

Behind the News

Pa. Constitutions Placed In Historical Perspective

By PHILIP S. KLEIN
Professor of American History

2nd in a Series

Pennsylvanians have lived under eight constitutions, four of them colonial and four of them since independence from Britain in 1776. The four colonial constitutions showed a very rapid development of the system of Republican government. The first constitution in 1682 provided for centralized power in the hands of Penn and his appointed governor. Within two decades, the locus of power had been shifted from the executive to the assembly. The constitution of 1701 turned Penn's governors into administrators and placed the power to make laws in the hands of the elected assembly.

The Revolutionary War party in Pennsylvania overthrew the Constitution of 1701 and set up in its place the first state constitution—that of 1776. Because the Revolution symbolized in part an assault on centralized authority (the King), the Pennsylvania constitution makers abolished entirely the governor's office and put in its place an elected committee of 12, called the Supreme Executive Council. Management of the government was placed in the hands of an assembly whose members were elected annually. This system, the most decentralized government Pennsylvania has ever known, did not work well. It lacked continuity, it lacked administrative authority, and it diffused responsibility, with the result that no one took responsibility and the society fell into near chaos.

Adopt New Constitution

In 1790, following the enthusiasm which had been generated for the new Constitution of the United States, Pennsylvanians got rid of their 1776 constitution and adopted the constitution of 1790, which they patterned closely after the new federal constitution. The constitution of 1790 again created a governor, and this time made the office very strong. The patronage of Pennsylvania's governor was larger than that of any person in the country save the President of the United States. A Senate of 33 and an Assembly of 100 members held powers similar to those prescribed for the federal Congress. Judges were appointed by the governor and held office for life. All resident males (including Negroes by implication) could vote upon reaching the age of 21.

This constitution proved effective but in time showed some flaws which later had to be reformed. First, the three terms for governor, coupled with the vast appointive power of this office, made the governor the head of a "governor's party" composed of his own officeholders. Thus the governor could always manage his own renomination or name his successor. Second, the legislature, in the absence of any prohibition against local legislation, spent more and more time passing personal and village legislation—granting divorces, legitimizing children, and setting up township roads—until two unhappy results became apparent. The larger needs of the state were lost sight of in the mountain of local bills; and when bills of general state interest were discussed, they became the subject of log-rolling.

State Lost Out

Thus Pennsylvania lost out to New York in building a western canal and Philadelphia lost its rank to New York as the leading financial and trading center of the nation. Finally, the 1790 constitution did not provide for effective courts. As judges were appointed for life, they took it easy on the job, and cases ac-

cumulated until the dockets ran five or six years behind.

Efforts to correct these difficulties were defeated until 1837. A convention in that year produced the Constitution of 1838. This instrument modified the governor's power, making his term four years with the possibility of once succeeding himself (as with the U.S. President), and greatly reducing his power of direct appointment. The legislative power was not much changed, but the judges now are limited to a term of years, and provision was made for their election rather than appointment by the governor. Most interest at the time centered around a provision excluding the Negroes from the franchise.

The Constitution of 1838 proved an excellent compromise between the too-decentralized government of the 1776 Constitution and the too-centralized system of the 1790 frame. It ran into difficulties not so much because of any weaknesses of structure as because of the weaknesses of men, which became notorious in the years following the Civil War. The shift of power from farmers to new industrialists caused the rise of "political machines" all over the nation.

Apathy Arises

Perhaps most important, public apathy arising from a breakdown of public confidence in the system (which had failed to solve problems leading to the Civil War) led to the "nadir of national disgrace." The Constitution of 1874, under which we now live, grew immediately from a desire of the people to prevent corruption in public office. To this end the new constitution made it impossible for a governor to succeed himself in office, greatly increased the size of the House and the Senate, (in the hope that it would make bribery more difficult), and outlawed local legislation. Also, in line with national developments, it granted suffrage to the Negroes.

The Constitution of 1874, created to meet fears prevalent in that year, proved inadequate to the needs of the state exactly because it focused on current problems instead of on broad principles. Within ten years the immediate problems had changed and the specific provisions of the constitution had become obsolete, but the Commonwealth was shackled by them, and still is. Hence it is no surprise that the 174 Constitution has more amendments than any prior one.

From the perspective of history, the Constitution of 1874 shows these weaknesses. First, it is too long and too closely tied to the events of 1874. Instead of confining itself to the principles of government (which it states very well), and to the basic official functions and structure, it goes on in the manner of a set of by-laws, prescribing all kinds of detailed rules for activities that worried people in 1874.

Second, by denying the governor the chance to succeed himself, the constitution of 1874 has reduced that office to nearly a cipher. The Commonwealth is so complex a person can learn the ropes, initiate a program and carry it through in four years; and furthermore, as the governor will be "out" in four years, he loses that command of his own associates which the possibility of a second term would give him.

Third, the Senate and the Assembly are too large to work effectively as legislative bodies. Doubling their size in 1874 has proved a mistake.

Arts Festival To Begin Today

"Something for everyone" may well be the theme of the Undergraduate Student Government's Spring Arts Festival, which gets underway this afternoon.

Music, drama, lectures and exhibits are a few of the activities planned for the "cultural" weekend.

First on today's calendar for the Spring Arts Festival is a photography and architecture exhibition and sale, which will take place from 10 a.m. to 5 p.m. in the Hetzel Union court. In the event of inclement weather it will be held in the HUB ballroom.

THE EXHIBIT and sale are sponsored by the Penn State Camera Club and the American Institute of Architects.

At 1 p.m., also in the HUB

court, Edward Leos, instructor in photojournalism, will present a lecture on "The Art of Photography." In case of rain, the lecture will be given in the HUB assembly room.

A slide lecture by Carl F. Barnes, instructor in art and architectural history, will be given at 2:30 p.m. in the HUB assembly room. Barnes' topic is "The Philosophy of Architecture."

A symposium on the arts, "Expression and Interpretation," will begin at 4 p.m. in the HUB assembly room.

The panel will consist of Walter H. Walters, head of the Department of Theatre Arts; Leonard F. Raver, assistant professor of music; and Samuel C. Sabean, associate professor of art.

An "Evening of Student Dra-

ma" will conclude the festival's opening day activities. Two original one-act plays written for 5 O'clock Theatre will be presented as part of the program.

Free tickets for the student drama program, which will be held at 8 p.m. in the Pavilion Theatre, are available at the HUB desk.

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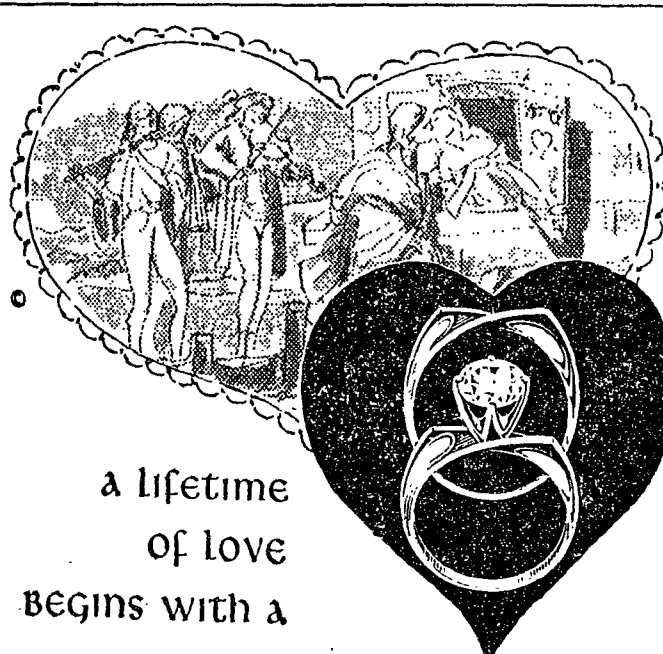


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