

Along the American Way

By Wheeler McMillen

The Burden of a Majority



Majority rule is probably the most conspicuous characteristic of our American republic.

The majority in elections determines who shall hold office. The majority in Congress decides legislation. The majority determines questions in public meetings everywhere.

So accustomed have we become to rule by majority that it is easy to overlook an even more basic principle in our form of government.

The true essence of free government is not the rule by majority; it is the protection of the rights of the minority. A majority can become as tyrannical as a despot. A majority, also, can be wrong.

Right or Wrong? John T. Flynn some time ago proposed an interesting challenge to the idea that the majority must always be right. He pictured 25 people assembled to decide a question. Thirteen voted one way and 12 the other way. The 13, being a majority, carried the question.

Two weeks later the same 25 people, in Flynn's story, met again. They voted once more on the same question. The facts were the same. The count again was 13 to 12. But one man had changed his mind and his vote. The decision was exactly opposite. The majority was on the other side.

Obviously, the majority could not have been right on both occasions.

The situation was not unlike that which frequently occurs nowadays when the Supreme Court divides five to four. No one man, by changing his mind, can establish a right or a wrong.

Another sort of illustration might be drawn. Two men meet. One has nothing. The other has \$200 of his own wages. The first man overpowers the other and takes \$100. An equal division has been accomplished, but a robbery has been committed.

Later the man who has \$100 left

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sits in a meeting of 100 people. They vote, 99 to 1, that the \$100 shall be so taxed that each person shall have one dollar. That would be majority rule. Would it be right, or would it still be robbery?

Would the principle be different if a hundred million people, instead of only one hundred, did the voting?

Safeguards. Certainly a majority can be wrong. When properly informed the majority will be right and will be fair far more often than not. It was to protect minorities on the exceptional occasions which are ever possible in human society that the American Constitution was so carefully drawn to permit majority rule but to prevent tyranny by either a majority or minority. And one who reads the Bill of Rights, the first 10 amendments, will note how vigilantly the precautions in behalf of minorities were added to the basic law.

Over the entrance to the stately building which houses the United States Supreme Court is the sculptured inscription, "Equal Justice Under Law."

The ideal in American government is that every man and every group shall stand equal before the law. None is to be preferred because he is rich or powerful nor is anyone to be less than equal if he is weak and poor.

Victor's Burden. Law that tips the scale of power in favor of labor or of industry, or law that gives unfair legal advantage to any one against any other is bad law. Law that gives a majority unequal advantage over a minority is just as bad as law that gives one man, one group or any minority unequal advantage over the majority.

A political majority—the party that prevails in an election, the party that holds control in Congress—wins vastly more than the few privileges and offices that go to the victor.

The majority also wins the responsibility for protecting every minority.