

Makers of the Constitution

Constitutions are not made: they grow. This thought is commonplace. And yet the growth of which men speak with such assurance is directed, that is determined, by the ideals and opinions of the people. Members of constituent assemblies and constitutional conventions neither manufacture nor grow Constitutions — they simply formulate current political ideals and opinions. It is in the social mind back of the convention, back of the government, and back of the law that the ideals of human right and justice are conceived, born, and evolved. A Constitution is a social product. It is the embodiment of popular ideals.

And so the real makers of the Constitutions of Iowa were not the men who first in 1844, then in 1846, and then again in 1857 assembled in the Old Stone Capitol on the banks of the Iowa River. The true "Fathers" were the people who, in those early times from 1830 to 1860, took possession of the fields and forests and founded a new Commonwealth. They were the pioneers, the frontiersmen, the squatters — the pathfinders in our political history. They were the real makers of our fundamental law.

All law and government rests upon the character of the people. Constitutions are the formulated expressions of political ethics. It is in this broad catholic sense that the ideals of pioneer character became the determining factors in Iowa's political evolution and the pioneers themselves the real makers of our fundamental law.

Two opinions have been expressed respecting the character of the early settlers of Iowa. Calhoun stated on the floor of Congress that he had been informed that "the Ioway country had been already seized on by a lawless body of armed men". Clay had received information of the same nature. Nor was the view expressed by these statesmen uncommon in that day. It was entertained by a very considerable number of men throughout the East and South, who looked upon the pioneers in general as renegades and vagabonds forming a "lawless rabble" on the outskirts of civilization.

The men who made these harsh charges were doubtless honest and sincere. But they were mistaken. Testimony based upon direct personal observation is overwhelmingly against the opinions they expressed. Lieutenant Albert M. Lea, who had spent several years in the Iowa District, wrote in 1836 that "the character of this population is such as is rarely to be found in our newly

acquired territories. With very few exceptions, there is not a more orderly, industrious, active, painstaking population west of the Alleghenies, than is this of the Iowa District."

The pioneers were young, strong, and energetic men — hardy, courageous, and adventurous. Caring little for the dangers of the frontier, they extended civilization and reclaimed for agriculture vast prairies and forests and deserts. They were distinguished especially for their general intelligence, their hospitality, their independence and bold enterprise. They built schoolhouses and supported schools, erected churches and observed the sabbath.

The frontier called for men with large capacity for adaptation — men with flexible and dynamic natures. Especially did it require men who could break with the past, forget traditions, and easily discard inherited political and social ideas. Above all the frontier was a great leveler. The conditions of life there were such as to make men plain, common, unpretentious — genuine. The frontier fostered the sympathetic attitude. It made men really democratic, and in matters political led to the threefold ideal of equality which constitutes the essence of American Democracy: equality before the Law; equality in the Law; equality in making the Law.