ADVANCE SHEET- June 11, 2021

In this issue

President's Letter

In this issue, we tender two essays having a bearing on controversial political subjects, offering something for every taste.

The first essay, prompted by the Supreme Court's grant of certiorari in an abortion case, is a rare effort to assess the effect of abortion on demand not from the perspective of constitutional law, morals or religion but as social policy. Its authors are the Nobel Prize winning economist George Akerlof and his wife Janet Yellen, now Secretary of the Treasury. It was originally published in 1996 in the Quarterly Journal of Economics, the leading American peer-reviewed economics journal; the version here is an abbreviated version without footnotes appearing in the same year in the Brookings Review. While Akerlof and Yellen doubted that any further policy change would alter its effects, the two-thirds drop in teenage pregnancies following the withdrawal of a certain 18 year stream of welfare payments by the 1996 welfare reform act might lead them to modify their view.

The second essay will greatly appeal to those appalled by my suggestion about the first. It is a "Footnote on Lame Ducks" in H.L. Mencken's Notes on Democracy (1927) with annotations by the Bar Library's friend, the Mencken scholar Marion Elizabeth Rodgers. Mencken had a strong prejudice against Presidents and presidential candidates who had met with electoral defeat, elsewhere suggesting that they should immediately be hurled from the top of the Washington Monument and their bones interred in the depths of the Potomac. This prejudice derived from Mencken's view of the post-defeat performances of William Jennings Bryan, Theodore Roosevelt and Woodrow Wilson, among others. Whether by coincidence or better reason, the performance of defeated Presidents and presidential candidates subsequently improved: Willkie, Stevenson, Carter, Gore and Romney acquitted themselves well, while Landon, Truman, Dewey, Goldwater, Humphrey, Bush, Sr., Dole, Ford, Dukakis, and McCain avoided disgracing themselves. The 22nd amendment, a wise enactment, spared us any experience of either senility or narcissism from Eisenhower, Reagan, Clinton, Bush, Jr. and Obama. But the latest election would have confirmed and strengthened Mencken in his faith.

In lieu of the usual judicial opinion, we tender here instead Thomas Jefferson's recommended syllabus for those reading law in lieu of attending law school. This is now permitted in only three or four states, but was a method of education that produced the Bar Library's founder,

Mayor (and later Judge) George William Brown, Presidents Adams, Jefferson, Monroe, Jackson, Van Buren, Fillmore, Lincoln, Garfield, Arthur, Cleveland, Wilson and Coolidge and two modern Supreme Court justices, Byrnes and Jackson, the latter, probably not by coincidence, the modern Court's best prose stylist. The case method, Dean Acheson once observed, sharpens the mind by narrowing it. The newer casebooks which include snippets rather than full texts, aggravate the problem. A critic of one of the first such cases-text-.problems books to appear observed that if his students were to be indoctrinated rather than educated, he preferred to do this himself. The most widely used constitutional law casebook edits the *Roe v. Wade* opinion by excising its rejection of a 'bodily integrity' argument and its approving citation of *Buck v. Bell* and *Jacobson v. Massachusetts*. In 2013, only 60 of the nation's 84,000 bar admittees read law, but the system of reading lists plus a final examination set by external examiners prevails in many foreign countries. Whatever its educational blessings, Mr. Jefferson's syllabus involved no federal student loans!

George W. Liebmann

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the pandemic, I believe there is much that merits pride and support. If you would like to recognize and show your appreciation and support not just for what it was and what it did, but what it is and what it continues to do, I would posit that a most excellent way to do this is through a Bar Library membership. The Library is not just lectures and this *Advance Sheet*, it is amazing collections (all of which loan), extensive Westlaw databases and much more to help you in your daily practice of law. What you need us to be is what we want to be. Just let us know.

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Joe Bennett

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Brookings Policy Brief Series

REPORT

An analysis of out-of-wedlock births in the United States

George A. Akerlof and Janet L. YellenThursday, August 1, 1996

Editor's Note: This Policy Brief was prepared for the Fall 1996 issue of the Brookings Review and adapted from "An Analysis of Out-of-Wedlock Childbearing in the United States," which appeared in the May 1996 issue of the Quarterly Journal of Economics.

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Since 1970, out-of-wedlock birth rates have soared. In 1965, 24 percent of black infants and 3.1 percent of white infants were born to single mothers. By 1990 the rates had risen to 64 percent for black infants, 18 percent for whites. Every year about one million more children are born into fatherless families. If we have learned any policy lesson well over the past 25 years, it is that for children living in single-parent homes, the odds of living in poverty are great. The policy implications of the increase in out-of-wedlock births are staggering.

Searching for an Explanation

Efforts by social scientists to explain the rise in out-of-wedlock births have so far been unconvincing, though several theories have a wide popular following. One argument that appeals to conservatives is that of Charles Murray, who attributes the increase to overly generous federal welfare benefits. But as David Ellwood and Lawrence Summers have shown, welfare benefits could not have played a major role in the rise of out-of-wedlock births because benefits rose sharply in the 1960s and then fell in the 1970s and 1980s, when out-of-wedlock births rose most. A study by Robert Moffitt in 1992 also found that welfare benefits can account for only a small fraction of the rise in the out-of-wedlock birth ratio.

Liberals have tended to favor the explanation offered by William Julius Wilson. In a 1987 study, Wilson attributed the increase in out-of-wedlock births to a decline in the marriageability of black men due to a shortage of jobs for less educated men. But Robert D. Mare and Christopher Winship have estimated that at most 20 percent of the decline in marriage rates of blacks between 1960 and 1980 can be explained by decreasing employment. And Robert G. Wood has estimated that only 3-4 percent of the decline in black marriage rates can be explained by the shrinking of the pool of eligible black men.

Yet another popular explanation is that single parenthood has increased since the late 1960s because of the change in attitudes toward sexual behavior. But so far social scientists have been unable to provide a convincing explanation of exactly how that change came about or to estimate in any convincing way its quantitative impact. In recent work we have been able to provide both.

The Answer: No More Shotgun Marriages

In the late 1960s and very early 1970s (well before Roe v. Wade in January 1973) many major states, including New York and California, liberalized their abortion laws. At about the same time it became easier for unmarried people to obtain contraceptives. In July 1970 the Massachusetts law prohibiting the distribution of contraceptives to unmarried people was declared unconstitutional. We have found that this rather sudden increase in the availability of both abortion and contraception we call it a reproductive technology shock is deeply implicated in the increase in out-of-wedlock births. Although many observers expected liberalized abortion and contraception to lead to fewer out-of-wedlock births, in fact the opposite happened because of the erosion in the custom of "shotgun marriages."

Table 1. America's reproductive technology shock

1965-69	1970-74	1975-79	1980-84

Births (thousands)

Total	3,599	3,370	3,294	3,646
White	2,990	2,760	2,660	2,915
Black	542	583	540	590

Birthrates per 1,000 married women, age 15-44

White	119.4	103.6	93.1	94.5
Black	129.1	110.3	93.3	90.6

Birthrates per 1,000 unmarried women, age 15-44

White	12.7	12.6	13.7	18.9
Black	91.0	94.6	85.5	81.7

Women married, age 15-44 (percent)

White	67.8	65.3	61.6	58.8
Black	55.9	52.9	45.2	39.9

Out-of-wedlock births (thousands)

Total	322	406	515	715
White	144	166	220	355
Black	189	230	280	337

Women age 16 with sexual experience (percent)

White	13.8	23.2	28.1	32.8
Black	35.0	42.3	50.8	49.9

Unmarried women using the pill at first intercourse (percent)

Total	5.7	15.2	13.4	NA

Abortions, unmarried women, age 15-44 (thousands)

Total	88	561	985	1,271

First birth shotgun marriage rate (percent)

White	59.2	55.4	44.7	42.0
Black	24.8	19.5	11.0	11.4

Adoptions (thousands)

Total	158	156	129	142

Ratio of adoptions to births to mothers not married within three years of birth

Total	49.0	38.4	29.0	19.8

George A. Akerlof, Janet L. Yelln, and Michael L. Katz, "An Analysis of Out-of-Wedlock Childbearing in the United States," Quarterly Journal of Economics, May 1996

Until the early 1970s, shotgun marriage was the norm in premarital sexual relations. The custom was succinctly stated by one San Francisco resident in the late 1960s: "If a girl gets pregnant you married her. There wasn't no choice. So I married her."

Since 1969, however, shotgun marriage has gradually disappeared (see table 1). For whites, in particular, the shotgun marriage rate began its decline at almost the same time as the reproductive technology shock. And the disappearance of shotgun marriages has contributed heavily to the rise in the out-of-wedlock birth rate for both white and black women. In fact, about 75 percent of the increase in the white out-of-wedlock first-birth rate, and about 60 percent of the black increase, between 1965 and 1990 is directly attributable to the decline in shotgun marriages. If the shotgun marriage rate had remained steady from 1965 to 1990, white out-of-wedlock births would have risen only 25 percent as much as they have. Black out-of-wedlock births would have increased only 40

percent as much.

What links liberalized contraception and abortion with the declining shotgun marriage rate? Before 1970, the stigma of unwed motherhood was so great that few women were willing to bear children outside of marriage. The only circumstance that would cause women to engage in sexual activity was a promise of marriage in the event of pregnancy. Men were willing to make (and keep) that promise for they knew that in leaving one woman they would be unlikely to find another who would not make the same demand. Even women who would be willing to bear children out-of-wedlock could demand a promise of marriage in the event of pregnancy.

The increased availability of contraception and abortion made shotgun weddings a thing of the past. Women who were willing to get an abortion or who reliably used contraception no longer found it necessary to condition sexual relations on a promise of marriage in the event of pregnancy. But women who wanted children, who did not want an abortion for moral or religious reasons, or who were unreliable in their use of contraception found themselves pressured to participate in premarital sexual relations without being able to exact a promise of marriage in case of pregnancy. These women feared, correctly, that if they refused sexual relations, they would risk losing their partners. Sexual activity without commitment was increasingly expected in premarital relationships.

If we have learned any policy lesson well over the past 25 years, it is that for children living in single-parent homes, the odds of living in poverty are great. The policy implications of the increase in out-of-wedlock births are staggering.

Advances in reproductive technology eroded the custom of shotgun marriage in another way. Before the sexual revolution, women had less freedom, but men were expected to assume responsibility for their welfare. Today women are more free to choose, but men have afforded themselves the comparable option. "If she is not willing to have an abortion or use contraception," the man can reason, "why should I sacrifice myself to get married?" By making the birth of the child the physical choice of the mother, the sexual revolution has made marriage and child support a social choice of the father.

Many men have changed their attitudes regarding the responsibility for unplanned pregnancies. As one contributor to the Internet wrote recently to the Dads' Rights Newsgroup, "Since the decision to have the child is solely up to the mother, I don't see how both parents have responsibility to that child." That attitude, of course, makes it far less likely that the man will offer marriage as a solution to a couple's pregnancy quandary, leaving the mother either to raise the child or to give it up for adoption.

Before the 1970s, unmarried mothers kept few of their babies. Today they put only a few up for adoption because the stigma of unwed motherhood has declined. The transformation in attitudes was captured by the New York Times in 1993: "In the old days' of the 1960s, '50s, and '40s, pregnant teenagers were pariahs, banished from schools, ostracized by their peers or scurried out of town to give birth in secret." Today they are "supported and embraced in their decision to give birth, keep their babies, continue their education, and participate in school activities." Since out-of-wedlock childbearing no longer results in social ostracism, literally and figuratively, shotgun marriage no longer occurs at the point of the shotgun.

The Theory and the Facts

The preceding discussion explains why the increased availability of abortion and contraception what we shall call the reproductive technology shock could have increased the out-of-wedlock birth rate. How well do the data fit the theory?

In 1970 there were about 400,000 out-of-wedlock births out of 3.7 million total births. In 1990 there were 1.2 million out-of-wedlock births out of 4 million total. From the late 1960s to the late 1980s, the number of births per unmarried woman roughly doubled for whites, but fell by 5-10 percent for blacks. The fraction of unmarried women rose about 30 percent for whites, about 40 percent for blacks. The fertility rates for married women of both races declined rapidly (also, of course, contributing to the rise in the out-of-wedlock birth ratio).

If the increased abortions and use of contraceptives caused the rise in out-of-wedlock births, the increase would have to have been very large relative to the number of those births and to the number of unmarried women. And as table 1 shows, that was indeed the case. The use of birth control pills at first intercourse by unmarried women jumped from 6 percent to 15 percent in just a few years, a change that suggests that a much larger fraction of all sexually active unmarried women began using the pill. The number of abortions to unmarried women grew from roughly 100,000 a year in the late 1960s (compared with some 322,000 out-of-wedlock births) to more than 1.2 million (compared with 715,000 out-of-wedlock births) in the early 1980s. Thus the data do support the theory.

Indeed, the technology shock theory explains not only the increase in the out-of-wedlock birth rate, but also related changes in family structure and sexual practice, such as the sharp decline in the number of children put up for adoption. The peak year for adoptions in the United States was 1970, the year of the technology shock. In the five years following the shock the number of agency adoptions was halved from 86,000 to 43,000. In 1969, mothers of out-of-wedlock children who had not married after three years kept only 28 percent of those children. In 1984, that rate was 56 percent; by the late 1980s it was 66 percent.

Unlike the other statistics we have mentioned, the shotgun marriage rate itself underwent only gradual change following the early 1970s. Why did it not change as dramatically as the others? For two reasons. The first is that shotgun marriage was an accepted social convention and, as such, it changed slowly. It took time for men to recognize that they did not have to promise marriage in the event of a pregnancy in exchange for sexual relations. It may also have taken time for women to perceive the increased willingness of men to leave them if they demanded marriage. As new expectations formed, social norms readjusted, and the shotgun marriage rate began its long decline.

In addition, the decreasing stigma of out-of-wedlock childbirth reinforced the technology-driven causes for the decline in shotgun marriage and increased retention of out-of-wedlock children. With premarital sex the rule, rather than the exception, an out-of-wedlock childbirth gradually ceased to be a sign that society's sexual taboos had been violated. The reduction in stigma also helps explain why women who would once have put

their baby up for adoption chose to keep it instead.

One final puzzle requires explanation. The black shotgun marriage ratio began to fall earlier than the white ratio and shows no significant change in trend around 1970. How do we account for that apparent anomaly? Here federal welfare benefits may play a role. For women whose earnings are so low that they are potentially eligible for welfare, an increase in welfare benefits has the same effect on out-of-wedlock births as a decline in the stigma to bearing a child out-of-wedlock. The difference in welfare eligibility between whites and blacks and the patterns of change in benefits rising in the 1960s and falling thereafter may then explain why the decline in the black shotgun marriage ratio began earlier than that for whites. Because blacks on average have lower incomes than whites, they are more affected by changes in welfare benefits. As a result, the rise in welfare benefits in the 1960s may have had only a small impact on the white shotgun rate but resulted in a significant decrease in the black shotgun marriage rate.

Policy Considerations

Although doubt will always remain about the ultimate cause for something as diffuse as a change in social custom, the technology shock theory does fit the facts. The new reproductive technology was adopted quickly and on a massive scale. It is therefore plausible that it could have accounted for a comparably large change in marital and fertility patterns. The timing of the changes also seems, at least crudely, to fit the theory.

Attempts to turn the technological clock backwards by denying women access to abortion and contraception are probably not possible. Even if such attempts were possible, they would now be counterproductive. In addition to reducing the well-being of women who use the technology, such measures would lead to yet greater poverty. With sexual abstinence rare and the stigma of out-of-wedlock motherhood small, denying women access to abortion and contraception would only increase the number of children born out-of-wedlock and reared in impoverished single-parent families. Most children born out-of-wedlock are reported by their mothers to have been "wanted" but "not at that time." Some are reported as not wanted at all. Easier access to birth control information and devices, before sexual participation, and easier access to abortion, in the event of pregnancy, could reduce both the number of unwanted children and improve the timing of those whose mothers would have preferred to wait. Because of mothers' ambivalence toward out-of-wedlock pregnancies, greater availability of these options has considerable promise for reducing the number of out-of-wedlock births.

Most important, our analysis of the changes in out-of-wedlock birth suggests that a return to the old system of shotgun marriage will not be brought about by significant reductions in welfare benefits, and possibly not even by very large reductions. With sexual activity taking place early in relationships and with little social stigma enforcing the norm of shotgun marriage, fathers no longer have strong extrinsic reasons for marriage. Cuts in welfare therefore have little effect on the number of out-of-wedlock births, while reducing dollar-for-dollar the income of the poorest segment of the population. The initial goal of the welfare program was to see that the children in unfortunate families were adequately supported. The support of poor children not the alteration of the behavior of potential mothers should remain the major policy goal of welfare in the United States. This level of support must be tempered by equity between those who collect welfare and do not work

and those who do work and also are paying taxes that, at least in part, go to pay for the less fortunate. In this regard a generous Earned Income Tax Credit serves two roles. Not only does it reward those who work, but by increasing the differential between the working poor and the nonworking poor, it allows greater benefits equitably to be paid to nonworking mothers.

This children-oriented approach to welfare should also inform the requirements of welfare. It only makes sense to cut mothers off welfare after two years, for example, if jobs and child care are available so that mothers can support their families and their children can receive adequate child care. It should be remembered that the proper care and nourishment of children should be the first goal of our society.

It has been suggested that measures should be taken to make fathers pay for the support of their out-of-wedlock children. While probably difficult to enforce, such measures give the correct incentives. They will make men pause before fathering such children and they will at least slightly change the terms between fathers and mothers. Such measures deserve serious consideration.

NOTES *on* DEMOCRACY

H.L. MENCKEN

A NEW EDITION

Introduction and Annotations by
MARION ELIZABETH RODGERS

Afterword by
ANTHONY LEWIS

DISSIDENT BOOKS
New York

9.
Footnote on Lame Ducks

Faguet makes no mention of one of the curious and unpleasant by-products of democracy, of great potency for evil in both England and the United States: perhaps, for some unknown reason, it is less a nuisance in France. I allude to the sinister activity of professional politicians who, in the eternal struggle for office and its rewards, have suffered crushing defeats, and are full of rage and bitterness. All politics, under democracy. resolves itself into a series of dynastic questions: the objective is always the job, not the principle. The defeated candidate commonly takes his failure very badly, for it leaves him stripped bare. In most cases his fellow professionals take pity on him and

put him into some more or less gaudy appointive office, to preserve his livelihood and save his face: the Federal commissions that harass the land are full of such lame ducks, and they are not unknown on the Federal bench. But now and then there appears one whose wounds are too painful to be assuaged by such devices, or for whom no suitable office can be found. This majestic victim not infrequently seeks surcease by a sort of running amok. That is to say, he turns what remains of his influence with the mob into a weapon against the nation as a whole, and becomes a chronic maker of trouble. The names of Burr, Clay, Calhoun, Douglas, Blaine, Greeley, Frémont, Roosevelt and Bryan[1] will occur to every attentive student of American history. There have been many similar warlocks on lower levels; they are familiar in the politics of every American county.

Clay, like Bryan after him, was three times a candidate for the Presidency. Defeated in 1824, 1832 and 1840,[2] he turned his back upon democracy, and became the first public agent and attorney for what are now called the Interests. When he died he was the darling of the Mellons, Morgans and Charlie Schwabs[3] of his time. He believed in centralization and in the blessings of a protective tariff. These blessings the American people still enjoy. Calhoun, deprived of the golden plum by an unappreciative country, went even further. He seems to have come to the conclusion that its crime made it deserve capital punishment. At all events, he threw his strength into the plan to break up the Union. The doctrine of Nullification owed more to him than it owed to any other politician, and after 1832, when his hopes of getting into the White House were finally extinguished, he devoted himself whole-heartedly to preparing the way for the Civil War. He was more to blame for that war, in all probability, than any other man. But if he had succeeded Jackson[4] the chances are that he would have sung a far less bellicose tune. The case of Burr is so plain that it has even got into the school history-

books. If he had beaten Jefferson in 1800 there would have been no duel with Hamilton, no conspiracy with Blennerhassett,[5] no trial for treason, and no long exile and venomous repining. Burr was an able man, as politicians go under democracy, and the young Republic stood in great need of his peculiar talents. But his failure to succeed Adams made a misanthrope of him, and his misanthropy was vented upon his country, and more than once brought it to the verge of disaster.

There have been others like him in our own time: Blaine, Frémont, Hancock,[6] Roosevelt, Bryan. If Blaine had been elected in 1876 he would have ceased to wave the bloody shirt;[7] as it was, he was still waving it, recklessly and obscenely, in 1884. No man laboured more assiduously to keep alive the hatreds flowing out of the Civil War; his whole life was poisoned by his failure to reach the White House, and his dreadful cramps and rages led him into a long succession of obviously anti-social acts. Roosevelt went the same route. His débâcle in 1912[8] converted him into a sort of political killer, and until the end of his life he was constantly on the warpath, looking for heads to crack. The outbreak of the World War in 1914 brought him great embarrassment, for he had been the most ardent American exponent, for years past, of what was then generally regarded as the German scheme of things.[9] For a few weeks he was irresolute, and seemed likely to stick to his guns. But then, perceiving a chance to annoy and damage his successful enemy, Wilson, he swallowed the convictions of a lifetime, and took the other side. That his ensuing uproars had evil effects must he manifest. Regardless of the consequences, either at home or abroad, he kept on arousing the mob against Wilson, and in the end he helped more than any other man to force the United States into the war. His aim, it quickly appeared, was to turn the situation to his own advantage: he made desperate and shameless efforts to get a high military command at the front—a post for which he was

plainly unfitted. When Wilson, still smarting from his attack, vetoed this scheme, he broke into fresh rages, and the rest of his life was more pathological than political. The fruits of his reckless demagogy are still with us.

Bryan was even worse. His third defeat, in 1908, convinced even so vain a fellow that the White House was beyond his reach, and so he consecrated himself to reprisals upon those who had kept him out of it. He saw very clearly who they were: the more intelligent minority of his countrymen. It was their unanimous opposition that had thrice thrown the balance against him. Well, he would now make them infamous. He would raise the mob, which still admired him, against everything they regarded as sound sense and intellectual decency. He would post them as sworn foes to all true virtue and true religion, and try, if possible, to put them down by law. There ensued his frenzied campaign against the teaching of evolution—perhaps the most gross attack upon human dignity and decorum ever made by a politician, even under democracy, in modern times. Those who regarded him, in his last years, as a mere religious fanatic were far in error. It was not fanaticism that moved him, but hatred. He was an ambulent boil, as anyone could see who encountered him face to face. His theological ideas were actually very vague; he was quite unable to defend them competently under Clarence Darrow's[10] cross-examination. What moved him was simply his colossal lust for revenge upon those he held to be responsible for his downfall as a politician. He wanted to hurt them, proscribe them; if possible, destroy them. To that end he was willing to sacrifice everything else, including the public tranquillity and the whole system of public education. He passed out of life at last at a temperature of 110 degrees, his eyes rolling horribly toward 1600 Pennsylvania avenue, N.W.[11] and its leaky copper roof. In the suffering South his fever lives after him. The damage he did was greater than that done by Sherman's army.[12]

Countries under the hoof of despotism escape such lamentable exhibitions of human frailly. Unsuccessful aspirants for the crown are either butchered out of hand or exiled to Paris, where tertiary lues[13] quickly disposes of them. The Crown Prince, of course, has his secret thoughts, and no doubt they are sometimes homicidal, but he is forced by etiquette to keep them to himself, and so the people are not annoyed and injured by them. He cannot go about praying publicly that the King, his father, come down with endocarditis, nor can he denounce the old gentleman as an idiot and advocate his confinement in a *maison de santé.*[14] Everyone, of course, knows what his hopes and yearnings are, but no one has to listen to them. If he voices them at all it is only to friendly and discreet members of the diplomatic corps and to the ladies of the half and quarter worlds.[15] Under democracy, they are bellowed from every stump.

9. *Footnote on Lame Ducks*

1. ***This Majestic Victim . . . Burr . . . Bryan*** All of the below were failed presidential candidates. Here "majestic victim" means "glorified loser."

Burr Aaron Burr (1756–1836). American Revolutionary War officer, senator from New York (1791–1797), and vice president to Thomas Jefferson (1801–1805). He mortally wounded Alexander Hamilton (1755–1804), the founder of the Federalist Party, in a duel. Burr later formed an unsuccessful plot to start a new nation in the western frontier.

Clay Henry Clay (1777–1852). Senator (1806–1807; 1810–1811; 1831–1842; and 1849–1852) and congressman (1811–1814; 1815–1821; 1823–1825) for Kentucky; secretary of state under John Quincy Adams (1825–1829); and six-time House speaker.

Calhoun John Caldwell Calhoun (1782–1850). Congressman (1811–1817) and senator (1832–1843, and 1845–1850) for South Carolina; secretary of war (1817–1825); and vice-president (1825–1832). He advocated the "Theory of Nullification": the right of a state to nullify or invalidate any federal law it deems unconstitutional. Calhoun argued for the states' right to secede from the Union. This was put to a test in 1832, after Calhoun's home state of South Carolina passed an ordinance to nullify federal tariffs. Calhoun resigned as vice president and accepted election to the Senate. There he continued to proclaim slavery was a necessary good, not an evil.

Douglas Stephen Arnold Douglas (1813–1861). Democratic congressman (1843–1847) and senator (1847–1861) from Illinois. Douglas was one of the most important congressional leaders during the 1850s. He authored the Kansas-Nebraska Act of 1854 to respond to the slavery question. Douglas failed to win the Democratic presidential nomination in 1852 and 1856. His Republican opponent in his 1858 senatorial reelection campaign was Abraham Lincoln; Douglas defeated Lincoln. Their debates throughout Illinois on slavery are famous. Douglas faced Lincoln again in the 1860 presidential election. While Douglas won the party's nomination, his uncompromising stance on slavery prompted the Democrats' southern faction to forward its own candidate. This split helped Lincoln win the election.

Blaine James Gillespie Blaine (1830–1893). Republican congressman (1863–1876) and senator (1876- 1881) from Maine. Known for

his aggressive nature, this three-time House speaker played a leading role in framing the Reconstruction's tempestuous politics. His 1884 presidential run featured an enormous amount of personal acrimony. Refusing to be a presidential candidate again, he served twice as secretary of state.

Greeley Horace Greeley (1811–1872). The *New York Tribune's* editor and a founder of the Republican Party. He played an indirect role in Lincoln winning the 1860 Republican presidential candidacy. Greeley may have aspired to hold considerable sway over the new president. However, such power never came to pass. During the Civil War he argued for letting the South "go in peace." Greeley's alliance with the Radical Republicans and his lobbying for a quick end to the war annoyed Lincoln. After the war he was a harsh critic of President Andrew Johnson and advocated for his impeachment. His antagonism toward the White House persisted when Ulysses S. Grant took office. He was the presidential candidate in 1872 for both the new Liberal Republican Party and the Democrats but lost in a landslide against Grant.

Frémont John C. Frémont (1813–1890). Military officer and explorer. He was both the first Republican presidential candidate and the first to run on anti-slavery platform. While serving as Lincoln's commander of "the Department of the West," Frémont took it upon himself to author an order ending slavery in Missouri and institute martial law. Lincoln, distressed by this presumptuous move and other blunders by Frémont, removed him from command. But Frémont remained in good standing with the Radical Republicans. He briefly ran as their presidential candidate in 1864 but eventually withdrew his nomination.

For Roosevelt and Bryan, see Note 3 for Part 1, Chapter 4.

2. ***1840*** Mencken is mistaken about Clay's third attempt at the presidency: Clay ran for president as a Whig in 1844, not 1840.

3. ***Mellons, Morgans and Charlie Schwabs*** Three of the richest men of Mencken's time: Andrew W. Mellon (1855–1937), banker, industrialist, and philanthropist; John Pierpont Morgan (1837–1913), financier and banker; and Charles Michael Schwab (1862–1939), steel industry magnate.

4. ***Jackson*** Andrew Jackson (1767–1845), president (1829–1837) and co-founder of the Democratic Party. (See Note 6 to Part I, Chapter 1.)

5. ***Blennerhassett*** Harman Blennerhassett (1765–1831). An Irish-American lawyer who became involved in Aaron Burr's conspiracy

to form a new nation in the western frontier. He helped furnish funds and lent his island on the Ohio River as a rendezvous point. When the plans collapsed Blennerhassett was arrested and imprisoned.

6. ***Hancock*** Winfield Scott Hancock (1824–1886). Civil War Union general. During Reconstruction in Louisiana he renewed civil jurisdiction and declined to use military power to help Radical Republicans. This perturbed Ulysses S. Grant, his superior. Grant sent Hancock to New York City, and later, when Grant won the presidency, to the Department of Dakota. Going back as far as 1864 Democrats had eyed Hancock as a possible presidential contender. A Civil War hero, his record could counter Republicans' "Bloody Shirt" rhetoric. Hancock won the Democratic presidential nomination in 1880. Both he and his Republican opponent, James A. Garfield, underwhelmed voters. The race was close, and in the end Hancock lost due to the betrayal of New York's Tammany Democrats, who cast their electoral votes with Garfield.

7. ***the bloody shirt*** Ben F. Butler, a U.S. representative from Massachusetts, shook on the floor of Congress the bloodstained pajama shirt of a carpetbagger flogged by Klansmen. During the Reconstruction, "Bloody Shirt" was a byword for the Republican propaganda tactic of reminding voters of the South's disloyalty.

8. ***his débâcle in 1912*** While in office Roosevelt endorsed his secretary of war, William H. Taft (1857–1930) for the 1908 Republican presidential nomination, believing Taft would continue with his policies. Taft won the election, and Roosevelt said he'd never run again for president. But by 1912 he changed his mind. After losing to Taft at the Republican convention, Roosevelt became the Progressive Party's "Bull Moose" candidate. In the end Wilson trounced both Roosevelt and Taft, carrying 40 out of 48 states.

9. ***German scheme of things*** After Mencken wrote of "Roosevelt's philosophical kinship to the Kaiser" he "received letters of denunciations from all parts of the United States, and not a few forthright demands" that he "recant on penalty of lynch law." Mencken also pointed to Nietzsche's influence on Roosevelt's thinking. See "Roosevelt: An Autopsy," *Prejudices: Second Series* (New York: Alfred A. Knopf, 1920), excerpted in *Chestomathy*, pp. 230-232.

10. ***Clarence Darrow's cross-examination*** See Notes 6 and 7 to Part I, Chapter 4.

11. ***1600 Pennsylvania avenue, N.W.*** The White House's address.

12. ***Sherman's army*** Union General William Tecumseh Sherman (1820–1891) in November 1864 began his "March to the Sea," culminating in the fall of Savannah a month later. His "scorched earth" policy was notorious. His troops ransacked and destroyed railroads, farms and homes.

13. ***tertiary lues*** another name for syphilis.

14. ***maison de santé*** "hospital" (French).

15. ***ladies of the half and quarter worlds*** Mencken's polite reference to whores.

The Life and
Selected Writings of
THOMAS JEFFERSON

Edited, and with an Introduction by

Adrienne Koch & William Peden

THE MODERN LIBRARY *NEW YORK*

TO JOHN GARLAND JEFFERSON [1]

New York, June 11, 1790

DEAR SIR,—Your uncle mr Garland informs me, that, your education being finished, you are desirous of obtaining some clerkship or something else under government whereby you may turn your talents to some account for yourself and he had supposed it might be in my power to provide you with some such office. His commendations of you are such as to induce me to wish sincerely to be of service to you. But there is not, and has not been, a single vacant office at my disposal. Nor would I, as your friend, ever think of putting you into the petty clerkships in the several offices, where you would have to drudge through life for a miserable pittance, without a hope of bettering your situation. But he tells me you are also disposed to the study of the law. This therefore brings it more within my power to serve you. It will be necessary for you in that case to go and live somewhere in my neighborhood in

1. John Garland Jefferson was the son of George Jefferson, Thomas Jefferson's cousin. [Ford].

Albemarle. The inclosed letter to Colo. Lewis near Charlottesville will show you what I have supposed could be best done for you there. It is a general practice to study the law in the office of some lawyer. This indeed gives to the student the advantage of his instruction. But I have ever seen that the services expected in return have been more than the instructions have been worth. All that is necessary for a student is access to a library, and directions in what order the books are to be read. This I will take the liberty of suggesting to you, observing previously that as other branches of science, and especially history, are necessary to form a lawyer, these must be carried on together. I will arrange the books to be read into three columns, and propose that you should read those in the first column till 12. oclock every day; those in the 2d. from 12. to 2. those in the 3d. after candlelight, leaving all the afternoon for exercise and recreation, which are as necessary as reading: I will rather say more necessary, because health is worth more than learning.

1st.	2d.	3d.
Coke on Littleton	Dalrymple's feudal system.	Mallet's North antiquit'.
Coke's 2d. 3d. & 4th. institutes.	Hale's history of the Com. law.	History of England in 3 vols. folio compiled by Kennet.
Coke's reports.	Gilbert on Devises	Ludlow's memoirs
Vaughan's do	Uses	Burnet's history
Salkeld's	Tenures.	Ld. Orrery's history.
Ld. Raymond's	Rents	Burke's George III.
Strange's	Distresses.	Robertson's hist. of Scotl'd.
Burrows's	Ejectments.	Robertson's hist. of America.
Kaim's Principles of equity.	Executions.	Other American histories.
Vernon's reports.	Evidence.	
Peere Williams.	Sayer's law of costs.	
	Lambard's circonantia.	

1st.	2d.	3d.
Precedents in Chancery.	Bacon. voce Pleas & Pleadings	Voltaire's historical works.
Tracy Atheyns.	Cummingham's law of bills.	
Verey.	Molley de jure maritimo.	
Hawkin's Pleas of the crown.	Locke on government.	
Blackstone	Montesquieu's Spirit of law.	
Virginia laws.	Smith's wealth of nations.	
	Beccaria.	
	Kaim's moral essays.	
	Vattel's law of nations.	

Should there by any little intervals in the day not otherwise occupied fill them up by reading Lowthe's grammar, Blair's lectures on rhetoric, Mason on poetic & prosaic numbers, Bolingbroke's works for the sake of the stile, which is declamatory & elegant, the English poets for the sake of style also.

As mr Peter Carr in Goochland is engaged in a course of law reading, and has my books for that purpose, it will be necessary for you to go to mrs Carr's, and to receive such as he shall be then done with, and settle with him a plan of receiving from him regular[ly] the before mentioned books as fast as he shall get through them. The losses I have sustained by lending my books will be my apology to you for asking your particular attention to the replacing them in the presses as fast as you finish them, and not to lend them to anybody else, nor suffer anybody to have a book out of the Study under cover of your name. You will find, when you get there, that I have had reason to ask this exactness.

I would have you determine beforehand to make yourself a thorough lawyer, & not be contented with a mere smattering. It is superiority of knowledge which can alone lift you above

the heads of your competitors, and ensure you success. I think therefore you must calculate on devoting between two & three years to this course of reading, before you think of commencing practice. Whenever that begins, there is an end of reading.

I shall be glad to hear from you from time to time, and shall hope to see you in the fall in Albemarle, to which place I propose a visit in that season. In the meantime wishing you all the industry of patient perseverance which this course of reading will require I am with great esteem Dear Sir Your most obedient friend & servant.

All Aboard

In the November 27, 2020 issue of the *Advance Sheet,* we featured the first chapter from *The Prisoner At The Bar* (1907), written by Arthur Cheney Train, who was at the time an Assistant District Attorney in New York City. The chapter was entitled "What Is Crime?" In the last issue we featured the second chapter from the same work "Who Are The Real Criminals?" Now, for your information and entertainment, "The Arrest."

Arthur Cheney Train was born in Boston in 1875. He was a lawyer and writer of legal thrillers, perhaps best known for his creation of the fictional lawyer Mr. Ephain Tutt. Tutt was featured in a dozen or so novels and roughly twice that many articles in the "Saturday Evening Post." Train wrote both fiction and non-fiction. We thought that you might find it interesting to hear the musings on the subject of the original John Grisham of his times. We hope you enjoy. Please let us know what you think about this or any other material in the *Advance Sheet*.

CHAPTER III

THE ARREST

To most of us modest folk a police officer looks not an inch less than eight feet in height,—and his blue coat and brass buttons typify the majesty and inflexibility of the law. At his most trivial gesture the coachmen rein in their curvetting steeds upon the crowded thoroughfare, and at his lightest word the gaping pedestrian obediently "moves on." When necessity compels we address him deprecatingly and, as it were, with hat in hand, and if he deign to listen to us, and still more if he condescend to reply, we thrill with pride. We experience a certain surprise that he has seen fit to give heed to us at all and has not, instead, ordered us roughly about our business with threatening mien and uplifted club. That he has rendered us assistance fills us with humble gratitude. One feels like Dr. Holmes,

> "How kind it was of him
> To mind a slender man like me!
> He of the mighty limb!"

It rarely occurs to us that these stomachic Titans are in fact our servants and that they have no authority save that which they have received from ourselves,—that, horrible thought! they wear our livery as assuredly as does Jeames or Wilkins. Why do these big men patrol the streets and order us

about? Simply because in these busy days the ordinary citizen has neither time nor inclination to attend to his own criminal business, and because it is better upon the whole for the State to attend to it for him.

Eight hundred years ago the punishment of crime was a matter of private vengeance gradually evolving itself into the criminal procedure of modern English law. The injured citizen took his appeal "to the county" and fought it out with his wrong-doer either personally or by proxy. The idea was, originally, that the man who had been injured ought to have his revenge, and criminal justice in England even to-day savors for this reason somewhat of private litigation. Of course, nowadays, crime is punished on the theory that the public has been injured; and that not only does the safety of the community require that a repetition of the same crime by the same offender should be prevented, but also that an example should be made of the evil-doer as a lesson to others. Be this as it may, vengeance and not public spirit is still the moving cause of ninety per cent of all prosecutions for crime.

Just as the right to apprehend a wrong-doer was an inherent right at the common law of every free-born English subject, it is our inherent right to-day, modified or extended by the statute law of the several States, and, save where a court of justice has issued its warrant and commands its agents to apprehend the party named therein, one person has substantially the same right as another to arrest a criminal, even if that other be an officer of the law.

The policeman has no greater rights in the mat-

ter of preventing crime or arresting evil-doers than the citizen. He is merely hired by the citizen to do it for him. The only difference is that it is the *duty* of the officer by virtue of his position to make arrests, just as it is that of the fireman to extinguish fires. Yet it is undoubtedly the fact that nine-tenths of us really believe that the policeman's blue coat, helmet, and club invest him with some sacred and peculiar authority of his own. If every citizen recognized the fallacy of this idea, and if some elementary instruction in such matters were given in the public schools, even at the sacrifice of clay modelling and decorative art, it might add much to the spirit of independence and to the practical efficiency of the coming generation. We are slaves to the magic of the word "police." We imagine that without a representative of the law we can do nothing.

Of course we know in general that we may defend the persons and protect the property of ourselves and others by the exercise of reasonable force. Beyond this rather vague principle we are not prepared to go. Where the situation offers no particular inconvenience we are ready to do our part, but if anything disagreeable is going on we prefer to be excused. We are out of the habit of doing the simplest police duty. Most of us would have enough public spirit to summon an officer if a felony were being committed before our very eyes, provided we could do so without making ourselves ridiculous, but few of us, the writer fancies, would join the hue and cry after a pickpocket unless ours happened to be the pocket he had picked. We leave that to those whose natural bellicosity is greater and who do not

object to being undignified. It is nevertheless true, however unpleasant the thought may be, that at any moment we may find ourselves in the centre of a whirlpool of events where individual action on our part will be necessary unless we are willing to allow some vicious and cruel violation of the law to go unpunished. Such exigencies may run all the way from the malicious beating of an overloaded horse to the garrotting of a feeble old man. Our efficiency on such occasions might be represented by a fraction, of which our physical capacity would be the numerator and our disinclination the denominator, but obviously, to make the formula complete, this would have to be multiplied by our knowledge of our rights.

Suppose for example that Mr. Ordinary Citizen on a nocturnal ramble should, at about three o'clock in the morning, observe some ill-favored person with a heavy bag in his hand, furtively making his exit from the area door of a stylish mansion in the residential district. What should he do? What would *you* do? Without discussing this embarrassing question, does the reader know what he would have a right to do? The chances are largely in favor of his being obliged to answer this question in the negative. Indeed, our indifference to the unexpected is so great that we are generally mute and helpless in the face of any unusual situation where anybody's rights are concerned. We hesitate to act without the advice of counsel, and in the meantime the burglar has made his escape!

In the State of New York and generally in this country, any person, whether he be an officer of the law or not, may make an arrest, without a warrant,

for any crime, of any grade, actually committed in his presence. It makes no difference whether the offence be that of spitting in a street-car or murder in the first degree, the offender may be haled before a magistrate by any one who has seen him commit it.

But the statutes governing the right of arrest, while extensive enough to safeguard the public interest, are carefully limited to prevent arbitrary interference with the liberty of innocent persons. The law, therefore, makes it a positive condition that before any one, whether he be citizen or officer, may arrest another for a felony not committed in his presence the felony must *in fact have been committed.* Thus the right to apprehend a suspected wrong-doer is invoked at the peril of him who seeks to exercise it. If no felony has been committed the arrest is illegal.

In one respect only does the law recognize any difference between the private citizen and the public officer paid to keep the peace,—if a felony has in fact been committed, the officer may arrest any one who he has *reasonable ground to believe* is the guilty party, while a citizen may arrest only the person who is *in fact* guilty. Thus the citizen must guarantee not only the commission of the crime but the identity of the criminal, while the officer, so long as the law has actually been violated, may take a chance as to the identity of the perpetrator of the offence.

Now, the police invariably interpret the law to mean that they may arrest anybody who they *have reasonable cause for believing has committed a felony,*—but of course the statute gives them no such

power.* The *felony must have been committed;* the "reasonable cause" refers only to the *identity* of the criminal. This, however, does not worry the average policeman at all.

He sees Mr. O. C.'s burglar coming out of the area with his bag, promptly pounces upon him and hales him off to the precinct house in spite of the burglar's protests and expletives. If the burglar prove refractory he is clubbed into submission, or if he attempt to run he may be shot in the leg. Now suppose that on reaching the police station the burglar turns out not to be a burglar at all but the family doctor? Or a late caller upon the cook? Or a gentleman who has mistaken some one's else area for his own? Of course no felony has been committed. The policeman had no right to make the arrest. Assuming that the house *had* been burglarized, the officer beyond a doubt had reasonable cause for a hastily formed opinion that the man in the area was the guilty party and had a right to make the arrest, but in law he makes this assumption at his peril. If he is wrong the victim has a good cause of action against the policeman for false arrest. But the execution following his civil judgment against the latter will probably be returned *nulla*

*An attempt has apparently been made by the legislature of New York State to enlarge the powers of the police during the nighttime by giving them authority to arrest "on reasonable suspicion of felony." The statute (Penal Code) reads as follows: "Section 179. *May arrest at night, on reasonable suspicion of felony.*

"He may also, at night, without a warrant, arrest any person whom he has reasonable cause for believing to have committed a felony, and is justified in making the arrest, *though it afterwards appear that a felony had been committed,* but that the person arrested did not commit it."

This statute clearly stultifies itself. The writer is not aware of any definite judicial interpretation of its meaning up to the present time.

bona by the sheriff, and he will have to pay for his own medical treatment and legal advice.

Now let us see in what position is O. C., who is not a peace officer, when he discovers the suspicious figure in the area. He may lawfully make an arrest, although he has not seen the crime committed, "when the person arrested has committed a felony." In other words, if it turns out that no crime has occurred, or that if one has in fact been perpetrated he has got hold of the wrong man, he will have to patch up the matter and very likely his own head as best he can.

We will assume O. C. to be a public-spirited citizen and that he forthwith lays hands on his burglar and reduces him to subjection. Having done so he rings the front door bell and rouses the owner of the house, who in turn discovers that the mansion *has* been burglarized. They then investigate the prisoner and find that he is a commercial traveller in an advanced state of intoxication who has rambled into that particular area by accident. O. C. has been guilty of an illegal arrest. Even should it prove that the intruder was in fact a burglar, but not the *right* burglar, the arrest would still have been without authority.*

*In People v. Hochstim (36 Misc., 562,571) it is said that "in matter of arresting without a warrant, whether for a misdemeanor or for a felony, a private citizen and a peace officer have the very same right and power under the law, namely: (1) Either may without a warrant arrest a person who commits any crime, whether misdemeanor or felony, in his view, and (2) either may without a warrant arrest any person who has in fact committed a felony although not in his view, but (3) neither may arrest any one without a warrant in the case of a felony unless the alleged felony has in fact been committed. If no felony has in fact been committed, then the arrest without a warrant is in every case unlawful and may be lawfully resisted. The law does not justify either an officer or a private citizen in arresting for a felony without a warrant on mere suspicion or information that a felony has been committed. If either act without a warrant on groundless sus-

To carry the illustration a little further let us assume that in each case a burglary has been committed and that the prisoner is the guilty party. What can the officer do, and what can O. C. do, if his quarry attempt to escape?

Roughly speaking, a person lawfully engaged in arresting another for a felony or in preventing the escape of such an one lawfully arrested, may use all the force necessary for the purpose, even to taking the life of the prisoner.*

It is by virtue of this salutary provision of law that the unscrupulous policeman gets "square" with his enemies of the under world. When the officer clubs the "drunk" on the corner, it is on the pretext that the latter is "resisting" arrest. It is practically an impossibility to prove that it was not justifiable unless there be eye-witnesses to what has occurred, and an officer may safely be guilty of a good deal of physical brutality so long as he brings his victim to the station house under actual arrest for some alleged offence. It is only when the victim

picion or information on the question of whether a felony has in fact been committed, he acts at his peril. Nothing but the absolute fact that the felony has actually been committed will suffice to justify and protect the person making such an arrest, whether an officer or a private citizen. But if a felony has in fact been committed, the law does justify an officer, but not a private citizen, in arresting a person therefor without a warrant 'on reasonable cause for believing' (to quote the words of the statute) that such person is the one who committed it. In a word, an officer, the same as a private citizen, is not permitted to act on mere grounds of belief on the question of whether a felony has in fact been committed; nothing but the absolute fact that it has been committed will suffice; but an officer is permitted to act on reasonable cause for belief on the question of whether the person arrested is the person who committed it. All of this is plain statute law (Code of Criminal Procedure, secs. 177, 183)."

* A distinction exists in this respect between misdemeanors and felonies. In the case of the former it is not lawful to kill a prisoner even if his escape cannot otherwise be prevented, and although there be a warrant for his apprehension. In the case of a felony the offender's life may be taken provided there is *absolute necessity* for so doing to prevent his escape. Conraddy v. People, 5 Park 234.

of such an assault is not arrested that the officer finds himself in an awkward situation. He must then explain why he clubbed the citizen unless the latter had committed some offence and was trying to resist arrest, and, if so, why he did not then conduct him to the station house.

There is a story told of an old veteran upon the force who was heard to remark to a companion as they left court together after the acquittal of an ex-convict on the charge of assaulting the officer:

"Begorra, Tom, 'twon't be long before I'll be afther arrestin' the devil agin, and whin I do, *pray God that he resists arrest!*"

It is said that in some of the Southwestern States the personal right to make an arrest at times resulted, practically, in the privilege of shooting cattle thieves upon sight. The foreman would send out Jack to "look for" cattle thieves. Jack would lie all day in a gully and when Sonora Slim hove in sight, perhaps on an entirely lawful errand, would "let him have it." Then he would ride leisurely over, abstract Sonora's "gun," discharge it a couple of times and throw it carelessly upon the ground. Half an hour later he would appear at the ranch.

"Sorry, Bill," he would report, "but I caught Sonora Slim driving off three of our two-year-olds. I headed him off and says,

" 'Look here, Sonora, you've got some of our heifers there.'

" 'Go to——!' says Sonora and pulls his gun.

" 'That's all right,' says I. 'You're under arrest!'

"We swapped a few shots and I had to drop him to prevent his escape."

"All right, Jack," the foreman would reply, "we'll ride over and tell the sheriff about it."

"See here, sheriff," he would announce on their arrival, "Jack here arrested Sonora Slim stealin' our cattle, and the feller resisted arrest and Jack had to shoot him. Jack's here if you want him."

"Yes, sheriff, here I am," Jack would say.

The sheriff would rub his forehead and reply:

"No, I don't want you. Sorry you had to kill him, but I'll have to have some evidence that what you say ain't true."

It may be well to suggest that, while a thorough knowledge of our rights is always desirable, it by no means follows that it is wise to invoke them upon every occasion when we observe a technical violation of the law. Regrettable as it may seem, no police force, however large, could arrest all the violators of every law, and no system of courts could dispose of the multitude of offenders. We do the best we can and make an example of a few, hoping thus to persuade the others to be good. If every citizen undertook to exercise his right of arresting every individual whom he saw committing petty crime, the business of the community would come to a standstill and the magistrates' courts would be hopelessly congested with great hordes of prisoners, irate witnesses, and volunteer policemen. The prisons would overflow and the magistrates would resign. Moreover, the enforcement of such a disused and unexpected technical right would lead to immense disorder and violence. The ignorant infractor of an obscure section of the Penal Code

would rise in his wrath and in resisting arrest become guilty of assault in the second degree or of manslaughter. It is probably very much better that trivial offences should go unpunished than that public conveyances and thoroughfares should be made the scenes of violent altercations and obstructive volunteer police work. Having hired a certain class of persons to attend to this business for us, it is better to leave it to them when possible. We need the best police force that we can get, and this naturally depends upon the efficiency of the higher police officials who hold their offices by appointment. An active interest on the part of our citizens in the betterment of municipal conditions through the purification of politics is probably more to be desired than any general attempt to participate in the ordinary duties of "the man on the beat."