

AMERICAN INSTITUTIONS
AND
THEIR PRESERVATION

by
WILLIAM W. COOK

William S. Hein & Co., Inc.
Buffalo, New York
2005

ISBN: 1-57588-846-7

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Printed in the United States of America.

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WILLIAM W. COOK

OF THE NEW YORK BAR

AUTHOR OF COOK ON CORPORATIONS; PRINCIPLES OF
CORPORATION LAW; POWER AND RESPON-
SIBILITY OF THE AMERICAN BAR

61 BROADWAY
NEW YORK
N. Y.

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By WILLIAM W. COOK

Norwood Press
J. S. Cushing Co. — Berwick & Smith Co.
Norwood, Mass., U.S.A.

PREFACE

MEN differ as to the principal mischiefs in the state. Some think materialism is ruining the country and yet admit the war of the Rebellion and the World War showed extraordinary courage and patriotism. Others fear class interests and yet acknowledge we have always had them. Others dread Catholicism and organize the Ku Klux Klan against it, and yet they should know that that church like other churches in modern times loses ground and has difficulty in holding its own everywhere. Others denounce the Jews, yet are surprised to learn that nearly all of them are found in or about New York, Philadelphia, Cleveland, and Chicago. Others denounce capitalism as governing the country and subjecting all other classes to a bare subsistence, yet they admit that never were comforts so widely diffused as now and that the captains of industry spring from the ranks and that inherited wealth soon takes wings and flies away. Others say the American stock is becoming depleted but admit it still controls the country and has tremendous vitality. Others claim that ethics are declining and yet recognize the fact that political life is improving and business methods are fairer and private life on the whole is of high standard. Others point to the invading hosts of immigrants from Southern and Eastern Europe as overwhelming the old American stock. Here we must pause and admit the danger.

After all, the character of the American people now and hereafter will determine whether each and all of these dangers can be met and overcome.

A far deeper mystery is involved. Every nation seems to have some mission to perform ; some part to play in the history

of the world. What is the American nation for? Apparently not for art, literature, philosophy, science, or religion. Nor for conquests and the government of subject races. Instinctively the whole world, the United States included, seems to say that America exists to ascertain and demonstrate whether or not a vast people in a vast country of every climate and every occupation is capable of governing itself by a democracy. *That* is the mission of America.

Americans have ideals and though those ideals are elusive and difficult to define, yet they permeate and dominate the political, social, economic, and daily life of the American people and are embodied in American institutions. Hence the first thing is to define American institutions and state what they are, something not heretofore attempted. Then follows an effort to appraise the forces which affect those institutions and the American Republic. This gives a legal basis to the book, but the scope of the subject is wide and leads far afield of the law. Like the law, however, the subject is full of controversies. A lawyer is expected to be fearless in the expression of his opinions and hence the views advanced in this book may excite antagonism, but that is immaterial provided they excite thought. A lawyer is expected also to be conservative and constructive; to analyze complicated facts and apply general principles; and even though he is an advocate and generally presents only one side of a case, yet it is his duty to see the other side and to present both sides when occasion requires, as it does in this instance. So far as this book fails to do that it is not up to professional standards.

Another peculiarity of the legal mind. A lawyer likes precedents. He lays before the court the opinions of prior jurists. He quotes freely to give all possible light. That plan is followed in this book. It may be one of the faults of the book.

America is the richest and most powerful nation in the world — too much so. It is constantly expanding its territory and dipping more and more into the affairs of other nations. In

recent years it has received much of the refuse of Europe to add to American difficulties. It is now slowly dawning on the American mind that we have difficulties enough; that, as stated above, the real mission of America is to continue to demonstrate that a great people spread over a great country is capable of self-government, and to demonstrate that a republic is the best form of government for people of intelligence and character. The future of America will test that form of government. Hence it is well to analyze the forces at work in America bearing on the future of American institutions. The more the subject is discussed the safer those institutions will be.

It is a curious fact that while lawyers formulate and direct social legislation, and the professors not at all, yet the professors write books on social subjects and the lawyers not at all. The result is that lawyers as legislators are not always well informed and professors as writers are not always practical.

In preparing this manuscript the author, besides consulting books in his own library, has read 504 books drawn from the New York Library, the Pratt Institute Library, and the Brooklyn Public Library, and to them he extends his thanks. The ideas herein contained have been slowly formed but probably everyone who happens to read or glance through this volume will find something to which he cannot agree.

In order to make the price of this book reasonable the author publishes it himself. He did this with one of his legal treatises and the result was satisfactory.

WILLIAM W. COOK.

NEW YORK,
January, 1927.

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