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## THE PROPOSED NATIONAL UNIVERSITY.

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Sometime Lieutenant-Governor of Kentucky.

In these papers, two questions will be discussed. The first is, would an Act of Congress establishing a National University be valid under the Constitution; the second, would this Act be wise and expedient, granting its constitutionality?

For more than fifty years there has gradually grown up such unbounded faith in mere learning and such genuine zeal for the support of schools, colleges and universities by taxation that any one who opposes good, bad or indifferent plans to increase the taxes for such purposes, is at once exposed to suspicion and contempt, if not to hatred and abuse. This unfortunately seems to be the fate of any one who has the courage to contest any firmly rooted popular opinion. As John Stuart Mill has said, we would rather continue in an error or an abuse than admit a new light or allow a chance for an honest diversity of opinion or effort.

The heavily burdened tax-payer is forgotten or promptly put out of court when the question is to be decided whether or not his or her earnings or home or independence shall be imperiled or lost by unreasonable taxation, to promote any public undertaking considered good by an active group of selfish or unselfish promoters with plausible reasons. Moreover, there is a growing group that becomes contemptuous or indignant whenever the Constitution is said to forbid even some selfish or foolish propaganda for a permanent appropriation of public money for an enterprise plausible on its face or for an experimental change in our Government with an evil tend-

ency unseen or disregarded by its advocates. Rudolph von Jhering, in his great book, *Der Kampf um das Recht*, or "The Struggle for One's Right," miscalled in the English translation "The Struggle for Law," has shown that each of us, whatever the penalty, owes a duty to himself, to society and to his country to imitate that characteristic of the average Englishman which makes him fight for legal rights at any cost. Each of us ought to try to protect our Constitution from every effort to undermine it, however plausible or insidious the effort may be.

\*This article was first published in "America."

## II

A rational discussion of the first question involves the examination of certain principles fundamental to the Constitution. James Bryce, in his "Studies in History and Jurisprudence," has divided all known constitutions into "Flexible and Rigid Constitutions." Ours was the first complete Rigid Constitution; many other nations have since copied it. Such a Constitution as that of Rome or England is of the flexible type, though, strictly speaking, neither is a Constitution at all. Fundamental laws could be changed with little delay, although the vetoes of the English King in other ages as well as of the House of Lords in more recent times have acted as checks upon the Commons, and have given the Government the qualities of continuity and stability. Our Constitution was designed to curb hasty, over-zealous radicalism, to impede plausible fads, to afford reasonable protection to the minority of a year or a generation, to give the National Government full sway in strictly national affairs and to reserve to the States power over all domestic matters. It thereby encourages a needed diversity in law and government, gives fair treatment to local conditions and prevents the sudden and disastrous sweep of political hurricanes, to which even our country may at times be exposed.

True, from the adoption of the Constitution in 1789 until some years after the Civil War, two strong political parties had violent disputes over the proper construction of our great charter, the one side contending for a strict, and the other for an expansive, construction. Thomas Jefferson, Andrew Jackson and John C. Calhoun

were champions of the former school; Alexander Hamilton, Chief Justice Marshall, Daniel Webster and Henry Clay of the latter. The wide learning, experience and well-balanced judgment of President James Madison made him one of the ablest and safest advocates and interpreters of the new Constitution. He and Alexander Hamilton, with the assistance of Washington, did most to make possible that wise and indispensable covenant of a free people. To tamper with it, to undermine or strain it, whatever the pretext, is political sacrilege. Some cocksure reformers, who do not wish to be balked in any effort to carry out quickly radical experiments, would make our Constitution as flexible and as unsubstantial as the so-called Constitution of England, as changeable as the chameleon or as insecure and as shortlived as an act of a State legislature. The Constitution was intended to be a bulwark against any flood of folly or passion; novelty-seekers would make it the swinging water-gate that yields freely to every sudden freshet in a creek.

In "The American Commonwealth," Bryce has said that everything is changing in America, "the apparently inflexible Constitution not excepted." Yet in 1821 Marshall declared in *Cohens vs. Virginia*, 6 Wharton 384, 390: "A constitution is framed for ages to come, and is designed to approach immortality, as nearly as human institutions can approach it." The masses seldom appreciate the value of ancient usages and restraints, or the misuse that may be made later of ill-considered precedents, or the far-reaching effects or tendencies of apparently slight changes in fundamental laws or in old constructions. *Moribus antiquis stat res Romana virisque*. It is a constant struggle to keep our foundations from being undermined by miners and sappers of every kind. We must know the words and the spirit of the Constitution and the dangers to which it is subject. *Abeunt studia in mores*. To be safe we must have one important quality of our ancestors, of whom the immortal Edmund Burke, in 1774, said:

In other countries, the people, more simple and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil and judge of the pressure of the grievance by the badness of the principle.

They augur misgovernment at a distance; and sniff the approach of tyranny in every tainted breeze.

It is useless now to discuss whether our Constitution was made or ratified as a covenant by the States as corporate bodies and as sovereign commonwealths, or by the people of each State, acting directly through delegates selected for the purpose. Nobody now contends that a State can nullify an Act of Congress or can secede from the Union, or that the Supreme Court can be denied authority to give final or conclusive judgment whenever the rights or powers of the States and the Federal Government under the Constitution are disputed. Those questions are settled forever. But it is also clear that Congress and our administrative officers in Washington, have constantly encroached upon the rights and powers of the States and have stretched the claims and enlarged the activities of the Federal Government, each encroachment being used as a precedent for another. Every good citizen should resent further encroachments, and every public man should wish that said of him, which Story said of Chief Justice Marshall: that, in his public life, there were "no timid surrenders to popular clamor, no eager reaches for popular favor." All of us should revere the Constitution as the citadel of liberty and defend it against attacks however plausible or popular.

Yet it is necessary to stress the fact that American constitutional government has its strict limits. Webster, in the Senate in 1830, said of the Federal Government: "They (the people) have made it a limited government. . . . They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the States or the people." In *Martin vs. Hunter*, 1 Wheaton 304, 326 ((in 1816) the Supreme Court, through Justice Story said:

The Government, then, of the United States, can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given, or given by necessary implication. The words are to be taken in their natural and obvious sense, and not in a sense unreasonably restricted or enlarged.

Story in his "Commentaries on the Constitution of the United States" (Vol. 1, p. 282), writes:

"In short, the rules of interpretation have often been shifted to suit the emergency; and the passions and prejudices of the day, or the favor and odium of a particular measure have not infrequently furnished a mode of argument which would, on the one hand, leave the Constitution crippled and inanimate, or, on the other hand, give it an extent and an elasticity, subversive of all national boundaries."

In the *Federalist*, No. 44, Madison thus argues for the adoption of the Constitution:

The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State Governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects, which in the ordinary course of affairs concern the lives, liberties, and properties of the People, and the internal order, improvement, and prosperity of the State.

Story on the Constitution (Vol. 1, p. 320, sec. 448), says:

For instance, the Constitution declares that the powers of Congress (Article 1, Section 8) shall extend to certain **enumerated cases**. This specification of particulars, evidently excludes all pretensions to a general legislative authority. Why? Because an affirmative grant of special powers would be absurd, as well as useless, if a general authority were intended.

In Cooley's "Constitutional Limitations," it is said that in these "enumerated powers" should be found the authority "for the exercise of any power which the national government assumes to possess." In *McCulloch vs. Maryland*, 4 Wheaton 316 (in 1819) the Supreme Court, Chief Justice Marshall writing the opinion, held that the Act of Congress of 1816, to incorporate the Bank of the United States was valid

as an appropriate "means" to carry out the express power to levy taxes, to borrow money, to regulate commerce, to declare and conduct war, to raise and support armies and a navy; that Congress was given "incidental powers" to enable it to carry out the "express powers" mentioned, because subsection 18 of section 8 of Article 1, gave Congress the right "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers;" and that a bank was "a convenient, useful and essential instrument in the prosecution of its fiscal operations," etc. But he also held that, if Congress "under the pretext of executing its powers" should "pass laws for the accomplishment of objects not entrusted to the government," the act would be invalid.

Thomas Jefferson, Andrew Jackson, who vetoed the Act to renew the Charter of the United States Bank in 1832, John C. Calhoun, and many other eminent men firmly resisted Marshall's so-called "loose construction" and his theory of implied or "incidental powers." But, on the whole, the theories of Marshall's opponents, the "strict constructionists," were too extreme, just as now the tendency of his followers is to force us too far in the direction of a latitudinarian construction which will enlarge the powers and extend the activities of the Federal Government beyond all reasonable bounds. It is fairly plain that the proposal to establish a National University must rest upon a forced "latitudinarian construction."

### III

Bearing in mind the judgments I have now quoted from many great lawyers and statesmen, conspicuous for their part in creating and advocating the Constitution, or, alter, in shaping its construction, we turn now to the document itself to see if it anywhere gives Congress the power directly, or by reasonable implication, to regulate or to support schools, colleges or universities. The preamble sets out in general terms the reasons for the adoption of the Constitution; but it grants no legislative powers to congress. "The preamble," says Story, on the Constitution (Vol. I, p. 327) "can never be restored to in order to enlarge the powers confided to the general government or any of its departments." Section 8 of Article 1 sets out in eighteen subsections practically all the important legislative powers confided

to the general government of any of its departments." Section 8 of Article I sets out in eighteen subsections practically all the important legislative powers granted to the Congress. Not one of these subsections either directly or by reasonable implication gives Congress any power to regulate education, or to support schools, colleges or universities. Subsection 8 grants the power "to promote the progress of science and useful arts," but only "by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries." Subsection 1 gives the power "to lay and collect taxes, duties, imposts, and excises (in order) to pay the debts and provide for the common defense and general welfare of the United States," etc. Those general words evidently do not mean that Congress may collect and spend the taxes for any purpose it may consider conducive to the "general welfare" of the individual citizen. This was made clear by Madison's argument for the Constitution in No. 40 of the *Federalist*. (See Story, "Commentaries on the Constitution of the United States," Vol. I, Bk. III, Ch. 14, "The Powers of Congress.") If this general, unlimited power had been given to Congress, the other paragraphs or subsections of Section 8 of Article I would be useless, absurd. If the general power had been given, Chief Justice Marshall, Madison, Story, Cooley, and other eminent advocates and interpreters would have had no excuse for saying that the powers of Congress had been "enumerated," and, under such a construction, Congress, having the right to choose any "reasonable means" to carry out the general power, might establish drug stores, own and operate farms or factories or bookstores, printing-houses or theaters.

The words "common defense" refer to the defense of the whole country against rebellions or foreign enemies. The words "general welfare" refer to the welfare of the United States as a whole, as distinguished from the welfare of the citizens of each State. It was intended that the welfare of the individual citizen should be the special care of his own State; but the defense or welfare of the whole country, as distinguished from its component parts, was assigned to the general government, as better fitted for the task. The reason for, and the advantages of, this division of duties is made plain in Story on the Constitution (Vol. I, Secs. 497 to 507). The provision for the "common defense and general welfare" appears in the preamble

as one of the primary objects of the Constitution. Article III of the Articles of Confederation which, as all admit, were intended to keep a strong check on the Congress, had declared:

The said States hereby severally enter into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade or any other pretense Whatever.

In Article VIII it was said:

All charges of war, and all other expenses that shall be incurred for the common defense and general welfare and allowed by the United States in Congress assembled shall be defrayed out of a common treasury, etc.

In Section 6 of Article IX of the Articles of Confederation it was provided: "The United States in Congress assembled shall never engage in war \* \* \* nor ascertain the sums and expenses necessary for the defense and welfare of the United States \* \* \* unless nine States assent to the same," etc. In the *Federalist*, No. 44, Madison wrote:

And yet the present Congress (under the Confederation) has to complete authority to require of the States indefinite supplies of money for the common defense and general welfare, as the future Congress will have to require them of individual citizens.

There was evidently no intention to change this meaning of the words "for the common defense and general welfare" when they were used in subsection I of section 8 of Article I of the later Constitution.

Section 9 of Article I of the Constitution merely prohibits the Federal Government from doing the acts enumerated. Section 10 of the same Article merely enumerated the acts that the States were forbidden to do. No other provision of the Constitution nor any

amendment made before or after the Civil War (8 *Cyclopedia of Law*, p, 774) has any bearing on the subject we are now considering, except the Tenth Amendment.

The Amendments from I to X, inclusive, were prepared by Congress, September 25, 1789, and were ratified by December 15, 1791. The Tenth Amendment reads: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States respectively or to the people." These ten Amendments were proposed by Congress in the year the Constitution was finally ratified and the Government under it was organized. Before the Constitution was ratified, there was practically an agreement among the leaders of the day, that the ten Amendments should be at once adopted to satisfy citizens who were afraid that there were not enough limitations on the powers of the Federal Government. Therefore, the Tenth Amendment was adopted to make it clear that the United States should have only the specific powers, the enumerated powers, set out in the Constitution, not a vague, general power to do anything thought necessary by Congress "for the common defense and general welfare of the United States." In *De Lolme on the English Constitution*, it is said: "It is, without doubt, absolutely necessary for securing the constitution of a State, to restrain the executive power; but it is still more necessary to restrain the legislative." *Story on the Constitution (Vol. I, section 533, etc.)* remarks:

The truth is that the legislative power is the great and overruling power in every free government. It has been remarked, with equal force and sagacity, that the legislative power is everywhere extending the sphere of its activity, and drawing all power into its impetuous vortex. \* \* \* In the first place, its constitutional powers are most extensive, and less capable of being brought within precise limits, than those of either of the other departments. \* \* \* It is easily moved and steadily moved by the strong impulses of popular feeling and popular odium. It obeys, without reluctance, the wishes and will of the majority of the time being. The path to public favor lies open by such obedience; and it finds not only support, but impunity, in whatever measures the majority advises, even though they transcend the constitutional limits.

So long as the unsound claim was seriously urged that a State could nullify an act of Congress, or could secede from the Union, or that the Supreme Court was not the final judge of the jurisdiction and powers of the Federal Government, the arguments for enlarged and incidental powers in the latter, and against the dreaded rights of the State and against slavery and disunion, were so constantly and so ably presented, that not only nullification, secession and slavery became odious in the North, but even the legitimate and sound arguments for State' Right were discredited. Even at the present day only a few able and far-seeing Republican lawyers and statesmen, like ex-President Taft, make any effort to preserve the necessary boundaries between the constitutional rights of the States and of the Federal Government. Unfortunately the weakened centrifugal forces working for the former against centralization and bureaucracy are slowly yielding to the increasing centripetal or centralizing forces of the latter.

Alexis de Tocqueville in "The Old Regime and the Revolution," has set forth the conditions of his country prior to the French Revolution, and has shown that the government broke down because it hampered and controlled its citizens and its local and provincial officers on all public and private matters and in every direction, even down to the minutest details. The government meddled too much and undertook too many activities. Its good, as well as its improper purposes finally produced troubles, vexation and an uncontrollable wrath. Louis XVI was not a bad king. Burke's immortal description of Marie Antoinette was nearer the truth than Carlyle's mean caricature.

I believe in the right of the people, in the right of the majority, to rule; but, as our forefathers thought, there must be firm checks and limitations to protect the minority even from the most well-meaning majority. I cannot give my assent to the saying of M. Turgot that "the tyranny of the masses is the most cruel and intolerable because it leaves the fewest resources to the oppressed," though it is not far from the truth; but I do give my full assent to the words of the Kentucky Bill of Rights, which says: "Absolute and arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority." As remarked by James Bryce, the people seldom realize how few persons direct and control

them, whatever the form or the laws of the government. The knowledge, will and motives of a few men dominate in their own day, and even pave the way for future changes or dangers of great moment. It is currently reported that Viscount Morley and another member of the English Cabinet promptly resigned at the outbreak of the present European war when they learned, for the first time, that Sir Edward Grey, Secretary for Foreign Affairs, had, without the knowledge of the Cabinet, long before entered into secret, important agreements with Belgium and France that bound England to them in that great crisis.

Adams, in his book, "Civilization and Decay," and James Bryce, in his "Studies in History and Jurisprudence," like other careful students, say that the Roman Empire's fall was mainly due to heavy taxation, the exhaustion of the soil, the decay of its farmers and the gradual dependence of the people on the government in all things. The Roman Republic, long before that time, was hurt by a gradual change in the form of government and by the steady decline of manly vigor and patriotic sentiments in the citizens and leaders.

Yet the Constitution of Rome, says Bryce, regarded on its legal side, changed comparatively little in the three centuries that lie between the Licinian laws and the age of Sulla; for most of those deviations from ancient usage which, as we can now see, were working toward its fall, were in form quite legal, being merely occasional resorts to expedients which the Constitution recognized, though they had been more rarely and more cautiously used in older and better days.

We ought to avoid questionable "deviations from ancient usage" even though these deviations be "in form quite legal," lest they insidiously work our fall. It is foolish, unjust and dangerous to put too much on any government, however free its form may appear to be. It is absolutely necessary that the constitutional rights of the Federal Government and of the several States be maintained in their integrity. In the days of Calhoun, the dreaded doctrine of "States' Rights" was the bogey of the North; at the present day, forces of increasing strength are working to credit the Federal Government with "enlarged and incidental powers" contained neither explicitly nor by

reasonable construction in the Constitution, nor contemplated by the framers of that document. How far will these unwarranted constructions extend? No one seems to know: "Yet no one goes so far," Cromwell has well said, "as he who does not know how far he is going."

#### IV.

I have shown that an Act of Congress to establish a National University would very probably be unconstitutional. It would also be unwise. The several States are better fitted to supervise education, and this for many reasons. The burden of Federal taxation is largely and purposely concealed. In the main, it is indirectly paid by consumers of merchandise, liquor, etc., who do not know when they are paying it nor how much they are paying. The people, therefore, are not so easily aroused by extravagance, and as a National University would be far away from them, abuses would either be promptly observed nor easily corrected. The people and leaders in a State will be more interested in, and better stimulated by, a local university than by an institution that is remote. If the several States support and control education, there will be a benefit in the variety or diversity of effort, experiment and results.

To give any fair play to the nature of each, it is essential that different persons should be allowed to lead different lives. In proportion as this altitude has been exercised in any age, has that age been noteworthy to posterity. Even despotism does not produce its worst effects, so long as individualism exists under it; and whatever crushes individuality is despotism, by whatever name it may be called, and whether it professes to be enforcing the will of God or the injunctions of men. \* \* \* in this age the mere example of non-conformity, the mere refusal to bend the knee to custom, is itself a service. Precisely, because the tyranny of opinion is such as to make eccentricity a reproach, it is desirable, in order to break through that tyranny, that people should be eccentric. \* \* \* The demand that all other people should resemble ourselves, grows by what it feeds on. If resistance waits till life is reduced nearly to one uniform type, all deviations from that

type will come to be considered impious, immoral even monstrous and contrary to nature.—(J. S. Mill.)

In a National University neither religion nor any definite, practical form of morality could be taught. Would it be wise to foster under governmental sanction, a propaganda of agnosticism? As a university training would necessarily embrace ethics, philosophy, literature, history, political economy, and the principles of government, there would always be a tendency in active, political leaders to seek the power to direct the teaching toward such channels as would be most in keeping with their theories and party platforms. There would be a concealed but constant struggle, not only to control the ordinary patronage connected with the university, but also to create a public opinion which would promote success at the polls. Teachers would be expected to lecture, and to write along lines preferred by the men able to give promotions and secure appropriations.

The Germans, it has been said, have had the most thorough system of education ever known; nobody of sense disputes their wonderful efficiency in every direction; and yet they are violently condemned and berated here and in Europe by men who think and confidently proclaim, practically without any qualifications, that education alone will work wonders in the mental, physical and moral elevation of mankind; that, though it may work for imperialism elsewhere, it will work only for democracy here.

## V

Although the Federal Government, by its command of unlimited sums of money and innumerable highly paid office-holders, might be able to conduct successfully expensive, long-continued investigations into matters of scientific and economic importance, it could not teach the subjects of university training any better than the Universities of Harvard, Virginia, Chicago, Yale, Princeton, Georgetown, St. Louis, or Notre Dame. The main reason heretofore given for taxing everybody for public schools, has been the necessity of educating our citizens, thereby making them better voters, jurors and bread-winners. But only the States decide who shall be voters and jurors, and the States are most interested in bread-winners and paupers.

If there were a National University, its professors, at the seat of

the government, and its graduates, influential in all the States, would, from self-interest, loyalty and pride, try to make it the capstone of all educational institutions in the United States and its dependencies. This would, indeed, be inevitable, as has been admitted. The university would finally dominate, by constant pressure, private and endowed colleges and universities, as well as those supported by a State or city. Its graduates would be given prestige and privileges not enjoyed by others. They would be preferred as professors or as civil employees. They and their professors would be constantly meddling in public affairs, at first modestly and later arrogantly, as men having special skill and entitled to special consideration. They would wish to influence, if not to supervise and regulate by law, courses of study for all educational institutions. Herbert Spencer, in his "The Man versus the State," said almost half a century ago :

A comparatively small body of officials, coherent, having common interests, and acting under central authority, has an immense advantage over an incoherent public which has no settled policy, and can be brought to act unitedly only under strong provocation. Hence an organization of officials, once passing a certain stage of growth, becomes less and less resistible; as we see in the bureaucracies of the Continent. . . . The multiplication of careers opened by a developing bureaucracy, tempts members of the classes regulated by it to favor extension, as adding to the chances of safe and respectable places for their relatives. The people at large, led to look on benefits received through public agencies as gratis benefits, have their hopes continually excited by the prospects of more. A spreading education, furthering the diffusion of pleasing errors rather than of stern truths, renders such hopes both stronger and more general. Worse still, such hopes are ministered to by candidates for public choice, to augment their chances of success; and leading Statesmen, in pursuit of party ends, bid for popular favour by countenancing them.

Every bureau, commission or other body established in Washington, for any purpose, has, in recent years, had influence enough to extend its scope and activities, the number of its employees and the

amount of its expenditures. Where millions, even billions, are freely appropriated, it is not hard to obtain large sums for any purpose really good or having a mere semblance of direct benefit, whatever troop of unconsidered, indirect evils it may draw in its train. If the camel once gets his nose into the tent, its easy and comfortable possession of the tent soon follows. The once thrifty, independent tax-payer whose home may slowly push him down into the border-land of want seems to many "philantropists" hardly worth a thought. These good people, so generous with the earnings of others, are thinking and working most to save the thriftless from nature's inexorable and curative punishments and to make it respectable and easy for the "sponger" to get all the blessings of life free at the direct expense of his neighbors. Those who mention the "tax-payer" are hustled out of court because they are not "progressive." Foolish or base is the man who will pay for his education as a lawyer, physician, professor, scientist, political economist, writer or prospective candidate for public office, if it can be procured gratis at Washington.

The possibility and indeed the probability of these effects may be seen by examining the Fess Bill. This measure (House Bill 11,749) proposes to create the National University of the United States, in order: (1) to promote science, pure and applied, and the liberal and fine arts; (2) to instruct and train men and women for all kinds of political offices and for the practice of all callings and professions; (3) to work in unison with "the scientific departments of the Federal Government," the State universities and agricultural and mechanical colleges and other "institutions of higher learning." No student may enter unless he has already received the degree of Master of Science or Master of Arts from some college or university that the Washington professors choose to "recognize." The university is to be governed by a Board consisting of the Commissioner of Education and twelve trustees appointed by the President of the United States. There is to be an Advisory Council composed of the Presidents of State universities, one from every State; and, if there be no such official, the Governor of that State shall choose a member. The Board will choose the professors and agents, and erect the buildings. All the museums, laboratories, libraries, bureaus, and observatories of the Federal Government shall be open to the students. The beginning of the

appropriations shall be half a million dollars. A neat little sum, but greater things will soon follow.

In support of this Bill, Dr. Charles W. Dabney, President of the University of Cincinnati, spoke before a Committee of the House, on February 27, 1914; his colleague, the Dean, at an earlier date, had also appeared before the Committee. Dr. Dabney advocated the Bill with great skill and plausibility. A man of wide information and great ability, he said all that could be said with truth. He did not recommend "an ordinary university," but "a university for university-trained men rather than a popular institution;" one for "advanced students of history, government, economics and natural science and its applications," a place where ambitious gentlemen could get free training in high-priced professions out of the enforced contributions of the tax-payers, the poor as well as the rich. He said that even now the ordinary man with a university degree coming to Washington to pursue his studies, is "lost in the mazes of the government bureaucracy." Therefore, we must have more bureaucrats to explain the workings of our present bureaucracy, "a clearing house for students and government officials," where, at public expense, they can study "geology, geography, anthropology, zoology, botany, chemistry, astronomy, meteorology, political and social science and kindred branches." Everybody knows that our Federal Constitution, on every page, bristles with provisions for all these good things above everything else. He says the "civil service" provides very good "clerks, statisticians or ordinary officials," but not "scientific experts," who want to get on the payroll and to regenerate mankind. The Committee was told that "the colleges were for a long time institutions apart from real life and the real practice of the sciences;" that the same was also true, to a large degree, of economics and political science; but that "the greatest authority on international law and kindred subjects in this country commenced his career as a law-clerk in that (the State) Department;" that "the government service offers the best opportunities in this country for the training of men of this type," and therefore we need another university to train them. "I should not like," said the speaker, considering the politicians before him, "to commit myself to the broad proposition that the graduate ought to be given a place just because he is a graduate." It was not safe to tell that to Congressmen.

To show how bureaucracies gradually swell, the speaker said:

I need not tell you that there is an immense amount of duplicated work among these departments, which results in great waste of time and money. . . . You gentlemen know how these things come up. A new scheme is presented, and a little appropriation, perhaps only \$5,000 or \$10,000 is requested, and it gets into the appropriation bill. I know of a bureau in one of the departments which started with \$5,000, and now, after 15 years, it gets \$400,000. . . . That bureau now has many different laboratories which duplicate, to a certain extent, the work in other laboratories. . . . The last time I made a count (in 1901), the Government had seven different chemical laboratories in Washington.

The speaker then tried to show how the new university might play an important part in the conduct of the whole government as, he said, the State University does in Wisconsin and Ann Arbor, in Michigan. Dr. Dabney has in mind "the new type of a university, and not the ancient cloistered institution." He believes that this new university at the Capital would "counsel and give advice about all our great scientific, economic, industrial, educational and social problems;" that "instead of the politicians running the universities, the universities of the country are more and more directing the economic and governmental work done by the legislators;" that a national university would, in his opinion, "exert far more influence upon Congress than Congress would exert upon it."

This argument confirms what I have said in these pages of the growing expensiveness, the irresistible tendencies, the indirect evils and the ambitious, selfish aims that may be expected from a national university. I am in favor of popular education; I believe in the best and highest forms of education. But, in my opinion, it was never intended by our forefathers, nor would it be safe to allow the Federal Government to use its heavy hand to shape or control either the religion or the education of the people.