Americans Reject Their Constitution: What is to be done?

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Large segments of the American people unhesitatingly reject the Constitution of the United States. When the public was polled about various sections of the venerable document without being apprised of their source, large proportions expressed opposition to the First Amendment, the Fourth Amendment, and most of the others. According to an early national poll, 30 percent of those interviewed felt that “if a person wanted to make a speech in your community favoring government ownership of all the railroads and big industries,” he should not be allowed to do so. Thirty-five percent would remove from circulation a public-library book advocating government ownership, and a majority (54 percent) would bar a teacher of such ideas from a college faculty. Opposition to the First Amendment ran higher if the speechmaker were an atheist: 61 percent would prevent a speech to be made against churches or religion. During the 1968 Democratic convention, millions watching TV saw the Chicago police bloody large groups of peaceful demonstrators. Polls showed that 66 percent of Americans supported this police action, as though two out of every three of our citizens had never even heard of the right of free assembly.

More generally, four out of five Americans believe law and order has broken down in the USA, and they favor a “strong president” to correct this, although most expressed awareness that “the rights of many people can be endangered in the name of law and order.” In other words, many Americans are so concerned about law and order that they are willing to suspend the constitutional safeguards.

If asked directly whether they would endorse the Constitution the founding fathers signed, most Americans probably would be offended; the Constitution, like the flag, is sacrosanct. But, the polls show, this patriotic commitment does not entail an understanding of its implications or a deep commitment to its content.

And no wonder. The Constitution, though it may seem an expression of “natural rights,” entails a long list of “do’s” and “don’ts” that is part of the heritage a civilized person acquires—he is not born with it. One must learn to understand what the observance of the Constitution requires and evolve the emotional support for its prescriptions; to do so is not part of our reflexive, inborn instincts. On the contrary, the
Constitution is based, to a very large extent, on the curbing of one’s impulses. It is “natural” for me to seek to prevent the exposition of views I find heretical, utterly wrong, or immoral; I must learn to be tolerant of opposition and accept the free clash of ideas. Similarly, to clobber those who offend my sensibilities is quite human; I must gain the capacity to control my anger and express it in a civilized manner. The wish to drop the Constitutional safeguards and lean on a strong leader is also quite natural; to await the slower, less dramatic, and maybe even less effective—but more just and humane work of a constitutional democracy—is a preference which must be cultivated.

But where is an American to acquire the deeper understanding and emotional support for his Constitution? Surely he will hear its name and principles mouthed often enough. But in many a home, there is no true support for its content. The burden of education for the Constitution is often put on the schools, which are not known for their moral or character building potency. In their curricula, “civics” is often a highly neglected topic, being allotted less time and attention than most subjects. Finally, civics classes tend to be taught with dry formalism; pupils recite that we have three branches of government or re-read the Bill of Rights. Rare indeed are the provisions for the genuine and lively education of the citizen.

We ought to do to civics what we did to math—develop a new curriculum for constitutional education, one which focuses on those parts of the Constitution which our impulses tend to undermine. And, lectures about and memorizing the Constitution will not do. We need a sequence of relevant dramatizations which will allow pupils to express their resentments and doubts, and to experience the value of the Constitutional curbs. If an untutored class votes for a strong leader, let it experience the uneven hand and arbitrary power of one of its more forceful members by, let’s say, turning over to him privileges usually allocated by the more fairminded and rule-oriented teacher. And let all those who vote limiting the freedom of speech in a class assembly be deprived of the right to express their views for, say, a week. Some schools successfully experimented in teaching tolerance for others by instituting a week in which blue-eyed people or blonds were discriminated against. These examples are not meant to detail here the new civics curriculum, but to illustrate the need to rely on techniques which not only inform the mind but also educate the emotions. The design of a new civics will require months of planning and at least a year of experimentation, as did the new math.

Ideally, each community should have a committee for constitutional education which would encourage the development of such a curriculum, the training and recruitment of teachers who themselves are emotionally in tune with the Constitution, and the extension of the new teaching to adult education classes.

Education per se will not suffice, however. School-learning, especially when it runs against our instincts, tends to erode over time. To sustain a commitment to
the Constitution which is deeper than lip service, we require devices to reinforce what we have learned. In effect, one may view the daily reports of the press, radio, and television as a continual reeducation process. Thus, when the A.C.L.U. brings to court a violation of the Constitution, the effect is not just to seek redress for the persons involved but also to remind us all that under our code, people are presumed innocent until proven guilty, that we are not to tolerate police harassment of political or sexual deviants, and so on. But the A.C.L.U. is quite controversial; it could benefit from more allies in more communities. A broadly based committee for constitutional education, including representatives of all the major segments of the community, could mobilize wider citizen support for Constitutional watch dogs and sustain the needed educational work.

Finally, community leaders, especially the President, have the profound responsibility of continually educating the public in civic matters. Every time a leader slights the Constitution by labelling a man a criminal before he has been convicted (as Sirhan was labelled), favors illegal arrests of demonstrators (as were the arrests of those in Washington, D. C. following the May antiwar demonstrations), or puts partisan political considerations above the law (as Calley’s release pending appeal was), the foundations of the Constitution are weakened. Our leaders should rather address themselves to the reinforcement of these foundations, because the anarchy certain to arise from the erosion of the Constitution will exempt no party or man, and the temporary partisan gains are made directly at the cost of the nation.