, at his own prices, collecting his own money. He is a human being. He is free, to be free. The Constitution is great then, not because it makes man free, but because it assumes he is free, that his birthright bears the stamp of individual freedom. He shall not have a number, but he may have a name. He isn't a statistic, he is a being.

The second unique feature which I nominate for distinction in documentary design is expressed in the reaction of Robert Louis Stevenson when he was a small boy standing one evening by his window watching the village lamplighter at work. Young Robert cried, "Oh, look, I can see something wonderful. There's a man coming down our street punching holes in the darkness." In 1787 a group of consecrated men trod the highways of humanity "punching holes in the darkness of their day." They pierced the veil of truth, and spread new light on old ideals and principles for man to live by. They made no new laws; they only saw more clearly than ever before the immutable laws of social science and formulated statements of their operation in the affairs of man. Accordingly, the Constitution was not written through the wisdom of Franklin, the genius of Jefferson, and the effusiveness of Hancock; rather it represents the combined prescience of all who had a part in its making. As Newton discovered the law of gravitation and put it into words for man's understanding, so the lamplighters who drew our Constitution looked back down the road of history, divining from the ebb and flow of oligarchy, tyranny, feudalism, and all the many forms of oppression and freedom under which man had lived, new concepts of dignity, of worth, of worthiness. They gave these to the people—calling them the Constitution, John Adams called them "rights that cannot be repealed or restrained by human law—rights derived from the Great Legislator of the Universe." What I am trying to say is that the Constitution is not a promise or precept which man made, but a fundamental and universal law which he discovered; and such is its unique and distinguishing characteristic which sets it above and apart from all other political documents ever written. It is a recognition of natural law expressed as ideals to which men can aspire, Carl Schurz has said: "Ideals are like stars, you will not succeed in touching them with your hands, but like the seafaring man on the desert of waters, you choose them as your gods, and following them you reach your

destiny.”

We reach our personal destiny only as we understand that the Constitution outlines ideals; that those who live by its principles inevitably end up better equipped to live by their own. It is not liberty, but a document which proclaims the principles of liberty; not justice, but an outline which enables us to secure justice. It is a means—a human way of making ideals become realities.

Finally, the Constitution’s uniqueness resides in its timelessness, its proven adaptability to serve the needs equally well of both the horse and buggy age, and the horseless carriage era, the periods of Fulton’s steamboat and Wright Brothers’ Dream-boat, of the Mayflower and of air-power. An epitaph carved on a tombstone of a father’s grave beside a lonely public highway in Arizona reads, “My son, if you are to see the heritage that I leave to you prosper, you must build it anew yourself.” The greatness of the Constitution lies in the fact that each generation may under its protection rebuild its heritage to suit the tenor of the times. In turn, each in his life must rebuild his understanding of the Constitution, his faith in it, his loyalty to it.

The great sculptor Thorwaldsen was once asked what his finest statue was. He answered simply, “The next one.” It is this feature of the Constitution which enables us to look to each new year as the best possible one in our history. The exuberant 20th Century Constitution is as modern as this morning. If it is to be taken down from the shelf, it must be taken into the self. It is not for us to dedicate; rather it is for us to be dedicated. The citizen who would serve and preserve, use and not abuse this framework of law and order, must understand that the first seven amendments are his guarantee to personal liberty and individuality, that the entire Constitution is a revelation of dependable natural law, and these laws are as timeless as the force of gravity and as constant as the sun. In this atmosphere Mr. Citizen may stand with his head in the clouds of idealism and his feet on the ground of reality, his eyes to the future because of his vision of the past, his faith in humanity because of his confidence in man.

As Walt Whitman said, “I see the genius of the modern, child of the real and ideal clearing the ground for broad humanity, the true America—heir of the past so grand, to build anew a grander future.”

## 1958

REED M. STEWART

BRAZIL, INDIANA

### Our Constitution — Heritage of American Youth

*Note: Reed M. Stewart of Brazil, Indiana, won the 21st annual National High School Oratorical Contest by defeating three other Sectional winners at the national finals contest held in Portales, New Mexico. He took home a \$4,000 college scholarship in addition to opportunities to appear on the Dave Garroway and Garry Moore television shows.*

*He was sponsored by Clay County Post 2 of The American Legion.*

*The son of Clay County Circuit Judge Robert S. Stewart, the 1958 winner was no stranger to American Legion youth programs having been elected governor of Hoosier Boys State in 1957. Stewart is currently President of Wesley College in Dover, Delaware.*

*The other national finalists who received scholarships of \$2,500, \$1,000 and \$500 were: Ronald W. Yakaitis of Baltimore, Maryland; Thomas Gompertz of Merced, California; and Sydney H. Nathans of Houston, Texas.*

I am one of a new generation of Americans—youths available for the defense of the United States; youths in whom the privilege and responsibility of full citizenship will soon be vested. My generation stands at the apex of a vast pyramid of human development. We are the heirs apparent of all that has been accomplished, all that man has done to improve his lot and the world in which he lives.

But in spite of dramatic portrayals to the contrary, our inheritance is not wholly golden. Today we face the greatest challenge history has known. Great political philosophies are in head-on collision, a mad race is on for supremacy of munitions and instruments of destruction; great engines of material power run wild without moral or spiritual governors; fear grips every heart, and the market place bids for the minds as well as the very souls

of men.

A consideration of our American heritage calls to memory that many of the events that shaped the world were considered trivial and insignificant at the time they occurred.

When Jesus came to bring a new philosophy of life, by which people might live better and happier lives, they reviled Him, spat upon Him, criticized Him, found fault in Him, and when they could put an end to His teachings, they put Him to death.

When our Founding Fathers adopted the Constitution of the United States of America, this event caused more amusement than respect in the stately halls of Europe. Here was a group of 13 underpopulated, undernourished, backward, fighting colonies attempting to unite into a harmonious and prosperous nation. Again the people found fault and were ready to predict that this new republic could never "make the grade."

But this was reckoned with without a new social or economic factor; for the first time in history government had been made the servant instead of the master of the people.

For the first time in history man was guaranteed certain rights; the right to work as he chose, and keep the fruits of his labor. Private property was defined as a natural right instead of a favor granted by the Crown, and a large area of the world was released from government restrictions on the free movement of men, money, and goods across state lines.

My generation inherited all these things from the careful thought and planning of that handful of men who adopted and set their names to our Constitution.

Today we are too apt to forget what these men did, and what it still means to us, their heirs.

In words as eternal as the Ten Commandments, our forefathers declared:

"We hold these truths to be self-evident; that all men are created equal; endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness."

It might be good for all of us today to review often our inheritance, the fundamental factors of our American way of life. These are (1) Faith in God; (2) Constitutional government; (3) Private enterprise. First, faith in God. When our forefathers came to America, their desire for religious freedom was the all-important driving force. Constitutional government is the second great fundamental in our freedom structure. The Constitution guarantees rights for all people, minorities or majorities. Lastly, private enterprise economy. As a result of private

ownership economy America has the greatest material wealth the world has ever known, and its distribution throughout the entire nation is the most equitable yet attained in any country.

There is nothing that can debase and irritate the soul of a man more than to be told, "You cannot live here, or go there, or do that." To meet such eventuality the Bill of Rights was adopted.

Every provision of the Bill of Rights proper had a personal significance. Under those provisions, man became his own high priest, conversing with his God as he himself chose. When no judge, no jury, not even the Supreme Court or the President himself could help a citizen, he might turn directly to Congress for redress of his grievances.

Under the Bill of Rights the citizen became a joint heir of all traditions of the past and a joint partaker in the influences, resources and powers of his government. Under the guarantees of that Bill, he could not be left unremembered to rot in jail without a charge against him and without trial, nor could he be denied a trial before a jury of his peers. In short, nearly all the provisions of the Bill of Rights were adopted to insure individual freedom.

Equality before God, equality before the law -these were the bases on which our forefathers implemented the Declaration of Independence. They became the formula by which our great inheritance, the American Constitutional system, was established.

When Earl Browder was General Secretary of the Communist Party, he once said, "Who wins youth wins the future." And how would Communism win youth? By coming to us in sheep's clothing, blinding our eyes to truth, tempting our thoughts with material stuff, dispossessing our hearts of religion and exalting duplicity, division and hatred — by throwing dust of fear into our eyes and then plucking out our eyes so that we can no longer find the way back to eternal values, leaving us finally without hope in this life or the life to come.

My generation will *not* buy that line.

The work of our Founding Fathers brought the highlights of man's enormous inspirational heritage of political freedom within the compass of the few pages that compose our Constitution. In its reposes the winnowed best of the most brilliant and constructive thinking ever selected to meet the ever-recurring problems of a growing progressive people. Here is the distillation of the greatest thoughts, ideas, and philosophies that have come down through the ages in an ever-widening stream of inspiration. Like a pillar of cloud by day and a pillar of fire by night it stands, second only to the word of Almighty God, as a light unto our feet.

So the United States was born, fathered by men who considered death preferable to loss of liberty.

But today on every hand is evidence of a general complacency approaching real apathy. Half-drawn swords, half-clenched fists, and divided loyalties are too common. *American Mercury* in February, 1956, reprinted an article written in 1938 by Channing Pollock. Says Mr. Pollock:

"In 1912, the finest and safest vessel that had ever been built, the unsinkable Titanic, struck an iceberg and sank — 'the staggering fact,' an editorial commented, 'is not that the ship went down, but that she met disaster after radio warnings of danger ahead, her engines at full speed, her band playing, her passengers dancing, and apparently, nobody caring a damn that there was ice ahead.' Continuing Mr. Pollock says: "And that is the staggering fact about contemporary America — warnings everywhere, passengers dancing and nobody caring a damn."

Finally he charges:

"There is ice ahead all over the world — people are worried in certain countries. . . . Over here, we continue to sing silly songs up to the moment when we must switch to "Nearer My God to Thee."

Mr. Pollock concludes:

"... every people satisfied with bread and circuses has fallen into the hands of a Caligula, a Mussolini, a Hitler, or a Stalin. Apathy is the most unmistakable symptom of physical, mental and national breakdown. Men die of hardening of the arteries; nations of softening of the

spine."

As for me — as for my generation — having no misgiving, for we dedicate ourselves anew to the perpetuation of our American heritage. Yes, we will accept our inheritance — the good with gratitude, the unpleasant with regret — but as a challenge! The tried and tested philosophies of the past we shall apply, to give new perspective and understanding — to give people something on which to build the strong, firm structure of their lives. We will reappraise the individual worth of man. We must reconsider his essential brotherhood and re-evaluate the fundamental freedom of men, for we believe that the great struggles of the world today are not political conflicts alone but conquests for the very souls of men.

In a world of chaos, Americans must strengthen these great factors in our way of life through understanding, dedication and hard work, and this responsibility rests with every American home. And, God willing, ladies and gentlemen, my generation *will* face the future with the same grim determination, sacrifice and sacred dedication of our Founding Fathers, so that we will pass on to our descendants, to the generations following after us, that magnificent inheritance which makes this country "the land of the free and the home of the brave."

## 1959

ROGER R. MAJAK

LANSING, ILLINOIS

### The Constitution — Rights and Duties

*Note: The Salutatorian of the graduating class of Thornton Factional High School in Lansing, Illinois, Roger R. Majak, captured the national crown in the 1959 National High School Oratorical Contest. Majak bettered three other sectional winners to win the national finals contest at Lodi Union High School in Lodi, California. A participant in the 1958 Premeir Boys State program, Majak was sponsored by Edward Schultz Post 697 of The American Legion. He received a \$4,000 college scholarship.*

*Second place and \$2,500 went to James O. Naremore of Sulphur, Louisiana. William K. B. Stover of Riverside, California, was third and received a \$1,000 scholarship. Fourth place and a \$500 scholarship went to Thomas H. Bornhorst of Trenton, New Jersey.*

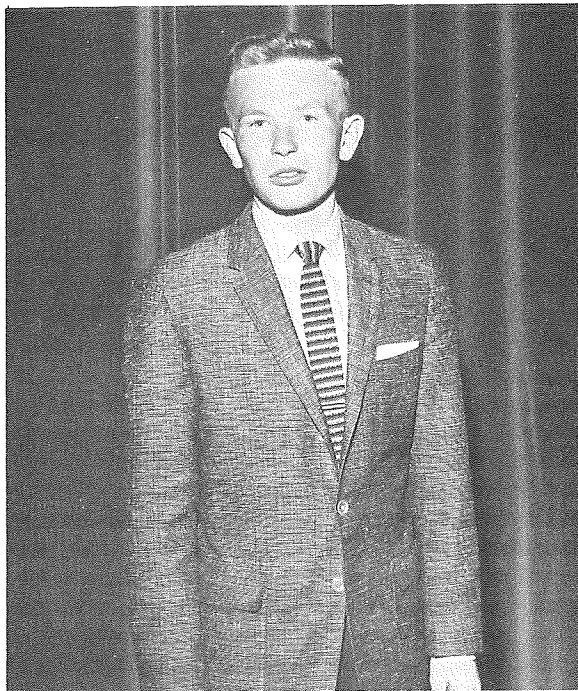
Recently, I read an interesting short story which made a great impression upon me. It was called the "Country of the Blind" and was taken from an ancient legend. It seems that nestled among the snow-capped peaks of the majestic Andes mountains of South America, there was a legendary valley completely "apart from all the world of men." The valley was a beautiful place; it was situated in such a way that the surrounding mountains protected it from the weather—thus there was perpetual summer. Bright sunlight during the day and silvery stars at night shone down upon this Tuopian paradise, the Shangri La of the Andes.

And yet, there was something strangely wrong with the people who lived in the valley—you see they were totally

blind. A strange disease had run its course among the people so that gradually, each generation saw less clearly than the preceding one. After many years "the old became groping and uncertain, the young saw but dimly, and the children born to them never saw at all." Finally, their sense of sight was lost forever.

It is a sad tale, isn't it? And yet, I feel that this story is representative of the greatest danger that exists in America today—a danger which could actually destroy the Constitution of the United States and the way of life which that Constitution represents.

This country is, in a way, a Utopia; it is the finest civilization ever created by man. It has been described in



Roger R. Majak (IL)  
1959 Oratorical Contest Champion

thousands of ways by many persons far more eloquent than I; and yet they all say the same thing—"America is the greatest land of all." Like the towering Andes Mountains there stands the Constitution, protecting and guiding us in the valley of life. But what of the people? In the legendary "Country of the Blind" the people could not see, and thus the beauty of their valley was wasted, for what is beauty without men to see and enjoy it, and to fight if need be to preserve it. Here, ladies and gentlemen, lies the danger against which we must guard. We must be always alert lest we become blind to the greatness of the Constitution and the Bill of Rights; lest we become so intent upon gaining our Constitutional rights that we become blind to our Constitutional dues; lest we become indifferent toward life under the Constitution. For the greatness of America, like the beauty of that legendary valley, is wasted without the true piece of parchment; and the Bill of Rights; without citizens who accept its challenge and respect its authority, is but a group of meaningless words.

I often wonder as I observe the workings of this nation, whether its people are actually conscious of what is going on around them. I often wonder if they see the marvelous system of which they are a part. I wonder if they ever stop to think about the things which make America possible.

I have often thought it would be wonderful to be able to call America to a sudden halt; to have the farmers in the fields, the secretaries in the offices, the housewives in the kitchens, and the laborers in the factories, stop for a moment; to silence the wheels of industry and the hum of business; to be able to suddenly freeze the entire panorama of life in America. If I could do this I would ask each man to think about the true meaning of the

Constitution and its effect upon his life.

I would ask each man to think briefly about the Constitution past, for the past is the key to the present. I would ask him to recall the golden age of American government when a group of colonists working together for a common cause, constructed a method of government from the lessons of their experience and from the sheer determination to have the things that God had created for them. They created a method of government which has lasted relatively unchanged, until today. There were the Thōmas Jeffersons, the George Washingtons, Madisons, Monroes, Adams, and countless others whose dedication and energy were limitless, whose wisdom and personal sacrifice have been unequalled to this day.

And then I would ask the people of America to examine the Constitution present. I would ask them to consider carefully their inalienable rights and duties under the Constitution. You know, in respect to rights and duties, the Constitution and the Bill of Rights are like a pendulum. Have you ever watched the pendulum of a "grandfather clock"? It is a basic law of physics that the pendulum swings on equal distance to each side of the perpendicular. That is, it swings just as far to the right as it does to the left. And so it is with the Constitution. For every Constitutional privilege, there is a corresponding duty. So that, just as we have the right to vote, it is our right to others; just as we have the right to worship as we please it is our duty under the Constitution to tolerate the religious choice of others; and just as we receive the protection and services of the government, so it is our duty to pay our just amount of taxes to make those services possible. Yes, I would ask the people of America to carefully examine their patriotic attitudes and their American sense of values. I would have them ask themselves if they are doing their part in upholding the principles and responsibilities of a free society.

And then, I would would have them look at the Constitution of the future. Of course, we cannot know what the future of the Constitution might be. But we can plan and resolve; we can hope and dream; we can invest our faith in the future of Constitutional government. The Constitution is more than a political document, it is an act of faith; faith in its people to uphold and defend it. And so to all Americans I would suggest that we stop, renew our faith, and invest our toil in the future on the Constitution.

And then, the throbbing, bustling, seething life of America would resume.

Of course, we cannot make all America pause and think. We can only hope that through improved education, through contest such as this one, through the work of patriotic organizations and civic minded industries, we Americans will come to an unprecedented knowledge respect, and confidence in our great Constitution. There is an underlying patriotism in the heart of every American, but sometimes that patriotism becomes lost in

the personal cares of everyday life. Sometimes our Constitutional sense of duty becomes passive, and we forget our responsibilities. Sometimes it takes a Kaiser Wilhelm, a Pearl Harbor, or a Russian Sputnik to rekindle our patriotic fire and enthusiasm.

Because I believe that basically, we Americans are the most patriotic people in the world, though at times we do not outwardly show it, I am optimistic about the future of the Constitution, as old Ben Franklin was when he made his famous Constitutional prophecy.

It was the last session of the Constitutional Convention. Their work complete, the delegates had gathered for that final time to sign the document which represented the fruit of months of labor, and years of personal thoughts, dreams, and ambitions. The new Constitution of the United States was ready for presentation to the public for its approval. But a strange atmosphere of gloom and despair hung in the air of that small meeting room in Philadelphia. For despite the fact that they felt they had done their very best, many of the delegates believed that their work was doomed to failure. Their only joy seemed to be that their work was done and they could now return to their homes and families.

As each delegate came forward to sign his name the members talked noisily among themselves about the possibilities for success or failure. Finally, it was Ben Franklin's turn to sign the document. As he approached the table his eyes fell upon the high back chair in which President Washington was seated. And there he saw, carved in the back of the chair, a familiar sight to him. It was a half-sun peeping over the horizon. A broad smile

suddenly lightened the face of the eldest member of the convention and having signed his name he turned and faced his colleagues. Immediately there was a hushed silence and all eyes were turned upon the little man with the fragile bifocals who had so often been the inspirational peacemaker for the group during their long hours of spirited debate. Slowly, he turned and pointed to the emblem carved in the oak chair and he said: "I have often looked at that sun behind the president without being able to tell whether it was rising or setting. but now at length I have the happiness to know that it is rising and not setting."

As the sun was rising then, it is still rising today. And constitutional government shall continue to rise in the annals of history as long as men continue to pledge themselves to its cause. It shall continue to rise as long as we cherish our rights and faithfully execute our duties. If we each stop for a moment in our busy lives to recall the importance and greatness of the Constitution, if we briefly recall our golden heritage, if we remember that its future depends upon us; then the Constitution is as safe as anything in this hectic world can be. Yet, lest we become too confident, it is well to remember that ancient legend I mentioned a few moments ago, for should we ever forget the Constitution, ours could become the "Country of the Blind."

With a public attitude of responsibility and confidence in the future, and caution lest we become blindly indifferent, the Constitution, like the rising sun, will continue to climb to new heights of peace and justice; and the government "of the people, by the people, for the people, shall not perish from the earth."

## 1960

LANNY DEE UNRUH

NEWTON, KANSAS

### The Constitution—Ours to Defend

*Note: Lanny Dee Unruh, a 17-year-old senior at Newton High School, won the 1960 National High School Oratorical Contest. He topped three other sectional winners by posting the best scores at the national finals contest at Penn Yan, New York. He was sponsored by Wayne G. Austin Post 2 of The American Legion.*

*Second place and a \$2,500 college scholarship was awarded to Manuel Don of Tucson, Arizona. Third place and a \$1,000 award went to Robert N. Perry, Jr., of Newton, North Carolina. Both Don and Perry had attended their respective department's Boys State programs.*

*The fourth place finisher was Richard J. Stillman, II of Carlisle, Pennsylvania. Stillman had already earned national publicity by becoming the nation's youngest Eagle Scout at age 12. He received a \$500 scholarship from The American Legion.*

The place is Valley Forge; the time is the winter of 1777.

What is this thing we are fighting for—this thing called liberty? A battle-weary soldier addressed this question to

George Washington one stormy night during the Revolutionary War.

The Father of our Country gazed at the soldier with

steady eyes, crowned by unflickering eyelashes which frequently caught a speck of falling snow. The General answered, "It may be only a dream. It may be that it will never come to pass, but I believe that men can rule themselves."

The dream to which Mr. Washington referred was the impelling force that had driven the colonists across the stormy Atlantic to an untamed wilderness that held the promise of freedom. It was the spark that kept alive hope in the breasts of the freezing, starving patriots at Valley Forge.

The dream was the silent spectre that entered a red brick building known as Independence Hall in Philadelphia, a May morning in 1787 — a silent spectre that hovered like a guardian angel over a hall half a hundred feet square, guiding the hands of a group of fifty-five distinguished statesmen as they carved out the destiny of a new nation.

What the framing fathers did that hot summer was known as the great American experiment. Could a new nation, so small and so immature as this one, thrive in opposition to the towering monarchies with their trained diplomats, their power, and their wealth? The answer to this question came with the inauguration of Washington as President. He, with the help of two pioneer statesmen, Jefferson and Hamilton, safely piloted the Ship of State through the test of infancy.

Then came territorial expansion. New states were added to the Union, and the Constitution marched on.

But soon came the fear of defeat, as the storm clouds of civil strife enveloped the United States, and the Constitution was faced with the test of unity. Out of this mighty conflict came the immortal words of Daniel Webster, "Liberty and Union, now and forever, one and inseparable."

After the crucial test of disunion came the Industrial Revolution and the swift growth of power. Science and invention erased geographical boundaries, and international trade carried the Stars and Stripes to the uttermost parts of the world. Soon, America was not only the land of the free and the home of the brave, but it afforded her people the highest standard of living in the world.

Yes, the words of Elizabeth Ellen Evans are true. We do have more roast beef and mashed potatoes, more automobiles and telephones, more public schools and life insurance policies, more laughter and song than any other people on earth. Even two world conflicts did not topple us from our supremacy.

As we assumed this new post of world leadership and dominance, we felt ourselves unchallenged. As a people, we considered ourselves the untouchables. Yet, during this phenomenal period of prosperity and growth, the deadly seeds of complacency and smugness found

nourishment and began to take root.

Now, today, we are being challenged. Representing the last great fortress built on the principles of democracy, our Constitution is being threatened on every basic American issue — even self-government. At a time when democracy after democracy is being overthrown, our Constitution is far from secure.

As a nation, we are still united by words that were penned on parchment more than 170 years ago. "We, the people, in order to form a more perfect union..." — united by the belief of George Washington, that men can rule themselves — united because of the undying efforts of fifty-five statesmen, as they poured into the mold of the Constitution every ounce of their hopes, dreams, and ideals.

But, as a people, we are divided. Just as there was dissension among the colonies, there is lack of cooperation among people today. We have become a nation of color against color, labor against management, rich against poor, religion against religion. We are undermining the democratic processes set forth in the Constitution. We are destroying that great charter of liberty through our greed, our neglect, our selfishness. Through our own actions, we are committing national suicide.

Friends, the vital question that must be answered by every American citizen is, "How can we save, how can we defend the United States?"

When we speak of defense, we are prone to think immediately of the weapons and guided missiles created by American ingenuity. For, at the touch of a button, we are able to annihilate any city on the battle-scarred face of the earth. At the shout of a command, we are able to employ weapons that are more destructive than anything ever imagined by our forefathers. Yes, we are making rapid strikes in surpassing the military efforts of any would-be aggressive nation. But are we making the same strides in strengthening the real fortress of America — the Constitution?

It is with regret that we realize that our military defense is being offset by an indifferent electorate. The pioneers of our government made Washington's belief of self-government a reality, when they placed into the hands of the people the sacred privilege and responsibility of electing the nation's high officials. The suffrage was the insurance policy of the American people. Here was America's answer to tyranny, to monarchy, to oppression. Now this weapon, too, lies dormant at our feet. A wave of complacency, like a fog, enshrouds us. Surely, our forefathers never dreamed that by the year 1960, only one-half of all eligible Americans would bother to exercise that privilege. They would probably have stared in disbelief, if told that one-half would decide the destiny of the nation.



I ask you, "Of what value are a thousand atomic bombs if we, as a people, do not attempt to defend our basic rights and privileges first?"

Make no mistake. No one would suggest that we be oblivious to the threat of missiles. Military strength there must be. Good judgment tells us we must defend ourselves with armed might. But good judgment also tells us that we must defend ourselves with a force far greater than armed might.

It is my generation that must defend the United States. It is in me, and thousands just like me, that is vested the immense responsibility of upholding, preserving, and defending our Constitution.

The only defense we hear about lies in the glories of war, in missiles, huge navies, and large armaments. But we must also be told of the other form of defense—the defense of the principles of the Constitution—the defense of the basic and inalienable rights of every American. These principles can be found in the Bill of Rights, which guarantees every American citizen—whether he be black or white; whether he be Protestant, Jew, or Catholic; whether he be of English descent, or of Russian descent—the same sacred freedoms.

If we lose sight of that vision that was made articulate by the Father of our Country at Valley Forge, we are a doomed nation. How true the words of James Curran,

"The condition upon which God has given liberty to man is eternal vigilance."

My generation has no misgivings. We know that if America is to survive, the task is ours to defend her. For some of us, we may be called out to fight a tangible enemy, with jets and missiles. But for all of us, there are more sinister enemies we must combat—apathy, divided loyalties, and half-hearted allegiance to our government.

As for me, as for my generation—we accept our inheritance with gratitude. We dedicate ourselves to the perpetuation of that American heritage. We may not be tramping the snows at Valley Forge, but we are facing an enemy that is just as insidious and just as destructive as King George's men.

Let us lift the stifling cloak of apathy and indifference. Let us cast away prejudice. Let us carry out our duties as loyal citizens, and, in doing so, may we be willing to portray the same courage as that tattered and weary army at Valley Forge.

Would that it were possible that I could speak for my generation, and say to that weary soldier at Valley Forge, "This vague ideal that you fought for—this dream your general told you about, is still the guiding light of our lives." Men can rule themselves.

## 1961

**ROBERT J. O'CONNELL**

**NEW YORK, NEW YORK**

**The Fortieth Man**

*Note: The 24th annual National High School Oratorical Contest was won by Robert J. O'Connell, a 17-year-old high school senior from New York City. He received a \$4,000 college scholarship for his efforts. O'Connell, a graduate of Empire Boys State, was co-sponsored by four American Legion posts in the New York City area.*

*The second place finisher was John T. Cox, Jr., of Springhill, Louisiana. He received a \$2,500 scholarship. Cox was elected governor of Pelican Boys State in 1960.*

*John Carroll Quinn of Rapid City, South Dakota, received a \$1,000 scholarship for finishing third and Alexander Gordon of Tucson, Arizona, was fourth and received a \$500 scholarship.*

It is a rather large building. It is made of brick like many of the houses of this era. People hereabouts still like to call it Convention Hall and many of them remember that group of men who gathered here so long ago. As a matter of fact, it was really quite a while ago, just about 170

years and it's funny, it doesn't really seem that long. There were quite a few of us to start with. The number dwindled though. Some fell by the wayside like men will do. Of course some did stamp out. We had some pretty fine hassels in our days. Oh six, seven times we must of

nearly quit the whole job. But we didn't. Thank God, we went on and we finished it and no matter what we said then, we were all pretty proud of it. All of us, the lawyers and statesmen, the doctors and planters and bankers; we were all there and we had reason to be proud. In about four months or thereabouts, we had drawn up a paper that is still around today. We called it a Constitution; The Constitution of the United States of America, that's what we called it.

There were 39 of us who signed our names that last day. There was Charles Pinckney, the young fellow from down south. He said he didn't really approve of the Constitution, but he nevertheless thought it was necessary to save this country from ruin. I think a lot of us felt that way. No one was really satisfied but we signed it. Even young Mr. Hamilton from New York. He got pretty violent but he signed it and so did our hero George Washington and old Ben Franklin. One by one 39 of us went up and signed that Constitution.

And you know, everyone says that there was, just 39 of us that last day and if you look at the original paper you'll see that there are only 39 names on it. But there was another man there, a fortieth man. I didn't see him. I didn't hear him. But I knew he was there. I felt his presence. We all did. He went up with us when we signed the paper and he watched. That's all he did. He just watched and approved. He never did sign it. He just turned around and walked out with all the rest of us and went his own way.

I think he was more important than we 39 who signed. Because you see we did our jobs in a few months or years and then passed on, but that fortieth man has been around all these 172 years. He's always there to give that Constitution a little boost or a shove in the right direction. He's still here, watching and approving and guiding and stepping in wherever and whenever he's needed. The fortieth man I called him.

The American Constitution has lasted for nearly 200 years but oddly enough, when it was originally drawn up, few people had very much faith in it. In Europe people laughed at it and said it couldn't work. They said the individual man didn't have enough sense to even partially govern himself and he would soon destroy his own freedoms. They laughed because it spoke of executive power and failed to define these words. It spoke of all things necessary and proper and never did say what was necessary and what was proper. And for awhile it looked as though the critics were right. And so they laughed and laughed and continued laughing until one day suddenly, they realized that America and Americans had succeeded where the world said they could not. They realized that Americans didn't have to know the meaning of executive power. When the need arose, they could define it themselves. They realized that a Congress and a Supreme Court could somehow manage to agree on just what was necessary and proper.

They realized that perhaps they should not have laughed but should have followed.

But even when they stopped laughing they could somehow just stand there waiting, waiting for something to go wrong, waiting for that Constitution, that Nation to fall, that Constitution, that Nation that somehow managed to symbolize everything they believed could not exist. But it did not happen. Many times they thought it had come but it did not. And so they just watched. They watched those newly formed states come together again and fight a second war as successfully as they had fought a first. They watched a single man bring together two warring sides and form a Missouri Compromise. They watched another man make a soul searching decision and lead the nation through a cruel and bitter civil war. They watched the rioters in Haymarket Square and the doughboys fighting in their own countries. They watched the growth of a people, a people who could fight their way out of a depression, through a world war and into a cold war, a people who would never, never stop fighting for everything they believed in and loved and cherished.

And as I look around today, I see that that little paper that nobody was really satisfied with, has done an awful lot, a lot more than any of us ever expected or even hoped for and I see that the skeptics are still here, still watching and waiting; waiting for something to go wrong, waiting for that nation, that Constitution, that fortieth man to fall. Today, they think it may be Communism. Who knows perhaps they are right. But I don't think so because I know that fortieth man. I know I could ask any one of you; would you give in? Would you surrender today to Communism or would you fight, fight for everything you love and believe in? You see I know because I've watched that fortieth man down through the years. I've watched him grow larger and stronger. I've watched him face greater challenges and bigger and

bigger enemies and he's beaten them all and he'll beat this one, too. I know the skeptics will watch and will wait but it will not happen. Many times they will think it has come but it will never come and they will watch and wait just like they've watched and waited down through the years because I know the fortieth man. I know you.

But not everyone watched. Not everyone waited. Not everyone laughed. Some followed because they knew. They knew that the Constitution in France or Italy or Germany or even Britain would not succeed. But in America it would and they knew why for they saw that America did not exist for 173 years solely because of a Constitution, a paper drawn up and signed by 39 men but rather because of that fortieth man and they knew who that fortieth man was and they came and they joined him. They became part of him. They became Americans. They became part of a long line of Americans down through the ages; Americans in each and every one of those 173 years, in every one of those 50,000 or

60,000 days. In every minute, in every second, they became a living, breathing part of that fortieth man. They stood in Convention Hall and watched and approved. And they went out and they lived for that Constitution and died for it and became a part of it. They, like the fortieth man, never did sign the Constitution for there are only 39 names on that paper and every other American

including you and me must be content to be remembered solely as the fortieth man.

The fortieth man. That's what I like to call you and me and every other American. The fortieth man. That's what I called us so long ago.

## 1962

PATRICIA ANN TURNER

MUSKOGEE, OKLAHOMA

### The Constitution — Temple of Liberty

*Note: Patricia Ann Turner of Muskogee, Oklahoma, became the second girl to be national champion of The American Legion's High School Oratorical Contest. She earned the honor by defeating three other sectional winners at the national finals contest conducted at Salt Lake City, Utah. The former 1961 Sooner Girls State graduate received a \$4,000 college scholarship. She was sponsored by James G. Smith Memorial Post 15.*

*Charles John Hansen, Jr., of Indio, California, took home a \$2,500 scholarship for finishing second; Richard E. Darilek of Houston, Texas, was third and received a \$1,000 award; and Robert J. Barrett, III, of Bangor, Maine, was fourth and received \$500. Hansen, Darilek and Barrett all attended their department's Boys State program. Barrett also participated in the 1961 Boys Nation program in Washington, D.C.*

Once there was a wise old hermit who lived in the hills of West Virginia. He was well known throughout the area for his philosophical insight and profound knowledge. One day some boys from a neighboring village decided to play a trick on the hermit to test his wisdom. They caught a bird and proceeded to the hermit's cave. One of the boys cupped the bird in his hands and called to the hermit, "Say old man, what is it I have in my hands?" Hearing the chirping noise, the hermit said it was a bird. "Yes, but is it dead or alive?" asked the boy. If the hermit said the bird was alive, the boy would crush it in his hands. If the hermit said the bird was dead, the boy would open his hands and let the bird fly free. The hermit thought a moment and then replied, "It is what you make it."

As Washington had written to Lafayette, "We now have our freedom, but what are we going to make of it? Any weakness in the Union may ultimately break the band which holds us together."

For a long time the wise members of the Continental Congress had known the truth of the immortal words of Benjamin Franklin, "We must all hang together, or assuredly we shall hang separately." We were suffering from "too little government." There was no Central Government to deal with the problems of the new country. Finally, after long months of deliberation, our Constitution, our "Temple of Liberty," was fashioned.

Thirty-nine gentlemen in silk stockings, knee breeches, and ruffled shirts signed the document. One by one, they

penned a document to guarantee all the virtues sought by our forefathers...Union, Justice, Tranquility, Safety, Welfare, and Liberty.

And as they signed, Franklin turned to a friend and pointed to the sun pictured on the back of the chair which had been occupied by the president of the convention, he said, "I have often in the course of the session looked at that sun behind the president without being able to tell whether it was rising or setting. But now at length I have the happiness to know that it is a rising and not a setting sun."

"We the People"—we'll never know in whose brain the idea originated, but we do know that it sounds the heartbeat of the framers of the Constitution. It is the voice of the people, giving expression to their soul's desire—a desire to unite the spirits and hearts of the people "under the roof," in an indestructible Union, making our Liberty forever secure.

In those simple yet powerful words the preamble comes alive with the strong verbs — "Form, Establish, Insure, Provide, Promote, Secure, and Ordain."

"Will it work?" This was the question Franklin asked himself and others of the convention, "It works." That is the answer 175 years later. It will continue to work as long as "We the People" govern our own country of America.

Thomas Jefferson once said, "The common sense of the

common people is the greatest and soundest force on earth." The Founding Fathers of the Constitution had that common sense and forethought when they devised an idea of government so solidly rooted it could grow in power and vision. Its flexibility and adaptability to the requirements of progress have served our every need. It has stood the test of time, war, and depression. Of the people, by the people, for the people, it has preserved, protected, and defended the rights of each and every one.

Yet we take too much for granted this wonderful document of democracy. We naturally think that to which we are accustomed is obvious and needs no justification. We forget the long and painful struggle to achieve our constitutional government. One from which other countries have drawn those elements which could best be adapted to their needs, and now, together with America, are trying to find the way to merge the pattern for a lasting peace.

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It has often been said that a man is as tall as heaven when he is free, when he realizes the dignity of his own soul. Yet we often think of freedom as heritage and sometimes acquire a complacent attitude toward our wealth of liberty.

When our country was still a line of English colonies along the Atlantic coast, the story is told of a farmer living in New York who tried to tell the people of his native France what life in America was like.

He described the beauty and richness of the land, and the thrilling sight of men and women coming from every country in Europe to be forged together into a new nation. But he talked mostly about freedom. Nothing seemed to amaze him so much as how free a man could be in the New World.

In America, he said, a man is free to work for himself and keep what he earns; he is free from hunger and servitude and abasement; he is free to go to the church he prefers.

The farmer was so afraid his friends in Europe could not comprehend this kind of freedom that he repeated it over and over.

In his book, *This American People*, Gerald W. Johnson says..."What we need is not the flatterer who tells the American citizen what a wonderful fellow he is and what a glorious thing it is to be an American. What we need is a challenger who will tell him what a difficult and dangerous thing it is to be an American. For the American doctrine, our Constitution, was devised by brave men, for brave men."

Next to the Bible, it is the most precious expression of the human soul...every word offering solace and security, every word a symbol of safety in our life, liberty, and pursuit of happiness. All of its parts are links that bind the people together in an unbreakable chain—a chain so beautifully formed that one is reminded of the mystical golden chain which the poet saw binding the earth to God's footstool.

As William E. Gladstone so simply put it, "It is the most wonderful work ever struck off at a given time by the brain and purpose of man."

To the framers, the Constitution was a new Declaration of Independence—a declaration that the hard-won liberty should not perish, but should be made perpetual by pooling our resources and energies in a firm Union. To this end may we constantly give thought and pledge "our lives, our fortunes, and our sacred honor" to that goal, that we might be worthy of those who did so much for us.

In New York Harbor stands a symbol of the liberty and brotherhood which the citizens of a country enjoy under a free form of government. The right hand holds a great torch high in the air, while the left grasps a tablet bearing the date of the Declaration of Independence. A broken chain at her feet symbolizes the bonds which claim a people struggling for their freedom. At night the torch in the right hand gleams with light... a symbol of liberty shedding light upon the world.

May we ever lift our eyes to that soaring dome where freedom stands, "With her laurel crowned helmet and her grounded shield," and have that one dream in our hearts—the dream that freedom and justice, which is our true heritage, may become that of every nation of the world.

May we always remember the Constitution as our most precious gift. A declaration that liberty and justice shall forever reign...for every man, woman, and child, beneath the Stars and Stripes. Time does not wear down nor eat away its eternal truths. Instead of fading with age, the Constitution takes on new splendor. War does not overturn our "Temple of Liberty," built by our forefathers, with a faith which gave them the strength to plan for the ages. With equal faith, may we guard our birthright and hand it down to our posterity as their most precious heirloom—liberty, "the immediate jewel of the soul."

As our President once said, "Ask not what your country can do for you, but ask what you can do for your country."

Just as the bird in the cupped hands of the boy, it is in the hands of each American to let our liberty die or make it live.

# 1963

## STEPHEN A. OXMAN

### SHORT HILLS, NEW JERSEY

#### A List

*Note: The 27th annual National High School Oratorical Contest was won by Stephen A. Oxman of Short Hills, New Jersey. He defeated three other sectional winners at the national finals contest held at Eau Claire, Wisconsin.*

*Oxman received a \$4,000 scholarship for his efforts. He later went on to receive his BA Degree from Princeton University in 1967, his Juris Doctorate Degree from Yale Law School, and his Doctor of Philosophy Degree from Oxford University in 1973. He is currently a partner in the law firm of Shearman & Sterling, specializing in international litigation and corporate matters.*

*Oxman said "...the contest helped me to fully realize that with study, hard work and practice I would have a good chance of effectively communicating to others ideas and values that have deep significance to me."*

*Michael L. Valentine of Warsaw, Indiana, was second and received a \$2,500 scholarship. Third place and a \$1,000 scholarship went to Donald R. Rightmer of Phoenix, Arizona. Patrick J. Briney of Alexandria, Louisiana, received a \$500 scholarship for finishing fourth.*

Man is born with certain unalienable, God-given rights. Among these rights are the right to live, the right to have liberty, and the right to pursue happiness. These rights are the birthright of all men, because they are men.

But to say that man has the right to life, liberty, and the pursuit of happiness is to say a million things. It means he has the freedom to speak, the freedom to think, the freedom to go where he wants, the freedom to laugh, the freedom to be left alone, and so many other freedoms that it would be impossible to list them all.

There was, however, in the latter part of the eighteenth century in America, a group of men who did list some of the basic rights embodied in the Grand Right to life, liberty, and the pursuit of happiness. The list that these men made is perhaps the most important list in history.

When the Constitutional Convention adjourned on September 17, 1787, there was one criticism repeatedly advanced at the document which it had produced—it lacked a bill of rights. This matter had been discussed on the floor of the convention. In fact, there was a motion that a committee be formed to draw up a bill of rights. But when Roger Sherman pointed out that all of the state constitutions already had a bill of rights, the motion was unanimously defeated.

However, when it came time for ratification, the absence of a bill of rights became a focal point in the controversy. The Anti-Federalists argued that since the new national government had a sphere of sovereignty of its own, which affected individuals directly, it should then have a

limitation on its unique powers.

To this charge there were two notable replies. The first was offered by James Madison and C. C. Pinckney, among others. They felt that since the new government was one of specific and enumerated powers, it possessed no authority except in those areas where it had been specifically given. They felt that since it was the states who had the residual, plenary powers, it was upon these powers the limitations should be placed. What Madison and Pinckney were saying was this: the Constitution, up until the point where the Bill of Rights begins, says basically what the Federal Government can do. However, at the point where the Bill of Rights starts, it begins to say what the Federal Government cannot do.

The second reply was advanced by James Wilson among others. Wilson explained that the Convention had found a bill of rights "not only unnecessary, but impracticable—for who will be bold enough to enumerate all the rights of the people—and when the attempt to enumerate them is made, it must be remembered that if the enumeration is not complete, everything not expressly mentioned will be presumed to be purposely omitted." (1) Thus Wilson felt that since it is impossible to list all the rights of man, and it is my friends, it would be the best not to list any.

But these two arguments did not hold, for in the struggle for ratification several states demanded a pledge that once they ratified the Constitution, a bill of rights would be adopted by amendment. And so it was. Within two years after the establishment of the new government, a

Bill of Rights was adopted prohibiting Congress to abridge the freedom of religion, of speech, of the press, of assembly, of bearing arms; restricting the Federal Government's authority in quartering troops, in prosecuting citizens for crimes, in inflicting punishments; guaranteeing the citizen a trial by jury in his own district; and the benefits of common law.

So these are the famous rights that we talk so much about. These are the basic rights embodied in the Grand Right to life, liberty, and the pursuit of happiness. And these are the rights which were put into the Constitution as only a second thought? Yet these are the rights, my friends, which tell the story of mankind. For if you look at all the wars of all the ages, if you look at all the strife between men, you discover a universal cause—one man or group of men has infringed upon the basic rights of another man or group of men. It all boils down to that—one man infringing upon the basic rights of another. The inevitable result has been war.

So no one can say that these rights are not important, not after the notorious history which I have just cited. Important?—why they are the life blood of humanity. To abuse, neglect, or forget them is paramount to inviting self-destruction. All of us in America say we realize this. We realize the all-importance of these rights. But do we? I ask you "Do we?" when in a recent national Purdue Opinion Poll of high school students regarding their attitudes toward the Bill of Rights.

60% thought that books, magazines and newspapers should be censored.

60% saw nothing wrong with the use of third degree methods by police.

25% believed it right for the government to prohibit people from making speeches.

33% thought that in certain circumstances homes and private persons should be searched without warrant.

33% were unwilling to allow foreigners the same basic freedoms that belong to citizens.

41% would restrict the right to vote.(2)

Just consider these facts, and figures, my fellow Americans. Just think about what they mean. They are, to say the least, astonishing. They represent just the kind of foggy, apathetic thinking that is going to get Americans into some very hot water.

But let us not be so fast to condemn. How many of us have not felt a little gratified to see the Communist Party take setback after setback in the courts of the United States? How many of us do not feel a little more secure when a fellow like the Nazi leader George Rockwell is denied the freedom to speak or hold assembly? But according to the Bill of Rights, every man can speak freely, regardless of how unpopular his views may be. He also has the right to join with others in propagating unpopular views. Now I realize that these rights are not unlimited. I realize that when a person's speech or actions

jeopardize either the basic rights of others, or the security of a nation, that the person's exercise of these rights must be limited. But I also realize that this country is founded on a principle of equality. All men are created equal. Oh! but this is the Cold War. Everything endangers the national security! Maybe it should be, "All men are created equal except Communist and Nazis." But where do we stop? What is to prevent it from becoming "All men are created equal except Communists and Nazis and Catholics and Jews and Democrats and Republicans—STOP! When you start qualifying freedom in these ways, when you start qualifying freedom as did the high school students in that opinion poll, when you start qualifying freedom—WATCH OUT! for what happens to you.

The point I am making, my friends, is this: Man has desired freedom; Man desires freedom. He desires the Grand Right to life, liberty, and the pursuit of happiness. He desires more especially the basic rights embodied in the Bill of Rights of the United States Constitution. But unfortunately man, over the ages, has desired one more freedom than he can have—he has desired the freedom not to worry about his freedom. Today, this freedom can lead only to enslavement. This freedom man cannot have until one great problem has been solved. The problem is learning how to live together—yes together, Russian with American, black with white, man with man. This is the greatest problem man has ever known, for inspite of all the learning of all the ages, man in the twentieth century is still, as he has ever been, responsible for conquest, war and untimely death. Living together. But what does that mean? I will tell you what it means. Living together simply means respecting the basic rights of others—respecting the basic rights, as embodied in the Bill of Rights of the United States Constitution, of others. Sounds easy, but man has had a very difficult time learning to do it. However, unless man can learn to do it now, in the nuclear age, he may never have another chance.

It is a question of individual responsibility. One individual assuming the responsibility of respect, protect, and cherish not only his basic rights but those of his fellow man. Only when this doctrine of individual responsibility has been spread far enough and wide enough until it is at the top of men's hearts and minds everywhere, will man make a LIST as did our forefathers, for fear that someone would take away their basic rights. And only then, when this doctrine of individual responsibility has been spread far enough and wide enough until it is at the top of men's hearts and minds everywhere, will man have solved the greatest problem he has ever known—learning how to live together, yes together, in kindness, in justice, in mutual respect, in peace, in love—Russian with American, black with white, man with man.

1) Alfred H. Kelly and Winfred A. Harrison, *The American Constitution* (New York, W.W. Norton and Co., 1955, p. 152.)

2) National Council for Social Studies; Civil Liberties Educational Foundation, Inc., A Program for Improving Bill of Rights teaching in High School (New York, Civil Liberties Educational Foundation, Inc., 1962) pp. 8,9.

# 1964

## DAVID BRUCE MARTH

### WAUSAU, WISCONSIN

## Our Constitution — The Temple of Freedom

*Note: The 28th annual National High School Oratorical Contest was won by David Bruce Marth of Wausau, Wisconsin. He captured the title and a \$4,000 scholarship at the national finals contest at Tampa, Florida.*

*Marth, who attended Badger Boys State and the Boys Nation Program, went on to become a Lutheran Pastor.*

*Second place and a \$2,500 scholarship went to Christopher Kenney of Norwood, Massachusetts. Gary D. Priour of Ingram, Texas, was third and received a \$1,000 scholarship. Fourth place went to Donald L. Burnett, Jr., of Pocatello, Idaho.*

"I have built Thee an exalted House, a place for Thee to dwell in forever." These were the words of Solomon in answer to God's plea to build a temple. Why did Solomon build this worshipping place?

In ancient times, the temple was a sanctuary for all. It offered security, peace, and inspiration, vital to the protection of the Children of Israel. So in the 18th century in Philadelphia, our forefathers built a political sanctuary that was to offer freedom, peace, and security for 177 years. Carved on the cornerstone were these words: "The Constitution of the United States—1787 A.D.—Temple of Freedom."

In order that we may better understand the principles upon which our country was founded, let us mentally re-enact the construction of our Temple of Freedom.

When Solomon started his tribute to God, he first laid the stones to form a foundation. A strong beginning was needed for firmness and support. In the same manner, the framers of the Constitution constructed a preamble, a statement of belief on which all of their principles were based. It began: "We the people..." Notice this little word "we;" it is the key to everything. It did not say, "We the kings and princes of this land;" nor did it say, "We the representatives of separate states," or "We the representatives of the one true religion, Whites or Blacks." No, it said, "We the people," meaning all the people. Thus, the new temple was to be a sanctuary for all of the people, and not for a privileged few.

Secondly, Solomon constructed huge pillars of equal strength on which the temple depended upon for its stability. So our constitutional forefathers also produced strong pillars for their temple. The First, in the form of Article One, created the legislative department which was to make the laws; and the Second created the executive department which was to enforce the laws; and

Third created the Judicial branch which was to interpret the laws. The pillars were of equal strength so that one might balance the other. It embodied the key principle of "checks and balances."

A strong foundation with sturdy pillars, however, was not enough. The temple had to be enclosed with sturdy walls that would protect it from storms from the outside. Our "constitutional builders" selected materials that were to stand the test of time. In the form of the first ten amendments, they gave us our Bill of Rights. Freedom of speech, press, and assembly, trial by jury, and the right of habeas corpus were but a few.

The basic structure of the temple was now completed. Our forefathers were now ready to furnish it. The focal point was a magnificent altar. On the altar were burning candles, each representing one of our nation's rich values.

To this altar came people from all over the world. Why? Let us in reverence, but also loving pride, approach the altar and discover anew the values symbolized by the burning candles.

The first candle symbolized "Respect of the Individual." Every section of our Constitution is designed to preserve this value. Mussolini once said: "The state is all; man is nothing!" The burning flame of our candle shouts to the world that the state exists for man, man not for the state.

The second candle represents the principle of "Equality." This does not mean that all citizens are equal in ability and strength. It does mean that all people, regardless of their rank or wealth, should be treated equally before the law. We have not always lived up to this ideal, but we should remember that it was the Supreme Court, created by our Constitution, that ruled segregation in the schools must go.

The third candle represents the principle of "Liberty." The fight for liberty began many years ago. The fight still goes on. Our Constitution is our shield in the continuous struggle against autocratic power of all kinds.

The fourth candle represents what A. A. Gray has called: "Unity of Diversity." Our constitutional fathers designed a government based on a strong sense of unity. But its aims were "unity in diversity." Our national motto, E. Pluribus Unum (out of many, one), is a living reality!

These burning candles on the altar in our Temple of Freedom reflected a sense of values based on a deep faith regarding the nature of man. Man was not to be regarded as "cog in a machine ruled by a strutting dictator; not as an animal ruled by blind mob passion," but man as a free human being with a spark of the divine seeking ideals, seeking truth, seeking freedom, seeking righteousness.

Are these values being reflected in our country today? Eric Severeid has said:

"The greatest danger facing America today is that of 'creeping personal corruption.' The greatest danger of 'creeping personal corruption' is that it slowly destroys the sense of corruption. Where there is no clear knowledge of what is bad, there is no certainty of what is good. Standards may be chipped away piece by piece, and we do not recognize what is going on. Only when blasted by a loud noise do we pay true attention and inspect the inner ramparts of the fortress—the walls known as values."

Can we hear such loud "blasts" today? On November 22, 1963, in Dallas, Texas, came a blast whose noise we

# 1965

## JAMES FRANKLIN KAY

### FULLERTON, CALIFORNIA

## Our National Poem

*Note: John Marshall High School in Portland, Oregon, was the site of the 29th annual national finals of The American Legion's National High School Oratorical Contest. Before a "full house" crowd, James Franklin Kay of Fullerton, California, came away \$4,000 richer and the national title.*

*Sponsored by Fullerton Post 142, Kay attended Pasadena College, the University of St. Andrews in Scotland, Harvard Divinity School and Union Theological Seminary. He now serves as a Presbyterian Minister.*

*He said "... the Legion scholarship assisted greatly in enabling me to complete the Bachelor of Arts Degree in three years instead of the usual four."*

*Second place and a \$2,500 scholarship went to Gary D. Priour of Ingram Texas. Paul Kevin Casey of North Adams, Massachusetts, was third and was awarded a \$1,000 scholarship. Fourth place and \$500 scholarship went to Dennis Ray Holub of Rapid City, South Dakota.*

heard round the world; our President had been assassinated. Whatever the motives of the killer, men of all political faiths agreed that hate played a major role. Only a few weeks before in the same state, our ambassador to the U. N. had been spat upon.

Do we have a climate of hate in some sections of our land today? As we prepare to enter a presidential campaign, will some of us take part in "Hate Johnson" or "Hate Goldwater" campaigns as people did in the "Hate Kennedy campaigns?" Compare the attitudes of some people today with our constitutional fathers. Historian James Beck said: "They were a group of gentlemen of substance and honor who could debate for months in the hot summer weather without losing their tempers."

Do our political leaders do this today? Can you do it? Are our standards really being chipped away? James Madison said of our constitutional fathers, "There never was an assembly of men who were more pure in motives!" Pure in motives? Does this characterize our leaders today? Or do they say, "How much is in this for me and mine?" Can you hear the noises represented by Bobby Baker, Billy Sol Estes, and Jimmy Hoffa? George Washington said, "Let us raise a standard to which the wise and just can repair." Our forefathers raised this standard for us in the form of our Constitution.

High in the dome of our temple is an ancient bell. Listen to its ringing message! "Proclaiming Freedom Throughout the Land."

In the words of John Donne: "Ask not for whom this bell tolls—remember, it tolls for thee and for me; for it is OUR Constitution—Our Temple of Freedom."



"April is the cruelest month, breeding Lilacs out of the dead land,  
mixing Memory and Desire,  
stirring Dull roots with spring rain.  
Winter kept us warm,  
Covering Earth in forgetful snow, feeding a little life  
with dried tubers."

Those words are to be found in T. S. Eliot's poem "Wasteland." Literary critic Babette Deutsch has claimed that in this poem, Eliot registers "a disgust for spiritual pauperization of a society in which love tends to be as thoroughly mechanized as war...Eliot presents as the most appalling aspect of the modern world the existence of the millions who merely exist ..."

However, another critic, Louis Untermeyer, has seen a completely different importance and significance in Eliot's poem. He states that anyone who is acquainted with certain works (which he names) will immediately recognize in the poem certain references to vegetation ceremonies.

So here we see that two intelligent critics, reading the same poem, draw varying conclusions based upon their varying interpretations. These critics do not necessarily contradict one another nor diametrically oppose each other. They merely draw different interpretations, and are impressed by various aspects of the "Wasteland."

You know, the Constitution of the United States is in many ways like a poem. Oh, we may have never thought of it as poetry. It was just some words to be memorized from the appendix of our history books. But let me give you a few familiar lines. "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." I suppose that as long as there are courts and cartoonists, politicians and historians, and liberals and conservatives, such phrases as to "insure domestic tranquility" or to "promote the general welfare will be argued over, debated about, and interpreted and reinterpreted with the passing of men and years. And because many of the words in our Constitution embody broad concepts and principles, they are subject to many interpretations, as are all great pieces of literature. Here then is a document that is a giant metaphor of man's attempt at self government—the highest form of poetic expression—and demanding the highest form of human interpretation.

Thomas Jefferson was perhaps one of the greatest thinkers ever to occupy the White House. For years he had been teaching—nay, preaching—that the Constitution was subject only to the narrowest, strictest, most literal interpretations. Unexpectedly, however, the French Emperor Napoleon offered to sell the Louisiana Territory

to the United States for a few million dollars. Now, the Constitution did not specifically state that the Federal government had any right to purchase territory from another nation. Should Thomas Jefferson risk his popularity and the next election to purchase land yet unexplored whose boundaries were uncharted? Should Thomas Jefferson go back on his statements and beliefs of the past regarding strict constitutional interpretations, just to buy Louisiana? Should he? Could he? Dare he?

Knowing that Napoleon might change his mind, knowing that time was short, knowing that the future of his nation hung in the balance, Jefferson abandoned his ideas of strict interpretation and adopted the great concept of implied powers. Jefferson reasoned that the Constitution empowered the Federal Government to make war and treaties—therefore, it implies the power to acquire territory, because often that is a result of wars and treaties. By adopting a new interpretation, Jefferson more than doubled the size of America.

The eminent historian Charles A. Beard has given an economic interpretation to the Constitution. He claims that,

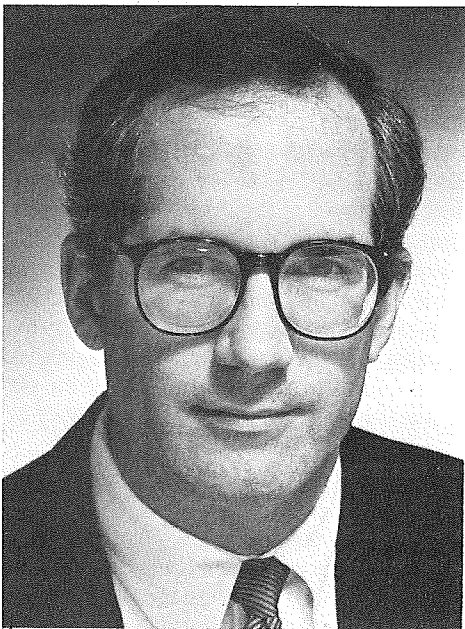
"The Constitution was essentially an economic document based upon the concept that the fundamental private rights of property are...morally beyond the reach of popular majorities."

Supreme Court Justice Hugo Black, in interpreting the first amendment, has said of the clause barring the establishment of a state religion, "Its first and most immediate purpose rested on a belief that a union of government and religion tends to destroy government and degrade religion."

Here are but three interpretations of our national poem: the Constitution as seen by Jefferson, historian Beard, and Justice Black. Why "interpretations?" Because as someone has said, a word is not a crystal, transparent and unchanged. It is a skin of a living thought, and may vary greatly in color and content according to the circumstances and time in which it is used. If we said that the Constitution was not subject to change, not subject to discussion, and not subject to interpretation, our society would crumble like dry spice cake, because examination of ideas and the interpretation of those ideas are necessary for a vigorous intellectual society. When we say that there is only one interpretation to the Constitution and all others are null and void; we are destroying the very things upon which this society was founded: free discussion, free minds, and free men.

If the Founding Fathers had taken the attitude that the Constitution was perfect and needed no re-evaluation and interpretation as years wore on, there would have been no Bill of Rights—the first ten amendments—no outlawing of slavery, and men and women of all voices would not have the right to vote, much less be free. Only

one hundred years ago was citizenship even defined in the Constitution. Only forty-five years ago could women universally cast ballots. And only last November were residents in the District of Columbia allowed to vote for President. The Constitution is never perfect!



James Franklin Kay (CA)  
1965 Oratorical Contest Champion

“We are the hollow men—We are the stuffed men  
Leaning together Headpiece filled with straw. Alas!  
Our dried voices, when we whisper together,  
Are Quiet and meaningless as wind in dry grass  
Or rats’ feet over broken glass in our dry cellar.  
Shape without form, shade without color,  
Paralyzed force, gesture without motion.”

I don’t know how you interpret those words of T. S. Eliot, or how you interpret the Constitution, but I do know that tonight I could have talked to you on many things about the Constitution we all know to be true. But when we pacify we rarely provoke. And sometimes, when we whisper together, our voices are meaningless and we are hollow.

Only when you and I question, examine, and interpret the Constitution for ourselves and to our times, as the Founding Fathers intended, do we become not hollow men, empty of intellectual vigor, but men and women worthy of our national poem, the United States Constitution.

May we always interpret it, various as those interpretations may be, so that our Constitution will not become hollow, empty, meaningless; and greater still, so that we will not become hollow men, headpiece filled with straw. Let us be honest men, seeking an honest interpretation to a constitutional approach to the problems of our day.

## 1966

**RONALD T. McCOY**

**NOGALES, ARIZONA**

### **Our Constitution: A Promise to Keep**

*Note: Ronald T. McCoy, a senior at Nogales High School, became the first student to win a dual championship in the Legion’s major youth program when he won the 30th annual National High School Oratorical Contest. In the summer prior to his senior year, McCoy was elected President of the 1965 Boys Nation Program.*

*The son of old-time cowboy movie star Col. Tim McCoy, he was sponsored by Ridge-Igo Post 23 and took home a \$4,000 college scholarship.*

*Second place and a \$2,500 scholarship went to Tom Patrick Nerney of Atlanta, Georgia. John Charles Peterson of Topeka, Kansas, was third and took home a \$1,000 award. Fourth place and a \$500 scholarship went to Gregory A. Petsko of Fairfax, Virginia, representing the Department of the District of Columbia.*

The woods are lovely, dark and deep  
But I have promised to keep,  
And miles to go before I sleep,  
And miles to go before I sleep...

So wrote Robert Frost, a true individual and certainly an uncommon man. And in these respects he bore striking resemblance to the 39 men who signed our Constitution. Like Mr. Frost, the men who met 179 years ago were embarking upon a journey to they knew not where. One

thing was certain: it would be a long and a hard trip; there would be many temptations to abandon their philosophies and their beliefs, as embodied in our Constitution for far easier ways. Those men realized that we would be encouraged to end our trip and enter the woods, "lovely, dark, and deep." Shall we enter those woods for the euphoria of the collectivized life? Or, shall we continue with the human individuality of the Constitution? These are the questions facing us today.

The men who framed our Constitution had fought long and hard. They had fought a revolution to come out from under the protective wing of a parental power. They have given of their youth; and they had given of their strength; and they had given of their lives that a new nation might emerge. Now, they turned their energies to the creation of guidelines for that new nation. They desired that the country's outlook reflect their own; that it be forged in the fires of their revolution. They knew that some would succeed where others would not. They knew that the nebulous term, "success," means a different thing to each person. They realized that it was a prize not won by all men. So what they sought was a system that would give each man the same basic rights, freedoms, and privileges, that he might be on an equal footing in the eyes of his government and with his fellow citizens.

Now, we know today, just as they did in 1787, that all men are not, and can never be, completely equal—as far as their potentialities and capabilities are concerned. We know that by implementing the Constitution, each man may be given a fair shake in the eyes of his government. He may, unless he advocates the violent overthrow of the government, speak his mind; he may worship wherever he chooses, or he may choose not to worship; and he is safe and secure in his own home. We all know what these many rights and freedoms are because we exercise them everyday. Every opinion you voice; every church service you attend; and every vote that you cast in an election you are doing so because of our Constitution. Today virtually everyone is guaranteed a free education and this, too, is an example in the rights of the individual American.

But there are radicals—those who would hurl epithets at their neighbors; those who would destroy that which surrounds them; those who would despoil our heritage; and those who would cloak themselves in the Constitution as they tear it down, just to prove their meaningless points. They believe that they are better than all of us put together because they are, and ironically this is what they call themselves, "free thinkers." They have a right to say what they want in an orderly manner. And they may protest whatever they want, whenever they want, wherever they want, in an orderly manner. But they cannot be permitted to lead the rest of us down the dark road of Anarchy. They would have a rule of the many by a select few. For rule by the people they tell us, is out: people are stupid. And rule by the Constitution is unthinkable; it is only an old piece of paper.

There is a second group in our nation today. They are the dreamers who long for Utopia. They are intelligent, good men. Their scholarship is impressive; they deliver their philosophy with great articulation; they have studied our nation closely, and they, too, feel that we can no longer allow the individual to make of his life what he desires. The time had come that the government be radically strengthened and that we all be cared for like so many helpless children. It is time to enter the "perfect" state.

There is a third group in American today; they are the Constitutionalists. They will listen to the arguments of the radical and of the dreamer and they will say, "Yes, our Constitution *was* written to promote the 'general welfare.' But does promoting the general welfare mean that the initiative of the individual must be stifled; that he must be stripped of his dignity? And then the Constitutionalist will ask if all the rights and privileges, the education and the present help given by the people to themselves is not enough, "What is wanted of us?"

We would do well to ask ourselves that question: What is wanted of us? An entering into the woods of conformity, a departure from the belief that we are all uncommon men, each an entity unto himself, each a noble self, and a following of the thought that we are all alike and that we are nothing more than a collectivized mass. And that, ladies and gentlemen, is what some would have of us.

But we cannot rest on our laurels, we cannot think only of today, but also of tomorrow; not only of this year, but also of the next; and not only of ourselves as we attempt to solve our problems, but also of our descendents.

Let us make one thing crystal clear: The Constitution does not guarantee individual success; nor does it assure a bountiful and a pleasurable life. The ways of the Constitution are difficult ways; the temptations to acquiesce to Utopian assurances are, indeed, many. But Utopia is for the non-thinker who has to be told what to do; the Constitution is for the man with a lack of contempt, a feeling of pride, and an absence of arrogance towards himself and his fellow citizens. It is for the man who thrives on individual freedom and personal responsibility.

Let us examine our minds and search deep within our hearts and ask ourselves, "What made America the colossus it is today; and gave it power, influence, and affluence; what gave it the power it has at this time?" Did inconsiderate radicals or impractical dreamers do this? No! We owe our greatness to Constitutionalists.

Yes, the woods are lovely, and they are dark, and they are certainly deep; and if we yield to temptation and enter them we will become mired within. But we all have promises to keep; and promises given to us to be handed to our children, the promise of the American Nation, of the American People, and of the American Constitution. And miles to go before we sleep; "... and miles to go before we sleep..."

# 1967

## ALAN L. KEYES

### SAN ANTONIO, TEXAS

## The Blessings of Liberty: The Blessings of Life

*Note: Alan L. Keyes, a 16-year-old junior from Robert G. Cole High School in San Antonio, Texas, became the first black winner in the 30-year history of The American Legion's National High School Oratorical Contest. Keyes topped the competition at the 1967 national finals contest held at Lincoln Northeast High School in Lincoln, Nebraska. He took home a \$4,000 scholarship and was sponsored by Business and Professional Men's Post 10 in San Antonio.*

*Taking second place and earning a \$2,500 scholarship was Joseph P. McCaffrey, Jr., of Silver Springs, Maryland. Third place and \$1,000 went to Eric A. DeGroff of Kansas City, Kansas, while Bernard M. Kutzcher of Sherman Oaks, California, was fourth.*

*Keyes became the second youth to capture two national youth program titles when he was elected Boys Nation President the following summer. His father, Sgt. Major Allison Keyes missed his son's accomplishments as he was serving in Vietnam during that time.*

The sky is hung with the gray clouds of death, so heavy that even the rays of the sun cannot penetrate their leaden veil. While on the earth there are the clouds of a thousand boisterous arms, each sending its messenger of death into the breasts of those within its reach, perhaps it is Trenton; perhaps New Orleans, then again it might be Argonne or the Marne, Verdun or Iwo Jima. Here falls a soldier, there another, the light of life gone from their faces and their souls, the fluids of their existence moistening the earth to which they fall. All the battlefields of freedom are speckled with their inert forms, and bathed in their precious blood, each one a sacrifice in defense of that sacred and elusive trust men have termed liberty. These men were Americans who died defending the land that has become as one with that liberty, the land whose Constitution established the framework under whose auspices that liberty has flourished.

Thus have Americans chosen to die in defense of their Constitution, yet death is the termination of life and our Constitution today is a living, vital document. The Constitution survived because Americans were willing to die for it but it has increased its vigor and its worth because men have lived for it. They are willing not only to give their lives for their system but to it.

To realize the full extent of this sacrifice, it is necessary to know what the Constitution gives to an American. It provides of course for government, but its primary distinction is not in the form or work of that government but in its purpose, its meaning and its source. The purposes of government are plain, and those of our government are little different. It must first provide for order, derived primarily from laws or other regulations

meant to limit the activities of those within a society to the performance of those actions which will not harm its other members. But even more than this a government must provide an atmosphere in which the members of a society can go about those pursuits which lead eventually to their betterment. To do this properly, the nation in which said society is housed must be free from external pressures and internal disorders. The chief aims of our government and the ideal goals of all governments are expressed succinctly in the Preamble to the Constitution. "To establish Justice, insure Domestic Tranquility, provide for the Common Defense and promote the General Welfare." But this is not all that the Preamble states. In a simple sentence, couched in the practical terms of those before it, it states the chief difference between our government and other governments, the stated goal which sets our system above all other. "To insure the blessings of liberty to ourselves and our posterity."

What are the blessings of liberty? They are those rights derived from the principle of democracy which insures to the people the right to declare their own destinies, the right to set their own hands to the shaping of their destinies.

This then is the type of government the Constitution provides for the American people. Yet, if you ask an American what the true gift of the destination is, he will say it is much more than that. It is a way of the, a method of thought and action conceived by newly freed men and perpetuated by men whose wish it was to retain that freedom. It is the fulfillment of a dream which has been nurtured by men of all civilizations for centuries. The

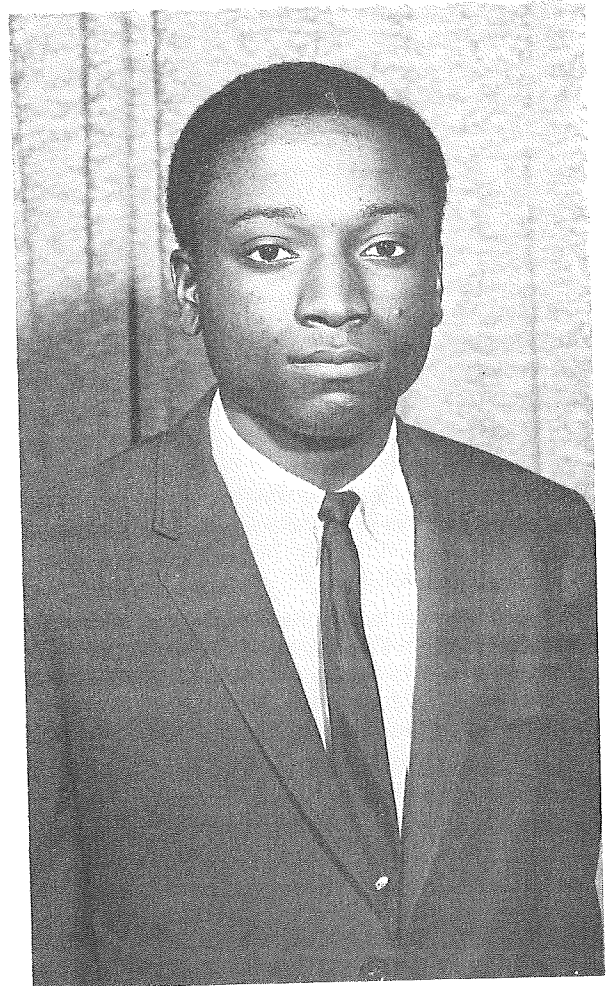
desire within each of us to look upon our future and say, "I shall shape it". The Constitution gives voice to the muted and aid to the defenseless, it gives redress to the offended and protection to the accused, it insures the equity of all, and the rights of those under its protection, it gives...nothing. It is the people who must give all if that Constitution is to survive. The Constitution becomes little more than a scrap of quixotic parchment, unless we who are its life give it meaning. Its blood is our blood, its mind is our mind and if we do not live for it and by it, it shall perish.

It cannot take life from those who are dead to its meaning and its implications. Its principals and doctrines can live only through those who know it well. Those who study it and utilize it can best defend it and add to its vitality.

No government, especially one based upon the people's right to rule themselves, can exist and grow strong on a subsistence of apathy and indifference. If the rights which it insures to us are to remain ours, if they are not to be usurped by that government intended to insure them, then we must utilize them. If we may speak the convictions and beliefs formed within our minds then our voices should be clear and resonant, for silence is the dirge of democracy. If we may choose our governmental representatives then we must exercise that choice, for inaction is the brain of free men. If it provides for laws, then we must live by and under the order of such laws, for a misused or unused courthouse is surely the tomb of a free society. A silent witness to a criminal act plunges a dagger into the heart of a democratic society which will someday be used to sever him from these rights he purports to hold dear.

If a person wishes to truly receive those rights granted in the Constitution, he must, first, by his individual actions, grant those rights to others. If the Constitution provides for justice and equality, each citizen must look within his soul and assure himself that he grants those rights to those around him. If his is the freedom to vote, he must begrudge his freedom of no other man. If such individual legislation is not passed in the legislatures of each citizen's heart, then no amount of external law can enforce them in our society. However, let it be noted that if such individual alignment with democratic principles does not occur, then governmental attempts to assure them to all citizens will result in the diminishing of the individual rights of all citizens.

The byword of democracy is action. No amount of past glory was ever substituted for this action. Many are tempted to use the glory of the past and the dead as an excuse for the sullied visage of the present. It is not for us to draw our pretexts from the past but our example. Look again upon those renown fields of past conflict, look again upon those who gave their lives for this land, its government and its Constitution. Do not take heart from them, for that is within you, do not take courage from them, take action. Even today some may be asked



Alan L. Keyes (TX)  
1967 Oratorical Contest Champion

to die, but there is more, much more that can be given to this land, to its Constitution and to ourselves. A man can die only once, but he can live a thousand times in the deeds that he performs. This then is our injunction from the past, our message from the glorious dead, it is to act, to speak, to live for that to which they gave their lives.

We must make this our goal, and in doing so we shall cement our destinies with a long and glorious future. Our cry shall be, "I lived as an American, to make those dreams expressed by past generations a reality." Thus shall the Constitution live on. It shall grow strong from our strength, and exalted from our dedication. Our actions shall reflect the high aspirations which we nurture for this system under which we live. Ours shall be the legacy of the past and the promise of the future, but only if we labor to make it so. Only by action was the legacy formed and preserved, and only by action will that legacy be perpetuated. Thus shall we promulgate the freedom that others worked to transmit to us. Thus shall we insure to ourselves, and through us to all the world, the blessings of liberty.

# 1968

## JOHN J. CANGILOS

### ALBANY, NEW YORK

## The Constitution: A Declaration of Social Awareness

*Note: John J. Cangilos of Albany, New York, received a \$4,000 college scholarship for winning the 32nd Annual National High School Oratorical Contest. He defeated three other Sectional winners at the national finals contest held at Highland Park Junior High School at St. Paul, Minnesota.*

*A senior at Albany's Vincentian Institute, he was sponsored by Fort Orange Post 30 of The American Legion.*

*The other national finalists who received scholarships of \$2,500, \$1,000 and \$500 respectively, were: Jody A. Hovland of Ada, Minnesota; James H. Winkler of Portland, Oregon; and Kenneth B. Raigins of Prairie, Mississippi.*

In viewing the United State Constitution, rather than approaching it as a legalistic document, I shall attempt to capture the spirit which lies behind the work itself, and having extricated its essence, see what lessons may be drawn for the American of 1968.

There is a motif which sounds repeatedly throughout the blueprint of our government, and that is the theme of social awareness. A basic concern for the welfare of our nation and the citizens of that nation has been the cornerstone of our national success, and was uppermost in the minds of the founding fathers as they acted boldly and fearlessly in 1787.

The Annapolis Convention of 1786 requested Congress to call for a convention whose sole purpose would be to revise the Articles of Confederation. When this convocation assembled, it proceeded, not to revise the articles as planned, but to draw up an entirely new form of government.

The structure of the Constitution itself reveals the careful consideration given by its authors to a form of government dedicated to the welfare of its people. The separation of powers and system of checks and balances act as a safeguard against the concentration of power in any one branch. The Bill of Rights protects individually enumerated rights from encroachment. But the motif of social awareness is sounded most clearly in the provision for future amendments as circumstances might require, and in Section 8, Article I, which empowers the government to "provide for the common defense and general welfare of the United States". These two clauses providing elasticity prompted John Marshall to refer to the United States Constitution as "a constitution intended to endure for ages to come, and consequently, to be adapted to various crises of human affairs". True to Chief Justice Marshall's words, the Constitution has been

adapted to various social crises by virtue of the General Welfare Clause and the amending process. This can be traced through history in the specific fields of social concern: Woman Suffrage, Labor, and Civil Rights.

Lucretia Mott and Elizabeth Stanton realizing the necessity and obligation of enfranchising women under the Constitution, organized the Woman's Rights Convention held at Seneca Falls, New York in 1848. This initial call echoed through the Civil War decade, when Mrs. Stanton joined forces with Susan B. Anthony, and popular support was won for the cause of woman suffrage. After attempts to have woman suffrage incorporated into the Fourteenth and Fifteenth Amendments had failed, the movement was begun for an amendment to the Constitution guaranteeing this right. Finally, in 1919, the Congress passed the 19th Amendment forbidding denial of the franchise on the basis of sex. The document destined to endure for ages to come, was successfully adapted to a human crisis, and resolved it in the interest of the general welfare.

The Industrial Revolution brought social upheaval to the United States. Low wages, child labor, and poor working conditions caused the formation of unions as early as 1825. The Knights of Labor founded in 1869, was a union which enjoyed temporary success and then fell into decline. In 1886, the more stable American Federation of Labor came into being, to be followed after World War I by the Congress of Industrial Organization. These two bodies merged in 1955, giving Labor a united front.

With the scales more evenly balanced, labor and management went to war as strikes and lockouts broke out across the country. It now became necessary for the Federal Government to act in the interest of the general welfare. The result was legislation from the Congress as

early as 1914 with the Clayton Anti-Trust Act up to 1947 with the passage of the Taft Hartley Act. A human crisis was alleviated through principles extracted from the Constitution and the motif of social awareness was sounded a second time.

The evils of slavery engendered heated debate in the United States prior to the Civil War, but the blame actually began when the War had ended. Passage of the Fourteenth and fifteenth Amendments were supposed to guarantee the Negro equal status as a citizen, but cleverly devised deviations kept him in subjugation in the South. The government and Supreme Court finally began using their Constitution-invested powers when in 1954, public school segregation was abolished by the Brown versus Board of Education decision. Civil Rights Acts from 1957 to 1964 have furthered the cause of Negro Civil Rights, and the Twenty-Fourth Amendment eliminated the poll tax in Federal elections. Again, the social awareness motif sounded loudly as duly-bestowed powers invested in the government by the Constitution acted in behalf of the Negro, promoting general welfare.

Having seen the Constitution working the interests of social justice, what implications do we find in this history for ourselves in 1968? All three cases cited have one factor in common. The Seneca Falls Convention was held in 1848. The 19th Amendment was enacted 71 years later in 1919. The first labor unions were formed in 1825. The first piece of Federal legislation came 89 years later in 1914. The 14th Amendment was ratified in 1868. One hundred years later, the Negro is still a target of hate, prejudice and discrimination. The reason for the lapse between the reform movement and the attempted solution is also the greatest enemy of the motif of social awareness and general welfare—public apathy.

An experiment was once conducted whereby the kidnapping of a young girl was staged in a public shopping center. The child stood in front of the stores, a car pulled up and two men led the screaming girl away in full view of everyone in the vicinity. After the incident had occurred one man was asked to describe what he had seen from a restaurant window. He replied with a

complete description of the crime. When asked what he did about it, he replied, "Nothing. I just kept on eating."

This attitude of not wanting to get involved, this polluted atmosphere of public apathy is choking the motif of social awareness and killing it in our time. America is too busy feeding itself with the luxuries our country can afford, to be concerned with the necessities that other men lack. In every major city in the country colored human beings live in filth without sanitation, without plumbing, without hot and cold water, and we don't care. Every day children are bitten by rats in the slums, every night they sleep with the sound of rodents running through the walls, and legislators in Washington laugh a rat control bill off the floor. It is well said, "We crippled the Negro and we blame him for limping". The Stokely Carmichaels and Rap Browns are the natural outcroppings of a system in which the citizens just don't care. The fact that so many young people today are dropping out is a sign that something is radically wrong, but not only are they dropping out, they are copping out. They are equally to blame because they try to find no answer of rothers, but turn to debauchery and drugs for themselves. And when the opportunity to help presents itself, we haven't got time.

If we are to call ourselves Americans, we must live the spirit of the Constitution upon which our nation rests. We must be concerned about "the various crises of human affairs", and seek to find answers for them. In short, we must adopt individually a Constitutional Consciousness—an awareness of and a concern for the general welfare. Our Constitution was framed in sacrifice, our nation was born in sacrifice, it can only endure in the same willingness to sacrifice. The day that the public attitude seeks self-gratification above the general welfare, is the day that the motif of social awareness will no longer be heard, the basis of our country in the Constitutional intent will die, and the life of our country in the Constitutional machinery will be finished. Individually, everyone of us will affect the outcome. The time is late. The future—one of great promise or none at all. The choice is yours.

## 1969

### BENJAMIN GENE DAVIDIAN

### TRACY, CALIFORNIA

## The Mast of the American Dream

*Note: Benjamin Davidian, a 17-year-old senior at Tracy Joint Union High School, won the 32nd annual American Legion National High School Oratorical Contest. He defeated three other Sectional winners at the national finals contest held at the Capital High School Auditorium in Boise, Idaho.*

*Davidian, who was sponsored by James McDermott Post 172 in Tracy, received a college scholarshin of \$4,000 for his efforts.*

*Second place and a \$2,500 scholarship went to Howard E. Seuffer, Jr., of Williamstown, West Virginia. Arthur T. Poulos of Dover, New Jersey, was second and took home \$1,000. Fourth place and a \$500 scholarship was awarded Daniel R. Stanley of Kansas City, Kansas.*

For the hull of the sailing ship to be able to ply the waters, it requires three basic parts: one is a strong sail; and two is a sturdy mast; number three it requires staunch mainstays to support the mast. Now let's apply this to the American ship of state. We have a strong sail; that is liberty; we have a sturdy mast and that is our Constitution; and we have our staunch mainstays; comprised of the American population. Each individual citizen comprising a basic part, a basic unit, supporting the mast of the American Constitution.

Therefore, let us review today's situation concerning our Constitution; and to do that let us first move back one hundred years. A man stood in Washington, speaking to thousands, yet standing quite alone when he said, "With malice toward none, with charity for all, with firmness in the right as God gives us to see that right, let us finish the work we're in, to bind up this nation's wounds." In less than a year this man was dead.

More recently, a man stood in Washington, speaking to thousands, yet his words were reaching around the world when he said, "I have a dream today. I have a dream that one day this nation is going to stand up and live out the true meaning of its creed: We hold these truths to be self-evident, that all men are created equal." In a few years, this man too was dead. They died over one hundred years apart; both by assassin's bullets. They were quite different, for one was white and one was black; one being Abraham Lincoln, the other Martin Luther King. Yet, their ideas were almost identical and they were both quite forlorn...and they both live in the memory of every American citizen.

I speak to you today of a troubled land; not of a sick society. I speak to you of a confused people, not a mass of blithering idiots. I speak to you of a beleaguered, yet beautiful and wonderful Constitution of these United States.

We have today circumstances which have resulted in conflict between two major peoples; those who are impatient and those who are indifferent; and they comprise the majority of our people. We find problems facing our Constitution today, such as drug abuse, civil disorders, and campus unrest. Also, we have the problem of a general feeling, a tendency towards anarchy or apathy among our population.

Let us, therefore, begin by reviewing those whom are impatient—Those who care not to live according to due process of law, but who wish to take our first amendment to our Constitution, that grants us those five inalienable rights; the right to freedom of religion, press, speech, assembly and petition; and take them and misconstrue

them and fit them into their individual needs and necessities so that they can manipulate our Constitution to fit their individual circumstances.

I would like to direct your attention to the case of Mark Rudd, President of the Students for a Democratic Society on the campus of Columbia University; when he led a hundred of his compatriots to take over the lower library on the campus. Consequently, he kept two thousand students from using the library, and when the dean of the school threatened to punish him, they held the dean captive in his office for 24 hours.

Then, when the president of the university threatened to punish him, they issued three demands: One, the president must resign; two inconsequential, but important as being a demand, they demanded that the gymnasium that was going to be built be placed in a different location than the one selected by the establishment. The third demand was that the university should give up and completely put out of use its University Defense Institute of Technology. All three demands were accepted, even though two thousand students signed a petition otherwise, and that is also an inalienable right.

Later, when a professor denounced the action, Rudd's supporters invaded the professor's office, rifled his personal files, published several of his personal letters, and destroyed ten years of his manuscript notes. Consequently, we feel our rights as American citizens, is being flaunted by Mr. Mark Rudd, in which he could take majority rule and replace it with anarchy, could take the rule of the pen and replace it with the rule of the bludgeon.

Let us now go to a different type of circumstances and that is civil and racial unrest. I would like to direct your attention to the recent Detroit riots. The riots began because the black Americans in the city wanted to point out basic inequities in our system, and let me admit that there are some inequities; however, these never give the right for wholesale slaughter or destruction.

One particular case of a woman, and her race is not important, who burned down a furniture store. She was caught and she was asked, "Why did you burn down the furniture store; What did it possibly gain for your people?" And she said, "Well, I had a bill there, and the way I figured, it was one less bill that I would have to pay; so I thought it was my right to burn down the store, and I began with the files in the office." Well, never in our Constitution was the idea set forth that an individual could use the Constitution as a shield to destroy property for an individual need.



Samuel Adams, just after the Constitution Convention said, "our union is now complete. Our Constitution is established and approved. We are now the guardians of our own liberties." John Winthrop said, in 1645, that liberty is the proper end and object of authority, and cannot subsist without it; and it is a liberty to that only which is good, just and honest. Consequently, those who choose to hide behind our first amendment, by saying that their rights are being deprived them, are not, in truth, hiding behind our Constitution, but a misconstrued constitution that is therefore worth little.

Let us now move on to those who are indifferent. The mass of the people. In the home we would call them permissive. Such is the case of the parent who says: "Johnny, take your hands out of the jam or I'm going to spank your bottom"; and Johnny puts his hands in the jam, "Johnny take your hands out of the jam or you can't go out tonight," and Johnny puts his hands in the jam again. "Johnny take your hands out of the jam or you can't take the car out Saturday night." Well, ladies and gentlemen, pretty soon Johnny isn't going to care what you say, and as for your car, he could care less because he'll go out and steal his own anyway. That is the case of those who are indifferent, those who choose to sit back and watch as our country is consumed by racial, and civil

## 1970

**MICHAEL PATRICK GALLAGHER**

**SOMMERVILLE, MASSACHUSETTS**

### **The Present Age: A Threat to Our Constitution**

*Note: The 33rd annual American Legion National High School Oratorical Contest was won by Michael P. Gallagher of Somerville, Massachusetts. He captured the title by winning the national finals contest held in Houston, Texas.*

*Gallagher, who took home a \$4,000 college scholarship for his efforts, went on to earn a BA Degree in Political Science from Boston College and is currently Executive Vice President of Boston Towne Reprographics.*

*"If it weren't for the scholarship, I wouldn't have been able to attend a private institution such as Boston College," he said. "It increased my sense of self confidence and self esteem."*

*Thomas Warren Eggleston of West Lafayette, Indiana, placed second and received a \$2,500 scholarship. Third place went to Marshall J. Alexander, Jr., of Opelousas, Louisiana. He received a \$1,000 scholarship. Fourth place and a \$500 scholarship went to Douglas F. Foley of Portland, Oregon.*

In 1789, when Benjamin Franklin was leaving Independence Hall in Philadelphia, following the signing of the Constitution, a woman stopped him and asked, "What kind of government have you give us, Mr. Franklin?" To which Franklin replied, "A Republic madam, if you can keep it!"

But Franklin said something more, something we could

unrest, and unrest on the campus.

In Dante's Inferno, he divided Hell into several different layers. The bottom layer, those that were placed at the bottom of Hell, were those who were content to live and not become involved. Those who choose to sit back and watch, rather than take part as citizens. Therefore, let us review, as American citizens, what exactly our responsibility in this country truly is.

We must see, that most important; perhaps even more important than our constitutional rights, is that each individual citizen has constitutional responsibilities. If we are not willing to live up to those responsibilities, are we in turn justified in employing those rights?

Walt Whitman once said, "Did you too, my friends, believe that democracy was merely for elections, for a party name and for politics? Nay, there is much more to it than that." And here in this great country, you and I, as individual American citizens, make up mainstays to support the mast of our strong democracy. We are the soul of this country, it is our actions that are going to decide the future for this country; and Daniel Webster summed it up when he referred to the United States as one Country, one Constitution, and one Destiny.

take to heart today. He added that the Constitution gave us a government high in positive powers, with it's checks and balances to prevent misuse, but fundamentally, so much a government of the people that it's ultimate character would be determined by the character of the people.

But is the character of the American people a caricature

of a "sick society," torn apart by violence, decisiveness and moral decay? Is our character becoming one of apathy and lethal indifference? Indeed, my friends, it is hard to view events on the domestic scene without feeling that the present age is indeed a threat to our Constitution.

We have, in the tradition of this Nation, a well tested framework of values, our Constitution, which puts into focus our duties, obligations and rights. Our problem is to be faithful to the values we profess, namely those expressed in our Constitution; and it is a challenge for us to remember that the stature of America will only equal the measure of the American people themselves!

Often we hear the expression that "history repeats itself," and truly we can take lessons from the past. Last October, the NBC news media presented a two hour commentary on some events and trends of the sixties. Some of you may have seen it. It was entitled, "From Here to the Seventies." During this program, an array of newsmen recaptured a decade of hopes and heart-breaks. They reviewed our ten years of technological progress and problems that have thrust a full measure of blessings and yes, even curses, into our laps.

As I watched this world's best chronicler of history, I kept tossing about two questions. First, is all this a result of the Constitution or a result of a disregard for the Constitution? Secondly, did we accomplish all this?

I kept wondering about this as I was so forcibly reminded that this was the decade that had slain it's prophets from Dallas to Memphis to Los Angeles. This was the past that had polluted and scarred land, sky and water all around us but which also had taken, "One small step for a man, one giant leap for mankind." Blessings and curses!

Yes, I convinced myself these things had been done, these things Americans had done. Yet a shadow crossed my mind as I recalled that we also killed a president—stumbled into a quicksand war in Vietnam—rioted in Watts and Detroit—and dabbled in nudity and mind blowing drugs. I kept returning to the horrible thought that when people, for whatever reason—oppression or complacency or laziness take no part in their institutions, the institutions themselves decay at an accelerating rate. Are the principles set forth in our Constitution decaying because of gross indifference to American tradition in our present age.

Are Dante's words in his Divine Comedy applicable—or necessary for our survival when he said, "The hottest places in hell are reserved for those who in time of great moral crisis, maintain their neutrality."

Yes, the soaring sixties had it's Apollo rocket, it's off-shore oil derrick, it's rock bands drawing thousands regardless of the elements and words like, "I've been to the top of the mountain, and my eyes have seen the glory of the coming of the Lord!" The soaring sixties should give us hope and remind us as Alfred Lord Tennyson once said, "Each new day brought forth a fresh chance, and each chance brought forth a noble knight."

The past history of America has been one etched in blood yet glorious in victory. It has seen the spirit of '76 carried through as we bravely took our place in the fight for freedom. But will the new emphasis on personal rights and the dedication to a new concept of personal freedom bring us broken dreams and lost hopes?

A noted clergyman has told us that, "That traumatic repetition of acts of violence to realize this new concept of personal freedom must end."

Ladies and gentlemen, I believe that our Constitution which means so much to our way of life must also be identified with our way of life. Our new goals should be justice, peace and human dignity for all men. We must

have the realization of the inadequacies of imperfect yesterdays but still maintain—hopes for a better tomorrow. In retrospect, let us listen to a man, a great political figure of the past who because of dedication to principle lost his political position and his head, Sir Thomas More, when he said, "Let us not abandon the ship in the tempest, because we cannot control the winds." So too, let us not abandon our ship of state because it is constantly guided by a ray of hope, our Constitution.

My friends, the years immediately ahead will test our Constitution as seriously as any we have known in our history. For as the late President John Kennedy has told us,

"Now the trumpet summons us again,  
Not as a call to bear arms  
though arms we need  
Not as a call to battle  
though embattled we are  
But a call to bear the burden  
of a long twilight struggle:  
A struggle against the common enemies of man,  
Tyranny, poverty, disease, and war itself."

Ladies and gentlemen, the present age is indeed a threat to our Constitution and the trumpet is summoning us again, to bear the burden in this long, twilight, struggle.

# 1971

WILLIAM H. WHITE

SAN ANTONIO, TEXAS

## The Bill of Rights — Reciprocal Rights and Duties

*Note: William H. White, a junior at Winston Churchill High School in San Antonio, Texas, won the 34th annual American Legion High School Oratorical Contest and took home an \$8,000 college scholarship. He defeated three other sectional contest winners at the national finals held at Northwest Missouri State College in Maryville, Missouri.*

*White was sponsored by Alamo Post 2 of The American Legion. His father was the principal of the San Antonio High School attended by Alan Keyes, the 1967 winner of the contest.*

*The second place finisher was Kathleen McCormick of Cambridge, Massachusetts. She received a \$5,000 scholarship for her efforts. Third place and a \$3,000 scholarship went to John W. Cole of Harrodsburg, Kentucky, while Sheila McClay of Casper, Wyoming, was fourth and received a \$2,000 scholarship.*

A few years ago, my family decided to go on a budget. My parents decided not to spend over a certain amount of money each month. Yet after five months, my family held the dubious distinction of overspending five months in a row. Then, in what I considered at the time to be a stroke of genius, my father confiscated my mother's credit cards with the words, "use cash". Next month we, or shall I say my mother, met the budget splendidly. Being baffled by this entire process, I asked my father, "Dad, are things more expensive with credit cards"?

"No son," he replied, "your mother spends more with the cards because, well, things do seem cheaper on credit." Unable to grasp such matters of high finance, I inquired farther. "Son, the store gives your mother the right to buy anything she wants with a little card. But I, in turn, have to pay for her expenditures at the end of the month. She spends, I pay. Because your mother doesn't have to pay for the right to use the credit card, she abuses it". My father assured me that this was a normal reaction. "Whenever a person doesn't have to pay, to sacrifice for a right, that person usually abuses that right". A cheap right is easily abused.

Americans are beginning to see proof of this theory in our national life, as I saw it in our family life: Young people who have not sacrificed a thing for this country—abusing their freedoms; wealthy businessmen, many of whom have made millions in our free enterprise system, cheating on their tax returns; students fortunate enough to go to college, many on government scholarships, refusing to protect other's rights by serving in the Armed Forces; welfare recipients who seek not jobs, just more money, in a country whose official poverty level — \$3900 — is almost twice the per capita income in most nations in the world. We, the nation with the most

elections, have the poorest election turnouts. This is not to say that all young people, businessmen, welfare recipients, and voters are bad; but it is indicative that laziness in regard to our basic rights is rising in every strata of the community.

I think perhaps the only mistake in our Constitution was the baptism of the first ten amendments as the Bill of Rights rather than the Bill of Privileges. They are rightful privileges — we should indeed have them and fight to retain them — but too often, too many have used them as mere tools for personal gain.

For example, the first amendment insures the individual freedom of speech and freedom of press, freedom to say or print what you want as long as it doesn't hurt anyone else, as long as it is not slanderous or libelous. Yet our laws on slander and libel are interesting. If a man bears false witness against his neighbor, one other American citizen, he may very well wind up in jail. Yet if that same man profanely derated his country, two hundred million American citizens, he could very well wind up on the cover of a national magazine.

A distinction must be made between using one's freedom of speech to express one's ideals, and using the phrase "freedom of speech" as an excuse to outshout someone else's ideals. If Americans do not live up to the obligation of responsible free speech and press, we may all lose this precious right.

An old proverb maintains that a person's right to throw his fist ends where another man's nose begins. Likewise, a person's right to bear arms under the second amendment is only valid to the extent that the person holding the gun knows what to point it at. FBI statistics show that the

number of violent crimes from 1960 to 1970 almost doubled. Why? We are told that alienated people, psychopaths, caused these crimes. My question: Why were there twice as many alienated psychopaths in 1970 than there were in 1960? Instead of seeking answers to such a question, we have sought alibies. Instead of obtaining executions for such crimes, we have obtained excuses. Unless Americans are willing to assume their responsibilities, mostly moral and financial, in support of their law enforcement facilities, nobody's right to bear arms will remain intact.

Similarly, the fourth amendment, insuring the right against unwarranted searches and seizures, has been twisted. Built upon the premise that a man's home is his castle, some people have twisted this to mean that they can build an impregnable fortress against law enforcement. One narcotics officer, I talked to, claimed that twice as many dangerous drugs are flushed down the toilet while narcotics officers are serving search warrants than are ever confiscated and taken to court. In Washington, D. C., we are already witnessing a deterioration of this right as policemen can barge into private homes unannounced to look for illicit drugs. All of this because of a few people think they are too good for the law, when in reality, it seems as if the essence of the law, the Bill of Rights, is too good for them.

"I refuse to answer on the grounds that it might incriminate me". This phrase has been iterated by almost every Mafia chieftan the United States has ever seen. Taken from a clause in the fifth amendment protecting the individual's right against self-incrimination, this phrase is the Mafia's favorite plaything. In this secret organization, communication is verbal, evidence is destroyed, and the oath of secrecy which all Mafia members are required to take combines with this fifth

amendment provision to make the destruction of this ugly organization as impossible as doing a maze blindfolded. Yet members of the Mafia are not so much criminals, as crime peddlers. One expert maintains that the Mafia would end in one day if the so-called legitimate citizens refused the gambling, drugs and prostitution offered. Merely by fulfilling their obligations to live responsible lives within the law, Americans can destroy the Mafia, which is in turn destroying our Constitutional rights.

The right to free speech and press, the right to bear arms, the right against self-incrimination: just a few of our many rights guaranteed by the Constitution. Yet these rights are slowly slipping through our fingers. If Americans fail to shoulder the burn of meeting their reciprocal duties to the Constitution, the delicate balance between liberty and justice in this country will be upset much faster than the delicate balance between deposits and withdrawals was upset after my mother got her credit cards back. As Thomas Paine put it, "Those who expect to reap the blessings of freedom must undergo the fatigue of supporting it".

I am reminded of a poster I once saw for a leading charity. Pictured were two boys: One quite huge and bulky, except for his legs which were deformed, the other stout, but much smaller. Remarkably, the smaller boy was carrying the larger boy on his back, and as he strained under the weight of the larger boy a smile could be seen on his young face. The caption read: "He's not heavy, he's my brother". Just as this boy, most Americans are born with a responsibility, the responsibility to protect their precious rights. Hopefully we will see the day when Americans will carry their rights with a smile, and perhaps with the phrase, "They're not heavy, it is my country, my Constitution".

## 1972

THOMAS W. JOINER

ROCK HILL, SOUTH CAROLINA

### The Constitution in a Changing World

*Note: Thomas W. Joiner, a 17-year-old senior at Rock Hill High School, won the 35th annual American Legion National High School Oratorical Contest. Joiner, a 1971 South Carolina Boys Stater and an Eagle Scout, took home an \$8,000 scholarship for his efforts. He was sponsored by Frank Roach Post 34 of The American Legion.*

*Second place and a \$5,000 scholarship was awarded to Chan R. Taylor of Lincoln, Nebraska. Third place and \$3,000 went to Donnie Paul Minyard of Marietta, Oklahoma, while Kathleen Ann McCormick of Cambridge, Massachusetts, was fourth and claimed a \$2,000 prize.*

*The contest was televised on local cable television station.*

Chief Justice John Marshall, 1800, perhaps one of the greatest Federal Supreme Court Justices ever, stated: "We must never forget that it is a Constitution we are expounding...a Constitution intended to endure for ages to come, and consequently to be adapted to the various crises of human affairs."

Among the legal documents of the world the United States Constitution is unique, for in the powers given to Congress by Article I, Section 8, is the **Necessary and Proper Clause**. This clause gives Congress the power to make any law necessary to carry out the powers that are given to our lawmaking body. As a result, Congress has stretched and stretched its powers to take care of changes brought by the passing of one hundred eighty three years since 1789, when the Constitution went into effect. Therefore, the United States Constitution is by nature a flexible document. The words have been altered hardly at all, and this document remains as one of the shortest legal laws to date. As an example, forty-nine out of fifty State Constitutions are longer than the Federal version. The only exception is the State of Connecticut, whose Constitution is approximately the same length as the Federal one. State Constitutions are not flexible and are lengthened to satisfy changing conditions; whereas, the Federal Constitution is easily adapted to change and allows for varied interpretations. Our Founding Fathers made changing the Constitution such a difficult process that only twenty-six amendments have been added. Adding an amendment requires both Houses of Congress to pass a proposed amendment by two-thirds vote and then be approved by the Legislatures of three-fourths of the States.

The Constitution cannot be separated from the nation's development. With our American determination to live and govern ourselves, we have created not a dusty, out-of-date, historical document, but a Constitution that is the heart of our life as a nation. The past one hundred years have been a critical age for the United States, and only because of the expansion of our Constitution and its ability to meet the public demand has this country survived. The pressure put on the government has forced it to become a positive instrument in carrying out the will of the majority, and presently the Constitution has widespread control over most areas of the nation's life.

The big changes that have come, came then as a result of the interpretations of the **meaning** of the words of the Constitution. This is the work of the nine men who make up the Supreme Court, which cannot afford to fall too far behind public opinion in a changing world. The part played by the decisions of the Supreme Court on the history of the United States cannot be over estimated.

The Court's interpretations of the Constitution have molded this nation more than any other one single factor. The United States Constitution has gained strength throughout the years because of the many controversial issues brought before it. The hearing of the ideas that are already agreed with has not been instrumental in the

growth and maturity of this great document. Only by listening to ideas that have been disagreed with has the United States learned and adjusted to a changing world.

By its very nature, the Constitution creates the difficult task of determining what the basic law permits and what it prohibits. Many Federal Court cases throughout our two hundred year history have proved the flexibility of the Constitution. An extreme example of adaptation would occur when two similar areas are treated in different and almost entirely opposite ways simply by the interpretation of the judges. Such an example occurred in the cases of **Dred Scott v. Sanford**, and **Brown v. Board of Education of the City of Topeka**. In 1857 the Supreme Court declared Dred Scott a slave, no matter what territory, a free or unfree, his master wished to take him. The Court not only spoke for slavery and against the development of liberty and the American social order but also completely disregarded the wishes and ambitions of a large majority of the American people. In doing so this case helped to plunge the American Republic into a terrible Civil War.

Contrasting, in 1954 when Linda Brown, an eleven-year-old Negro schoolgirl brought suit, asking to be admitted to an unsegregated school, the Supreme Court with a unanimous decision in the **Brown v. Board** case declared segregated schools unconstitutional. What a profound change in attitude had taken place between 1857 and 1954.

There are many situations when the people call upon the national government to act in their behalf—situations in which the Founding Fathers had no way of foreseeing and yet are being met within the framework of the Constitution. The Constitution says that Congress may tax and spend for the "general welfare of the United States." Does this mean that the government can tax payrolls and paychecks to provide benefit to people after they retire? Because the number of older people was increasing and it was becoming harder and harder for them to make a living, the Supreme Court in 1937, by upholding the Social Security Act, ruled the government could tax.

Does the right of freedom of religion granted to every citizen of the United States by the First Amendment to the Constitution carry with it the right not to salute the flag or not to give the Pledge of Allegiance? A decision of the **West Virginia State Board of Education v. Jehovah's Witnesses** in 1943 decided yes it does, since to some religious groups, the flag is a graven image. Does the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizure" apply to a confessed Soviet spy by the name of Rudolph Abel? In 1960 the Supreme Court decided it did. Does the right of freedom of the press allow a paper to print secret Pentagon papers of the Vietnam War? By a 6-3 decision the Supreme Court ruled in 1971 that the government could not prevent the **New York Times** and

the *Washington Post* from publishing once secret documents of the war. Does the right of free speech permit the use of vulgar four-letter words in public? In the summer of 1971, the Supreme Court ruled in favor of Paul Robert Cohen. He had stitched on his jacket a slogan objecting to the draft and it contained a four-letter vulgarism. Does the freedom of religion allow a militant, noisy Muhammad Ali, who in the boxing ring is unmerciful in pounding an opponent from rope to rope, to be free of military duty simply because he is a conscientious objector? In 1971 the Supreme Court by a unanimous decision freed Ali of draft evasion charges.

The following quotation by Mary Barclay Erb, a writer for the Department of Defense and a member of the D.A.R., emphasizes the fact that our government considers each individual a vital and necessary unit: "The

peculiar glory of the Constitution of the United States is that it is not a charter of rights granted by government to a people, but a limit of power to which a vigilant people restricts its government...We the people of the United States, these seven powerful words were and remain, regardless of a changing world, the most revolutionary words on record."

The United States Constitution cannot be a fixed list of rules binding the nation to the past and constricting its growth. If we are to expect the continued devotion of succeeding generations and maintain their belief of our fundamental principles of law and order, the Constitution must be dynamic, a vehicle of the nation's life, a "living law." And this, because of its flexibility, the American Constitution has been.

## 1973

### JOHN W. FROST

### PEORIA, ILLINOIS

## Government-Constitution-Television

*Note: Charlotte, South Carolina, was the site of the 1973 Finals of The American Legion's National High School Oratorical Contest. A 17-year-old senior from Peoria Central High School, John W. Frost, took first place honors and an \$8,000 college scholarship.*

*Frost, who was sponsored by American Legion Post 2 in Peoria, is presently Assistant Professor of Chemistry at Stanford University. He graduated with distinction from Purdue University and received his PhD in Chemistry from the Massachusetts Institute of Technology and Postdoctoral Fellow from Harvard University.*

*Frost described his participation in the contest as follows: "In any profession, effective communication is an important component for success. The National High School Oratorical Contest helped me build confidence in my ability to speak in public. Any lecture I give today carries with it the experience gained in this contest."*

*Jeanne Zurmuhlen of Staten Island, New York, finished second in the 1973 contest and received a \$5,000 scholarship. Colleen Gallogly of Great Falls, Montana, was third and took home a \$3,000 scholarship. Fourth place and \$2,000 went to Kenneth Lee Tanner of Memphis, Tennessee.*

There is a war going on in this country. The sides are firmly drawn and each is armed by some of the most powerful forces man has ever unleashed. Each day the armies fortify and refortify their trenches. Strafing runs and shellings are hazzards well known to these antagonists. Casualties are mounting, and week upon week brings a new offensive where one faction attempts to out-maneuver, out-flank, and crush the enemy. The bloody conflicts drags on. Peace is not at hand.

The war I speak of is not that of nation against nation, ideology against ideology, or culture against culture. Rather it is a conflict which matches today's electronic media bolstered by the First Amendment, against the federal government, supported by the powers implied in the U.S. Constitution. Both sides possess a huge stockpile

of invective, and are quite expert at creating smoke screens that cloud that vital issues at stake. Only a public that can see through the haze will be able to correctly judge this constitutional fracas.

Lets take a look at TV as a combatant. Yes, television is the great sorcerer of our time. It has the ability to attract a man's eyes and captivate his attention for hours on end. The hypnotic effect of the electronic media is its source of power over our society.

Its fantastic intensity probably would have forced Will Rogers to change his observation that what he knew was what he read in the newspapers, because today, according to the Harris Polls, for millions of Americans knowledge

is what they see or hear on their television sets. Whenever networks broadcast news, editorialize, produce documentaries, or even carry political announcements, they can become the presiding judge in the national trial of controversial issues.

As the late President Lyndon Johnson said in a speech delivered to the National Association of Broadcasters, "You of the broadcasting industry have enormous powers in your hands. By your standards of what is news, you can cultivate wisdom or you can nurture misguided passion."

One must concede that the television industry has not been immune to the danger of "nurturing misguided passion." A contempt citation investigated by the House of Representatives against CBS revealed that in a network documentary concerning the Pentagon Papers deceptive editing was used in the printed texts of interviews.

Another example of poor judgement exhibited by television is the constant use of violence in its programming. Each evening acts of violence have been piped into our living rooms. Scenes of murder, riots and even the Vietnam War can be viewed over dessert. We have yet to determine the incalculable damage done to our children who have been eye witnesses to this murder and mayhem.

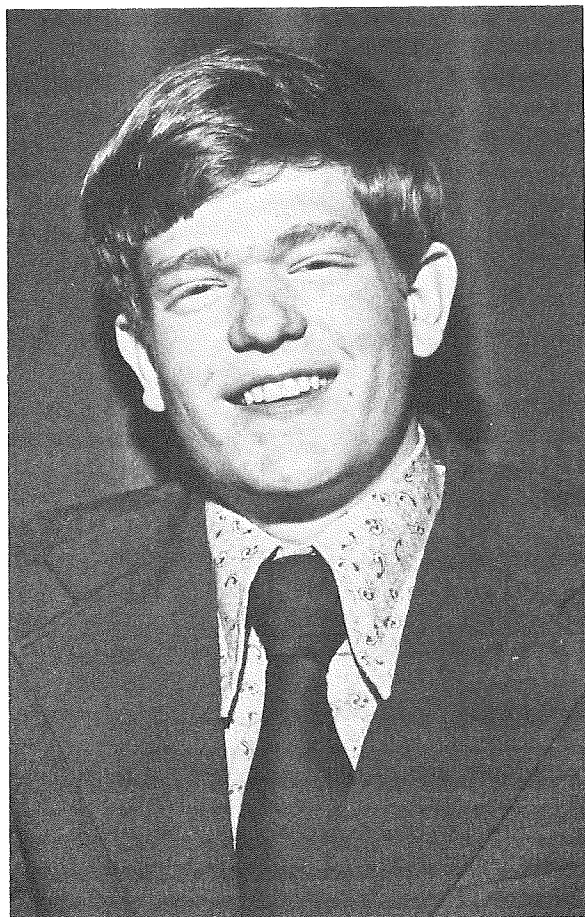
Partially due to television's lack of self regulation, the Nixon Administration, led by Vice President Agnew, has taken the offensive. In his initial blast the Vice-President said, "A small group of anchormen, commentators, and executive producers enjoy a free hand in selecting, interpreting, and presenting the great issues in our nation—a concentration of power over American public opinion unknown in history".

To reduce the power of the electronic media Clay Whitehead, a top administration aide, authored a plan that would hold local stations responsible to the FCC for the networks' programming. The proposed legislation was designed to eradicate alleged bias in network newscasting by giving the FCC the right to indirectly censor the networks.

So we see that the federal government in its fight with the electronic media is trying to strengthen its position by using the powers implied in the Constitution.

But from behind the shield of the First Amendment another great hue and cry is heard. It emanates from our nation's newsrooms. Has the Administration in its rage against verbal indignities molested the letter and the spirit of the Constitution?

Well, in 1786, Thomas Jefferson wrote, "Our liberty depends on freedom of the press, and that cannot be limited without being lost." Jefferson's beliefs were



John W. Frost (IL)  
1973 Oratorical Contest Champion

echoed by our founding fathers, men who intended to create a fourth estate with the press an equal power to the executive, legislative, and the judicial branches. Indeed, the First Amendment clearly states that Congress shall pass no law abridging the freedom of the press.

Through the FCC and its control of licensing the U.S. Government is actually acquiring levers through which it can control television and deny the freedom of the press.

A case in point is a Jacksonville, Florida station's attempt to get a license renewal. You see, WJXT had a hand in blocking the Supreme Court nomination of G. Harold Carswell by uncovering his endorsement of segregation. WJXT's application to the FCC was challenged by a group headed by President Nixon's former Florida campaign manager. If the Administration had wished to do so, it might have pressured the executive appointed Federal Communication Commission into refusing WJXT's application and thus eliminated its flow of information to the public.

This type of federal action in which the FCC becomes a mere extension of the executive branch is in clear violation of the spirit of the First Amendment and contrary to the intentions of our founding fathers.

Here then a dilemma emerges: should we have an adversary media with little control, or should we have tightly governed television at the mercy of the executive branch?

Nicholas Johnson, FCC commissioner, indicated a plausible solution when he said, "This is a do-it-yourself nation, with a government to match. Ordinary citizens can influence administrative decisions concerning television." Johnson's comments come from the fact that the FCC maintains a file on all licensed stations. Periodically complaints in this file receive attention from the commission. If a citizen writes a letter to the FCC detailing specific instances in which a local station has used poor taste in programming the FCC will have grounds to tell the offending station to reform or lose its operating license.

Such individual action has in the past worked. The practice of broadcasting anti-smoking commercials in tandem with smoking commercials arose from a details letter written by a New York lawyer. The proposed takeover of the ABC television network by ITT was stopped by a group of individuals.

By filing complaints to deny license renewals, the individual or groups of citizens can through the FCC

solve the existing television crisis.

In the final analysis the people's right to know must reign supreme. The quarrelsome relationship between media and administration must be recognized not as a liability but as a crowning achievement of our forefathers. This interplay can be preserved by insuring that federal control of television reflect not the government's feelings but rather the thoughts and objections of ordinary citizens.

To those in high public office we can only say as Harry Truman once said, "If the means of communication don't like what you do, let them say what they want to say, and if you're in my disposition, you'll get up and tell them where they're wrong."

And on the other hand we must impress upon the television industry that free journalism under the First Amendment does not mean irresponsible journalism completely free of criticism from a concerned public.

It is not necessary that the networks and the government hold a verbal disarmament conference. For indeed, behind all the poisonous words, the anti-personnel phrases and inflammatory sentences used by the warring sides lies one of the greatest assets of our Constitution.

## 1974

STEVEN L. ZELLER

COLUMBUS, INDIANA

### Our Constitution — Climax of the American Dream

*Note: Steven L. Zeller, a 17-year-old senior at Columbus North Senior High School in Columbus, Indiana, won the 37th annual American Legion National High School Oratorical Contest. Zeller, sponsored by Columbus American Legion Post 24, received an \$8,000 college scholarship. He was also the Department of Indiana winner in the years 1971 and 1973.*

*Now a corporate attorney in Columbus, he attended the College of William and Mary and the University of Indiana, earning a BA Degree in Economics in 1978 and a JD Degree in 1981.*

*Zeller described his participation as follows: "The contest allowed me to meet a variety of individuals who believed that hard work and dedication to a cause yielded positive results. My continued adherence to those principles has enabled me to provide a good, challenging life for myself and my family."*

*The other national finalists who received scholarships of five, three and two thousand dollars respectively were: Laurence T. Barton, Arlington, Massachusetts; Robert J. Tepper, Albuquerque, New Mexico; and Rae Ellen Scanlon, Romney, West Virginia.*

Since the birth of America in 1776, the winds of change have continually swept through our country. The winds have ranged in velocity from the violent gusts that rocketed through America during the American Revolution and the Civil War, to the subtle breezes of progress

that have enveloped our country in a wave of industry and technology since late in the nineteenth century. These winds, erratic and unpredictable as they may seem, have been and will continue to be a vital force in the shaping of our American destiny.



I wonder what type of winds were blowing in Philadelphia on May twenty-fifth, 1787? Historians tell us that it was an extremely hot, sultry day. However, at that time America was being buffed by the most severe winds of change ever unleashed upon our country. Fifty-five delegates, representing twelve states, had convened in the Philadelphia Convention Center that May in hopes of writing a document that would not only help to unify thirteen divided colonies, but in expectation of developing a document furthering the philosophies and ideals that would eventually culminate their American dream. It was a dream of a government unchecked by tyranny and oppression, promoting justice under the law for every man and guaranteeing representation of the people's voice. These delegates, including such men as George Washington, Robert Morris, and John Hancock, toiled hour upon hour seeking to find the right combination of words that would perfectly exemplify our political ideology. The result of their labor now lies in the National Archives Building in Washington, D. C. in the form of the Constitution of the United States.

Many people today are under the impression that our Constitution is merely a document of words created by a small group of rebellious, worried citizens whose sole concern rested with hurriedly salvaging a severely disorganized nation. But they are wrong, terribly wrong. There are more than just mere words that make up the faded, badly worn document that was drawn up nearly 200 years ago. There are philosophies of a government enacted by the people, founded on democratic principles. There are ideals of liberty and unification for all of America. Yet, the most distinctive facet of our Constitution that most Americans today do not seem to realize is that it was not written by rebels in the midst of panic, but rather it was written by men fulfilling a dream. It was written by non-conformists who were unwilling to settle for mediocracy in the Articles of the Confederation. It was written by patriots striving to incorporate philosophies and ideals aimed at creating the framework of a dream—the America that we are all so fortunate to have today.

Now, although the Constitution was well designed, it is evident that it contains several unavoidable loopholes. In the past, the Constitution has weathered such trials as slavery, women's suffrage and civil rights. More recently it has encountered the questions of the death penalty and "executive privilege," both which need further examination by the court system of our government. However, our Constitution has keenly adapted to change in these gray areas unforeseen by its founders, while never jeopardizing the American dream. Let us now further explore more of these loopholes, and see how, through its elastic structure, adaptation is made by the Constitution to avoid being shattered by the winds of change.

The First Amendment to the Constitution guarantees "freedom of speech" and "freedom of the press" to all United States citizens. However, a recent Supreme Court ruling on pornography gave to all local governments the right to decide whether pornographic literature and

movies have "redeeming social value" or "literary merit." This ruling, by vote of eight to one, gives to one man or group of men the right to decide what another man can or can not read or see. Only time will tell whether this ruling will sufficiently obstruct individual liberties to the extent of causing a heated controversy. The problem is that the Constitution never clearly outlined those rights guaranteed an individual, and has left this question open for continued evaluation and re-evaluation for future generations.

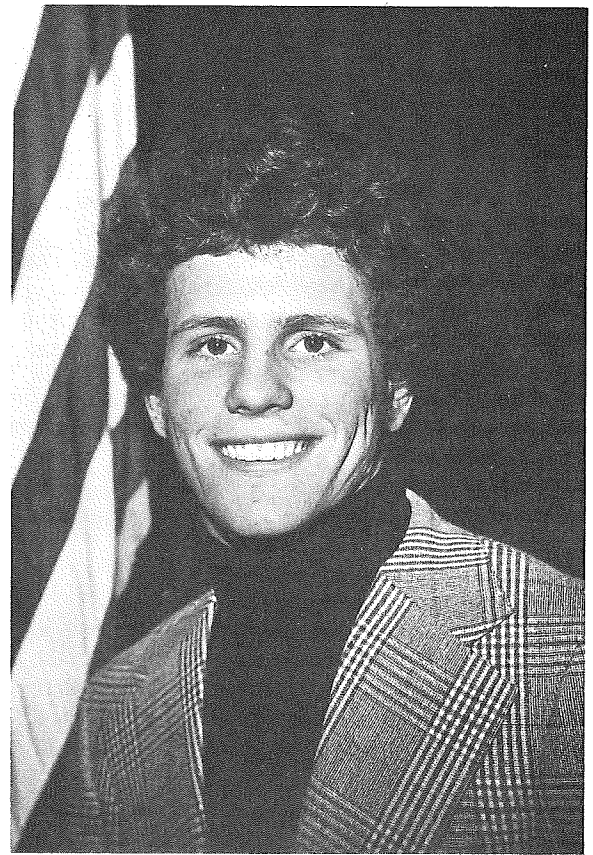
Now let us look at another case point. In Washington, D.C., William Robertson was arrested after driving with a revoked license. However, during a thorough search, heroin was found in his possession. A.U.S. Court of Appeals in the District of Columbia voted five to four that the search of Robertson had gone far past the regulatory search for weapons. However, later the Supreme Court of the United States ruled that individuals under arrest may be thoroughly searched without a previously obtained search warrant. This ruling could be a pivotal decision in our constitutional history, pitting the individual protected by the Fourth Amendment on "searches and seizures" against the government, relying on the recent Supreme Court ruling.

Another aspect of the Constitution that is being analyzed today is that of Article 2, Section I, Clause 3, the electoral college. The electoral college gives the responsibility of choosing the president to a choice group of electors selected in each state. The possibility exists that, even though a presidential candidate carries a majority of the popular vote of the people, he may still lose the election by not obtaining a majority of the electoral vote cast by the delegates of the electoral college. Our government is supposedly a democracy representative of the people, yet the people do not directly elect who is to guide their government. I feel Henry David Thoreau summed it up best when he asked, "Can we not count on independent votes? Are there not individuals in this country who do not attend the conventions?" Thoreau was speaking of the common man and his right to be heard through the voting process, his right to decide who will govern the democracy under which he lives.

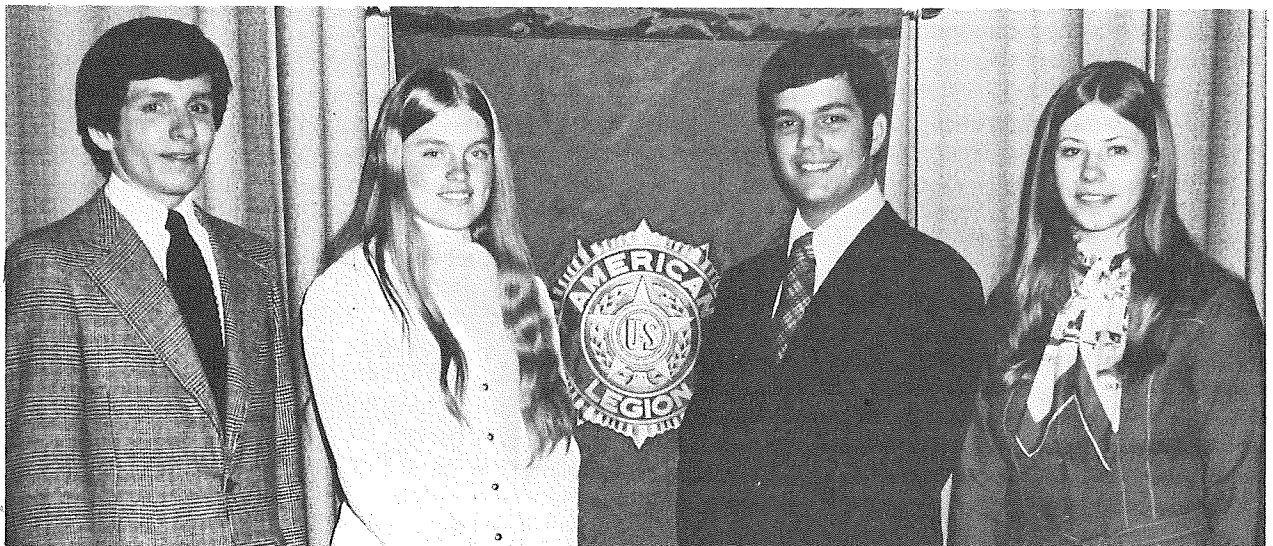
So we see that the Constitution of the United States, unfortunately, has discrepancies in its structure that will always be probed. Many times the Constitution has stumbled under the stress of change, but never has it fallen. Here is where the real beauty of the Constitution lies. Although strong enough to serve as guidelines to a government of millions, the Constitution is still flexible enough to adapt to change and to bend with the winds without collapsing. Through the amendment clause provided in the Constitution, these discrepancies can be easily dispelled, further strengthening our country's foundation. For men like Washington, Morris, and Hancock, the Constitution of the United States was the apex of a dream. It meticulously brought together the ideals, philosophies, and hopes that made up the ambitions of these men, and for that matter the hopes of our country. However, ideas and philosophies change

with time. The winds eventually alter their course or shift directions. Thus, the Constitution is forced to adapt to these changes. But the American dream never changes. It is constantly interwoven within the Constitution to form the strongest political union ever experienced in modern history.

In conclusion, let me leave you with this thought from the book *Johnathan Livingston Seagull* by Richard Bach. Johnathan Livingston Seagull is an extraordinary name for an extraordinary bird, and his philosophy of life directly encompasses my own philosophy of patriotism when it says, "It is good to be a seeker, but sooner or later you have to be a finder." We all must search for that part of the Johnathan Livingston Seagull within ourselves. Those men who formed the Constitution in 1787 did. You see, they were a different breed of men who were dissatisfied with the norm. Not only did they search for the perfect Constitution, but they expounded the effort to find the greatest political document of all time. Now I challenge you too to be different. I challenge you to seek to maintain the American dream, and to find the tranquility and satisfaction of living it. I challenge you to stir up the winds of change, and to find success in shaping them into reality. I challenge you to become involved with our Constitution and find that your voice too can be heard. But, above all, I challenge you never to lose hold of the great American dream. It will take far more than misunderstandings and human error to destroy or distort this dream. I challenge you to further every American's belief in our Constitution — undoubtedly the true climax of the American dream.



Stephen L. Zeller (IN)  
1974 Oratorical Contest Champion



Michael B. Begley of Baltimore, MD, won the 1975 National High School Oratorical Contest Finals held in Albany, Georgia. The four

finalists, shown left to right and in order of finish, were: Begley; Shannon Boland, Denver, CO; Jorge Ernesto Rodriguez, Miami, FL; and Gretchen Anne Winter, Chicago, IL.

# 1975

## MICHAEL B. BEGLEY

### BALTIMORE, MARYLAND

## The Constitution and the Protection of Civil Liberties

*Note: Towson American Legion Post 22 in Baltimore, Maryland, sponsored Michael Begley in the National High School Oratorical Contest and the 17-year-old senior at Loyola-Blakefield High School responded by winning the 38th annual contest. With the title, the former Maryland Boys State Governor claimed the first place prize of an \$8,000 scholarship.*

*Second place and a \$5,000 scholarship went to Shannon Aline Boland of Denver, Colorado. Taking home \$3,000 and \$2,000 respectively were Jorge Ernesto Rodriguiz of Miami, Florida and Gretchen Anne Winter of Chicago, Illinois.*

For the fifty-five men who gathered in Philadelphia in 1787, the Constitution was to be the embodiment of the liberties they cherished and fought for. They were witness to the evils of an overbearing government and desired that no American should ever experience their ordeals.

And so, liberties were granted on the theory that, if the citizen's actions are to be free, his ideas, his ideologies, his philosophies, must be placed beyond the reach of government. In theory, he may be John Stuart Mill's minority of one and yet go unpunished for his beliefs. In theory, he may keep thoughts to himself, respect confidences of others, be free to resist governmental compulsion to divulge secrets. What one advocates, the nature of the religious, social, moral, economic or political order that one would impose on the world — were he ruler — are none of government's concerns. The individual is sovereign, and none can punish him for his convictions, in theory.

In theory, government should only be interested in the conduct of overt acts. Speaking, advocating, praying — like thinking and believing — are beyond the reach of laws. They are beyond the reach of laws, in theory, because of the Constitution.

Yet, that theory of freedom from governmental infringement on our liberties, has been tested on several occasions in our history, today — almost daily. Surely, government should intervene when ideas are translated into actions, when speaking crosses the line of advocacy and enters the realm of conspiracy, espionage and other malicious acts; but then acting only under legislative guidelines. What we must be more concerned with are the cases of governmental violation of our civil liberties and what must be done to protect these rights.

When George Washington was asked by one of his companions if the Constitution had granted too many

liberties to the citizens of the young republic, he wrote, "Let me conjure you then, if you have any regard for your country, concern for yourself or posterity, or respect for me, to banish these thoughts from your mind and never communicate, as from yourself or anyone else, a sentiment of the like nature". To those of you who say we have the greatest amount of safe and secure liberties, let me answer, if you have any respect for this country, yourself, or posterity, banish that thought. Those liberties were granted on an idea. An ideal that we would have the best protected sovereign liberties. We have never reached that idea. Indeed, we have retreated from it.

And why have we retreated from it? We have lost sight of that ideal, for in the course of America's progress and prosperity, our focus has shifted from the ideal of civil libertarianism to the ideal of the Gross National Product, nuclear superiority, and economic stability. I do not profess that we should disregard these intrinsic components of America's good fortune, but we must not lose sight of those all important liberties. We must not become like white-washed tombs, beautiful on the outside, but inside full of dead men's bones and rotting flesh.

Of prime importance to our liberty loving founders was that the Constitution guarantee certain civil rights and liberties intrinsic to freedom to the citizens. It should be pointed out that there is no single, brief and concise definition of civil liberty. But basically, they are the rights to which a person is entitled to by virtue of citizenship; a protection against the power of government. These liberties spring directly from Locke's concepts of natural rights: that all men are free, equal, entitled to life, liberty, and property, and to change or overthrow a government if it fails to protect those rights. These rights, while included in early documents, were not the rule throughout the world in the 1700's (nor are they today), but the early Americans were extremely aware of their importance. Yet, despite this concern for rights in the original

Constitution, there were many who believed the document too general and too meager in this area. It was not until the addition of the Bill of Rights that Americans were granted specifically the rights to worship as pleased, to speak publicly on any issue, to congregate freely, to be guarded against unreasonable search and seizure, and self-incrimination. They were also promised fair trial by jury, reasonable bail, and the right to legal counsel.

The Bill of Rights marked a beginning to rights amendments, not an end. Since then, six amendments, perhaps a seventh, will have been ratified delineating further rights. Slaves were freed by the Thirteenth Amendment, made citizens by the Fourteenth, the latter telling us that all citizens have equal protection of the laws. Two other amendments granted the franchise of the vote to women and eighteen year olds. Today, only a few more states need ratify an amendment that will make official what some have claimed to know for years — that women are equal to men.

A visitor from an undemocratic nation would be justified in envying Americans — but he would also wonder why, with such a fine Constitution, the United States has had to strive and struggle for civil liberties. Sometimes, I join them. The violent foment of the sixties, particularly vivid because of its immediacy, illustrates the ongoing tension between the ideals of the Bill of Rights and the reality of human behavior.

While we possess many rights, we lack one important right. The right to know. Surely we have the right to education. But I speak not of the knowledge of books and trivia but of governmental operations. If a democratic government feels it is necessary to use the F.B.I. and C.I.A. to spy on citizens who question government, then surely the general citizenry has a right to know why the government acts in such an undemocratic manner.

Recent history has been indelibly blotted with the facts that a government has kept “enemies lists” of those deemed by an administration subversive to the national interests; national interests which seem indistinguishable from the administration’s interests. Also, an American citizen was persecuted by the administration when he revealed the truth about American involvement in Vietnam which began prior to the Administration’s involvement. These individuals had their liberties violated by a government shrouded in secrecy. Secrecy of C.I.A. and Pentagon operations is defended on grounds of national security; and obviously, matters of espionage and counter-espionage, as well as matters of defense cannot be successful if revealed for public perusal. Yet, the secrecy that enveloped the atom bomb project in

World War II has become the pattern for projects far less worthy. How the government functions is our business. Government’s business is not the people’s function.

If we have awakened to the world of politics, it is probably that our salvation and the solution to these problems will be at hand. But anyone who thinks he understands the complete scope of the American political system, myself included, is depraved. We can only comprehend our rights and liberties by exercising them, keeping an open mind, never starving our appetites for knowledge, our hunger for answers. Even if government supplies but a morsel — the press a loaf.

The Constitution is a document that, while instituting and empowering a government, grants the citizenry liberties which will protect it from that government. The wind — it blows whenever it wills. You hear its sound, but you do not know where it comes from, or where it goes. Our government operates in the same fashion. When we have relinquished the protection of our liberties to the government, we are in trouble. For then, we will have relinquished the destiny of these liberties for which thousands have suffered and died.

That document, which is but words, has become the embodiment of the liberties that not only our revolutionary soldiers cherished and fought for, but every soldier since then. That document has been a source of strength for the oppressed, a stronghold in bad times. It has been a defense for the cause of the poor, a deliverance for those in need, and a means to overthrow the oppressor.

Some may say the right to vote is our most important right. Others — the right to speak freely — and still others, the rights of a free press. I say that no one liberty is more important than another. For without just one of those guarantees, we would be less free. Our freedom is a culmination of these liberties granted to a people with a spirit for independence and an avowed dislike for oppression.

It is impossible to know what the fifty-five framers of the Constitution would have thought of the interpretation of their document by scholars in the last two hundred years or by those of us speaking today, but they only could have been deeply pleased with the flexibility of their document, its ability to change with the times and the spirit of those who have benefited from its liberties. And, we will continue into another century, as one nation under God, for all Americans, guided by this magnificent documentation of civil liberties and greater freedom for all men.

# 1976

## ROBERT H. MAUS

### HONOLULU, HAWAII

## The Constitution: A Document For Freedom Tested by Time

*Note: Robert H. Maus, an 18-year-old senior from Honolulu, Hawaii, made his trip to the mainland a productive one as he won the 39th annual American Legion National High School Oratorical Contest. Maus defeated three other Sectional winners at the national finals contest held at the Old State Capitol Building in Springfield, Illinois.*

*Maus took home an \$8,000 college scholarship for his efforts. He was sponsored by Waikiki Post 35 in Honolulu.*

*John P. Mullen of Milwaukee, Wisconsin, finished second and received a \$5,000 scholarship. Third place went to Helen A. Bures of St. Petersburg, Florida. She received a \$3,000 scholarship while the fourth place finisher, David F. Abernethy of Harrisburg, Pennsylvania, earned a \$2,000 award.*

The Constitution of the United States, framed almost two hundred years ago, amended and interpreted, criticized as too stringent and maligned as too liberal, still rests solidly on its original premise, all men have an inherent right to govern themselves. This keystone — “the equality of man” — was first set forth in England’s Magna Charta at Runnymede in the year 1215. There, two thousand English Barons disputed King John’s “Divine Right” to rule, and insisted he sign the “Great Charter” granting them freedom from his arbitrary levies and the right as free men to be tried before their peers.

Magna Charta did little for the masses, but it did establish the precious principle that a King was less than a God and his subjects were more than slaves. It was the first, thin crack in the armor of royalty — a ray of hope that man’s ultimate dream of controlling his own destiny might someday be realized.

Our founding fathers, in the American Colonies through upbringing and heredity, drew much from English Law when they met at Philadelphia in 1787 to revise their original Articles of Confederation. We don’t know that these fifty-five delegates to the convention realized they were embarking on an historic experiment, that their “Constitution” — amended by the Bill of Rights — would cast a shadow over the monarchs of the world, and give them reason to tremble and relinquish their right to rule, or be toppled from their thrones.

We do know that genius abounded at the Constitutional Convention on that long, hot summer almost two centuries ago. Washington presided, and the delegates included the dedicated and innovative John Adams, a brilliant Benjamin Franklin, Alexander Hamilton, and James Madison — in all, the leaders and best minds from the thirteen colonies, matured and strengthened by the Revolutionary War.

Strangely enough, these delegates to the Convention, many of them signers of the Declaration of Independence, did not represent a cross section of the colonial population. They were, for the most part, the social intellectual elite of the colonies. Initially, their Constitution denied the vote to the majority, including those who owned no property, black slaves and indentured white servants, and, of course, all women — whatever their color, education, wealth or property. Then, as now, the country was divided. In fact, at the start of the Revolution there were three groups of about equal size — those who wanted independence no matter what the cost, the Tories who were loyal to England’s King George, and another third (we have their descendents among us) who just wanted to “do business as usual.” At the time of the convention, contentment and unanimity of opinion were probably less prevalent than today.

The happy miracle is that our founding fathers did devise a workable Constitution that provided for amendment and interpretation, an instrument that would bend but not break. Their simple yet intricate design, with its three branches of government — Executive, Legislative, and Judicial — gave us a delicate system of checks and balances insuring the United States would never evolve into a presidential monarchy, a legislative oligarchy or a military dictatorship.

It’s true, a benevolent monarch or a well intentioned dictator might govern more efficiently and meet developing problems more quickly, but benevolent monarchs can become senile with age to be succeeded by incompetents or despots. As for dictators, they say — “Absolute power corrupts absolutely.”

Our Constitution has stood the test of time. As we approach the two hundredth anniversary of its ratifica-



Robert H. Maus (HI)  
1976 Oratorical Contest Champion

tion, we find the monarchies ruling at its inception have disappeared or been succeeded by figureheads. Countless dictators, including Hitler, who called us, “a mongrel nation — without the will or ability to fight,” have come and gone. And the Communists — oh yes, the Communists. After fifty years, Soviet Russia cannot raise the grain to feed her 250 million people. The leaders of a nation of agricultural collectives must turn to the free farmers of our American Middle West to buy their wheat.

With all our faults, unemployment, political scandal, bussing, pollution, inflation, recession — we must be doing something right. The whole world still looks to us for guidance or assistance. Hawaii’s Senator Dan Inouye, a decorated hero on the battlefields of Italy in World War II, says calmly and succinctly, “If our country is faltering or failing, why do people of every nation strive to come here — why must some countries build walls to keep their native born at home?” The answer to his question is obvious. They are seeking the freedom and equality of opportunity guaranteed under our Constitution.

The Preamble sets the theme for the document. “We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

What follows is the blueprint for a government that rules with the consent of the governed. In Anderson’s “Washington At Valley Forge” — General Washington tells his troops, “What I fight for is your right to do with yourselves and with your government as you see fit ... without benefit of Kings.”

And the delegates shaped a Constitution providing Americans the opportunity to live as free, equal partners in a grand experiment of government. The Bill of Rights, added two and a half years after the Constitution was ratified, insured individual rights in a society governed by majority rule. In fourteen brief but mighty words...it said, “Congress shall make no law abridging the freedom of

speech or of the press.” Imagine how this phrase has spurred the pens and stimulated the imaginations of America’s authors and journalists for almost two hundred years.

The 13th Amendment, a landmark, freed the slaves, and the 14th decreed all men equal in the eyes of the law. The 16th (not our most popular amendment) authorized a graduated income tax — a barrier to the development of an oligarchy of wealth.

The 19th Amendment in 1920, belatedly, gave women the franchise. But the freedom and equality we are all guaranteed are not an end in themselves. In the words of William Ellery Channing: “The office of government is not to confer happiness, but to give men the opportunity to work out happiness for themselves.”

Seeing the treasure of Constitutional opportunity reflected in the lives of others should bring us the realization that with an effort that satisfies our conscience, we too may live full and useful lives.

We should not look for perfection in government — neither should we accent the negative. To paraphrase Dickens, “It is always the best of times and the worst of times.” Today some of us scoff at detente with Russia, agitate over the crisis in the Mideast and lament or contribute to national cynicism directed at the economy or the follies and failings of Presidents and Vice Presidents.

We seem bent on destroying our heroes at a time when heroes are as scarce as hen’s teeth. It was always so. Nothing is perfect in this imperfect world.

If your faith in your country and your Constitution is flagging, let me leave you with these words of Winston Churchill, who was only half American, but was wholly correct when he said, “Many forms of government have been tried, and will be tried, in this world of sin and woe. No one pretends that democracy is perfect. Indeed, it has been said democracy is the worst form of government except for all those other forms that have been tried from time to time.”

# 1977

## MARK E. THOMPSON

### GLEN ELLYN, ILLINOIS

## The Constitution Works: Our Source of Pride

*Note: A 16-year-old junior from Glenbard South High School in Glen Ellyn, Illinois, took home an \$8,000 college scholarship for winning the 40th annual American Legion National High School Oratorical Contest. Mark Thompson, sponsored by Glen Ellyn American Legion Post 3, won the national finals contest held at Washington Crossing, Pennsylvania.*

*Thompson later attended Brown University, Cambridge University, the University of the Philippines and Yale University, and earned BA and MA Degrees.*

*He described his participation in the contest as follows: "The Oratorical Contest increased my interest in and knowledge about democratic processes and helped me gain the self-confidence to continue my studies.*

*James M. Carr of Pittsburg, Pennsylvania, was second and took home a scholarship of \$5,000. Third place and \$3,000 went to Gregory Y. Won of Kaneohe, Hawaii, while fourth place and \$2,000 was award Peter E. Mohoney, of Baton Rouge, Louisiana.*

It's been called a nightmare, a bleak spot in American history, I'm referring to the Watergate scandal. It's something that causes cynicism and apathy in many of us.

But those people who view it this way are wrong. They overlook the most important fact: The Constitution of the U.S. works. Watergate proved it does. That's something to be proud of. This piece of paper is working as well now in the 1970's as it did when it was first written.

Let's take a closer look at the Constitution and how it worked during Watergate, and examine how it is our foremost obligation as American citizens to keep it working.

During Watergate, the Constitution functioned specifically in three ways. First, it kept our press free. Secondly, it made succession to the presidency orderly. Thirdly, it kept power in our government balanced.

The First Amendment to the Constitution guarantees the freedom of the press. This was maintained during the Watergate scandal. The press performed a vital function. It broke the news of the scandal and gradually penetrated the shrouds of secrecy to get to its heart. Without the press, the American public would have been in the dark from the start. The Constitution worked by keeping the press free to inform the American public, something few peoples of the world can claim.

A second way our Constitution was in action was in guaranteeing an orderly succession to the presidency.

This is provided for in the 25th Amendment, enacted in 1967. Few of us have probably given much thought to this provision. Yet it insures the orderly succession of power.

John Herbers of the New York Times in an article entitled "Sad, Swift Transition from Nixon to Ford," described Mr. Nixon's resignation: "...in a sudden rush of events, like the final pages of a detective novel, it was all over. Mr. Nixon, after resigning, was in retirement in San Clemente with almost two and one-half years remaining in the term..."

In other nations such a sudden downfall might have been followed by a violent power struggle. Just take a look at the world scene today. Violence reigns in such places as Uganda and Ethiopia, where the only succession to power has been settled by civil wars or bloody coups. But in the United States, transition from Nixon to Ford was quiet and effective.

Within several hours, Gerald Ford was in office. The nation had a new leader. Succession was orderly. The Constitution worked.

The third way our constitutional charter was in action during Watergate was through the balance of power it provides. This balance is less a particular section than an underlying principle of the document. At the time the Constitution was being written, some people questioned it, calling it a "worthless piece of paper." As it turned out, however, this so called "worthless piece of paper" has done far better than almost anyone expected. And one of the most important reasons that it is so effective is that

power is balanced among the three branches of government.

We call this a system of checks and balances, whereby one branch keeps an eye on the others. In our country no man holds supreme authority. The Constitution is king.

In recent years, however, the executive branch has become more powerful. Some people suggest that the presidency now exerts too much power. During Watergate the President ordered the C.I.A. to conduct internal spying operations within the United States. The F.B.I. and even the I.R.S. were used to harass so-called political enemies. The House Judiciary Committee subpoenaed presidential tapes. But they were denied them on the grounds of executive privilege.

Some called this above and misuse of power. But could the Constitution still exercise checks to keep power in balance?

That question was soon answered.

The first check was exercised by a court, appropriately the highest in the land, the Supreme Court. Its decision was that executive privilege existed, but not to the point where it interfered with congressional or judicial inquiry. With this decision, the Court had checked executive power, again making the system of checks and balances work.

The second check was not a glamorous one. Some called this a "witch hunt" or a "kangaroo court." The House Judiciary Committee had taken up impeachment.

But these proceedings by the Committee proved to be fair, forthright, and remarkably bipartisan. None of the Committee members were happy to recommend impeachment; yet they felt it imperative. Impeachment was never brought to a vote by the full House. The President resigned before it came to that. But this process clearly showed that Article II, Section 4, the check of impeachment, was still effective.

Representative Charles Rangel sounded a positive note during the Committee's investigation. What he said is worth remembering. "Some say this is a sad day in American history. But I think it could be perhaps one of the brightest. It could really be the test of our Constitution."

Our Constitution passed that test. Consequently, the Watergate experience can be a source of pride, not shame. This experience in our country can be compared with that of Russia. There is a written constitution in that nation also. But in the Soviet Union human rights are denied, the press is censored, and the constitution ignored. Why? Because it is the people, not the paper, that makes a constitution work.

So our obligation as American citizens is to keep our Constitution working.

But how can we as individual citizens uphold the Constitution? Watergate pointed out three attendant duties: keeping the press free, voting, and getting involved in other citizen action groups.

It's been said that the one who brings bad news is the one who gets blamed. And the press was blamed for reporting the facts of Watergate. Attempts were even made to censor some T.V. stations by evoking their licenses. Fortunately, these attempts failed.

But it is our responsibility to keep the press free in the future. When it is unjustly attacked, defend it, and make sure our government officials do the same. The Constitution requires it.

A second duty has to do with voting. This is a responsibility many of us have been encouraged to perform before. But Watergate gave it a new wrinkle: to vote as carefully for our congressional representatives as we do for the President.

One problem is that some people may share John Adam's view of Congress when he said: "It is one-third Tory, one-third Whig, and one-third mongrel."

However, this satirical view of Congress is far from realistic. To maintain a balance of power, Congress must be equal to the President.

Just as the nation learned names like Railsback, Rodino and Jordan during the impeachment proceedings, so should each of us learn who is our own local representative to Congress. Not only should we learn his name, but where he stands on the issues and what kind of job he is doing.

A third attendant duty we as Americans have is to be involved in citizen action groups. Now the term "action groups" may have a negative meaning for some. But I'm not referring to revolutionary or radical groups; rather to organizations that care about government and are able to improve it by enabling people to work together. Such groups have helped establish campaign spending laws. This kind of legislation made the 1976 election a clean one.

Now I'm not urging that we join any particular organization, because there are many good ones. But the point is to get involved.

I believe there is no such thing as arm chair politics, where citizens just apathetically watch their government function. It's our constitutional obligation to get involved, if not on a national level, at least locally on such things as school boards.

Involvement is what democracy is all about. Involvement is what made our Constitution work in the past. Involvement will keep it working in the future.

I'd like to end on something Gerald Ford said moments after he took the oath of office. At the time, the nation was still reeling from the emotions of Watergate. He said, "My fellow Americans, our national nightmare is over. Our Constitution works." And it might be added, this is our one great hope for the future.



# 1978

DEBRA A. MORRIS

LAWTON, OKLAHOMA

## The Constitution: Parent to a Young Democracy

*Note: Debra A. Morris, a 17-year-old senior from Lawton, Oklahoma, won the 41st annual American Legion High School Oratorical Contest. She was presented an \$8,000 scholarship after taking top honors at the National Finals Contest held at Klamath Falls, Oregon. The other national finalists who received scholarships of five, three and two thousand dollars respectively were: David A. Silva, Staten Island, New York; Neal Ray Jones, Smithfield, North Carolina; and Roberta Jane Zachary, Shafter, California*

The subject of raising children has never been one on which psychologists or parents have chosen to compare notes. Therefore, as many strategies have evolved as there are "how to" books for parents. The most recent compilation of tactics was written by Dr. Thomas Gordon, mastermind of "Parent Effectiveness Training." Gordon has devised what he believes are three revolutionary principles: One, that a child must challenge his parents in order to grow; two, that his parents must be flexible enough to adjust to each challenge; and three, that new responsibilities must result from each challenge made. Dr. Gordon's theories are not revolutionary. We know that it's natural and healthy for a child to question his parents. Any 15-year-old will readily admit that it certainly feels healthy to protest their policies by confounding them with careful cross-examination, astounding them with rapid refutation, and overwhelming them with the powers of persuasion. His parents will readily admit that he does it often enough for it to be classified as "natural." And why not? It is human nature. We were born of challenge. Birth, our eviction from the protective womb, was a challenge even to survive.

Our nation was also born of challenge. America's bloody repudiation of Mother England and her subsequent emergence as a sovereign state was a critical period—no less critical than our own infancy. Her traumatic birth endowed each patriot with the spirit of challenge. Our founding fathers knew that this spirit was the life force of the young nation. Therefore, when they assembled at the Federal Convention of 1787, they created a constitution that encouraged challenge, allowed for change, and imparted attendant obligations to the public. The Constitution embodies three principles similar to the ones that Dr. Gordon is advocating for parents.

First of all, the Constitution encourages challenge. The system of checks and balances among the three branches of government is the best example of this. Each branch is given certain constitutional powers, and each is given a check on the abuse of these powers by the other branches. The system of checks and balances is as

essential to the health of the government today as it was in 1787. Five years ago, the Supreme Court challenged President Nixon's privileges as the chief executive by ruling that he could use his unique powers to protect the nation's security, but that he could not use them to protect his own. Only weeks ago, President Carter challenged Congress by threatening to check its power with a veto. Challenge is a healthy impulse within a child—it is a healthy influence upon a government. Like Thomas Gordon, the delegates to the Federal Convention believed that challenge should be encouraged, and devised the system of checks and balances for that purpose.

Secondly, the Constitution allows for change. According to Dr. Gordon, an effective parent will modify his policies if criticism of them is justified. The delegates knew that an effective constitution was one that could be changed when challenges made against it were legitimate. Therefore, the framers of our Constitution worked for flexibility, not rigidity. They provided two ways to modify the Constitution. The first way was through an interpretation of the document by the Judicial Department. Charles Evans Hughes was correct when he said that the Constitution is what the judges say it is. Their decisions have changed the scope and meaning of the Constitution. For example, the scope of the Fourth Amendment was broadened in 1914 when the Supreme Court justices decided that protection from illegal search and seizure included protection from the evidence obtained in such a way. Their decision gave birth to the Exclusionary Rule. The intent of Article 14, Section 1, was made clearer in 1954 when the justices determined that "equal protection under the law" did not exist in separate educational facilities. Their decision gave birth to desegregation. The power in judicial interpretation was best expressed by John Garraty when he said, "Troops deploy, great corporations dissolve, little children march past jerring mobs to school because nine black-robed justices in Washington have discovered new meanings in an old and hallowed document."

The second way to modify the Constitution was through amendment. Our legislators have exercised their power to amend the Constitution 25 times—each time in response to challenges made against it. Even before the Constitution had been passed by the states, the absence of a bill of rights was criticized by Thomas Jefferson and others. Within four years of ratification, the first ten amendments were enacted. When the exclusion of the black man from “the blessings of liberty” was protested, the Fourteenth and Fifteenth Amendments were ratified. When the denial of suffrage to women was denounced, the Nineteenth Amendment was enacted.

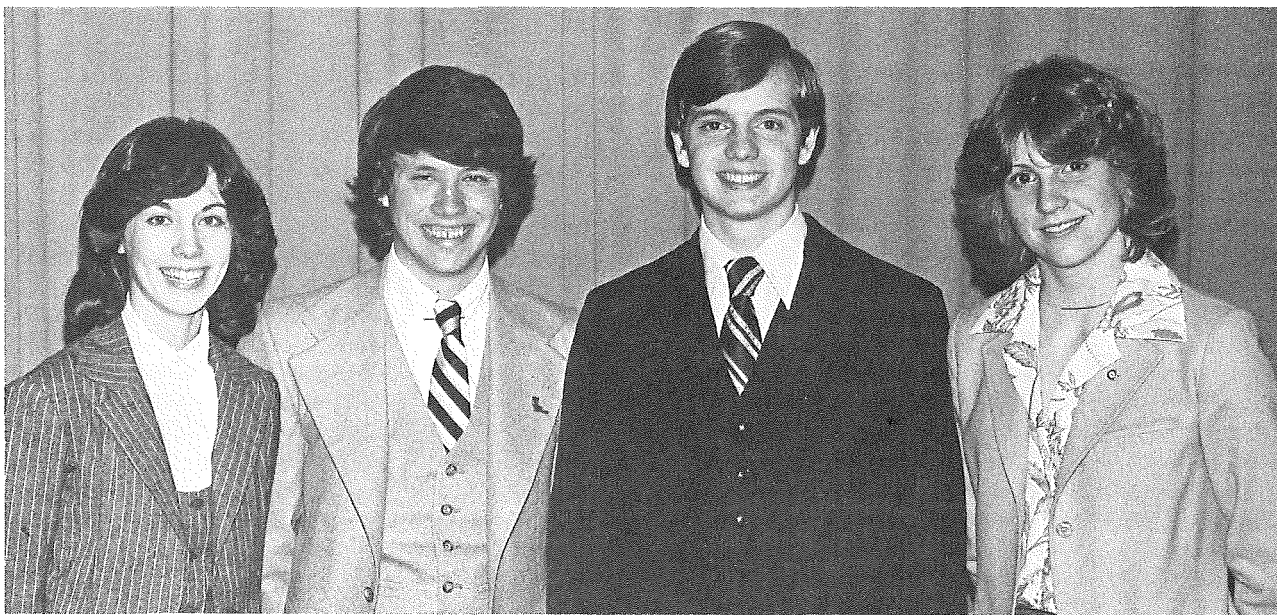
The framers of the Constitution provided us with two ways to modify it. They knew that change would one day be necessary and desirable. Thomas Jefferson predicted this when he wrote, “Some men look at constitutions with sanctimonious reverence and deem them like the ark of the covenant, too sacred to be touched ... I am certainly not an advocate for frequent and untried changes in laws and constitutions ... but I know also that they must go hand in hand with the progress of the human mind ... and keep pace with the times.”

We have examined two ways in which our Constitution is comparable to Dr. Gordon’s “model parent.” Both allow challenge, and both are flexible. There is a third way they can be compared. The wise parent will make it clear to his child that more privileges mean more responsibilities. The privileges of challenging and changing our government also come with certain responsibilities and obligations. I can think of two very important ones. The first is our obligation to remain informed. Only after we have learned about the Constitution and how it works, can we challenge it. Only

after we have learned about the government and how it works, can we change it. Education helps us to make wise and responsible changes. Thomas Jefferson agreed with this. He said, “When the people are well-informed, they can be trusted with their own government; whenever things get so far wrong as to attract their notice, they may be relied upon to set them to rights.”

Our second obligation is to safeguard the rights that are provided in the Constitution—especially the First Amendment rights to communicate freely. Diverse ideas and information must be available if this nation is to remain healthy. Weaknesses in the system cannot be detected unless we assume that critical thoughts are not subject to censorship. Weaknesses cannot be corrected unless we incorporate the diverse ideas and opinions and use them every time we vote, write a letter to the editor, or speak at a town meeting.

The Constitution has proved to be an effective parent to this young democracy. Just as a wise parent modifies his policies with each successive child, the Constitution has changed with each successive set of national circumstances. It has encouraged challenge through the mechanisms of amendment and interpretation. Finally, it has entrusted each citizen with the attendant obligations of remaining well-informed and of safeguarding the freedom to communicate. A parent’s outstanding qualities become more precious to a child as he matures. Likewise, the Constitution’s flexibility and comprehensiveness have become more valuable to us with each passing decade. Just as a healthy child is a source of pride to his parents, this democracy has been the source of our pride in its parent—the Constitution.



Debra Annette Morris, 17, a senior at Eisenhower Senior High School in Lawton, Oklahoma, won The American Legion’s 41st Annual National High School Oratorical Contest. Shown above (left to right)

are the four finalists, all scholarship winners: Miss Morris, David Silva of Staten Island, NY, Neal Ray Jones of Smithfield, NC, and Roberta Jane Zachary of Shafter, CA.

# 1979

**FERNANDO BAELL, JR.**

**LAFAYETTE HILL, PENNSYLVANIA**

## **Freedom of Speech: A Right and a Responsibility— A Privilege and a Protection of All Freedoms**

*Note: Fernando Baell, Jr., a 17-year-old senior from Central High School in Philadelphia, won the 42nd annual American Legion National High School Oratorical Contest. He defeated three other sectional winners at the national finals contest held at El Reno, Oklahoma. He garnered an \$8,000 scholarship for his efforts.*

*Second place and a \$5,000 scholarship went to Bruce A. Menin of Miami Beach, Florida. Third place and \$3,000 was presented to Jeffrey R. Bragalone of Ft. Leavenworth, Kansas. Paul T. Yarbrough of Las Cruces, New Mexico, was fourth and took home a \$2,000 scholarship.*

Listen to this...That is a deadly sound. Silence can be a destructive thing. The detrimental effects of apathetic silence to our freedoms promoted by our Constitution are evident in all aspects of our lives; through unreported crimes, through the incarceration of innocent victims, and through widescale corruption. Our constitutional rights and liberties can be kept safe only by restless consciousness and the courage to speak out. When one examines Americans closely, he realizes that it is our constitutionally guaranteed freedom of speech that makes us unmistakably American. It is not uncommon for the term "rugged individualism" to be used in the description of an American. Individualism is most noted in us because the freedom of speech ensured by the First Amendment of the Constitution allows us to express our thought without fear or inhibition. Individualism is that trait which allows man to think independently, to be the master of his own thoughts, rather than the parrot of another man's ideas; further, it allows him to raise, to guide, and to cheer men by showing them facts amidst appearances.

The First Amendment in the Bill of Rights of our Constitution states: "Congress shall make no law respecting the establishment of a religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances." Our freedom of speech is guaranteed in the First Amendment. It has endured many storms. For instance, the trial of the Congress of Industrial Organizations, or the CIO versus Mayor Hague of Jersey City. Mayor Hague of Jersey City, New Jersey, was empowered to deny permits to speak in public if there was a likelihood of public disturbances or riots. The CIO, then a young organization, was seeking to organize industrial workers into unions and sought a permit to discuss national issues in public; Mayor Hague (a violent opponent of unionization) denied the request.

It was clear that this abridged the constitutional right of political opponents to speak out. The CIO sued the Mayor, and the Supreme Court eventually ruled that his decision was unconstitutional.

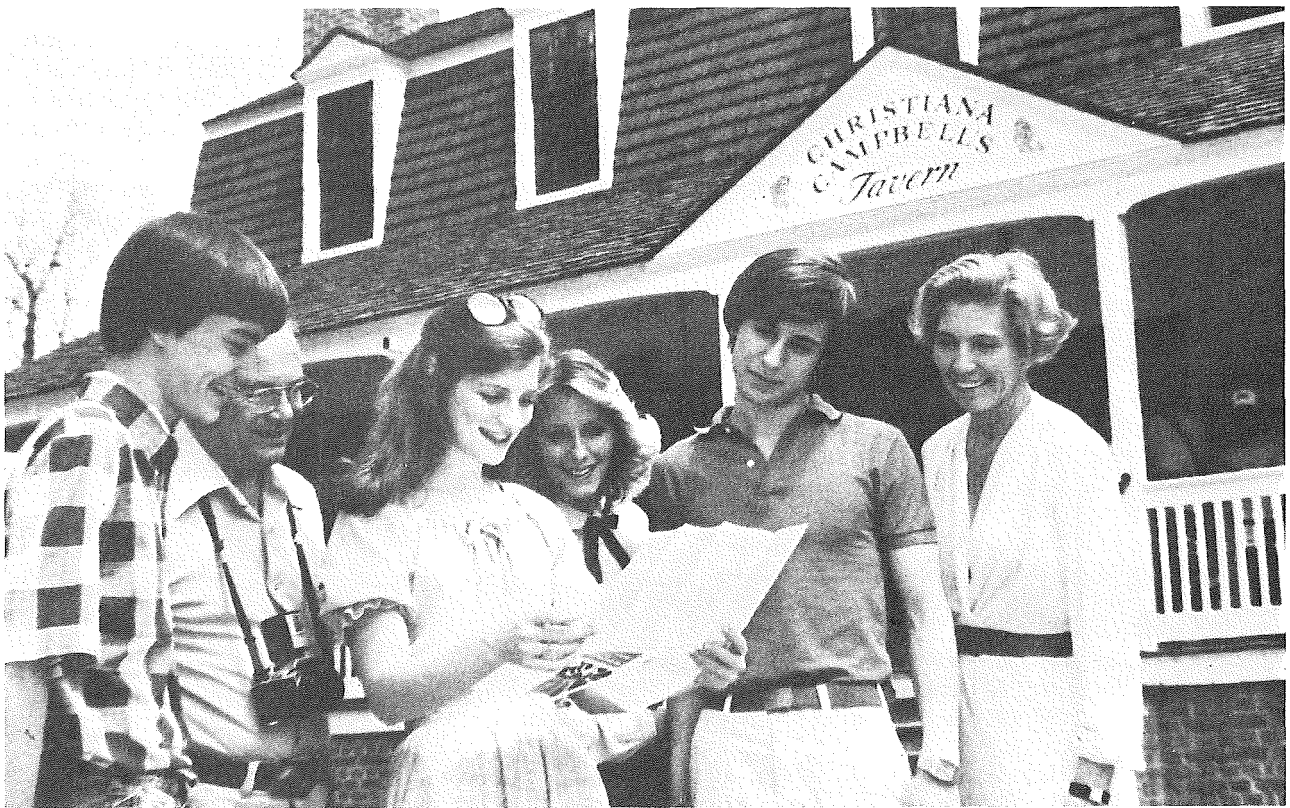
Another test of the First Amendment freedom of speech occurred in New York City. Carl Jacob Kunz, a religious leader, had received a permit to speak publicly in 1946. At meetings in Columbus Circle he violently attacked religions other than his own. The Police Commissioner revoked his permit after receiving a "flood of complaints" and refused him one when he applied again in 1947 and 1948. Finally Kunz held his meetings anyway and was arrested and fined ten dollars. Coming to his rescue, the American Civil Liberties Union financed his ultimate appeal to the Supreme Court, which reversed his convictions. The power of the Commissioner to refuse a permit was an unconstitutional prior restraint on speech. The Commissioner did not have to justify his refusal, and in fact did not, even though Kunz admitted he would continue to agitate. The reason for the Court decision is clear enough: to stop Kunz means the police could stop anyone with whom they disagreed. The Bill of Rights promises much, but it is only through vigorous support by our citizens that this concept can be truly effective. Somewhere in our country the freedoms ensured by the Constitution are broken every day. Its most dangerous foes are not foreign dictators. Its most dangerous forces are those of us who would claim every privilege of liberty in our Constitution for ourselves and would deny this same liberty to others. To rise to a neighbor's aid in defense of his rights is a first duty of citizenship. A second is outspoken criticism of every form of local and federal government when it fails in its duty to the first ten Amendments. When the people say what they think, the government must respond. Thomas Jefferson, who participated in the original Constitutional Convention, once said, "The will of the people is the only legitimate

foundation of any government, and to protect its freedom of expression should be our first object."

There are those that look around themselves and see crime and corruption that go unreported, and they ask why people allow themselves to become silent accomplices, why they do not use their freedom of speech for their constitutional right and moral duty of correcting these maladies. They see that some speech can be destructive. But, they do not speak out against dangerous philosophies that abuse our freedom of expression safeguarded by the Constitution. People are aware that slander and libel hurt. Yet they do not voice their opinions on it very often or on pornographic literature that harms our young. It is a sad truth that these problems exist. But one should not only look at the negative effects they have, one must be cognizant of the positive actions being taken to try to solve these problems with our Constitution and the procedures it provides. Through freedom of speech, we express our concern for crime and corruption by organizing community and government groups to combat them. Our press and media make use of our constitutional freedom of expression to inform us of vital happenings and correct the corruption in government. Because enough people spoke out, there is licensing for large scale rallies or meetings in public places, and there is subsequent punishment if such rallies caused clear and present danger through riots and misbehavior. Individuals can express their disgust for

libel and slander by filing suits in court against them. Parents made known their fear for their children's safety; so there are laws prohibiting the sale of pornographic literature to minors. These measures are all effective, but there is something the average person can do to supplement them and that is to become informed with problems at hand through any number of sources, including our libraries and our press. Those very institutions we have because of our constitutional freedom of expression. Then we can communicate our views and opinions to others. Not by long speeches in front of large crowds, but by expressing them to our friends and neighbors. Eventually this group could make its feelings known through their representation in government.

It is not surprising that in a society that cherishes the individual, one of the most precious freedoms in the Constitution is the right to speak out — to be heard. It is through this method that we communicate our ideas, and from this communication has come our religion, science, literature, commerce, art and politics. It has been said that the cost of freedom in our Constitution is eternal vigilance. As long as we remain vigilant, speak out, and protect our Bill of Rights and the Constitution it is a part of, just as it protects us, as long as we defend the freedoms of others, as we defend our own, then we are the freest people on earth. So listen to this...Silence. Do not allow this deadly sound to come from you.



American Legion Oratorical Contest finalists tour historic Williamsburg, Virginia. Pictured, left to right, are William Spencer of Alexandria, Virginia, and his father; Laura Vance of Lawton,

Oklahoma, and her speech coach, Cindy Davis; and Paul Kuhnel of Garden City, New York, and his mother in front of the famous Christiana Campbell's Tavern in Williamsburg.

# 1980

LAURA M. VANCE

LAWTON, OKLAHOMA

## The Framework

*Note: Laura Vance became the fourth female winner of The American Legion's National High School Oratorical Contest when she topped competition at the 43rd annual national finals contest held at the College of William and Mary in Williamsburg, Virginia. The 18-year-old senior from Lawton, Oklahoma, received an \$8,000 college scholarship for her efforts.*

*Ms. Vance went on to the University of Oklahoma where she received a BA Degree in Language Arts. She later taught at Notre Dame High School in Salinas, California.*

*She said, "I gained from the contest the realization that what I thought was important; I could make a difference. I could change things. This is the confidence I try to instill in my students."*

*The other national finalists who received scholarships of five, three and two thousand dollars respectively were: Paul C. Kuhnel of Garden City, New York; William D. Spencer of Alexandria, Virginia; and David T. Warner of Provo, Utah.*

We've often pictured the first meeting between Adam and Eve, but how many of us have considered the meeting between the two first men? In their own way, they almost certainly discussed the necessities of life and how to obtain them, but man, being the unique creature he is, probably also discussed happiness and how to attain it in his surroundings. As time passed, both man and his environment changed. Small family units developed into tribes which turned into villages which grew into cities; and it became necessary to establish an outline, a framework for the construction of man's rapidly growing society that would give each individual the chance to have not only the necessities of life but also the necessities of happiness—the rights of equality and freedom. Throughout time man has searched for the perfect framework to promote these rights. Perhaps, in America's Constitution, man's search has ended.

One of the first frameworks of society came forth from a region once known as Babylon. Written in 1770 B.C., Hammerabi's Code was searching for foundations of justice. "If a man destroys the eye of another man, his eye shall be destroyed. If a man knocks out the teeth of a man who is equal to him in rank, his teeth shall be knocked out." These, and the rules which followed, may have supplied some crude code of honor, but they did not allow the equality needed for man's individual growth and happiness, for these guidelines did not apply to all men but only to a privileged few.

The "eye for an eye, tooth for a tooth" theory was later quoted in yet another guideline for human society — the Old Testament. The Bible set down not only laws which were formed to protect the rights but also attempted to

develop a code under which man could pursue true happiness. This same framework, however, became warped as man interpreted the Bible to meet his own selfish needs. This interpretation caused some to forget or ignore God's true purpose in the Bible; and this, in turn, made many men so confused or unsure that they either sought to reform the distortion itself or they began a search for other paths to happiness. During this period of religious uncertainty, man attempted to create another outline for society which would promote equality and freedom. He succeeded, and the ideals of "Innocent until proven guilty" and "All men are created equal" were formed. These were presented in the document called the Great Charter, which we know as the Magna Carta. Unfortunately, the rights which were voiced in this truly impressive record were abused almost from the time they were written. The people of the world would have to wait another five hundred years for the rights they so desperately wanted.

It is for this reason that some men fled from England and began their search for a land where they would be allowed to conceive yet another framework through which they would be able to achieve happiness. Out of this search was born the United States of America, where it is recognized that all men are endowed by their Creator with certain unalienable rights. Slowly but surely this ideal was moded into our Constitution, the law of our land and the hope of those in other lands. It established the first type of government which was really controlled by the people through their power to vote, yet, at the same time, acted as a regulator and organizer of the people in times of need.

Does this framework still meet man's needs for the

necessities of life and happiness, however? After all, in the one hundred ninety-one years that it has been in operation, we have gone through one civil war, two world wars, and have placed a man on the moon. No document written in 1789 could have possibly kept up with our rapidly changing life style — or could it have? Some claim that the Constitution is outdated. They advocate a change in the way our government is run, suggesting fewer rights and more efficiency and material goods. These modern individuals appear to have forgotten two very important points. First, the ideals of equality and freedom, which are the foundation of our Constitution, should be eternal. To remove the article which safeguards these qualities endangers not only these rights in our time but also in the time to come. The future generations of the world should not have to pay for our hasty or mindless decisions by sacrificing their rights. Secondly, the Fifth Article of the Constitution insures the flexibility of our form of government by allowing us to build on the original framework through the adoption of amendments which are ratified by three-fourths of the fifty states.

Looking back over our surprisingly short list of amendments, which now stand at only twenty-six, we can actually see America and her values being built. The first ten additions, which are better known as the Bill of Rights, secure the right to a speedy trial, the freedom of religion, and the right of the people to be protected against unreasonable search and seizure of private property. Amendments like these reflected the values of an America that was attempting to break free from the rule of a nation which denied rights to the colonies because rights weakened the control it had over America. The Thirteenth Amendment to the Constitution set the

precedent for freedom of all men. This addition to the framework strengthened our foundation of equality by allowing equality to become reality for everyone, no matter what race, color, or creed. Today, we are still rebuilding, renewing, reviewing. E.R.A., an amendment to balance the federal budget, landmark decisions by the courts, such as the Bakke case or Brown versus the School Board of Topeka, all prove that America's great house of freedom is still under construction, still growing, still being guided by the framework of the Constitution.

Critics have argued that many other just as profound and useful frameworks have been developed, such as the Communist Manifesto or the Political Thoughts of Mao. To some minds, they all promise the same thing — a life of freedom and equality for all of mankind. These people don't seem to realize, however, that the quality which sets the Constitution above the rest, above the Magna Carta and the communist regimes of the world and transforms the promise of a full life into the reality of a full life lies in the builder — the American people. Never was the Constitution the work of one man who was waiting to spread his political revelation around the world. No, we, we the people, through the constant impressions we make on our framework through our votes and opinions, take part each day in the construction of America. It is only through the constant impressions we make on our framework through our votes and opinions, take part each day in the construction of America. It is only through us that it continues to exist. Just as the first primitive man discussed how to pursue a good and happy life, our founding fathers discussed and then gathered together those same basic wants and needs of man and molded them into a framework, and through this framework — the Constitution — man has finally attained Life, Liberty, and the Pursuit of Happiness.



The College of William and Mary provided the setting for the 1980 American Legion Oratorical Contest Finals, and Virginia State Senator William E. Fears brings greetings to the audience in the Great Hall

where many of this country's founding fathers, including Thomas Jefferson and James Monroe, acquired their law degrees.

# 1981

## MARLENE VAN DYKE (Co-Champion)

### GRAND RAPIDS, MICHIGAN

## The Foundation of Freedom

*Note: Marlene Van Dyke and Dean Clancy of Denver, Colorado, were named co-winners of the 44th annual National High School Oratorical Contest. The national finals contest was held at the War Memorial Monument at Indianapolis, Indiana.*

*Third place and a \$6,000 scholarship was awarded Luis G. Vera of North Bergen, New Jersey. The fourth place finisher was Carl Mays II of Gatlinburg, Tennessee.*

“You’re free! After all, we are Americans!” These were the words on a proud banner welcoming the freed American hostages to their rest in Wiesbaden, West Germany. They are such simple words, yet the significance of them is deep. “You’re free! After all, we are Americans!”

It was a new idea for the ex-hostages, yet it is certainly not new in American history. Throughout the history, we have been constantly reminded of our freedom, of our liberty, of our independence. It all began with the Declaration of Independence: “We hold these truths to be self-evident, that all men are created equal, and that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty, and the pursuit of Happiness.”

Soon after these words were written, Americans had to prove their belief in freedom by their willingness to fight in order to preserve it. Yet, throughout the Revolutionary War, the ideal of freedom did not waiver. So strong was it, in fact, that after America was free from foreign rulership, we set up a new government for ourselves. “We the people of the United States, in order to ... secure the blessing of Liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.” The Constitution insured America’s continued freedom.

We Americans, however, were not satisfied with the freedom we had. We wanted to guarantee freedom to others. And so we fought the Civil War, providing freedom for American slaves. At that time, President Lincoln needed to mediate between both sides of the war while also stressing the importance of American freedom. “In giving freedom to the slave,” he said, “we assure freedom to the free — honorable alike in what we give and what we preserve.”

Throughout the history, we have fought to maintain our freedom. Since 1900, we have fought four wars to

protect our freedom and the freedom of others. President Franklin Roosevelt declared the position of the United States on freedom just six months before Pearl Harbor when he said, “We, too, born to freedom and believing in freedom, are willing to fight to maintain freedom. We, and all others who believe as deeply as we do, would rather die on our feet than live on our knees.”

With that kind of pride in our freedom, a freedom that is rooted in our history, we can enjoy the simple words of today, “You’re free! After all, we are Americans!”

The American Revolution, the Civil War, World War II, the Hostage Crisis, these and many other American conflicts have resulted in more freedom for us all. But what is this freedom. What is this right for which we have fought so hard? Freedom is liberty within limitations. Freedom is opportunity with obligations. Freedom is a gift from the government, given to the government by the people.

First of all, freedom is liberty within limitations. Liberty is defined as the power of voluntary choice. Under American freedom, limitations are set as boundaries of our liberty. The Constitution has several examples of liberty within limitations. We are given the freedom of speech, yet it is against the law to slander someone else’s name. We have the free exercise of religion, yet had Jim Jones escaped from Jonestown, he would surely have been tried for murder. We have the right to assemble, yet many assemblies in the early 1970’s were legally broken up because of the violent abuse of this freedom. These limitations do not take away any liberty, they only protect us from its abuse.

Not only do those limitations protect the people in their liberty, they also protect the liberty itself. Had no laws ever been passed against written falsehoods or libel, Woodward and Bernstein’s book, *All the President’s Men*, might have been regarded as being no more true than *Grimm’s Fairy Tales*. It is precisely the law against libel that insures the truth when a non-fiction book is

marketed. In this way, the limitations set on our liberty protect the liberty itself.

Freedom is also opportunity with obligations. The United States is the land of opportunity. We have the opportunity to enter into any business we choose. We have the opportunity to own private property. We have the opportunity of freedom. Yet just as surely as there is no such thing as a free lunch, there is no opportunity within obligations. Perhaps the most obvious constitutional example of this is the opportunity to vote. Time and again, from Article One through Amendment Twenty-six we are given the freedom to vote. Yet this freedom, this opportunity carries with it a serious obligation. The Constitution was not saying, "You may vote if you have the time, if you are in the area, if you feel qualified," "No, the Constitution was saying we must vote. Our personal freedom bars the Constitution from punishing us if we do not vote, but most often we punish ourselves. Former NAACP President Roy Wilkins once said that "...a voteless citizen...is like a caught chicken—all he can do is squawk." The freedom to squawk is not much of a freedom, but the freedom to vote is a tremendous freedom. Let's take this opportunity and obligate ourselves to freedom through our vote.

American freedom is a gift from the government, given to the government by the people. Our Constitution, laws, and political system promise us our freedom. Yet the government did not invent freedom. We, the people, fought for and earned our freedom. Once we gained it, we entrusted it into the hands of the government to protect. Our freedom may be like a pay check. We work for our pay check, we earn it, it is our reward. We deposit

some of it in the bank for safe-keeping and cash the rest for our immediate use. In much the same way, we have earned our freedom, it is ours. We deposit our political freedom, including the laws protecting freedom, the Constitution sentatives into the government for safe-keeping. we hold our personal, individual freedoms for ourselves to use everyday. The government does not take our freedom away, it merely protects it for us. Freedom is very valuable in America, and our government, under the control of the people, will not let us lose our freedom.

When Penn, founder of the colony of Pennsylvania, put government and the people together in freedom when he said, "Any government is free to the people where the laws rule and the people are a party to the law. For liberty without obedience is confusion, and obedience without liberty is slavery." America has had its share of both confusion and slavery, but each time we were brought back into the balance of freedom. It is all a matter of not abusing the freedom we have but using it with respect for others and love for our country.

America is the land of the free and the home of the brave. We are brave in our freedom that is liberty within limitations. We are brave in our freedom that is opportunity with obligations. We are brave in entrusting our freedom to the government to protect that freedom. Maybe it doesn't make much sense, but it seems that the more we respect the boundaries of freedom, the more freedom we have. And it is because of this understanding of freedom that we have the freedom that we do today. We can enjoy our freedom of work, freedom of ownership, freedom of life everyday. The pilgrims worked for our freedom. Our forefathers fought for our freedom. Now it is our turn to let freedom ring.

# 1981

**DEAN F. CLANCY (Co-Champion)**

**DENVER, COLORADO**

## **The Fourth Amendment and the Right to Privacy**

*Note: Marlene Van Dyke and Dean Clancy of Denver, Colorado, were named co-winners of the 44th annual National High School Oratorical Contest. The national finals contest was held at the War Memorial Monument at Indianapolis, Indiana.*

*Third place and a \$6,000 scholarship was awarded Luis G. Vera of North Bergen, New Jersey. The fourth place finisher was Carl Mays II of Gatlinburg, Tennessee.*

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated ..."

This guarantee is given to all Americans in the Fourth Amendment to the Constitution. It is the guarantee of privacy, and it limits the power of government in a way that no other part of the Constitution does. Our duty as

Americans is not only to protect and defend this right but to understand it as well. The Fourth Amendment must be reviewed first in the light of history...

It was adopted by the states in 1791 along with nine other amendments that are known today as the Bill of Rights. The reasons for its inclusion in the Constitution go far back to the days of Charles I of England. During



the early 1600's, Charles renewed the practice of putting dissenters and other prominent people into prison and then searching their houses for evidence to use against them.

In 1689, during England's Glorious Revolution, Parliament formulated the English Bill of Rights, which made this practice illegal. Unfortunately, it was ignored by successive monarchs, and the problem persisted. Finally, in 1763, the British Supreme Court ruled that every citizen had the right to defend his home against unlawful entry even by the king's agents. Noted men of the day hailed this decision as "one of the landmarks of English Liberty." It affirmed the long held theory that "every man's home is his castle." In Parliament that same year, William Pitt said, "The poorest man may in his cottage bid defiance to all the force of crown. Its roof may shake, the wind may blow through it, the rain may enter, but the King of England cannot enter...all his force dares not cross the threshold of the ruined tenement."

At the same time such progress in civil rights was occurring in England, the citizens of the American colonies were being consistently denied their own rights. English authorities continued the practice of illegal search and seizure by using the infamous Writs of Assistance, which allowed the officers to enter any home and for the occupants to assist them in their searches.

Finally, the Americans went to war because they could no longer tolerate these injustices. Six years of revolution followed.

The Search and Seizure Amendment was adopted to prevent these Writs of Assistance from ever abusing the rights of citizens again. It was included so that you and I and every citizen of every state would be accorded the right to privacy.

To fully understand the scope of the Fourth Amendment, we should turn to words of Historian Thomas Cooley, who said in his book, *Principles of Constitutional Law*, "The protection of the Constitution is not confined to (the place of residence)...but extends to one's person and papers, wherever they may be."

This means that not only are we protected from unreasonable searches of our homes but of our property and even our bodies as well. And it allows us to say no to anyone who demands that we produce books or papers in an investigation. Today, a man's home is his castle. Even the President can't take that right away from us.

But there is, of course, an exception — the search warrant. A policeman or other officer may obtain one in a criminal investigation, but he may not abuse the right, as occurred under the Writs of Assistance. The second part of the Fourth Amendment shows us why. It says, "...and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly

describing the place to be searched, and the persons or things to be seized."

Notice the three restrictions our founding fathers placed on the issuance of warrants:

First and foremost is the need to show probable cause. The Constitution doesn't exactly define what that is, but it's generally accepted as being "reasonable grounds for the belief that the law is being violated." The police officer has to give an adequate reason for his belief. He can't just go on a hunch or a "tip" from an informant that the law might be violated; he must justify why he thinks the law is being violated. The Supreme Court has also urged that search warrants be issued by "neutral and detached" magistrates...men who aren't involved in law enforcement activities, thus making them more capable of fairly determining whether or not probable cause exists.

The second restriction is that the officer must take an oath to support his belief that the law is being broken. No warrant can be issued without this affirmation, because it's the only real way of ensuring that the officer is held responsible for his actions. These oaths come in many different forms, but they all have this idea as their sole purpose.

Finally, the third restriction is what is known as peculiarity. The police officer, when he asks for a warrant, must describe in particular detail what is being looked for and the place or places to be searched. If he's too vague, then his petition must be rejected.

These are three important reasons why every single day judges refuse to issue search warrants. And reasons why the Fourth Amendment is highly necessary to protect our right to privacy.

The question that every American must ask is, "Just what constitutes an unreasonable search?"

The Supreme Court has heard many cases dealing with this question, and its decisions shed an interesting light on the flexibility of the Fourth Amendment.

In 1952 case of *Rochin vs. California* is a noted example. The defendant successfully prevented police from seizing narcotics in his possession by swallowing them. At a nearby hospital, the police administered a device that pumped Rochin's stomach and thus were able to obtain the evidence needed to charge him. Rochin took his case to Supreme Court, where he argued that this had not only been an unreasonable search but a violation of his Fourth Amendment rights. The Court agreed. In its majority opinion, Justice Frankfurter said, "This is conduct that shocks the conscience...illegally breaking into the privacy of the petitioner, the struggle to open his mouth...the forcible extraction of his stomach's contents ...is bound to offend even hardened sensibilities. These

are methods too close to the rack and screw.”

It was clearly a case of unreasonable search and seizure, but there is another related Supreme Court decision that needs to be examined...

In 1966, the Court heard the arguments of *Schmerber vs. California*. Schmerber maintained that his rights had been violated when police took a blood sample from him, without a warrant, in order to prove that he was driving under the influence of alcohol. The Court sided with the police. Justice Brennan declared that the blood test was reasonable, saying, “...in a case such as this... there was no time to seek out a magistrate and secure a warrant. Given those special facts, we conclude that the attempt to secure evidence of blood-alcohol content in this case was...appropriate.”

We can see then that the highest court in the land has given us these decisions so that the Constitution can't be misconstrued. This again is a monument to the right of privacy.

At the beginning of this speech, I said that the Search and Seizure Amendment limits the power of government in a way that no other part of the Constitution does. I maintain this because the Fourth Amendment extends its power not only to our home but to ourselves as well. It places important restrictions on the issuance of warrants, and it derives its great strength from its flexibility.

The Fourth Amendment should stand as proof to all of us that the American colonists did not fight and die in vain. They, themselves, said in the Declaration of Independence, “...whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it...laying its foundation on such principles...as to them shall seem most likely to effect their Safety and Happiness...and to provide new guards for their future security.”

Our forebears fought to guard the right of the people to be secure...and through the Fourth Amendment, they've succeeded.



Contestants in the 45th annual national finals of the National High School Oratorical Contest are shown immediately prior to the announcement of the winners. Pictured from left are: Harry A.

Thomas, Dover, DE; Patricia Moon of Broad Run, VA; James Leonard, Lincoln, NE; and William Kephart of Chillicothe, IL.

# 1982

## WILLIAM KEPHART, JR.

### CHILLICOTHE, ILLINOIS

## Are You One of Them

*Note: William Kephart, representing the Department of Illinois, won the 45th annual National High School Oratorical Contest. Kephart defeated three other Sectional winners at the national finals contest held at Century High School in Bismarck, North Dakota.*

*Kephart, now a student at the University of Illinois, took home a \$16,000 scholarship. In describing his participation he said, "The attention I received affected me. Having my education paid for alleviated the financial strain on my parents and allowed me to feel more at ease while I pursue my education."*

*Second place and a \$10,000 scholarship went to James Leonard of Lincoln, Nebraska. Patricia Moon of Broad Run, Virginia, finished third and received a \$6,000 scholarship. Fourth place and a \$4,000 scholarship went to Harry A. Thomas of Dover, Delaware.*

Are you one of them? Are you one of the 70 million people who could have voted in the 1980 presidential election, but didn't? I surely hope not. Because as an American citizen, voting is your duty as soon as you are eligible. It's right there in the Constitution:

"Article I, Section 2. The House of Representatives shall be composed of members chosen every second year by the people of the several states."

The 17th Amendment. "The Senate of the United States shall be composed of two Senators from each state, elected by the people, thereof for six years."

Voting is the only voluntary duty listed in the Constitution. In Article VI, we're informed that the Constitution is the supreme law of the land; therefore, it is our duty to obey it. The 16th Amendment makes provisions for an income tax, which, of course, it is our duty to pay. Both of these are legal obligations. If they are not obeyed, we may be prosecuted. Voting is a choice, a privilege, just as free speech is. But if a voter doesn't like a person's conduct in office, he doesn't merely have to complain about it; he has the power to do something about it. For these reasons, our duty as voters deserves our full attention.

I'd like to discuss the expansion of our voting rights through five amendments. Their history may appear very cold and factual, but behind each of these political documents is a very warm and emotional American.

What I will say in a few words has taken some men and women years of tireless dedication to accomplish. Even more astounding was the feeling they had for their country and its people. A feeling so intense that they worked unselfishly to further the democratic power of

voting. Perhaps if we can see just what kind of American Spirit it took to fight for some of these amendments, we can better understand why we owe it to those men and women to vote.

The 15th Amendment, granting the blacks voting rights, was just the beginning of the suffrage movement that would span more than a century. The 15th got its start after the Civil War when the First Reconstruction Act was passed by Congress in 1867. The Act divided the South into five military districts. Under the new government, only those men who had not fought in the war were eligible to vote, and that meant the blacks. The Southerners were forced to include this in their territorial constitutions. Three years later, the 15th became an amendment in March of 1870. Granted, it might not have been passed in an act of brotherhood, but it was a monumental move, not only for the blacks, but for other non-whites as well.

The 17th Amendment, unlike the 15th, was more of a step toward voting power than toward voting rights. The 17th provided for the election of Senators by the people. Up until this time the Senators were elected by the state legislatures. Consequently, the Senate amounted to little more than second-hand representatives of the people.

With the passage of the 17th Amendment, voters could directly choose whom they wanted to represent them in both houses of Congress. Why wasn't this system chosen in the first place? You must keep in mind that even though the Founding Fathers believed in a democracy where people govern themselves, they didn't feel that most people were capable of such a task. Their thoughts could probably best be summarized by Connecticut's delegate to the Constitutional Convention, Roger

Sherman, in his statement, "The people should have as little to do as may be with the government. They lack information and are constantly liable to be misled."

So to help us in our decisions, they decided to have the state legislators do it for us. But the process by which the Senators were chosen had problems. Each party wanted to elect its own candidate, and in legislatures where there was an equal number of members in both parties, deadlocks often resulted. And since the Constitution made no provisions for a tie, there was only one thing for the legislators to do — sit.

There were a number of states that only had half their representation. In fact, in 1846, the newly admitted state of Iowa went for two years without Senators. It just wasn't fair to the people.

Oregon was one of the first to fight back. The people held unofficial senatorial elections and made it mandatory that the legislators select the candidates who had received the most popular votes. Other states followed suit. The proposed amendment of direct election made it to the House of Representatives and passed. But for years the Senate wouldn't touch it. Then Idaho's Senator William E. Borah decided to work for it. It was hard to convince the Senate, and at first it was defeated. But Borah kept trying, and by May 1913, the Amendment was ratified. The people now directly controlled both houses of Congress by vote.

The name Elizabeth Cady Stanton probably doesn't ring a bell, but most of us have heard of her friend, Susan B. Anthony. Together these two women inspired an amendment that doubled the number of voters in America and gave women political equality.

Around the middle of the 1800's, women's rights were a totally new concept. What women today call chauvinism was, at the time, a way of life.

Mrs. Stanton held the Women's Rights Conventions in Seneca Falls, New York, in July of 1848. A few years later, she met Susan B. Anthony. They formed a group in 1869 called the National Woman Suffrage Association. In 1879, a California Senator, A.A. Sargent, introduced the Anthony Amendment to Congress. This amendment would later be the basis for the writing of the 19th Amendment. There was a lull in the group's activities between 1896 and 1910. During this time, both Susan and Elizabeth died. But Elizabeth's daughter, Mrs. Harriet Stanton Blatch, carried on the torch for her mother. Mrs. Blatch, using a more radical approach, held the first suffrage parade in May of 1911. Eight years later in May of 1919, President Wilson called a special session of the 65th Congress. The Amendment made it through the House, and this time, through the Senate, who had killed it twice before. The 19th Amendment, granting women the right to vote, was ratified by August of 1920. Half the nation had gone from cooking to counting.

The next step in expanding the voting rights was the passage of the 24th Amendment, abolishing the poll tax. The poll tax, which had to be paid before a person could vote, was adopted by all the Southern states between 1898 and 1908. Its purpose was to prevent the blacks, most of whom had low incomes, from voting. But it also kept a number of low income whites from voting. Starting in 1939, Congress originally tried to pass a law abolishing poll taxes. Then in 1949, a Florida politician, Spessard Holland, taking a more complex route, chose to get it passed as an amendment instead. It took him 15 years, but it was finally ratified in February of 1964. Even though only five states had the poll tax upon its ratification, this amendment did strike a very strong blow in securing voting rights for the poor. The 24th Amendment made the vote of the borrower as important as the vote of the banker.

The final amendment we come to is the 26th, giving 18-year-olds the right to vote. This amendment was brought up in a time of great change for the youth — the late 60's. Kids were becoming more involved in political matters such as the Vietnam War and foreign affairs. They were showing an interest in what was going on and they wanted to be included. It seemed rather unfair that kids under 21 had to fight for their country, but had no say in who ran it. So the amendment was presented to Congress in January 1971, was approved by both houses by March of 1971, and was ratified faster than any other amendment in history, by the end of June of the same year.

Well, there you have it. Five amendments. Each with its own history of the men and women who supported it. But they gave much more than just their support. If only we could understand the ridicule they went through, the nights they couldn't sleep because they had to plan, the nights they couldn't sleep because they just plain worried, the jail sentences for some, the time missed with their families for others. Lastly, were those who spent almost every day of their lives trying to give some portion of the people a say in government, but died thinking they had failed. All that for you. Yet, in the 1980 presidential election, 47% of the voting age population didn't vote. That is just about one out of every two people. All citizens of America, a country based on the people's decisions.

Just too many people look on voting as an opinion. And I'm not talking about voting for the President. I'm talking all the way down to school board members.

It's a duty, all right. And one we owe. But not just to the government. It's for the men of Congress who passed the 15th; for William E. Borah and the 17th; for Mrs. Stanton, Mrs. Blatch, and Miss Anthony of the 19th; Spessard Holland and the 24th; and for all the young people involved with the 26th.

But mostly, it's for you.

# 1983

## KEITH R. FINCH

### BLACKSBURG, VIRGINIA

## In Defense of the Constitution

*Note: Keith R. Finch won the 46th annual National High School Oratorical Finals held at the U.S. Naval Academy in Annapolis, Maryland. He was sponsored by American Legion Post 182 in Blacksburg.*

*The other national finalists who received scholarships of \$14,000, \$10,000 and \$8,000 respectively were: Matthew Baumgart of Des Moines, Washington; Michele Horner of Fargo, North Dakota; and Stephen K. Epstein of Milton, Massachusetts.*

Allow me to introduce myself, ladies and gentlemen of the jury. I am the chief attorney for the defense in the case before you. In this court of law, my client, the Constitution of the United States, stands accused of criminal negligence by people throughout this nation and the world. The specific charges leveled against the defendant include assertions that (1) the document unjustly insulates the Supreme Court from the will of the people, (2) that the Constitution's system of checks and balances weakens our government and makes it inefficient, (3) that permitting citizens rights like freedom of speech or of the press undermines our government by allowing people to speak out against it, (4) that the Constitution has let many crimes take place under its influence, including the slavery which plagued this nation and went unchecked for more than two centuries, and (5) that the Constitution is so inexcusably weak it allowed the turmoil of the Civil war to shatter this nation almost beyond the point of repair.

The defense will prove that these first three accusations — charges against the Constitution's safeguards and provisions of rights — attack the basic ideals of our nation and are therefore not only unfounded, but also downright dangerous. As for the last two charges, concerning slavery and the Civil War, these crimes were simply not the Constitution's fault. Please realize that I don't even pretend that these crimes are not, indeed, horrendous. On the contrary, I, and the Constitution, denounce them as readily as those who leveled the charges in the first place. I would simply argue that my client is not responsible for these crimes, because it has never been negligent of its duty. The fact is, ladies and gentlemen, that our Constitution has, in all of these cases, been the sole defender of the victims of these crimes. And yet these accusations attack the ability of the Constitution to defend these poor and helpless people. In this, the final summation of the defense case, I will show you, the members of the jury, how the Constitution's flexibility and its emphasis on human rights have been possible the evolution of the greatest nation on earth.

First I should like to say a few words about two reasons

for the Constitution's flexibility — the restraints it places on power through checks and balances and its provision for amendment.

Point one: restraints on power. The three branches of our government are "checked and balanced" by each others' powers. These checks and balances were put into the Constitution with the intent to make no section of the government too powerful. To illustrate how beautifully this is accomplished by our Constitution, allow me to trace the flow of power that can be followed in one situation. The voters elect the President and Congress. The congressmen, representing their districts, introduce and vote on bills they feel represent the best interests of those who elected them. The President, who represents all the people, may veto the bill if he feels it is ill-advised. A veto can in turn be overridden if two-thirds of the Congress votes in favor of the bill, in which case it becomes a law despite the President. After the bill becomes a law, it can be declared unconstitutional by the Supreme Court and killed. At this point you might very well ask, "How did the Supreme Court get into the picture? They aren't elected!" And that is a point very well taken. You see, the Supreme Court was intended to be an impartial moderating body, overseeing the entire process of democracy in America. The Supreme Court Justices are therefore appointed, and by the elected president, I might add, to help remove them from the political pressures and constraints that might affect them, and their decision making, if they had to campaign for office. It is for this reason that the Constitution insulates the Supreme Court, and it is for this reason that charges against this provision of the Constitution attack not a foible, but a strength.

You should see by now that unlike old systems of government with all the power vested in one man or body of men, our system balances power among many men and bodies of men. Instead of a pyramid with all of the power at the top, our government is like a spiderweb, with each junction supporting and checking the power of every source of influence. I might add that spiderwebs

are, for their size, some of the strongest structures to be found in nature. They are also among the most flexible. In fact, their flexibility adds to their strength. These same qualities of strength through flexibility can be found in our Constitution, which has protected us so well partly because of its ability to change with the times. This brings me to the second part of the defense argument, concerning the Constitution's provision for amendment.

The framers decided (and rightly so) that since the Constitution would have to "stretch" to cover many major and minor points of the law, it would be best to provide the nation with a means to amend the Constitution if future needs demanded it. Ladies and gentlemen of the Jury, it is this flexibility that shows who the Constitution did all within its power to avert disaster when the Civil War erupted over the slavery question. Although those accusing the Constitution would have us believe that it was so weak as to be helpless when the crisis came, the fact is that the Civil War was a triumph for the Constitution — not a defeat. The eventual reunion of the states is proof that the Constitution is strong enough to hold the country together, for although the Union did split, the fracture was repaired. Any other Constitution, without the ability to change itself after the war and protect the rights of those who had been oppressed before, would have torn our nation apart because of its inflexibility. My client is innocent of these charges, for in this and hundreds of other times of crisis the Constitution's flexibility was the only thing which saved this nation from disaster.

I have gone over the reasons for the endurance of the Constitution — its interwoven structure and consistent relevance to the present. But note that the prosecution also charges that my client's alleged indifference to human rights has severely damaged the United States. This cannot be so, for the Constitution has written guarantees for individual rights.

For instance: the right to bear arms — a crucial right to patriots living in America long ago who had to defend

themselves from invaders. The right to vote, which allows people to change things without having to resort to violence. Freedom of speech and of the press — in many other countries but a dream. In our nation, under our Constitution, a man can say what he likes about his government, his employer, or whatever he wishes — without fear of being hauled off to prison. Likewise, cruel and unusual punishments should not be allowed in a nation that prides itself in its belief in the ultimate human rights to life, liberty, and the pursuit of happiness.

I have shown you how the Constitution's checks, balances, and provisions for rights are merits and not faults of the document. I have also proven that the Constitution is not responsible for the terrible crimes against humanity that the prosecution accuses it of. But, you may ask, if the Constitution is not responsible for the thousands of injustices that have occurred under its influence, then how was it that they came about? The answer lies in us. You see, the Constitution must be supported by people, by ourselves, if we expect it to work. An individual cannot simply sit around and refuse to support this nation by doing so little as even offering up his opinion to be heard and then expect to get his "legal rights." Those who went before us realized this. They bought the Constitution with humiliation and anguish, with sweat and tears, with pain and blood, and with life and limb. There are attendant duties and obligations of a citizen of the United States that must be fulfilled. Otherwise, all will be forfeited. The Constitution will be ripped up like the piece of paper it is, not defended and upheld as should be the ideals it represents.

To defend these ideals, a citizen of America must be prepared to sacrifice his desires, his freedom, or his life. It all depends upon each and every one of us. We are the ones who commit the crimes. So seek not to lay the blame on my client, this majestic document that has served us so well for so long. Instead, look to yourselves and to the actions of others for an end to injustice. Never was a defendant more innocent than the Constitution. Your Honor, the Defense rests.

# 1984

## ARTHUR JORDAN

### PITTSBURG, PENNSYLVANIA

## The Constitution: Of, For and By the People

*Note: Lansing Community College in Lansing, Michigan, was the site of the 47th annual finals contest of The American Legion National High School Oratorical Contest. Arthur Jordan, 17-year-old senior at Pittsburg's Central Catholic High School came away with the top prize — a \$16,000 college scholarship. Currently a student at the University of Chicago, Jordan was sponsored in the competition by East Liberty American Legion Post 5 in Pittsburg.*

*The other national finalists who received scholarships of \$14,000, \$10,000 and \$8,000 respectively were: Nancy Ann Rocke of Muskego, Wisconsin; Amy Sue Garwood of Lincoln, Nebraska; and Dale Allen Carpenter of Corpus Christi, Texas.*

Shackled and beaten, the prisoners trudged along to the desolate quarry. The quarry — that rocky pit of pain — would again today take its toll on the weary inmates. A file of prisoners marched on with picks in hand while those who straggled along the way were struck senseless with rifle butts. Their long faces told their stories, jailed, all of them, for organizing strikes, for distributing critical literature, for speaking out against, whatever. Here they were, crushed both physically and spiritually, forgotten and abused, enemies of the state. Where were the freedoms guaranteed to these living, stumbling ghosts by their Soviet constitution? Such are the scenes depicted in the book *The Gulag Archipelago*, a work that once more revealed to the West the shocking inadequacy and injustice of the Soviet system. Its author, while incarcerated at this very Gulag prison, was heard to have proclaimed, "Today we search for freedom, but in our search we must look beyond these shores." That author now resides in the United States, in Vermont. His name is Alexander Solzhenitsyn.

Today the people of the world search for opportunity and peace much like Solzhenitsyn. When seeking these two elusive blessings, our nation emerges as the last bastion of freedom. Because this country has preserved the rights and liberties of its people, their virtues, virtues too difficult to even achieve in other countries. Here in the United States these very virtues are guaranteed to us by our Constitution, the peoples'. It is a document so visionary in scope that it has survived nearly two hundred years after its inception. But why? Why is it as valid today in the age of space shuttles and computers as it was in the era of horse-drawn carriages and quill pens? Why? Because, ladies and gentlemen, the United States Constitution is no ordinary document. No. It is a living, breathing work that has evolved as we a people have evolved. Unlike in other countries, our Constitution has not been discarded or ignored. Rather, it remains an ever-present and vital part of our national being. Sure, the Soviets have a magnificent Constitution, one with eloquent language and noble promises. But that Constitution is merely a showpiece, nothing more. After all, where was it when Solzhenitsyn needed it? By contrast, our Constitution is alive and well, hard at work as always for the entire world to both examine and marvel at.

The genius of the Constitution lies primarily in the fact that our founding fathers created a masterpiece with two ideas in mind: adaptability and checks. Both ideas, adaptability, the ability to change when necessary, and checks, that concept that one branch of the government "checks" the others to keep order, both working together, in tandem. Our government was designed with three separate branches that keep an eye on each other so that no one branch over-exercises or abuses its power. The brilliant principles, articles and format were forged so as to be broad enough to permit change, but change only when it is beneficial and under the close scrutiny of the people. The amendment process is the beauty of it all, that we change it, we the people. That we are the watchdogs of freedom. That the three branches of

government serve us and not themselves.

As John Locke reminds us, because we are human, we have rights. This is true. But because the rights are ours, we must safeguard them for the future as we have preserved them in the past. Yet how wonderful that the Constitution of 1787 protects these rights, our rights today in 1984. Let us see how the Constitution has survived. Consider how it breathes as we do and has been the cornerstone to this nation's grandeur and glory.

The first element present, adaptability, is made possible due to the fact that our Constitution is open to interpretation. Edward Corwin observes that those powers that are not defined or enumerated are referred to as the "implied" powers. Article I, Section 8, better known as the Elastic Clause, states it this way: "Congress shall have the jurisdiction to enact all laws that may be necessary for the execution of its powers." From this have stemmed numerous functions and responsibilities that we today take for granted, such as railroad or airline regulation, though there were no railroads or airlines in 1787 when the Constitution was drawn up. Or in the control of labor, agriculture, and industry. Or in the conservation of our national resources. These powers have allowed the nation to remain prosperous, for its economy to have expanded from Jefferson's model of an independent, agricultural society to today's interdependent, industrial system. The private sector has a free reign in coordinating its own affairs, except, of course, when it gets out of control, as it did. For example, with J. D. Rockefeller and Standard Oil. Our history teems with examples other than the financial, such as foreign policy. We have allied ourselves with the Soviets in World War II for practical reasons and yet opposed them ever since for the sake of liberty. Clearly, any policy that remains fixed with time is doomed to die. That is why our Constitution does not dictate absolutes. Why it makes a change in priorities plausible. For example, in the 1960s, social programs were prominent. Now in the 1980s, defense is of paramount importance in promoting international security. As priorities and their attendant laws may change, the Constitution and its traditions live on.

Amendments further help keep our Constitution timeless, and they too are a form of adaptability. Consider these examples: Amendment 13, freeing the slaves. Amendment 15, giving blacks the right to vote. Amendment 19, giving women the right to vote. Indeed, as society has changed, the Constitution has followed suit. And it can even dabble in social experimentation such as in the Prohibition, first instituting it and then eliminating it. This is the flexible Constitution, the Constitution of adaptability.

The second part of this dichotomy is what we call checks. And checks, as we all know, preclude transgressions and abuse of power. Perhaps the most recent and glaring example is that of Richard Nixon, in which Congress not only checked the President, but actually forced him into

resignation. There was also Marbury vs. Madison in which Chief Justice John Marshall "checked" a rowdy Andrew Jackson thereby establishing Judicial Review. Ever since that time the Supreme Court has monitored all of our laws to insure that they are fair for all citizens. In the same vein, the actions of Congress are subject to review by the President, and vice-versa. In the budget-making process, both of these branches provide the input to make it work year after year. So we have something special in our midst, a Constitution of two forces, adaptability and checks. And while these may appear to be complementary forces, they are actually complementary in nature. They are the stuff of which enduring freedom is made.

In 1947, when David Lillianthall was under the intense scrutiny of Senator Kenneth McKeller's Congressional Committee, he was challenged to defend his patriotism and loyalty. He was asked, what kind of American he was. This is what he told that Committee: "I deeply believe in the capacity of democracy to surmount any trials that may lie ahead, so long as we practice it in our daily lives." Among the things Lillianthall might want us to practice is this: a keen attention to the delicate relationship between adaptability and checks. To make sure that adaptability is maintained so that our Consti-

tution does not fall behind the times, so that our freedoms continue to endure. To keep checks in place to keep the Constitution secure.

When elected, John F. Kennedy noted, "What we witness today is not a victory of party, but a victory of the people." Indeed, we are the ones who ultimately reap the benefits of liberty, and therefore we must be the ones who protect it. If the benefits are ours, then they are ours to protect, or lose. For with the fruits must come responsibility. In the Preamble of the Constitution, our forefathers wrote, "We the people, do ordain for ourselves and our posterity this Constitution of the United States of America." Today, nearly two hundred years later we are their posterity, and two hundred years from now our posterity will be obligated to us for what we either do or fail to do in preserving the dignity and integrity of the Constitution. So that every time we read a freely published newspaper, every time we speak in a free assembly, every time a Marine dies for the sake of liberty, we exercise the vigilance needed to keep the Constitution alive. As the founding fathers pledged their lives, their fortunes, and their sacred honor to preserve the Constitution, this same task falls to us: to preserve the Constitution for our common posterity as they lived and died to preserve it for us.

## 1985

### GWEN CONNOLLY

### CEDARBURG, WISCONSIN

### My 1984

*Note: Gwen Connolly, a 16-year-old junior from Cedarburg High School, received a \$16,000 college scholarship by winning the 48th annual American Legion National High School Oratorical Contest. The national finals contest was held at Drake University in Des Moines, Iowa. Now a student at Carlton College in Minnesota, Ms. Connolly was sponsored in the competition by Peter Wollner Post 288 of The American Legion in Cedarburg.*

*The other national finalists who received scholarships of \$14,000, \$10,000 and \$8,000 respectively were: Anne-Marie Deitering of Aurora, Oregon; Christopher Jordan of Smithfield, North Carolina; and Brian Domitrovic of Pittsburg, Pennsylvania.*

Last year was 1984, and last year I read a book entitled 1984. The author, George Orwell, wrote of a futuristic, socialistic society. And when I finished that book I had several feelings. One was fear and the other was terror.

But what does George Orwell's book, 1984, have to do with the American Constitution? Well, quite frankly, it is these feelings of fear and terror that caused me to ask myself what made by 1984 different from that of George Orwell's 1984. Well, after some thought I came to the conclusion that it was the United States Constitution that had separated the two.

In his book, Orwell writes of a government and a society which are in control of its people. And when I say control, I mean precisely that. They watch where the people go, what they do, who they meet, and what they say. And they do this on three levels.

The first level is a physical level. This is where they monitor the peoples' physical actions. They do this with two-way telescreens and these telescreens are everywhere. They're in your home, in your place of business, they are even in your bedroom. You can never escape these telescreens because even in the dark, although they may



not be able to see you, they still can hear you.

The people also believe that one person is watching them and that one person is Big Brother. Now Big Brother isn't really a person, but rather a symbol or figurehead of the government of 1984. And Big Brother's picture is plastered all over 1984. And the unique thing about Big Brother's picture is his eyes. Because no matter where you stand, they seem to be looking at you. When you stand over here he looks at you, and when you stand over here those same eyes still seem to be looking at you; as if he's looking into the very core of your being; as if to say, "I know what you are doing, and I know what you are thinking."

The second level of control is on the mental level. This is the control of the people's thought. They do this first by simply telling the people what it wants them to think. But also, the people of 1984, from the moment of birth, are brainwashed into believing that Big Brother is always right. He never makes a mistake. He is infallible, and if any mistake has been made, it has obviously been made by you.

The third and final level of control is the emotional level. It is the most important level because people will do what you want them to do; they will say what you want them to say; and they will appear to think in the way you want them to think; but unless you have control of their emotions; unless you have what makes them different from all others; then you don't have complete control of them, and this is precisely what Big Brothers wants.

Big Brother gains this control in a rather unique way. You see, every one in 1984 works for Big Brother. So Big Brother sets aside two minutes out of every workday and congregates the people together in small rooms. Before them are flashed pictures of dissenters and people who have said bad things about Big Brother. These pictures and these words conjure up in the people all of their emotions, all of their feelings of desire and worry and pain. All of these emotions are brought to a head within the people. Then Big Brother channels all of these emotions into one emotion. The one emotion that Big Brother chooses is HATE. As these emotions are brought to a head within the people, they are released. At that moment, the people have no emotions; they have no individuality; they have no humanity; they have been reduced to nothing, which is precisely what Big Brothers wants because it is this which makes them so easy to control.

But my 1984 was not like this because the government and the society in which I live do not behave like that.

Because the Constitution of the United States would not allow them to do those things. Big Brothers could not exist.

The power which Big Brothers acquired in 1984 he could never accumulate in my 1984. Because the first

three articles of the Constitution clearly define our government into three distinct parts: the legislative, the executive, and the judicial branches. Each of these branches is assigned various duties and responsibilities separate from one another. Among these duties and responsibilities is a system of checks and balances. So that one branch has the power to check that of another. So that one branch does not become too powerful. So that one branch does not become Big Brother.

Big Brother began his system of control on the physical level, and he did this with telescreens. The fourth Amendment of the Constitution says that I have the right to feel secure within myself, within my home, within my personal belongings, and my personal documents. Obviously having a telescreen in my home is an invasion of that privacy, privacy which is protected for me by the United States Constitution.

Big Brother's second level of control was on the mental level. This was where he controlled the people's thought. Once again, in the Bill of Rights of our Constitution, in the First Amendment. I have a right to believe what I want to believe. I have the right to talk about those ideas, thoughts, and opinions. I have the right to talk about

those ideas, thoughts, and opinions so that generations form now others will be able to read and understand those same ideas, thoughts, and opinions. This afternoon, you and I are exercising one of the rights protected to us in the United States Constitution, the right to assemble. You and I are assembled here comparing and exchanging our ideas, thoughts, and opinions. Thoughts and opinions that we have come to under our own conscience, not under the guidance and the fear of Big Brother and his ideas and his opinions; a commodity, that in 1984, was not enjoyed by the people.

I, as a student, am able to pursue an education so that I may become an informed and literate adult; so that I may be able to better understand the Constitution and the rights that it guarantees me; so that I may be able to better exercise my right to vote. This is the link that exists between me and the Constitution. If I fail to understand the Constitution, if I fail in my responsibility as a citizen of the United States to vote, then that link disintegrates. The effect is that the ability of the Constitution to protect my rights and my freedoms becomes weaker. The end result may be Big Brother.

The Constitution of the United States has given me the opportunity to an education. An education which has enabled me to read and understand works such as George Orwell's 1984, as well as the Constitution of the United States. I am able to make up my own mind. And I believe that it is the Constitution of the United States of America which will protect me from George Orwell's 1984.

# 1986

## JENNIFER JANE DEMMON

### MARSHALLTOWN, IOWA

## Our Constitution — A Timeless Mansion

*Note: Jennifer Demmon, a 17-year-old senior from Marshalltown, Iowa, won the 49th annual National High School Oratorical Contest. The national finals contest was conducted at the University of Alabama in Tuscaloosa. Ms. Demmon took home a \$16,000 college scholarship for her efforts.*

*Second place and a \$14,000 scholarship went to Austan Dean Goolsbee of Milton, Massachusetts. Third place and a \$10,000 scholarship was awarded to Christopher T. Martin of Bonners Ferry, Idaho, while Rita L. Mort of Pasadena, Texas, was fourth and took home an \$8,000 prize.*

How quickly can you identify significant dates in American History? Perhaps you will try this mental fitness quiz:

1776 (The American Revolution)

1861 (The Civil War)

1969 (Men on the Moon)

1987

1987 A significant date in American History? Well, yes, although 1987 is in the future, it is significant because of the past. Nineteen-eighty-seven is another bicentennial — this one to commemorate the signing of our Constitution.

And it is appropriate that we should make this 200th anniversary an event — for the Constitution is the foundation of our nation. To learn about it illuminates the events of the past in such a way as to promote a deeper understanding the happenings of today and to equip us to deal with the surprises of tomorrow.

How should we celebrate the signing of the Constitution? What can we plan that would give it the honor it deserves? How should we use this occasion to further our understanding?

Let me tell you of a plan to provide a “living history” of the Constitution — a project that we could promote as a part of the bicentennial year.

I propose the construction of a tall, stone mansion. I have a vision of a stately building of many stories, at the base of which is a wide staircase which leads to an impressive set of double doors — the main entrance. Above the doorway these words are carved, “Constitutional Hall: Living Constitutional History.”

Come, take an imaginary tour with me. As we cross the threshold into the first hall, we see the Constitutional

Convention in progress, September 17, 1787. It appears that George Washington, the presiding officer, has just given old Ben Franklin permission to speak; and, although feeble, Dr. Franklin is standing to hand his written speech to James Wilson to read for him.

Shh, Wilson is now reading Franklin’s words, “Thus I consent, sir, to this Constitution, because I expect no better, and because I am not sure, that it is not the best.” He is urging them to sign it, and look, they’re beginning to walk forward to do so.

Now more relaxed, Dr. Franklin is telling James Madison about the painting behind Washington’s chair. He’s saying that he’s often looked at the sun in the painting not knowing whether it was rising or setting, but now he says, “I have the happiness to know that it is a rising and not a setting sun.”

We know this segment of history, so we tiptoe on into the next hall where we find ourselves at Parkinson’s Ferry, Pennsylvania in the year 1794. A group of people are watching as some militia men are surrounding a small building. Suddenly, a door is thrown open and two whiskered young men emerge in their bedclothes, followed by their captors holding guns in their backs.

This is one of several events during the Whiskey Rebellion, a controversy that erupted when a federal excise tax on whiskey was imposed three years earlier. The most active rebels were farmers from Western Pennsylvania who tarred and feathered federal tax collectors and burned the barns of any who cooperated with the federal taxation. Eventually, a militia of thousands of volunteers marched over the Alleghenies to arrest the rebels, marking the first use of troops to preserve the authority of the federal government by invading one state with soldiers from another.

Let us go up a few floors, for I want you to see Slavery

Hall. My plan makes it a larger room than most others with several events in view at one time.

We can stop here by this court scene — The United States Supreme Court in 1842 hearing the case of Prigg Vs. Pennsylvania. Edward Prigg, the plaintiff, had been sent to Pennsylvania to capture a slave who had escaped from her owner in Maryland. Prigg transported the slave and her child back to Maryland without a legal removal certificate required by Pennsylvania law. In this courtroom, Justice Story will give the Court's decision that since the Constitution gives the federal government the power to deal with fugitive slaves, the power is withdrawn from the states.

In another part of Slavery Hall, we find ourselves viewing a scene outside the courthouse in Boston in 1854. The street is crowded, but a detachment of the United States Artillery and four platoons of Marines are holding the people away from a marked walkway which leads from the courthouse to a small steamer at the wharf. Anthony Burns, a fugitive slave from Virginia, has been held in the court house until arrangements could be made to transfer him back to his owner. Anti-slavery sentiment is high in Massachusetts; but, in spite of Massachusetts' state laws, Burns will board the steamer under escort of the U.S. Marshal and sail down the harbor back to slavery.

We step out of that Boston street into the White House in 1862 as Lincoln's Cabinet is meeting five days after the Battle of Antiedam in the Civil War. Lincoln is seated, leaning forward a little, awkward in his posture. He is telling those seated around the table that he has been thinking a great deal about the relationship of the war to the slavery issue. He says, "When the rebel army was at Frederick, I determined, as soon as it should be driven out of Maryland, to issue a Proclamation of Emancipation such as I thought most likely to be useful...The army is now driven out, and I am going to fulfill that promise."

Within three years of the Emancipation Proclamation, the Thirteenth Amendment which constitutionally abolished slavery was submitted to the states for ratification.

In the mansion I propose, we need many rooms because the Constitution has been used to deal with far more issues than taxation and slavery.

Let us look into a courtroom scene, for example. It's 1886, and the Supreme Court is hearing the case of the Wabash, St. Louis, and Pacific Railroad Company vs. Illinois, popularly known as the Granger Law Case. The main argument is over whether or not a state can regulate railroads which are involved in interstate commerce. The decision in this case will set up an Interstate Commerce Commission to regulate commerce on the federal level.

Other constitutional rooms will deal with groups of people rather than the states. One room will show labor

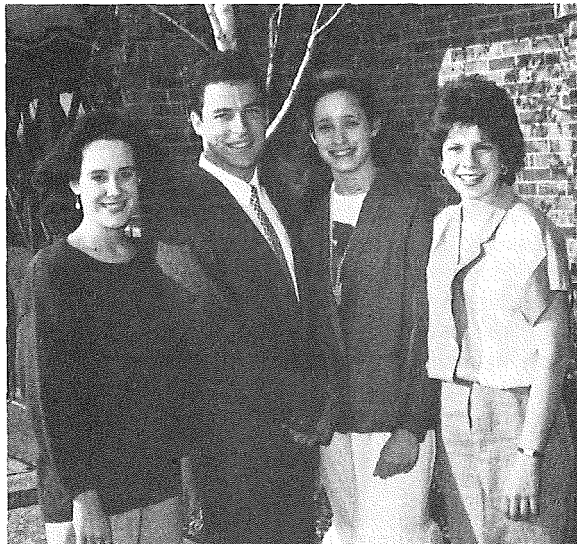
unions in the early 1900's, claiming constitutional rights to boycott and to strike. Another will show Japanese Americans appealing to the U.S. Supreme Court after they were forced to leave their homes and taken to relocation camps during World War II.

The chambers of the 1980's will surely include the issue of the separation of church and state. As recently as 1983, the courts upheld Nebraska's practice of beginning each session of its state legislature with a prayer by a chaplain who was paid and approved by the legislature. On June 4, 1985 our highest court struck down an Alabama law that authorized a moment of silence in public schools to be used for meditation or voluntary prayer.

There is one more place to see in the mansion I propose. It is the room at the top — the room of the future. Step now to look over its threshold and notice the spaciousness of it, for it has invisible ceilings and walls. The emptiness is broken only by a few well placed mirrors which let us see who will participate in constitutional "history" as it is written in the future. If you look closely, you will see yourself there.

While we stand here looking into the future, we can hear Franklin's words rising from the bottom of the building. They are faint at first. "Thus, I consent, sir, to this Constitution, because I expect no better, and because I am not sure, that it is not the best." But the volume increases until the mansion reverberates with the sound.

His Constitution has served us for nearly 200 years, and standing here just now I can feel the warmth of Ben Franklin's sun, high, yet very much in the eastern sky.



Contestants in the 50th National Finals Contest are shown prior to competing at Lee's Summit High School on April 10, 1987. From left are: Maryagnes Barbieri, Milton, Mass., first place; David Dromsky, Augusta, Georgia, third place; Barbara Poepsel, Iowa City, Iowa, second place; and Cherie Harder, Los Alamos, New Mexico, fourth place.

# 1987

## MARYAGNES BARBIERI

### MILTON, MASSACHUSETTS

## The Bicentennial — Something Worthy of Celebration

*Note: Maryagnes Barbieri, a Massachusetts high school junior, won The American Legion's 50th annual National High School Oratorical Contest. She received a \$16,000 scholarship on the basis of her oration which pertained to the 200th anniversary of the United States Constitution.*

*The daughter of Mr. Richard E. Barbieri, she was sponsored in the competition by Cyril P. Morrisette Post 294 of The American Legion in West Quincy, Massachusetts.*

*Second place and a \$14,000 scholarship went to Barbara J. Poepsel of Iowa City, Iowa. David Michael Dromsky of Augusta, Georgia, won third place and a \$10,000 scholarship while Cherie Harder, the 1986 Girls Nation President, of Los Alamos, New Mexico, was fourth and received an \$8,000 scholarship.*

*Barbieri was coached by Mr. Randall McCutcheon who, during an eight year period of time, coached seven district winners, four state winners, placed two seconds nationally and had one third place finisher prior to the national championship. During that period of time, he helped his students to earn more than \$100,000 in college scholarships.*

Irangate, Iranscam, or as one New York newspaper christened it "Iran-a-mok" has raised significant questions surrounding the constitutionality of recent events and also serious questions concerning the Constitution itself. A recent *New York Times* editorial concerning the Iran Arms scandal stated "The issue is only secondarily Iran and the contras. The underlying issue is whether Presidential prerogative should supersede the Constitution."

Therefore, we must ask ourselves is the Constitution, as a two hundred year old document, still a valid tool for evaluating right and wrong in our internal affairs and foreign relations?

This is an especially important question to ask in 1987, the Bicentennial year of the Constitution. As the oldest written Constitution in the world, it is clearly a venerable document and a testimony to the determination and deeply felt values of our forefathers.

Still, many things have changed since September of 1787. One compelling example would be the change in the scope and complexity of our foreign affairs: The Middle East, South Africa, and Russia were not involved in our policy decisions when the Constitution was written. Another difference between then and now is in the way which in war can be waged. Then, whole armies had to be mobilized, now there is the ever-present threat of one nuclear button being pushed.

So maybe during this Bicentennial year it is time for us to take a closer look at the Constitution and see if it has

served us well. In order to do this, I propose that, rather than trying to state times when the Constitution led us to take right and successful actions, we should look at times when the Constitution has not been followed and the results of these unconstitutional actions. Three of the most prominent examples of actions of questionable constitutionality surround the era of McCarthyism, our involvement in the Vietnam War, and the current controversy concerning Iran.

In order to see the importance of our First Amendment, let us discuss the era of McCarthyism when Senator Joseph McCarthy decided to rid America of communism by finding and eradicating all Communists. In doing so, he forced men whom he considered Communists out of their jobs and alienated them from society. In singling out these people without the legal authority to prosecute (he certainly overreached his executive authority) he persecuted them for expressing their political ideologies. Thus violating their Constitutional right to freedom of speech, and the essence of our first Amendment: our right to have and support our own opinions, ideas, convictions.

A letter to the editor printed in the *Christian Science Monitor* in 1953 questioned both the criminality of being a Communist and McCarthy's right to be the one to investigate the issue saying "Is it a crime to be a Communist? If it is a crime why don't the courts try the people accused of crime? If it is not a crime — may anyone be cross-examined in any beliefs or thoughts someone says he holds? Who has the right to accuse?"

Clearly McCarthy acted in an unconstitutional manner in order, he felt, to defend America from the dangerous infiltration of Communists into the government. The end result, however was his violation of legal procedures and of civil rights stated in the First Amendment of the Constitution, and his censure by the Senate. And in terms of success, even in terms of what he set out to do? Ironically he never even found proof of one Communist.

The next time in our history when the Constitution was ignored so blatantly was during the Vietnam War including the invasion of Cambodia and the Watergate scandal. This time, it was not the First Amendment, but Balance of Powers set up in the Constitution that was under attack.

According to some historians, President Kennedy first seems to have violated the Constitution by allowing his "advisers" to begin fighting in Vietnam without the consent of Congress. This is a violation because according to Article One, Section Eight, it is the Congress, not the President shall hold the power to declare war.

Then President Johnson fully committed the armed forces to Vietnam War using the Tonkin Gulf Resolution of 1964. The issue of whether the Resolution constitutionally gave him the power to wage war is still debated, but by this point, the Senate Foreign Relations Committee had decided "since 1950 presidents have regarded themselves as having authority to commit the armed forces to full-scale and sustained warfare." There is, of course no Constitutional basis for this assumption on the part of the Presidents, but they nevertheless proceeded in such a manner.

When Nixon became President, he ordered the invasion of Cambodia, once again this was an unconstitutional Presidential action performed without the knowledge of the Senate causing them to pass the Cooper-Church Amendment which, according to the Louisville *Courier-Journal* had a two-fold meaning "a protest against Nixon's invasion of Cambodia.." and "to warn the President not to continue ignoring the Constitutional powers and prerogatives of Congress."

It seems then, from the actions taken by the Congress that they felt that American's engagement in the Vietnam War was due to unconstitutional actions by three presidents who had gone over the limits of the executive power granted them by the Constitution. Also, because of their unconstitutional avoidance of consulting the Congress, these Presidents deprived us of the full benefits of the system of checks and balances set up in the Constitution.

Then came Watergate, the final stand of a President who had certainly extended the privileges of his office to what a New Yorker article called "Nixon's grandiose claims of almost unlimited executive power and immunity from the law as he was tracked down by law-enforcement agencies and the Congress."

One way to look at Watergate would be to see it as one of the effects of the unconstitutional actions surrounding the Vietnam War.

As for the success of the Vietnam War, most Americans are still trying to forget, and many veterans are still remembering it as one of the most painful eras in our country's history.

And finally today, even as we speak, there is the scandal concerning the sale of arms to Iran. Although we are still not sure of the extent to which the President was involved the speculation in the press is that Mr. Reagan knew about and was in fact controlling the operation. Some political analysts theorize that because the arms deal went against expressed policies of the congress the President, knowing that he would meet with opposition, may have decided to go behind their backs. If this is true, he is in violation of the Constitution. At the very least, if the President did not know, did not violate the Constitution, then other government officials did undermine those principals we hold so dear.

We do not yet know whether in the end the Iran arms deal can be considered a success by any definition, but looking at the current opinion we do know the future is not promising.

Therefore, there are really two issues involved in each of these three cases: the individuals with executive power who use it unconstitutionally and the actual violations and their consequences.

What is significant about the individuals is that they are the officials in whom we put our trust. Although in these three examples, they seem to have betrayed our trust, this does not mean that the system fails because some can abuse it. What is important is that the system is constructed so that when these abuses occur, we find out about them and can, constitutionally, do something.

The second, more important issue is what we can determine about the applicability of the Constitution today from these times when it has been violated.

Looking at the three episodes: McCarthyism, the Vietnam War, and the current Iran arms scandal, we can see that those times when the Constitution has not been followed have led to three of the most disturbing events in recent American history. It would be logical, then, to say that if the Constitution had been more closely observed, these incidents might have been avoided, or at the very least more closely scrutinized.

It has been said that "change should come slowly; some changes should not come at all.

As we begin the next two-hundred years under our Constitution, we must never forget that "change should come slowly" and "some changes should not come at all." One change that should not come is the dismissal of the Constitution as an outdated document. It saw our country through two centuries of challenge, and it could have helped us avoid McCarthyism, the Vietnam War, and Irangate if the same leaders had not taken it lightly.

But even if our leaders take it lightly, we as citizens must take our rights and responsibilities under the constitution seriously. We must preserve and protect the Constitution. Something worthy of celebration in this Bicentennial year of the Constitution.