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References Category:Virtual instruments This is a law professor, and no doubt he knows that the constitution of the United States is an old one and is in many respects an inefficient instrument. But he probably does not know that it is, moreover, a jerry-built instrument, made in a hurry by a practical people who were living at the time under the domination of a military despotism.

Therefore, Mr. Johnson has undertaken a study of the Constitution of the United States in order to explore the defects of a system, which, he believes, was always inefficient and is now so impracticable that it should be wholly abandoned. He finds, however, that the defects are less than he thinks: and he asks his readers to notice with him how "the republic could have fallen when it did." These are his words: "If the vicious caste tyranny against which the Federalists protested had been sustained, the

Federal Constitution would have crumbled into ruins and the republic would have fallen in the year 1793, from a day to day occurrence. ... The federal judges would have ruled as despotic alienists had they been the masters. ... It is evident that slavery, the American germs in the soil, and the other anti-republican currents were more than sufficient to turn the constitutional

wheel." But, after all, he has found a flaw in the old constitution, which is the absence of a bill of rights. He is much disappointed by not finding a bill of rights, and therefore he asks us to come to his rescue and make a bill of rights by amendment. In the course of his lengthy essay he shows how easy it is to make a bill of rights, and yet he does not undertake to

show us how the constitution, which is a piece of workmanship not easy to set to rights, could have been got out of its difficulties by a simple change. Now, if, as I understand him, the chief provisions of the existing government are always likely to have been found already in the constitution, there is no need of an elaborate paper by the sovereign, setting forth the whole doctrine of "checks and balances," or any such thing. A man who reads the constitution does not need to be told that the legislative power, as well as the other powers, are checked and balanced by a judicial power, with the executive, and with the powers of the people. What is needed, not, as Mr

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