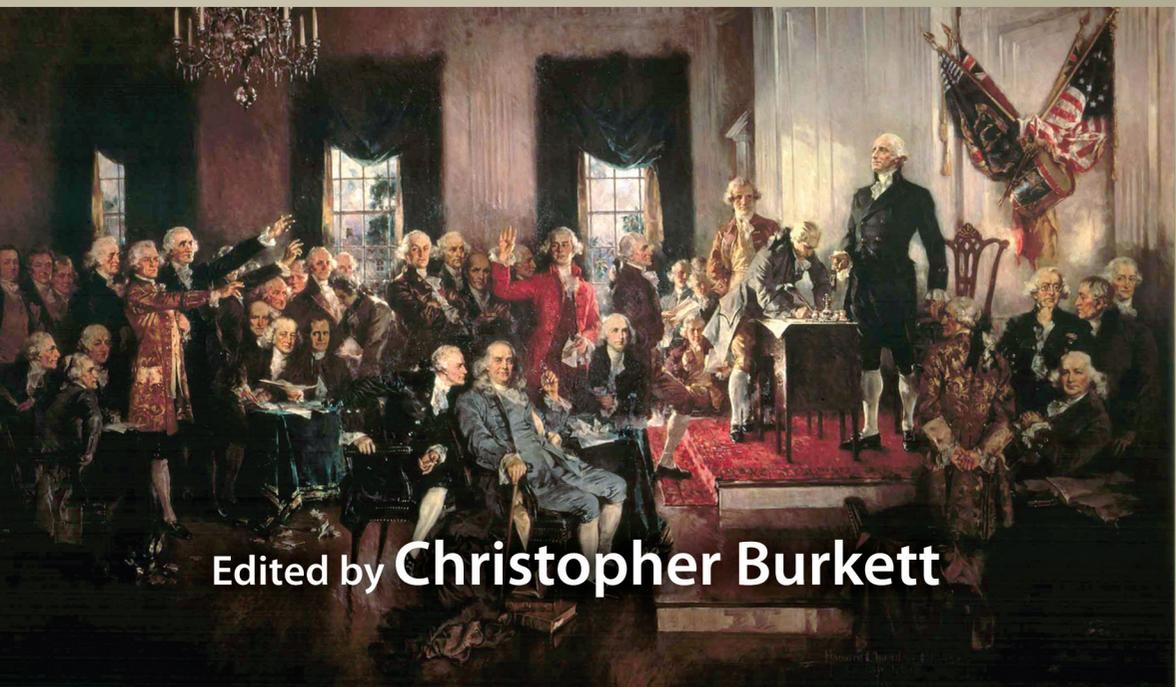


50 CORE AMERICAN DOCUMENTS

Required Reading for Students, Teachers, and Citizens



Edited by **Christopher Burkett**

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Citizens*

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Ashbrook Press

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About the Ashbrook Center

The Ashbrook Center, an independent center at Ashland University, restores and strengthens the capacities of the American people for constitutional self-government. Ashbrook teaches students and teachers across our country why America is exceptional and what America represents in the long history of the world. Ashbrook creates informed patriots.

Ashbrook is the nation's largest university-based educator in the enduring principles and practice of free government in the United States, offering programs and resources for students, teachers, and citizens. Dedicated in 1983 by President Ronald Reagan, the Ashbrook Center is governed by its own board and responsible for raising all of the funds necessary for its many programs.

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Contents

Introduction.....	i
1. Declaration of Independence (July 4, 1776).....	1
2. James Madison, Memorial and Remonstrance Against Religious Assessments (June 20, 1785).....	5
3. Thomas Jefferson, Virginia Statute for Religious Freedom (January 16, 1786).....	12
4. James Madison, Notes of Debates in the Federal Convention of 1787 (1787).....	15
5. Constitution of the United States (September 17, 1787).....	23
6. Brutus I (October 18, 1787).....	36
7. Publius (Alexander Hamilton), The Federalist No. 1 (October 27, 1787).....	47
8. Brutus II (November 1, 1787).....	52
9. Publius (James Madison), The Federalist No. 10 (November 22, 1787).....	59
10. Publius (James Madison), The Federalist No. 51 (February 6, 1788).....	67
11. James Madison, Speech on Amendments to the Constitution (June 8, 1789).....	72
12. George Washington, Letter to the Hebrew Congregation at Newport (August 18, 1790).....	86
13. Bill of Rights (December 15, 1791).....	88
14. James Madison, “Property” (March 29, 1792).....	91
15. George Washington, Farewell Address (September 19, 1796) ...	94
16. Thomas Jefferson, First Inaugural Address (March 4, 1801).....	109
17. Supreme Court of the United States, <i>Marbury v. Madison</i> (February 24, 1803).....	114

18. Thomas Jefferson, Letter to John Holmes (April 22, 1820).....	126
19. James Monroe, Monroe Doctrine (December 2, 1823).....	128
20. Thomas Jefferson, Letter to Henry Lee (May 8, 1825)	132
21. Thomas Jefferson, Letter to Roger C. Weightman (June 24, 1826)	133
22. Daniel Webster and Robert Y. Hayne, Webster-Hayne Debates (January 1830)	135
23. John C. Calhoun, Fort Hill Address (July 26, 1831)	153
24. Andrew Jackson, Veto Message of the Bill on the Bank of the United States (July 10, 1832).....	159
25. Andrew Jackson, Proclamation Regarding Nullification (December 10, 1832)	177
26. John C. Calhoun, Speech on the Oregon Bill (June 27, 1848) ..	191
27. Frederick Douglass, “What to the Slave is the Fourth of July?” (July 5, 1852).....	197
28. Abraham Lincoln, Speech on the Repeal of the Missouri Compromise (October 16, 1854).....	221
29. Supreme Court of the United States, <i>Dred Scott v. Sandford</i> (March 6, 1857).....	257
30. Abraham Lincoln, Fragment on the Constitution and Union (January 1861)	270
31. Alexander H. Stephens, “Corner Stone” Speech (March 21, 1861)	272
32. Abraham Lincoln, Final Emancipation Proclamation (January 1, 1863)	278
33. Abraham Lincoln, Gettysburg Address (November 19, 1863)	281
34. Abraham Lincoln, Resolution Submitting the Thirteenth Amendment to the States (February 1, 1865)	283
35. Abraham Lincoln, Second Inaugural Address (March 4, 1865).....	285

36. Frederick Douglass, Oration in Memory of Abraham Lincoln (April 14, 1876)	288
37. Supreme Court of the United States, <i>Plessy v. Ferguson</i> (May 18, 1896)	299
38. Theodore Roosevelt, Roosevelt Corollary to the Monroe Doctrine (December 6, 1904).....	309
39. Theodore Roosevelt, New Nationalism Speech (August 31, 1910).....	311
40. Progressive Party Platform of 1912 (August 7, 1912)	326
41. Woodrow Wilson, “Fourteen Points” Message (January 8, 1918).....	341
42. Calvin Coolidge, Speech on the 150 th Anniversary of the Declaration of Independence (July 5, 1926)	348
43. Franklin D. Roosevelt, Commonwealth Club Address (September 23, 1932).....	359
44. Herbert Hoover, Speech on the Consequences of the Proposed New Deal (October 31, 1932).....	371
45. Franklin D. Roosevelt, 1944 State of the Union Address (January 11, 1944).....	388
46. George Kennan, The Long Telegram (February 22, 1946)	398
47. Supreme Court of the United States, <i>Brown v. Board of Education of Topeka I and II</i> (1954 and 1955)	412
48. Martin Luther King, Jr., “I Have a Dream” Speech (August 28, 1963).....	417
49. Lyndon B. Johnson, “Great Society” Speech (May 22, 1964)....	421
50. Ronald Reagan, “A Time for Choosing” (October 27, 1964)....	426
Study Questions.....	437

Introduction by Editor

In 1825, James Madison and Thomas Jefferson discussed by letter the kinds of texts that should be required reading at the recently founded university in Virginia. “It is certainly very material that the true doctrines of liberty, as exemplified in our Political System, should be inculcated on those who are to sustain and may administer it,” Madison wrote. “It is, at the same time,” he continued, “not easy to find standard books that will be both guides & guards for the purpose.” Madison proceeded to recommend certain fundamental documents as essential reading for future citizens and statesmen, including the Declaration of Independence, *The Federalist*, and George Washington’s Farewell Address.

Ashbrook’s *50 Core American Documents* is meant to fulfill those same purposes by affirming the value and usefulness of reading original documents, and by inviting readers to consider and discuss the principles of liberty and self-government as they unfolded from the American Founding into the Twentieth Century. Original documents do this in a way that textbook summaries of major issues cannot. Primary documents give us direct access to what was really going through the minds of people who were pivotal figures in history. One can hear the alarm in Jefferson’s own voice, when he says that news of the Missouri Compromise struck him “like a fire bell in the night... . I considered it at once as the knell of the Union.” And, because we have selected documents that often represent opposing views on major events and ideas, one can virtually participate in an argument between John C. Calhoun and Abraham Lincoln on whether a state has a Constitutional right to secede from the Union. By reading original documents in this way, we understand better what was at stake. It gives us an opportunity to think through the issues they had to wrestle with and that we still have to wrestle with.

This list is intentionally different from other lists of important historical documents. We chose these documents not necessarily because they have some official status — some are considered official, but many are private letters. Many are not among the most widely read or well-known documents of American history. Rather, each document tells us something uniquely important about the “American mind,” to borrow a

term from Thomas Jefferson's 1825 letter to Henry Lee; in other words, they reveal a certain turn of each author's thought about the basic principles of economic, religious, or political liberty.

Ashbrook's list of *50 Core American Documents* serves as an introduction, a starting point, to aspects of American thought and history that are deeply interesting, even surprising, and that will, we hope, entice readers to want to read and discuss more documents. It is not definitive or comprehensive, but is meant to be a springboard for discussions of other important issues and events in American history, such as the struggle for women's suffrage, relations with American Indians, and foreign policy developments in the Twentieth Century. In this sense, Ashbrook's list may also serve as the foundation for supplemental lists focusing on other key issues in American history and political thought.

Many of the documents emphasize America's uniqueness and contributions to the world, which is one way to view the American narrative. They make us appreciate the work and sacrifices of the Founders who gave us this republic. They help us understand how it works, so that we can preserve what's good about it. The documents reveal not only our rights, but also our duties and responsibilities as citizens. They also tell the stories of some of the greatest acts of statesmanship in American history — including George Washington's prudence in securing the young republic, Abraham Lincoln's efforts to preserve the Union and end slavery, and Franklin Roosevelt's attempts to restore confidence to the American people during the Great Depression.

Taken as a whole, the documents in Ashbrook's *50 Core American Documents* reveal a kind of political dialogue to readers, an ongoing and profoundly consequential conversation about how Americans have agreed and often disagreed on the meaning of freedom and self-government. Ashbrook's list of *50 Core American Documents* presents different views on some of the major issues and disputes in American history and government — especially on the meaning of the Constitution, the injustice of slavery, and the demands of progress. We start with the Declaration of Independence, which expresses America's mission statement in the following terms: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, governments are instituted among men." This list follows one arc of American history by looking at attempts to live up to that mission.

We next look at the writings of the Founders on the meaning of rights, liberties, and civic duties, and then turn to the question of what constitution of government would best protect, promote, and fulfill the principles of the Declaration of Independence. This points us toward a reading of the Constitution, the Bill of Rights, key essays from *The Federalist* and Anti-federalist Brutus, and other documents showing the debate over the Constitution's merits. Next, Americans had to figure out how to implement this government, making necessary laws and dealing with the tension between the powers of the national government and the state governments. The major issue preoccupying American discourse between the Founding and the Civil War was the challenge of slavery to our stated beliefs in the Declaration of Independence. To reveal how deeply divisive the question of slavery was, we selected documents that represent both sides of the issue — some defending the institution of chattel slavery as a Constitutional right and calling for its extension into U.S. territories, and others opposing slavery and its expansion. And the debates continued after the Civil War over how to fulfill what Lincoln called a “new birth of freedom.”

Throughout Ashbrook's list of documents, readers are encouraged to compare and contrast documents articulating different and often competing views of key issues and questions — the arguments of Alexander Stephens and Abraham Lincoln, for example, on the meaning of equality and liberty; Andrew Jackson and John C. Calhoun on the nature of the American Union; Theodore Roosevelt and Calvin Coolidge on the meaning of progress; and James Monroe and Woodrow Wilson on the role of the United States in the world. The list concludes with Lyndon Johnson's “Great Society Speech” and Ronald Reagan's “A Time for Choosing” speech, since these two speeches established competing views on liberty and government that for half a century shaped the larger debate over America's purpose and meaning, and continue to do so today.

The larger purpose, therefore, of Ashbrook's *50 Core American Documents* is to reveal our country's unfolding story of liberty and self-government. Americans have debated, and continue to debate, what those things mean and the form they should take. Reading through this debate, we see that as a people we are constantly trying to live up to the high expectations of the Declaration of Independence. Ashbrook's *50 Core American Documents* invites teachers and students to join in this American political dialogue spanning over two centuries of American history. And because these documents can help citizens better understand the

principles of liberty, and witness in the examples of American statesmen the prudence needed to apply them in the varying circumstances of American politics, we consider them to be essential reading especially for high school students, who will have the responsibility of sustaining and administering our republic in the future.

To help immerse readers in this conversation, we have included a short introduction at the beginning of each document to frame its historical significance. At the end of the book, we have suggested questions to consider for each document: the first set raises questions about the particular document under consideration; the second set invites readers to compare and contrast ideas across documents included in the collection. The readings in this book can also be supplemented by visiting the list of 50 Core Documents at TeachingAmericanHistory.org (TAH.org), where we have included suggestions for further reading from our extensive collection of original documents. Sources for the texts are also listed on our website. In most cases we have retained the spellings, capitalization, and punctuation as they appeared in the original sources, including archaic usages.

Thanks are due to Roger Beckett, Executive Director of the Ashbrook Center, for his direction and support of the project; to Lisa Ormiston of the Ashbrook Center for her editing work on this project; to the Ashbrook Scholar interns, especially Samuel Mariscal, for their diligence in assembling and proofreading the documents; and to the faculty in the Master of Arts in American History and Government program at Ashland University for recommending documents and contributing questions for consideration.

50 Core American Documents
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Document 1

Declaration of Independence

July 4, 1776

Drafted by Thomas Jefferson, the Declaration of Independence justified the American Revolution by appealing to “the Laws of Nature and of Nature’s God,” universally applicable in all times and places. It was the first time in history that a political society founded itself upon such principled considerations of natural right rather than simply upon tradition, accident, or force. The Declaration of Independence also expressed fundamental principles regarding equality, liberty, and the purposes of government, describing them as self-evident truths. Bringing society into alignment with those founding principles would prove difficult in the future; nevertheless, by proclaiming them to be true, Founding-era Americans challenged themselves and their posterity to rise to the ideal of justice expressed in the Declaration of Independence.

IN CONGRESS, July 4, 1776

The unanimous Declaration of the thirteen united States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such

form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. — Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences[:]

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

Document 2

Memorial and Remonstrance Against Religious Assessments

James Madison

June 20, 1785

Written in response to a proposed tax in Virginia to support Christian preachers, Madison's "Memorial and Remonstrance" argued that government involvement in religious matters has principled limits. It is an eloquent defense of the rights of conscience, a cause Madison championed throughout his political career. A younger Madison, at age 25, had been a member of the Virginia state legislature when that state drafted its constitution in 1776. There he had objected to language that guaranteed citizens the "fullest toleration in the exercise of religion." Such language, he argued, was too reminiscent of the old European practice of establishing one official, orthodox religion and merely tolerating other religions and beliefs. Madison proposed the final language of the Virginia Constitution — "all men are equally entitled to the free exercise of religion" — to emphasize that religious liberty is an unalienable natural right and not the gift of society, government, or any other person. This was the same principle upon which Madison based his objections in the "Memorial and Remonstrance."

To the Honorable the General Assembly of the Commonwealth of Virginia

We the subscribers, citizens of the said Commonwealth, having taken into serious consideration, a Bill printed by order of the last Session of General Assembly, entitled "A Bill establishing a provision for Teachers of the Christian Religion," and conceiving that the same if finally armed with the sanctions of a law, will be a dangerous abuse of power, are bound as faithful members of a free State to remonstrate against it, and to declare the reasons by which we are determined. We remonstrate against the said Bill,

1. Because we hold it for a fundamental and undeniable truth, "that Religion or the duty which we owe to our Creator and the manner of discharging it, can be directed only by reason and conviction, not by force or violence." The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. It is unalienable, because the opinions of men, depending only on the evidence contemplated by their own minds cannot follow the dictates of other men: It is unalienable also, because what is here a right towards men, is a duty towards the Creator. It is the duty of every man to render to the Creator such homage and such only as he believes to be acceptable to him. This duty is precedent, both in order of time and in degree of obligation, to the claims of Civil Society. Before any man can be considered as a member of Civil Society, he must be considered as a subject of the Governour of the Universe: And if a member of Civil Society, who enters into any subordinate Association, must always do it with a reservation of his duty to the General Authority; much more must every man who becomes a member of any particular Civil Society, do it with a saving of his allegiance to the Universal Sovereign. We maintain therefore that in matters of Religion, no mans right is abridged by the institution of Civil Society and that Religion is wholly exempt from its cognizance. True it is, that no other rule exists, by which any question which may divide a Society, can be ultimately determined, but the will of the majority; but it is also true that the majority may trespass on the rights of the minority.

2. Because if Religion be exempt from the authority of the Society at large, still less can it be subject to that of the Legislative Body. The latter are but the creatures and vicegerents of the former. Their jurisdiction is both derivative and limited: it is limited with regard to the co-ordinate departments, more necessarily is it limited with regard to the constituents. The preservation of a free Government requires not merely, that the metes and bounds which separate each department of power be invariably maintained; but more especially that neither of them be suffered to overleap the great Barrier which defends the rights of the people. The Rulers who are guilty of such an encroachment, exceed the commission from which they derive their authority, and are Tyrants. The People who submit to it are governed by laws made neither by themselves nor by an authority derived from them, and are slaves.

3. Because it is proper to take alarm at the first experiment on our liberties. We hold this prudent jealousy to be the first duty of Citizens, and

one of the noblest characteristics of the late Revolution. The free men of America did not wait till usurped power had strengthened itself by exercise, and entangled the question in precedents. They saw all the consequences in the principle, and they avoided the consequences by denying the principle. We revere this lesson too much soon to forget it. Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects? that the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?

4. Because the Bill violates that equality which ought to be the basis of every law, and which is more indispensable, in proportion as the validity or expediency of any law is more liable to be impeached. If "all men are by nature equally free and independent," all men are to be considered as entering into Society on equal conditions; as relinquishing no more, and therefore retaining no less, one than another, of their natural rights. Above all are they to be considered as retaining an "equal title to the free exercise of Religion according to the dictates of Conscience." Whilst we assert for ourselves a freedom to embrace, to profess and to observe the Religion which we believe to be of divine origin, we cannot deny an equal freedom to those whose minds have not yet yielded to the evidence which has convinced us. If this freedom be abused, it is an offence against God, not against man: To God, therefore, not to man, must an account of it be rendered. As the Bill violates equality by subjecting some to peculiar burdens, so it violates the same principle, by granting to others peculiar exemptions. Are the Quakers and Menonists the only sects who think a compulsive support of their Religions unnecessary and unwarrantable? Can their piety alone be entrusted with the care of public worship? Ought their Religions to be endowed above all others with extraordinary privileges by which proselytes may be enticed from all others? We think too favorably of the justice and good sense of these denominations to believe that they either covet preeminences over their fellow citizens or that they will be seduced by them from the common opposition to the measure.

5. Because the Bill implies either that the Civil Magistrate is a competent Judge of Religious Truth; or that he may employ Religion as an engine of Civil policy. The first is an arrogant pretension falsified by the

contradictory opinions of Rulers in all ages, and throughout the world: the second an unhallowed perversion of the means of salvation.

6. Because the establishment proposed by the Bill is not requisite for the support of the Christian Religion. To say that it is, is a contradiction to the Christian Religion itself, for every page of it disavows a dependence on the powers of this world: it is a contradiction to fact; for it is known that this Religion both existed and flourished, not only without the support of human laws, but in spite of every opposition from them, and not only during the period of miraculous aid, but long after it had been left to its own evidence and the ordinary care of Providence. Nay, it is a contradiction in terms; for a Religion not invented by human policy, must have pre-existed and been supported, before it was established by human policy. It is moreover to weaken in those who profess this Religion a pious confidence in its innate excellence and the patronage of its Author; and to foster in those who still reject it, a suspicion that its friends are too conscious of its fallacies to trust it to its own merits.

7. Because experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of Religion, have had a contrary operation. During almost fifteen centuries has the legal establishment of Christianity been on trial. What have been its fruits? More or less in all places, pride and indolence in the Clergy, ignorance and servility in the laity, in both, superstition, bigotry and persecution. Enquire of the Teachers of Christianity for the ages in which it appeared in its greatest lustre; those of every sect, point to the ages prior to its incorporation with Civil policy. Propose a restoration of this primitive State in which its Teachers depended on the voluntary rewards of their flocks, many of them predict its downfall. On which Side ought their testimony to have greatest weight, when for or when against their interest?

8. Because the establishment in question is not necessary for the support of Civil Government. If it be urged as necessary for the support of Civil Government only as it is a means of supporting Religion, and it be not necessary for the latter purpose, it cannot be necessary for the former. If Religion be not within the cognizance of Civil Government how can its legal establishment be necessary to Civil Government? What influence in fact have ecclesiastical establishments had on Civil Society? In some instances they have been seen to erect a spiritual tyranny on the ruins of the Civil authority; in many instances they have been seen upholding the thrones of political tyranny: in no instance have they been seen the guardians of the liberties of the people. Rulers who wished to subvert the

public liberty, may have found an established Clergy convenient auxiliaries. A just Government instituted to secure & perpetuate it needs them not. Such a Government will be best supported by protecting every Citizen in the enjoyment of his Religion with the same equal hand which protects his person and his property; by neither invading the equal rights of any Sect, nor suffering any Sect to invade those of another.

9. Because the proposed establishment is a departure from that generous policy, which, offering an Asylum to the persecuted and oppressed of every Nation and Religion, promised a lustre to our country, and an accession to the number of its citizens. What a melancholy mark is the Bill of sudden degeneracy? Instead of holding forth an Asylum to the persecuted, it is itself a signal of persecution. It degrades from the equal rank of Citizens all those whose opinions in Religion do not bend to those of the Legislative authority. Distant as it may be in its present form from the Inquisition, it differs from it only in degree. The one is the first step, the other the last in the career of intolerance. The magnanimous sufferer under this cruel scourge in foreign Regions, must view the Bill as a Beacon on our Coast, warning him to seek some other haven, where liberty and philanthropy in their due extent, may offer a more certain respose from his Troubles.

10. Because it will have a like tendency to banish our Citizens. The allurements presented by other situations are every day thinning their number. To superadd a fresh motive to emigration by revoking the liberty which they now enjoy, would be the same species of folly which has dishonoured and depopulated flourishing kingdoms.

11. Because it will destroy that moderation and harmony which the forbearance of our laws to intermeddle with Religion has produced among its several sects. Torrents of blood have been split in the old world, by vain attempts of the secular arm, to extinguish Religious discord, by proscribing all difference in Religious opinion. Time has at length revealed the true remedy. Every relaxation of narrow and rigorous policy, wherever it has been tried, has been found to assauge the disease. The American Theatre has exhibited proofs that equal and compleat liberty, if it does not wholly eradicate it, sufficiently destroys its malignant influence on the health and prosperity of the State. If with the salutary effects of this system under our own eyes, we begin to contract the bounds of Religious freedom, we know no name that will too severely reproach our folly. At least let warning be taken at the first fruits of the threatened innovation. The very appearance of the Bill has transformed "that Christian forbearance, love and charity,"

which of late mutually prevailed, into animosities and jealousies, which may not soon be appeased. What mischiefs may not be dreaded, should this enemy to the public quiet be armed with the force of a law?

12. Because the policy of the Bill is adverse to the diffusion of the light of Christianity. The first wish of those who enjoy this precious gift ought to be that it may be imparted to the whole race of mankind. Compare the number of those who have as yet received it with the number still remaining under the dominion of false Religions; and how small is the former! Does the policy of the Bill tend to lessen the disproportion? No; it at once discourages those who are strangers to the light of revelation from coming into the Region of it; and countenances by example the nations who continue in darkness, in shutting out those who might convey it to them. Instead of Levelling as far as possible, every obstacle to the victorious progress of Truth, the Bill with an ignoble and unchristian timidity would circumscribe it with a wall of defence against the encroachments of error.

13. Because attempts to enforce by legal sanctions, acts obnoxious to so great a proportion of Citizens, tend to enervate the laws in general, and to slacken the bands of Society. If it be difficult to execute any law which is not generally deemed necessary or salutary, what must be the case, where it is deemed invalid and dangerous? And what may be the effect of so striking an example of impotency in the Government, on its general authority?

14. Because a measure of such singular magnitude and delicacy ought not to be imposed, without the clearest evidence that it is called for by a majority of citizens, and no satisfactory method is yet proposed by which the voice of the majority in this case may be determined, or its influence secured. "The people of the respective counties are indeed requested to signify their opinion respecting the adoption of the Bill to the next Session of Assembly." But the representation must be made equal, before the voice either of the Representatives or of the Counties will be that of the people. Our hope is that neither of the former will, after due consideration, espouse the dangerous principle of the Bill. Should the event disappoint us, it will still leave us in full confidence, that a fair appeal to the latter will reverse the sentence against our liberties.

15. Because finally, "the equal right of every citizen to the free exercise of his Religion according to the dictates of conscience" is held by the same tenure with all our other rights. If we recur to its origin, it is equally the gift of nature; if we weigh its importance, it cannot be less dear to us; if we

consult the “Declaration of those rights which pertain to the good people of Virginia, as the basis and foundation of Government,” it is enumerated with equal solemnity, or rather studied emphasis. Either then, we must say, that the Will of the Legislature is the only measure of their authority; and that in the plenitude of this authority, they may sweep away all our fundamental rights; or, that they are bound to leave this particular right untouched and sacred: Either we must say, that they may controul the freedom of the press, may abolish the Trial by Jury, may swallow up the Executive and Judiciary Powers of the State; nay that they may despoil us of our very right of suffrage, and erect themselves into an independent and hereditary Assembly or, we must say, that they have no authority to enact into the law the Bill under consideration. We the Subscribers say, that the General Assembly of this Commonwealth have no such authority: And that no effort may be omitted on our part against so dangerous an usurpation, we oppose to it, this remonstrance; earnestly praying, as we are in duty bound, that the Supreme Lawgiver of the Universe, by illuminating those to whom it is addressed, may on the one hand, turn their Councils from every act which would affront his holy prerogative, or violate the trust committed to them: and on the other, guide them into every measure which may be worthy of his blessing, may redound to their own praise, and may establish more firmly the liberties, the prosperity and the happiness of the Commonwealth.

Document 3

Virginia Statute for Religious Freedom

Thomas Jefferson

January 16, 1786

Jefferson's bill in defense of religious liberty begins and ends by contrasting human law to the authority and will of God. "Almighty God hath created the mind free," Jefferson wrote, and any attempt by human law to coerce individuals regarding their religious practices or opinions would attempt to subvert the will of the Creator. Jefferson concluded the bill with an allusion to the "Laws of Nature and of Nature's God" in the Declaration of Independence, distinguishing between what is just by nature and the merely positive laws of a particular society, which might or might not be just. In this, Jefferson proclaimed natural right as the permanent standard by which to measure the authority and justice of all man-made laws, especially those affecting the natural rights bestowed upon mankind by their Creator.

Section 1. Well aware that the opinions and belief of men depend not on their own will but follow involuntarily the evidence proposed to their minds: that Almighty God hath created the mind free, and manifested his supreme will that free it shall remain by making it altogether insusceptible of restraint; that all attempts to influence it by temporal punishments, or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy author of our religion, who being lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do, but to extend it by its influence on reason alone; that the impious presumption of legislators and rulers, civil as well as ecclesiastical who being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavouring to impose them on others, hath established and maintained false religions over the greatest part of the world and through all time; that to compel a

man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness; and is withdrawing from the ministry those temporary rewards, which proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labours for the instruction of mankind; that our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages, to which, in common with his fellow citizens, he has a natural right; that it tends only to corrupt the principles of that very religion it is meant to encourage, by bribing, with a monopoly of worldly honours and emoluments, those who will externally profess and conform to it; that though indeed these are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way; that the opinions of men are not the object of civil government, nor under its jurisdiction; that to suffer the civil Magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself; that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict unless by human interposition disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them.

Sect. II. We the General Assembly of Virginia do enact that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer, on account of

his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

Sect. III. And though we well know that this Assembly, elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding Assemblies, constituted with powers equal to our own, and that therefore to declare this act irrevocable would be of no effect in law; yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to narrow its operation, such act will be an infringement of natural right.

Document 4

Notes of Debates in the Federal Convention of 1787

James Madison

1787

Abridged

The Constitutional Convention met in Philadelphia from May to September in 1787, and James Madison wrote down in great detail the conversations and arguments that took place among delegates. On two important dates at the Convention — May 31 and June 6 — delegates debated whether representatives in Congress should be directly elected by the people, or appointed by state legislatures as they had been under the Articles of Confederation. Difficult questions such as this frequently divided delegates in heated debates about the nature of republican government, the importance of the states, and the kind of representation best suited to protect the rights and liberties of citizens. The final Constitution freely submitted to the people for ratification or rejection — itself a remarkable fact — was the work of 55 individuals at the Convention, an unparalleled act in human history. And the ability of delegates to overcome their deep differences and act in the spirit of compromise for the common good is the reason the Convention has often been called the miracle at Philadelphia.

Thursday, May 31

In the Committee of the Whole on Mr. RANDOLPH'S Resolutions, ...

The fourth Resolution, first clause, “*that the members of the first branch of the National Legislature ought to be elected by the people of the several states,*” being taken up:

Mr. SHERMAN opposed the election by the people, insisting that it ought to be by the State Legislatures. The people, he said, immediately, should have as little to do as may be about the government. They want information, and are constantly liable to be misled.

Mr. GERRY. The evils we experience flow from the excess of democracy. The people do not want virtue, but are the dupes of pretended patriots. In Massachusetts it had been fully confirmed by experience, that they are daily misled into the most baneful measures and opinions, by the false reports circulated by designing men, and which no one on the spot can refute. One principal evil arises from the want of due provision for those employed in the administration of government. It would seem to be a maxim of democracy to starve the public servants. He mentioned the popular clamor in Massachusetts for the reduction of salaries, and the attack made on that of the Governor, though secured by the spirit of the Constitution itself. He had, he said, been too republican heretofore: he was still, however, republican; but had been taught by experience the danger of the levelling spirit.

Mr. MASON argued strongly for an election of the larger branch by the people. It was to be the grand depository of the democratic principle of the government. It was, so to speak, to be our House of Commons. It ought to know and sympathize with every part of the community; and ought therefore to be taken, not only from different parts of the whole republic, but also from different districts of the larger members of it; which had in several instances, particularly in Virginia, different interests and views arising from difference of produce, of habits, &c. &c. He admitted that we had been too democratic, but was afraid we should incautiously run into the opposite extreme. We ought to attend to the rights of every class of the people. He had often wondered at the indifference of the superior classes of society to this dictate of humanity and policy; considering, that, however affluent their circumstances, or elevated their situations, might be, the course of a few years not only might, but certainly would, distribute their posterity throughout the lowest classes of society. Every selfish motive, therefore, every family attachment, ought to recommend such a system of policy as would provide no less carefully for the rights and happiness of the lowest, than of the highest, order of citizens.

Mr. WILSON contended strenuously for drawing the most numerous branch of the Legislature immediately from the people. He was for raising the federal pyramid to a considerable altitude, and for that reason wished to give it as broad a basis as possible. No government could long subsist without the confidence of the people. In a republican government, this confidence was peculiarly essential. He also thought it wrong to increase the weight of the State Legislatures by making them the electors of the National Legislature. All interference between the general and local

governments should be obviated as much as possible. On examination it would be found that the opposition of States to Federal measures had proceeded much more from the officers of the States than from the people at large.

Mr. MADISON considered the popular election of one branch of the National Legislature as essential to every plan of free government. He observed, that in some of the States one branch of the Legislature was composed of men already removed from the people by an intervening body of electors. That, if the first branch of the General Legislature should be elected by the State Legislatures, the second branch elected by the first, the Executive by the second together with the first, and other appointments again made for subordinate purposes by the Executive, the people would be lost sight of altogether; and the necessary sympathy between them and their rulers and officers too little felt. He was an advocate for the policy of refining the popular appointments by successive filtrations, but thought it might be pushed too far. He wished the expedient to be resorted to only in the appointment of the second branch of the Legislature, and in the Executive and Judiciary branches of the government. He thought, too, that the great fabric to be raised would be more stable and durable, if it should rest on the solid foundation of the people themselves, than if it should stand merely on the pillars of the Legislatures. ...

On the question for an election of the first branch of the National Legislature by the people, Massachusetts, New York, Pennsylvania, Virginia, North Carolina, Georgia, aye — 6; New Jersey, South Carolina, no — 2; Connecticut, Delaware, divided. ...

The Committee proceeded to the fifth Resolution, *that the second [or senatorial] branch of the National Legislature ought to be chosen by the first branch, out of persons nominated by the State Legislatures.*

Mr. SPAIGHT contended, that the second branch ought to be chosen by the State Legislatures, and moved an amendment to that effect.

Mr. BUTLER apprehended that the taking so many powers out of the hands of the States as was proposed tended to destroy all that balance and security of interests among the States which it was necessary to preserve; ...

On the whole question for electing by the first branch out of nominations by the State Legislatures — Massachusetts, Virginia, South Carolina, aye — 3; Connecticut, New York, New Jersey, Pennsylvania, Delaware, North Carolina, Georgia, no — 7.

So the clause was disagreed to, and a chasm left in this part of the plan....

Wednesday, June 6

In Committee of the Whole. — Mr. PINCKNEY, according to previous notice, and rule obtained, moved, “that the first branch of the National Legislature be elected by the State Legislatures, and not by the people;” contending that the people were less fit judges in such a case, and that the Legislatures would be less likely to promote the adoption of the new government if they were to be excluded from all share in it.

Mr. RUTLEDGE seconded the motion.

Mr. GERRY. Much depends on the mode of election. In England the people will probably lose their liberty from the smallness of the proportion having a right of suffrage. Our danger arises from the opposite extreme. Hence in Massachusetts the worst men get into the Legislature. Several members of that body had lately been convicted of infamous crimes. Men of indigence, ignorance, and baseness, spare no pains, however dirty, to carry their point against men who are superior to the artifices practised. He was not disposed to run into extremes. He was as much principled as ever against aristocracy and monarchy. It was necessary, on the one hand, that the people should appoint one branch of the government, in order to inspire them with the necessary confidence; but he wished the election, on the other, to be so modified as to secure more effectually a just preference of merit. His idea was, that the people should nominate certain persons, in certain districts, out of whom the State Legislatures should make the appointment.

Mr. WILSON. He wished for vigor in the government, but he wished that vigorous authority to flow immediately from the legitimate source of all authority. The government ought to possess, not only, first, the *force*, but second, the *mind or sense*, of the people at large. The Legislature ought to be the most exact transcript of the whole society. Representation is made necessary only because it is impossible for the people to act collectively. The opposition was to be expected, he said, from the *governments*, not from the citizens of the States. The latter had parted, as was observed by Mr. KING, *with all the necessary powers*; and it was immaterial to them by whom they were exercised, if well exercised. The State officers were to be the losers of power. The people, he supposed, would be rather more attached to the National Government than to the

State Governments, as being more important in itself, and more flattering to their pride. There is no danger of improper elections, if made by *large* districts. Bad elections proceed from the smallness of the districts, which give an opportunity to bad men to intrigue themselves into office.

Mr. SHERMAN. If it were in view to abolish the State Governments, the elections ought to be by the people. If the State Governments are to be continued, it is necessary, in order to preserve harmony between the National and State Governments, that the elections to the former should be made by the latter. The right of participating in the National Government would be sufficiently secured to the people by their election of the State Legislatures. The objects of the Union, he thought were few, — first, defence against foreign danger; secondly, against internal disputes, and a resort to force; thirdly, treaties with foreign nations; fourthly, regulating foreign commerce, and drawing revenue from it. These, and perhaps a few lesser objects, alone rendered a confederation of the States necessary. All other matters, civil and criminal, would be much better in the hands of the States. The people are more happy in small than in large States. States may, indeed, be too small, as Rhode Island, and thereby be too subject to faction. Some others were, perhaps, too large, the powers of government not being able to pervade them. He was for giving the General Government power to legislate and execute within a defined province.

Col. MASON. Under the existing Confederacy, Congress represent the *States*, and not the *people* of the States; their acts operate on the *States*, not on the *individuals*. The case will be changed in the new plan of government. The people will be represented; they ought therefore to choose the Representatives. The requisites in actual representation are, that the representatives should sympathize with their constituents; should think as they think, and feel as they feel; and that for these purposes they should be residents among them. Much, he said, had been alleged against democratic elections. He admitted that much might be said; but it was to be considered that no government was free from imperfections and evils; and that improper elections in many instances were inseparable from republican governments. But compare these with the advantage of this form, in favor of the rights of the people, in favor of human nature! He was persuaded there was a better chance for proper elections by the people, if divided into large districts, than by the State Legislatures. Paper money had been issued by the latter, when the former were against it. Was it to be

supposed, that the State Legislatures, then, would not send to the National Legislature patrons of such projects, if the choice depended on them?

Mr. MADISON considered an election of one branch, at least, of the Legislature by the people immediately, as a clear principle of free government; and that this mode, under proper regulations, had the additional advantage of securing better representatives, as well as of avoiding too great an agency of the State Governments in the general one. He differed from the member from Connecticut, (Mr. SHERMAN,) in thinking the objects mentioned to be all the principal ones that required a national government. Those were certainly important and necessary objects; but he combined with them the necessity of providing more effectually for the security of private rights, and the steady dispensation of justice. Interferences with these were evils which had, more perhaps than any thing else, produced this Convention. Was it to be supposed, that republican liberty could long exist under the abuses of it practised in some of the States? The gentleman (Mr. SHERMAN) had admitted, that in a very small State faction and oppression would prevail. It was to be inferred, then, that wherever these prevailed the State was too small. Had they not prevailed in the largest as well as the smallest, though less than in the smallest? And were we not thence admonished to enlarge the sphere as far as the nature of the government would admit? This was the only defence against the inconveniences of democracy, consistent with the democratic form of government. All civilized societies would be divided into different sects, factions, and interests, as they happened to consist of rich and poor, debtors and creditors, the landed, the manufacturing, the commercial interests, the inhabitants of this district or that district, the followers of this political leader or that political leader, the disciples of this religious sect or that religious sect. In all cases where a majority are united by a common interest or passion, the rights of the minority are in danger. What motives are to restrain them? A prudent regard to the maxim, that honesty is the best policy, is found by experience to be as little regarded by bodies of men as by individuals. Respect for character is always diminished in proportion to the number among whom the blame or praise is to be divided. Conscience, the only remaining tie, is known to be inadequate in individuals; in large numbers, little is to be expected from it. Besides, religion itself may become a motive to persecution and oppression. These observations are verified by the histories of every country, ancient and modern. In Greece and Rome the rich and poor, the creditors and debtors, as well as the patricians and plebeians, alternately oppressed each other

with equal unmercifulness. What a source of oppression was the relation between the parent cities of Rome, Athens, and Carthage, and their respective provinces; the former possessing the power, and the latter being sufficiently distinguished to be separate objects of it? Why was America so justly apprehensive of parliamentary injustice? Because Great Britain had a separate interest, real or supposed, and, if her authority had been admitted, could have pursued that interest at our expense. We have seen the mere distinction of color made, in the most enlightened period of time, a ground of the most oppressive dominion ever exercised by man over man. What has been the source of those unjust laws complained of among ourselves? Has it not been the real or supposed interest of the major number? Debtors have defrauded their creditors. The landed interest has borne hard on the mercantile interest. The holders of one species of property have thrown a disproportion of taxes on the holders of another species. The lesson we are to draw from the whole is, that where a majority are united by a common sentiment, and have an opportunity, the rights of the minor party become insecure. In a republican government, the majority, if united, have always an opportunity. The only remedy is, to enlarge the sphere, and thereby divide the community into so great a number of interests and parties, that, in the first place, a majority will not be likely, at the same moment, to have a common interest separate from that of the whole, or of the minority; and, in the second place, that in case they should have such an interest, they may not be so apt to unite in the pursuit of it. It was incumbent on us, then, to try this remedy, and, with that view, to frame a republican system on such a scale, and in such a form, as will control all the evils which have been experienced.

Mr. DICKINSON considered it essential, that one branch of the Legislature should be drawn immediately from the people; and expedient, that the other should be chosen by the Legislatures of the States. This combination of the State Governments with the National Government was as politic as it was unavoidable. ...

General PINCKNEY wished to have a good National Government, and at the same time to leave a considerable share of power in the States. An election of either branch by the people, scattered as they are in many States, particularly in South Carolina, was totally impracticable. He differed from gentlemen who thought that a choice by the people would be a better guard against bad measures, than by the Legislatures. A majority of the people in South Carolina were notoriously for paper-money, as a legal tender; the Legislature had refused to make it a legal

tender. The reason was, that the latter had some sense of character, and were restrained by that consideration. The State Legislatures, also, he said, would be more jealous, and more ready to thwart the National Government, if excluded from a participation in it. The idea of abolishing these Legislatures would never go down. ...

On the question for electing the first branch by the State Legislatures as moved by Mr. PINCKNEY, it was negatived, — Connecticut, New Jersey, South Carolina, aye — 3; Massachusetts, New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Georgia, no — 8.

Document 5

Constitution of the United States

September 17, 1787

The Constitution of the United States was signed by the framers in Philadelphia on September 17, 1787 and was approved by the ninth state (as required for final ratification) on June 21, 1788. Americans came to view the Constitution as embodying the reasoned sense of the community, in no small part because the public had engaged in full, free, and extensive debates over its merits and flaws before ratifying it. Once ratified, and especially with the addition of the Bill of Rights, it became the common standard by which Americans determined the responsibilities and limits of their government. The habit of looking to the Constitution to resolve political disagreements has helped to foster and preserve a general unity among a people that is otherwise extremely diverse. The enduring relevance and applicability of the Constitution, despite two centuries of difficulties and challenges to the American experiment in self-government, is a testament to the ingenuity and foresight of its framers.

Note: Text in italics has been amended or superseded.

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article. I.

Section. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States,

and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section. 3. The Senate of the United States shall be composed of two Senators from each State, *chosen by the Legislature thereof* for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; *and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.*

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section. 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be *on the first Monday in December*, unless they shall by Law appoint a different Day.

Section. 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House

on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section. 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section. 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States: If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a

question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section. 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; — And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section. 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, *unless in Proportion to the Census or Enumeration herein before directed to be taken.*

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section. 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in

Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article. II.

Section. 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be

taken by States, the Representation from each State having one Vote; A quorum for this purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Persons except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: — “I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

Section. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article III.

Section. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; — to all Cases affecting Ambassadors, other public Ministers and Consuls; — to all Cases of admiralty and maritime Jurisdiction; — to Controversies to which the United States shall be a Party; — to Controversies between two

or more States; — *between a State and Citizens of another State*, — between Citizens of different States, — between Citizens of the same State claiming Lands under Grants of different States, *and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.*

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make. The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attained.

Article. IV.

Section. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section. 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Article. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article. VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the

Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Attest William Jackson Secretary

done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth In Witness whereof We have hereunto subscribed our Names,

Go. Washington—
Presidt. and deputy from Virginia

New Hampshire

John Langdon
Nicholas Gilman

Massachusetts

Nathaniel Gorham
Rufus King

Connecticut

Wm. Saml. Johnson
Roger Sherman

New York

Alexander Hamilton

New Jersey

Wil: Livingston
David Brearley
Wm. Paterson
Jona: Dayton

Pennsylvania

B Franklin
Thomas Mifflin
Robt. Morris
Geo. Clymer
Thos. FitzSimons
Jared Ingersoll
James Wilson
Gouv Morris

Delaware

Geo: Read
Gunning Bedford jun
John Dickinson
Richard Bassett
Jaco: Broom

Maryland

James McHenry
Dan of St Thos. Jenifer
Danl. Carroll

Virginia

John Blair—
James Madison Jr.

North Carolina

Wm. Blount
Richd. Dobbs Spaight
Hu Williamson

South Carolina

J. Rutledge
Charles Cotesworth
Pinckney
Charles Pinckney
Pierce Butler

Georgia

William Few
Abr Baldwin
Attest William Jackson
Secretary

Document 6

Brutus I

October 18, 1787

When the new Constitution was proposed for ratification in 1787, the American people deliberated freely and publicly, especially in newspaper editorials, about whether to accept or reject a form of government for themselves. Antifederalists (those who opposed immediate ratification) contributed to the public debate by questioning whether the proposed Constitution would lead to the security or destruction of the rights Americans then enjoyed under their state constitutions. One of the most eloquent Antifederalists, writing under the pseudonym Brutus, voiced a concern shared by many Americans: Could a widely dispersed and diverse people be united under one government without sacrificing the blessings of liberty and self-government? Brutus' powerful arguments prompted Federalists to articulate a more thorough explanation of what the Constitution meant and why it should be ratified. Taken together, the Federalist and Antifederalist debates over the Constitution provide Americans with a deeply insightful conversation about politics, human nature, and the difficulties of establishing good government.

To the Citizens of the State of New-York.

When the public is called to investigate and decide upon a question in which not only the present members of the community are deeply interested, but upon which the happiness and misery of generations yet unborn is in great measure suspended, the benevolent mind cannot help feeling itself peculiarly interested in the result.

In this situation, I trust the feeble efforts of an individual, to lead the minds of the people to a wise and prudent determination, cannot fail of being acceptable to the candid and dispassionate part of the community. Encouraged by this consideration, I have been induced to offer my thoughts upon the present important crisis of our public affairs.

Perhaps this country never saw so critical a period in their political concerns. We have felt the feebleness of the ties by which these United-

States are held together, and the want of sufficient energy in our present confederation, to manage, in some instances, our general concerns. Various expedients have been proposed to remedy these evils, but none have succeeded. At length a Convention of the states has been assembled, they have formed a constitution which will now, probably, be submitted to the people to ratify or reject, who are the fountain of all power, to whom alone it of right belongs to make or unmake constitutions, or forms of government, at their pleasure. The most important question that was ever proposed to your decision, or to the decision of any people under heaven, is before you, and you are to decide upon it by men of your own election, chosen specially for this purpose. If the constitution, offered to your acceptance, be a wise one, calculated to preserve the invaluable blessings of liberty, to secure the inestimable rights of mankind, and promote human happiness, then, if you accept it, you will lay a lasting foundation of happiness for millions yet unborn; generations to come will rise up and call you blessed. You may rejoice in the prospects of this vast extended continent becoming filled with freemen, who will assert the dignity of human nature. You may solace yourselves with the idea, that society, in this favoured land, will fast advance to the highest point of perfection; the human mind will expand in knowledge and virtue, and the golden age be, in some measure, realised. But if, on the other hand, this form of government contains principles that will lead to the subversion of liberty — if it tends to establish a despotism, or, what is worse, a tyrannic aristocracy; then, if you adopt it, this only remaining assylum for liberty will be shut up, and posterity will execrate your memory.

Momentous then is the question you have to determine, and you are called upon by every motive which should influence a noble and virtuous mind, to examine it well, and to make up a wise judgment. It is insisted, indeed, that this constitution must be received, be it ever so imperfect. If it has its defects, it is said, they can be best amended when they are experienced. But remember, when the people once part with power, they can seldom or never resume it again but by force. Many instances can be produced in which the people have voluntarily increased the powers of their rulers; but few, if any, in which rulers have willingly abridged their authority. This is a sufficient reason to induce you to be careful, in the first instance, how you deposit the powers of government.

With these few introductory remarks, I shall proceed to a consideration of this constitution:

The first question that presents itself on the subject is, whether a confederated government be the best for the United States or not? Or in other words, whether the thirteen United States should be reduced to one great republic, governed by one legislature, and under the direction of one executive and judicial; or whether they should continue thirteen confederated republics, under the direction and controul of a supreme federal head for certain defined national purposes only?

This enquiry is important, because, although the government reported by the convention does not go to a perfect and entire consolidation, yet it approaches so near to it, that it must, if executed, certainly and infallibly terminate in it.

This government is to possess absolute and uncontrollable power, legislative, executive and judicial, with respect to every object to which it extends, for by the last clause of section 8th, article 1st, it is declared "that the Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution, in the government of the United States; or in any department or office thereof." And by the 6th article, it is declared "that this constitution, and the laws of the United States, which shall be made in pursuance thereof, and the treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution, or law of any state to the contrary notwithstanding." It appears from these articles that there is no need of any intervention of the state governments, between the Congress and the people, to execute any one power vested in the general government, and that the constitution and laws of every state are nullified and declared void, so far as they are or shall be inconsistent with this constitution, or the laws made in pursuance of it, or with treaties made under the authority of the United States. — The government then, so far as it extends, is a complete one, and not a confederation. It is as much one complete government as that of New-York or Massachusetts, has as absolute and perfect powers to make and execute all laws, to appoint officers, institute courts, declare offences, and annex penalties, with respect to every object to which it extends, as any other in the world. So far therefore as its powers reach, all ideas of confederation are given up and lost. It is true this government is limited to certain objects, or to speak more properly, some small degree of power is still left to the states, but a little attention to the powers vested in the general government, will convince every candid man, that if it is

capable of being executed, all that is reserved for the individual states must very soon be annihilated, except so far as they are barely necessary to the organization of the general government. The powers of the general legislature extend to every case that is of the least importance — there is nothing valuable to human nature, nothing dear to freemen, but what is within its power. It has authority to make laws which will affect the lives, the liberty, and property of every man in the United States; nor can the constitution or laws of any state, in any way prevent or impede the full and complete execution of every power given. The legislative power is competent to lay taxes, duties, imposts, and excises; — there is no limitation to this power, unless it be said that the clause which directs the use to which those taxes, and duties shall be applied, may be said to be a limitation: but this is no restriction of the power at all, for by this clause they are to be applied to pay the debts and provide for the common defence and general welfare of the United States; but the legislature have authority to contract debts at their discretion; they are the sole judges of what is necessary to provide for the common defence, and they only are to determine what is for the general welfare; this power therefore is neither more nor less, than a power to lay and collect taxes, imposts, and excises, at their pleasure; not only [is] the power to lay taxes unlimited, as to the amount they may require, but it is perfect and absolute to raise them in any mode they please. No state legislature, or any power in the state governments, have any more to do in carrying this into effect, than the authority of one state has to do with that of another. In the business therefore of laying and collecting taxes, the idea of confederation is totally lost, and that of one entire republic is embraced. It is proper here to remark, that the authority to lay and collect taxes is the most important of any power that can be granted; it connects with it almost all other powers, or at least will in process of time draw all other after it; it is the great mean of protection, security, and defence, in a good government, and the great engine of oppression and tyranny in a bad one. This cannot fail of being the case, if we consider the contracted limits which are set by this constitution, to the late [state?] governments, on this article of raising money. No state can emit paper money — lay any duties, or imposts, on imports, or exports, but by consent of the Congress; and then the net produce shall be for the benefit of the United States: the only mean therefore left, for any state to support its government and discharge its debts, is by direct taxation; and the United States have also power to lay and collect taxes, in any way they please. Every one who has thought on

the subject, must be convinced that but small sums of money can be collected in any country, by direct tax[s], when the foederal government begins to exercise the right of taxation in all its parts, the legislatures of the several states will find it impossible to raise monies to support their governments. Without money they cannot be supported, and they must dwindle away, and, as before observed, their powers absorbed in that of the general government.

It might be here shewn, that the power in the federal legislative, to raise and support armies at pleasure, as well in peace as in war, and their controul over the militia, tend, not only to a consolidation of the government, but the destruction of liberty. — I shall not, however, dwell upon these, as a few observations upon the judicial power of this government, in addition to the preceding, will fully evince the truth of the position.

The judicial power of the United States is to be vested in a supreme court, and in such inferior courts as Congress may from time to time ordain and establish. The powers of these courts are very extensive; their jurisdiction comprehends all civil causes, except such as arise between citizens of the same state; and it extends to all cases in law and equity arising under the constitution. One inferior court must be established, I presume, in each state, at least, with the necessary executive officers appendant thereto. It is easy to see, that in the common course of things, these courts will eclipse the dignity, and take away from the respectability, of the state courts. These courts will be, in themselves, totally independent of the states, deriving their authority from the United States, and receiving from them fixed salaries; and in the course of human events it is to be expected, that they will swallow up all the powers of the courts in the respective states.

How far the clause in the 8th section of the 1st article may operate to do away all idea of confederated states, and to effect an entire consolidation of the whole into one general government, it is impossible to say. The powers given by this article are very general and comprehensive, and it may receive a construction to justify the passing almost any law. A power to make all laws, which shall be *necessary and proper*, for carrying into execution, all powers vested by the constitution in the government of the United States, or any department or officer thereof, is a power very comprehensive and definite [indefinite?], and may, for ought I know, be exercised in a such manner as entirely to abolish the state legislatures. Suppose the legislature of a state should pass a law to raise

money to support their government and pay the state debt, may the Congress repeal this law, because it may prevent the collection of a tax which they may think proper and necessary to lay, to provide for the general welfare of the United States? For all laws made, in pursuance of this constitution, are the supreme law of the land, and the judges in every state shall be bound thereby, any thing in the constitution or laws of the different states to the contrary notwithstanding. — By such a law, the government of a particular state might be overturned at one stroke, and thereby be deprived of every means of its support.

It is not meant, by stating this case, to insinuate that the constitution would warrant a law of this kind; or unnecessarily to alarm the fears of the people, by suggesting, that the federal legislature would be more likely to pass the limits assigned them by the constitution, than that of an individual state, further than they are less responsible to the people. But what is meant is, that the legislature of the United States are vested with the great and uncontrollable powers, of laying and collecting taxes, duties, imposts, and excises; of regulating trade, raising and supporting armies, organizing, arming, and disciplining the militia, instituting courts, and other general powers. And are by this clause invested with the power of making all laws, *proper and necessary*, for carrying all these into execution; and they may so exercise this power as entirely to annihilate all the state governments, and reduce this country to one single government. And if they may do it, it is pretty certain they will; for it will be found that the power retained by individual states, small as it is, will be a clog upon the wheels of the government of the United States; the latter therefore will be naturally inclined to remove it out of the way. Besides, it is a truth confirmed by the unerring experience of ages, that every man, and every body of men, invested with power, are ever disposed to increase it, and to acquire a superiority over every thing that stands in their way. This disposition, which is implanted in human nature, will operate in the federal legislature to lessen and ultimately to subvert the state authority, and having such advantages, will most certainly succeed, if the federal government succeeds at all. It must be very evident then, that what this constitution wants of being a complete consolidation of the several parts of the union into one complete government, possessed of perfect legislative, judicial, and executive powers, to all intents and purposes, it will necessarily acquire in its exercise and operation.

Let us now proceed to enquire, as I at first proposed, whether it be best the thirteen United States should be reduced to one great republic, or

not? It is here taken for granted, that all agree in this, that whatever government we adopt, it ought to be a free one; that it should be so framed as to secure the liberty of the citizens of America, and such an one as to admit of a full, fair, and equal representation of the people. The question then will be, whether a government thus constituted, and founded on such principles, is practicable, and can be exercised over the whole United States, reduced into one state?

If respect is to be paid to the opinion of the greatest and wisest men who have ever thought or wrote on the science of government, we shall be constrained to conclude, that a free republic cannot succeed over a country of such immense extent, containing such a number of inhabitants, and these encreasing in such rapid progression as that of the whole United States. Among the many illustrious authorities which might be produced to this point, I shall content myself with quoting only two. The one is the baron de Montesquieu, spirit of laws, chap. xvi. vol. I [book VIII]. "It is natural to a republic to have only a small territory, otherwise it cannot long subsist. In a large republic there are men of large fortunes, and consequently of less moderation; there are trusts too great to be placed in any single subject; he has interest of his own; he soon begins to think that he may be happy, great and glorious, by oppressing his fellow citizens; and that he may raise himself to grandeur on the ruins of his country. In a large republic, the public good is sacrificed to a thousand views; it is subordinate to exceptions, and depends on accidents. In a small one, the interest of the public is easier perceived, better understood, and more within the reach of every citizen; abuses are of less extent, and of course are less protected." Of the same opinion is the marquis Beccarari.

History furnishes no example of a free republic, any thing like the extent of the United States. The Grecian republics were of small extent; so also was that of the Romans. Both of these, it is true, in process of time, extended their conquests over large territories of country; and the consequence was, that their governments were changed from that of free governments to those of the most tyrannical that ever existed in the world.

Not only the opinion of the greatest men, and the experience of mankind, are against the idea of an extensive republic, but a variety of reasons may be drawn from the reason and nature of things, against it. In every government, the will of the sovereign is the law. In despotic governments, the supreme authority being lodged in one, his will is law, and can be as easily expressed to a large extensive territory as to a small one. In a pure democracy the people are the sovereign, and their will is

declared by themselves; for this purpose they must all come together to deliberate, and decide. This kind of government cannot be exercised, therefore, over a country of any considerable extent; it must be confined to a single city, or at least limited to such bounds as that the people can conveniently assemble, be able to debate, understand the subject submitted to them, and declare their opinion concerning it.

In a free republic, although all laws are derived from the consent of the people, yet the people do not declare their consent by themselves in person, but by representatives, chosen by them, who are supposed to know the minds of their constituents, and to be possessed of integrity to declare this mind.

In every free government, the people must give their assent to the laws by which they are governed. This is the true criterion between a free government and an arbitrary one. The former are ruled by the will of the whole, expressed in any manner they may agree upon; the latter by the will of one, or a few. If the people are to give their assent to the laws, by persons chosen and appointed by them, the manner of the choice and the number chosen, must be such, as to possess, be disposed, and consequently qualified to declare the sentiments of the people; for if they do not know, or are not disposed to speak the sentiments of the people, the people do not govern, but the sovereignty is in a few. Now, in a large extended country, it is impossible to have a representation, possessing the sentiments, and of integrity, to declare the minds of the people, without having it so numerous and unwieldy, as to be subject in great measure to the inconveniency of a democratic government.

The territory of the United States is of vast extent; it now contains near three millions of souls, and is capable of containing much more than ten times that number. Is it practicable for a country, so large and so numerous as they will soon become, to elect a representation, that will speak their sentiments, without their becoming so numerous as to be incapable of transacting public business? It certainly is not.

In a republic, the manners, sentiments, and interests of the people should be similar. If this be not the case, there will be a constant clashing of opinions; and the representatives of one part will be continually striving against those of the other. This will retard the operations of government, and prevent such conclusions as will promote the public good. If we apply this remark to the condition of the United States, we shall be convinced that it forbids that we should be one government. The United States includes a variety of climates. The productions of the different parts of the

union are very variant, and their interests, of consequence, diverse. Their manners and habits differ as much as their climates and productions; and their sentiments are by no means coincident. The laws and customs of the several states are, in many respects, very diverse, and in some opposite; each would be in favor of its own interests and customs, and, of consequence, a legislature, formed of representatives from the respective parts, would not only be too numerous to act with any care or decision, but would be composed of such heterogenous and discordant principles, as would constantly be contending with each other.

The laws cannot be executed in a republic, of an extent equal to that of the United States, with promptitude.

The magistrates in every government must be supported in the execution of the laws, either by an armed force, maintained at the public expence for that purpose; or by the people turning out to aid the magistrate upon his command, in case of resistance.

In despotic governments, as well as in all the monarchies of Europe, standing armies are kept up to execute the commands of the prince or the magistrate, and are employed for this purpose when occasion requires: But they have always proved the destruction of liberty, and [are] abhorrent to the spirit of a free republic. In England, where they depend upon the parliament for their annual support, they have always been complained of as oppressive and unconstitutional, and are seldom employed in executing of the laws; never except on extraordinary occasions, and then under the direction of a civil magistrate.

A free republic will never keep a standing army to execute its laws. It must depend upon the support of its citizens. But when a government is to receive its support from the aid of the citizens, it must be so constructed as to have the confidence, respect, and affection of the people. Men who, upon the call of the magistrate, offer themselves to execute the laws, are influenced to do it either by affection to the government, or from fear; where a standing army is at hand to punish offenders, every man is actuated by the latter principle, and therefore, when the magistrate calls, will obey: but, where this is not the case, the government must rest for its support upon the confidence and respect which the people have for their government and laws. The body of the people being attached, the government will always be sufficient to support and execute its laws, and to operate upon the fears of any faction which may be opposed to it, not only to prevent an opposition to the execution of the laws themselves, but also to compel the most of them to aid the magistrate; but the people will

not be likely to have such confidence in their rulers, in a republic so extensive as the United States, as necessary for these purposes. The confidence which the people have in their rulers, in a free republic, arises from their knowing them, from their being responsible to them for their conduct, and from the power they have of displacing them when they misbehave: but in a republic of the extent of this continent, the people in general would be acquainted with very few of their rulers: the people at large would know little of their proceedings, and it would be extremely difficult to change them. The people in Georgia and New-Hampshire would not know one another's mind, and therefore could not act in concert to enable them to effect a general change of representatives. The different parts of so extensive a country could not possibly be made acquainted with the conduct of their representatives, nor be informed of the reasons upon which measures were founded. The consequence will be, they will have no confidence in their legislature, suspect them of ambitious views, be jealous of every measure they adopt, and will not support the laws they pass. Hence the government will be nerveless and inefficient, and no way will be left to render it otherwise, but by establishing an armed force to execute the laws at the point of the bayonet — a government of all others the most to be dreaded.

In a republic of such vast extent as the United-States, the legislature cannot attend to the various concerns and wants of its different parts. It cannot be sufficiently numerous to be acquainted with the local condition and wants of the different districts, and if it could, it is impossible it should have sufficient time to attend to and provide for all the variety of cases of this nature, that would be continually arising.

In so extensive a republic, the great officers of government would soon become above the controul of the people, and abuse their power to the purpose of aggrandizing themselves, and oppressing them. The trust committed to the executive offices, in a country of the extent of the United-States, must be various and of magnitude. The command of all the troops and navy of the republic, the appointment of officers, the power of pardoning offences, the collecting of all the public revenues, and the power of expending them, with a number of other powers, must be lodged and exercised in every state, in the hands of a few. When these are attended with great honor and emolument, as they always will be in large states, so as greatly to interest men to pursue them, and to be proper objects for ambitious and designing men, such men will be ever restless in their pursuit after them. They will use the power, when they have acquired

it, to the purposes of gratifying their own interest and ambition, and it is scarcely possible, in a very large republic, to call them to account for their misconduct, or to prevent their abuse of power.

These are some of the reasons by which it appears, that a free republic cannot long subsist over a country of the great extent of these states. If then this new constitution is calculated to consolidate the thirteen states into one, as it evidently is, it ought not to be adopted.

Though I am of opinion, that it is a sufficient objection to this government, to reject it, that it creates the whole union into one government, under the form of a republic, yet if this objection was obviated, there are exceptions to it, which are so material and fundamental, that they ought to determine every man, who is a friend to the liberty and happiness of mankind, not to adopt it. I beg the candid and dispassionate attention of my countrymen while I state these objections — they are such as have obtruded themselves upon my mind upon a careful attention to the matter, and such as I sincerely believe are well founded. There are many objections, of small moment, of which I shall take no notice — perfection is not to be expected in any thing that is the production of man — and if I did not in my conscience believe that this scheme was defective in the fundamental principles — in the foundation upon which a free and equal government must rest — I would hold my peace.

Document 7

The Federalist No. 1

Publius (Alexander Hamilton)

October 27, 1787

The Federalist Papers were originally newspaper essays written by Alexander Hamilton, James Madison, and John Jay under the pseudonym Publius, whose immediate goal was to persuade the people of New York to ratify the Constitution. Hamilton opened The Federalist No. 1 by raising the momentousness of the choice that lay before New Yorkers and the American people as a whole. Opportunities for a people to choose their form of government had been rare throughout history, and it was remarkable that this important question should be left to the people to decide rather than to a select group of political leaders. If Americans failed to deliberate and choose well — if they squandered the opportunity that had fallen to them — they might prove once and for all that human beings must simply inherit bad forms of government by accident, or receive them at the hands of despots. Their decision, therefore, would affect not only themselves but all of mankind in the future. Through this unique ratification process, the American people proved to posterity and the rest of the world what a free people can accomplish through reasonable deliberation.

After full experience of the insufficiency of the existing federal government, you are invited to deliberate upon a New Constitution for the United States of America. The subject speaks its own importance; comprehending in its consequences, nothing less than the existence of the UNION, the safety and welfare of the parts of which it is composed, the fate of an empire, in many respects, the most interesting in the world. It has been frequently remarked, that it seems to have been reserved to the people of this country to decide, by their conduct and example, the important question, whether societies of men are really capable or not, of establishing good government from reflection and choice, or whether they are forever destined to depend, for their political constitutions, on accident and force. If there be any truth in the remark, the crisis at which

we are arrived may, with propriety, be regarded as the period when that decision is to be made; and a wrong election of the part we shall act, may, in this view, deserve to be considered as the general misfortune of mankind.

This idea, by adding the inducements of philanthropy to those of patriotism, will heighten the solicitude which all considerate and good men must feel for the event. Happy will it be if our choice should be directed by a judicious estimate of our true interests, uninfluenced by considerations foreign to the public good. But this is more ardently to be wished for, than seriously to be expected. The plan offered to our deliberations, affects too many particular interests, innovates upon too many local institutions, not to involve in its discussion a variety of objects extraneous to its merits, and of views, passions and prejudices little favorable to the discovery of truth.

Among the most formidable of the obstacles which the new constitution will have to encounter, may readily be distinguished the obvious interest of a certain class of men in every state to resist all changes which may hazard a diminution of the power, emolument and consequence of the offices they hold under the state establishments. . . and the perverted ambition of another class of men, who will either hope to aggrandize themselves by the confusions of their country, or will flatter themselves with fairer prospects of elevation from the subdivision of the empire into several partial confederacies, than from its union under one government.

It is not, however, my design to dwell upon observations of this nature. I am aware that it would be disingenuous to resolve indiscriminately the opposition of any set of men into interested or ambitious views, merely because their situations might subject them to suspicion. Candour will oblige us to admit, that even such men may be actuated by upright intentions; and it cannot be doubted, that much of the opposition, which has already shown itself, or that may hereafter make its appearance, will spring from sources blameless at least, if not respectable . . . the honest errors of minds led astray by preconceived jealousies and fears. So numerous indeed and so powerful are the causes which serve to give a false bias to the judgment, that we, upon many occasions, see wise and good men on the wrong as well as on the right side of questions, of the first magnitude to society. This circumstance, if duly attended to, would always furnish a lesson of moderation to those, who are engaged in any controversy, however well persuaded of being in the right. And a further

reason for caution, in this respect, might be drawn from the reflection, that we are not always sure, that those who advocate the truth are actuated by purer principles than their antagonists. Ambition, avarice, personal animosity, party opposition, and many other motives, not more laudable than these, are apt to operate as well upon those who support, as upon those who oppose, the right side of a question. Were there not even these inducements to moderation, nothing could be more ill judged than that intolerant spirit, which has, at all times, characterized political parties. For, in politics as in religion, it is equally absurd to aim at making proselytes by fire and sword. Heresies in either can rarely be cured by persecution.

And yet, just as these sentiments must appear to candid men, we have already sufficient indications, that it will happen in this as, in all former cases of great national discussion. A torrent of angry and malignant passions will be let loose. To judge from the conduct of the opposite parties, we shall be led to conclude, that they will mutually hope to evince the justness of their opinions, and to increase the number of their converts, by the loudness of their declamations, and by the bitterness of their invectives. An enlightened zeal for the energy and efficiency of government, will be stigmatized as the offspring of a temper fond of power, and hostile to the principles of liberty. An over scrupulous jealousy of danger to the rights of the people, which is more commonly the fault of the head than of the heart, will be represented as mere pretence and artifice . . . the stale bait for popularity at the expense of public good. It will be forgotten, on the one hand, that jealousy is the usual concomitant of violent love, and that the noble enthusiasm of liberty is too apt to be infected with a spirit of narrow and illiberal distrust. On the other hand, it will be equally forgotten, that the vigor of government is essential to the security of liberty; that, in the contemplation of a sound and well informed judgment, their interests can never be separated; and that a dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people, than under the forbidding appearances of zeal for the firmness and efficiency of government. History will teach us, that the former has been found a much more certain road to the introduction of despotism, than the latter, and that of those men who have overturned the liberties of republics, the greatest number have begun their career, by paying an obsequious court to the people . . . commencing demagogues, and ending tyrants.

In the course of the preceding observations, it has been my aim, fellow citizens, to put you upon your guard against all attempts, from whatever

quarter, to influence your decision in a matter of the utmost moment to your welfare, by any impressions, other than those which may result from the evidence of truth. You will, no doubt, at the same time, have collected from the general scope of them, that they proceed from a source not unfriendly to the new constitution. Yes, my countrymen, I own to you, that, after having given it an attentive consideration, I am clearly of opinion, it is your interest to adopt it. I am convinced, that this is the safest course for your liberty, your dignity, and your happiness. I affect not reserves, which I do not feel. I will not amuse you with an appearance of deliberation, when I have decided. I frankly acknowledge to you my convictions, and I will freely lay before you the reasons on which they are founded. The consciousness of good intentions disdains ambiguity. I shall not however multiply professions on this head. My motives must remain in the depository of my own breast: my arguments will be open to all and may be judged of by all. They shall at least be offered in a spirit, which will not disgrace the cause of truth.

I propose, in a series of papers, to discuss the following interesting particulars . . . *The utility of the UNION to your political prosperity . . . The insufficiency of the present confederation to preserve that Union . . . The necessity of a government at least equally energetic with the one proposed, to the attainment of this object . . . The conformity of the proposed constitution to the true principles of republican government . . . Its analogy to your own state constitution . . . and lastly, The additional security, which its adoption will afford to the preservation of that species of government, to liberty and to property.*

In the progress of this discussion, I shall endeavor to give a satisfactory answer to all the objections which shall have made their appearance, that may seem to have any claim to attention.

It may perhaps be thought superfluous to offer arguments to prove the utility of the UNION, a point, no doubt, deeply engraved on the hearts of the great body of the people in every state, and one which, it may be imagined, has no adversaries. But the fact is, that we already hear it whispered in the private circles of those who oppose the new constitution, that the Thirteen States are of too great extent for any general system, and that we must of necessity resort to separate confederacies of distinct portions of the whole. This doctrine will, in all probability, be gradually propagated, till it has votaries enough to countenance its open avowal. For nothing can be more evident, to those who are able to take an enlarged view of the subject, than the alternative of an adoption of the constitution,

or a dismemberment of the Union. It may, therefore, be essential to examine particularly the advantages of that Union, the certain evils, and the probable dangers, to which every state will be exposed from its dissolution. This shall accordingly be done.

PUBLIUS

Document 8

Brutus II

November 1, 1787

Brutus took up his pen a second time during the ratification debates to rearticulate a view on the nature and purpose of government that was common among Americans at the time. According to this view, individuals leave the state of nature by establishing government through a social compact in order to better secure their lives, liberties and property. Echoing a typical American suspicion of the power of government, Brutus also pointed out that governments are made up of human beings who share a common nature, including potential impulses of ambition and greed. Even elected officials may sacrifice the common good by pursuing and abusing power for self-interested purposes. All the more reason to include a bill of rights in the new Constitution, Brutus argued, to ensure that the proposed government would not violate its responsibility to secure the rights and liberties of the people.

To the Citizens of the State of New-York.

I flatter myself that my last address established this position, that to reduce the Thirteen States into one government, would prove the destruction of your liberties.

But lest this truth should be doubted by some, I will now proceed to consider its merits.

Though it should be admitted, that the argument[s] against reducing all the states into one consolidated government, are not sufficient fully to establish this point; yet they will, at least, justify this conclusion, that in forming a constitution for such a country, great care should be taken to limit and define its powers, adjust its parts, and guard against an abuse of authority. How far attention has been paid to these objects, shall be the subject of future enquiry. When a building is to be erected which is intended to stand for ages, the foundation should be firmly laid. The constitution proposed to your acceptance, is designed not for yourselves alone, but for generations yet unborn. The principles, therefore, upon

which the social compact is founded, ought to have been clearly and precisely stated, and the most express and full declaration of rights to have been made — But on this subject there is almost an entire silence.

If we may collect the sentiments of the people of America, from their own most solemn declarations, they hold this truth as self evident, that all men are by nature free. No one man, therefore, or any class of men, have a right, by the law of nature, or of God, to assume or exercise authority over their fellows. The origin of society then is to be sought, not in any natural right which one man has to exercise authority over another, but in the united consent of those who associate. The mutual wants of men, at first dictated the propriety of forming societies; and when they were established, protection and defence pointed out the necessity of instituting government. In a state of nature every individual pursues his own interest; in this pursuit it frequently happened, that the possessions or enjoyments of one were sacrificed to the views and designs of another; thus the weak were a prey to the strong, the simple and unwary were subject to impositions from those who were more crafty and designing. In this state of things, every individual was insecure; common interest therefore directed, that government should be established, in which the force of the whole community should be collected, and under such directions, as to protect and defend every one who composed it. The common good, therefore, is the end of civil government, and common consent, the foundation on which it is established. To effect this end, it was necessary that a certain portion of natural liberty should be surrendered, in order, that what remained should be preserved: how great a proportion of natural freedom is necessary to be yielded by individuals, when they submit to government, I shall not now enquire. So much, however, must be given up, as will be sufficient to enable those, to whom the administration of the government is committed, to establish laws for the promoting the happiness of the community, and to carry those laws into effect. But it is not necessary, for this purpose, that individuals should relinquish all their natural rights. Some are of such a nature that they cannot be surrendered. Of this kind are the rights of conscience, the right of enjoying and defending life, etc. Others are not necessary to be resigned, in order to attain the end for which government is instituted, these therefore ought not to be given up. To surrender them, would counteract the very end of government, to wit, the common good. From these observations it appears, that in forming a government on its true principles, the foundation should be laid in the manner I before stated, by expressly

reserving to the people such of their essential natural rights, as are not necessary to be parted with. The same reasons which at first induced mankind to associate and institute government, will operate to influence them to observe this precaution. If they had been disposed to conform themselves to the rule of immutable righteousness, government would not have been requisite. It was because one part exercised fraud, oppression, and violence on the other, that men came together, and agreed that certain rules should be formed, to regulate the conduct of all, and the power of the whole community lodged in the hands of rulers to enforce an obedience to them. But rulers have the same propensities as other men; they are as likely to use the power with which they are vested for private purposes, and to the injury and oppression of those over whom they are placed, as individuals in a state of nature are to injure and oppress one another. It is therefore as proper that bounds should be set to their authority, as that government should have at first been instituted to restrain private injuries.

This principle, which seems so evidently founded in the reason and nature of things, is confirmed by universal experience. Those who have governed, have been found in all ages ever active to enlarge their powers and abridge the public liberty. This has induced the people in all countries, where any sense of freedom remained, to fix barriers against the encroachments of their rulers. The country from which we have derived our origin, is an eminent example of this. Their magna charta and bill of rights have long been the boast, as well as the security, of that nation. I need say no more, I presume, to an American, than, that this principle is a fundamental one, in all the constitutions of our own states; there is not one of them but what is either founded on a declaration or bill of rights, or has certain express reservation of rights interwoven in the body of them. From this it appears, that at a time when the pulse of liberty beat high and when an appeal was made to the people to form constitutions for the government of themselves, it was their universal sense, that such declarations should make a part of their frames of government. It is therefore the more astonishing, that this grand security, to the rights of the people, is not to be found in this constitution.

It has been said, in answer to this objection, that such declaration[s] of rights, however requisite they might be in the constitutions of the states, are not necessary in the general constitution, because, "in the former case, every thing which is not reserved is given, but in the latter the reverse of the proposition prevails, and every thing which is not given is reserved." It requires but little attention to discover, that this mode of reasoning is

rather specious than solid. The powers, rights, and authority, granted to the general government by this constitution, are as complete, with respect to every object to which they extend, as that of any state government — It reaches to every thing which concerns human happiness — Life, liberty, and property, are under its controul. There is the same reason, therefore, that the exercise of power, in this case, should be restrained within proper limits, as in that of the state governments. To set this matter in a clear light, permit me to instance some of the articles of the bills of rights of the individual states, and apply them to the case in question.

For the security of life, in criminal prosecutions, the bills of rights of most of the states have declared, that no man shall be held to answer for a crime until he is made fully acquainted with the charge brought against him; he shall not be compelled to accuse, or furnish evidence against himself — The witnesses against him shall be brought face to face, and he shall be fully heard by himself or counsel. That it is essential to the security of life and liberty, that trial of facts be in the vicinity where they happen. Are not provisions of this kind as necessary in the general government, as in that of a particular state? The powers vested in the new Congress extend in many cases to life; they are authorised to provide for the punishment of a variety of capital crimes, and no restraint is laid upon them in its exercise, save only, that “the trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be in the state where the said crimes shall have been committed.” No man is secure of a trial in the county where he is charged to have committed a crime; he may be brought from Niagara to New-York, or carried from Kentucky to Richmond for trial for an offence, supposed to be committed. What security is there, that a man shall be furnished with a full and plain description of the charges against him? That he shall be allowed to produce all proof he can in his favor? That he shall see the witnesses against him face to face, or that he shall be fully heard in his own defence by himself or counsel?

For the security of liberty it has been declared, “that excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted — That all warrants, without oath or affirmation, to search suspected places, or seize any person, his papers or property, are grievous and oppressive.”

These provisions are as necessary under the general government as under that of the individual states; for the power of the former is as complete to the purpose of requiring bail, imposing fines, inflicting

punishments, granting search warrants, and seizing persons, papers, or property, in certain cases, as the other.

For the purpose of securing the property of the citizens, it is declared by all the states, “that in all controversies at law, respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.”

Does not the same necessity exist of reserving this right, under this national compact, as in that of these states? Yet nothing is said respecting it. In the bills of rights of the states it is declared, that a well regulated militia is the proper and natural defence of a free government — That as standing armies in time of peace are dangerous, they are not to be kept up, and that the military should be kept under strict subordination to, and controuled by the civil power.

The same security is as necessary in this constitution, and much more so; for the general government will have the sole power to raise and to pay armies, and are under no controul in the exercise of it; yet nothing of this is to be found in this new system.

I might proceed to instance a number of other rights, which were as necessary to be reserved, such as, that elections should be free, that the liberty of the press should be held sacred; but the instances adduced, are sufficient to prove, that this argument is without foundation. — Besides, it is evident, that the reason here assigned was not the true one, why the framers of this constitution omitted a bill of rights; if it had been, they would not have made certain reservations, while they totally omitted others of more importance. We find they have, in the 9th section of the 1st article, declared, that the writ of habeas corpus shall not be suspended, unless in cases of rebellion — that no bill of attainder, or ex post facto law, shall be passed — that no title of nobility shall be granted by the United States, &c. If every thing which is not given is reserved, what propriety is there in these exceptions? Does this constitution any where grant the power of suspending the habeas corpus, to make ex post facto laws, pass bills of attainder, or grant titles of nobility? It certainly does not in express terms. The only answer that can be given is, that these are implied in the general powers granted. With equal truth it may be said, that all the powers, which the bills of right, guard against the abuse of, are contained or implied in the general ones granted by this constitution.

So far it is from being true, that a bill of rights is less necessary in the general constitution than in those of the states, the contrary is evidently the fact. — This system, if it is possible for the people of America to

accede to it, will be an original compact; and being the last, will, in the nature of things, vacate every former agreement inconsistent with it. For it being a plan of government received and ratified by the whole people, all other forms, which are in existence at the time of its adoption, must yield to it. This is expressed in positive and unequivocal terms, in the 6th article, "That this constitution and the laws of the United States, which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the *constitution*, or laws of any state, *to the contrary* notwithstanding.

"The senators and representatives before-mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States, and of the several states, shall be bound, by oath or affirmation, to support this constitution."

It is therefore not only necessarily implied thereby, but positively expressed, that the different state constitutions are repealed and entirely done away, so far as they are inconsistent with this, with the laws which shall be made in pursuance thereof, or with treaties made, or which shall be made, under the authority of the United States; of what avail will the constitutions of the respective states be to preserve the rights of its citizens? should they be plead, the answer would be, the constitution of the United States, and the laws made in pursuance thereof, is the supreme law, and all legislatures and judicial officers, whether of the general or state governments, are bound by oath to support it. No privilege, reserved by the bills of rights, or secured by the state government, can limit the power granted by this, or restrain any laws made in pursuance of it. It stands therefore on its own bottom, and must receive a construction by itself without any reference to any other — And hence it was of the highest importance, that the most precise and express declarations and reservations of rights should have been made.

This will appear the more necessary, when it is considered, that not only the constitution and laws made in pursuance thereof, but all treaties made, or which shall be made, under the authority of the United States, are the supreme law of the land, and supersede the constitutions of all the states. The power to make treaties, is vested in the president, by and with the advice and consent of two thirds of the senate. I do not find any limitation, or restriction, to the exercise of this power. The most important article in any constitution may therefore be repealed, even without a legislative act. Ought not a government, vested with such extensive and

indefinite authority, to have been restricted by a declaration of rights? It certainly ought.

So clear a point is this, that I cannot help suspecting, that persons who attempt to persuade people, that such reservations were less necessary under this constitution than under those of the states, are wilfully endeavouring to deceive, and to lead you into an absolute state of vassalage.

Document 9

The Federalist No. 10

Publius (James Madison)

November 22, 1787

Federalist 10 is part of a remarkable public discussion, spawned by the ratification debates, between Federalists and Antifederalists on the nature of republican government. Many Antifederalists believed that the Constitution would lead to a large, consolidated nation and abolish the republican governments in the states, which in turn would lead to violations of the rights of citizens. Madison turned that argument on its head by pointing out that in republican governments, in which the majority must rule, an all-powerful majority often sacrifices the natural rights of the minority to their own selfish interests. Tyranny was just as possible in republican governments as under monarchies; and smaller republics — that is, republics the size of the American states — were especially prone to the danger of majority faction. Some remedy for this “mortal disease” must be found, Madison argued, if we are to have a republic in which the natural rights of all, including the minority, are protected.

Among the numerous advantages promised by a well constructed union, none deserves to be more accurately developed, than its tendency to break and control the violence of faction. The friend of popular governments, never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice. He will not fail, therefore, to set a due value on any plan which, without violating the principles to which he is attached, provides a proper cure for it. The instability, injustice, and confusion, introduced into the public councils, have, in truth, been the mortal diseases under which popular governments have every where perished; as they continue to be the favourite and fruitful topics from which the adversaries to liberty derive their most specious declamations. The valuable improvements made by the American constitutions on the popular models, both ancient and modern, cannot certainly be too much admired; but it would be an unwarrantable partiality, to contend that they have as effectually obviated

the danger on this side, as was wished and expected. Complaints are every where heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable; that the public good is disregarded in the conflicts of rival parties; and that measures are too often decided, not according to the rules of justice, and the rights of the minor party, but by the superior force of an interested and overbearing majority. However anxiously we may wish that these complaints had no foundation, the evidence of known facts will not permit us to deny that they are in some degree true. It will be found, indeed, on a candid review of our situation, that some of the distresses under which we labour, have been erroneously charged on the operation of our governments; but it will be found, at the same time, that other causes will not alone account for many of our heaviest misfortunes; and, particularly, for that prevailing and increasing distrust of public engagements, and alarm for private rights, which are echoed from one end of the continent to the other. These must be chiefly, if not wholly, effects of the unsteadiness and injustice, with which a factious spirit has tainted our public administrations.

By a faction, I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.

There are two methods of curing the mischiefs of faction: The one, by removing its causes; the other, by controlling its effects.

There are again two methods of removing the causes of faction: The one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said, than of the first remedy, that it is worse than the disease. Liberty is to faction, what air is to fire, an aliment, without which it instantly expires. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

The second expedient is as impracticable, as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be

objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to an uniformity of interests. The protection of these faculties, is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

The latent causes of faction are thus sown in the nature of man; and we see them every where brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders, ambitiously contending for pre-eminence and power; or to persons of other descriptions, whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other, than to co-operate for their common good. So strong is this propensity of mankind, to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions, and excite their most violent conflicts. But the most common and durable source of factions, has been the various and unequal distribution of property. Those who hold, and those who are without property, have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a monied interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests, forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of government.

No man is allowed to be a judge in his own cause; because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay, with greater reason, a body of men are unfit to be both judges and parties, at the same time; yet, what are many of the most important acts of legislation, but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the

rights of large bodies of citizens? and what are the different classes of legislators, but advocates and parties to the causes which they determine? Is a law proposed concerning private debts? It is a question to which the creditors are parties on one side, and the debtors on the other. Justice ought to hold the balance between them. Yet the parties are, and must be, themselves the judges; and the most numerous party, or, in other words, the most powerful faction, must be expected to prevail. Shall domestic manufactures be encouraged, and in what degree, by restrictions on foreign manufactures? are questions which would be differently decided by the landed and the manufacturing classes; and probably by neither with a sole regard to justice and the public good. The apportionment of taxes, on the various descriptions of property, is an act which seems to require the most exact impartiality; yet there is, perhaps, no legislative act in which greater opportunity and temptation are given to a predominant party, to trample on the rules of justice. Every shilling with which they over-burden the inferior number, is a shilling saved to their own pockets.

It is in vain to say, that enlightened statesmen will be able to adjust these clashing interests, and render them all subservient to the public good. Enlightened statesmen will not always be at the helm: nor, in many cases, can such an adjustment be made at all, without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another, or the good of the whole.

The inference to which we are brought, is, that the *causes* of faction cannot be removed; and that relief is only to be sought in the means of controlling its *effects*.

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views, by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the constitution. When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest, both the public good and the rights of other citizens. To secure the public good, and private rights, against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed. Let me add, that it is the great desideratum, by which alone this form of government can be rescued from the opprobrium under which it

has so long laboured, and be recommended to the esteem and adoption of mankind.

By what means is this object attainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority, at the same time, must be prevented; or the majority, having such co-existent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression. If the impulse and the opportunity be suffered to coincide, we well know, that neither moral nor religious motives can be relied on as an adequate control. They are not found to be such on the injustice and violence of individuals, and lose their efficacy in proportion to the number combined together; that is, in proportion as their efficacy becomes needful.

From this view of the subject, it may be concluded, that a pure democracy, by which I mean, a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert, results from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party, or an obnoxious individual. Hence it is, that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security, or the rights of property; and have, in general, been as short in their lives, as they have been violent in their deaths. Theoretic politicians, who have patronised this species of government, have erroneously supposed, that, by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions.

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the union.

The two great points of difference, between a democracy and a republic, are, first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended.

The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice, will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen, that the public voice, pronounced by the representatives of the people, will be more consonant to the public good, than if pronounced by the people themselves, convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests of the people. The question resulting is, whether small or extensive republics are most favourable to the election of proper guardians of the public weal; and it is clearly decided in favour of the latter by two obvious considerations.

In the first place, it is to be remarked, that however small the republic may be, the representatives must be raised to a certain number, in order to guard against the cabals of a few; and that, however large it may be, they must be limited to a certain number, in order to guard against the confusion of a multitude. Hence, the number of representatives in the two cases not being in proportion to that of the constituents, and being proportionally greatest in the small republic, it follows, that if the proportion of fit characters be not less in the large than in the small republic, the former will present a greater option, and consequently a greater probability of a fit choice.

In the next place, as each representative will be chosen by a greater number of citizens in the large than in the small republic, it will be more difficult for unworthy candidates to practise with success the vicious arts, by which elections are too often carried; and the suffrages of the people being more free, will be more likely to centre in men who possess the most attractive merit, and the most diffusive and established characters.

It must be confessed, that in this, as in most other cases, there is a mean, on both sides of which inconveniences will be found to lie. By enlarging too much the number of electors, you render the representative too little acquainted with all their local circumstances and lesser interests; as by reducing it too much, you render him unduly attached to these, and too little fit to comprehend and pursue great and national objects. The federal constitution forms a happy combination in this respect; the great

and aggregate interests, being referred to the national, the local and particular to the state legislatures.

The other point of difference is, the greater number of citizens, and extent of territory, which may be brought within the compass of republican, than of democratic government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former, than in the latter. The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other. Besides other impediments, it may be remarked, that where there is a consciousness of unjust or dishonourable purposes, communication is always checked by distrust, in proportion to the number whose concurrence is necessary.

Hence it clearly appears, that the same advantage, which a republic has over a democracy, in controlling the effects of faction, is enjoyed by a large over a small republic . . . is enjoyed by the union over the states composing it. Does this advantage consist in the substitution of representatives, whose enlightened views and virtuous sentiments render them superior to local prejudices, and to schemes of injustice? It will not be denied, that the representation of the union will be most likely to possess these requisite endowments. Does it consist in the greater security afforded by a greater variety of parties, against the event of any one party being able to outnumber and oppress the rest? In an equal degree does the increased variety of parties, comprised within the union, increase this security. Does it, in fine, consist in the greater obstacles opposed to the concert and accomplishment of the secret wishes of an unjust and interested majority? Here, again, the extent of the union gives it the most palpable advantage.

The influence of factious leaders may kindle a flame within their particular states, but will be unable to spread a general conflagration through the other states: a religious sect may degenerate into a political faction in a part of the confederacy; but the variety of sects dispersed over

the entire face of it, must secure the national councils against any danger from that source: a rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the union, than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire state.

In the extent and proper structure of the union, therefore, we behold a republican remedy for the diseases most incident to republican government. And according to the degree of pleasure and pride we feel in being republicans, ought to be our zeal in cherishing the spirit, and supporting the character of federalists.

PUBLIUS

Document 10

The Federalist No. 51

Publius (James Madison)

February 6, 1788

James Madison, like most Americans at the time, understood that once a single branch of government — legislative, executive or judicial — had accumulated all political power in its hands, nothing could stop it from acting tyrannically. The checks and balances between the branches built into the proposed Constitution, he explained in Federalist 51, are therefore essential to keep those powers properly separated among the branches. In the midst of explaining these “inventions of prudence,” Madison offered thoughtful reflections on why human nature makes politics — especially the great task of framing a government comprised of men rather than angels — so challenging.

To what expedient then shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down in the constitution? The only answer that can be given is, that as all these exterior provisions are found to be inadequate, the defect must be supplied, by so contriving the interior structure of the government, as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places. Without presuming to undertake a full development of this important idea, I will hazard a few general observations, which may perhaps place it in a clearer light, and enable us to form a more correct judgment of the principles and structure of the government planned by the convention.

In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which, to a certain extent, is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own; and consequently should be so constituted, that the members of each should have as little agency as possible in the appointment of the members of the others. Were this principle rigorously adhered to, it would require that all the appointments for the supreme executive, legislative, and judiciary

magistracies, should be drawn from the same fountain of authority, the people, through channels having no communication whatever with one another. Perhaps such a plan of constructing the several departments, would be less difficult in practice, than it may in contemplation appear. Some difficulties, however, and some additional expense, would attend the execution of it. Some deviations, therefore, from the principle must be admitted. In the constitution of the judiciary department in particular, it might be inexpedient to insist rigorously on the principle; first, because peculiar qualifications being essential in the members, the primary consideration ought to be to select that mode of choice which best secures these qualifications; secondly, because the permanent tenure by which the appointments are held in that department, must soon destroy all sense of dependence on the authority conferring them.

It is equally evident, that the members of each department should be as little dependent as possible on those of the others, for the emoluments annexed to their offices. Were the executive magistrate, or the judges, not independent of the legislature in this particular, their independence in every other, would be merely nominal.

But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department, the necessary constitutional means, and personal motives, to resist encroachments of the others. The provision for defence must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man, must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the

subordinate distributions of power; where the constant aim is, to divide and arrange the several offices in such a manner as that each may be a check on the other; that the private interest of every individual may be a centinel over the public rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the state.

But it is not possible to give to each department an equal power of self-defence. In republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is, to divide the legislature into different branches; and to render them, by different modes of election, and different principles of action, as little connected with each other, as the nature of their common functions, and their common dependence on the society, will admit. It may even be necessary to guard against dangerous encroachments by still further precautions. As the weight of the legislative authority requires that it should be thus divided, the weakness of the executive may require, on the other hand, that it should be fortified. An absolute negative on the legislature, appears, at first view, to be the natural defence with which the executive magistrate should be armed. But perhaps it would be neither altogether safe, nor alone sufficient. On ordinary occasions, it might not be exerted with the requisite firmness; and on extraordinary occasions, it might be perfidiously abused. May not this defect of an absolute negative be supplied by some qualified connexion between this weaker department, and the weaker branch of the stronger department, by which the latter may be led to support the constitutional rights of the former, without being too much detached from the rights of its own department?

If the principles on which these observations are founded be just, as I persuade myself they are, and they be applied as a criterion to the several state constitutions, and to the federal constitution, it will be found, that if the latter does not perfectly correspond with them, the former are infinitely less able to bear such a test.

There are moreover two considerations particularly applicable to the federal system of America, which place that system in a very interesting point of view.

First. In a single republic, all the power surrendered by the people, is submitted to the administration of a single government; and the usurpations are guarded against, by a division of the government into distinct and separate departments. In the compound republic of America, the power surrendered by the people, is first divided between two distinct governments, and then the portion allotted to each subdivided among

distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other; at the same time that each will be controlled by itself.

Second. It is of great importance in a republic, not only to guard the society against the oppression of its rulers; but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure. There are but two methods of providing against this evil: the one, by creating a will in the community independent of the majority, that is, of the society itself; the other, by comprehending in the society so many separate descriptions of citizens, as will render an unjust combination of a majority of the whole very improbable, if not impracticable. The first method prevails in all governments possessing an hereditary or self-appointed authority. This, at best, is but a precarious security; because a power independent of the society may as well espouse the unjust views of the major, as the rightful interests of the minor party, and may possibly be turned against both parties. The second method will be exemplified in the federal republic of the United States. Whilst all authority in it will be derived from, and dependent on the society, the society itself will be broken into so many parts, interests, and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority. In a free government, the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other, in the multiplicity of sects. The degree of security in both cases will depend on the number of interests and sects; and this may be presumed to depend on the extent of country and number of people comprehended under the same government. This view of the subject must particularly recommend a proper federal system to all the sincere and considerate friends of republican government: since it shows, that in exact proportion as the territory of the union may be formed into more circumscribed confederacies, or states, oppressive combinations of a majority will be facilitated; the best security under the republican form, for the rights of every class of citizens, will be diminished; and consequently, the stability and independence of some member of the government, the only other security, must be proportionally increased. Justice is the end of government. It is the end of civil society. It ever has been, and ever will be, pursued, until it be obtained, or until liberty be lost in the pursuit. In a society, under the forms of which the stronger faction

can readily unite and oppress the weaker, anarchy may as truly be said to reign, as in a state of nature, where the weaker individual is not secured against the violence of the stronger: and as, in the latter state, even the stronger individuals are prompted, by the uncertainty of their condition, to submit to a government which may protect the weak, as well as themselves: so, in the former state, will the more powerful factions or parties be gradually induced, by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful. It can be little doubted, that if the state of Rhode Island was separated from the confederacy, and left to itself, the insecurity of rights under the popular form of government within such narrow limits, would be displayed by such reiterated oppressions of factious majorities, that some power altogether independent of the people, would soon be called for by the voice of the very factions whose misrule had proved the necessity of it. In the extended republic of the United States, and among the great variety of interests, parties, and sects, which it embraces, a coalition of a majority of the whole society could seldom take place upon any other principles, than those of justice and the general good: whilst there being thus less danger to a minor from the will of the major party, there must be less pretext also, to provide for the security of the former, by introducing into the government a will not dependent on the latter: or, in other words, a will independent of the society itself. It is no less certain than it is important, notwithstanding the contrary opinions which have been entertained, that the larger the society, provided it lie within a practicable sphere, the more duly capable it will be of self-government. And happily for the *republican cause*, the practicable sphere may be carried to a very great extent, by a judicious modification and mixture of the *federal principle*.

PUBLIUS

Document 11

Speech on Amendments to the Constitution

James Madison

June 8, 1789

Abridged

In a remarkable act of statesmanship and patriotism, James Madison rose before the House of Representatives and proposed amendments to the Constitution he had been so influential in creating. He urged his fellow Congressmen to consider amendments for reasons of both honor and prudence. Doing so would build the trust of many former Antifederalists who had ratified the Constitution on the promise of future amendments by Federalists, and might induce the people of North Carolina and Rhode Island, who had not yet ratified the Constitution, to rejoin the Union. By putting aside his personal doubts regarding the necessity of amendments, Madison revealed once again his respect for the reasoned opinions of his fellow citizens and his commitment to the cause of free self-government.

The gentleman from Georgia (Mr. Jackson) is certainly right in his opposition to my motion for going into a committee of the whole, because he is unfriendly to the object I have in contemplation; but I cannot see that the gentlemen, who wish for amendments being proposed at the present session, stand on good ground when they object to the house going into committee on this business.

When I first hinted to the house my intention of calling their deliberations to this object, I mentioned the pressure of other important subjects, and submitted the propriety of postponing this till the more urgent business was dispatched; but finding that business not dispatched, when the order of the day for considering amendments arrived, I thought it a good reason for a farther delay, I moved the postponement accordingly. I am sorry the same reason still exists in some degree; but operates with less force when it is considered, that it is not now proposed to enter into a full and minute discussion of every part of the subject, but merely to bring it before the house, that our constituents may see we pay a

proper attention to a subject they have much at heart; and if it does not give that full gratification which is to be wished, they will discover that it proceeds from the urgency of business of a very important nature. But if we continue to postpone from time to time, and refuse to let the subject come into view, it may occasion suspicions, which, though not well founded, may tend to inflame or prejudice the public mind, against our decisions: they may think we are not sincere in our desire to incorporate such amendments in the constitution as will secure those rights, which they consider as not sufficiently guarded. The applications for amendments come from a very respectable number of constituents, and it is certainly proper for congress to consider the subject, in order to quiet that anxiety which prevails in the public mind: Indeed I think it would have been of advantage to the government, if it had been practicable to have made some propositions for amendments the first business we entered upon; it would stifle the voice of complaint, and make friends of many who doubted its merits. Our future measures would then have been more universally agreeable and better supported; but the justifiable anxiety to put the government in operation prevented that; it therefore remains for us to take it up as soon as possible. I wish then to commence the consideration at the present moment; I hold it to be my duty to unfold my ideas, and explain myself to the house in some form or other without delay. I only wish to introduce the great work, and as I said before I do not expect it will be decided immediately; but if some step is taken in the business it will give reason to believe that we may come at a final result. This will inspire a reasonable hope in the advocates for amendments, that full justice will be done to the important subject; and I have reason to believe their expectation will not be defeated. I hope the house will not decline my motion for going into a committee. ...

I am sorry to be accessory to the loss of a single moment of time by the house. If I had been indulged in my motion, and we had gone into a committee of the whole, I think we might have rose, and resumed the consideration of other business before this time; that is, so far as it depended on what I proposed to bring forward. As that mode seems not to give satisfaction, I will withdraw the motion, and move you, sir, that a select committee be appointed to consider and report such amendments as are proper for Congress to propose to the legislatures of the several States, conformably to the 5th article of the constitution. I will state my reasons why I think it proper to propose amendments; and state the amendments themselves, so far as I think they ought to be proposed. If I

thought I could fulfill the duty which I owe to myself and my constituents, to let the subject pass over in silence, I most certainly should not trespass upon the indulgence of this house. But I cannot do this; and am therefore compelled to beg a patient hearing to what I have to lay before you. And I do most sincerely believe that if congress will devote but one day to this subject, so far as to satisfy the public that we do not disregard their wishes, it will have a salutary influence on the public councils, and prepare the way for a favorable reception of our future measures. It appears to me that this house is bound by every motive of prudence, not to let the first session pass over without proposing to the state legislatures some things to be incorporated into the constitution, as will render it as acceptable to the whole people of the United States, as it has been found acceptable to a majority of them. I wish, among other reasons why something should be done, that those who have been friendly to the adoption of this constitution, may have the opportunity of proving to those who were opposed to it, that they were as sincerely devoted to liberty and a republican government, as those who charged them with wishing the adoption of this constitution in order to lay the foundation of an aristocracy or despotism. It will be a desirable thing to extinguish from the bosom of every member of the community any apprehensions, that there are those among his countrymen who wish to deprive them of the liberty for which they valiantly fought and honorably bled. And if there are amendments desired, of such a nature as will not injure the constitution, and they can be engrafted so as to give satisfaction to the doubting part of our fellow citizens; the friends of the federal government will evince that spirit of deference and concession for which they have hitherto been distinguished.

It cannot be a secret to the gentlemen in this house, that, notwithstanding the ratification of this system of government by eleven of the thirteen United States, in some cases unanimously, in others by large majorities; yet still there is a great number of our constituents who are dissatisfied with it; among whom are many respectable for their talents, their patriotism, and respectable for the jealousy they have for their liberty, which, though mistaken in its object, is laudable in its motive. There is a great body of the people falling under this description, who at present feel much inclined to join their support to the cause of federalism, if they were satisfied in this one point: We ought not to disregard their inclination, but, on principles of amity and moderation, conform to their wishes, and expressly declare the great rights of mankind secured under this

constitution. The acquiescence which our fellow citizens shew under the government, calls upon us for a like return of moderation. But perhaps there is a stronger motive than this for our going into a consideration of the subject; it is to provide those securities for liberty which are required by a part of the community. I allude in a particular manner to those two states who have not thought fit to throw themselves into the bosom of the confederacy: it is a desirable thing, on our part as well as theirs, that a reunion should take place as soon as possible. I have no doubt, if we proceed to take those steps which would be prudent and requisite at this juncture, that in a short time we should see that disposition prevailing in those states that are not come in, that we have seen prevailing in those states which are.

But I will candidly acknowledge, that, over and above all these considerations, I do conceive that the constitution may be amended; that is to say, if all power is subject to abuse, that then it is possible the abuse of the powers of the general government may be guarded against in a more secure manner than is now done, while no one advantage, arising from the exercise of that power, shall be damaged or endangered by it. We have in this way something to gain, and, if we proceed with caution, nothing to lose; and in this case it is necessary to proceed with caution; for while we feel all these inducements to go into a revision of the constitution, we must feel for the constitution itself, and make that revision a moderate one. I should be unwilling to see a door opened for a re-consideration of the whole structure of the government, for a re-consideration of the principles and the substance of the powers given; because I doubt, if such a door was opened, if we should be very likely to stop at that point which would be safe to the government itself: But I do wish to see a door opened to consider, so far as to incorporate those provisions for the security of rights, against which I believe no serious objection has been made by any class of our constituents, such as would be likely to meet with the concurrence of two-thirds of both houses, and the approbation of three-fourths of the state legislatures. I will not propose a single alteration which I do not wish to see take place, as intrinsically proper in itself, or proper because it is wished for by a respectable number of my fellow citizens; and therefore I shall not propose a single alteration but is likely to meet the concurrence required by the constitution.

There have been objections of various kinds made against the constitution: Some were levelled against its structure, because the president was without a council; because the senate, which is a legislative body, had judicial powers in trials on impeachments; and because the

powers of that body were compounded in other respects, in a manner that did not correspond with a particular theory; because it grants more power than is supposed to be necessary for every good purpose; and controuls the ordinary powers of the state governments. I know some respectable characters who opposed this government on these grounds; but I believe that the great mass of the people who opposed it, disliked it because it did not contain effectual provision against encroachments on particular rights, and those safeguards which they have been long accustomed to have interposed between them and the magistrate who exercised the sovereign power: nor ought we to consider them safe, while a great number of our fellow citizens think these securities necessary.

It has been a fortunate thing that the objection to the government has been made on the ground I stated; because it will be practicable on that ground to obviate the objection, so far as to satisfy the public mind that their liberties will be perpetual, and this without endangering any part of the constitution, which is considered as essential to the existence of the government by those who promoted its adoption.

The amendments which have occurred to me, proper to be recommended by congress to the state legislatures, are these:

First. That there be prefixed to the constitution a declaration — That all power is originally vested in, and consequently derived from the people.

That government is instituted, and ought to be exercised for the benefit of the people; which consists in the enjoyment of life and liberty, with the right of acquiring and using property, and generally of pursuing and obtaining happiness and safety.

That the people have an indubitable, unalienable, and indefeasible right to reform or change their government, whenever it be found adverse or inadequate to the purposes of its institution.

Secondly. That in article 1st. section 2, clause 3, these words be struck out, to wit, “The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative, and until such enumeration shall be made.” And that in place thereof be inserted these words, to wit, “After the first actual enumeration, there shall be one representative for every thirty thousand, until the number amount to _____ after which the proportion shall be so regulated by congress, that the number shall never be less than _____ nor more than _____ but each state shall after the first enumeration, have at least two representatives; and prior thereto.”

Thirdly. That in article 1st, section 6, clause 1, there be added to the end of the first sentence, these words, to wit, "But no law varying the compensation last ascertained shall operate before the next ensuing election of representatives."

Fourthly. That in article 1st, section 9, between clauses 3 and 4, be inserted these clauses, to wit, The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext infringed.

The people shall not be deprived or abridged of their right to speak, to write, or to publish their sentiments; and the freedom of the press, as one of the great bulwarks of liberty, shall be inviolable.

The people shall not be restrained from peaceably assembling and consulting for their common good, nor from applying to the legislature by petitions, or remonstrances for redress of their grievances.

The right of the people to keep and bear arms shall not be infringed; a well armed, and well regulated militia being the best security of a free country: but no person religiously scrupulous of bearing arms, shall be compelled to render military service in person.

No soldier shall in time of peace be quartered in any house without the consent of the owner; nor at any time, but in a manner warranted by law.

No person shall be subject, except in cases of impeachment, to more than one punishment, or one trial for the same offense; nor shall be compelled to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor be obliged to relinquish his property, where it may be necessary for public use, without a just compensation.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

The rights of the people to be secured in their persons, their houses, their papers, and their other property from all unreasonable searches and seizures, shall not be violated by warrants issued without probable cause, supported by oath or affirmation, or not particularly describing the places to be searched, or the persons or things to be seized.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, to be informed of the cause and nature of the accusation, to be confronted with his accusers, and the witnesses against

him; to have a compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

The exceptions here or elsewhere in the constitution, made in favor of particular rights, shall not be so construed as to diminish the just importance of other rights retained by the people; or as to enlarge the powers delegated by the constitution; but either as actual limitations of such powers, or as inserted merely for greater caution.

Fifthly. That in article 1st, section 10, between clauses 1 and 2, be inserted this clause, to wit:

No state shall violate the equal rights of conscience, or the freedom of the press, or the trial by jury in criminal cases.

Sixthly. That article 3d, section 2, be annexed to the end of clause 2nd, these words to wit: but no appeal to such court shall be allowed where the value in controversy shall not amount to _____ dollars: nor shall any fact triable by jury, according to the course of common law, be otherwise re-examinable than may consist with the principles of common law.

Seventhly. That in article 3d, section 2, the third clause be struck out, and in its place be inserted the clauses following, to wit:

The trial of all crimes (except in cases of impeachments, and cases arising in the land or naval forces, or the militia when on actual service in time of war or public danger) shall be by an impartial jury of freeholders of the vicinage, with the requisite of unanimity for conviction, of the right of challenge, and other accustomed requisites; and in all crimes punishable with loss of life or member, presentment or indictment by a grand jury, shall be an essential preliminary, provided that in cases of crimes committed within any county which may be in possession of an enemy, or in which a general insurrection may prevail, the trial may by law be authorised in some other county of the same state, as near as may be to the seat of the offence.

In cases of crimes committed not within any county, the trial may by law be in such county as the laws shall have prescribed. In suits at common law, between man and man, the trial by jury, as one of the best securities to the rights of the people, ought to remain inviolate.

Eighthly. That immediately after article 6th, be inserted, as article 7th, the clauses following, to wit:

The powers delegated by this constitution, are appropriated to the departments to which they are respectively distributed: so that the legislative department shall never exercise the powers vested in the

executive or judicial; nor the executive exercise the powers vested in the legislative or judicial; nor the judicial exercise the powers vested in the legislative or executive departments.

The powers not delegated by this constitution, nor prohibited by it to the states, are reserved to the States respectively.

Ninthly. That article 7th, be numbered as article 8th.

The first of these amendments, relates to what may be called a bill of rights; I will own that I never considered this provision so essential to the federal constitution, as to make it improper to ratify it, until such an amendment was added; at the same time, I always conceived, that in a certain form and to a certain extent, such a provision was neither improper nor altogether useless. I am aware, that a great number of the most respectable friends to the government and champions for republican liberty, have thought such a provision, not only unnecessary, but even improper, nay, I believe some have gone so far as to think it even dangerous. Some policy has been made use of perhaps by gentlemen on both sides of the question: I acknowledge the ingenuity of those arguments which were drawn against the constitution, by a comparison with the policy of Great-Britain, in establishing a declaration of rights; but there is too great a difference in the case to warrant the comparison: therefore the arguments drawn from that source, were in a great measure inapplicable. In the declaration of rights which that country has established, the truth is, they have gone no farther, than to raise a barrier against the power of the crown; the power of the legislature is left altogether indefinite. Altho' I know whenever the great rights, the trial by jury, freedom of the press, or liberty of conscience, came in question in that body, the invasion of them is resisted by able advocates, yet their Magna Charta does not contain any one provision for the security of those rights, respecting which, the people of America are most alarmed. The freedom of the press and rights of conscience, those choicest privileges of the people, are unguarded in the British constitution.

But altho' the case may be widely different, and it may not be thought necessary to provide limits for the legislative power in that country, yet a different opinion prevails in the United States. The people of many states, have thought it necessary to raise barriers against power in all forms and departments of government, and I am inclined to believe, if once bills of rights are established in all the states as well as the federal constitution, we shall find that altho' some of them are rather unimportant, yet, upon the whole, they will have a salutary tendency.

It may be said, in some instances they do no more than state the perfect equality of mankind; this to be sure is an absolute truth, yet it is not absolutely necessary to be inserted at the head of a constitution.

In some instances they assert those rights which are exercised by the people in forming and establishing a plan of government. In other instances, they specify those rights which are retained when particular powers are given up to be exercised by the legislature. In other instances, they specify positive rights, which may seem to result from the nature of the compact. Trial by jury cannot be considered as a natural right, but a right resulting from the social compact which regulates the action of the community, but is as essential to secure the liberty of the people as any one of the pre-existent rights of nature. In other instances they lay down dogmatic maxims with respect to the construction of the government; declaring, that the legislative, executive, and judicial branches shall be kept separate and distinct: Perhaps the best way of securing this in practice is to provide such checks, as will prevent the encroachment of the one upon the other.

But whatever may be the form which the several states have adopted in making declarations in favor of particular rights, the great object in view is to limit and qualify the powers of government, by excepting out of the grant of power those cases in which the government ought not to act, or to act only in a particular mode. They point these exceptions sometimes against the abuse of the executive power, sometimes against the legislative, and, in some cases, against the community itself; or, in other words, against the majority in favor of the minority.

In our government it is, perhaps, less necessary to guard against the abuse in the executive department than any other; because it is not the stronger branch of the system, but the weaker: It therefore must be levelled against the legislative, for it is the most powerful, and most likely to be abused, because it is under the least controul; hence, so far as a declaration of rights can tend to prevent the exercise of undue power, it cannot be doubted but such declaration is proper. But I confess that I do conceive, that in a government modified like this of the United States, the great danger lies rather in the abuse of the community than in the legislative body. The prescriptions in favor of liberty, ought to be levelled against that quarter where the greatest danger lies, namely, that which possesses the highest prerogative of power: But this is not found in either the executive or legislative departments of government, but in the body of the people, operating by the majority against the minority.

It may be thought all paper barriers against the power of the community, are too weak to be worthy of attention. I am sensible they are not so strong as to satisfy gentlemen of every description who have seen and examined thoroughly the texture of such a defence; yet, as they have a tendency to impress some degree of respect for them, to establish the public opinion in their favor, and rouse the attention of the whole community, it may be one mean to controul the majority from those acts to which they might be otherwise inclined.

It has been said by way of objection to a bill of rights, by many respectable gentlemen out of doors, and I find opposition on the same principles likely to be made by gentlemen on this floor, that they are unnecessary articles of a republican government, upon the presumption that the people have those rights in their own hands, and that is the proper place for them to rest. It would be a sufficient answer to say that this objection lies against such provisions under the state governments as well as under the general government; and there are, I believe, but few gentlemen who are inclined to push their theory so far as to say that a declaration of rights in those cases is either ineffectual or improper. It has been said that in the federal government they are unnecessary, because the powers are enumerated, and it follows that all that are not granted by the constitution are retained: that the constitution is a bill of powers, the great residuum being the rights of the people; and therefore a bill of rights cannot be so necessary as if the residuum was thrown into the hands of the government. I admit that these arguments are not entirely without foundation; but they are not conclusive to the extent which has been supposed. It is true the powers of the general government are circumscribed; they are directed to particular objects; but even if government keeps within those limits, it has certain discretionary powers with respect to the means, which may admit of abuse to a certain extent, in the same manner as the powers of the state governments under their constitutions may to an indefinite extent; because in the constitution of the United States there is a clause granting to Congress the power to make all laws which shall be necessary and proper for carrying into execution all the powers vested in the government of the United States, or in any department or officer thereof; this enables them to fulfil every purpose for which the government was established. Now, may not laws be considered necessary and proper by Congress, for it is them who are to judge of the necessity and propriety to accomplish those special purposes which they may have in contemplation, which laws in themselves are neither

necessary or proper; as well as improper laws could be enacted by the state legislatures, for fulfilling the more extended objects of those governments. I will state an instance which I think in point, and proves that this might be the case. The general government has a right to pass all laws which shall be necessary to collect its revenue; the means for enforcing the collection are within the direction of the legislature: may not general warrants be considered necessary for this purpose, as well as for some purposes which it was supposed at the framing of their constitutions the state governments had in view. If there was reason for restraining the state governments from exercising this power, there is like reason for restraining the federal government.

It may be said, because it has been said, that a bill of rights is not necessary, because the establishment of this government has not repealed those declarations of rights which are added to the several state constitutions: that those rights of the people, which had been established by the most solemn act, could not be annihilated by a subsequent act of that people, who meant, and declared at the head of the instrument, that they ordained and established a new system, for the express purpose of securing to themselves and posterity the liberties they had gained by an arduous conflict.

I admit the force of this observation, but I do not look upon it to be conclusive. In the first place, it is too uncertain ground to leave this provision upon, if a provision is at all necessary to secure rights so important as many of those I have mentioned are conceived to be, by the public in general, as well as those in particular who opposed the adoption of this constitution. Beside some states have no bills of rights, there are others provided with very defective ones, and there are others whose bills of rights are not only defective, but absolutely improper; instead of securing some in the full extent which republican principles would require, they limit them too much to agree with the common ideas of liberty.

It has been objected also against a bill of rights, that, by enumerating particular exceptions to the grant of power, it would disparage those rights which were not placed in that enumeration, and it might follow by implication, that those rights which were not singled out, were intended to be assigned into the hands of the general government, and were consequently insecure. This is one of the most plausible arguments I have ever heard urged against the admission of a bill of rights into this system; but, I conceive, that may be guarded against. I have attempted it, as gentlemen may see by turning to the last clause of the 4th resolution.

It has been said, that it is unnecessary to load the constitution with this provision, because it was not found effectual in the constitution of the particular states. It is true, there are a few particular states in which some of the most valuable articles have not, at one time or other, been violated; but does it not follow but they may have, to a certain degree, a salutary effect against the abuse of power. If they are incorporated into the constitution, independent tribunals of justice will consider themselves in a peculiar manner the guardians of those rights; they will be an impenetrable bulwark against every assumption of power in the legislative or executive; they will be naturally led to resist every encroachment upon rights expressly stipulated for in the constitution by the declaration of rights. Beside this security, there is a great probability that such a declaration in the federal system would be enforced; because the state legislatures will jealously and closely watch the operation of this government, and be able to resist with more effect every assumption of power than any other power on earth can do; and the greatest opponents to a federal government admit the state legislatures to be sure guardians of the people's liberty. I conclude from this view of the subject, that it will be proper in itself, and highly politic, for the tranquility of the public mind, and the stability of the government, that we should offer something, in the form I have proposed, to be incorporated in the system of government, as a declaration of the rights of the people.

In the next place I wish to see that part of the constitution revised which declares, that the number of representatives shall not exceed the proportion of one for every thirty thousand persons, and allows one representative to every state which rates below that proportion. If we attend to the discussion of this subject, which has taken place in the state conventions, and even in the opinion of the friends to the constitution, an alteration here is proper. It is the sense of the people of America, that the number of representatives ought to be increased, but particularly that it should not be left in the discretion of the government to diminish them, below that proportion which certainly is in the power of the legislature as the constitution now stands; and they may, as the population of the country encreases, increase the house of representatives to a very unwieldy degree. I confess I always thought this part of the constitution defective, though not dangerous; and that it ought to be particularly attended to whenever congress should go into the consideration of amendments.

There are several lesser cases enumerated in my proposition, in which I wish also to see some alteration take place. That article which leaves it in

the power of the legislature to ascertain its own emolument is one to which I allude. I do not believe this is a power which, in the ordinary course of government, is likely to be abused, perhaps of all the powers granted, it is least likely to abuse; but there is a seeming impropriety in leaving any set of men without controul to put their hand into the public coffers, to take out money to put in their pockets; there is a seeming indecorum in such power, which leads me to propose a change. We have a guide to this alteration in several of the amendments which the different conventions have proposed. I have gone therefore so far as to fix it, that no law, varying the compensation, shall operate until there is a change in the legislature; in which case it cannot be for the particular benefit of those who are concerned in determining the value of the service.

I wish also, in revising the constitution, we may throw into that section, which interdicts the abuse of certain powers in the state legislatures, some other provisions of equal if not greater importance than those already made. The words, "No state shall pass any bill of attainder, ex post facto law, &c." were wise and proper restrictions in the constitution. I think there is more danger of those powers being abused by the state governments than by the government of the United States. The same may be said of other powers which they possess, if not controuled by the general principle, that laws are unconstitutional which infringe the rights of the community. I should therefore wish to extend this interdiction, and add, as I have stated in the 5th resolution, that no state shall violate the equal right of conscience, freedom of the press, or trial by jury in criminal cases; because it is proper that every government should be disarmed of powers which trench upon those particular rights. I know in some of the state constitutions the power of the government is controuled by such a declaration, but others are not. I cannot see any reason against obtaining even a double security on those points; and nothing can give a more sincere proof of the attachment of those who opposed this constitution to these great and important rights, than to see them join in obtaining the security I have now proposed; because it must be admitted, on all hands, that the state governments are as liable to attack these invaluable privileges as the general government is, and therefore ought to be as cautiously guarded against.

I think it will be proper, with respect to the judiciary powers, to satisfy the public mind on those points which I have mentioned. Great inconvenience has been apprehended to suitors from the distance they would be dragged to obtain justice in the supreme court of the United

States, upon an appeal on an action for a small debt. To remedy this, declare, that no appeal shall be made unless the matter in controversy amounts to a particular sum: This, with the regulations respecting jury trials in criminal cases, and suits at common law, it is to be hoped will quiet and reconcile the minds of the people to that part of the constitution.

I find, from looking into the amendments proposed by the state conventions, that several are particularly anxious that it should be declared in the constitution, that the powers not therein delegated, should be reserved to the several states. Perhaps words which may define this more precisely, than the whole of the instrument now does, may be considered as superfluous. I admit they may be deemed unnecessary; but there can be no harm in making such a declaration, if gentlemen will allow that the fact is as stated. I am sure I understand it so, and do therefore propose it.

These are the points on which I wish to see a revision of the constitution take place. How far they will accord with the sense of this body, I cannot take upon me absolutely to determine; but I believe every gentlemen will readily admit that nothing is in contemplation, so far as I have mentioned, that can endanger the beauty of the government in any one important feature, even in the eyes of its most sanguine admirers. I have proposed nothing that does not appear to me as proper in itself, or eligible as patronised by a respectable number of our fellow citizens; and if we can make the constitution better in the opinion of those who are opposed to it, without weakening its frame, or abridging its usefulness, in the judgment of those who are attached to it, we act the part of wise and liberal men to make such alterations as shall produce that effect.

Having done what I conceived was my duty, in bringing before this house the subject of amendments, and also stated such as I wish for and approve, and offered the reasons which occurred to me in their support; I shall content myself for the present with moving, that a committee be appointed to consider of and report such amendments as ought to be proposed by congress to the legislatures of the states, to become, if ratified by three-fourths thereof, part of the constitution of the United States. By agreeing to this motion, the subject may be going on in the committee, while other important business is proceeding to a conclusion in the house. I should advocate greater dispatch in the business of amendments, if I was not convinced of the absolute necessity there is of pursuing the organization of the government; because I think we should obtain the confidence of our fellow citizens, in proportion as we fortify the rights of the people against the encroachments of the government.

Document 12

Letter to the Hebrew Congregation at Newport

George Washington

August 21, 1790

Upon his election as President, many churches, congregations and religious societies wrote to George Washington to congratulate him on his new office, and he replied to each of them with personalized messages of thanks for their well-wishes. In this reply to the Hebrew Congregation of Newport, Washington applauded the people of the United States for rejecting the European practice of religious "toleration," embracing instead the "enlarged and liberal policy" that religious liberty is a natural right — and not a gift of government — which all citizens are equally free to exercise.

Gentlemen:

While I received with much satisfaction your address replete with expressions of esteem, I rejoice in the opportunity of assuring you that I shall always retain grateful remembrance of the cordial welcome I experienced on my visit to Newport from all classes of citizens.

The reflection on the days of difficulty and danger which are past is rendered the more sweet from a consciousness that they are succeeded by days of uncommon prosperity and security.

If we have wisdom to make the best use of the advantages with which we are now favored, we cannot fail, under the just administration of a good government, to become a great and happy people.

The citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy — a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship.

It is now no more that toleration is spoken of as if it were the indulgence of one class of people that another enjoyed the exercise of their inherent natural rights, for, happily, the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires

only that they who live under its protection should demean themselves as good citizens in giving it on all occasions their effectual support.

It would be inconsistent with the frankness of my character not to avow that I am pleased with your favorable opinion of my administration and fervent wishes for my felicity.

May the children of the stock of Abraham who dwell in this land continue to merit and enjoy the good will of the other inhabitants — while every one shall sit in safety under his own vine and fig tree and there shall be none to make him afraid.

May the father of all mercies scatter light, and not darkness, upon our paths, and make us all in our several vocations useful here, and in His own due time and way everlastingly happy.

G. Washington

Document 13

Bill of Rights

December 15, 1791

During the ratification debates over the Constitution, Thomas Jefferson wrote to James Madison that “a bill of rights is what the people are entitled to against every government on earth.” Madison replied, in a letter of October, 1787, that he did not think the new government and Constitution were defective without a formal bill of rights, but agreed that its addition could be useful for securing liberty on occasions in the future. Americans would come to view a bill of rights, he wrote, as embodying the “fundamental maxims of free government” to which they could appeal on those occasions when government overstepped its constitutional bounds. In this, Madison predicted with great insight just how much the Bill of Rights would come to inform the constitutional mind of the American people.

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

AMENDMENT VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

AMENDMENT VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Document 14

“Property”

James Madison

March 29, 1792

In this newspaper essay, Madison offered thoughtful reflections on the connection of liberty and property. Liberty is a property all human beings possess by nature, which is rooted in the natural freedom of the human mind. Through the free use of their minds, and the freedom to choose how and to what ends to employ their natural faculties, individuals pursue, acquire, possess and use property in its more commonly understood sense. The first duty of government therefore, Madison wrote, is to impartially protect the property individuals have in their own faculties and the fruits they have acquired by their own industry.

National Gazette

This term in its particular application means “that dominion which one man claims and exercises over the external things of the world, in exclusion of every other individual.”

In its larger and juster meaning, it embraces every thing to which a man may attach a value and have a right; and *which leaves to every one else the like advantage.*

In the former sense, a man’s land, or merchandize, or money is called his property.

In the latter sense, a man has property in his opinions and the free communication of them.

He has a property of peculiar value in his religious opinions, and in the profession and practice dictated by them.

He has a property very dear to him in the safety and liberty of his person.

He has an equal property in the free use of his faculties and free choice of the objects on which to employ them.

In a word, as a man is said to have a right to his property, he may be equally said to have a property in his rights.

Where an excess of power prevails, property of no sort is duly respected. No man is safe in his opinions, his person, his faculties, or his possessions.

Where there is an excess of liberty, the effect is the same, tho' from an opposite cause.

Government is instituted to protect property of every sort; as well that which lies in the various rights of individuals, as that which the term particularly expresses. This being the end of government, that alone is a *just* government, which *impartially* secures to every man, whatever is his own.

According to this standard of merit, the praise of affording a just security to property, should be sparingly bestowed on a government which, however scrupulously guarding the possessions of individuals, does not protect them in the enjoyment and communication of their opinions, in which they have an equal, and in the estimation of some, a more valuable property.

More sparingly should this praise be allowed to a government, where a man's religious rights are violated by penalties, or fettered by tests, or taxed by a hierarchy. Conscience is the most sacred of all property; other property depending in part on positive law, the exercise of that, being a natural and unalienable right. To guard a man's house as his castle, to pay public and enforce private debts with the most exact faith, can give no title to invade a man's conscience which is more sacred than his castle, or to withhold from it that debt of protection, for which the public faith is pledged, by the very nature and original conditions of the social pact.

That is not a just government, nor is property secure under it, where the property which a man has in his personal safety and personal liberty, is violated by arbitrary seizures of one class of citizens for the service of the rest. A magistrate issuing his warrants to a press gang, would be in his proper functions in Turkey or Indostan, under appellations proverbial of the most compleat despotism.

That is not a just government, nor is property secure under it, where arbitrary restrictions, exemptions, and monopolies deny to part of its citizens that free use of their faculties, and free choice of their occupations, which not only constitute their property in the general sense of the word; but are the means of acquiring property strictly called. What must be the spirit of legislation where a manufacturer of linen cloth is forbidden to

bury his own child in a linen shroud, in order to favour his neighbour who manufactures woolen cloth; where the manufacturer and wearer of woolen cloth are again forbidden the economical use of buttons of that material, in favor of the manufacturer of buttons of other materials!

A just security to property is not afforded by that government, under which unequal taxes oppress one species of property and reward another species: where arbitrary taxes invade the domestic sanctuaries of the rich, and excessive taxes grind the faces of the poor; where the keenness and competitions of want are deemed an insufficient spur to labor, and taxes are again applied, by an unfeeling policy, as another spur; in violation of that sacred property, which Heaven, in decreeing man to earn his bread by the sweat of his brow, kindly reserved to him, in the small repose that could be spared from the supply of his necessities.

If there be a government then which prides itself in maintaining the inviolability of property; which provides that none shall be taken *directly* even for public use without indemnification to the owner, and yet *directly* violates the property which individuals have in their opinions, their religion, their persons, and their faculties; nay more, which *indirectly* violates their property, in their actual possessions, in the labor that acquires their daily subsistence, and in the hallowed remnant of time which ought to relieve their fatigues and soothe their cares, the influence will have been anticipated, that such a government is not a pattern for the United States.

If the United States mean to obtain or deserve the full praise due to wise and just governments, they will equally respect the rights of property, and the property in rights: they will rival the government that most sacredly guards the former; and by repelling its example in violating the latter, will make themselves a pattern to that and all other governments.

Document 15

Farewell Address

George Washington
September 19, 1796

George Washington dedicated most of his adult life — as Commander-in-Chief of the Continental Army, as President of the Constitutional Convention in 1787, and as the first President of the United States — to public service for the preservation of liberty, independence, republican government, and the Union. In what was then one of the rarest and most remarkable acts of human history, Washington voluntarily gave up the power with which the people had entrusted him not once, but twice, earning him a reputation as the “American Cincinnatus.” Near the end of Washington’s second term in office, as he announced his plan to return to life as a private citizen, he offered sage advice to “friends and fellow citizens” on what was necessary to preserve the great work of free self-government Americans had started.

Friends, and Fellow-Citizens,

The period for a new election of a Citizen, to Administer the Executive government of the United States being not far distant, and the time actually arrived, when your thoughts must be employed in designating the person, who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation, which binds a dutiful citizen to his country, and that, in with drawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your Suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped, that it would have been much earlier in my power, consistently with motives, which I was not at liberty to disregard, to return to that retirement, from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last Election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our Affairs with foreign Nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice, that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions, with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say, that I have, with good intentions, contributed towards the Organization and Administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe, that while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment, which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that, under circumstances in which the Passions

agitated in every direction were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently want of Success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts, and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your Union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its Administration in every department may be stamped with wisdom and Virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete, by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments; which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a People. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The Unity of Government which constitutes you one people is also now dear to you. It is justly so; for it is a main Pillar in the Edifice of your real independence, the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very Liberty which you so highly prize. But as it is easy to foresee, that from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often

covertly and insidiously) directed, it is of infinite moment, that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual and immovable attachment to it; accustoming yourselves to think and speak of it as of the Palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our Country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice, of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you, in your national capacity, must always exalt the just pride of Patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same Religion, Manners, Habits, and political Principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint councils, and joint efforts; of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility are greatly outweighed by those which apply more immediately to your Interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal Laws of a common government, finds in the productions of the latter, great additional resources of Maritime and commercial enterprise and precious materials of manufacturing industry. The *South*, in the same Intercourse, benefitting by the same Agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the National navigation, it looks forward to the protection of a Maritime strength, to which itself is unequally adapted. The *East*, in a like intercourse with the *West*, already finds, and in the progressive improvement of interior communications, by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *West* derives from the

East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions to the weight, influence, and the future Maritime strength of the Atlantic side of the Union, directed by an indissoluble community of Interest as *one Nation*. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign Power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular Interest in Union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their Peace by foreign Nations; and what is of inestimable value! they must derive from Union an exemption from those broils and Wars between themselves, which so frequently afflict neighbouring countries, not tied together by the same government; which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments and intrigues would stimulate and embitter. Hence likewise they will avoid the necessity of those overgrown Military establishments, which under any form of Government are inauspicious to liberty, and which are to be regarded as particularly hostile to Republican Liberty: In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the UNION as a primary object of Patriotic desire. Is there a doubt, whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective Subdivisions, will afford a happy issue to the experiment. 'Tis well worth a fair and full experiment. With such powerful and obvious motives to Union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason, to distrust the patriotism of those, who in any quarter may endeavor to weaken its bands.

In contemplating the causes wch. may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *Geographical* discriminations: *Northern* and

Southern; Atlantic and Western; whence designing men may endeavour to excite a belief that there is a real difference of local interests and views. One of the expedients of Party to acquire influence, within particular districts, is to misrepresent the opinions and aims of other Districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render Alien to each other those who ought to be bound together by fraternal affection. The Inhabitants of our Western country have lately had a useful lesson on this head. They have seen, in the Negotiation by the Executive, and in the unanimous ratification by the Senate, of the Treaty with Spain, and in the universal satisfaction at that event, throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their Interests in regard to the Mississippi. They have been witnesses to the formation of two Treaties, that with G: Britain and that with Spain, which secure to them every thing they could desire, in respect to our Foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by wch. they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their Brethren and connect them with Aliens?

To the efficacy and permanency of Your Union, a Government for the whole is indispensable. No Alliances however strict between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all Alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of Government, better calculated than your former for an intimate Union, and for the efficacious management of your common concerns. This government, the offspring of our own choice uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its Laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true Liberty. The basis of our political systems is the right of the people to make and to alter their Constitutions of Government. But the Constitution which at any time exists, 'till changed by an explicit and authentic act of the whole People, is sacredly obligatory

upon all. The very idea of the power and the right of the People to establish Government presupposes the duty of every Individual to obey the established Government.

All obstructions to the execution of the Laws, all combinations and Associations, under whatever plausible character, with the real design to direct, controul, counteract, or awe the regular deliberation and action of the Constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force; to put in the place of the delegated will of the Nation, the will of a party; often a small but artful and enterprizing minority of the Community; and, according to the alternate triumphs of different parties, to make the public administration the Mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils and modified by mutual interests. However combinations or Associations of the above description may now and then answer popular ends, they are likely in the course of time and things, to become potent engines, by which cunning, ambitious and unprincipled men will be enabled to subvert the Power of the People, and to usurp for themselves the reins of Government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your Government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of Governments, as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing Constitution of a country; that facility in changes upon the credit of mere hypotheses and opinion exposes to perpetual change, from the endless variety of hypotheses and opinion: and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a Government of as much vigour as is consistent with the perfect security of Liberty is indispensable. Liberty itself will find in such a Government, with powers properly distributed and adjusted, its surest Guardian. It is indeed little

else than a name, where the Government is too feeble to withstand the enterprises of faction, to confine each member of the Society within the limits prescribed by the laws and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of Parties in the State, with particular reference to the founding of them on Geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the Spirit of Party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human Mind. It exists under different shapes in all Governments, more or less stifled, controuled, or repressed; but, in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissention, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries, which result, gradually incline the minds of men to seek security and repose in the absolute power of an Individual: and sooner or later the chief of some prevailing faction more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of Public Liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of Party are sufficient to make it the interest and duty of a wise People to discourage and restrain it.

It serves always to distract the Public Councils and enfeeble the Public administration. It agitates the Community with ill founded jealousies and false alarms, kindles the animosity of one part against another; foment occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country, are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the Administration of the Government and serve to keep alive the spirit of Liberty. This within certain limits is probably true, and in Governments of a Monarchical cast Patriotism may look with indulgence, if not with favour, upon the spirit of party. But in those of the popular

character, in Governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched; it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free Country should inspire caution in those entrusted with its administration, to confine themselves within their respective Constitutional spheres; avoiding in the exercise of the Powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power; by dividing and distributing it into different depositories, and constituting each the Guardian of the Public Weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the People, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable supports. In vain would that man claim the tribute of Patriotism who should labour to subvert these great Pillars of human happiness, these firmest props of the duties of Men and citizens. The mere Politician, equally with the pious man ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition that morality can be

maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that National morality can prevail in exclusion of religious principle.

'Tis substantially true, that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free Government. Who that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric[?]

Promote then as an object of primary importance, Institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened[.]

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible: avoiding occasions of expence by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expence, but by vigorous exertions in time of Peace to discharge the Debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your Representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind, that towards the payment of debts there must be Revenue; that to have Revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseperable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the Conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining Revenue which the public exigencies may at any time dictate.

Observe good faith and justice towds. all Nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great Nation, to give to mankind the magnanimous and too novel example of a People always guided by an exalted justice and benevolence. Who can doubt that in the course of time

and things the fruits of such a plan would richly repay any temporary advantages wch. might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a Nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human Nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular Nations and passionate attachments for others should be excluded; and that in place of them just and amicable feelings towards all should be cultivated. The Nation, which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one Nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The Nation, prompted by ill will and resentment sometimes impels to War the Government, contrary to the best calculations of policy. The Government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the Nation subservient to projects of hostility instigated by pride, ambition and other sinister and pernicious motives. The peace often, sometimes perhaps the Liberty, of Nations has been the victim.

So likewise, a passionate attachment of one Nation for another produces a variety of evils. Sympathy for the favourite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and Wars of the latter without adequate inducement or justification: It leads also to concessions to the favourite Nation of privileges denied to others, which is apt doubly to injure the Nation making the concessions; by unnecessarily parting with what ought to have been retained; and by exciting jealousy, ill will, and a disposition to retaliate, in the parties from whom eq. privileges are withheld: And it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favourite Nation) facility to betray, or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation a commendable deference for public opinion,

or a laudable zeal for public good, the base or foolish compliances of ambition corruption or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent Patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public Councils! Such an attachment of a small or weak, towards a great and powerful Nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me fellow citizens) the jealousy of a free people ought to be *constantly* awake; since history and experience prove that foreign influence is one of the most baneful foes of Republican Government. But that jealousy to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation and excessive dislike of another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real Patriots, who may resist the intrigues of the favourite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The Great rule of conduct for us, in regard to foreign Nations is in extending our commercial relations to have with them as little *political* connection as possible. So far as we have already formed engagements let them be fulfilled, with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships, or enmities:

Our detached and distant situation invites and enables us to pursue a different course. If we remain one People, under an efficient government, the period is not far off, when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest guided by justice shall Counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European Ambition, Rivalship, Interest, Humour or Caprice?

'Tis our true policy to steer clear of permanent Alliances, with any portion of the foreign world. So far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronising infidelity to existing engagements (I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy). I repeat it therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectably defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all Nations, are recommended by policy, humanity and interest. But even our Commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favours or preferences; consulting the natural course of things; diffusing and deversifying by gentle means the streams of Commerce, but forcing nothing; establishing with Powers so disposed; in order to give trade a stable course, to define the rights of our Merchants, and to enable the Government to support them; conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view, that 'tis folly in one Nation to look for disinterested favours from another; that it must pay with a portion of its Independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favours and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favours from Nation to Nation. 'Tis an illusion which experience must cure, which a just pride ought to discard. In offering to you, my Countrymen these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression, I could wish; that they will controul the usual current of the passions, or prevent our Nation from running the course which has hitherto marked the Destiny of Nations: But if I may even flatter myself, that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party

spirit, to warn against the mischiefs of foreign Intrigue, to guard against the Impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare, by which they have been dictated.

How far in the discharge of my Official duties, I have been guided by the principles which have been delineated, the public Records and other evidences of my conduct must Witness to You and to the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting War in Europe, my Proclamation of the 22d. of April 1793 is the index to my Plan. Sanctioned by your approving voice and by that of Your Representatives in both Houses of Congress, the spirit of that measure has continually governed me; uninfluenced by any attempts to deter or divert me from it.

After deliberate examination with the aid of the best lights I could obtain I was well satisfied that our Country, under all the circumstances of the case, had a right to take, and was bound in duty and interest, to take a Neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it, with moderation, perseverance and firmness.

The considerations, which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe, that according to my understanding of the matter, that right, so far from being denied by any of the Belligerent Powers has been virtually admitted by all.

The duty of holding a Neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every Nation, in cases in which it is free to act, to maintain inviolate the relations of Peace and amity toward other Nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavour to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption, to that degree of strength and consistency, which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my Administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my Country will never cease to view them with indulgence; and

that after forty-five years of my life dedicated to its Service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the Mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it, which is so natural to a Man, who views in it the native soil of himself and his progenitors for several Generations; I anticipate with pleasing expectation that retreat, in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow Citizens, the benign influence of good Laws under a free Government, the ever favourite object of my heart, and the happy reward, as I trust, of our mutual cares, labours and dangers.

Document 16

First Inaugural Address

Thomas Jefferson

March 4, 1801

Transitions of political power throughout history had typically, with rare exceptions, been accomplished by force, but Americans demonstrated in the election of 1800 that such transitions can be accomplished without resorting to violence. Despite the personal insults and divisive invective during the bitterly fought contest, the election ended with a sweeping but peaceful shift of political power from Federalists to Republicans. The event was so significant that Thomas Jefferson referred to it as the “Revolution of 1800” — a revolution, he would later write, “not effected indeed by the sword, but by the rational and peaceable instrument of reform, the suffrage of the people.” In the aftermath of that election, Jefferson established the precedent of using the inaugural address to urge citizens to reunite as Americans on shared political principles.

Friends and Fellow-Citizens,

Called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled to express my grateful thanks for the favor with which they have been pleased to look toward me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentments which the greatness of the charge and the weakness of my powers so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye — when I contemplate these transcendent objects, and see the honor, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly, indeed, should I despair did not the presence of many whom I see here remind me that in the other high authorities provided by our Constitution I shall find

resources of wisdom, of virtue, and of zeal on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked amidst the conflicting elements of a troubled world.

During the contest of opinion through which we have passed the animation of discussions and of exertions has sometimes worn an aspect which impose on strangers unused to think freely and to speak and to write what they think; but this being now decided by the voice of the nation, announced according to the rules of the Constitution, all will, of course, arrange themselves under the will of the law, and unite in common efforts for the common good. All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression. Let us, then, fellow-citizens, unite with one heart and one mind. Let us restore to social intercourse that harmony and affection without which liberty and even life itself are but ver dreary things. And let us reflect that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little if we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long-lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that this should be more felt by some and less by others, and should divide opinions as to measures of safety. But every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans, we are all Federalists. If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it. I know, indeed, that some honest men fear that a republican government can not be strong, that this Government is not strong enough; but would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm on the theoretic and visionary fear that this Government, the world's best hope, may by possibility want energy to preserve itself? I trust not. I

believe this, on the contrary, the strongest Government on earth. I believe it the only one where every man, at the call of the law, would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said that man can not be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the form of kings to govern him? Let history answer this question.

Let us, then, with courage and confidence, pursue our own Federal and Republican principles, our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradations of the others; possessing a chosen country, with room enough for our descendants to the thousandth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisition of our own industry, to honor and confidence from our fellow-citizens, resulting not from birth, but from our actions and their sense of them; enlightened by a benign religion, professed, indeed, and practiced in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence, which by all its dispensations proves that it delights in the happiness of man and his greater happiness hereafter — with all these blessings, what more is necessary to make us a happy and prosperous people? Still one thing more, fellow-citizens — a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

About to enter, fellow-citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper you should understand what I deem the essential principles of our Government, and consequently those which ought to shape its Administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the State governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against antirepublican tendencies; the preservation of the

General Government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad; a jealous care of the right of election by the people — a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, the vital principle of republics, from which there is no appeal but to force, the vital principle and immediate parent of despotism; a well disciplined militia, our best reliance in peace and for the first moments of war till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burdened; the honest payment of our debts and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information and arraignment of all abuses at the bar of the public reason; freedom of religion; freedom of the press, and freedom of person under the protection of the habeas corpus, and trial by juries impartially selected. These principles form the bright constellation which has gone before us and guided our steps through an age of revolution and reformation. The wisdom of our sages and blood of our heroes have been devoted to their attainment. They should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety.

I repair, then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this the greatest of all, I have learnt to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation and the favor which bring him into it. Without pretensions to that high confidence you reposed in our first and greatest revolutionary character, whose preeminent services had entitled him to the first place in his country's love and destined for him the fairest page of the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional, and your support against the errors of others, who may condemn what they would not if seen in all its parts. The approbation implied by your suffrage is a great consolation to me for the past, and my future solicitude will be to

retain the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying, then, on the patronage of your good will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choice it is in your power to make. And may that Infinite Power which rules the destinies of the universe lead our councils to what is best, and give them a favorable issue for your peace and prosperity.

Document 17

Marbury v. Madison

Supreme Court of the United States (5 U.S. 137)

February 24, 1803

Abridged

This landmark Supreme Court case originated over a controversy regarding Presidential appointments, but ultimately focused on the constitutionality of an act of Congress. Writing on behalf of the Supreme Court, Chief Justice John Marshall confirmed that the Federal Judiciary has the authority to exercise what has come to be known as judicial review. Marshall did not assert that the job of the Supreme Court is to interpret the Constitution in some broad or open-ended manner. The duty of the Supreme Court, rather, is to uphold the Constitution, which embodies the reasoned will of the American people and must therefore be authoritative over all other laws.

At the December Term, 1801, William Marbury, Dennis Ramsay, Robert Townsend Hooe, and William Harper, by their counsel, severally moved the court for a rule to James Madison, Secretary of State of the United States, to show cause why a mandamus should not issue commanding him to cause to be delivered to them respectively their several commissions as justices of the peace in the District of Columbia. This motion was supported by affidavits of the following facts: that notice of this motion had been given to Mr. Madison; that Mr. Adams, the late President of the United States, nominated the applicants to the Senate for their advice and consent to be appointed justices of the peace of the District of Columbia; that the Senate advised and consented to the appointments; that commissions in due form were signed by the said President appointing them justices, &c., and that the seal of the United States was in due form affixed to the said commissions by the Secretary of State; that the applicants have requested Mr. Madison to deliver them their said commissions, who has not complied with that request. ...

Mr. Chief Justice MARSHALL delivered the opinion of the Court.

At the last term, on the affidavits then read and filed with the clerk, a rule was granted in this case requiring the Secretary of State to show cause why a mandamus should not issue directing him to deliver to William Marbury his commission as a justice of the peace for the county of Washington, in the District of Columbia.

No cause has been shown, and the present motion is for a mandamus. The peculiar delicacy of this case, the novelty of some of its circumstances, and the real difficulty attending the points which occur in it require a complete exposition of the principles on which the opinion to be given by the Court is founded.

These principles have been, on the side of the applicant, very ably argued at the bar. In rendering the opinion of the Court, there will be some departure in form, though not in substance, from the points stated in that argument.

In the order in which the Court has viewed this subject, the following questions have been considered and decided.

1. Has the applicant a right to the commission he demands?
2. If he has a right, and that right has been violated, do the laws of his country afford him a remedy?
3. If they do afford him a remedy, is it a mandamus issuing from this court?

The first object of inquiry is:

1. Has the applicant a right to the commission he demands?

His right originates in an act of Congress passed in February, 1801, concerning the District of Columbia.

After dividing the district into two counties, the eleventh section of this law enacts, "that there shall be appointed in and for each of the said counties such number of discreet persons to be justices of the peace as the President of the United States shall, from time to time, think expedient, to continue in office for five years."

It appears from the affidavits that, in compliance with this law, a commission for William Marbury as a justice of peace for the County of Washington was signed by John Adams, then President of the United States, after which the seal of the United States was affixed to it, but the commission has never reached the person for whom it was made out.

In order to determine whether he is entitled to this commission, it becomes necessary to inquire whether he has been appointed to the office. For if he has been appointed, the law continues him in office for five years,

and he is entitled to the possession of those evidences of office, which, being completed, became his property.

The second section of the second article of the Constitution declares, "The President shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, and all other officers of the United States, whose appointments are not otherwise provided for."

The third section declares, that "He shall commission all the officers of the United States."

An act of Congress directs the Secretary of State to keep the seal of the United States, "to make out and record, and affix the said seal to all civil commissions to officers of the United States to be appointed by the President, by and with the consent of the Senate, or by the President alone; provided that the said seal shall not be affixed to any commission before the same shall have been signed by the President of the United States."

These are the clauses of the Constitution and laws of the United States which affect this part of the case. They seem to contemplate three distinct operations:

1. The nomination. This is the sole act of the President, and is completely voluntary.
2. The appointment. This is also the act of the President, and is also a voluntary act, though it can only be performed by and with the advice and consent of the Senate.
3. The commission. To grant a commission to a person appointed might perhaps be deemed a duty enjoined by the Constitution. "He shall," says that instrument, "commission all the officers of the United States." ...

This is an appointment made by the President, by and with the advice and consent of the Senate, and is evidenced by no act but the commission itself. In such a case, therefore, the commission and the appointment seem inseparable, it being almost impossible to show an appointment otherwise than by proving the existence of a commission; still, the commission is not necessarily the appointment; though conclusive evidence of it.

But at what stage does it amount to this conclusive evidence?

The answer to this question seems an obvious one. The appointment, being the sole act of the President, must be completely evidenced when it is shown that he has done everything to be performed by him.

Should the commission, instead of being evidence of an appointment, even be considered as constituting the appointment itself, still it would be made when the last act to be done by the President was performed, or, at furthest, when the commission was complete.

The last act to be done by the President is the signature of the commission. He has then acted on the advice and consent of the Senate to his own nomination. The time for deliberation has then passed. He has decided. His judgment, on the advice and consent of the Senate concurring with his nomination, has been made, and the officer is appointed. This appointment is evidenced by an open, unequivocal act, and, being the last act required from the person making it, necessarily excludes the idea of its being, so far as it respects the appointment, an inchoate and incomplete transaction.

Some point of time must be taken when the power of the Executive over an officer, not removable at his will, must cease. That point of time must be when the constitutional power of appointment has been exercised. And this power has been exercised when the last act required from the person possessing the power has been performed. This last act is the signature of the commission. ...

The commission being signed, the subsequent duty of the Secretary of State is prescribed by law, and not to be guided by the will of the President. He is to affix the seal of the United States to the commission, and is to record it. ...

It is therefore decidedly the opinion of the Court that, when a commission has been signed by the President, the appointment is made, and that the commission is complete when the seal of the United States has been affixed to it by the Secretary of State. ...

Mr. Marbury, then, since his commission was signed by the President and sealed by the Secretary of State, was appointed, and as the law creating the office gave the officer a right to hold for five years independent of the Executive, the appointment was not revocable, but vested in the officer legal rights which are protected by the laws of his country.

To withhold the commission, therefore, is an act deemed by the Court not warranted by law, but violative of a vested legal right.

This brings us to the second inquiry, which is:

2. If he has a right, and that right has been violated, do the laws of his country afford him a remedy?

The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws whenever he receives an

injury. One of the first duties of government is to afford that protection. In Great Britain, the King himself is sued in the respectful form of a petition, and he never fails to comply with the judgment of his court. ...

The Government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation if the laws furnish no remedy for the violation of a vested legal right.

If this obloquy is to be cast on the jurisprudence of our country, it must arise from the peculiar character of the case.

It behooves us, then, to inquire whether there be in its composition any ingredient which shall exempt from legal investigation or exclude the injured party from legal redress. ...

Is the act of delivering or withholding a commission to be considered as a mere political act belonging to the Executive department alone, for the performance of which entire confidence is placed by our Constitution in the Supreme Executive, and for any misconduct respecting which the injured individual has no remedy?

That there may be such cases is not to be questioned. But that every act of duty to be performed in any of the great departments of government constitutes such a case is not to be admitted. ...

It follows, then, that the question whether the legality of an act of the head of a department be examinable in a court of justice or not must always depend on the nature of that act.

If some acts be examinable and others not, there must be some rule of law to guide the Court in the exercise of its jurisdiction.

In some instances, there may be difficulty in applying the rule to particular cases; but there cannot, it is believed, be much difficulty in laying down the rule.

By the Constitution of the United States, the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character and to his own conscience. To aid him in the performance of these duties, he is authorized to appoint certain officers, who act by his authority and in conformity with his orders.

In such cases, their acts are his acts; and whatever opinion may be entertained of the manner in which executive discretion may be used, still there exists, and can exist, no power to control that discretion. The subjects are political. They respect the nation, not individual rights, and, being entrusted to the Executive, the decision of the Executive is

conclusive. The application of this remark will be perceived by adverting to the act of Congress for establishing the Department of Foreign Affairs. This officer, as his duties were prescribed by that act, is to conform precisely to the will of the President. He is the mere organ by whom that will is communicated. The acts of such an officer, as an officer, can never be examinable by the Courts.

But when the Legislature proceeds to impose on that officer other duties; when he is directed peremptorily to perform certain acts; when the rights of individuals are dependent on the performance of those acts; he is so far the officer of the law, is amenable to the laws for his conduct, and cannot at his discretion, sport away the vested rights of others.

The conclusion from this reasoning is that, where the heads of departments are the political or confidential agents of the Executive, merely to execute the will of the President, or rather to act in cases in which the Executive possesses a constitutional or legal discretion, nothing can be more perfectly clear than that their acts are only politically examinable. But where a specific duty is assigned by law, and individual rights depend upon the performance of that duty, it seems equally clear that the individual who considers himself injured has a right to resort to the laws of his country for a remedy. ...

The question whether a right has vested or not is, in its nature, judicial, and must be tried by the judicial authority. If, for example, Mr. Marbury had taken the oaths of a magistrate and proceeded to act as one, in consequence of which a suit had been instituted against him in which his defence had depended on his being a magistrate; the validity of his appointment must have been determined by judicial authority.

So, if he conceives that, by virtue of his appointment, he has a legal right either to the commission which has been made out for him or to a copy of that commission, it is equally a question examinable in a court, and the decision of the Court upon it must depend on the opinion entertained of his appointment.

That question has been discussed, and the opinion is that the latest point of time which can be taken as that at which the appointment was complete and evidenced was when, after the signature of the President, the seal of the United States was affixed to the commission.

It is then the opinion of the Court:

1. That, by signing the commission of Mr. Marbury, the President of the United States appointed him a justice of peace for the County of Washington in the District of Columbia, and that the seal of

the United States, affixed thereto by the Secretary of State, is conclusive testimony of the verity of the signature, and of the completion of the appointment, and that the appointment conferred on him a legal right to the office for the space of five years.

2. That, having this legal title to the office, he has a consequent right to the commission, a refusal to deliver which is a plain violation of that right, for which the laws of his country afford him a remedy.

It remains to be inquired whether,

3. He is entitled to the remedy for which he applies. This depends on:
 1. The nature of the writ applied for, and
 2. The power of this court.
 1. The nature of the writ. ...

It is true that the mandamus now moved for is not for the performance of an act expressly enjoined by statute.

It is to deliver a commission, on which subjects the acts of Congress are silent. This difference is not considered as affecting the case. It has already been stated that the applicant has, to that commission, a vested legal right of which the Executive cannot deprive him. He has been appointed to an office from which he is not removable at the will of the Executive, and, being so appointed, he has a right to the commission which the Secretary has received from the President for his use. The act of Congress does not, indeed, order the Secretary of State to send it to him, but it is placed in his hands for the person entitled to it, and cannot be more lawfully withheld by him than by another person. ...

This, then, is a plain case of a mandamus, either to deliver the commission or a copy of it from the record, and it only remains to be inquired:

[2.] Whether it can issue from this Court.

The act to establish the judicial courts of the United States [Judiciary Act of 1789] authorizes the Supreme Court “to issue writs of mandamus, in cases warranted by the principles and usages of law, to any courts appointed, or persons holding office, under the authority of the United States.”

The Secretary of State, being a person, holding an office under the authority of the United States, is precisely within the letter of the description, and if this Court is not authorized to issue a writ of mandamus to such an officer, it must be because the law is unconstitutional, and

therefore absolutely incapable of conferring the authority and assigning the duties which its words purport to confer and assign.

The Constitution vests the whole judicial power of the United States in one Supreme Court, and such inferior courts as Congress shall, from time to time, ordain and establish. This power is expressly extended to all cases arising under the laws of the United States; and consequently, in some form, may be exercised over the present case, because the right claimed is given by a law of the United States.

In the distribution of this power, it is declared that “The Supreme Court shall have original jurisdiction in all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party. In all other cases, the Supreme Court shall have appellate jurisdiction.”

It has been insisted at the bar, that, as the original grant of jurisdiction to the Supreme and inferior courts is general, and the clause assigning original jurisdiction to the Supreme Court contains no negative or restrictive words, the power remains to the Legislature to assign original jurisdiction to that Court in other cases than those specified in the article which has been recited, provided those cases belong to the judicial power of the United States.

If it had been intended to leave it in the discretion of the Legislature to apportion the judicial power between the Supreme and inferior courts according to the will of that body, it would certainly have been useless to have proceeded further than to have defined the judicial power and the tribunals in which it should be vested. The subsequent part of the section is mere surplusage — is entirely without meaning — if such is to be the construction. If Congress remains at liberty to give this court appellate jurisdiction where the Constitution has declared their jurisdiction shall be original, and original jurisdiction where the Constitution has declared it shall be appellate, the distribution of jurisdiction made in the Constitution, is form without substance.

Affirmative words are often, in their operation, negative of other objects than those affirmed, and, in this case, a negative or exclusive sense must be given to them or they have no operation at all.

It cannot be presumed that any clause in the Constitution is intended to be without effect, and therefore such construction is inadmissible unless the words require it. ...

When an instrument organizing fundamentally a judicial system divides it into one Supreme and so many inferior courts as the Legislature

may ordain and establish, then enumerates its powers, and proceeds so far to distribute them as to define the jurisdiction of the Supreme Court by declaring the cases in which it shall take original jurisdiction, and that in others it shall take appellate jurisdiction, the plain import of the words seems to be that, in one class of cases, its jurisdiction is original, and not appellate; in the other, it is appellate, and not original. ...

To enable this court then to issue a mandamus, it must be shown to be an exercise of appellate jurisdiction, or to be necessary to enable them to exercise appellate jurisdiction. ...

It is the essential criterion of appellate jurisdiction that it revises and corrects the proceedings in a cause already instituted, and does not create that case. Although, therefore, a mandamus may be directed to courts, yet to issue such a writ to an officer for the delivery of a paper is, in effect, the same as to sustain an original action for that paper, and therefore seems not to belong to appellate, but to original jurisdiction. Neither is it necessary in such a case as this to enable the Court to exercise its appellate jurisdiction.

The authority, therefore, given to the Supreme Court by the act establishing the judicial courts of the United States to issue writs of mandamus to public officers appears not to be warranted by the Constitution, and it becomes necessary to inquire whether a jurisdiction so conferred can be exercised.

The question whether an act repugnant to the Constitution can become the law of the land is a question deeply interesting to the United States, but, happily, not of an intricacy proportioned to its interest. It seems only necessary to recognise certain principles, supposed to have been long and well established, to decide it.

That the people have an original right to establish for their future government such principles as, in their opinion, shall most conduce to their own happiness is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it nor ought it to be frequently repeated. The principles, therefore, so established are deemed fundamental. And as the authority from which they proceed, is supreme, and can seldom act, they are designed to be permanent.

This original and supreme will organizes the government and assigns to different departments their respective powers. It may either stop here or establish certain limits not to be transcended by those departments.

The Government of the United States is of the latter description. The powers of the Legislature are defined and limited; and that those limits may not be mistaken or forgotten, the Constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may at any time be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed are of equal obligation. It is a proposition too plain to be contested that the Constitution controls any legislative act repugnant to it, or that the Legislature may alter the Constitution by an ordinary act.

Between these alternatives there is no middle ground. The Constitution is either a superior, paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like other acts, is alterable when the legislature shall please to alter it.

If the former part of the alternative be true, then a legislative act contrary to the Constitution is not law; if the latter part be true, then written Constitutions are absurd attempts on the part of the people to limit a power in its own nature illimitable.

Certainly all those who have framed written Constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be that an act of the Legislature repugnant to the Constitution is void.

This theory is essentially attached to a written Constitution, and is consequently to be considered by this Court as one of the fundamental principles of our society. It is not, therefore, to be lost sight of in the further consideration of this subject.

If an act of the Legislature repugnant to the Constitution is void, does it, notwithstanding its invalidity, bind the Courts and oblige them to give it effect? Or, in other words, though it be not law, does it constitute a rule as operative as if it was a law? This would be to overthrow in fact what was established in theory, and would seem, at first view, an absurdity too gross to be insisted on. It shall, however, receive a more attentive consideration.

It is emphatically the province and duty of the Judicial Department to say what the law is. Those who apply the rule to particular cases must, of necessity, expound and interpret that rule. If two laws conflict with each other, the Courts must decide on the operation of each.

So, if a law be in opposition to the Constitution, if both the law and the Constitution apply to a particular case, so that the Court must either

decide that case conformably to the law, disregarding the Constitution, or conformably to the Constitution, disregarding the law, the Court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty.

If, then, the Courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the Legislature, the Constitution, and not such ordinary act, must govern the case to which they both apply.

Those, then, who controvert the principle that the Constitution is to be considered in court as a paramount law are reduced to the necessity of maintaining that courts must close their eyes on the Constitution, and see only the law.

This doctrine would subvert the very foundation of all written Constitutions. It would declare that an act which, according to the principles and theory of our government, is entirely void, is yet, in practice, completely obligatory. It would declare that, if the Legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the Legislature a practical and real omnipotence with the same breath which professes to restrict their powers within narrow limits. It is prescribing limits, and declaring that those limits may be passed at pleasure.

That it thus reduces to nothing what we have deemed the greatest improvement on political institutions — a written Constitution, would of itself be sufficient, in America where written Constitutions have been viewed with so much reverence, for rejecting the construction. But the peculiar expressions of the Constitution of the United States furnish additional arguments in favour of its rejection.

The judicial power of the United States is extended to all cases arising under the Constitution.

Could it be the intention of those who gave this power to say that, in using it, the Constitution should not be looked into? That a case arising under the Constitution should be decided without examining the instrument under which it arises?

This is too extravagant to be maintained. ...

Why otherwise does it direct the judges to take an oath to support it? This oath certainly applies in an especial manner to their conduct in their official character. How immoral to impose it on them if they were to be used as the instruments, and the knowing instruments, for violating what they swear to support! ...

Why does a judge swear to discharge his duties agreeably to the Constitution of the United States if that Constitution forms no rule for his government? if it is closed upon him and cannot be inspected by him?

If such be the real state of things, this is worse than solemn mockery. To prescribe or to take this oath becomes equally a crime.

It is also not entirely unworthy of observation that, in declaring what shall be the supreme law of the land, the Constitution itself is first mentioned, and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank.

Thus, the particular phraseology of the Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written Constitutions, that a law repugnant to the Constitution is void, and that courts, as well as other departments, are bound by that instrument.

The rule must be discharged.

Document 18

Letter to John Holmes

Thomas Jefferson

April 22, 1820

The Missouri Compromise, enacted by Congress in 1820, prohibited slavery in northern portions of the Louisiana Territory but permitted it in its southern territories. Thomas Jefferson immediately identified a danger in establishing in law a geographical line that would divide the nation over a moral and political principle. In this remarkable letter we see Jefferson's deeply personal admission of the injustice of slavery, and, at the same time, his inability to reach a practical solution to the problem.

I thank you, dear Sir, for the copy you have been so kind as to send me of the letter to your constituents on the Missouri question. It is a perfect justification to them. I had for a long time ceased to read newspapers, or pay any attention to public affairs, confident they were in good hands, and content to be a passenger in our bark to the shore from which I am not distant. But this momentous question, like a fire bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union. It is hushed, indeed, for the moment. But this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper. I can say, with conscious truth, that there is not a man on earth who would sacrifice more than I would to relieve us from this heavy reproach, in any *practicable* way. The cession of that kind of property, for so it is misnamed, is a bagatelle which would not cost me a second thought, if, in that way, a general emancipation and *expatriation* could be effected; and gradually, and with due sacrifices, I think it might be. But as it is, we have the wolf by the ears, and we can neither hold him, nor safely let him go. Justice is in one scale, and self-preservation in the other. Of one thing I am certain, that as the passage of slaves from one State to another, would not make a slave of a single human being who

would not be so without it, so their diffusion over a greater surface would make them individually happier, and proportionally facilitate the accomplishment of their emancipation, by dividing the burthen on a greater number of coadjutors. An abstinence too, from this act of power, would remove the jealousy excited by the undertaking of Congress to regulate the condition of the different descriptions of men composing a State. This certainly is the exclusive right of every State, which nothing in the constitution has taken from them and given to the General Government. Could Congress, for example, say, that the non-freemen of Connecticut shall be freemen, or that they shall not emigrate into any other State?

I regret that I am now to die in the belief, that the useless sacrifice of themselves by the generation of 1776, to acquire self-government and happiness to their country, is to be thrown away by the unwise and unworthy passions of their sons, and that my only consolation is to be, that I live not to weep over it. If they would but dispassionately weigh the blessings they will throw away, against an abstract principle more likely to be effected by union than by scission, they would pause before they would perpetrate this act of suicide on themselves, and of treason against the hopes of the world. To yourself, as the faithful advocate of the Union, I tender the offering of my high esteem and respect.

Document 19

Monroe Doctrine

James Monroe
December 2, 1823
Abridged

In 1823, the Czar of Russia made diplomatic inquiries about how the United States would respond to renewed European colonization in the Western Hemisphere. President James Monroe responded in his Seventh Annual Message to Congress with what has come to be known as the Monroe Doctrine. The United States, he wrote, would view any attempt at European colonial expansion in the Western Hemisphere as an “unfriendly” act, and in such cases the United States would be fully entitled to take such actions as dictated by prudence and as demanded by its sense of security. The confidence with which Monroe unilaterally asserted American rights revealed the nation’s growing confidence in its own capabilities and potential influence in international affairs.

Seventh Annual Message to Congress

Fellow-Citizens of the Senate and House of Representatives: ...

A precise knowledge of our relations with foreign powers as respects our negotiations and transactions with each is thought to be particularly necessary. Equally necessary is it that we should for[m] a just estimate of our resources, revenue, and progress in every kind of improvement connected with the national prosperity and public defense. It is by rendering justice to other nations that we may expect it from them. It is by our ability to resent injuries and redress wrongs that we may avoid them....

At the proposal of the Russian Imperial Government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg to arrange by amicable negotiation the respective rights and interests of the two nations on the North West coast of this continent. A

similar proposal had been made by His Imperial Majesty to the Government of Great Britain, which has likewise been acceded to. The Government of the United States has been desirous by this friendly proceeding of manifesting the great value which they have invariably attached to the friendship of the Emperor and their solicitude to cultivate the best understanding with his Government. In the discussions to which this interest has given rise and in the arrangements by which they may terminate the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers. ...

A strong hope has been long entertained, founded on the heroic struggle of the Greeks, that they would succeed in their contest and resume their equal station among the nations of the earth. It is believed that the whole civilized world take a deep interest in their welfare. Although no power has declared in their favor, yet none according to our information, has taken part against them. Their cause and their name have protected them from dangers which might ere this have overwhelmed any other people. The ordinary calculations of interest and of acquisition with a view to aggrandizement, which mingles so much in the transactions of nations, seem to have had no effect in regard to them. From the facts which have come to our knowledge there is good cause to believe that their enemy has lost forever all dominion over them; that Greece will become again an independent nation. That she may obtain that rank is the object of our most ardent wishes.

It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been so far very different from what was then anticipated. Of events in that quarter of the globe, with which we have so much intercourse and from which we derive our origin, we have always been anxious and interested spectators.

The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow men on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do.

It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers.

The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments; and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted.

We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere, but with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States.

In the war between those new Governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security.

The late events in Spain and Portugal shew that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves, to have interposed by force in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than the United States.

Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless

remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting in all instances the just claims of every power, submitting to injuries from none.

But in regard to those continents circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference. If we look to the comparative strength and resources of Spain and those new Governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course. ...

Document 20

Letter to Henry Lee

Thomas Jefferson

May 8, 1825

Abridged

As the 50th anniversary of the Declaration of Independence (see Document 1) approached, Thomas Jefferson shared with Henry Lee his recollection of what had inspired and informed its authors and signers. The Declaration's authority, Jefferson wrote, rested upon shared sentiments and common beliefs that comprised "the American mind." However, by implicitly distinguishing between American "whigs" and others who lived in the colonies and states during the Revolution, Jefferson suggested that being an American is not so much defined by where one resides but by a commitment to liberty, natural equality, and self-government.

[W]ith respect to our rights, and the acts of the British government contravening those rights, there was but one opinion on this side of the water. All American whigs thought alike on these subjects.

When forced, therefore, to resort to arms for redress, an appeal to the tribunal of the world was deemed proper for our justification. This was the object of the Declaration of Independence. Not to find out new principles, or new arguments, never before thought of, not merely to say things which had never been said before; but to place before mankind the common sense of the subject, in terms so plain and firm as to command their assent, and to justify ourselves in the independent stand we are compelled to take. Neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous writing, it was intended to be an expression of the American mind, and to give to that expression the proper tone and spirit called for by the occasion.

All its authority rests then on the harmonizing sentiments of the day, whether expressed in conversation, in letters, printed essays, or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, &c. . . .

Document 21

Letter to Roger C. Weightman

Thomas Jefferson

June 24, 1826

Abridged

In one of his last letters, Thomas Jefferson recalled that the Declaration of Independence was not simply an American document written for the benefit of Americans. Rather, it was meant to produce a revolution in the opinions of mankind at large, especially by challenging the then prevailing belief that a people must simply accept kings, aristocrats or unelected despots as their rulers. Less than two weeks after penning the memorable words in this letter, Thomas Jefferson died — on the fiftieth anniversary of the Declaration of Independence, July 4, 1826.

Monticello

RESPECTED SIR, — The kind invitation I receive from you, on the part of the citizens of the city of Washington, to be present with them at their celebration on the fiftieth anniversary of American Independence, as one of the surviving signers of an instrument pregnant with our own, and the fate of the world, is most flattering to myself, and heightened by the honorable accompaniment proposed for the comfort of such a journey. It adds sensibly to the sufferings of sickness, to be deprived by it of a personal participation in the rejoicings of that day. But acquiescence is a duty, under circumstances not placed among those we are permitted to control. I should, indeed, with peculiar delight, have met and exchanged there congratulations personally with the small band, the remnant of that host of worthies, who joined with us on that day, in the bold and doubtful election we were to make for our country, between submission or the sword; and to have enjoyed with them the consolatory fact, that our fellow citizens, after half a century of experience and prosperity, continue to approve the choice we made. May it be to the world, what I believe it will be, (to some parts sooner, to others later, but finally to all) the signal of

arousing men to burst the chains under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of self-government. That form which we have substituted, restores the free right to the unbounded exercise of reason and freedom of opinion. All eyes are opened, or opening, to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God. These are grounds of hope for others. For ourselves, let the annual return of this day forever refresh our recollections of these rights, and an undiminished devotion to them....

Document 22

Webster-Hayne Debates

Daniel Webster and Robert Y. Hayne

January 1830

Abridged

A proposal regarding sources of federal revenues turned into a wide-ranging and at times heated debate between these two prominent Senators over the powers of the national government, the interests of the individual states, and the institution of slavery. At the heart of the debate was whether the Constitution was an agreement between sovereign and independent states to protect their particular interests, or a compact between the American people to perpetuate and promote the good of the whole Union. The debate between Senator Webster of Massachusetts and Senator Hayne of South Carolina revealed a deepening divide between the views of Northern and Southern states on the Constitution and Union.

Speech of Senator Robert Y. Hayne of South Carolina, January 19, 1830

In coming to the consideration of the next great question, What ought to be the future policy of the Government in relation to the Public Lands? we find the most opposite and irreconcilable opinions between the two parties which I have before described. On the one side it is contended that the public land ought to be reserved as a permanent fund for revenue, and future distribution among the States, while, on the other, it is insisted that the whole of these lands of right belong to, and ought to be relinquished to, the States in which they lie. ... Will it promote the welfare of the United States to have at our disposal a permanent treasury, not drawn from the pockets of the people, but to be derived from a source independent of them? Would it be safe to confide such a treasure to the keeping of our national rulers? to expose them to the temptations inseparable from the direction and control of a fund which might be enlarged or diminished almost at pleasure, without imposing burthens upon the people? Sir, I may be singular — perhaps I stand alone here in

the opinion, but it is one I have long entertained, that one of the greatest safeguards of liberty is a jealous watchfulness on the part of the people, over the collection and expenditure of the public money — a watchfulness that can only be secured where the money is drawn by taxation directly from the pockets of the people. Every scheme or contrivance by which rulers are able to procure the command of money by means unknown to, unseen or unfelt by, the people, destroys this security. Even the revenue system of this country, by which the whole of our pecuniary resources are derived from indirect taxation, from duties upon imports, has done much to weaken the responsibility of our federal rulers to the people, and has made them, in some measure, careless of their rights, and regardless of the high trust committed to their care. Can any man believe, sir, that, if twenty-three millions per annum was now levied by direct taxation, or by an apportionment of the same among the States, instead of being raised by an indirect tax, of the severe effect of which few are aware, that the waste and extravagance, the unauthorized imposition of duties, and appropriations of money for unconstitutional objects, would have been tolerated for a single year? My life upon it, sir, they would not. I distrust, therefore, sir, the policy of creating a great permanent national treasury, whether to be derived from public lands or from any other source. If I had, sir, the powers of a magician, and could, by a wave of my hand, convert this capital into gold for such a purpose, I would not do it. If I could, by a mere act of my will, put at the disposal of the Federal Government any amount of treasure which I might think proper to name, I should limit the amount to the means necessary for the legitimate purposes of the Government. Sir, an immense national treasury would be a fund for corruption. It would enable Congress and the Executive to exercise a control over States, as well as over great interests in the country, nay, even over corporations and individuals — utterly destructive of the purity, and fatal to the duration of our institutions. It would be equally fatal to the sovereignty and independence of the States. Sir, I am one of those who believe that the very life of our system is the independence of the States, and that there is no evil more to be deprecated than the consolidation of this Government. It is only by a strict adherence to the limitations imposed by the constitution on the Federal Government, that this system works well, and can answer the great ends for which it was instituted. I am opposed, therefore, in any shape, to all unnecessary extension of the powers, or the influence of the Legislature or Executive of the Union over the States, or the people of the States; and, most of all, I am opposed to

those partial distributions of favors, whether by legislation or appropriation, which has a direct and powerful tendency to spread corruption through the land; to create an abject spirit of dependence; to sow the seeds of dissolution; to produce jealousy among the different portions of the Union, and finally to sap the very foundations of the Government itself. ...

Speech of Senator Daniel Webster of Massachusetts, January 20, 1830

[O]pinions were expressed yesterday on the general subject of the public lands, and on some other subjects, by the gentleman from South Carolina, so widely different from my own, that I am not willing to let the occasion pass without some reply. ...

As a reason for wishing to get rid of the public lands as soon as we could, and as we might, the honorable gentleman said, he wanted no permanent sources of income. He wished to see the time when the Government should not possess a shilling of permanent revenue. If he could speak a magical word, and by that word convert the whole capital into gold, the word should not be spoken. The administration of a fixed revenue, [he said] only consolidates the Government, and corrupts the people! Sir, I confess I heard these sentiments uttered on this floor not without deep regret and pain.

I am aware that these, and similar opinions, are espoused by certain persons out of the capitol, and out of this Government; but I did not expect so soon to find them here. Consolidation! — that perpetual cry, both of terror and delusion — consolidation! Sir, when gentlemen speak of the effects of a common fund, belonging to all the States, as having a tendency to consolidation, what do they mean? Do they mean, or can they mean, any thing more than that the Union of the States will be strengthened, by whatever continues or furnishes inducements to the people of the States to hold together? If they mean merely this, then, no doubt, the public lands as well as every thing else in which we have a common interest, tends to consolidation; and to this species of consolidation every true American ought to be attached; it is neither more nor less than strengthening the Union itself. This is the sense in which the framers of the constitution use the word consolidation; and in which sense I adopt and cherish it. They tell us, in the letter submitting the constitution to the consideration of the country, that, “in all our deliberations on this subject, we kept steadily in our view that which

appears to us the greatest interest of every true American — the consolidation of our Union — in which is involved our prosperity, felicity, safety; perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid, on points of inferior magnitude, than might have been otherwise expected.”

This, sir, is General Washington’s consolidation. This is the true constitutional consolidation. I wish to see no new powers drawn to the General Government; but I confess I rejoice in whatever tends to strengthen the bond that unites us, and encourages the hope that our Union may be perpetual. And, therefore, I cannot but feel regret at the expression of such opinions as the gentleman has avowed; because I think their obvious tendency is to weaken the bond of our connexion. I know that there are some persons in the part of the country from which the honorable member comes, who habitually speak of the Union in terms of indifference, or even of disparagement. The honorable member himself is not, I trust, and can never be, one of these. They significantly declare, that it is time to calculate the value of the Union; and their aim seems to be to enumerate, and to magnify all the evils, real and imaginary, which the Government under the Union produces.

The tendency of all these ideas and sentiments is obviously to bring the Union into discussion, as a mere question of present and temporary expediency; nothing more than a mere matter of profit and loss. The Union [is] to be preserved, while it suits local and temporary purposes to preserve it; and to be sundered whenever it shall be found to thwart such purposes. Union, of itself, is considered by the disciples of this school as hardly a good. It is only regarded as a possible means of good; or on the other hand, as a possible means of evil. They cherish no deep and fixed regard for it, flowing from a thorough conviction of its absolute and vital necessity to our welfare. Sir, I deprecate and deplore this tone of thinking and acting. I deem far otherwise of the Union of the States; and so did the framers of the constitution themselves. What they said I believe; fully and sincerely believe, that the Union of the States is essential to the prosperity and safety of the States. I am a Unionist, and in this sense a National Republican. I would strengthen the ties that hold us together. Far, indeed, in my wishes, very far distant be the day, when our associated and fraternal stripes shall be severed asunder, and when that happy constellation under which we have risen to so much renown, shall be broken up, and be seen sinking, star after star, into obscurity and night! ...

I come now to that part of the gentleman's speech which has been the main occasion of my addressing the Senate. ... He has summoned us to plead on our arraignment; and he tells us we [*that is, New England*] are charged with the crime of a narrow and selfish policy; of endeavoring to restrain emigration to the West, and, having that object in view, of maintaining a steady opposition to Western measures and Western interests. And the cause of all this narrow and selfish policy, the gentleman finds in the tariff. ... I deny that, in any part of her history, at any period of the Government, or in relation to any leading subject, New England has manifested such hostility as is charged upon her. On the contrary, I maintain that, from the day of the cession of the territories by the States to Congress, no portion of the country has acted, either with more liberality or more intelligence, on the subject of the Western lands in the new States, than New England. This statement, though strong, is no stronger than the strictest truth will warrant. Let us look at the historical facts. So soon as the cessions were obtained, it became necessary to make provision for the government and disposition of the territory — the country was to be governed. ...

At the foundation of the constitution of these new Northwestern States, we are accustomed, sir, to praise the lawgivers of antiquity; we help to perpetuate the fame of Solon and Lycurgus; but I doubt whether one single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked, and lasting character, than the ordinance of '87. That instrument was drawn by Nathan Dane, then, and now, a citizen of Massachusetts. It was adopted, as I think I have understood, without the slightest alteration; and certainly it has happened to few men, to be the authors of a political measure of more large and enduring consequence. It fixed, forever, the character of the population in the vast regions Northwest of the Ohio, by excluding from them involuntary servitude. It impressed on the soil itself, while it was yet a wilderness, an incapacity to bear up any other than free men. It laid the interdict against personal servitude, in original compact, not only deeper than all local law, but deeper, also, than all local constitutions. Under the circumstances then existing, I look upon this original and seasonable provision, as a real good attained. We see its consequences at this moment, and we shall never cease to see them, perhaps, while the Ohio shall flow. It was a great and salutary measure of prevention. Sir, I should fear the rebuke of no intelligent gentleman of Kentucky, were I to ask whether, if such an ordinance could have been applied to his own State, while it yet was a

wilderness, and before Boone had passed the gap of the Alleghany, he does not suppose it would have contributed to the ultimate greatness of that Commonwealth? ...

Speech of Senator Robert Y. Hayne of South Carolina, January 25, 1830

The honorable gentleman from Massachusetts, after deliberating a whole night upon his course, comes into this chamber to vindicate New England, and; instead of making up his issue with the gentleman from Missouri, on the charges which he had preferred, chooses to consider me as the author of those charges; and, losing sight entirely of that gentleman, selects me as his adversary, and pours out all the vials of his mighty wrath upon my devoted head. Nor is he willing to stop there. He goes on to assail the institutions and policy of the South, and calls in question the principles and conduct of the State which I have the honor to represent. When I find a gentleman of mature age and experience, of acknowledged talents and profound sagacity, pursuing a course like this, declining the contest offered from the West, and making war upon the unoffending South, I must believe, I am bound to believe, he has some object in view that he has not ventured to disclose. ...

The honorable gentleman from Massachusetts has gone out of his way to pass a high eulogium on the State of Ohio. In the most impassioned tones of eloquence, he described her majestic march to greatness. He told us that, having already left all the other States far behind, she was now passing by Virginia, and Pennsylvania, and about to take her station by the side of New York. To all this, sir, I was disposed most cordially to respond. When, however, the gentleman proceeded to contrast the State of Ohio with Kentucky, to the disadvantage of the latter, I listened to him with regret. ... In contrasting the State of Ohio with Kentucky, for the purpose of pointing out the superiority of the former, and of attributing that superiority to the existence of slavery, in the one State, and its absence in the other, I thought I could discern the very spirit of the Missouri question intruded into this debate, for objects best known to the gentleman himself.

Did that gentleman, sir, when he formed the determination to cross the southern border, in order to invade the State of South Carolina, deem it prudent, or necessary, to enlist under his banners the prejudices of the world, which like Swiss troops, may be engaged in any cause, and are prepared to serve under any leader? Did he desire to avail himself of those remorseless allies, the passions of mankind, of which it may be more truly

said, than of the savage tribes of the wilderness, “that their known rule of warfare is an indiscriminate slaughter of all ages, sexes, and conditions?” Or was it supposed, sir, that, in a premeditated and unprovoked attack upon the South, it was advisable to begin by a gentle admonition of our supposed weakness, in order to prevent us from making that firm and manly resistance, due to our own character, and our dearest interest? Was the significant hint of the weakness of slave-holding States, when contrasted with the superior strength of free States — like the glare of the weapon half drawn from its scabbard — intended to enforce the lessons of prudence and of patriotism, which the gentleman had resolved, out of his abundant generosity, gratuitously to bestow upon us [said Mr. H.] The impression which has gone abroad, of the weakness of the South, as connected with the slave question, exposes us to such constant attacks, has done us so much injury, and is calculated to produce such infinite mischiefs, that I embrace the occasion presented by the remarks of the gentleman from Massachusetts, to declare that we are ready to meet the question promptly and fearlessly. It is one from which we are not disposed to shrink, in whatever form or under whatever circumstances it may be pressed upon us. We are ready to make up the issue with the gentleman, as to the influence of slavery on individual and national character — on the prosperity and greatness, either of the United States, or of particular States.

Sir, when arraigned before the bar of public opinion, on this charge of slavery, we can stand up with conscious rectitude, plead not guilty, and put ourselves upon God and our country. Sir, we will not stop to inquire whether the black man, as some philosophers have contended, is of an inferior race, nor whether his color and condition are the effects of a curse inflicted for the offences of his ancestors. We deal in no abstractions. We will not look back to inquire whether our fathers were guiltless in introducing slaves into this country. If an inquiry should ever be instituted in these matters, however, it will be found that the profits of the slave trade were not confined to the South. Southern ships and Southern sailors were not the instruments of bringing slaves to the shores of America, nor did our merchants reap the profits of that “accursed traffic.”

But, sir, we will pass over all this. If slavery, as it now exists in this country, be an evil, we of the present day found it ready made to our hands. Finding our lot cast among a people, whom God had manifestly committed to our care, we did not sit down to speculate on abstract questions of theoretical liberty. We met it as a practical question of

obligation and duty. We resolved to make the best of the situation in which Providence had placed us, and to fulfil the high trust which had developed upon us as the owners of slaves, in the only way in which such a trust could be fulfilled, without spreading misery and ruin throughout the land. We found that we had to deal with a people whose physical, moral, and intellectual habits and character, totally disqualified them from the enjoyment of the blessings of freedom. We could not send them back to the shores from whence their fathers had been taken; their numbers forbade the thought, even if we did not know that their condition here is infinitely preferable to what it possibly could be among the barren sands and savage tribes of Africa; and it was wholly irreconcilable with all our notions of humanity to tear asunder the tender ties which they had formed among us, to gratify the feelings of a false philanthropy. What a commentary on the wisdom, justice, and humanity, of the Southern slave owner is presented by the example of certain benevolent associations and charitable individuals elsewhere. Shedding weak tears over sufferings which had existence only in their own sickly imaginations, these "friends of humanity" set themselves systematically to work to seduce the slaves of the South from their masters. By means of missionaries and political tracts, the scheme was in a great measure successful.

Thousands of these deluded victims of fanaticism were seduced into the enjoyment of freedom in our Northern cities. And what has been the consequence? Go to these cities now, and ask the question. Visit the dark and narrow lanes, and obscure recesses, which have been assigned by common consent as the abodes of those outcasts of the world — the free people of color. Sir, there does not exist, on the face of the whole earth, a population so poor, so wretched, so vile, so loathsome, so utterly destitute of all the comforts, conveniences, and decencies of life, as the unfortunate blacks of Philadelphia, and New York, and Boston. Liberty has been to them the greatest of calamities, the heaviest of curses. Sir, I have had some opportunities of making comparisons between the condition of the free negroes of the North and the slaves of the South, and the comparison has left not only an indelible impression of the superior advantages of the latter, but has gone far to reconcile me to slavery itself. Never have I felt so forcibly that touching description, "the foxes have holes, and the birds of the air have nests, but the son of man hath not where to lay his head," as when I have seen this unhappy race, naked and houseless, almost starving in the streets, and abandoned by all the world. Sir, I have seen in the neighborhood of one of the most moral, religious, and refined cities of the

North, a family of free blacks, driven to the caves of the rock, and there obtaining a precarious subsistence from charity and plunder. ...

On this subject, as in all others, we ask nothing of our Northern brethren but to "let us alone;" leave us to the undisturbed management of our domestic concerns, and the direction of our own industry, and we will ask no more. Sir, all our difficulties on this subject have arisen from interference from abroad, which has disturbed, and may again disturb, our domestic tranquillity, just so far as to bring down punishment upon the heads of the unfortunate victims of a fanatical and mistaken humanity. ...

In the course of my former remarks, I took occasion to deprecate, as one of the greatest of evils, the consolidation of this Government. The gentleman takes alarm at the sound. "Consolidation," like the "tariff," grates upon his ear. He tells us, "we have heard much, of late, about consolidation; that it is the rallying word for all who are endeavoring to weaken the Union by adding to the power of the States." But consolidation, says the gentleman, was the very object for which the Union was formed; and in support of that opinion, he read a passage from the address of the President of the Convention to Congress (which he assumes to be authority on his side of the question.) But, sir, the gentleman is mistaken. The object of the framers of the constitution, as disclosed in that address, was not the consolidation of the Government, but "the consolidation of the Union." It was not to draw power from the States, in order to transfer it to a great National Government, but, in the language of the constitution itself, "to form a more perfect union;" and by what means? By "establishing justice," "promoting domestic tranquillity," and "securing the blessings of liberty to ourselves and our posterity." This is the true reading of the constitution. But, according to the gentleman's reading, the object of the constitution was to consolidate the Government, and the means would seem to be, the promotion of injustice, causing domestic discord, and depriving the States and the people "of the blessings of liberty" forever. ...

The honorable gentleman from Massachusetts [Mr. Webster] while he exonerates me personally from the charge, intimates that there is a party in the country who are looking to disunion. ... The Senate will do me the justice to remember, that, at the time this unprovoked and uncalled for attack was made upon the South, not one word had been uttered by me in disparagement of New England, nor had I made the most distant allusion, either to the Senator from Massachusetts, or the State he represents. But, sir, that gentleman has thought proper, for purposes best

known to himself, to strike the South through me, the most unworthy of her servants. He has crossed the border, he has invaded the State of South Carolina, is making war upon her citizens, and endeavoring to overthrow her principles and her institutions. Sir, when the gentleman provokes me to such a conflict, I meet him at the threshold. I will struggle while I have life, for our altars and our fire sides, and if God gives me strength, I will drive back the invader discomfited. Nor shall I stop there. If the gentleman provokes the war, he shall have war. Sir, I will not stop at the border; I will carry the war into the enemy's territory, and not consent to lay down my arms, until I shall have obtained "indemnity for the past, and security for the future." It is with unfeigned reluctance that I enter upon the performance of this part of my duty. I shrink almost instinctively from a course, however necessary, which may have a tendency to excite sectional feelings, and sectional jealousies. But, sir, the task has been forced upon me, and I proceed right onward to the performance of my duty; be the consequences what they may, the responsibility is with those who have imposed upon me this necessity. The Senator from Massachusetts has thought proper to cast the first stone, and if he shall find, according to a homely adage, "that he lives in a glass house," on his head be the consequences. The gentleman has made a great flourish about his fidelity to Massachusetts. I shall make no professions of zeal for the interests and honor of South Carolina — of that my constituents shall judge. If there be one State in this Union (and I say it not in a boastful spirit) that may challenge comparison with any other for an uniform, zealous, ardent, and uncalculating devotion to the Union, that State is South Carolina. Sir, from the very commencement of the Revolution, up to this hour, there is no sacrifice, however great, she has not cheerfully made; no service she has ever hesitated to perform. She has adhered to you in your prosperity, but in your adversity she has clung to you with more than filial affection. ...

Who, then, Mr. President, are the true friends of the Union? Those who would confine the federal government strictly within the limits prescribed by the constitution — who would preserve to the States and the people all powers not expressly delegated — who would make this a federal and not a national Union — and who, administering the government in a spirit of equal justice, would make it a blessing and not a curse. And who are its enemies? Those who are in favor of consolidation; who are constantly stealing power from the States and adding strength to the federal government; who, assuming an unwarrantable jurisdiction over

the States and the people, undertake to regulate the whole industry and capital of the country. ...

The Senator from Massachusetts, in denouncing what he is pleased to call the *Carolina doctrine*, has attempted to throw ridicule upon the idea that a State has any constitutional remedy by the exercise of its sovereign authority against “a gross, palpable, and deliberate violation of the Constitution.” He called it “an idle” or “a ridiculous notion,” or something to that effect; and added, that it would make the Union “a mere rope of sand”. ...

Sir, as to the doctrine that the Federal Government is the exclusive judge of the extent as well as the limitations of its powers, it seems to be utterly subversive of the sovereignty and independence of the States. It makes but little difference, in my estimation, whether Congress or the Supreme Court, are invested with this power. If the Federal Government, in all or any of its departments, are to prescribe the limits of its own authority; and the States are bound to submit to the decision, and are not to be allowed to examine and decide for themselves, when the barriers of the Constitution shall be overleaped, this is practically “a Government without limitation of powers;” the States are at once reduced to mere petty corporations, and the people are entirely at your mercy. I have but one word more to add. In all the efforts that have been made by South Carolina to resist the unconstitutional laws which Congress has extended over them, she has kept steadily in view the preservation of the Union, by the only means by which she believes it can be long preserved — a firm, manly, and steady resistance against usurpation. The measures of the Federal Government have, it is true, prostrated her interests, and will soon involve the whole South in irretrievable ruin. ...

*Speech of Senator Daniel Webster of Massachusetts, January 26 and 27,
1830*

When the honorable member rose, in his first speech, I paid him the respect of attentive listening; and when he sat down, though surprised, and I must say even astonished, at some of his opinions, nothing was farther from my intention than to commence any personal warfare: and through the whole of the few remarks I made in answer, I avoided, studiously and carefully, every thing which I thought possible to be construed into disrespect. ...

I spoke, sir, of the ordinance of 1787, which prohibited slavery, in all future times, northwest of the Ohio, as a measure of great wisdom and foresight; and one which had been attended with highly beneficial and permanent consequences. I supposed, that on this point, no two gentlemen in the Senate could entertain different opinions. But, the simple expression of this sentiment has led the gentleman, not only into a labored defence of slavery, in the abstract, and on principle, but, also, into a warm accusation against me, as having attacked the system of domestic slavery, now existing in the Southern States. For all this, there was not the slightest foundation, in any thing said or intimated by me. I did not utter a single word, which any ingenuity could torture into an attack on the slavery of the South. I said, only, that it was highly wise and useful in legislating for the northwestern country, while it was yet a wilderness, to prohibit the introduction of slaves: and added, that I presumed, in the neighboring State of Kentucky, there was no reflecting and intelligent gentleman, who would doubt, that if the same prohibition had been extended, at the same early period, over that commonwealth, her strength and population would, at this day, have been far greater than they are. If these opinions be thought doubtful, they are, nevertheless, I trust, neither extraordinary nor disrespectful. They attack nobody, and menace nobody. ...

I know, full well, that it is, and has been, the settled policy of some persons in the South, for years, to represent the people of the North as disposed to interfere with them, in their own exclusive and peculiar concerns. This is a delicate and sensitive point, in southern feeling; and of late years it has always been touched, and generally with effect, whenever the object has been to unite the whole South against northern men, or northern measures. This feeling, always carefully kept alive, and maintained at too intense a heat to admit discrimination or reflection, is a lever of great power in our political machine. It moves vast bodies, and gives to them one and the same direction. But the feeling is without all adequate cause, and the suspicion which exists wholly groundless. There is not, and never has been, a disposition in the North to interfere with these interests of the South. Such interference has never been supposed to be within the power of Government; nor has it been, in any way, attempted. It has always been regarded as a matter of domestic policy, left with the States themselves, and with which the Federal Government had nothing to do. Certainly, sir, I am, and ever have been of that opinion. The gentleman, indeed, argues that slavery, in the abstract, is no evil. Most assuredly, I need not say I differ with him, altogether and most widely, on

that point. I regard domestic slavery as one of the greatest of evils, both moral and political. ...

This leads, sir, to the real and wide difference, in political opinion, between the honorable gentleman and myself. ... "What interest," asks he, "has South Carolina in a canal in Ohio?" Sir, this very question is full of significance. It develops the gentleman's whole political system; and its answer expounds mine. ... He may well ask, upon his system, what interest has South Carolina in a canal in Ohio? On that system, it is true, she has no interest. On that system, Ohio and Carolina are different Governments, and different countries, connected here, it is true, by some slight and ill-defined bond of union, but, in all main respects, separate and diverse. On that system, Carolina has no more interest in a canal in Ohio than in Mexico. The gentleman, therefore, only follows out his own principles; he does no more than arrive at the natural conclusions of his own doctrines; he only announces the true results of that creed, which he has adopted himself, and would persuade others to adopt, when he thus declares that South Carolina has no interest in a public work in Ohio. Sir, we narrow-minded people of New England do not reason thus. Our *notion* of things is entirely different. We look upon the States, not as separated, but as united. We love to dwell on that union, and on the mutual happiness which it has so much promoted, and the common renown which it has so greatly contributed to acquire. In our contemplation, Carolina and Ohio are parts of the same country; States, united under the same General Government, having interests, common, associated, intermingled. In whatever is within the proper sphere of the constitutional power of this Government, we look upon the States as one. We do not impose geographical limits to our patriotic feeling or regard; we do not follow rivers and mountains, and lines of latitude, to find boundaries, beyond which public improvements do not benefit us. We who come here, as agents and representatives of these narrow-minded and selfish men of New England, consider ourselves as bound to regard, with equal eye, the good of the whole, in whatever is within our power of legislation. ...

There yet remains to be performed, Mr. President, by far the most grave and important duty, which I feel to be devolved on me, by this occasion. It is to state, and to defend, what I conceive to be the true principles of the Constitution under which we are here assembled. ...

I understand the honorable gentleman from South Carolina to maintain, that it is a right of the State Legislatures to interfere, whenever,

in their judgment, this Government transcends its constitutional limits, and to arrest the operation of its laws.

I understand him to maintain this right, as a right existing *under* the Constitution; not as a right to overthrow it, on the ground of extreme necessity, such as would justify violent revolution.

I understand him to maintain an authority, on the part of the States, thus to interfere, for the purpose of correcting the exercise of power by the General Government, of checking it, and of compelling it to conform to their opinion of the extent of its powers.

I understand him to maintain, that the ultimate power of judging of the constitutional extent of its own authority, is not lodged exclusively in the General Government, or any branch of it; but that, on the contrary, the States may lawfully decide for themselves, and each State for itself, whether, in a given case, the act of the General Government transcends its power.

I understand him to insist, that if the exigency of the case, in the opinion of any State Government, require it, such State Government may, by its own sovereign authority, annul an act of the General Government, which it deems plainly and palpably unconstitutional.

This is the sum of what I understand from him, to be the South Carolina doctrine; and the doctrine which he maintains. I propose to consider it, and to compare it with the Constitution. Allow me to say, as a preliminary remark, that I call this the South Carolina doctrine, only because the gentleman himself has so denominated it. ...

We, sir, who oppose the Carolina doctrine, do not deny that the People may, if they choose, throw off any government, when it become oppressive and intolerable, and erect a better in its stead. We all know that civil institutions are established for the public benefit, and that when they cease to answer the ends of their existence, they may be changed. But I do not understand the doctrine now contended for to be that which, for the sake of distinctness, we may call the right of revolution. I understand the gentleman to maintain, that, without revolution, without civil commotion, without rebellion, a remedy for supposed abuse and transgression of the powers of the General Government lies in a direct appeal to the interference of the State Governments. ...

The inherent right in the People to reform their government, I do not deny; and they have another right, and that is, to resist unconstitutional laws, without overturning the Government. It is no doctrine of mine, that unconstitutional laws bind the People. ... I say, the right of a State to

annul a law of Congress, cannot be maintained, but on the ground of the unalienable right of man to resist oppression; that is to say, upon the ground of revolution. I admit that there is an ultimate violent remedy, above the Constitution, and in defiance of the Constitution, which may be resorted to, when a revolution is to be justified. But I do not admit that, under the Constitution, and in conformity with it, there is any mode in which a State Government, as a member of the Union, can interfere and stop the progress of the General Government, by force of her own laws, under any circumstances whatever.

This leads us to inquire into the origin of this Government, and the source of its power. Whose agent is it? Is it the creature of the State Legislatures, or the creature of the People? If the Government of the United States be the agent of the State Governments, then they may control it, provided they can agree in the manner of controlling it; if it be the agent of the People, then the People alone can control it, restrain it, modify, or reform it. It is observable enough, that the doctrine for which the honorable gentleman contends, leads him to the necessity of maintaining, not only that this General Government is the creature of the States, but that it is the creature of each of the States severally; so that each may assert the power, for itself, of determining whether it acts within the limits of its authority. It is the servant of four-and-twenty masters, of different wills and different purposes, and yet bound to obey all. This absurdity (for it seems no less) arises from a misconception as to the origin of this Government and its true character. It is, sir, the People's Constitution, the People's Government; made for the People; made by the People; and answerable to the People. The People of the United States have declared that this Constitution shall be the Supreme Law. ...

I must now beg to ask, sir, whence is this supposed right of the States derived? — where do they find the power to interfere with the laws of the Union? Sir, the opinion which the honorable gentleman maintains, is a notion, founded in a total misapprehension, in my judgment, of the origin of this Government, and of the foundation on which it stands. I hold it to be a popular Government, erected by the People; those who administer it responsible to the People; and itself capable of being amended and modified, just as the People may choose it should be. ... This Government, sir, is the independent offspring of the popular will. It is not the creature of State Legislatures; nay, more, if the whole truth must be told, the People brought it into existence, established it, and have hitherto supported it, for the very purpose, amongst others, of imposing certain

salutary restraints on State sovereignties. The States cannot now make war; they cannot contract alliances; they cannot make, each for itself, separate regulations of commerce; they cannot lay imposts; they cannot coin money. If this Constitution, sir, be the creature of State Legislatures, it must be admitted that it has obtained a strange control over the volitions of its creators. ...

Sir, the very chief end, the main design, for which the whole Constitution was framed and adopted, was to establish a Government that should not be obliged to act through State agency, or depend on State opinion and State discretion. The People had had quite enough of that kind of Government, under the Confederacy. Under that system, the legal action — the application of law to individuals, belonged exclusively to the States. Congress could only recommend — their acts were not of binding force, till the States had adopted and sanctioned them. Are we in that condition still? Are we yet at the mercy of State discretion, and State construction? Sir, if we are, then vain will be our attempt to maintain the Constitution under which we sit. ...

When the gentleman says the Constitution is a compact between the States, he uses language exactly applicable to the old Confederation. He speaks as if he were in Congress before 1789. He describes fully that old state of things then existing. The Confederation was, in strictness, a compact; the States, as States, were parties to it. We had no other General Government. But that was found insufficient, and inadequate to the public exigencies. The People were not satisfied with it, and undertook to establish a better. They undertook to form a General Government, which should stand on a new basis — not a confederacy, not a league, not a compact between States, but a *Constitution*; a Popular Government, founded in popular election, directly responsible to the People themselves, and divided into branches, with prescribed limits of power, and prescribed duties. They ordained such a Government; they gave it the name of a *Constitution*, and therein they established a distribution of powers between this, their General Government, and their several State Governments. When they shall become dissatisfied with this distribution, they can alter it. Their own power over their own instrument remains. But until they shall alter it, it must stand as their will, and is equally binding on the General Government and on the States. ...

Finally, sir, the honorable gentleman says, that the States will only interfere, by their power, to preserve the Constitution. They will not destroy it, they will not impair it — they will only save, they will only

preserve, they will only strengthen it! Ah! sir, this is but the old story. All regulated Governments, all free Governments, have been broken up by similar disinterested and well disposed interference! It is the common pretence. But I take leave of the subject.

Speech of Senator Robert Y. Hayne of South Carolina, January 27, 1830

...The gentleman insists that the States have no right to decide whether the constitution has been violated by acts of Congress or not, — but *that the Federal Government is the exclusive judge of the extent of its own powers*; and that in case of a violation of the constitution, however “deliberate, palpable and dangerous,” a State has no constitutional redress, except where the matter can be brought before the Supreme Court, whose decision must be final and conclusive on the subject. Having thus distinctly stated the points in dispute between the gentleman and myself, I proceed to examine them.

And here it will be necessary to go back to the origin of the Federal Government. It cannot be doubted, and is not denied, that before the formation of the constitution, each State was an independent sovereignty, possessing all the rights and powers appertaining to independent nations; nor can it be denied that, after the constitution was formed, they remained equally sovereign and independent, as to all powers, not expressly delegated to the Federal Government. This would have been the case even if no positive provision to that effect had been inserted in that instrument. But to remove all doubt it is expressly declared, by the 10th article of the amendment of the constitution, “that the powers not delegated to the States, by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” ...

The whole form and structure of the Federal Government, the opinions of the framers of the Constitution, and the organization of the State Governments, demonstrate that though the States have surrendered certain specific powers, they have not surrendered their sovereignty. ...

No doubt can exist, that, before the States entered into the compact, they possessed the right to the fullest extent, of determining the limits of their own powers — it is incident to all sovereignty. Now, have they given away that right, or agreed to limit or restrict it in any respect? Assuredly not. They have agreed, that certain specific powers shall be exercised by the Federal Government; but the moment that Government steps beyond the limits of its charter, the right of the States “to interpose for arresting

the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties, appertaining to them," is as full and complete as it was before the Constitution was formed. It was plenary then, and never having been surrendered, must be plenary now. ...

But the gentleman apprehends that this will "make the Union a rope of sand." Sir, I have shown that it is a power indispensably necessary to the preservation of the constitutional rights of the States, and of the people. I now proceed to show that it is perfectly safe, and will practically have no effect but to keep the Federal Government within the limits of the constitution, and prevent those unwarrantable assumptions of power, which cannot fail to impair the rights of the States, and finally destroy the Union itself. ...

A State will be restrained by a sincere love of the Union. The People of the United States cherish a devotion to the Union, so pure, so ardent, that nothing short of intolerable oppression, can ever tempt them to do any thing that may possibly endanger it. Sir, there exists, moreover, a deep and settled conviction of the benefits, which result from a close connexion of all the States, for purposes of mutual protection and defence. This will co-operate with the feelings of patriotism to induce a State to avoid any measures calculated to endanger that connexion. ...

The gentleman has made an eloquent appeal to our hearts in favor of union. Sir, I cordially respond to that appeal. I will yield to no gentleman here in sincere attachment to the Union, — but it is a Union *founded on the Constitution*, and not such a Union as that gentleman would give us, that is dear to my heart. If this is to become one great "consolidated government," swallowing up the rights of the States, and the liberties of the citizen, "riding and ruling over the plundered ploughman, and beggared yeomanry," the Union will not be worth preserving. Sir it is because South Carolina loves the Union, and would preserve it forever, that she is opposing now, while there is hope, those usurpations of the Federal Government, which, once established, will, sooner or later, tear this Union into fragments. ...

Document 23

Fort Hill Address

John C. Calhoun

July 26, 1831

Abridged

The idea that states have a constitutional right to nullify or veto acts of Congress gained ground with many Americans in the 1820s. One of the most influential and articulate defenses of the doctrine of nullification came from John C. Calhoun, Senator from South Carolina and Andrew Jackson's Vice President. Calhoun's Fort Hill Address set the stage for South Carolina's nullification of the federal tariffs the following year. President Jackson publicly refuted Calhoun's arguments (see document 25) and brought a swift end to South Carolina's threats of secession. Calhoun's theory of nullification, however, became fact in the minds of many Americans and contributed to the deepening divide between Northern and Southern views on the Union.

The question of the relation which the States and General Government bear to each other is not one of recent origin. From the commencement of our system, it has divided public sentiment. Even in the Convention, while the Constitution was struggling into existence, there were two parties as to what this relation should be, whose different sentiments constituted no small impediment in forming that instrument. After the General Government went into operation, experience soon proved that the question had not terminated with the labors of the Convention. The great struggle that preceded the political revolution of 1801, which brought Mr. Jefferson into power, turned essentially on it; and the doctrines and arguments on both sides were embodied and ably sustained — on the one, in the Virginia and Kentucky Resolutions, and the Report to the Virginia Legislature — and on the other, in the replies of the Legislature of Massachusetts and some of the other States. ...

The great and leading principle is, that the General Government emanated from the people of the several States, forming distinct political communities, and acting in their separate and sovereign capacity, and not

from all of the people forming one aggregate political community; that the Constitution of the United States is, in fact, a compact, to which each State is a party, in the character already described; and that the several States, or parties, have a right to judge of its infractions; and in case of a deliberate, palpable, and dangerous exercise of power not delegated, they have the right, in the last resort, to use the language of the Virginia Resolutions, “to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them.” This right of interposition, thus solemnly asserted by the State of Virginia, be it called what it may — State-right, veto, nullification, or by any other name — I conceive to be the fundamental principle of our system, resting on facts historically as certain as our revolution itself, and deductions as simple and demonstrative as that of any political, or moral truth whatever; and I firmly believe that on its recognition depend the stability and safety of our political institutions.

I am not ignorant, that those opposed to the doctrine have always, now and formerly, regarded it in a very different light, as anarchical and revolutionary. Could I believe such, in fact, to be its tendency, to me it would be no recommendation. I yield to none, I trust, in a deep and sincere attachment to our political institutions and the union of these States. I never breathed an opposite sentiment; but, on the contrary, I have ever considered them the great instruments of preserving our liberty, and promoting the happiness of ourselves and our posterity; and next to these I have ever held them most dear. Nearly half my life has been passed in the service of the Union, and whatever public reputation I have acquired is indissolubly identified with it. To be too national has, indeed, been considered by many, even of my friends, to be my greatest political fault. With these strong feelings of attachment, I have examined, with the utmost care, the bearing of the doctrine in question; and, so far from anarchical or revolutionary, I solemnly believe it to be the only solid foundation of our system, and of the Union itself; and that the opposite doctrine, which denies to the States the right of protecting their reserved powers, and which would vest in the General Government (it matters not through what department), the right of determining, exclusively and finally, the powers delegated to it, is incompatible with the sovereignty of the States, and of the Constitution itself, considered as the basis of a Federal Union. As strong as this language is, it is not stronger than that used by the illustrious Jefferson, who said, to give to the General Government the final and exclusive right to judge of its powers, is to make

“its discretion, and not the Constitution, the measure of its powers;” and that, “in all cases of compact between parties having no common judge, each party has an equal right to judge for itself, as well of the infraction as of the mode and measure of redress.” Language cannot be more explicit; nor can higher authority be adduced. ...

It has been well said by one of the most sagacious men of antiquity, that the object of a constitution is, to *restrain the government, as that of laws is to restrain individuals*. The remark is correct; nor is it less true, where the government is vested in a majority, than where it is in a single or a few individuals — in a republic, than a monarchy or aristocracy. No one can have a higher respect for the maxim that the majority ought to govern than I have, taken in its proper sense, subject to the restrictions imposed by the Constitution, and confined to objects in which every portion of the community have similar interests; but it is a great error to suppose, as many do, that the right of a majority to govern is a natural and not a conventional right; and, therefore absolute and unlimited. By nature, every individual has the right to govern himself; and governments, whether founded on majorities or minorities, must derive their right from the assent, expressed or implied, of the governed, and be subject to such limitations as they may impose. Where the interests are the same, that is, where the laws that may benefit one, will benefit all, or the reverse, it is just and proper to place them under the control of the majority; but where they are dissimilar, so that the law that may benefit one portion may be ruinous to another, it would be, on the contrary, unjust and absurd to subject them to its will; and such, I conceive to be the theory on which our Constitution rests. ...

So numerous and diversified are the interests of our country, that they could not be fairly represented in a single government, organized so as to give to each great and leading interest, a separate and distinct voice, as in governments to which I have referred. A plan was adopted better suited to our situation, but perfectly novel in its character. The powers of government were divided, not, as heretofore, in reference to classes, but geographically. One General Government was formed for the whole, to which were delegated all the powers supposed to be necessary to regulate the interests common to all the States, leaving others subject to the separate control of the States, being, from their local and peculiar character, such, that they could not be subject to the will of a majority of the whole Union, without the certain hazard of injustice and oppression. It was thus that the interests of the whole were subjected, as they ought to

be, to the will of the whole, while the peculiar and local interests were left under the control of the States separately, to whose custody only, they could be safely confided. This distribution of power, settled solemnly by a constitutional compact, to which all the States are parties, constitutes the peculiar character and excellence of our political system. It is truly and emphatically *American, without example or parallel.*

To realize its perfection, we must view the General Government and those of the States as a whole, each in its proper sphere, sovereign and independent; each perfectly adapted to its respective objects; the States acting separately, representing and protecting the local and peculiar interests; and acting jointly through one General Government, with the weight respectively assigned to each by the Constitution, representing and protecting the interest of the whole; and thus perfecting, by an admirable but simple arrangement, the great principle of representation and responsibility, without which no government can be free or just. To preserve this sacred distribution, as originally settled, by coercing each to move in its prescribed orbit, is the great and difficult problem, on the solution of which, the duration of our Constitution, of our Union, and, in all probability, our liberty depends. How is this to be effected? ...

Whenever separate and dissimilar interests have been separately represented in any government; whenever the sovereign power has been divided in its exercise, the experience and wisdom of ages have devised but one mode by which such political organization can be preserved — the mode adopted in England, and by all governments, ancient and modern, blessed with constitutions deserving to be called free — to give to each co-estate the right to judge of its powers, with a negative or veto on the acts of the others, in order to protect against encroachments, the interests it particularly represents: a principle which all of our constitutions recognize in the distribution of power among their respective departments, as essential to maintain the independence of each; but which, to all who will duly reflect on the subject, must appear far more essential, for the same object, in that great and fundamental distribution of powers between the states and General Government. So essential is the principle, that, to withhold the right from either, where the sovereign power is divided, is, in fact, *to annul the division* itself, and to *consolidate*, in the one left in the exclusive possession of the right, *all* powers of government; for it is not possible to distinguish, practically, between a government having all power, and one having the right to take what powers it pleases. Nor does it in the least vary the principle, whether the distribution of power be

between co-estates, as in England, or between distinctly organized, but connected governments, as with us. The reason is the same in both cases, while the necessity is greater in our case, as the danger of conflict is greater where the interests of a society are divided geographically than in any other, as has already been shown. ...

I do not deny that a power of so high a nature may be abused by a State; but when I reflect that the States unanimously called the General Government into existence with all of its powers, which they freely delegated on their part, under the conviction that their common peace, safety, and prosperity required it; that they are bound together by a common origin, and the recollection of common suffering and common triumph in the great and splendid achievement of their independence; and that the strongest feelings of our nature, and among them the love of national power and distinction, are on the side of the Union; it does seem to me that the fear which would strip the States of their sovereignty, and degrade them, in fact, to mere dependent corporations, lest they should abuse a right indispensable to the peaceable protection of those interests which they reserved under their own peculiar guardianship when they created the General Government, is unnatural and unreasonable. If those who voluntarily created the system cannot be trusted to preserve it, what power can?

So, far from extreme danger, I hold that there never was a free State in which this great conservative principle, indispensable to all, was ever so safely lodged. In others, when the co-estates representing the dissimilar and conflicting interests of the community came into contact, the only alternative was compromise, submission, or force. Not so in ours. Should the General Government and a State come into conflict, we have a higher remedy: the power which called the General Government into existence, which gave it all of its authority, and can enlarge, contract, or abolish its powers at its pleasure, may be invoked. The States themselves may be appealed to — three-fourths of which, in fact, form a power, whose decrees are the Constitution itself, and whose voice can silence all discontent. The utmost extent, then, of the power is, that a State, acting in its sovereign capacity, as one of the parties to the constitutional compact, may compel the Government, created by that compact, to submit a question touching its infraction, to the parties who created it; to avoid the supposed dangers of which, it is proposed to resort to the novel, the hazardous, and, I must add, fatal project of giving to the General Government the sole and final right of interpreting the Constitution —

thereby reversing the whole system, making that instrument the creature of its will, instead of a rule of action impressed on it at its creation, and annihilating, in fact, the authority which imposed it, and from which the Government itself derives its existence. ...

Against these conclusive arguments, as they seem to me, it is objected, that, if one of the parties has the right to judge of infractions of the Constitution, so has the other; and that, consequently, in cases of contested powers between a State and the General Government, each would have a right to maintain its opinion, as is the case when sovereign powers differ in the construction of treaties or compacts; and that, of course, it would come to be a mere question of force. The error is in the assumption that the General Government is a party to the constitutional compact. The States, as has been shown, formed the compact, acting as Sovereign and independent communities. The General Government is but its creature; and though, in reality, a government, with all the rights and authority which belong to any other government, within the orbit of its powers, it is, nevertheless, a government emanating from a compact between sovereigns, and partaking, in its nature and object, of the character of a joint commission, appointed to superintend and administer the interests in which all are jointly concerned; but having, beyond its proper sphere, no more power than if it did not exist. To deny this would be to deny the most incontestable facts, and the clearest conclusions; while to acknowledge its truth is, to destroy utterly the objection that the appeal would be to force, in the case supposed. For if each party has a right to judge, then, under our system of government, the final cognizance of a question of contested power would be in the States, and not in the General Government. It would be the duty of the latter, as in all similar cases of a contest between one or more of the principals and a joint commission or agency, to refer the contest to the principals themselves. Such are the plain dictates of both reason and analogy. ...

Document 24

Veto Message of the Bill on the Bank of the United States

Andrew Jackson

July 10, 1832

When Congress attempted to re-charter the national bank in 1832, President Andrew Jackson vetoed it on the grounds that it was unconstitutional. He did so despite the Supreme Court's decision to uphold the constitutionality of the national bank in the McCulloch v. Maryland case of 1819. Jackson rejected the notion that the Supreme Court has merely to speak to settle constitutional questions, because all elected government officials — including the President — have the right and duty to uphold the Constitution as they understand it. In vetoing the Bank Bill, Jackson allowed the American people to have the final say on whether his understanding of the Constitution was right, by either re-electing him or voting him out of office in the next election.

To the Senate,

The bill “to modify and continue” the act entitled “An act to incorporate the subscribers to the Bank of the United States” was presented to me on the 4th July instant. Having considered it with [the] solemn regard to the principles of the Constitution which the day was calculated to inspire, and come to the conclusion that it ought not to become a law, I herewith return it to the Senate, in which it originated, with my objections.

A bank of the United States is in many respects convenient for the Government and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privileges possessed by the existing bank are unauthorized by the Constitution, subversive of the rights of the States, and dangerous to the liberties of the people, I felt it my duty at an early period of my Administration to call the

attention of Congress to the practicability of organizing an institution combining all its advantages and obviating these objections. I sincerely regret that in the act before me I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the Constitution of our country.

The present corporate body, denominated the president, directors, and company of the Bank of the United States, will have existed at the time this act is intended to take effect twenty years. It enjoys an exclusive privilege of banking under the authority of the General Government, a monopoly of its favor and support, and, as a necessary consequence, almost a monopoly of the foreign and domestic exchange. The powers[,] privileges, and favors bestowed upon it in the original charter, by increasing the value of the stock far above its par value, operated as a gratuity of many millions to the stockholders.

An apology may be found for the failure to guard against this result in the consideration that the effect of the original act of incorporation could not be certainly foreseen at the time of its passage. The act before me proposes another gratuity to the holders of the same stock, and in many cases to the same men, of at least seven millions more. This donation finds no apology in any uncertainty as to the effect of the act. On all hands it is conceded that its passage will increase at least 20 or 30 per cent more the market price of the stock, subject to the payment of the annuity of \$200,000 per year secured by the act, thus adding in a moment one-fourth to its par value. It is not our own citizens only who are to receive the bounty of our Government. More than eight millions of the stock of this bank are held by foreigners. By this act the American Republic proposes virtually to make them a present of some millions of dollars. For these gratuities to foreigners and to some of our own opulent citizens the act secures no equivalent whatever. They are the certain gains of the present stockholders under the operation of this act, after making full allowance for the payment of the bonus.

Every monopoly and all exclusive privileges are granted at the expense of the public, which ought to receive a fair equivalent. The many millions which this act proposes to bestow on the stockholders of the existing bank must come directly or indirectly out of the earnings of the American people. It is due to them, therefore, if their Government sell monopolies and exclusive privileges, that they should at least exact for them as much as they are worth in open market. The value of the monopoly in this case

may be correctly ascertained. The twenty-eight millions of stock would probably be at an advance of 50 per cent, and command in market at least \$42,000,000, subject to the payment of the present bonus. The present value of the monopoly, therefore, is \$17,000,000, and this the act proposes to sell for three millions, payable in fifteen annual installments of \$200,000 each.

It is not conceivable how the present stockholders can have any claim to the special favor of the Government. The present corporation has enjoyed its monopoly during the period stipulated in the original contract. If we must have such a corporation, why should not the Government sell out the whole stock and thus secure to the people the full market value of the privileges granted? Why should not Congress create and sell twenty-eight millions of stock, incorporating the purchasers with all the powers and privileges secured in this act and putting the premium upon the sales into the Treasury?

But this act does not permit competition in the purchase of this monopoly. It seems to be predicated on the erroneous idea that the present stockholders have a prescriptive right not only to the favor but to the bounty of Government. It appears that more than a fourth part of the stock is held by foreigners and the residue is held by a few hundred of our own citizens, chiefly of the richest class. For their benefit does this act exclude the whole American people from competition in the purchase of this monopoly and dispose of it for many millions less than it is worth. This seems the less excusable because some of our citizens not now stockholders petitioned that the door of competition might be opened, and offered to take a charter on terms much more favorable to the Government and country.

But this proposition, although made by men whose aggregate wealth is believed to be equal to all the private stock in the existing bank, has been set aside, and the bounty of our Government is proposed to be again bestowed on the few who have been fortunate enough to secure the stock and at this moment wield the power of the existing institution. I can not perceive the justice or policy of this course. If our Government must sell monopolies, it would seem to be its duty to take nothing less than their full value, and if gratuities must be made once in fifteen or twenty years let them not be bestowed on the subjects of a foreign government nor upon a designated and favored class of men in our own country. It is but justice and good policy, as far as the nature of the case will admit, to confine our favors to our own fellow citizens, and let each in his turn enjoy an

opportunity to profit by our bounty. In the bearings of the act before me upon these points I find ample reasons why it should not become a law.

It has been urged as an argument in favor of rechartering the present bank that the calling in its loans will produce great embarrassment and distress. The time allowed to close its concerns is ample, and if it has been well managed its pressure will be light, and heavy only in case its management has been bad. If, therefore, it shall produce distress, the fault will be its own, and it would furnish a reason against renewing a power which has been so obviously abused. But will there ever be a time when this reason will be less powerful? To acknowledge its force is to admit that the bank ought to be perpetual, and as a consequence the present stockholders and those inheriting their rights as successors be established a privileged order, clothed both with great political power and enjoying immense pecuniary advantages from their connection with the Government.

The modifications of the existing charter proposed by this act are not such, in my view, as make it consistent with the rights of the States or the liberties of the people. The qualification of the right of the bank to hold real estate, the limitation of its power to establish branches, and the power reserved to Congress to forbid the circulation of small notes are restrictions comparatively of little value or importance. All the objectionable principles of the existing corporation, and most of its odious features, are retained without alleviation.

The fourth section provides "that the notes or bills of the said corporation, although the same be, on the faces thereof, respectively made payable at one place only, shall nevertheless be received by the said corporation at the bank or at any of the offices of discount and deposit thereof if tendered in liquidation or payment of any balance or balances due to said corporation or to such office of discount and deposit from any other incorporated bank." This provision secures to the State banks a legal privilege in the Bank of the United States which is withheld from all private citizens. If a State bank in Philadelphia owe the Bank of the United States and have notes issued by the St. Louis branch, it can pay the debt with those notes, but if a merchant, mechanic, or other private citizen be in like circumstances he can not by law pay his debt with those notes, but must sell them at a discount or send them to St. Louis to be cashed. This boon conceded to the State banks, though not unjust in itself, is most odious because it does not measure out equal justice to the high and the low, the rich and the poor. To the extent of its practical effect it is a bond

of union among the banking establishments of the nation, erecting them into an interest separate from that of the people, and its necessary tendency is to unite the Bank of the United States and the State banks in any measure which may be thought conducive to their common interest.

The ninth section of the act recognizes principles of worse tendency than any provision of the present charter.

It enacts that "the cashier of the bank shall annually report to the Secretary of the Treasury the names of all stockholders who are not resident citizens of the United States, and on the application of the treasurer of any State shall make out and transmit to such treasurer a list of stockholders residing in or citizens of such State, with the amount of stock owned by each." Although this provision, taken in connection with a decision of the Supreme Court, surrenders, by its silence, the right of the States to tax the banking institutions created by this corporation under the name of branches throughout the Union, it is evidently intended to be construed as a concession of their right to tax that portion of the stock which may be held by their own citizens and residents. In this light, if the act becomes a law, it will be understood by the States, who will probably proceed to levy a tax equal to that paid upon the stock of banks incorporated by themselves. In some States that tax is now 1 per cent, either on the capital or on the shares, and that may be assumed as the amount which all citizen or resident stockholders would be taxed under the operation of this act. As it is only the stock held in the States and not that employed within them which would be subject to taxation, and as the names of foreign stockholders are not to be reported to the treasurers of the States, it is obvious that the stock held by them will be exempt from this burden. Their annual profits will therefore be 1 per cent more than the citizen stockholders, and as the annual dividends of the bank may be safely estimated at 7 per cent, the stock will be worth 10 or 15 per cent more to foreigners than to citizens of the United States. To appreciate the effects which this state of things will produce, we must take a brief review of the operations and present condition of the Bank of the United States.

By documents submitted to Congress at the present session it appears that on the 1st of January, 1832, of the twenty-eight millions of private stock in the corporation, \$8,405,500 were held by foreigners, mostly of Great Britain. The amount of stock held in the nine Western and Southwestern States is \$140,200, and in the four Southern States is \$5,623,100, and in the Middle and Eastern States is about \$13,522,000. The profits of the bank in 1831, as shown in a statement to Congress, were

about \$3,455,598; of this there accrued in the nine Western States about \$1,640,048; in the four Southern States about \$352,507, and in the Middle and Eastern States about \$1,463,041. As little stock is held in the West, it is obvious that the debt of the people in that section to the bank is principally a debt to the Eastern and foreign stockholders; that the interest they pay upon it is carried into the Eastern States and into Europe, and that it is a burden upon their industry and a drain of their currency, which no country can bear without inconvenience and occasional distress. To meet this burden and equalize the exchange operations of the bank, the amount of specie drawn from those States through its branches within the last two years, as shown by its official reports, was about \$6,000,000. More than half a million of this amount does not stop in the Eastern States, but passes on to Europe to pay the dividends of the foreign stockholders. In the principle of taxation recognized by this act the Western States find no adequate compensation for this perpetual burden on their industry and drain of their currency. The branch bank at Mobile made last year \$95,140, yet under the provisions of this act the State of Alabama can raise no revenue from these profitable operations, because not a share of the stock is held by any of her citizens. Mississippi and Missouri are in the same condition in relation to the branches at Natchez and St. Louis, and such, in a greater or less degree, is the condition of every Western State. The tendency of the plan of taxation which this act proposes will be to place the whole United States in the same relation to foreign countries which the Western States now bear to the Eastern. When by a tax on resident stockholders the stock of this bank is made worth 10 or 15 per cent more to foreigners than to residents, most of it will inevitably leave the country.

Thus will this provision in its practical effect deprive the Eastern as well as the Southern and Western States of the means of raising a revenue from the extension of business and great profits of this institution. It will make the American people debtors to aliens in nearly the whole amount due to this bank, and send across the Atlantic from two to five millions of specie every year to pay the bank dividends.

In another of its bearings this provision is fraught with danger. Of the twenty-five directors of this bank five are chosen by the Government and twenty by the citizen stockholders. From all voice in these elections the foreign stockholders are excluded by the charter. In proportion, therefore, as the stock is transferred to foreign holders the extent of suffrage in the choice of directors is curtailed. Already is almost a third of the stock in

foreign hands and not represented in elections. It is constantly passing out of the country, and this act will accelerate its departure. The entire control of the institution would necessarily fall into the hands of a few citizen stockholders, and the ease with which the object would be accomplished would be a temptation to designing men to secure that control in their own hands by monopolizing the remaining stock. There is danger that a president and directors would then be able to elect themselves from year to year, and without responsibility or control manage the whole concerns of the bank during the existence of its charter. It is easy to conceive that great evils to our country and its institutions might flow from such a concentration of power in the hands of a few men irresponsible to the people.

Is there no danger to our liberty and independence in a bank that in its nature has so little to bind it to our country? The president of the bank has told us that most of the State banks exist by its forbearance. Should its influence become centered, as it may under the operation of such an act as this, in the hands of a self-elected directory whose interests are identified with those of the foreign stockholders, will there not be cause to tremble for the purity of our elections in peace and for the independence of our country in war? Their power would be great whenever they might choose to exert it; but if this monopoly were regularly renewed every fifteen or twenty years on terms proposed by themselves, they might seldom in peace put forth their strength to influence elections or control the affairs of the nation. But if any private citizen or public functionary should interpose to curtail its powers or prevent a renewal of its privileges, it can not be doubted that he would be made to feel its influence.

Should the stock of the bank principally pass into the hands of the subjects of a foreign country, and we should unfortunately become involved in a war with that country, what would be our condition? Of the course which would be pursued by a bank almost wholly owned by the subjects of a foreign power, and managed by those whose interests, if not affections, would run in the same direction there can be no doubt. All its operations within would be in aid of the hostile fleets and armies without. Controlling our currency, receiving our public moneys, and holding thousands of our citizens in dependence, it would be more formidable and dangerous than the naval and military power of the enemy.

If we must have a bank with private stockholders, every consideration of sound policy and every impulse of American feeling admonishes that it should be purely American. Its stockholders should be composed

exclusively of our own citizens, who at least ought to be friendly to our Government and willing to support it in times of difficulty and danger. So abundant is domestic capital that competition in subscribing for the stock of local banks has recently led almost to riots. To a bank exclusively of American stockholders, possessing the powers and privileges granted by this act, subscriptions for \$200,000,000 could be readily obtained. Instead of sending abroad the stock of the bank in which the Government must deposit its funds and on which it must rely to sustain its credit in times of emergency, it would rather seem to be expedient to prohibit its sale to aliens under penalty of absolute forfeiture.

It is maintained by the advocates of the bank that its constitutionality in all its features ought to be considered as settled by precedent and by the decision of the Supreme Court. To this conclusion I can not assent. Mere precedent is a dangerous source of authority, and should not be regarded as deciding questions of constitutional power except where the acquiescence of the people and the States can be considered as well settled. So far from this being the case on this subject, an argument against the bank might be based on precedent. One Congress, in 1791, decided in favor of a bank; another, in 1811, decided against it. One Congress, in 1815, decided against a bank; another, in 1816, decided in its favor. Prior to the present Congress, therefore, the precedents drawn from that source were equal. If we resort to the States, the expressions of legislative, judicial, and executive opinions against the bank have been probably to those in its favor as 4 to 1. There is nothing in precedent, therefore, which, if its authority were admitted, ought to weigh in favor of the act before me.

If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the coordinate authorities of this Government. The Congress, the Executive, and the Court must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is of the supreme judges when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive when

acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve.

But in the case relied upon the Supreme Court have not decided that all the features of this corporation are compatible with the Constitution. It is true that the court have said that the law incorporating the bank is a constitutional exercise of power by Congress; but taking into view the whole opinion of the court and the reasoning by which they have come to that conclusion, I understand them to have decided that inasmuch as a bank is an appropriate means for carrying into effect the enumerated powers of the General Government, therefore the law incorporating it is in accordance with that provision of the Constitution which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying those powers into execution." Having satisfied themselves that the word "*necessary*" in the Constitution means "*needful*," "*requisite*," "*essential*," "*conducive to*," and that "a bank" is a convenient, a useful, and essential instrument in the prosecution of the Government's "fiscal operations," they conclude that to "use one must be within the discretion of Congress" and that "the act to incorporate the Bank of the United States is a law made in pursuance of the Constitution" "but," say they, "*where the law is not prohibited and is really calculated to effect any of the objects intrusted to the Government, to undertake here to inquire into the degree of its necessity would be to pass the line which circumscribes the judicial department and to tread on legislative ground.*"

The principle here affirmed is that the "degree of its necessity," involving all the details of a banking institution, is a question exclusively for legislative consideration. A bank is constitutional, but it is the province of the Legislature to determine whether this or that particular power, privilege, or exemption is "necessary and proper" to enable the bank to discharge its duties to the Government, and from their decision there is no appeal to the courts of justice. Under the decision of the Supreme Court, therefore, it is the exclusive province of Congress and the President to decide whether the particular features of this act are *necessary* and *proper* in order to enable the bank to perform conveniently and efficiently the public duties assigned to it as a fiscal agent, and therefore constitutional, or *unnecessary* and *improper*, and therefore unconstitutional.

Without commenting on the general principle affirmed by the Supreme Court, let us examine the details of this act in accordance with the rule of legislative action which they have laid down. It will be found that many of the powers and privileges conferred on it can not be

supposed necessary for the purpose for which it is proposed to be created, and are not, therefore, means necessary to attain the end in view, and consequently not justified by the Constitution.

The original act of incorporation, section 21, enacts "that no other bank shall be established by any future law of the United States during the continuance of the corporation hereby created, for which the faith of the United States is hereby pledged: *Provided*, Congress may renew existing charters for banks within the District of Columbia not increasing the capital thereof, and may also establish any other bank or banks in said District with capitals not exceeding in the whole \$6,000,000 if they shall deem it expedient." This provision is continued in force by the act before me fifteen years from the 3d of March, 1836.

If Congress possessed the power to establish one bank, they had power to establish more than one if in their opinion two or more banks had been "necessary" to facilitate the execution of the powers delegated to them in the Constitution. If they possessed the power to establish a second bank, it was a power derived from the Constitution to be exercised from time to time, and at any time when the interests of the country or the emergencies of the Government might make it expedient. It was possessed by one Congress as well as another, and by all Congresses alike, and alike at every session. But the Congress of 1816 have taken it away from their successors for twenty years, and the Congress of 1832 proposes to abolish it for fifteen years more. It can not be "*necessary*" or "*proper*" for Congress to barter away or divest themselves of any of the powers vested in them by the Constitution to be exercised for the public good. It is not "necessary" to the efficiency of the bank, nor is it "proper" in relation to themselves and their successors. They may properly use the discretion vested in them, but they may not limit the discretion of their successors. This restriction on themselves and grant of a monopoly to the bank is therefore unconstitutional.

In another point of view this provision is a palpable attempt to amend the Constitution by an act of legislation. The Constitution declares that "the Congress shall have power to exercise exclusive legislation in all cases whatsoever" over the District of Columbia. Its constitutional power, therefore, to establish banks in the District of Columbia and increase their capital at will is unlimited and uncontrollable by any other power than that which gave authority to the Constitution. Yet this act declares that Congress shall not increase the capital of existing banks, nor create other banks with capitals exceeding in the whole \$6,000,000. The Constitution

declares that Congress shall have power to exercise exclusive legislation over this District “in all cases whatsoever,” and this act declares they shall not. Which is the supreme law of the land? This provision can not be “*necessary*” or “*proper*” or *constitutional* unless the absurdity be admitted that whenever it be “*necessary and proper*” in the opinion of Congress they have a right to barter away one portion of the powers vested in them by the Constitution as a means of executing the rest.

On two subjects only does the Constitution recognize in Congress the power to grant exclusive privileges or monopolies. It declares that “Congress shall have power to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.” Out of this express delegation of power have grown our laws of patents and copyrights. As the Constitution expressly delegates to Congress the power to grant exclusive privileges in these cases as the means of executing the substantive power “to promote the progress of science and useful arts,” it is consistent with the fair rules of construction to conclude that such a power was not intended to be granted as a means of accomplishing any other end. On every other subject which comes within the scope of Congressional power there is an ever-living discretion in the use of proper means, which can not be restricted or abolished without an amendment of the Constitution. Every act of Congress, therefore, which attempts by grants of monopolies or sale of exclusive privileges for a limited time, or a time without limit, to restrict or extinguish its own discretion in the choice of means to execute its delegated powers is equivalent to a legislative amendment of the Constitution, and palpably unconstitutional.

This act authorizes and encourages transfers of its stock to foreigners and grants them an exemption from all State and national taxation. So far from being “*necessary and proper*” that the bank should possess this power to make it a safe and efficient agent of the Government in its fiscal operations, it is calculated to convert the Bank of the United States into a foreign bank, to impoverish our people in time of peace, to disseminate a foreign influence through every section of the Republic, and in war to endanger our independence.

The several States reserved the power at the formation of the Constitution to regulate and control titles and transfers of real property, and most, if not all, of them have laws disqualifying aliens from acquiring or holding lands within their limits. But this act, in disregard of the undoubted right of the States to prescribe such disqualifications, gives to

alien stockholders in this bank an interest and title, as members of the corporation, to all the real property it may acquire within any of the States of this Union. This privilege granted to aliens is not “*necessary*” to enable the bank to perform its public duties, nor in any sense “*proper*,” because it is vitally subversive of the rights of the States.

The Government of the United States have no constitutional power to purchase lands within the States except “for the erection of forts, magazines, arsenals, dockyards, and other needful buildings,” and even for these objects only “by the consent of the legislature of the State in which the same shall be.” By making themselves stockholders in the bank and granting to the corporation the power to purchase lands for other purposes they assume a power not granted in the Constitution and grant to others what they do not themselves possess. It is not necessary to the receiving, safe-keeping, or transmission of the funds of the Government that the bank should possess this power, and it is not proper that Congress should thus enlarge the powers delegated to them in the Constitution.

The old Bank of the United States possessed a capital of only \$11,000,000, which was found fully sufficient to enable it with dispatch and safety to perform all the functions required of it by the Government. The capital of the present bank is \$35,000,000 — at least twenty-four more than experience has proved to be necessary to enable a bank to perform its public functions. The public debt which existed during the period of the old bank and on the establishment of the new has been nearly paid off, and our revenue will soon be reduced. This increase of capital is therefore not for public but for private purposes.

The Government is the only “*proper*” judge where its agents should reside and keep their offices, because it best knows where their presence will be “*necessary*.” It can not, therefore, be “*necessary*” or “*proper*” to authorize the bank to locate branches where it pleases to perform the public service, without consulting the Government, and contrary to its will. The principle laid down by the Supreme Court concedes [that] Congress can not establish a bank for purposes of private speculation and gain, but only as a means of executing the delegated powers of the General Government. By the same principle a branch bank can not constitutionally be established for other than public purposes. The power which this act gives to establish two branches in any State, without the injunction or request of the Government and for other than public purposes, is not “*necessary*” to the due execution of the powers delegated to Congress.

The bonus which is exacted from the bank is a confession upon the face of the act that the powers granted by it are greater than are “*necessary*” to its character of a fiscal agent. The Government does not tax its officers and agents for the privilege of serving it. The bonus of a million and a half required by the original charter and that of three millions proposed by this act are not exacted for the privilege of giving “the necessary facilities for transferring the public funds from place to place within the United States or the Territories thereof, and for distributing the same in payment of the public creditors without charging commission or claiming allowance on account of the difference of exchange,” as required by the act of incorporation, but for something more beneficial to the stockholders. The original act declares that it (the bonus) is granted “in consideration of the exclusive privileges and benefits conferred by this act upon the said bank,” and the act before me declares it to be “in consideration of the exclusive benefits and privileges continued by this act to the said corporation for fifteen years, as aforesaid.” It is therefore for “exclusive privileges and benefits” conferred for their own use and emolument, and not for the advantage of the Government, that a bonus is exacted. These surplus powers for which the bank is required to pay can not surely be “*necessary*” to make it the fiscal agent of the Treasury. If they were, the exaction of a bonus for them would not be “*proper*.”

It is maintained by some that the bank is a means of executing the constitutional power “to coin money and regulate the value thereof.” Congress have established a mint to coin money and passed laws to regulate the value thereof. The money so coined, with its value so regulated, and such foreign coins as Congress may adopt are the only currency known to the Constitution. But if they have other power to regulate the currency, it was conferred to be exercised by themselves, and not to be transferred to a corporation. If the bank be established for that purpose, with a charter unalterable without its consent, Congress have parted with their power for a term of years, during which the Constitution is a dead letter. It is neither necessary nor proper to transfer its legislative power to such a bank, and therefore unconstitutional.

By its silence, considered in connection with the decision of the Supreme Court in the case of *McCulloch* against the State of Maryland, this act takes from the States the power to tax a portion of the banking business carried on within their limits, in subversion of one of the strongest barriers which secured them against Federal encroachments. Banking, like farming, manufacturing, or any other occupation or

profession, is a business, the right to follow which is not originally derived from the laws. Every citizen and every company of citizens in all of our States possessed the right until the State legislatures deemed it good policy to prohibit private banking by law. If the prohibitory State laws were now repealed, every citizen would again possess the right. The State banks are a qualified restoration of the right which has been taken away by the laws against banking, guarded by such provisions and limitations as in the opinion of the State legislatures the public interest requires. These corporations, unless there be an exemption in their charter, are, like private bankers and banking companies, subject to State taxation. The manner in which these taxes shall be laid depends wholly on legislative discretion. It may be upon the bank, upon the stock, upon the profits, or in any other mode which the sovereign power shall will.

Upon the formation of the Constitution the States guarded their taxing power with peculiar jealousy. They surrendered it only as it regards imports and exports. In relation to every other object within their jurisdiction, whether persons, property, business, or professions, it was secured in as ample a manner as it was before possessed. All persons, though United States officers, are liable to a poll tax by the States within which they reside. The lands of the United States are liable to the usual land tax, except in the new States, from whom agreements that they will not tax unsold lands are exacted when they are admitted into the Union. Horses, wagons, any beasts or vehicles, tools, or property belonging to private citizens, though employed in the service of the United States, are subject to State taxation. Every private business, whether carried on by an officer of the General Government or not, whether it be mixed with public concerns or not, even if it be carried on by the Government of the United States itself, separately or in partnership, falls within the scope of the taxing power of the State. Nothing comes more fully within it than banks and the business of banking, by whomsoever instituted and carried on. Over this whole subject-matter it is just as absolute, unlimited, and uncontrollable as if the Constitution had never been adopted, because in the formation of that instrument it was reserved without qualification.

The principle is conceded that the States can not rightfully tax the operations of the General Government. They can not tax the money of the Government deposited in the State banks, nor the agency of those banks in remitting it; but will any man maintain that their mere selection to perform this public service for the General Government would exempt the State banks and their ordinary business from State taxation? Had the

United States, instead of establishing a bank at Philadelphia, employed a private banker to keep and transmit their funds, would it have deprived Pennsylvania of the right to tax his bank and his usual banking operations? It will not be pretended. Upon what principle, then, are the banking establishments of the Bank of the United States and their usual banking operations to be exempted from taxation? It is not their public agency or the deposits of the Government which the States claim a right to tax, but their banks and their banking powers, instituted and exercised within State jurisdiction for their private emolument — those powers and privileges for which they pay a bonus, and which the States tax in their own banks. The exercise of these powers within a State, no matter by whom or under what authority, whether by private citizens in their original right, by corporate bodies created by the States, by foreigners or the agents of foreign governments located within their limits, forms a legitimate object of State taxation. From this and like sources, from the persons, property, and business that are found residing, located, or carried on under their jurisdiction, must the States, since the surrender of their right to raise a revenue from imports and exports, draw all the money necessary for the support of their governments and the maintenance of their independence. There is no more appropriate subject of taxation than banks, banking, and bank stocks, and none to which the States ought more pertinaciously to cling.

It can not be *necessary* to the character of the bank as a fiscal agent of the Government that its private business should be exempted from that taxation to which all the State banks are liable, nor can I conceive it "*proper*" that the substantive and most essential powers reserved by the States shall be thus attacked and annihilated as a means of executing the powers delegated to the General Government. It may be safely assumed that none of those sages who had an agency in forming or adopting our Constitution ever imagined that any portion of the taxing power of the States not prohibited to them nor delegated to Congress was to be swept away and annihilated as a means of executing certain powers delegated to Congress.

If our power over means is so absolute that the Supreme Court will not call in question the constitutionality of an act of Congress the subject of which "is not prohibited, and is really calculated to effect any of the objects intrusted to the Government," although, as in the case before me, it takes away powers expressly granted to Congress and rights scrupulously reserved to the States, it becomes us to proceed in our

legislation with the utmost caution. Though not directly, our own powers and the rights of the States may be indirectly legislated away in the use of means to execute substantive powers. We may not enact that Congress shall not have the power of exclusive legislation over the District of Columbia, but we may pledge the faith of the United States that as a means of executing other powers it shall not be exercised for twenty years or forever. We may not pass an act prohibiting the States to tax the banking business carried on within their limits, but we may, as a means of executing our powers over other objects, place that business in the hands of our agents and then declare it exempt from State taxation in their hands. Thus may our own powers and the rights of the States, which we can not directly curtail or invade, be frittered away and extinguished in the use of means employed by us to execute other powers. That a bank of the United States, competent to all the duties which may be required by the Government, might be so organized as not to infringe on our own delegated powers or the reserved rights of the States I do not entertain a doubt. Had the Executive been called upon to furnish the project of such an institution, the duty would have been cheerfully performed. In the absence of such a call it was obviously proper that he should confine himself to pointing out those prominent features in the act presented which in his opinion make it incompatible with the Constitution and sound policy. A general discussion will now take place, eliciting new light and settling important principles; and a new Congress, elected in the midst of such discussion, and furnishing an equal representation of the people according to the last census, will bear to the Capitol the verdict of public opinion, and, I doubt not, bring this important question to a satisfactory result.

Under such circumstances the bank comes forward and asks a renewal of its charter for a term of fifteen years upon conditions which not only operate as a gratuity to the stockholders of many millions of dollars, but will sanction any abuses and legalize any encroachments.

Suspensions are entertained and charges are made of gross abuse and violation of its charter. An investigation unwillingly conceded and so restricted in time as necessarily to make it incomplete and unsatisfactory discloses enough to excite suspicion and alarm. In the practices of the principal bank partially unveiled, in the absence of important witnesses, and in numerous charges confidently made and as yet wholly uninvestigated there was enough to induce a majority of the committee of investigation — a committee which was selected from the most able and

honorable members of the House of Representatives — to recommend a suspension of further action upon the bill and a prosecution of the inquiry. As the charter had yet four years to run, and as a renewal now was not necessary to the successful prosecution of its business, it was to have been expected that the bank itself, conscious of its purity and proud of its character, would have withdrawn its application for the present, and demanded the severest scrutiny into all its transactions. In their declining to do so there seems to be an additional reason why the functionaries of the Government should proceed with less haste and more caution in the renewal of their monopoly.

The bank is professedly established as an agent of the executive branch of the Government, and its constitutionality is maintained on that ground. Neither upon the propriety of present action nor upon the provisions of this act was the Executive consulted. It has had no opportunity to say that it neither needs nor wants an agent clothed with such powers and favored by such exemptions. There is nothing in its legitimate functions which makes it necessary or proper. Whatever interest or influence, whether public or private, has given birth to this act, it can not be found either in the wishes or necessities of the executive department, by which present action is deemed premature, and the powers conferred upon its agent not only unnecessary, but dangerous to the Government and country.

It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government. Equality of talents, of education, or of wealth can not be produced by human institutions. In the full enjoyment of the gifts of Heaven and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law; but when the laws undertake to add to these natural and just advantages artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer and the potent more powerful, the humble members of society — the farmers, mechanics, and laborers — who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their Government. There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, and, as Heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. In the act before me there seems to be a wide and unnecessary departure from these just principles.

Nor is our Government to be maintained or our Union preserved by invasions of the rights and powers of the several States. In thus attempting to make our General Government strong we make it weak. Its true strength consists in leaving individuals and States as much as possible to themselves — in making itself felt, not in its power, but in its beneficence; not in its control, but in its protection; not in binding the States more closely to the center, but leaving each to move unobstructed in its proper orbit.

Experience should teach us wisdom. Most of the difficulties our Government now encounters and most of the dangers which impend over our Union have sprung from an abandonment of the legitimate objects of Government by our national legislation, and the adoption of such principles as are embodied in this act. Many of our rich men have not been content with equal protection and equal benefits, but have besought us to make them richer by act of Congress. By attempting to gratify their desires we have in the results of our legislation arrayed section against section, interest against interest, and man against man, in a fearful commotion which threatens to shake the foundations of our Union. It is time to pause in our career to review our principles, and if possible revive that devoted patriotism and spirit of compromise which distinguished the sages of the Revolution and the fathers of our Union. If we can not at once, in justice to interests vested under improvident legislation, make our Government what it ought to be, we can at least take a stand against all new grants of monopolies and exclusive privileges, against any prostitution of our Government to the advancement of the few at the expense of the many, and in favor of compromise and gradual reform in our code of laws and system of political economy.

I have now done my duty to my country. If sustained by my fellow-citizens, I shall be grateful and happy; if not, I shall find in the motives which impel me ample grounds for contentment and peace. In the difficulties which surround us and the dangers which threaten our institutions there is cause for neither dismay nor alarm. For relief and deliverance let us firmly rely on that kind Providence which I am sure watches with peculiar care over the destinies of our Republic, and on the intelligence and wisdom of our countrymen. Through His abundant goodness and their patriotic devotion our liberty and Union will be preserved.

ANDREW JACKSON.

Document 25

Proclamation Regarding Nullification

Andrew Jackson
December 10, 1832
Abridged

When South Carolina issued its Ordinance of Nullification in response to the tariffs of 1828 and 1832, and threatened to resist any federal efforts to enforce compliance with those laws, President Andrew Jackson explained in no uncertain terms the consequences should the state not reconsider its actions. Jackson, who was no admirer of strong national government, offered a carefully reasoned explanation of why the right of nullification claimed by South Carolina was contrary to the letter and spirit of the Constitution. He also rejected the “fatal doctrine” that a state may constitutionally secede from the Union, because it was founded on the same radical error as nullification — a misconception about the origin and nature of the Union.

Whereas a convention[,] assembled in the State of South Carolina[,] have passed an ordinance[,] by which they declare “that the several acts and parts of acts of the Congress of the United States[,] purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and more especially” two acts for the same purposes[,] passed on the 29th of May, 1828, and on the 14th of July, 1832, “are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null and void[,] and no law,” nor binding on the citizens of that State or its officers; and by the said ordinance it is further declared to be unlawful for any of the constituted authorities of the State[,] or of the United States[,] to enforce the payment of the duties imposed by the said acts within the same State, and that it is the duty of the legislature to pass such laws as may be necessary to give full effect to the said ordinances; and

Whereas[,] by the said ordinance it is further ordained that in no case of law or equity decided in the courts of said state wherein shall be drawn

in question the validity of the said ordinance, or of the acts of the legislature that may be passed to give it effect, or of the said laws of the United States, no appeal shall be allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose, and that any person attempting to take such appeal shall be punished as for [a] contempt of court; and, finally, the said ordinance declares that the people of South Carolina will maintain the said ordinance at every hazard, and that they will consider the passage of any act by Congress abolishing or closing the ports of the said State[,] or otherwise obstructing the free ingress or egress of vessels to and from the said ports, or any other act of the Federal Government to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the said acts otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union, and that the people of the said State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate government[,] and do all other acts and things which sovereign and independent states may of right do; and

Whereas the said ordinance prescribes to the people of South Carolina a course of conduct in direct violation of their duty as citizens of the United States, contrary to the laws of their country, subversive of its Constitution, and having for its object the destruction of the Union — that Union[,] which, coeval with our political existence, led our fathers, without any other ties to unite them than those of patriotism and a common cause, through the sanguinary struggle to a glorious independence; that sacred Union, hitherto inviolate, which, perfected by our happy Constitution, has brought us, by the favor of Heaven, to a state of prosperity at home[,] and high consideration abroad[,] rarely, if ever, equaled in the history of nations:

To preserve this bond of our political existence from destruction, to maintain inviolate this state of national honor and prosperity, and to justify the confidence my fellow-citizens have reposed in me, I, Andrew Jackson, President of the United States, have thought proper to issue this my proclamation, stating my views of the Constitution and laws applicable to the measures adopted by the convention of South Carolina[,] and to the reasons they have put forth to sustain them, declaring the course which duty will require me to pursue, and, appealing to the understanding

and patriotism of the people, warn them of the consequences that must inevitably result from an observance of the dictates of the Convention.

Strict duty would require of me nothing more than the exercise of those powers with which I am now, or may hereafter be[,] invested[,] for preserving the peace of the Union[,] and for the execution of the laws, but the imposing aspect which opposition has assumed in this case, by clothing itself with State authority, and the deep interest which the people of the United States must all feel in preventing a resort to stronger measures[,] while there is a hope that anything will be yielded to reasoning and remonstrances, perhaps demand, and will certainly justify, a full exposition to South Carolina and the nation of the views I entertain of this important question, as well as a distinct enunciation of the course which my sense of duty will require me to pursue.

The ordinance is founded, not on the indefeasible right of resisting acts which are plainly unconstitutional[,] and too oppressive to be endured, but on the strange position that any one State may not only declare an act of Congress void, but prohibit its execution; that they may do this consistently with the Constitution; that the true construction of that instrument permits a State to retain its place in the Union[,] and yet be bound by no other of its laws than those it may choose to consider as constitutional. It is true, they add, that to justify this abrogation of a law[,] it must be palpably contrary to the Constitution; but it is evident, that to give the right of resisting laws of that description, coupled with the uncontrolled right to decide what laws deserve that character, is to give the power of resisting all laws; for[,] as by the theory[,] there is no appeal, the reasons alleged by the State, good or bad, must prevail. If it should be said that public opinion is a sufficient check against the abuse of this power, it may be asked why it is not deemed a sufficient guard against the passage of an unconstitutional act by Congress? There is, however, a restraint in this last case[,] which makes the assumed power of a State more indefensible, and which does not exist in the other. There are two appeals from an unconstitutional act passed by Congress — one to the judiciary, the other to the people and the States. There is no appeal from the State decision in theory, and the practical illustration shows that the courts are closed against an application to review it, both judges and jurors being sworn to decide in its favor. But reasoning on this subject is superfluous[,] when our social compact, in express terms, declares that the laws of the United States, its Constitution, and treaties made under it[,] are the supreme law of the land, and, for greater caution[,] adds[,] “that the judges in every

State shall be bound thereby, anything in the [C]onstitution or laws of any State to the contrary notwithstanding.” And it may be asserted[,] without fear of refutation[,] that no federative government could exist without a similar provision. Look[,] for a moment[,] to the consequence. If South Carolina considers the revenue laws unconstitutional[,] and has a right to prevent their execution in the port of Charleston, there would be a clear constitutional objection to their collection in every other port; and no revenue could be collected anywhere, for all imposts must be equal. It is no answer to repeat that an unconstitutional law is no law[,] so long as the question of its legality is to be decided by the State itself, for every law operating injuriously upon any local interest will be perhaps thought, and certainly represented, as unconstitutional, and, as has been shown, there is no appeal.

If this doctrine had been established at an earlier day, the Union would have been dissolved in its infancy. The excise law in Pennsylvania, the embargo and nonintercourse law in the Eastern States, the carriage tax in Virginia, were all deemed unconstitutional, and were more unequal in their operation than any of the laws now complained of; but, fortunately, none of those States discovered that they had the right now claimed by South Carolina. The war into which we were forced[,] to support the dignity of the nation and the rights of our citizens[,] might have ended in defeat and disgrace, instead of victory and honor, if the States who supposed it a ruinous and unconstitutional measure[,] had thought they possessed the right of nullifying the act by which it was declared[,] and denying supplies for its prosecution. Hardly and unequally as those measures bore upon several members of the Union, to the legislatures of none did this efficient and peaceable remedy, as it is called, suggest itself. The discovery of this important feature in our Constitution was reserved to the present day. To the statesmen of South Carolina belongs the invention, and upon the citizens of that State will[,] unfortunately[,] fall the evils of reducing it to practice.

If the doctrine of a State veto upon the laws of the Union carries with it internal evidence of its impracticable absurdity, our constitutional history will also afford abundant proof that it would have been repudiated with indignation had it been proposed to form a feature in our Government.

In our colonial state, although dependent on another power, we very early considered ourselves as connected by common interest with each other. Leagues were formed for common defense, and before the

[D]eclaration of [I]ndependence[,] we were known in our aggregate character as the *United Colonies of America*. That decisive and important step was taken jointly. We declared ourselves a nation by a joint, not by several acts[;] and when the terms of our Confederation were reduced to form[,] it was in that of a solemn league of several States, by which they agreed that they would[,] collectively[,] form one nation[,] for the purpose of conducting some certain domestic concerns[,] and all foreign relations. In the instrument forming that Union, is found an article which declares that “every State shall abide by the determinations of Congress on all questions which by that Confederation should be submitted to them.”

Under the Confederation, then, no State could legally annul a decision of the Congress or refuse to submit to its execution; but no provision was made to enforce these decisions. Congress made requisitions, but they were not complied with. The Government could not operate on individuals. They had no judiciary, no means of collecting revenue.

But the defects of the Confederation need not be detailed. Under its operation we could scarcely be called a nation. We had neither prosperity at home nor consideration abroad. This state of things could not be endured, and our present happy Constitution was formed, but formed in vain if this fatal doctrine prevails. It was formed for important objects that are announced in the preamble, made in the name and by the authority of the people of the United States, whose delegates framed and whose conventions approved it. The most important among these objects — that which is placed first in rank, on which all the others rest — is “*to form a more perfect union*.” Now, is it possible that even if there were no express provision giving supremacy to the Constitution and laws of the United States over those of the States, can it be conceived that an instrument made for the purpose of “*forming a more perfect union*” than that of the Confederation could be so constructed by the assembled wisdom of our country as to substitute for that Confederation a form of government dependent for its existence on the local interest, the party spirit, of a State, or of a prevailing faction in a State? Every man of plain, unsophisticated understanding who hears the question will give such an answer as will preserve the Union. ...

I consider, then, the power to annul a law of the United States, assumed by one State, *incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its*

spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed.

After this general view of the leading principle, we must examine the particular application of it which is made in the ordinance.

The preamble rests its justification on these grounds: It assumes as a fact that the obnoxious laws, although they purport to be laws for raising revenue, were in reality intended for the protection of manufactures, which purpose it asserts to be unconstitutional; that the operation of these laws is unequal; that the amount raised by them is greater than is required by the wants of the Government; and, finally, that the proceeds are to be applied to objects unauthorized by the Constitution. These are the only causes alleged to justify an open opposition to the laws of the country[,] and a threat of seceding from the Union[,], if any attempt should be made to enforce them. The first virtually acknowledges that the law in question was passed under a power expressly given by the Constitution to lay and collect imposts; but its constitutionality is drawn in question from the motives of those who passed it. However apparent this purpose may be in the present case, nothing can be more dangerous than to admit the position that an unconstitutional purpose entertained by the members who assent to a law enacted under a constitutional power shall make that law void. For how is that purpose to be ascertained? Who is to make the scrutiny? How often may bad purposes be falsely imputed, in how many cases are they concealed by false professions, in how many is no declaration of motive made? Admit this doctrine, and you give to the States an uncontrolled right to decide, and every law may be annulled under this pretext. If, therefore, the absurd and dangerous doctrine should be admitted that a State may annul an unconstitutional law, or one that it deems such, it will not apply to the present case.

The next objection is that the laws in question operate unequally. This objection may be made with truth to every law that has been or can be passed. The wisdom of man never yet contrived a system of taxation that would operate with perfect equality. If the unequal operation of a law makes it unconstitutional, and if all laws of that description may be abrogated by any state for that cause, then, indeed, is the Federal Constitution unworthy of the slightest effort for its preservation. We have hitherto relied on it as the perpetual bond of our Union; we have received it as the work of the assembled wisdom of the nation; we have trusted to it as to the sheet anchor of our safety in the stormy times of conflict with a foreign or domestic foe; we have looked to it with sacred awe as the

palladium of our liberties[;] and with all the solemnities of religion have pledged to each other our lives and fortunes here and our hopes of happiness hereafter in its defense and support. Were we mistaken, my countrymen, in attaching this importance to the Constitution of our country? ...

Our Constitution does not contain the absurdity of giving power to make laws and another [power] to resist them. The sages whose memory will always be revered have given us a practical and, as they hoped, a permanent constitutional compact. The Father of his Country did not affix his revered name to so palpable an absurdity. Nor did the States, when they severally ratified it, do so under the impression that a veto on the laws of the United States was reserved to them or that they could exercise it by implication. Search the debates in all their conventions, examine the speeches of the most zealous opposers of Federal authority, look at the amendments that were proposed; they are all silent — not a syllable uttered, not a vote given, not a motion made to correct the explicit supremacy given to the laws of the Union over those of the States, or to show that implication, as is now contended, could defeat it. No; we have not erred. The Constitution is still the object of our reverence, the bond of our Union, our defense in danger, the source of our prosperity in peace. It shall descend, as we have received it, uncorrupted by sophistical construction, to our posterity; and the sacrifices of local interests, of State prejudices, of personal animosities, that were made to bring it into existence will again be patriotically offered for its support.

The two remaining objections made by the ordinance to these laws are that the sums intended to be raised by them are greater than are required[,], and that the proceeds will be unconstitutionally employed. ...

The ordinance, with the same knowledge of the future that characterizes a former objection, tells you that the proceeds of the tax will be unconstitutionally applied. If this could be ascertained with certainty, the objection would with more propriety be reserved for the law so applying the proceeds, but surely can not be urged against the laws levying the duty.

These are the allegations contained in the ordinance. Examine them seriously, my fellow-citizens; judge for yourselves. I appeal to you to determine whether they are so clear, so convincing, as to leave no doubt of their correctness; and even if you should come to this conclusion, how far they justify the reckless, destructive course which you are directed to pursue. Review these objections and the conclusions drawn from them

once more. What are they? Every law, then, for raising revenue, according to the South Carolina ordinance, may be rightfully annulled unless it be so framed as no law ever will or can be framed. Congress have a right to pass laws for raising revenue and each State has a right to oppose their execution — two rights directly opposed to each other; and yet is this absurdity supposed to be contained in an instrument drawn for the express purpose of avoiding collisions between the States and the general government by an assembly of the most enlightened statesmen and purest patriots ever embodied for a similar purpose.

In vain have these sages declared that Congress shall have power to lay and collect taxes, duties, imposts, and excises; in vain have they provided that they shall have power to pass laws which shall be necessary and proper to carry those powers into execution, that those laws and that Constitution shall be the “supreme law of the land, and that the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding;” in vain have the people of the several states solemnly sanctioned these provisions, made them their paramount law, and individually sworn to support them whenever they were called on to execute any office. Vain provisions! [I]neffectual restrictions! [V]ile profanation of oaths! [M]iserable mockery of legislation! [I]f a bare majority of the voters in any one state may, on a real or supposed knowledge of the intent with which a law has been passed, declare themselves free from its operation; say, here it gives too little[;] there, too much, and operates unequally; here it suffers articles to be free that ought to be taxed; there it taxes those that ought to be free; in this case the proceeds are intended to be applied to purposes which we do not approve; in that, the amount raised is more than is wanted. Congress, it is true, are invested by the Constitution with the right of deciding these questions according to their sound discretion. Congress is composed of the representatives of all the States and of all the people of all the States. But we, part of the people of one State, to whom the Constitution has given no power on the subject, from whom it has expressly taken it away; we, who have solemnly agreed that this Constitution shall be our law; we, most of whom have sworn to support it — we now abrogate this law and swear, and force others to swear, that it shall not be obeyed; and we do this not because Congress have no right to pass such laws — this we do not allege — but because they have passed them with improper views. They are unconstitutional from the motives of those who passed them, which we can never with certainty know; from their unequal operation, although

it is impossible, from the nature of things, that they should be equal; and from the disposition which we presume may be made of their proceeds, although that disposition has not been declared. This is the plain meaning of the ordinance in relation to laws which it abrogates for alleged unconstitutionality. But it does not stop there. It repeals in express terms an important part of the Constitution itself and of laws passed to give it effect which have never been alleged to be unconstitutional.

The Constitution declares that the judicial powers of the United States extend to cases arising under the laws of the United States, and that such laws, the Constitution, and treaties shall be paramount to the State constitutions and laws. The judiciary act prescribes the mode by which the case may be brought before a court of the United States by appeal when a State tribunal shall decide against this provision of the Constitution. The ordinance declares there shall be no appeal — makes the state law paramount to the Constitution and laws of the United States, forces judges and jurors to swear that they will disregard their provisions, and even makes it penal in a suitor to attempt relief by appeal. It further declares that it shall not be lawful for the authorities of the United States or of that State to enforce the payment of duties imposed by the revenue laws within its limits.

Here is a law of the United States, not even pretended to be unconstitutional, repealed by the authority of a small majority of the voters of a single State. Here is a provision of the Constitution which is solemnly abrogated by the same authority.

On such expositions and reasonings the ordinance grounds not only an assertion of the right to annul the laws of which it complains, but to enforce it by a threat of seceding from the Union if any attempt is made to execute them.

This right to secede is deduced from the nature of the Constitution, which, they say, is a compact between sovereign States who have preserved their whole sovereignty[,] and therefore are subject to no superior; that because they made the compact[,] they can break it when in their opinion it has been departed from by the other States. Fallacious as this course of reasoning is, it enlists State pride[,] and finds advocates in the honest prejudices of those who have not studied the nature of our Government sufficiently to see the radical error on which it rests.

The people of the United States formed the Constitution, acting through the State legislatures[,] in making the compact, to meet and discuss its provisions, and acting in separate conventions when they

ratified those provisions; but the terms used in its construction show it to be a government in which the people of all the States collectively are represented. We are one people in the choice of [the] President and Vice-President. Here the States have no other agency than to direct the mode in which the vote shall be given. The candidates having the majority of all the votes are chosen. The electors of a majority of States may have given their votes for one candidate, and yet another may be chosen. The people, then, and not the States, are represented in the executive branch.

In the House of Representatives there is this difference, that the people of one State do not, as in the case of President and Vice-President, all vote for the same officers. The people of all the States do not vote for all the members, each State electing only its own representatives. But this creates no material distinction. When chosen, they are all representatives of the United States, not representatives of the particular State from which they come. They are paid by the United States, not by the State; nor are they accountable to it for any act done in performance of their legislative functions; and however they may in practice, as it is their duty to do, consult and prefer the interests of their particular constituents when they come in conflict with any other partial or local interest, yet it is their first and highest duty, as representatives of the United States, to promote the general good.

The Constitution of the United States, then, forms a government, not a league[,] and whether it be formed by compact between the States[,] or in any other manner, its character is the same. It is a government in which all the people are represented, which operates directly on the people individually, not upon the States; they retained all the power they did not grant. But each State, having expressly parted with so many powers as to constitute, jointly with the other States, a single nation, can not, from that period, possess any right to secede, because such secession does not break a league, but destroys the unity of a nation[,] and any injury to that unity is not only a breach which would result from the contravention of a compact, but it is an offense against the whole Union. To say that any State may at pleasure secede from the Union[,] is to say that the United States are not a nation, because it would be a solecism to contend that any part of a nation might dissolve its connection with the other parts, to their injury or ruin, without committing any offense. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right[,] is confounding the meaning of terms, and can only be done through gross error[,] or to deceive those who are willing to assert

a right, but would pause before they made a revolution[,] or incur the penalties consequent [up] on a failure.

Because the Union was formed by compact, it is said the parties to that compact may, when they feel themselves aggrieved, depart from it; but it is precisely because it is a compact that they can not. A compact is an agreement or binding obligation. It may by its terms have a sanction or penalty for its breach, or it may not. If it contains no sanction, it may be broken with no other consequence than moral guilt; if it have a sanction, then the breach incurs the designated or implied penalty. A league between independent nations[,] generally[,] has no sanction other than a moral one; or if it should contain a penalty, as there is no common superior[,] it can not be enforced. A government, on the contrary, always has a sanction, express or implied; and[,] in our case[,] it is both necessarily implied and expressly given. An attempt, by force of arms, to destroy a government is an offense, by whatever means the constitutional compact may have been formed; and such government has the right[,] by the law of self-defense[,] to pass acts for punishing the offender, unless that right is modified, restrained, or resumed by the constitutional act. In our system, although it is modified in the case of treason, yet authority is expressly given to pass all laws necessary to carry its powers into effect, and under this grant provision has been made for punishing acts which obstruct the due administration of the laws.

It would seem superfluous to add anything to show the nature of that union which connects us[;] but as erroneous opinions on this subject are the foundation of doctrines the most destructive to our peace, I must give some further development to my views on this subject. No one, fellow-citizens, has a higher reverence for the reserved rights of the States than the Magistrate who now addresses you. No one would make greater personal sacrifices[,] or official exertions[,] to defend them from violation; but equal care must be taken to prevent, on their part, an improper interference with[,] or resumption of[,] the rights they have vested in the nation. The line has not been so distinctly drawn as to avoid doubts in some cases of the exercise of power. Men of the best intentions and soundest views may differ in their construction of some parts of the Constitution; but there are others on which dispassionate reflection can leave no doubt. Of this nature appears to be the assumed right of secession. It rests, as we have seen, on the alleged undivided sovereignty of the States[,] and on their having formed in this sovereign capacity a compact which is called the Constitution, from which, because they made

it, they have the right to secede. Both of these positions are erroneous, and some of the arguments to prove them so have been anticipated.

The States severally have not retained their entire sovereignty. It has been shown that in becoming parts of a nation, not members of a league, they surrendered many of their essential parts of sovereignty. The right to make treaties, declare war, levy taxes, exercise exclusive judicial and legislative powers, were all of them functions of sovereign power. The States, then, for all these important purposes[,] were no longer sovereign. The allegiance of their citizens was transferred, in the first instance, to the government of the United States; they became American citizens[,] and owed obedience to the Constitution of the United States[,] and to laws made in conformity with the powers vested in Congress. This last position has not been[,] and can not be[,] denied. How, then, can that State be said to be sovereign and independent whose citizens owe obedience to laws not made by it[,] and whose magistrates are sworn to disregard those laws[,] when they come in conflict with those passed by another? What shows conclusively that the States can not be said to have reserved an undivided sovereignty[,] is that they expressly ceded the right to punish treason — not treason against their separate power, but treason against the United States. Treason is an offense against sovereignty, and sovereignty must reside with the power to punish it. But the reserved rights of the States are not less sacred because they have for their common interest made the general government the depository of these powers. The unity of our political character (as has been shown for another purpose) commenced with its very existence. Under the royal Government we had no separate character; our opposition to its oppression began as united colonies. We were the United States under the Confederation, and the name was perpetuated and the Union rendered more perfect by the Federal Constitution. In none of these stages did we consider ourselves in any other light than as forming one nation. Treaties and alliances were made in the name of all. Troops were raised for the joint defense. How, then, with all these proofs, that under all changes of our position we had, for designated purposes and with defined powers, created national governments, how is it that the most perfect of [these] several modes of union should now be considered as a mere league that may be dissolved at pleasure? It is from an abuse of terms. Compact is used as synonymous with league, although the true term is not employed, because it would at once show the fallacy of the reasoning. It would not do to say that our Constitution was only a league, but it is labored to prove it a compact

(which[,] in one sense[,] it is)[,] and then to argue that as a league is a compact[,] every compact between nations must[,] of course[,] be a league, and that from such an engagement every sovereign power has a right to recede. But it has been shown that in this sense the States are not sovereign, and that even if they were, and the national Constitution had been formed by compact, there would be no right in any one State to exonerate itself from its obligation. ...

This, then, is the position in which we stand[.] A small majority of the citizens of one State in the Union have elected delegates to a State convention; that convention has ordained that all the revenue laws of the United States must be repealed, or that they are no longer a member of the Union. The governor of that State has recommended to the legislature the raising of an army to carry the secession into effect, and that he may be empowered to give clearances to vessels in the name of the State. No act of violent opposition to the laws has yet been committed, but such a state of things is hourly apprehended, and it is the intent of this instrument to proclaim, not only that the duty imposed on me by the Constitution, “to take care that the laws be faithfully executed[,]” shall be performed to the extent of the powers already vested in me by law or of such others as the wisdom of Congress shall devise and Entrust to me for that purpose[;] but to warn the citizens of South Carolina[,] who have been deluded into an opposition to the laws, of the danger they will incur by obedience to the illegal and disorganizing ordinance of the convention; to exhort those who have refused to support it to persevere in their determination to uphold the Constitution and laws of their country; and to point out to all the perilous situation into which the good people of that State have been led, and that the course they are urged to pursue is one of ruin and disgrace to the very State whose rights they affect to support. ...

Fellow-citizens of the United States, the threat of unhallowed disunion, the names of those once respected by whom it is uttered, the array of military force to support it, denote the approach of a crisis in our affairs on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free governments may depend. The conjuncture demanded a free, a full, and explicit enunciation, not only of my intentions, but of my principles of action; and as the claim was asserted of a right by a State to annul the laws of the Union, and even to secede from it at pleasure, a frank exposition of my opinions in relation to the origin and form of our government and the construction I give to the instrument by which it was created, seemed to be proper. Having the

fullest confidence in the justness of the legal and constitutional opinion of my duties which has been expressed, I rely with equal confidence on your undivided support in my determination to execute the laws, to preserve the Union by all constitutional means, to arrest, if possible, by moderate but firm measures the necessity of a recourse to force; and if it be the will of Heaven that the recurrence of its primeval curse on man for the shedding of a brother's blood should fall upon our land, that it be not called down by any offensive act on the part of the United States.

Fellow-citizens, the momentous case is before you. On your undivided support of your government depends the decision of the great question it involves — whether your sacred Union will be preserved and the blessing it secures to us as one people shall be perpetuated. ...

Document 26

Speech on the Oregon Bill

John C. Calhoun

June 27, 1848

Abridged

In an 1837 speech in the Senate, John Calhoun had famously described the institution of Southern slavery as “a positive good” for slaves. He made this statement in reaction to increasingly vehement condemnations of slavery from abolitionists that Calhoun believed would drive a wedge between Northern and Southern states and possibly lead to the dissolution of the Union. It was also a time when social theorists began to justify racial slavery on the emerging sciences of sociology and anthropology. Those same fears and views formed the backdrop of Calhoun’s claim in the Oregon Bill speech that the Declaration of Independence contained “the most false and dangerous of all political errors.”

The first question which offers itself for consideration is — Have the Northern States the power which they claim, to prevent the Southern people from emigrating freely, with their property, into territories belonging to the United States, and to monopolize them for their exclusive benefit? ...

Now, I put the question solemnly to the Senators from the North: Can you rightly and justly exclude the South from territories of the United States, and monopolize them for yourselves, even if, in your opinion, you should have the power? It is this question I wish to press on your attention with all due solemnity and decorum. The North and the South stand in the relation of partners in a common Union, with equal dignity and equal rights. We of the South have contributed our full share of funds, and shed our full share of blood for the acquisition of our territories. Can you, then, on any principle of equity and justice, deprive us of our full share in their benefit and advantage? Are you ready to affirm that a majority of the partners in a joint concern have the right to monopolize its benefits to the exclusion of the minority, even in cases where they have contributed their full share to the concern? ...

I turn now to my friends of the South, and ask: What are you prepared to do? If neither the barriers of the constitution nor the high sense of right and justice should prove sufficient to protect you, are you prepared to sink down into a state of acknowledged inferiority; to be stripped of your dignity of equals among equals, and be deprived of your equality of rights in this federal partnership of States? If so, you are wofully degenerated from your sires, and will well deserve to change condition with your slaves; but if not, prepare to meet the issue. The time is at hand, if the question should not be speedily settled, when the South must rise up, and bravely defend herself, or sink down into base and acknowledged inferiority; ... At no other period could the two great parties into which the country is divided be made to see and feel so clearly and intensely the embarrassment and danger caused by the question. Indeed, they must be blind not to perceive that there is a power in action that must burst asunder the ties that bind them together, strong as they are, unless it should be speedily settled. Now is the time, if ever. Cast your eyes to the North, and mark what is going on there; reflect on the tendency of events for the last three years in reference to this the most vital of all questions, and you must see that no time should be lost. ...

I have believed, from the beginning, that this was the only question sufficiently potent to dissolve the Union, and subvert our system of government; and that the sooner it was met and settled, the safer and better for all. I have never doubted but that, if permitted to progress beyond a certain point, its settlement would become impossible, and am under deep conviction that it is now rapidly approaching it — and that if it is ever to be averted, it must be done speedily. In uttering these opinions I look to the whole. If I speak earnestly, it is to save and protect all. As deep as is the stake of the South in the Union and our political institutions, it is not deeper than that of the North. We shall be as well prepared and as capable of meeting whatever may come, as you.

Now, let me say, Senators, if our Union and system of government are doomed to perish, and we to share the fate of so many great people who have gone before us, the historian, who, in some future day, may record the events ending in so calamitous a result, will devote his first chapter to the ordinance of 1787, lauded as it and its authors have been, as the first of that series which led to it. His next chapter will be devoted to the Missouri compromise, and the next to the present agitation. Whether there will be another beyond, I know not. It will depend on what we may do.

If he should possess a philosophical turn of mind, and be disposed to look to more remote and recondite causes, he will trace it to a proposition which originated in a hypothetical truism, but which, as now expressed and now understood, is the most false and dangerous of all political errors. The proposition to which I allude, has become an axiom in the minds of a vast majority on both sides of the Atlantic, and is repeated daily from tongue to tongue, as an established and incontrovertible truth; it is, that "all men are born free and equal." I am not afraid to attack error, however deeply it may be entrenched, or however widely extended, whenever it becomes my duty to do so, as I believe it to be on this subject and occasion.

Taking the proposition literally (it is in that sense it is understood), there is not a word of truth in it. It begins with "all men are born," which is utterly untrue. Men are not born. Infants are born. They grow to be men. And concludes with asserting that they are born "free and equal," which is not less false. They are not born free. While infants they are incapable of freedom, being destitute alike of the capacity of thinking and acting, without which there can be no freedom. Besides, they are necessarily born subject to their parents, and remain so among all people, savage and civilized, until the development of their intellect and physical capacity enables them to take care of themselves. They grow to all the freedom of which the condition in which they were born permits, by growing to be men. Nor is it less false that they are born "equal." They are not so in any sense in which it can be regarded; and thus, as I have asserted, there is not a word of truth in the whole proposition, as expressed and generally understood.

If we trace it back, we shall find the proposition differently expressed in the Declaration of Independence. That asserts that "all men are created equal." The form of expression, though less dangerous, is not less erroneous. All men are not created. According to the Bible, only two, a man and a woman, ever were, and of these one was pronounced subordinate to the other. All others have come into the world by being born, and in no sense, as I have shown, either free or equal. But this form of expression being less striking and popular, has given way to the present, and under the authority of a document put forth on so great an occasion, and leading to such important consequences, has spread far and wide, and fixed itself deeply in the public mind. It was inserted in our Declaration of Independence without any necessity. It made no necessary part of our justification in separating from the parent country, and declaring ourselves

independent. Breach of our chartered privileges, and lawless encroachment on our acknowledged and well-established rights by the parent country, were the real causes, and of themselves sufficient, without resorting to any other, to justify the step. Nor had it any weight in constructing the governments which were substituted in the place of the colonial. They were formed of the old materials and on practical and well-established principles, borrowed for the most part from our own experience and that of the country from which we sprang.

If the proposition be traced still further back, it will be found to have been adopted from certain writers on government who had attained much celebrity in the early settlement of these States, and with whose writings all the prominent actors in our revolution were familiar. Among these, Locke and Sydney were prominent. But they expressed it very differently. According to their expression, "all men in the state of nature were free and equal." ...

But it is equally clear, that man cannot exist in such a state; that he is by nature social, and that society is necessary, not only to the proper development of all his faculties, moral and intellectual, but to the very existence of his race. Such being the case, the state is a purely hypothetical one; and when we say all men are free and equal in it, we announce a mere hypothetical truism; that is, a truism resting on a mere supposition that cannot exist, and of course one of little or no practical value.

But to call it a state of nature was a great misnomer, and has led to dangerous errors; for that cannot justly be called a state of nature which is so opposed to the constitution of man as to be inconsistent with the existence of his race and the development of the high faculties, mental and moral, with which he is endowed by his Creator.

Nor is the social state of itself his natural state; for society can no more exist without government, in one form or another, than man without society. It is the political, then, which includes the social, that is his natural state. It is the one for which his Creator formed him, into which he is impelled irresistibly, and in which only his race can exist and all its faculties be fully developed.

Such being the case, it follows that any, the worst form of government, is better than anarchy; and that individual liberty, or freedom, must be subordinate to whatever power may be necessary to protect society against anarchy within or destruction from without; for the safety and well-being of society is as paramount to individual liberty, as the safety and well-being of the race is to that of individuals; and in the same proportion, the power

necessary for the safety of society is paramount to individual liberty. On the contrary, government has no right to control individual liberty beyond what is necessary to the safety and well-being of society. Such is the boundary which separates the power of government and the liberty of the citizen or subject in the political state, which, as I have shown, is the natural state of man — the only one in which his race can exist, and the one in which he is born, lives, and dies.

It follows from all this that the quantum of power on the part of the government, and of liberty on that of individuals, instead of being equal in all cases, must necessarily be very unequal among different people, according to their different conditions. For just in proportion as a people are ignorant, stupid, debased, corrupt, exposed to violence within and danger from without, the power necessary for government to possess, in order to preserve society against anarchy and destruction becomes greater and greater, and individual liberty less and less, until the lowest condition is reached, when absolute and despotic power becomes necessary on the part of the government, and individual liberty extinct. So, on the contrary, just as a people rise in the scale of intelligence, virtue, and patriotism, and the more perfectly they become acquainted with the nature of government, the ends for which it was ordered, and how it ought to be administered, and the less the tendency to violence and disorder within, and danger from abroad, the power necessary for government becomes less and less, and individual liberty greater and greater. Instead, then, of all men having the same right to liberty and equality, as is claimed by those who hold that they are all born free and equal, liberty is the noble and highest reward bestowed on mental and moral development, combined with favorable circumstances. Instead, then, of liberty and equality being born with man; instead of all men and all classes and descriptions being equally entitled to them, they are high prizes to be won, and are in their most perfect state, not only the highest reward that can be bestowed on our race, but the most difficult to be won — and when won, the most difficult to be preserved.

They have been made vastly more so by the dangerous error I have attempted to expose, that all men are born free and equal, as if those high qualities belonged to man without effort to acquire them, and to all equally alike, regardless of their intellectual and moral condition. The attempt to carry into practice this, the most dangerous of all political error, and to bestow on all, without regard to their fitness either to acquire or maintain liberty, that unbounded and individual liberty supposed to

belong to man in the hypothetical and misnamed state of nature, has done more to retard the cause of liberty and civilization, and is doing more at present, than all other causes combined. While it is powerful to pull down governments, it is still more powerful to prevent their construction on proper principles. It is the leading cause among those which have placed Europe in its present anarchical condition, and which mainly stands in the way of reconstructing good governments in the place of those which have been overthrown, threatening thereby the quarter of the globe most advanced in progress and civilization with hopeless anarchy, to be followed by military despotism. Nor are we exempt from its disorganizing effects. We now begin to experience the danger of admitting so great an error to have a place in the declaration of our independence. For a long time it lay dormant; but in the process of time it began to germinate, and produce its poisonous fruits. It had strong hold on the mind of Mr. Jefferson, the author of that document, which caused him to take an utterly false view of the subordinate relation of the black to the white race in the South; and to hold, in consequence, that the former, though utterly unqualified to possess liberty, were as fully entitled to both liberty and equality as the latter; and that to deprive them of it was unjust and immoral. To this error, his proposition to exclude slavery from the territory northwest of the Ohio may be traced, and to that the ordinance of '87, and through it the deep and dangerous agitation which now threatens to engulf, and will certainly engulf, if not speedily settled, our political institutions, and involve the country in countless woes.

Document 27

"What to the Slave is the Fourth of July?"

Frederick Douglass

July 5, 1852

While still a young slave in Maryland, Frederick Douglass taught himself to read, whereupon he discovered that he was as capable of thinking and reasoning as any free man, and therefore ought to be free. Upon making good his escape to New York, Douglass earned wide renown as an outspoken and eloquent critic of the institution of slavery. In this speech before a sizeable audience of New York abolitionists, Douglass reminds them that the Fourth of July, though a day of celebration for white Americans, was still a day of mourning for slaves and former slaves like himself, because they were reminded of the unfulfilled promise of equal liberty for all in the Declaration of Independence.

Mr. President, Friends and Fellow Citizens:

He who could address this audience without a quailing sensation, has stronger nerves than I have. I do not remember ever to have appeared as a speaker before any assembly more shrinkingly, nor with greater distrust of my ability, than I do this day. A feeling has crept over me[,] quite unfavorable to the exercise of my limited powers of speech. The task before me is one which requires much previous thought and study for its proper performance. I know that apologies of this sort are generally considered flat and unmeaning. I trust, however, that mine will not be so considered. Should I seem at ease, my appearance would much misrepresent me. The little experience I have had in addressing public meetings, in country school houses, avails me nothing on the present occasion.

The papers and placards say[,] that I am to deliver a Fourth of July Oration. This certainly sounds large, and out of the common way, for me. It is true that I have often had the privilege to speak in this beautiful Hall, and to address many who now honor me with their presence. But neither

their familiar faces, nor the perfect gage I think I have of Corinthian Hall[,] seems to free me from embarrassment.

The fact is, ladies and gentlemen, the distance between this platform and the slave plantation, from which I escaped, is considerable — and the difficulties to be overcome in getting from the latter to the former[,] are by no means slight. That I am here to-day is, to me, a matter of astonishment as well as of gratitude. You will not, therefore, be surprised, if in what I have to say I evince no elaborate preparation, nor grace my speech with any high sounding exordium. With little experience and with less learning, I have been able to throw my thoughts hastily and imperfectly together; and trusting to your patient and generous indulgence, I will proceed to lay them before you.

This, for the purpose of this celebration, is the 4th of July. It is the birthday of your National Independence, and of your political freedom. This, to you, is what the Passover was to the emancipated people of God. It carries your minds back to the day, and to the act of your great deliverance; and to the signs, and to the wonders, associated with that act, and that day. This celebration also marks the beginning of another year of your national life; and reminds you that the Republic of America is now 76 years old. I am glad, fellow-citizens, that your nation is so young. Seventy-six years, though a good old age for a man, is but a mere speck in the life of a nation. Three score years and ten is the allotted time for individual men; but nations number their years by thousands. According to this fact, you are, even now, only in the beginning of your national career, still lingering in the period of childhood. I repeat, I am glad this is so. There is hope in the thought, and hope is much needed, under the dark clouds which lower above the horizon. The eye of the reformer is met with angry flashes, portending disastrous times; but his heart may well beat lighter at the thought that America is young, and that she is still in the impressible stage of her existence. May he not hope that high lessons of wisdom, of justice and of truth, will yet give direction to her destiny? Were the nation older, the patriot's heart might be sadder, and the reformer's brow heavier. Its future might be shrouded in gloom, and the hope of its prophets go out in sorrow. There is consolation in the thought that America is young. — Great streams are not easily turned from channels, worn deep in the course of ages. They may sometimes rise in quiet and stately majesty, and inundate the land, refreshing and fertilizing the earth with their mysterious properties. They may also rise in wrath and fury, and bear away, on their angry waves, the accumulated wealth of years of toil and hardship. They,

however, gradually flow back to the same old channel, and flow on as serenely as ever. But, while the river may not be turned aside, it may dry up, and leave nothing behind but the withered branch, and the unsightly rock, to howl in the abyss-sweeping wind, the sad tale of departed glory. As with rivers so with nations.

Fellow-citizens, I shall not presume to dwell at length on the associations that cluster about this day. The simple story of it is, that, 76 years ago, the people of this country were British subjects. The style and title of your "sovereign people" (in which you now glory) was not then born. You were under the British Crown. Your fathers esteemed the English Government as the home government; and England as the fatherland. This home government, you know, although a considerable distance from your home, did, in the exercise of its parental prerogatives, impose upon its colonial children, such restraints, burdens and limitations, as, in its mature judgment, it deemed wise, right and proper.

But[,] your fathers, who had not adopted the fashionable idea of this day, of the infallibility of government, and the absolute character of its acts, presumed to differ from the home government in respect to the wisdom and the justice of some of those burdens and restraints. They went so far in their excitement as to pronounce the measures of government unjust, unreasonable, and oppressive, and altogether such as ought not to be quietly submitted to. I scarcely need say, fellow-citizens, that my opinion of those measures fully accords with that of your fathers. Such a declaration of agreement on my part would not be worth much to anybody. It would[,] certainly[,] prove nothing[,] as to what part I might have taken[,] had I lived during the great controversy of 1776. To say now that America was right, and England wrong, is exceedingly easy. Everybody can say it; the dastard, not less than the noble brave, can flippantly discant on the tyranny of England towards the American Colonies. It is fashionable to do so; but there was a time when, to pronounce against England, and in favor of the cause of the colonies, tried men's souls. They who did so were accounted in their day[,] plotters of mischief, agitators and rebels, dangerous men. To side with the right[,] against the wrong, with the weak against the strong, and with the oppressed against the oppressor! here lies the merit, and the one which, of all others, seems unfashionable in our day. The cause of liberty may be stabbed by the men who glory in the deeds of your fathers. But, to proceed.

Feeling themselves harshly and unjustly treated, by the home government, your fathers, like men of honesty, and men of spirit, earnestly sought redress. They petitioned and remonstrated; they did so in a decorous, respectful, and loyal manner. Their conduct was wholly unexceptionable. This, however, did not answer the purpose. They saw themselves treated with sovereign indifference, coldness and scorn. Yet they persevered. They were not the men to look back.

As the sheet anchor takes a firmer hold, when the ship is tossed by the storm, so did the cause of your fathers grow stronger[,] as it breasted the chilling blasts of kingly displeasure. The greatest and best of British statesmen admitted its justice, and the loftiest eloquence of the British Senate came to its support. But, with that blindness which seems to be the unvarying characteristic of tyrants, since Pharaoh and his hosts were drowned in the Red Sea, the British Government persisted in the exactions complained of.

The madness of this course, we believe, is admitted now, even by England; but we fear the lesson is wholly lost on our present ruler.

Oppression makes a wise man mad. Your fathers were wise men, and if they did not go mad, they became restive under this treatment. They felt themselves the victims of grievous wrongs, wholly incurable in their colonial capacity. With brave men there is always a remedy for oppression. Just here, the idea of a total separation of the colonies from the crown was born! It was a startling idea, much more so[,] than we, at this distance of time, regard it. The timid and the prudent (as has been intimated) of that day[,] were, of course, shocked and alarmed by it.

Such people lived then, had lived before, and will, probably, ever have a place on this planet; and their course, in respect to any great change[,] (no matter how great the good to be attained, or the wrong to be redressed by it), may be calculated with as much precision as can be the course of the stars. They hate all changes, but silver, gold and copper change! Of this sort of change they are always strongly in favor.

These people were called Tories in the days of your fathers; and the appellation, probably, conveyed the same idea that is meant by a more modern, though a somewhat less euphonious term, which we often find in our papers, applied to some of our old politicians.

Their opposition to the then dangerous thought was earnest and powerful; but, amid all their terror and affrighted vociferations against it, the alarming and revolutionary idea moved on, and the country with it.

On the 2d of July, 1776, the old Continental Congress, to the dismay of the lovers of ease, and the worshipers of property, clothed that dreadful idea with all the authority of national sanction. They did so in the form of a resolution; and as we seldom hit upon resolutions, drawn up in our day, whose transparency is at all equal to this, it may refresh your minds and help my story if I read it.

"Resolved, That these united colonies are, and of right, ought to be free and Independent States; that they are absolved from all allegiance to the British Crown; and that all political connection between them and the State of Great Britain is, and ought to be, dissolved."

Citizens, your fathers made good that resolution. They succeeded; and to-day you reap the fruits of their success. The freedom gained is yours; and you, therefore, may properly celebrate this anniversary. The 4th of July is the first great fact in your nation's history — the very ringbolt in the chain of your yet undeveloped destiny.

Pride and patriotism, not less than gratitude, prompt you to celebrate and to hold it in perpetual remembrance. I have said that the Declaration of Independence is the ringbolt to the chain of your nation's destiny; so, indeed, I regard it. The principles contained in that instrument are saving principles. Stand by those principles, be true to them on all occasions, in all places, against all foes, and at whatever cost.

From the round top of your ship of state, dark and threatening clouds may be seen. Heavy billows, like mountains in the distance, disclose to the leeward huge forms of flinty rocks! That bolt drawn, that chain broken, and all is lost. Cling to this day — cling to it, and to its principles, with the grasp of a storm-tossed mariner to a spar at midnight.

The coming into being of a nation, in any circumstances, is an interesting event. But, besides general considerations, there were peculiar circumstances which make the advent of this republic an event of special attractiveness.

The whole scene, as I look back to it, was simple, dignified and sublime.

The population of the country, at the time, stood at the insignificant number of three millions. The country was poor in the munitions of war. The population was weak and scattered, and the country a wilderness unsubdued. There were then no means of concert and combination, such as exist now. Neither steam nor lightning had then been reduced to order and discipline. From the Potomac to the Delaware was a journey of many

days. Under these, and innumerable other disadvantages, your fathers declared for liberty and independence and triumphed.

Fellow Citizens, I am not wanting in respect for the fathers of this republic. The signers of the Declaration of Independence were brave men. They were great men, too — great enough to give fame to a great age. It does not often happen to a nation to raise, at one time, such a number of truly great men. The point from which I am compelled to view them is not, certainly, the most favorable; and yet I cannot contemplate their great deeds with less than admiration. They were statesmen, patriots and heroes, and for the good they did, and the principles they contended for, I will unite with you to honor their memory.

They loved their country better than their own private interests; and, though this is not the highest form of human excellence, all will concede that it is a rare virtue, and that when it is exhibited[,] it ought to command respect. He who will, intelligently, lay down his life for his country[,] is a man whom it is not in human nature to despise. Your fathers staked their lives, their fortunes, and their sacred honor, on the cause of their country. In their admiration of liberty, they lost sight of all other interests.

They were peace men; but they preferred revolution to peaceful submission to bondage. They were quiet men; but they did not shrink from agitating against oppression. They showed forbearance; but that they knew its limits. They believed in order; but not in the order of tyranny. With them, nothing was "settled" that was not right. With them, justice, liberty and humanity were "final"; not slavery and oppression. You may well cherish the memory of such men. They were great in their day and generation. Their solid manhood stands out the more as we contrast it with these degenerate times.

How circumspect, exact and proportionate were all their movements! How unlike the politicians of an hour! Their statesmanship looked beyond the passing moment, and stretched away in strength into the distant future. They seized upon eternal principles, and set a glorious example in their defense. Mark them!

Fully appreciating the hardship to be encountered, firmly believing in the right of their cause, honorably inviting the scrutiny of an on-looking world, reverently appealing to heaven to attest their sincerity, soundly comprehending the solemn responsibility they were about to assume, wisely measuring the terrible odds against them, your fathers, the fathers of this republic, did, most deliberately, under the inspiration of a glorious patriotism, and with a sublime faith in the great principles of justice and

freedom, lay deep, the corner-stone of the national super-structure, which has risen and still rises in grandeur around you.

Of this fundamental work, this day is the anniversary. Our eyes are met with demonstrations of joyous enthusiasm. Banners and pennants wave exultingly on the breeze. The din of business, too, is hushed. Even Mammon seems to have quitted his grasp on this day. The ear-piercing fife and the stirring drum unite their accents with the ascending peal of a thousand church bells. Prayers are made, hymns are sung, and sermons are preached in honor of this day; while the quick martial tramp of a great and multitudinous nation, echoed back by all the hills, valleys and mountains of a vast continent, bespeak the occasion one of thrilling and universal interest — a nation's jubilee.

Friends and citizens, I need not enter further into the causes which led to this anniversary. Many of you understand them better than I do. You could instruct me in regard to them. That is a branch of knowledge in which you feel, perhaps, a much deeper interest than your speaker. The causes which led to the separation of the colonies from the British crown have never lacked for a tongue. They have all been taught in your common schools, narrated at your firesides, unfolded from your pulpits, and thundered from your legislative halls, and are as familiar to you as household words. They form the staple of your national poetry and eloquence.

I remember, also, that, as a people, Americans are remarkably familiar with all facts which make in their own favor. This is esteemed by some as a national trait — perhaps a national weakness. It is a fact, that whatever makes for the wealth or for the reputation of Americans, and can be had cheap! will be found by Americans. I shall not be charged with slandering Americans, if I say I think the American side of any question may be safely left in American hands.

I leave, therefore, the great deeds of your fathers to other gentlemen whose claim to have been regularly descended will be less likely to be disputed than mine!

My business, if I have any here to-day, is with the present. The accepted time with God and His cause is the ever-living now.

*Trust no future, however pleasant,
Let the dead past bury its dead;
Act, act in the living present,
Heart within, and God overhead.*

We have to do with the past only as we can make it useful to the present and to the future. To all inspiring motives, to noble deeds which can be gained from the past, we are welcome. But now is the time, the important time. Your fathers have lived, died, and have done their work, and have done much of it well. You live and must die, and you must do your work. You have no right to enjoy a child's share in the labor of your fathers, unless your children are to be blest by your labors. You have no right to wear out and waste the hard-earned fame of your fathers to cover your indolence. Sydney Smith tells us that men seldom eulogize the wisdom and virtues of their fathers, but to excuse some folly or wickedness of their own. This truth is not a doubtful one. There are illustrations of it near and remote, ancient and modern. It was fashionable, hundreds of years ago, for the children of Jacob to boast, we have "Abraham to our father," when they had long lost Abraham's faith and spirit. That people contented themselves under the shadow of Abraham's great name, while they repudiated the deeds which made his name great. Need I remind you that a similar thing is being done all over this country to-day? Need I tell you that the Jews are not the only people who built the tombs of the prophets, and garnished the sepulchres of the righteous? Washington could not die till he had broken the chains of his slaves. Yet his monument is built up by the price of human blood, and the traders in the bodies and souls of men shout — "We have Washington to *our father*." — Alas! that it should be so; yet so it is.

The evil that men do, lives after them, The good is oft interred with their bones.

Fellow-citizens, pardon me, allow me to ask, why am I called upon to speak here to-day? What have I, or those I represent, to do with your national independence? Are the great principles of political freedom and of natural justice, embodied in that Declaration of Independence, extended to us? and am I, therefore, called upon to bring our humble offering to the national altar, and to confess the benefits and express devout gratitude for the blessings resulting from your independence to us?

Would to God, both for your sakes and ours, that an affirmative answer could be truthfully returned to these questions! Then would my task be light, and my burden easy and delightful. For *who* is there so cold, that a nation's sympathy could not warm him? Who so obdurate and dead to the claims of gratitude, that would not thankfully acknowledge such priceless benefits? Who so stolid and selfish, that would not give his voice to swell the hallelujahs of a nation's jubilee, when the chains of servitude

had been torn from his limbs? I am not that man. In a case like that, the dumb might eloquently speak, and the "lame man leap as an hart."

But[,] such is not the state of the case. I say it with a sad sense of the disparity between us. I am not included within the pale of this glorious anniversary! Your high independence only reveals the immeasurable distance between us. The blessings in which you, this day, rejoice, are not enjoyed in common. — The rich inheritance of justice, liberty, prosperity and independence, bequeathed by your fathers, is shared by you, not by me. The sunlight that brought light and healing to you, has brought stripes and death to me. This Fourth [of] July is *yours*, not *mine*. *You* may rejoice, *I* must mourn. To drag a man in fetters into the grand illuminated temple of liberty, and call upon him to join you in joyous anthems, were inhuman mockery and sacrilegious irony. Do you mean, citizens, to mock me, by asking me to speak to-day? If so, there is a parallel to your conduct. And let me warn you that it is dangerous to copy the example of a nation whose crimes, towering up to heaven, were thrown down by the breath of the Almighty, burying that nation in irrecoverable ruin! I can to-day take up the plaintive lament of a peeled and woe-smitten people!

"By the rivers of Babylon, there we sat down. Yea! we wept when we remembered Zion. We hanged our harps upon the willows in the midst thereof. For there, they that carried us away captive, required of us a song; and they who wasted us required of us mirth, saying, Sing us one of the songs of Zion. How can we sing the Lord's song in a strange land? If I forget thee, O Jerusalem, let my right hand forget her cunning. If I do not remember thee, let my tongue cleave to the roof of my mouth."

Fellow-citizens, above your national, tumultuous joy, I hear the mournful wail of millions! whose chains, heavy and grievous yesterday, are, to-day, rendered more intolerable by the jubilee shouts that reach them. If I do forget, if I do not faithfully remember those bleeding children of sorrow this day, "may my right hand forget her cunning, and may my tongue cleave to the roof of my mouth!" To forget them, to pass lightly over their wrongs, and to chime in with the popular theme, would be treason most scandalous and shocking, and would make me a reproach before God and the world. My subject, then, fellow-citizens, is American slavery. I shall see[,] this day[,] and its popular characteristics[,] from the slave's point of view. Standing there[,] identified with the American bondman, making his wrongs mine, I do not hesitate to declare, with all my soul, that the character and conduct of this nation never looked blacker to me than on this 4th of July! Whether we turn to the declarations

of the past, or to the professions of the present, the conduct of the nation seems equally hideous and revolting. America is false to the past, false to the present, and solemnly binds herself to be false to the future. Standing with God and the crushed and bleeding slave on this occasion, I will, in the name of humanity which is outraged, in the name of liberty which is fettered, in the name of the constitution and the Bible[,] which are disregarded and trampled upon, dare to call in question and to denounce, with all the emphasis I can command, everything that serves to perpetuate slavery — the great sin and shame of America! "I will not equivocate; I will not excuse"; I will use the severest language I can command; and yet not one word shall escape me that any man, whose judgment is not blinded by prejudice, or who is not at heart a slaveholder, shall not confess to be right and just.

But I fancy I hear some one of my audience say, "It is just in this circumstance that you and your brother abolitionists fail to make a favorable impression on the public mind. Would you argue more, and denounce less; would you persuade more, and rebuke less; your cause would be much more likely to succeed." But, I submit, where all is plain there is nothing to be argued. What point in the anti-slavery creed would you have me argue? On what branch of the subject do the people of this country need light? Must I undertake to prove that the slave is a man? That point is conceded already. Nobody doubts it. The slaveholders themselves acknowledge it in the enactment of laws for their government. They acknowledge it when they punish disobedience on the part of the slave. There are seventy-two crimes in the State of Virginia[,] which, if committed by a black man[,] (no matter how ignorant he be), subject him to the punishment of death; while only two of the same crimes will subject a white man to the like punishment. What is this but the acknowledgement that the slave is a moral, intellectual, and responsible being? The manhood of the slave is conceded. It is admitted in the fact that Southern statute books are covered with enactments forbidding, under severe fines and penalties, the teaching of the slave to read or to write. When you can point to any such laws[,] in reference to the beasts of the field, then I may consent to argue the manhood of the slave. When the dogs in your streets, when the fowls of the air, when the cattle on your hills, when the fish of the sea, and the reptiles that crawl, shall be unable to distinguish the slave from a brute, *then* will I argue with you that the slave is a man!

For the present, it is enough to affirm the equal manhood of the Negro race. Is it not astonishing that, while we are ploughing, planting, and reaping, using all kinds of mechanical tools, erecting houses, constructing bridges, building ships, working in metals of brass, iron, copper, silver and gold; that, while we are reading, writing and cyphering, acting as clerks, merchants and secretaries, having among us lawyers, doctors, ministers, poets, authors, editors, orators and teachers; that, while we are engaged in all manner of enterprises common to other men, digging gold in California, capturing the whale in the Pacific, feeding sheep and cattle on the hill-side, living, moving, acting, thinking, planning, living in families as husbands, wives and children, and, above all, confessing and worshipping the Christian's God, and looking hopefully for life and immortality beyond the grave, we are called upon to prove that we are men!

Would you have me argue that man is entitled to liberty? that he is the rightful owner of his own body? You have already declared it. Must I argue the wrongfulness of slavery? Is that a question for Republicans? Is it to be settled by the rules of logic and argumentation, as a matter beset with great difficulty, involving a doubtful application of the principle of justice, hard to be understood? How should I look to-day, in the presence of Americans, dividing, and subdividing a discourse, to show that men have a natural right to freedom? speaking of it relatively and positively, negatively and affirmatively. To do so, would be to make myself ridiculous, and to offer an insult to your understanding. — There is not a man beneath the canopy of heaven[,] that does not know that slavery is wrong *for him*.

What, am I to argue that it is wrong to make men brutes, to rob them of their liberty, to work them without wages, to keep them ignorant of their relations to their fellow men, to beat them with sticks, to flay their flesh with the lash, to load their limbs with irons, to hunt them with dogs, to sell them at auction, to sunder their families, to knock out their teeth, to bum their flesh, to starve them into obedience and submission to their masters? Must I argue that a system thus marked with blood, and stained with pollution, is *wrong*? No! I will not. I have better employments for my time and strength than such arguments would imply.

What, then, remains to be argued? Is it that slavery is not divine; that God did not establish it; that our doctors of divinity are mistaken? There is blasphemy in the thought. That which is inhuman, cannot be divine! *Who* can reason on such a proposition? They that can, may; I cannot. The time for such argument is passed.

At a time like this, scorching irony, not convincing argument, is needed. O! had I the ability, and could I reach the nation's ear, I would, to-day, pour out a fiery stream of biting ridicule, blasting reproach, withering sarcasm, and stern rebuke. For it is not light that is needed, but fire; it is not the gentle shower, but thunder. We need the storm, the whirlwind, and the earthquake. The feeling of the nation must be quickened; the conscience of the nation must be roused; the propriety of the nation must be startled; the hypocrisy of the nation must be exposed; and its crimes against God and man must be proclaimed and denounced.

What, to the American slave, is your 4th of July? I answer[:] a day that reveals to him, more than all other days in the year, the gross injustice and cruelty to which he is the constant victim. To him, your celebration is a sham; your boasted liberty, an unholy license; your national greatness, swelling vanity; your sounds of rejoicing are empty and heartless; your denunciations of tyrants, brass fronted impudence; your shouts of liberty and equality, hollow mockery; your prayers and hymns, your sermons and thanksgivings, with all your religious parade[,] and solemnity, are, to Him, mere bombast, fraud, deception, impiety, and hypocrisy — a thin veil to cover up crimes which would disgrace a nation of savages. There is not a nation on the earth guilty of practices[,] more shocking and bloody[,] than are the people of the United States, at this very hour.

Go where you may, search where you will, roam through all the monarchies and despotisms of the Old World, travel through South America, search out every abuse, and when you have found the last, lay your facts by the side of the everyday practices of this nation, and you will say with me, that, for revolting barbarity and shameless hypocrisy, America reigns without a rival.

Take the American slave-trade, which[,] we are told by the papers, is especially prosperous just now. Ex-Senator Benton tells us that the price of men was never higher than now. He mentions the fact to show that slavery is in no danger. This trade is one of the peculiarities of American institutions. It is carried on in all the large towns and cities in one-half of this confederacy; and millions are pocketed every year[,] by dealers in this horrid traffic. In several states[,] this trade is a chief source of wealth. It is called (in contradistinction to the foreign slave-trade) "*the internal slave-trade.*" It is, probably, called so, too, in order to divert from it the horror with which the foreign slave-trade is contemplated. That trade has long since been denounced by this government[,] as piracy. It has been denounced with burning words[,] from the high places of the nation[,] as

an execrable traffic. To arrest it, to put an end to it, this nation keeps a squadron, at immense cost, on the coast of Africa. Everywhere, in this country, it is safe to speak of this foreign slave-trade[,] as a most inhuman traffic, opposed alike to the laws of God and of man. The duty to extirpate and destroy it, is admitted even by our doctors of divinity. In order to put an end to it, some of these last have consented that their colored brethren (nominally free) should leave this country, and establish themselves on the western coast of Africa! It is, however, a notable fact that, while so much execration is poured out by Americans upon those engaged in the foreign slave-trade, the men engaged in the slave-trade between the states pass without condemnation, and their business is deemed honorable.

Behold the practical operation of this internal slave-trade, the American slave-trade, sustained by American politics and American religion. Here you will see men and women reared like swine for the market. You know what is a swine-drover? I will show you a man-drover. They inhabit all our Southern States. They perambulate the country, and crowd the highways of the nation, with droves of human stock. You will see one of these human flesh-jobbers, armed with pistol, whip, and bowie-knife, driving a company of a hundred men, women, and children, from the Potomac to the slave market at New Orleans. These wretched people are to be sold singly, or in lots, to suit purchasers. They are food for the cotton-field[,] and the deadly sugar-mill. Mark the sad procession, as it moves wearily along, and the inhuman wretch who drives them. Hear his savage yells and his blood-curdling oaths, as he hurries on his affrighted captives! There, see the old man[,] with locks thinned and gray. Cast one glance, if you please, upon that young mother, whose shoulders are bare to the scorching sun, her briny tears falling on the brow of the babe in her arms. See, too, that girl of thirteen, weeping, *yes!* weeping, as she thinks of the mother from whom she has been torn! The drove moves tardily. Heat and sorrow have nearly consumed their strength; suddenly you hear a quick snap, like the discharge of a rifle; the fetters clank, and the chain rattles simultaneously; your ears are saluted with a scream, that seems to have torn its way to the centre of your soul! The crack you heard[,] was the sound of the slave-whip; the scream you heard[,] was from the woman you saw with the babe. Her speed had faltered under the weight of her child and her chains! that gash on her shoulder tells her to move on. Follow the drove to New Orleans. Attend the auction; see men examined like horses; see the forms of women rudely and brutally exposed to the shocking gaze of American slave-buyers. See this drove sold and separated

forever; and never forget the deep, sad sobs that arose from that scattered multitude. Tell me, citizens, where, under the sun, you can witness a spectacle more fiendish and shocking. Yet this is but a glance at the American slave-trade, as it exists, at this moment, in the ruling part of the United States.

I was born amid such sights and scenes. To me the American slave-trade is a terrible reality. When a child, my soul was often pierced with a sense of its horrors. I lived on Philpot Street, Fell's Point, Baltimore, and have watched from the wharves[,] the slave ships in the Basin, anchored from the shore, with their cargoes of human flesh, waiting for favorable winds to waft them down the Chesapeake. There was, at that time, a grand slave mart kept at the head of Pratt Street, by Austin Woldfolk. His agents were sent into every town and county in Maryland, announcing their arrival, through the papers, and on flaming "*hand-bills*," headed cash for Negroes. These men were generally well dressed men, and very captivating in their manners; ever ready to drink, to treat, and to gamble. The fate of many a slave has depended upon the turn of a single card; and many a child has been snatched from the arms of its mother by bargains arranged in a state of brutal drunkenness.

The flesh-mongers gather up their victims by dozens, and drive them, chained, to the general depot at Baltimore. When a sufficient number have been collected here, a ship is chartered[,] for the purpose of conveying the forlorn crew to Mobile, or to New Orleans. From the slave prison to the ship, they are usually driven in the darkness of night; for since the antislavery agitation, a certain caution is observed.

In the deep still darkness of midnight, I have been often aroused by the dead, heavy footsteps, and the piteous cries of the chained gangs that passed our door. The anguish of my boyish heart was intense; and I was often consoled, when speaking to my mistress in the morning, to hear her say that the custom was very wicked; that she hated to hear the rattle of the chains[,] and the heart-rending cries. I was glad to find one who sympathized with me in my horror.

Fellow-citizens, this murderous traffic is, to-day, in active operation in this boasted republic. In the solitude of my spirit[,] I see clouds of dust raised on the highways of the South; I see the bleeding footsteps; I hear the doleful wail of fettered humanity[,] on the way to the slave-markets, where the victims are to be sold like *horses*, *sheep*, and *swine*, knocked off to the highest bidder. There I see the tenderest ties ruthlessly broken, to

gratify the lust, caprice and rapacity of the buyers and sellers of men. My soul sickens at the sight.

*Is this the land your Fathers loved,
The freedom which they toiled to win?
Is this the earth whereon they moved?
Are these the graves they slumber in?*

But a still more inhuman, disgraceful, and scandalous state of things remains to be presented. By an act of the American Congress, not yet two years old, slavery has been nationalized in its most horrible and revolting form. By that act, Mason and Dixon's line has been obliterated; New York has become as Virginia; and the power to hold, hunt, and sell men, women, and children as slaves remains no longer a mere state institution, but is now an institution of the whole United States. The power is co-extensive with the Star-Spangled Banner and American Christianity. Where these go, may also go the merciless slave-hunter. Where these are, man is not sacred. He is a bird for the sportsman's gun. By that most foul and fiendish of all human decrees, the liberty and person of every man are put in peril. Your broad republican domain is hunting ground for *men*. Not for thieves and robbers, enemies of society, merely, but for men guilty of no crime. Your law-makers have commanded all good citizens to engage in this hellish sport. Your President, your Secretary of State, your *lords, nobles, and ecclesiastics*[,] enforce, as a duty you owe to your free and glorious country, and to your God, that you do this accursed thing. Not fewer than forty Americans have, within the past two years, been hunted down and, without a moment's warning, hurried away in chains, and consigned to slavery and excruciating torture. Some of these have had wives and children, dependent on them for bread; but of this, no account was made. The right of the hunter to his prey stands superior to the right of marriage, and to *all* rights in this republic, the rights of God included! For black men there is neither law nor justice, humanity nor religion. The Fugitive Slave *Law* makes mercy to them a crime; and bribes the judge who tries them. An American judge gets ten dollars for every victim he consigns to slavery, and five, when he fails to do so. The oath of any two villains is sufficient, under this hell-black enactment, to send the most pious and exemplary black man into the remorseless jaws of slavery! His own testimony is nothing. He can bring no witnesses for himself. The minister of American justice is bound by the law to hear but *one* side; and

that side[,] is the side of the oppressor. Let this damning fact be perpetually told. Let it be thundered around the world[,] that[,] in tyrant-killing, king-hating, people-loving, democratic, Christian America, the seats of justice are filled with judges[,] who hold their offices under an open and palpable *bribe*, and are bound, in deciding in the case of a man's liberty, to *hear only his accusers!*

In glaring violation of justice, in shameless disregard of the forms of administering law, in cunning arrangement to entrap the defenceless, and in diabolical intent[,] this Fugitive Slave Law stands alone in the annals of tyrannical legislation. I doubt if there be another nation on the globe[,] having the brass and the baseness to put such a law on the statute-book. If any man in this assembly thinks differently from me in this matter, and feels able to disprove my statements, I will gladly confront him at any suitable time and place he may select.

I take this law to be one of the grossest infringements of Christian Liberty, and, if the churches and ministers of our country were not stupidly blind, or most wickedly indifferent, they, too, would so regard it.

At the very moment that they are thanking God for the enjoyment of civil and religious liberty, and for the right to worship God according to the dictates of their own consciences, they are utterly silent in respect to a law which robs religion of its chief significance[,] and makes it utterly worthless to a world lying in wickedness. Did this law concern the "*mint, anise, and [cumin]*" — abridge the right to sing psalms, to partake of the sacrament, or to engage in any of the ceremonies of religion, it would be smitten by the thunder of a thousand pulpits. A general shout would go up from the church[,] demanding *repeal, repeal, instant repeal!* — And it would go hard with that politician who presumed to solicit the votes of the people without inscribing this motto on his banner. Further, if this demand were not complied with, another Scotland would be added to the history of religious liberty, and the stern old Covenanters would be thrown into the shade. A John Knox would be seen at every church door[,] and heard from every pulpit, and Fillmore would have no more quarter than was shown by Knox[,] to the beautiful, but treacherous, Queen Mary of Scotland. The fact that the church of our country[,] (with fractional exceptions)[,] does not esteem "the Fugitive Slave Law" as a declaration of war against religious liberty, implies that that church regards religion simply as a form of worship, an empty ceremony, and *not* a vital principle, requiring active benevolence, justice, love, and good will towards man. It esteems sacrifice above mercy; psalm-singing above right doing; solemn

meetings above practical righteousness. A worship that can be conducted by persons who refuse to give shelter to the houseless, to give bread to the hungry, clothing to the naked, and who enjoin obedience to a law forbidding these acts of mercy, is a curse, not a blessing to mankind. The Bible addresses all such persons as "scribes, Pharisees, hypocrites, who pay tithe of *mint, anise, and [cumin]*, and have omitted the weightier matters of the law, judgment, mercy, and faith."

But the church of this country is not only indifferent to the wrongs of the slave, it actually takes sides with the oppressors. It has made itself the bulwark of American slavery, and the shield of American slave-hunters. Many of its most eloquent Divines, who stand as the very lights of the church, have shamelessly given the sanction of religion and the Bible to the whole slave system. They have taught that man may, properly, be a slave; that the relation of master and slave is ordained of God; that to send back an escaped bondman to his master is clearly the duty of all the followers of the Lord Jesus Christ; and this horrible blasphemy is palmed off upon the world for Christianity.

For my part, I would say, welcome infidelity! welcome atheism! welcome anything! in preference to the gospel, *as preached by those Divines!* They convert the very name of religion into an engine of tyranny[,] and barbarous cruelty, and serve to confirm more infidels, in this age, than all the infidel writings of Thomas Paine, Voltaire, and Bolingbroke[,] put together[,] have done! These ministers make religion a cold and flinty-hearted thing, having neither principles of right action[,] nor bowels of compassion. They strip the love of God of its beauty[,] and leave the throng of religion a huge, horrible, repulsive form. It is a religion for oppressors, tyrants, man-stealers, and *thugs*. It is not that "*pure and undefiled religion*" which is from above, and which is "*first pure, then peaceable, easy to be entreated, full of mercy and good fruits, without partiality, and without hypocrisy.*" But a religion which favors the rich against the poor; which exalts the proud above the humble; which divides mankind into two classes, tyrants and slaves; which says to the man in chains, *stay there*; and to the oppressor, *oppress on*; it is a religion which may be professed and enjoyed by all the robbers and enslavers of mankind; it makes God a respecter of persons, denies his fatherhood of the race, and tramples in the dust the great truth of the brotherhood of man. All this we affirm to be true of the popular church, and the popular worship of our land and nation — a religion, a church, and a worship which, on the authority of inspired wisdom, we pronounce to be an

abomination in the sight of God. In the language of Isaiah, the American church might be well addressed, "Bring no more vain ablations; incense is an abomination unto me: the new moons and Sabbaths, the calling of assemblies, I cannot away with; it is iniquity even the solemn meeting. Your new moons, and your appointed feasts my soul hateth. They are a trouble to me; I am weary to bear them; and when ye spread forth your hands I will hide mine eyes from you. Yea! when ye make many prayers, I will not hear. Your hands are full of blood; cease to do evil, learn to do well; seek judgment; relieve the oppressed; judge for the fatherless; plead for the widow."

The American church is guilty, when viewed in connection with what it is doing to uphold slavery; but it is superlatively guilty when viewed in its connection with its ability to abolish slavery.

The sin of which it is guilty is one of omission as well as of commission. Albert Barnes but uttered what the common sense of every man at all observant of the actual state of the case will receive as truth, when he declared that "There is no power out of the church that could sustain slavery an hour, if it were not sustained in it."

Let the religious press, the pulpit, the Sunday School, the conference meeting, the great ecclesiastical, missionary, Bible and tract associations of the land array their immense powers against slavery, and slave-holding; and the whole system of crime and blood would be scattered to the winds[;] and that they do not do this involves them in the most awful responsibility of which the mind can conceive.

In prosecuting the anti-slavery enterprise, we have been asked to spare the church, to spare the ministry; but *how*, we ask, could such a thing be done? We are met on the threshold of our efforts for the redemption of the slave, by the church and ministry of the country, in battle arrayed against us; and we are compelled to fight or flee. From *what* quarter, I beg to know, has proceeded a fire so deadly upon our ranks, during the last two years, as from the Northern pulpit? As the champions of oppressors, the chosen men of American theology have appeared — men[,] honored for their so-called piety, and their real learning. The Lords of Buffalo, the Springs of New York, the Lathrops of Auburn, the Coxes and Spencers of Brooklyn, the Gannets and Sharps of Boston, the Deweys of Washington, and other great religious lights of the land have, in utter denial of the authority of *Him* by whom they professed to be called to the ministry, deliberately taught us, against the example of the Hebrews, and against the

remonstrance of the Apostles, [they teach] *that we ought to obey man's law before the law of God.*

My spirit wearies of such blasphemy; and how such men can be supported, as the "standing types and representatives of Jesus Christ," is a mystery which I leave others to penetrate. In speaking of the American church, however, let it be distinctly understood that I mean the *great mass* of the religious organizations of our land. There are exceptions, and I thank God that there are. Noble men may be found, scattered all over these Northern States, of whom Henry Ward Beecher, of Brooklyn; Samuel J. May, of Syracuse; and my esteemed friend (Rev. R. R. Raymond) on the platform, are shining examples; and let me say further, that, upon these men lies the duty to inspire our ranks with high religious faith and zeal, and to cheer us on in the great mission of the slave's redemption from his chains.

One is struck with the difference between the attitude of the American church towards the anti-slavery movement, and that occupied by the churches in England towards a similar movement in that country. There, the church, true to its mission of ameliorating, elevating[,] and improving the condition of mankind, came forward promptly, bound up the wounds of the West Indian slave, and restored him to his liberty. There, the question of emancipation was a high religious question. It was demanded[,] in the name of humanity, and according to the law of the living God. The Sharps, the Clarksons, the Wilberforces, the Buxtons, the Burchells, and the Knibbs[,] were alike famous for their piety[,] and for their philanthropy. The anti-slavery movement *there* was not an anti-church movement, for the reason that the church took its full share in prosecuting that movement: and the anti-slavery movement in this country will cease to be an anti-church movement, when the church of this country shall assume a favorable[,] instead of a hostile position towards that movement. Americans! your republican politics, not less than your republican religion, are flagrantly inconsistent. You boast of your love of liberty, your superior civilization, and your pure Christianity, while the whole political power of the nation (as embodied in the two great political parties)[,] is solemnly pledged to support and perpetuate the enslavement of three millions of your countrymen. You hurl your anathemas at the crowned headed tyrants of Russia and Austria[,] and pride yourselves on your Democratic institutions, while you yourselves consent to be the mere *tools* and *body-guards* of the tyrants of Virginia and Carolina. You invite to your shores fugitives of oppression from abroad, honor them with

banquets, greet them with ovations, cheer them, toast them, salute them, protect them, and pour out your money to them like water; but the fugitives from your own land you advertise, hunt, arrest, shoot, and kill. You glory in your refinement and your universal education; yet you maintain a system as barbarous and dreadful as ever stained the character of a nation — a system begun in avarice, supported in pride, and perpetuated in cruelty. You shed tears over fallen Hungary, and make the sad story of her wrongs the theme of your poets, statesmen, and orators, till your gallant sons are ready to fly to arms to vindicate her cause against the oppressor; but, in regard to the ten thousand wrongs of the American slave[,] you would enforce the strictest silence[,] and would hail him as an enemy of the nation who dares to make those wrongs the subject of public discourse! You are all on fire at the mention of liberty for France or for Ireland; but are as cold as an iceberg at the thought of liberty for the enslaved of America. You discourse eloquently on the dignity of labor; yet, you sustain a system which, in its very essence, casts a stigma upon labor. You can bare your bosom to the storm of British artillery to throw off a three-penny tax on tea; and yet wring the last hard earned farthing from the grasp of the black laborers of your country. You profess to believe "that, of one blood, God made all nations of men to dwell on the face of all the earth," and hath commanded all men, everywhere, to love one another; yet you notoriously hate[,] (and glory in your hatred)[,] all men whose skins are not colored like your own. You declare[,] before the world, and are understood by the world to declare[,] that you "*hold these truths to be self-evident, that all men are created equal; and are endowed by their Creator with certain inalienable rights; and that, among these are, life, liberty, and the pursuit of happiness;*" and yet, you hold securely, in a bondage which, according to your own Thomas Jefferson, "*is worse than ages of that which your fathers rose in rebellion to oppose,*" a seventh part of the inhabitants of your country.

Fellow-citizens, I will not enlarge further on your national inconsistencies. The existence of slavery in this country brands your republicanism as a sham, your humanity as a base pretence, and your Christianity as a lie. It destroys your moral power abroad[;] it corrupts your politicians at home. It saps the foundation of religion; it makes your name a hissing[;] and a bye-word to a mocking earth. It is the antagonistic force in your government, the only thing that seriously disturbs and endangers your *Union*. It fetters your progress; it is the enemy of improvement[,] the deadly foe of education; it fosters pride; it breeds

insolence; it promotes vice; it shelters crime; it is a curse to the earth that supports it; and yet[,] you cling to it[,] as if it were the sheet anchor of all your hopes. Oh! be warned! be warned! a horrible reptile is coiled up in your nation's bosom; the venomous creature is nursing at the tender breast of your youthful republic; *for the love of God, tear away,* and fling from you the hideous monster, and *let the weight of twenty millions crush and destroy it forever!*

But it is answered in reply to all this, that precisely what I have now denounced is, in fact, guaranteed and sanctioned by the Constitution of the United States; that, the right to hold, and to hunt slaves is a part of that Constitution framed by the illustrious Fathers of this Republic.

Then, I dare to affirm, notwithstanding all I have said before, your fathers stooped, basely stooped

*To palter with us in a double sense:
And keep the word of promise to the ear,
But break it to the heart.*

And instead of being the honest men I have before declared them to be, they were the veriest imposters that ever practiced on mankind. This is the inevitable conclusion, and from it there is no escape; but I differ from those who charge this baseness on the framers of the Constitution of the United States. It is a slander upon their memory, at least, so I believe. There is not time now to argue the constitutional question at length; nor have I the ability to discuss it as it ought to be discussed. The subject has been handled with masterly power by Lysander Spooner, Esq., by William Goodell, by Samuel E. Sewall, Esq., and last, though not least, by Gerritt Smith, Esq. These gentlemen have, as I think, fully and clearly vindicated the Constitution from any design to support slavery for an hour.

Fellow-citizens! there is no matter in respect to which[,] the people of the North have allowed themselves to be so ruinously imposed upon[,] as that of the pro-slavery character of the Constitution. In that instrument I hold there is neither warrant, license, nor sanction of the hateful thing; but[,] interpreted, as it ought to be interpreted, the Constitution is a glorious liberty document. Read its preamble, consider its purposes. Is slavery among them? Is it at the gateway? or is it in the temple? It is neither. While I do not intend to argue this question on the present occasion, let me ask, if it be not somewhat singular that, if the Constitution were intended to be, by its framers and adopters, a slave-holding

instrument, why neither slavery, slaveholding, nor slave can anywhere be found in it. What would be thought of an instrument, drawn up, legally drawn up, for the purpose of entitling the city of Rochester to a track of land, in which no mention of land was made? Now, there are certain rules of interpretation[,] for the proper understanding of all legal instruments. These rules are well established. They are plain, commonsense rules, such as you and I, and all of us, can understand and apply, without having passed years in the study of law. I scout the idea that the question of the constitutionality, or unconstitutionality of slavery, is not a question for the people. I hold that every American citizen has a right to form an opinion of the constitution, and to propagate that opinion, and to use all honorable means to make his opinion the prevailing one. Without this right, the liberty of an American citizen would be as insecure as that of a Frenchman. Ex-Vice-President Dallas tells us that the Constitution is an object to which no American mind can be too attentive, and no American heart too devoted. He further says, the Constitution, in its words, is plain and intelligible, and is meant for the home-bred, unsophisticated understandings of our fellow-citizens. Senator Berrien tell us that the Constitution is the fundamental law, that which controls all others. The charter of our liberties, which every citizen has a personal interest in understanding thoroughly. The testimony of Senator Breese, Lewis Cass, and many others that might be named, who are everywhere esteemed as sound lawyers, so regard the constitution. I take it, therefore, that it is not presumption in a private citizen to form an opinion of that instrument.

Now, take the Constitution according to its plain reading, and I defy the presentation of a single pro-slavery clause in it. On the other hand, it will be found to contain principles and purposes, entirely hostile to the existence of slavery.

I have detained my audience entirely too long already. At some future period I will gladly avail myself of an opportunity to give this subject a full and fair discussion.

Allow me to say, in conclusion, notwithstanding the dark picture I have this day presented of the state of the nation, I do not despair of this country. There are forces in operation[,] which must inevitably work the downfall of slavery. “The arm of the Lord is not shortened,” and the doom of slavery is certain. I, therefore, leave off where I began, with hope. While drawing encouragement from the “Declaration of Independence,” the great principles it contains, and the genius of American Institutions, my spirit is also cheered by the obvious tendencies of the age. Nations do not

now stand in the same relation to each other that they did ages ago. No nation can now shut itself up from the surrounding world[,] and trot round in the same old path of its fathers without interference. The time was when such could be done. Long established customs of hurtful character could formerly fence themselves in, and do their evil work with social impunity. Knowledge was then confined and enjoyed by the privileged few, and the multitude walked on in mental darkness. But a change has now come over the affairs of mankind. Walled cities and empires have become unfashionable. The arm of commerce has borne away the gates of the strong city. Intelligence is penetrating the darkest corners of the globe. It makes its pathway over and under the sea, as well as on the earth. Wind, steam, and lightning are its chartered agents. Oceans no longer divide, but link nations together. From Boston to London is now a holiday excursion. Space is comparatively annihilated. — Thoughts expressed on one side of the Atlantic[,] are distinctly heard on the other.

The far off and almost fabulous Pacific rolls in grandeur at our feet. The Celestial Empire, the mystery of ages, is being solved. The fiat of the Almighty, "Let there be Light," has not yet spent its force. No abuse, no outrage whether in taste, sport or avarice, can now hide itself from the all-pervading light. The iron shoe, and crippled foot of China must be seen[,] in contrast with nature. Africa must rise and put on her yet unwoven garment. "Ethiopia shall stretch out her hand unto God." In the fervent aspirations of William Lloyd Garrison, I say, and let every heart join in saying it:

*God speed the year of jubilee
The wide world o'er!
When from their galling chains set free,
Th' oppress'd shall vilely bend the knee,*

*And wear the yoke of tyranny
Like brutes no more.
That year will come, and freedom's reign,
To man his plundered rights again
Restore.*

*God speed the day when human blood
Shall cease to flow!
In every clime be understood,*

*The claims of human brotherhood,
And each return for evil, good,
Not blow for blow;*

*That day will come all feuds to end,
And change into a faithful friend
Each foe.*

*God speed the hour, the glorious hour,
When none on earth
Shall exercise a lordly power,
Nor in a tyrant's presence cower;
But to all manhood's stature tower,
By equal birth!
That hour will come, to each, to all,
And from his prison-house, to thrall
Go forth.*

*Until that year, day, hour, arrive,
With head, and heart, and hand I'll strive,
To break the rod, and rend the gyve,
The spoiler of his prey deprive —
So witness Heaven!
And never from my chosen post,
Whate'er the peril or the cost,
Be driven.*

Document 28

Speech on the Repeal of the Missouri Compromise

Abraham Lincoln

October 16, 1854

Congress passed the Kansas-Nebraska Act in 1854, which allowed inhabitants in those territories to decide by vote whether to permit slavery or not. Senator Stephen Douglas, who introduced the bill, argued that according to the doctrine of popular sovereignty, the people must be free to decide such questions without Congressional interference. But the act also repealed the Missouri Compromise, which had affirmed Congress' constitutional authority to ban slavery in the territories. The Kansas-Nebraska Act was so controversial that it caused a major realignment of the political parties in the country. It also roused Abraham Lincoln out of his long hiatus from politics. Lincoln re-entered the fray with this 1854 speech, in which he denounced the Kansas-Nebraska act for reducing slavery from a moral question to one of simple majority interest.

Peoria, Illinois

The repeal of the Missouri Compromise, and the propriety of its restoration, constitute the subject of what I am about to say.

As I desire to present my own connected view of this subject, my remarks will not be, specifically, an answer to Judge Douglas; yet, as I proceed, the main points he has presented will arise, and will receive such respectful attention as I may be able to give them.

I wish further to say, that I do not propose to question the patriotism, or to assail the motives of any man, or class of men; but rather to strictly confine myself to the naked merits of the question.

I also wish to be no less than National in all the positions I may take; and whenever I take ground which others have thought, or may think, narrow, sectional, and dangerous to the Union, I hope to give a reason, which will appear sufficient, at least to some, why I think differently.

And, as this subject is no other, than part and parcel of the larger general question of domestic-slavery, I wish to MAKE and to KEEP the distinction between the EXISTING institution, and the EXTENSION of it, so broad, and so clear, that no honest man can misunderstand me, and no dishonest one, successfully misrepresent me.

In order to [get?] a clear understanding of what the Missouri Compromise is, a short history of the preceding kindred subjects will perhaps be proper. When we established our independence, we did not own, or claim, the country to which this compromise applies. Indeed, strictly speaking, the confederacy then owned no country at all; the States respectively owned the country within their limits; and some of them owned territory beyond their strict State limits. Virginia thus owned the North-Western territory — the country out of which the principal part of Ohio, all Indiana, all Illinois, all Michigan and all Wisconsin, have since been formed. She also owned (perhaps within her then limits) what has since been formed into the State of Kentucky. North Carolina thus owned what is now the State of Tennessee; and South Carolina and Georgia, in separate parts, owned what are now Mississippi and Alabama. Connecticut, I think, owned the little remaining part of Ohio — being the same where they now send Giddings to Congress, and beat all creation at making cheese. These territories, together with the States themselves, constituted all the country over which the confederacy then claimed any sort of jurisdiction. We were then living under the Articles of Confederation, which were superseded by the Constitution several years afterwards. The question of ceding these territories to the general government was set on foot. Mr. Jefferson, the author of the Declaration of Independence, and otherwise a chief actor in the revolution; then a delegate in Congress; afterwards twice President; who was, is, and perhaps will continue to be, the most distinguished politician of our history; a Virginian by birth and continued residence, and withal, a slave-holder; conceived the idea of taking that occasion, to prevent slavery ever going into the north-western territory. He prevailed on the Virginia Legislature to adopt his views, and to cede the territory, making the prohibition of slavery therein, a condition of the deed. Congress accepted the cession, with the condition; and in the first Ordinance (which the acts of Congress were then called) for the government of the territory, provided that slavery should never be permitted therein. This is the famed ordinance of '87 so often spoken of. Thenceforward, for sixty-one years, and until in 1848, the last scrap of this territory came into the Union as the State of Wisconsin,

all parties acted in quiet obedience to this ordinance. It is now what Jefferson foresaw and intended — the happy home of teeming millions of free, white, prosperous people, and no slave amongst them.

Thus, with the author of the [D]eclaration of Independence, the policy of prohibiting slavery in new territory originated. Thus, away back of the [C]onstitution, in the pure fresh, free breath of the revolution, the State of Virginia, and the National congress put that policy in practice. Thus[,] through sixty odd of the best years of the republic did that policy steadily work to its great and beneficent end. And thus, in those five states, and five millions of free, enterprising people, we have before us the rich fruits of this policy. But *now* new light breaks upon us. Now [C]ongress declares this ought never to have been; and the like of it, must never be again. The sacred right of self government is grossly violated by it! We even find some men, who drew their first breath, and every other breath of their lives, under this very restriction, now live in dread of absolute suffocation, if they should be restricted in the “sacred right” of taking slaves to Nebraska. That *perfect* liberty they sigh for — the liberty of making slaves of other people — Jefferson never thought of; their own father never thought of; they never thought of themselves, a year ago. How fortunate for them, they did not sooner become sensible of their great misery! Oh, how difficult it is to treat with respect, such assaults upon all we have ever really held sacred.

But to return to history. In 1803 we purchased what was then called Louisiana, of France. It included the now states of Louisiana, Arkansas, Missouri, and Iowa; also the territory of Minnesota, and the present bone of contention, Kansas and Nebraska. Slavery already existed among the French at New Orleans; and, to some extent, at St. Louis. In 1812 Louisiana came into the Union as a slave state, without controversy. In 1818 or '19, Missouri showed signs of a wish to come in with slavery. This was resisted by northern members of Congress; and thus began the first great slavery agitation in the nation. This controversy lasted several months, and became very angry and exciting; the House of Representatives voting steadily for the prohibition of slavery in Missouri, and the Senate voting as steadily against it. Threats of breaking up the Union were freely made; and the ablest public men of the day became seriously alarmed. At length a compromise was made, in which, like all compromises, both sides yielded something. It was a law passed on the 6th day of March, 1820, providing that Missouri might come into the Union *with* slavery, but that in all the remaining part of the territory purchased of

France, which lies north of 36 degrees and 30 minutes north latitude, slavery should never be permitted. This provision of law, is *the Missouri Compromise*. In excluding slavery North of the line, the same language is employed as in the Ordinance of '87. It directly applied to Iowa, Minnesota, and to the present bone of contention, Kansas and Nebraska. Whether there should or should not, be slavery south of that line, nothing was said in the law; but Arkansas constituted the principal remaining part, south of the line; and it has since been admitted as a slave state without serious controversy. More recently, Iowa, north of the line, came in as a free state without controversy. Still later, Minnesota, north of the line, had a territorial organization without controversy. Texas principally south of the line, and West of Arkansas; though originally within the purchase from France, had, in 1819, been traded off to Spain, in our treaty for the acquisition of Florida. It had thus become a part of Mexico. Mexico revolutionized and became independent of Spain. American citizens began settling rapidly, with their slaves in the southern part of Texas. Soon they revolutionized against Mexico, and established an independent government of their own, adopting a constitution, with slavery, strongly resembling the constitutions of our slave states. By still another rapid move, Texas, claiming a boundary much further West, than when we parted with her in 1819, was brought back to the United States, and admitted into the Union as a slave state. There then was little or no settlement in the northern part of Texas, a considerable portion of which lay north of the Missouri line; and in the resolutions admitting her into the Union, the Missouri restriction was expressly extended westward across her territory. This was in 1845, only nine years ago.

Thus originated the Missouri Compromise; and thus has it been respected down to 1845. And even four years later, in 1849, our distinguished Senator, in a public address, held the following language in relation to it:

“The Missouri Compromise had been in practical operation for about a quarter of a century, and had received the sanction and approbation of men of all parties in every section of the Union. It had allayed all sectional jealousies and irritations growing out of this vexed question, and harmonized and tranquilized the whole country. It had given to Henry Clay, as its prominent champion, the proud sobriquet of the “*Great Pacificator*,” and by that title and for that service, his political friends had repeatedly appealed to the people to rally under his standard, as a presidential candidate, as the man who had exhibited the patriotism and

the power to suppress, an unholy and treasonable agitation, and preserve the Union. He was not aware that any man or any party from any section of the Union, had ever urged as an objection to Mr. Clay, that he was the great champion of the Missouri Compromise. On the contrary, the effort was made by the opponents of Mr. Clay, to prove that he was not entitled to the exclusive merit of that great patriotic measure, and that the honor was equally due to others as well as to him, for securing its adoption — that it had its origin in the hearts of all patriotic men, who desired to preserve and perpetuate the blessings of our glorious Union — an origin akin that of the [C]onstitution of the United States, conceived in the same spirit of fraternal affection, and calculated to remove forever, the only danger, which seemed to threaten, at some distant day, to sever the social bond of union. All the evidences of public opinion at that day, seemed to indicate that this Compromise had been canonized in the hearts of the American people, as a sacred thing which no ruthless hand would ever be reckless enough to disturb.”

I do not read this extract to involve Judge Douglas in an inconsistency. If he afterwards thought he had been wrong, it was right for him to change. I bring this forward merely to show the high estimate placed on the Missouri Compromise by all parties up to so late as the year 1849.

But, going back a little, in point of time, our war with Mexico broke out in 1846. When Congress was about adjourning that session, President Polk asked them to place two millions of dollars under his control, to be used by him in the recess, if found practicable and expedient, in nego[t]iating a treaty of peace with Mexico, and acquiring some part of her territory. A bill was duly got up, for the purpose, and was progressing swimmingly, in the House of Representatives, when a member by the name of David Wilmot, a democrat from Pennsylvania, moved as an amendment “Provided that in any territory thus acquired, there shall never be slavery.”

This is the origin of the far-famed “Wilmot Proviso.” It created a great flutter; but it stuck like wax, was voted into the bill, and the bill passed with it through the House. The Senate, however, adjourned without final action on it and so both appropriation and proviso were lost, for the time. The war continued, and at the next session, the President renewed his request for the appropriation, enlarging the amount, I think, to three million. Again came the proviso; and defeated the measure. Congress adjourned again, and the war went on. In Dec. 1847, the new congress assembled. I was in the lower House that term. The “Wilmot Proviso” or

the principle of it, was constantly coming up in some shape or other, and I think I may venture to say I voted for it at least forty times; during the short term I was there. The Senate, however, held it in check, and it never became law. In the spring of 1848 a treaty of peace was made with Mexico; by which we obtained that portion of her country which now constitutes the territories of New Mexico and Utah, and the now state of California. By this treaty the Wilmot Proviso was defeated, as so far as it was intended to be a condition of the acquisition of territory. Its friends[,] however, were still determined to find some way to restrain slavery from getting into the new country. This new acquisition lay directly West of our old purchase from France, and extended west to the Pacific Ocean — and was so situated that if the Missouri line should be extended straight West, the new country would be divided by such extended line, leaving some North and some South of it. On Judge Douglas' motion a bill, or provision of a bill, passed the Senate to so extend the Missouri line. The Proviso men in the House, including myself, voted it down, because by implication, it gave up the Southern part to slavery, while we were bent on having it *all* free.

In the fall of 1848 the gold mines were discovered in California. This attracted people to it with unprecedented rapidity, so that on, or soon after, the meeting of the new congress in Dec., 1849, she already had a population of nearly a hundred thousand, had called a convention, formed a state constitution, excluding slavery, and was knocking for admission into the Union. The Proviso men, of course were for letting her in, but the Senate, always true to the other side would not consent to her admission. And there California stood, kept *out* of the Union, because she would not let slavery *into* her borders. Under all the circumstances perhaps this was not wrong. There were other points of dispute, connected with the general question of slavery, which equally needed adjustment. The South clamored for a more efficient fugitive slave law. The North clamored for the abolition of a peculiar species of slave trade in the District of Columbia, in connection with which, in view from the windows of the capitol, a sort of negro-livery stable, where droves of negroes were collected, temporarily kept, and finally taken to Southern markets, precisely like droves of horses, had been openly maintained for fifty years. Utah and New Mexico needed territorial governments; and whether slavery should or should not be prohibited within them, was another question. The indefinite Western boundary of Texas was to be settled. She was received a slave state; and consequently the farther West the slavery men could push her boundary, the more slave country they secured. And

the farther East the slavery opponents could thrust the boundary back, the less slave ground was secured. Thus this was just as clearly a slavery question as any of the others.

These points all needed adjustment; and they were all held up, perhaps wisely, to make them help to adjust one another. The Union, now, as in 1820, was thought to be in danger; and devotion to the Union rightfully inclined men to yield somewhat, in points where nothing else could have so inclined them. A compromise was finally effected. The [S]outh got their new fugitive-slave law; and the North got California, (the far best part of our acquisition from Mexico,) as a free State. The [S]outh got a provision that New Mexico and Utah, *when admitted as States*, may come in *with* or *without* slavery as they may then choose; and the [N]orth got the slave-trade abolished in the District of Columbia. The [N]orth got the western boundary of Texas, thence further back eastward than the south desired; but, in turn, they gave Texas ten millions of dollars, with which to pay her old debts. This is the Compromise of 1850.

Preceding the presidential election of 1852, each of the great political parties, democrats and whigs, met in convention, and adopted resolutions endorsing the compromise of '50; as a "finality," a final settlement, so far as these parties could make it so, of all slavery agitation. Previous to this, in 1851, the Illinois Legislature had indorsed it.

During this long period of time Nebraska had remained, substantially an uninhabited country, but now emigration to, and settlement within it began to take place. It is about one third as large as the present United States, and its importance so long overlooked, begins to come into view. The restriction of slavery by the Missouri Compromise directly applies to it; in fact, was first made, and has since been maintained, expressly for it. In 1853, a bill to give it a territorial government passed the House of Representatives, and, in the hands of Judge Douglas, failed of passing the Senate only for want of time. This bill contained no repeal of the Missouri Compromise. Indeed, when it was assailed because it did not contain such repeal, Judge Douglas defended it in its existing form. On January 4th, 1854, Judge Douglas introduces a new bill to give Nebraska territorial government. He accompanies this bill with a report, in which last, he expressly recommends that the Missouri Compromise shall neither be affirmed nor repealed.

Before long the bill is so modified as to make two territories instead of one; calling the Southern one Kansas.

Also, about a month after the introduction of the bill, on the judge's own motion, it is so amended as to declare the Missouri Compromise inoperative and void; and, substantially, that the People who go and settle there may establish slavery, or exclude it, as they may see fit. In this shape the bill passed both branches of congress, and became a law.

This is the *repeal* of the Missouri Compromise. The foregoing history may not be precisely accurate in every particular; but I am sure it is sufficiently so, for all the uses I shall attempt to make of it, and in it, we have before us, the chief material enabling us to correctly judge whether the repeal of the Missouri Compromise is right or wrong.

I think, and shall try to show, that it is wrong; wrong in its direct effect, letting slavery into Kansas and Nebraska — and wrong in its prospective principle, allowing it to spread to every other part of the wide world, where men can be found inclined to take it.

This *declared* indifference, but as I must think, covert *real zeal* for the spread of slavery, I can not but hate. I hate it because of the monstrous injustice of slavery itself. I hate it because it deprives our republican example of its just influence in the world — enables the enemies of free institutions, with plausibility, to taunt us as hypocrites — causes the real friends of freedom to doubt our sincerity, and especially because it forces so many really good men amongst ourselves into an open war with the very fundamental principles of civil liberty — criticizing the Declaration of Independence, and insisting that there is no right principle of action but *self-interest*.

Before proceeding, let me say I think I have no prejudice against the Southern people. They are just what we would be in their situation. If slavery did not now exist amongst them, they would not introduce it. If it did now exist amongst us, we should not instantly give it up. This I believe of the masses north and south. Doubtless there are individuals, on both sides, who would not hold slaves under any circumstances; and others who would gladly introduce slavery anew, if it were out of existence. We know that some southern men do free their slaves, go north, and become tip-top abolitionists; while some northern ones go south, and become most cruel slave-masters.

When southern people tell us they are no more responsible for the origin of slavery, than we; I acknowledge the fact. When it is said that the institution exists; and that it is very difficult to get rid of it, in any satisfactory way, I can understand and appreciate the saying. I surely will not blame them for not doing what I should not know how to do myself. If

all earthly power were given me, I should not know what to do, as to the existing institution. My first impulse would be to free all the slaves, and send them to Liberia, — to their own native land. But a moment's reflection would convince me, that whatever of high hope, (as I think there is) there may be in this, in the long run, its sudden execution is impossible. If they were all landed there in a day, they would all perish in the next ten days; and there are not surplus shipping and surplus money enough in the world to carry them there in many times ten days. What then? Free them all, and keep them among us as underlings? Is it quite certain that this betters their condition? I think I would not hold one in slavery, at any rate; yet the point is not clear enough for me to denounce people upon. What next? Free them, and make them politically and socially, our equals? My own feelings will not admit of this; and if mine would, we well know that those of the great mass of white people will not. Whether this feeling accords with justice and sound judgment, is not the sole question, if indeed, it is any part of it. A universal feeling, whether well or ill-founded, can not be safely disregarded. We can not, then, make them equals. It does seem to me that systems of gradual emancipation might be adopted; but for their tardiness in this, I will not undertake to judge our brethren of the south.

When they remind us of their constitutional rights, I acknowledge them, not grudgingly, but fully, and fairly; and I would give them any legislation for the reclaiming of their fugitives, which should not, in its stringency, be more likely to carry a free man into slavery, than our ordinary criminal laws are to hang an innocent one.

But all this[,] to my judgment, furnishes no more excuse for permitting slavery to go into our own free territory, than it would for reviving the African slave trade by law. The law which forbids the bringing of slaves *from* Africa; and that which has so long forbid the taking them *to* Nebraska, can hardly be distinguished on any moral principle; and the repeal of the former could find quite as plausible excuses as that of the latter.

The arguments by which the repeal of the Missouri Compromise is sought to be justified, are these:

First, that the Nebraska country needed a territorial government.

Second, that in various ways, the public had repudiated it, and demanded the repeal; and therefore should not now complain of it.

And lastly, that the repeal establishes a principle, which is intrinsically right.

I will attempt an answer to each of them in its turn.

First, then, if that country was in need of a territorial organization, could it not have had it as well without as with the repeal? Iowa and Minnesota, to both of which the Missouri restriction applied, had, without its repeal, each in succession, territorial organizations. And even, the year before, a bill for Nebraska itself, was within an ace of passing, without the repealing clause; and this in the hands of the same men who are now the champions of repeal. Why no necessity then for the repeal? But still later, when this very bill was first brought in, it contained no repeal. But, say they, because the public had demanded, or rather commanded the repeal, the repeal was to accompany the organization, whenever that should occur.

Now I deny that the public ever demanded any such thing — ever repudiated the Missouri Compromise — ever commanded its repeal. I deny it, and call for the proof. It is not contended, I believe, that any such command has ever been given in express terms. It is only said that it was done *in principle*. The support of the Wilmot Proviso, is the first fact mentioned, to prove that the Missouri restriction was repudiated in *principle*, and the second is, the refusal to extend the Missouri line over the country acquired from Mexico. These are near enough alike to be treated together. The one was to exclude the chances of slavery from the *whole* new acquisition by the lump; and the other was to reject a division of it, by which one half was to be given up to those chances. Now whether this was a repudiation of the Missouri line, in *principle*, depends upon whether the Missouri law contained any *principle* requiring the line to be extended over the country acquired from Mexico. I contend it did not. I insist that it contained no general principle, but that it was, in every sense, specific. That its terms limit it to the country purchased from France, is undenied and undeniable. It could have no principle beyond the intention of those who made it. They did not intend to extend the line to country which they did not own. If they intended to extend it, in the event of acquiring additional territory, why did they not say so? It was just as easy to say, that “in all the country west of the Mississippi, which we now own, *or may hereafter acquire* there shall never be slavery,” as to say, what they did say; and they would have said it if they had meant it. An intention to extend the law is not only not mentioned in the law, but is not mentioned in any contemporaneous history. Both the law itself, and the history of the times are a blank as to any *principle* of extension; and by neither the known rules

for construing statutes and contracts, nor by common sense, can any such *principle* be inferred.

Another fact showing the *specific* character of the Missouri law — showing that it intended no more than it expressed — showing that the line was not intended as a universal dividing line between free and slave territory, present and prospective — north of which slavery could never go — is the fact that by that very law, Missouri came in as a slave state, *north* of the line. If that law contained any prospective *principle*, the whole law must be looked to in order to ascertain what the *principle* was. And by this rule, the South could fairly contend that inasmuch as they got one slave state north of the line at the inception of the law, they have the right to have another given them *north* of it occasionally — now and then in the indefinite westward extension of the line. This demonstrates the absurdity of attempting to deduce a prospective *principle* from the Missouri Compromise line.

When we voted for the Wilmot Proviso, we were voting to keep slavery *out* of the whole Missouri [Mexican?] acquisition; and little did we think we were thereby voting, to let it *into* Nebraska, laying several hundred miles distant. When we voted against extending the Missouri line, little did we think we were voting to destroy the old line, then of near thirty years standing. To argue that we thus repudiated the Missouri Compromise is no less absurd than it would be to argue that because we have, so far, forbore to acquire Cuba, we have thereby, *in principle*, repudiated our former acquisitions, and determined to throw them out of the Union! No less absurd than it would be to say that because I may have refused to build an addition to my house, I thereby have decided to destroy the existing house! And if I catch you setting fire to my house, you will turn upon me and say I INSTRUCTED you to do it! The most conclusive argument, however, that, while voting for the Wilmot Proviso, and while voting against the EXTENSION of the Missouri line, we never thought of disturbing the original Missouri Compromise, is found in the facts that there was then, and still is, an unorganized tract of fine country, nearly as large as the state of Missouri, lying immediately west of Arkansas, and south of the Missouri Compromise line; and that we never attempted to prohibit slavery as to it. I wish particular attention to this. It adjoins the original Missouri Compromise line, by its northern boundary; and consequently is part of the country, into which, by implication, slavery was permitted to go, by that compromise. There it has lain open ever since, and there it still lies. And yet no effort has been made at any time to wrest

it from the south. In all our struggles to prohibit slavery within our Mexican acquisitions, we never so much as lifted a finger to prohibit it, as to this tract. Is not this entirely conclusive that at all times, we have held the Missouri Compromise as a sacred thing; even when against ourselves, as well as when for us?

Senator Douglas sometimes says the Missouri line itself was, *in principle*, only an extension of the line of the ordinance of '87 — that is to say, an extension of the Ohio river. I think this is weak enough on its face. I will remark, however, that, as a glance at the map will show, the Missouri line is a long way farther South than the Ohio; and that if our Senator, in proposing his extension, had stuck to the *principle* of jogging southward, perhaps it might not have been voted down so readily.

But next it is said that the compromises of '50 and the ratification of them by both political parties, in '52, established a *new principle*, which required the repeal of the Missouri Compromise. This again I deny. I deny it, and demand the proof. I have already stated fully what the compromises of '50 are. The particular part of those measures, for which the virtual repeal of the Missouri compromise is sought to be inferred (for it is admitted they contain nothing about it, in express terms) is the provision in the Utah and New Mexico laws, which permits them when they seek admission into the Union as States, to come in with or without slavery as they shall then see fit. Now I insist this provision was made for Utah and New Mexico, and for no other place whatever. It had no more direct reference to Nebraska than it had to the territories of the moon. But, say they, it had reference to Nebraska, *in principle*. Let us see. The North consented to this provision, not because they considered it right in itself; but because they were compensated — paid for it. They, at the same time, got California into the Union as a free State. This was far the best part of all they had struggled for by the Wilmot Proviso. They also got the area of slavery somewhat narrowed in the settlement of the boundary of Texas. Also, they got the slave trade abolished in the District of Columbia. For all these desirable objects the North could afford to yield something; and they did yield to the South the Utah and New Mexico provision. I do not mean that the whole North, or even a majority, yielded, when the law passed; but enough yielded, when added to the vote of the South, to carry the measure. Now can it be pretended that the *principle* of this arrangement requires us to permit the same provision to be applied to Nebraska, *without any equivalent at all*? Give us another free State; press the boundary of Texas still further back, give us another step toward the

destruction of slavery in the District, and you present us a similar case. But ask us not to repeat, for nothing, what you paid for in the first instance. If you wish the thing again, pay again. That is the *principle* of the compromises of '50, if indeed they had any principles beyond their specific terms — it was the system of equivalents.

Again, if Congress, at that time, intended that all future territories should, when admitted as States, come in with or without slavery, at their own option, why did it not say so? With such an universal provision, all know the bills could not have passed. Did they, then — could they — establish a *principle* contrary to their own intention? Still further, if they intended to establish the principle that wherever Congress had control, it should be left to the people to do as they thought fit with slavery, why did they not authorize the people of the District of Columbia at their adoption to abolish slavery within these limits? I personally know that this has not been left undone, because it was unthought of. It was frequently spoken of by members of Congress and by citizens of Washington six years ago; and I heard no one express a doubt that a system of gradual emancipation, with compensation to owners, would meet the approbation of a large majority of the white people of the District. But without the action of Congress they could say nothing; and Congress said “no.” In the measures of 1850 Congress had the subject of slavery in the District expressly in hand. If they were then establishing the *principle* of allowing the people to do as they please with slavery, why did they not apply the *principle* to that people?

Again, it is claimed that by the Resolutions of the Illinois Legislature, passed in 1851, the repeal of the Missouri Compromise was demanded. This I deny also. Whatever may be worked out by a criticism of the language of those resolutions, the people have never understood them as being any more than an endorsement of the compromises of 1850; and a release of our Senators from voting for the Wilmot Proviso. The whole people are living witnesses, that this only, was their view. Finally, it is asked “If we did not mean to apply the Utah and New Mexico provision, to all future territories, what did we mean, when we, in 1852, endorsed the compromises of '50?”

For myself, I can answer this question most easily. I meant not to ask a repeal, or modification of the fugitive slave law. I meant not to ask for the abolition of slavery in the District of Columbia. I meant not to resist the admission of Utah and New Mexico, even should they ask to come in as slave States. I meant nothing about additional territories, because, as I

understood, we then had no territory whose character as to slavery was not already settled. As to Nebraska, I regarded its character as being fixed, by the Missouri compromise, for thirty years — as unalterably fixed as that of my own home in Illinois. As to new acquisitions I said “sufficient unto the day is the evil thereof.” When we make new acquaintances, [acquisitions?] we will, as heretofore, try to manage them some how. That is my answer. That is what I meant and said; and I appeal to the people to say, each for himself, whether that was not also the universal meaning of the free States.

And now, in turn, let me ask a few questions. If by any, or all these matters, the repeal of the Missouri Compromise was commanded, why was not the command sooner obeyed? Why was the repeal omitted in the Nebraska bill of 1853? Why was it omitted in the original bill of 1854? Why, in the accompanying report, was such a repeal characterized as a *departure* from the course pursued in 1850? and its continued omission recommended?

I am aware Judge Douglas now argues that the subsequent express repeal is no substantial alteration of the bill. This argument seems wonderful to me. It is as if one should argue that white and black are not different. He admits, however, that there is a literal change in the bill; and that he made the change in deference to other Senators, who would not support the bill without. This proves that those other Senators thought the change a substantial one; and that the Judge thought their opinions worth deferring to. His own opinions, therefore, seem not to rest on a very firm basis even in his own mind — and I suppose the world believes, and will continue to believe, that precisely on the substance of that change this whole agitation has arisen.

I conclude then, that the public never demanded the repeal of the Missouri compromise.

I now come to consider whether the repeal, with its avowed principle, is intrinsically right. I insist that it is not. Take the particular case. A controversy had arisen between the advocates and opponents of slavery, in relation to its establishment within the country we had purchased of France. The southern, and then best part of the purchase, was already in as a slave State. The controversy was settled by also letting Missouri in as a slave State; but with the agreement that within all the remaining part of the purchase, North of a certain line, there should never be slavery. As to what was to be done with the remaining part south of the line, nothing was said; but perhaps the fair implication was, that it should come in with slavery if it should so choose. The southern part, except a portion

heretofore mentioned, afterwards did come in with slavery, as the State of Arkansas. All these many years since 1820, the Northern part had remained a wilderness. At length settlements began in it also. In due course, Iowa, came in as a free State, and Minnesota was given a territorial government, without removing the slavery restriction. Finally the sole remaining part, North of the line, Kansas and Nebraska, was to be organized; and it is proposed, and carried, to blot out the old dividing line of thirty-four years standing, and to open the whole of that country to the introduction of slavery. Now, this, to my mind, is manifestly unjust. After an angry and dangerous controversy, the parties made friends by dividing the bone of contention. The one party first appropriates her own share, beyond all power to be disturbed in the possession of it; and then seizes the share of the other party. It is as if two starving men had divided their only loaf; the one had hastily swallowed his half, and then grabbed the other half just as he was putting it to his mouth!

Let me here drop the main argument, to notice what I consider rather an inferior matter. It is argued that slavery will not go to Kansas and Nebraska, *in any event*. This is a *palliation* — a *lullaby*. I have some hope that it will not; but let us not be too confident. As to climate, a glance at the map shows that there are five slave States — Delaware, Maryland, Virginia, Kentucky, and Missouri — and also the District of Columbia, all north of the Missouri compromise line. The census returns of 1850 show that, within these, there are 867,276 slaves — being more than one-fourth of all the slaves in the nation.

It is not climate, then, that will keep slavery out of these territories. Is there any thing in the peculiar nature of the country? Missouri adjoins these territories, by her entire western boundary, and slavery is already within every one of her western counties. I have even heard it said that there are more slaves, in proportion to whites, in the north western county of Missouri, than within any county of the State. Slavery pressed entirely up to the old western boundary of the State, and when, rather recently, a part of that boundary, at the north-west was moved out a little farther west, slavery followed on quite up to the new line. Now, when the restriction is removed, what is to prevent it from going still further? Climate will not. No peculiarity of the country will — nothing in *nature* will. Will the disposition of the people prevent it? Those nearest the scene, are all in favor of the extension. The yankees, who are opposed to it may be more numerous; but in military phrase, the battle-field is too far from *their* base of operations.

But it is said, there now is *no* law in Nebraska on the subject of slavery; and that, in such case, taking a slave there, operates his freedom. That is good book-law; but is not the rule of actual practice. Wherever slavery is, it has been first introduced without law. The oldest laws we find concerning it, are not laws introducing it; but *regulating* it, as an already existing thing. A white man takes his slave to Nebraska now; who will inform the negro that he is free? Who will take him before court to test the question of his freedom? In ignorance of his legal emancipation, he is kept chopping, splitting and plowing. Others are brought, and move on in the same track. At last, if ever the time for voting comes, on the question of slavery, the institution already in fact exists in the country, and cannot well be removed. The facts of its presence, and the difficulty of its removal will carry the vote in its favor. Keep it out until a vote is taken, and a vote in favor of it, can not be got in any population of forty thousand, on earth, who have been drawn together by the ordinary motives of emigration and settlement. To get slaves into the country simultaneously with the whites, in the incipient stages of settlement, is the precise stake played for, and won in this Nebraska measure.

The question is asked us, "If slaves will go in, notwithstanding the general principle of law liberates them, why would they not equally go in against positive statute law? — go in, even if the Missouri restriction were maintained?" I answer, because it takes a much bolder man to venture in, with his property, in the latter case, than in the former — because the positive congressional enactment is known to, and respected by all, or nearly all; whereas the negative principle that *no* law is free law, is not much known except among lawyers. We have some experience of this practical difference. In spite of the Ordinance of '87, a few negroes were brought into Illinois, and held in a state of quasi slavery; not enough, however to carry a vote of the people in favor of the institution when they came to form a constitution. But in the adjoining Missouri country, where there was no ordinance of '87 — was no restriction — they were carried ten times, nay a hundred times, as fast, and actually made a slave State. This is fact — naked fact.

Another LULLABY argument is, that taking slaves to new countries does not increase their number — does not make any one slave who otherwise would be free. There is some truth in this, and I am glad of it, but it [is] not WHOLLY true. The African slave trade is not yet effectually suppressed; and if we make a reasonable deduction for the white people amongst us, who are foreigners, and the descendants of foreigners, arriving

here since 1808, we shall find the increase of the black population out-running that of the white, to an extent unaccountable, except by supposing that some of them too, have been coming from Africa. If this be so, the opening of new countries to the institution, increases the demand for, and augments the price of slaves, and so does, in fact, make slaves of freemen by causing them to be brought from Africa, and sold into bondage.

But, however this may be, we know the opening of new countries to slavery, tends to the perpetuation of the institution, and so does KEEP men in slavery who otherwise would be free. This result we do not FEEL like favoring, and we are under no legal obligation to suppress our feelings in this respect.

Equal justice to the [S]outh, it is said, requires us to consent to the extending of slavery to new countries. That is to say, inasmuch as you do not object to my taking my hog to Nebraska, therefore I must not object to you taking your slave. Now, I admit this is perfectly logical, if there is no difference between hogs and negroes. But while you thus require me to deny the humanity of the negro, I wish to ask whether you of the south yourselves, have ever been willing to do as much? It is kindly provided that of all those who come into the world, only a small percentage are natural tyrants. That percentage is no larger in the slave States than in the free. The great majority, south as well as north, have human sympathies, of which they can no more divest themselves than they can of their sensibility to physical pain. These sympathies in the bosoms of the southern people, manifest in many ways, their sense of the wrong of slavery, and their consciousness that, after all, there is humanity in the negro. If they deny this, let me address them a few plain questions. In 1820 you joined the north, almost unanimously, in declaring the African slave trade piracy, and in annexing to it the punishment of death. Why did you do this? If you did not feel that it was wrong, why did you join in providing that men should be hung for it? The practice was no more than bringing wild negroes from Africa, to sell to such as would buy them. But you never thought of hanging men for catching and selling wild horses, wild buffaloes or wild bears.

Again, you have amongst you, a sneaking individual, of the class of native tyrants, known as the "SLAVE-DEALER." He watches your necessities, and crawls up to buy your slave, at a speculating price. If you cannot help it, you sell to him; but if you can help it, you drive him from your door. You despise him utterly. You do not recognize him as a friend, or even as an honest man. Your children must not play with his; they may

rollick freely with the little negroes, but not with the “slave-dealers” children. If you are obliged to deal with him, you try to get through the job without so much as touching him. It is common with you to join hands with the men you meet; but with the slave dealer you avoid the ceremony — instinctively shrinking from the snaky contact. If he grows rich and retires from business, you still remember him, and still keep up the ban of non-intercourse upon him and his family. Now why is this? You do not so treat the man who deals in corn, cattle or tobacco.

And yet again; there are in the United States and territories, including the District of Columbia, 433,643 free blacks. At \$500 per head they are worth over two hundred millions of dollars. How comes this vast amount of property to be running about without owners? We do not see free horses or free cattle running at large. How is this? All these free blacks are the descendants of slaves, or have been slaves themselves, and they would be slaves now, but for SOMETHING which has operated on their white owners, inducing them, at vast pecuniary sacrifices, to liberate them. What is that SOMETHING? Is there any mistaking it? In all these cases it is your sense of justice, and human sympathy, continually telling you, that the poor negro has some natural right to himself — that those who deny it, and make mere merchandise of him, deserve kickings, contempt and death.

And now, why will you ask us to deny the humanity of the slave and estimate him only as the equal of the hog? Why ask us to do what you will not do yourselves? Why ask us to do for *nothing*, what two hundred million of dollars could not induce you to do?

But one great argument in the support of the repeal of the Missouri Compromise, is still to come. That argument is “the sacred right of self government.” It seems our distinguished Senator has found great difficulty in getting his antagonists, even in the Senate to meet him fairly on this argument. Some poet has said[:]

“Fools rush in where angels fear to tread.”

At the hazzard of being thought one of the fools of this quotation, I meet that argument — I rush in, I take that bull by the horns.

I trust I understand, and truly estimate the right of self-government. My faith in the proposition that each man should do precisely as he pleases with all which is exclusively his own, lies at the foundation of the sense of justice there is in me. I extend the principles to communities of men, as well as to individuals. I so extend it, because it is politically wise, as well as naturally just[;] politically wise, in saving us from broils about

matters which do not concern us. Here, or at Washington, I would not trouble myself with the oyster laws of Virginia, or the cranberry laws of Indiana.

The doctrine of self government is right — absolutely and eternally right — but it has no just application, as here attempted. Or perhaps I should rather say that whether it has such just application depends upon whether a negro is *not* or *is* a man. If he is *not* a man, why in that case, he who is a man may, as a matter of self-government, do just as he pleases with him. But if the negro *is* a man, is it not to that extent, a total destruction of self-government, to say that he too shall not govern *himself*? When the white man governs himself that is self-government; but when he governs himself, and also governs *another* man, that is *more* than self-government — that is despotism. If the negro is a *man*, why then my ancient faith teaches me that “all men are created equal;” and that there can be no moral right in connection with one man’s making a slave of another.

Judge Douglas frequently, with bitter irony and sarcasm, paraphrases our argument by saying “The white people of Nebraska are good enough to govern themselves, *but they are not good enough to govern a few miserable negroes!!*”

Well I doubt not that the people of Nebraska are, and will continue to be as good as the average of people elsewhere. I do not say the contrary. What I do say is, that no man is good enough to govern another man, *without that other’s consent*. I say this is the leading principle — the sheet anchor of American republicanism. Our Declaration of Independence says:

“We hold these truths to be self evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, DERIVING THEIR JUST POWERS FROM THE CONSENT OF THE GOVERNED.”

I have quoted so much at this time merely to show that according to our ancient faith, the just powers of governments are derived from the consent of the governed. Now the relation of masters and slaves is, PRO TANTO, a total violation of this principle. The master not only governs the slave without his consent; but he governs him by a set of rules altogether different from those which he prescribes for himself. Allow ALL

the governed an equal voice in the government, and that, and that only, is self government.

Let it not be said I am contending for the establishment of political and social equality between the whites and blacks. I have already said the contrary. I am not now combating the argument of NECESSITY, arising from the fact that the blacks are already amongst us; but I am combating what is set up as MORAL argument for allowing them to be taken where they have never yet been — arguing against the EXTENSION of a bad thing, which where it already exists we must of necessity, manage as we best can.

In support of his application of the doctrine of self-government, Senator Douglas has sought to bring to his aid the opinions and examples of our revolutionary fathers. I am glad he has done this. I love the sentiments of those old-time men; and shall be most happy to abide by their opinions. He shows us that when it was in contemplation for the colonies to break off from Great Britain, and set up a new government for themselves, several of the states instructed their delegates to go for the measure PROVIDED EACH STATE SHOULD BE ALLOWED TO REGULATE ITS DOMESTIC CONCERNS IN ITS OWN WAY. I do not quote; but this in substance. This was right. I see nothing objectionable in it. I also think it probable that it had some reference to the existence of slavery amongst them. I will not deny that it had. But had it, in any reference to the carrying of slavery into NEW COUNTRIES? That is the question; and we will let the fathers themselves answer it.

This same generation of men, and mostly the same individuals of the generation, who declared this principle — who declared independence — who fought the war of the revolution through — who afterwards made the constitution under which we still live — these same men passed the ordinance of '87, declaring that slavery should never go to the north-west territory. I have no doubt Judge Douglas thinks they were very inconsistent in this. It is a question of discrimination between them and him. But there is not an inch of ground left for his claiming that their opinions — their example — their authority — are on his side in this controversy.

Again, is not Nebraska, while a territory, a part of us? Do we not own the country? And if we surrender the control of it, do we not surrender the right of self-government? It is part of ourselves. If you say we shall not control it because it is ONLY part, the same is true of every other part; and when all the parts are gone, what has become of the whole? What is then

left of us? What use for the General Government, when there is nothing left for it [to] govern?

But you say this question should be left to the people of Nebraska, because they are more particularly interested. If this be the rule, you must leave it to each individual to say for himself whether he will have slaves. What better moral right have thirty-one citizens of Nebraska to say, that the thirty-second shall not hold slaves, than the people of the thirty-one States have to say that slavery shall not go into the thirty-second State at all?

But if it is a sacred right for the people of Nebraska to take and hold slaves there, it is equally their sacred right to buy them where they can buy them cheapest; and that undoubtedly will be on the coast of Africa; provided you will consent to not hang them for going there to buy them. You must remove this restriction too, from the sacred right of self-government. I am aware you say that taking slaves from the States [of] Nebraska, does not make slaves of freemen; but the African slave-trader can say just as much. He does not catch free negroes and bring them here. He finds them already slaves in the hands of their black captors, and he honestly buys them at the rate of about a red cotton handkerchief a head. This is very cheap, and it is a great abridgement of the sacred right of self-government to hang men for engaging in this profitable trade!

Another important objection to this application of the right of self-government, is that it enables the first FEW, to deprive the succeeding MANY, of a free exercise of the right of self-government. The first few may get slavery IN, and the subsequent many cannot easily get it OUT. How common is the remark now in the slave States — “If we were only clear of our slaves, how much better it would be for us.” They are actually deprived of the privilege of governing themselves as they would, by the action of a very few, in the beginning. The same thing was true of the whole nation at the time our constitution was formed.

Whether slavery shall go into Nebraska, or other new territories, is not a matter of exclusive concern to the people who may go there. The whole nation is interested that the best use shall be made of these territories. We want them for the homes of free white people. This they cannot be, to any considerable extent, if slavery shall be planted within them. Slave States are places for poor white people to remove FROM; not to remove TO. New free States are the places for poor people to go to and better their condition. For this use, the nation needs these territories.

Still further; there are constitutional relations between the slave and free States, which are degrading to the latter. We are under legal obligations to catch and return their runaway slaves to them — a sort of dirty, disagreeable job, which I believe, as a general rule the slave-holders will not perform for one another. Then again, in the control of the government — the management of the partnership affairs — they have greatly the advantage of us. By the constitution, each State has two Senators — each has a number of Representatives, in proportion to the number of its people — and each has a number of presidential electors, equal to the whole number of its Senators and Representatives together. But in ascertaining the number of the people, for this purpose, five slaves are counted as being equal to three whites. The slaves do not vote; they are only counted and so used, as to swell the influence of the white people's votes. The practical effect of this is more aptly shown by a comparison of the States of South Carolina and Maine. South Carolina has six representatives, and so has Maine; South Carolina has eight presidential electors, and so has Maine. This is precise equality so far; and, of course they are equal in Senators, each having two. Thus in the control of the government, the two States are equals precisely. But how are they in the number of their white people? Maine has 581,813 — while South Carolina has 274,567. Maine has twice as many as South Carolina, and 32,679 over. Thus each white man in South Carolina is more than the double of any man in Maine. This is all because South Carolina, besides her free people, has 384,984 slaves. The South Carolinian has precisely the same advantage over the white man in every other free State, as well as in Maine. He is more than the double of any one of us in this crowd. The same advantage, but not to the same extent, is held by all the citizens of the slave States, over those of the free; and it is an absolute truth, without an exception, that there is no voter in any slave State, but who has more legal power in the government, than any voter in any free State. There is no instance of exact equality; and the disadvantage is against us the whole chapter through. This principle, in the aggregate, gives the slave States, in the present Congress, twenty additional representatives — being seven more than the whole majority by which they passed the Nebraska bill.

Now all this is manifestly unfair; yet I do not mention it to complain of it, in so far as it is already settled. It is in the constitution; and I do not, for that cause, or any other cause, propose to destroy, or alter, or disregard the constitution. I stand to it, fairly, fully, and firmly.

But when I am told I must leave it altogether to OTHER PEOPLE to say whether new partners are to be bred up and brought into the firm, on the same degrading terms against me, I respectfully demur. I insist, that whether I shall be a whole man, or only, the half of one, in comparison with others, is a question in which I am somewhat concerned; and one which no other man can have a sacred right of deciding for me. If I am wrong in this — if it really be a sacred right of self-government, in the man who shall go to Nebraska, to decide whether he will be the EQUAL of me or the DOUBLE of me, then after he shall have exercised that right, and thereby shall have reduced me to a still smaller fraction of a man than I already am, I should like for some gentleman deeply skilled in the mysteries of sacred rights, to provide himself with a microscope, and peep about, and find out, if he can, what has become of my sacred rights! They will surely be too small for detection with the naked eye.

Finally, I insist that if there is ANY THING which it is the duty of the WHOLE PEOPLE to never entrust to any hands but their own, that thing is the preservation and perpetuity, of their own liberties, and institutions. And if they shall think, as I do, that the extension of slavery endangers them, more than any, or all other causes, how recreant to themselves, if they submit the question, and with it, the fate of their country, to a mere hand-full of men, bent only on temporary self-interest. If this question of slavery extension were an insignificant one — one having no power to do harm — it might be shuffled aside in this way. But being, as it is, the great Behemoth of danger, shall the strong gripe [grip?] of the nation be loosened upon him, to entrust him to the hands of such feeble keepers?

I have done with this mighty argument, of self-government. Go, sacred thing! Go in peace.

But Nebraska is urged as a great Union-saving measure. Well I too, go for saving the Union. Much as I hate slavery, I would consent to the extension of it rather than see the Union dissolved, just as I would consent to any GREAT evil, to avoid a GREATER one. But when I go to Union saving, I must believe, at least, that the means I employ has some adaptation to the end. To my mind, Nebraska has no such adaptation.

“It hath no relish of salvation in it.”

It is an aggravation, rather, of the only one thing which ever endangers the Union. When it came upon us, all was peace and quiet. The nation was looking to the forming of new bonds of Union; and a long course of peace and prosperity seemed to lie before us. In the whole range of possibility, there scarcely appears to me to have been any thing, out of which the

slavery agitation could have been revived, except the very project of repealing the Missouri compromise. Every inch of territory we owned, already had a definite settlement of the slavery question, and by which, all parties were pledged to abide. Indeed, there was no uninhabited country on the continent, which we could acquire; if we except some extreme northern regions, which are wholly out of the question. In this state of case, the genius of Discord himself, could scarcely have invented a way of again getting [setting?] us by the ears, but by turning back and destroying the peace measures of the past. The councils of that genius seem to have prevailed, the Missouri compromise was repealed; and here we are, in the midst of a new slavery agitation, such, I think, as we have never seen before. Who is responsible for this? Is it those who resist the measure; or those who, causelessly, brought it forward, and pressed it through, having reason to know, and, in fact, knowing it must and would be so resisted? It could not but be expected by its author, that it would be looked upon as a measure for the extension of slavery, aggravated by a gross breach of faith. Argue as you will, and long as you will, this is the naked FRONT and ASPECT, of the measure. And in this aspect, it could not but produce agitation. Slavery is founded in the selfishness of man's nature — opposition to it, is [in?] his love of justice. These principles are an eternal antagonism; and when brought into collision so fiercely, as slavery extension brings them, shocks, and throes, and convulsions must ceaselessly follow. Repeal the Missouri compromise — repeal all compromises — repeal the declaration of independence — repeal all past history, you still can not repeal human nature. It still will be the abundance of man's heart, that slavery extension is wrong; and out of the abundance of his heart, his mouth will continue to speak.

The structure, too, of the Nebraska bill is very peculiar. The people are to decide the question of slavery for themselves; but WHEN they are to decide; or HOW they are to decide; or whether, when the question is once decided, it is to remain so, or is it to be subject to an indefinite succession of new trials, the law does not say, Is it to be decided by the first dozen settlers who arrive there? or is it to await the arrival of a hundred? Is it to be decided by a vote of the people? or a vote of the legislature? or, indeed by a vote of any sort? To these questions, the law gives no answer. There is a mystery about this; for when a member proposed to give the legislature express authority to exclude slavery, it was hooted down by the friends of the bill. This fact is worth remembering. Some Yankees, in the east, are sending emigrants to Nebraska to exclude slavery from it; and, so

far as I can judge, they expect the question to be decided by voting, in some way or other. But the Missourians are awake too. They are within a stone's throw of the contested ground. They hold meetings, and pass resolutions, in which not the slightest allusion to voting is made. They resolve that slavery already exists in the territory; that more shall go there; that they, remaining in Missouri[,] will protect it; and that abolitionists shall be hung, or driven away. Through all this, bowie-knives and six-shooters are seen plainly enough; but never a glimpse of the ballot-box. And, really, what is to be the result of this? Each party WITHIN, having numerous and determined backers WITHOUT, is it not probable that the contest will come to blows, and bloodshed? Could there be a more apt invention to bring about collision and violence, on the slavery question, than this Nebraska project is? I do not charge, or believe, that such was intended by Congress; but if they had literally formed a ring, and placed champions within it to fight out the controversy, the fight could be no more likely to come off, than it is. And if this fight should begin, is it likely to take a very peaceful, Union-saving turn? Will not the first drop of blood so shed, be the real knell of the Union?

The Missouri Compromise ought to be restored. For the sake of the Union, it ought to be restored. We ought to elect a House of Representatives which will vote its restoration. If by any means, we omit to do this, what follows? Slavery may or may not be established in Nebraska. But whether it be or not, we shall have repudiated — discarded from the councils of the Nation — the SPIRIT OF COMPROMISE; for who after this will ever trust in a national compromise? The spirit of mutual concession — that spirit which first gave us the constitution, and which has thrice saved the Union — we shall have strangled and cast from us forever. And what shall we have in lieu of it? The South flushed with triumph and tempted to excesses; the North, betrayed, as they believe, brooding on wrong and burning for revenge. One side will provoke; the other resent. The one will taunt, the other defy; one agrees [aggresses?], the other retaliates. Already a few in the North, defy all constitutional restraints, resist the execution of the fugitive slave law, and even menace the institution of slavery in the states where it exists.

Already a few in the South, claim the constitutional right to take to and hold slaves in the free states — demand the revival of the slave trade; and demand a treaty with Great Britain by which fugitive slaves may be reclaimed from Canada. As yet they are but few on either side. It is a grave question for the lovers of the Union, whether the final destruction of the

Missouri Compromise, and with it the spirit of all compromise will or will not embolden and embitter each of these, and fatally increase the numbers of both.

But restore the compromise, and what then? We thereby restore the national faith, the national confidence, the national feeling of brotherhood. We thereby reinstate the spirit of concession and compromise — that spirit which has never failed us in past perils, and which may be safely trusted for all the future. The south ought to join in doing this. The peace of the nation is as dear to them as to us. In memories of the past and hopes of the future, they share as largely as we. It would be on their part, a great act — great in its spirit, and great in its effect. It would be worth to the nation a hundred years' purchase of peace and prosperity. And what of sacrifice would they make? They only surrender to us, what they gave us for a consideration long, long ago; what they have not now, asked for, struggled or cared for; what has been thrust upon them, not less to their own astonishment than to ours.

But it is said we cannot restore it; that though we elect every member of the lower house, the Senate is still against us. It is quite true, that of the Senators who passed the Nebraska bill, a majority of the whole Senate will retain their seats in spite of the elections of this and the next year. But if at these elections, their several constituencies shall clearly express their will against Nebraska, will these senators disregard their will? Will they neither obey, nor make room for those who will?

But even if we fail to technically restore the compromise, it is still a great point to carry a popular vote in favor of the restoration. The moral weight of such a vote can not be estimated too highly. The authors of Nebraska are not at all satisfied with the destruction of the compromise — an endorsement of this PRINCIPLE, they proclaim to be the great object. With them, Nebraska alone is a small matter — to establish a principle, for FUTURE USE, is what they particularly desire.

That future use is to be the planting of slavery wherever in the wide world, local and unorganized opposition can not prevent it. Now if you wish to give them this endorsement — if you wish to establish this principle — do so. I shall regret it; but it is your right. On the contrary if you are opposed to the principle — intend to give it no such endorsement — let no wheedling, no sophistry, divert you from throwing a direct vote against it.

Some men, mostly whigs, who condemn the repeal of the Missouri Compromise, nevertheless hesitate to go for its restoration, lest they be

thrown in company with the abolitionist. Will they allow me as an old whig to tell them good humoredly, that I think this is very silly? Stand with anybody that stands RIGHT. Stand with him while he is right and PART with him when he goes wrong. Stand WITH the abolitionist in restoring the Missouri Compromise; and stand AGAINST him when he attempts to repeal the fugitive slave law. In the latter case you stand with the southern disunionist. What of that? you are still right. In both cases you are right. In both cases you oppose [expose?] the dangerous extremes. In both you stand on middle ground and hold the ship level and steady. In both you are national and nothing less than national. This is good old whig ground. To desert such ground, because of any company, is to be less than a whig — less than a man — less than an American.

I particularly object to the NEW position which the avowed principle of this Nebraska law gives to slavery in the body politic. I object to it because it assumes that there CAN be MORAL RIGHT in the enslaving of one man by another. I object to it as a dangerous dalliance for a few [free?] people — a sad evidence that, feeling prosperity we forget right — that liberty, as a principle, we have ceased to revere. I object to it because the fathers of the republic eschewed, and rejected it. The argument of “Necessity” was the only argument they ever admitted in favor of slavery; and so far, and so far only as it carried them, did they ever go. They found the institution existing among us, which they could not help; and they cast blame upon the British King for having permitted its introduction. BEFORE the constitution, they prohibited its introduction into the north-western Territory — the only country we owned, then free from it. AT the framing and adoption of the constitution, they forbore to so much as mention the word “slave” or “slavery” in the whole instrument. In the provision for the recovery of fugitives, the slave is spoken of as a “PERSON HELD TO SERVICE OR LABOR.” In that prohibiting the abolition of the African slave trade for twenty years, that trade is spoken of as “The migration or importation of such persons as any of the States NOW EXISTING, shall think proper to admit,” &c. These are the only provisions alluding to slavery. Thus, the thing is hid away, in the constitution, just as an afflicted man hides away a wen or a cancer, which he dares not cut out at once, lest he bleed to death; with the promise, nevertheless, that the cutting may begin at the end of a given time. Less than this our fathers COULD not do; and NOW [MORE?] they WOULD not do. Necessity drove them so far, and farther, they would not go. But this is not all. The earlier Congress, under the constitution, took

the same view of slavery. They hedged and hemmed it in to the narrowest limits of necessity.

In 1794, they prohibited an out-going slave-trade — that is, the taking of slaves FROM the United States to sell. In 1798, they prohibited the bringing of slaves from Africa, INTO the Mississippi Territory — this territory then comprising what are now the States of Mississippi and Alabama. This was TEN YEARS before they had the authority to do the same thing as to the States existing at the adoption of the constitution.

In 1800 they prohibited AMERICAN CITIZENS from trading in slaves between foreign countries — as, for instance, from Africa to Brazil.

In 1803 they passed a law in aid of one or two State laws, in restraint of the internal slave trade.

In 1807, in apparent hot haste, they passed the law, nearly a year in advance to take effect the first day of 1808 — the very first day the constitution would permit — prohibiting the African slave trade by heavy pecuniary and corporal penalties.

In 1820, finding these provisions ineffectual, they declared the trade piracy, and annexed to it, the extreme penalty of death. While all this was passing in the general government, five or six of the original slave States had adopted systems of gradual emancipation; and by which the institution was rapidly becoming extinct within these limits.

Thus we see, the plain unmistakable spirit of that age, towards slavery, was hostility to the PRINCIPLE, and toleration, ONLY BY NECESSITY.

But NOW it is to be transformed into a “sacred right.” Nebraska brings it forth, places it on the high road to extension and perpetuity; and, with a pat on its back, says to it, “Go, and God speed you.” Henceforth it is to be the chief jewel of the nation — the very figure-head of the ship of State. Little by little, but steadily as man’s march to the grave, we have been giving up the OLD for the NEW faith. Near eighty years ago we began by declaring that all men are created equal; but now from that beginning we have run down to the other declaration, that for SOME men to enslave OTHERS is a “sacred right of self-government.” These principles can not stand together. They are as opposite as God and mammon; and whoever holds to the one, must despise the other. When Pettit, in connection with his support of the Nebraska bill, called the Declaration of Independence “a self-evident lie” he only did what consistency and candor require all other Nebraska men to do. Of the forty odd Nebraska Senators who sat present and heard him, no one rebuked him. Nor am I apprized that any Nebraska newspaper, or any Nebraska

orator, in the whole nation, has ever yet rebuked him. If this had been said among Marion's men, Southerners though they were, what would have become of the man who said it? If this had been said to the men who captured Andre, the man who said it, would probably have been hung sooner than Andre was. If it had been said in old Independence Hall, seventy-eight years ago, the very door-keeper would have throttled the man, and thrust him into the street.

Let no one be deceived. The spirit of seventy-six and the spirit of Nebraska, are utter antagonisms; and the former is being rapidly displaced by the latter.

Fellow countrymen — Americans south, as well as north, shall we make no effort to arrest this? Already the liberal party throughout the world, express the apprehension "that the one retrograde institution in America, is undermining the principles of progress, and fatally violating the noblest political system the world ever saw." This is not the taunt of enemies, but the warning of friends. Is it quite safe to disregard it — to despise it? Is there no danger to liberty itself, in discarding the earliest practice, and first precept of our ancient faith? In our greedy chase to make profit of the negro, let us beware, lest we "cancel and tear to pieces" even the white man's charter of freedom.

Our republican robe is soiled, and trailed in the dust. Let us repurify it. Let us turn and wash it white, in the spirit, if not the blood, of the Revolution. Let us turn slavery from its claims of "moral right," back upon its existing legal rights, and its arguments of "necessity." Let us return it to the position our fathers gave it; and there let it rest in peace. Let us re-adopt the Declaration of Independence, and with it, the practices, and policy, which harmonize with it. Let north and south — let all Americans — let all lovers of liberty everywhere — join in the great and good work. If we do this, we shall not only have saved the Union; but we shall have so saved it, as to make, and to keep it, forever worthy of the saving. We shall have so saved it, that the succeeding millions of free happy people, the world over, shall rise up, and call us blessed, to the latest generations.

At Springfield, twelve days ago, where I had spoken substantially as I have here, Judge Douglas replied to me — and as he is to reply to me here, I shall attempt to anticipate him, by noticing some of the points he made there. He commenced by stating I had assumed all the way through, that the principle of the Nebraska bill, would have the effect of extending slavery. He denied that this was INTENDED, or that this EFFECT would follow.

I will not re-open the argument upon this point. That such WAS the intention, the world believed at the start, and will continue to believe. This was the COUNTENANCE of the thing; and, both friends and enemies, instantly recognized it as such. That countenance can not now be changed by argument. You can as easily argue the color out of the negroes' skin. Like the "bloody hand" you may wash it, and wash it, the red witness of guilt still sticks, and stares horribly at you.

Next he says, congressional intervention never prevented slavery any where — that it did not prevent it in the north west territory, now [nor?] in Illinois — that in fact, Illinois came into the Union as a slave State — that the principle of the Nebraska bill expelled it from Illinois, from several old States, from every where.

Now this is mere quibbling all the way through. If the ordinance of '87 did not keep slavery out of the north west territory, how happens it that the north west shore of the Ohio river is entirely free from it; while the south east shore, less than a mile distant, along nearly the whole length of the river, is entirely covered with it?

If that ordinance did not keep it out of Illinois, what was it that made the difference between Illinois and Missouri? They lie side by side, the Mississippi river only dividing them; while their early settlements were within the same latitude. Between 1810 and 1820 the number of slaves in Missouri INCREASED 7,211; while in Illinois, in the same ten years, they DECREASED 51. This appears by the census returns. During nearly all of that ten years, both were territories — not States. During this time the ordinance forbid slavery to go into Illinois; and NOTHING forbid it to go into Missouri. It DID go into Missouri, and did NOT go into Illinois. That is the fact. Can any one doubt as to the reason of it?

But, he says, Illinois came into the Union as a slave State. Silence, perhaps, would be the best answer to this flat contradiction of the known history of the country. What are the facts upon which this bold assertion is based? When we first acquired the country, as far back as 1787, there were some slaves within it, held by the French inhabitants at Kaskaskia. The territorial legislation, admitted a few negroes, from the slave States, as indentured servants. One year after the adoption of the first State constitution the whole number of them was — what do you think? just 117 — while the aggregate free population was 55,094 — about 470 to one. Upon this state of facts, the people framed their constitution prohibiting the further introduction of slavery, with a sort of guaranty to the owners of the few indentured servants, giving freedom to their

children to be born thereafter, and making no mention whatever, of any supposed slave for life. Out of this small matter, the Judge manufactures his argument that Illinois came into the Union as a slave State. Let the facts be the answer to the argument.

The principles of the Nebraska bill, he says, expelled slavery from Illinois. The principle of that bill first planted it here — that is, it first came, because there was no law to prevent it — first came before we owned the country; and finding it here, and having the ordinance of '87 to prevent its increasing, our people struggled along, and finally got rid of it as best they could.

But the principle of the Nebraska bill abolished slavery in several of the old States. Well, it is true that several of the old States, in the last quarter of the last century, did adopt systems of gradual emancipation, by which the institution has finally become extinct within their limits; but it MAY or MAY NOT be true that the principle of the Nebraska bill was the cause that led to the adoption of these measures. It is now more than fifty years, since the last of these States adopted its system of emancipation. If Nebraska bill is the real author of these benevolent works, it is rather deplorable, that he has, for so long a time, ceased working all together. Is there not some reason to suspect that it was the principle of the REVOLUTION, and not the principle of Nebraska bill, that led to emancipation in these old States? Leave it to the people of those old emancipating States, and I am quite sure they will decide, that neither that, nor any other good thing, ever did, or ever will come of Nebraska bill.

In the course of my main argument, Judge Douglas interrupted me to say, that the principle [of] the Nebraska bill was very old; that it originated when God made man and placed good and evil before him, allowing him to choose for himself, being responsible for the choice he should make. At the time I thought this was merely playful; and I answered it accordingly. But in his reply to me he renewed it, as a serious argument. In seriousness then, the facts of this proposition are not true as stated. God did not place good and evil before man, telling him to make his choice. On the contrary, he did tell him there was one tree, of the fruit of which, he should not eat, upon pain of certain death. I should scarcely wish so strong a prohibition against slavery in Nebraska.

But this argument strikes me as not a little remarkable in another particular — in its strong resemblance to the old argument for the “Divine right of Kings.” By the latter, the King is to do just as he pleases with his white subjects, being responsible to God alone. By the former, the white

man is to do just as he pleases with his black slaves, being responsible to God alone. The two things are precisely alike; and it is but natural that they should find similar arguments to sustain them.

I had argued, that the application of the principle of self-government, as contended for, would require the revival of the African slave trade — that no argument could be made in favor of a man's right to take slaves to Nebraska, which could not be equally well made in favor of his right to bring them from the coast of Africa. The Judge replied, that the Constitution requires the suppression of the foreign slave trade; but does not require the prohibition of slavery in the territories. That is a mistake, in point of fact. The Constitution does NOT require the action of Congress in either case; and it does AUTHORIZE it in both. And so, there is still no difference between the cases.

In regard to what I had said, the advantage the slave States have over the free, in the matter of representation, the Judge replied that we, in the free States, count five free negroes as five white people, while in the slave States, they count five slaves as three whites only; and that the advantage, at last, was on the side of the free States.

Now, in the slave States, they count free negroes just as we do; and it so happens that besides their slaves, they have as many free negroes as we have, and thirty-three thousand over. Thus their free negroes more than balance ours; and their advantage over us, in consequence of their slaves, still remains as I stated it.

In reply to my argument, that the compromise measures of 1850, were a system of equivalents; and that the provisions of no one of them could fairly be carried to other subjects, without its corresponding equivalent being carried with it, the Judge denied out-right, that these measures had any connection with, or dependence upon, each other. This is mere desperation. If they have no connection, why are they always spoken of in connection? Why has he so spoken of them, a thousand times? Why has he constantly called them a SERIES of measures? Why does everybody call them a compromise? Why was California kept out of the Union, six or seven months, if it was not because of its connection with the other measures? Webster's leading definition of the verb "to compromise" is "to adjust and settle a difference, by mutual agreement[,] with concessions of claims by the parties." This conveys precisely the popular understanding of the word [""]compromise.[""] We knew, before the Judge told us, that these measures passed separately, and in distinct bills; and that no two of them were passed by the votes of precisely the same members. But we also

know, and so does he know, that no one of them could have passed both branches of Congress but for the understanding that the others were to pass also. Upon this understanding each got votes, which it could have got in no other way. It is this fact, that gives to the measures their true character; and it is the universal knowledge of this fact, that has given them the name of compromise so expressive of that true character.

I had asked "If in carrying the provisions of the Utah and New Mexico laws to Nebraska, you could clear away other objection, how can you leave Nebraska "perfectly free" to introduce slavery BEFORE she forms a constitution — during her territorial government? — while the Utah and New Mexico laws only authorize it WHEN they form constitutions, and are admitted into the Union?" To this Judge Douglas answered that the Utah and New Mexico laws, also authorized it BEFORE; and to prove this, he read from one of their laws, as follows: "That the legislative power of said territory shall extend to all rightful subjects of legislation consistent with the constitution of the United States and the provisions of this act."

Now it is perceived from the reading of this, that there is nothing express upon the subject; but that the authority is sought to be implied merely, for the general provision of "all rightful subjects of legislation." In reply to this, I insist, as a legal rule of construction, as well as the plain popular view of the matter, that the EXPRESS provision for Utah and New Mexico coming in with slavery if they choose, when they shall form constitutions, is an EXCLUSION of all implied authority on the same subject — that Congress, having the subject distinctly in their minds, when they made the express provision, they therein expressed their WHOLE meaning on that subject.

The Judge rather insinuated that I had found it convenient to forget the Washington territorial law passed in 1853. This was a division of Oregon, organizing the northern part, as the territory of Washington. He asserted that, by this act, the ordinance of '87 theretofore existing in Oregon, was repealed; that nearly all the members of Congress voted for it, beginning in the H.R. [House of Representatives], with Charles Allen of Massachusetts, and ending with Richard Yates, of Illinois; and that he could not understand how those who now oppose the Nebraska bill, so voted then, unless it was because it was then too soon after both the great political parties had ratified the compromises of 1850, and the ratification therefore too fresh, to be then repudiated.

Now I had seen the Washington act before; and I have carefully examined it since; and I aver that there is no repeal of the ordinance of '87,

or of any prohibition of slavery, in it. In express terms, there is absolutely nothing in the whole law upon the subject — in fact, nothing to lead a reader to THINK of the subject. To my judgment, it is equally free from every thing from which such repeal can be legally implied; but however this may be, are men now to be entrapped by a legal implication, extracted from covert language, introduced perhaps, for the very purpose of entrapping them? I sincerely wish every man could read this law quite through, carefully watching every sentence, and every line, for a repeal of the ordinance of '87 or any thing equivalent to it.

Another point on the Washington act. If it was intended to be modeled after the Utah and New Mexico acts, as Judge Douglas, insists, why was it not inserted in it, as in them, that Washington was to come in with or without slavery as she may choose at the adoption of her constitution? It has no such provision in it; and I defy the ingenuity of man to give a reason for the omission, other than that it was not intended to follow the Utah and New Mexico laws in regard to the question of slavery.

The Washington act not only differs vitally from the Utah and New Mexico acts; but the Nebraska act differs vitally from both. By the latter act the people are left “perfectly free” to regulate their own domestic concerns, &c.; but in all the former, all their laws are to be submitted to Congress, and if disapproved are to be null. The Washington act goes even further; it absolutely prohibits the territorial legislation [legislature?], by very strong and guarded language, from establishing banks, or borrowing money on the faith of the territory. Is this the sacred right of self-government we hear vaunted so much? No sir, the Nebraska bill finds no model in the acts of '50 or the Washington act. It finds no model in any law from Adam till today. As Phillips says of Napoleon, the Nebraska act is grand, gloomy, and peculiar; wrapped in the solitude of its own originality; without a model, and without a shadow upon the earth.

In the course of his reply, Senator Douglas remarked, in substance, that he had always considered this government was made for the white people and not for the negroes. Why, in point of mere fact, I think so too. But in this remark of the Judge, there is a significance, which I think is the key to the great mistake (if there is any such mistake) which he has made in this Nebraska measure. It shows that the Judge has no very vivid impression that the negro is a human; and consequently has no idea that there can be any moral question in legislating about him. In his view, the question of whether a new country shall be slave or free, is a matter of as utter indifference, as it is whether his neighbor shall plant his farm with

tobacco, or stock it with horned cattle. Now, whether this view is right or wrong, it is very certain that the great mass of mankind take a totally different view. They consider slavery a great moral wrong; and their feelings against it, is not evanescent, but eternal. It lies at the very foundation of their sense of justice; and it cannot be trifled with. It is a great and durable element of popular action, and, I think, no statesman can safely disregard it.

Our Senator also objects that those who oppose him in this measure do not entirely agree with one another. He reminds me that in my firm adherence to the constitutional rights of the slave States, I differ widely from others who are co-operating with me in opposing the Nebraska bill; and he says it is not quite fair to oppose him in this variety of ways. He should remember that he took us by surprise — astounded us — by this measure. We were thunderstruck and stunned; and we reeled and fell in utter confusion. But we rose each fighting, grasping whatever he could first reach — a scythe — a pitchfork — a chopping axe, or a butcher's cleaver. We struck in the direction of the sound, and we are rapidly closing in upon him. He must not think to divert us from our purpose, by showing us that our drill, our dress, and our weapons, are not entirely perfect and uniform. When the storm shall be past, he shall find us still Americans; no less devoted to the continued Union and prosperity of the country than heretofore.

Finally, the Judge invokes against me, the memory of Clay and of Webster. They were great men; and men of great deeds. But where have I assailed them? For what is it, that their life-long enemy, shall now make profit, by assuming to defend them against me, their life-long friend? I go against the repeal of the Missouri compromise; did they ever go for it? They went for the compromise of 1850; did I ever go against them? They were greatly devoted to the Union; to the small measure of my ability, was I ever less so? Clay and Webster were dead before this question arose; by what authority shall our Senator say they would espouse his side of it, if alive? Mr. Clay was the leading spirit in making the Missouri compromise; is it very credible that if now alive, he would take the lead in the breaking of it? The truth is that some support from whigs is now a necessity with the Judge, and for thus it is, that the names of Clay and Webster are now invoked. His old friends have deserted him in such numbers as to leave too few to live by. He came to his own, and his own received him not, and Lo! he turns unto the Gentiles.

A word now as to the Judge's desperate assumption that the compromises of '50 had no connection with one another; that Illinois came into the Union as a slave state, and some other similar ones. This is no other than a bold denial of the history of the country. If we do not know that the Compromises of '50 were dependent on each other; if we do not know that Illinois came into the Union as a free State — we do not know any thing. If we do not know these things, we do not know that we ever had a revolutionary war, or such a chief as Washington. To deny these things is to deny our national axioms, or dogmas, at least; and it puts an end to all argument. If a man will stand up and assert, and repeat, and re-assert, that two and two do not make four, I know nothing in the power of argument that can stop him. I think I can answer the Judge so long as he sticks to the premises; but when he flies from them, I can not work an argument into the consistency of a maternal gag, and actually close his mouth with it. In such a case I can only commend him to the seventy thousand answers just in from Pennsylvania, Ohio[,] and Indiana.

Document 29

Dred Scott v. Sandford

Supreme Court of the United States (60 U.S. 393)

March 6, 1857

Abridged

The slave Dred Scott sued for his freedom in court because his former master had taken him to live where slavery had been prohibited by Congress through the Northwest Ordinance of 1787 and the Missouri Compromise of 1820. Chief Justice Roger Taney, writing the opinion of the Court, argued that Scott could not sue because he was not and could never be a citizen of the United States. Taney based this conclusion on an assertion that Founding-era Americans did not mean to include African slaves or their descendants as part of “We the people.” Taney also concluded that Congress had no authority to prohibit slavery in the territories because it violated the constitutional right to hold property in slaves. As Abraham Lincoln later observed, this Supreme Court decision raised doubts whether slavery could be banned by law anywhere in the United States — including in states where it was already prohibited.

Mr. Chief Justice TANEY delivered the opinion of the court. ...

The question is simply this: can a negro whose ancestors were imported into this country and sold as slaves become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, and privileges, and immunities, guaranteed by that instrument to the citizen, one of which rights is the privilege of suing in a court of the United States in the cases specified in the Constitution?

It will be observed that the plea applies to that class of persons only whose ancestors were negroes of the African race, and imported into this country and sold and held as slaves. The only matter in issue before the court, therefore, is, whether the descendants of such slaves, when they shall be emancipated, or who are born of parents who had become free before their birth, are citizens of a State in the sense in which the word “citizen” is used in the Constitution of the United States. And this being

the only matter in dispute on the pleadings, the court must be understood as speaking in this opinion of that class only, that is, of those persons who are the descendants of Africans who were imported into this country and sold as slaves. ...

The words "people of the United States" and "citizens" are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty and who hold the power and conduct the Government through their representatives. They are what we familiarly call the "sovereign people," and every citizen is one of this people, and a constituent member of this sovereignty. The question before us is whether the class of persons described in the plea in abatement compose a portion of this people, and are constituent members of this sovereignty? We think they are not, and that they are not included, and were not intended to be included, under the word "citizens" in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States. On the contrary, they were at that time considered as a subordinate and inferior class of beings who had been subjugated by the dominant race, and, whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the Government might choose to grant them.

It is not the province of the court to decide upon the justice or injustice, the policy or impolicy, of these laws. The decision of that question belonged to the political or lawmaking power, to those who formed the sovereignty and framed the Constitution. The duty of the court is to interpret the instrument they have framed with the best lights we can obtain on the subject, and to administer it as we find it, according to its true intent and meaning when it was adopted. ...

The question then arises, whether the provisions of the Constitution, in relation to the personal rights and privileges to which the citizen of a State should be entitled, embraced the negro African race, at that time in this country[,] or who might afterwards be imported, who had then or should afterwards be made free in any State, and to put it in the power of a single State to make him a citizen of the United States and endue him with the full rights of citizenship in every other State without their consent? Does the Constitution of the United States act upon him whenever he shall be made free under the laws of a State, and raised there to the rank of

a citizen, and immediately clothe him with all the privileges of a citizen in every other State, and in its own courts?

The court think the affirmative of these propositions cannot be maintained. And if it cannot, the plaintiff in error could not be a citizen of the State of Missouri within the meaning of the Constitution of the United States, and, consequently, was not entitled to sue in its courts.

It is true, every person, and every class and description of persons who were, at the time of the adoption of the Constitution, recognised as citizens in the several States became also citizens of this new political body, but none other; it was formed by them, and for them and their posterity, but for no one else. And the personal rights and privileges guarantied to citizens of this new sovereignty were intended to embrace those only who were then members of the several State communities, or who should afterwards by birthright or otherwise become members according to the provisions of the Constitution and the principles on which it was founded. It was the union of those who were at that time members of distinct and separate political communities into one political family, whose power, for certain specified purposes, was to extend over the whole territory of the United States. And it gave to each citizen rights and privileges outside of his State which he did not before possess, and placed him in every other State upon a perfect equality with its own citizens as to rights of person and rights of property; it made him a citizen of the United States.

It becomes necessary, therefore, to determine who were citizens of the several States when the Constitution was adopted. And in order to do this, we must recur to the Governments and institutions of the thirteen colonies when they separated from Great Britain and formed new sovereignties, and took their places in the family of independent nations. We must inquire who, at that time, were recognised as the people or citizens of a State whose rights and liberties had been outraged by the English Government, and who declared their independence and assumed the powers of Government to defend their rights by force of arms.

In the opinion of the court, the legislation and histories of the times, and the language used in the Declaration of Independence, show that neither the class of persons who had been imported as slaves nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that memorable instrument.

It is difficult at this day to realize the state of public opinion in relation to that unfortunate race which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence and when the Constitution of the United States was framed and adopted. But the public history of every European nation displays it in a manner too plain to be mistaken.

They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race either in social or political relations, and so far inferior that they had no rights which the white man was bound to respect, and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold, and treated as an ordinary article of merchandise and traffic whenever a profit could be made by it. This opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics which no one thought of disputing or supposed to be open to dispute, and men in every grade and position in society daily and habitually acted upon it in their private pursuits, as well as in matters of public concern, without doubting for a moment the correctness of this opinion.

And in no nation was this opinion more firmly fixed or more uniformly acted upon than by the English Government and English people. They not only seized them on the coast of Africa and sold them or held them in slavery for their own use, but they took them as ordinary articles of merchandise to every country where they could make a profit on them, and were far more extensively engaged in this commerce than any other nation in the world.

The opinion thus entertained and acted upon in England was naturally impressed upon the colonies they founded on this side of the Atlantic. And, accordingly, a negro of the African race was regarded by them as an article of property, and held, and bought and sold as such, in every one of the thirteen colonies which united in the Declaration of Independence and afterwards formed the Constitution of the United States. The slaves were more or less numerous in the different colonies as slave labor was found more or less profitable. But no one seems to have doubted the correctness of the prevailing opinion of the time.

The legislation of the different colonies furnishes positive and indisputable proof of this fact.

It would be tedious, in this opinion, to enumerate the various laws they passed upon this subject. It will be sufficient, as a sample of the

legislation which then generally prevailed throughout the British colonies, to give the laws of two of them, one being still a large slaveholding State and the other the first State in which slavery ceased to exist.

The province of Maryland, in 1717, ch. 13, s. 5, passed a law declaring "that if any free negro or mulatto intermarry with any white woman, or if any white man shall intermarry with any negro or mulatto woman, such negro or mulatto shall become a slave during life, excepting mulattoes born of white women, who, for such intermarriage, shall only become servants for seven years, to be disposed of as the justices of the county court where such marriage so happens shall think fit, to be applied by them towards the support of a public school within the said county. And any white man or white woman who shall intermarry as aforesaid with any negro or mulatto, such white man or white woman shall become servants during the term of seven years, and shall be disposed of by the justices as aforesaid, and be applied to the uses aforesaid."

The other colonial law to which we refer was passed by Massachusetts in 1705 (chap. 6). It is entitled "An act for the better preventing of a spurious and mixed issue," &c., and it provides, that "if any negro or mulatto shall presume to smite or strike any person of the English or other Christian nation, such negro or mulatto shall be severely whipped, at the discretion of the justices before whom the offender shall be convicted." And "that none of her Majesty's English or Scottish subjects, nor of any other Christian nation, within this province, shall contract matrimony with any negro or mulatto; nor shall any person, duly authorized to solemnize marriage, presume to join any such in marriage, on pain of forfeiting the sum of fifty pounds; one moiety thereof to her Majesty, for and towards the support of the Government within this province, and the other moiety to him or them that shall inform and sue for the same, in any of her Majesty's courts of record within the province, by bill, plaint, or information."

We give both of these laws in the words used by the respective legislative bodies because the language in which they are framed, as well as the provisions contained in them, show, too plainly to be misunderstood the degraded condition of this unhappy race. They were still in force when the Revolution began, and are a faithful index to the state of feeling towards the class of persons of whom they speak, and of the position they occupied throughout the thirteen colonies, in the eyes and thoughts of the men who framed the Declaration of Independence and established the State Constitutions and Governments. They show that a perpetual and

impassable barrier was intended to be erected between the white race and the one which they had reduced to slavery, and governed as subjects with absolute and despotic power, and which they then looked upon as so far below them in the scale of created beings, that intermarriages between white persons and negroes or mulattoes were regarded as unnatural and immoral, and punished as crimes, not only in the parties, but in the person who joined them in marriage. And no distinction in this respect was made between the free negro or mulatto and the slave, but this stigma of the deepest degradation was fixed upon the whole race.

We refer to these historical facts for the purpose of showing the fixed opinions concerning that race upon which the statesmen of that day spoke and acted. It is necessary to do this in order to determine whether the general terms used in the Constitution of the United States as to the rights of man and the rights of the people was intended to include them, or to give to them or their posterity the benefit of any of its provisions.

The language of the Declaration of Independence is equally conclusive:

It begins by declaring that, “[w]hen in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and nature’s God entitle them, a decent respect for the opinions of mankind requires that they should declare the causes which impel them to the separation.”

It then proceeds to say:

“We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among them is [sic] life, liberty, and the pursuit of happiness; that to secure these rights, Governments are instituted, deriving their just powers from the consent of the governed.”

The general words above quoted would seem to embrace the whole human family, and if they were used in a similar instrument at this day would be so understood. But it is too clear for dispute that the enslaved African race were not intended to be included, and formed no part of the people who framed and adopted this declaration, for if the language, as understood in that day, would embrace them, the conduct of the distinguished men who framed the Declaration of Independence would have been utterly and flagrantly inconsistent with the principles they asserted, and instead of the sympathy of mankind to which they so

confidently appealed, they would have deserved and received universal rebuke and reprobation.

Yet the men who framed this declaration were great men — high in literary acquirements, high in their sense of honor, and incapable of asserting principles inconsistent with those on which they were acting. They perfectly understood the meaning of the language they used, and how it would be understood by others, and they knew that it would not in any part of the civilized world be supposed to embrace the negro race, which, by common consent, had been excluded from civilized Governments and the family of nations, and doomed to slavery. They spoke and acted according to the then established doctrines and principles, and in the ordinary language of the day, and no one misunderstood them. The unhappy black race were separated from the white by indelible marks, and laws long before established, and were never thought of or spoken of except as property, and when the claims of the owner or the profit of the trader were supposed to need protection.

This state of public opinion had undergone no change when the Constitution was adopted, as is equally evident from its provisions and language.

The brief preamble sets forth by whom it was formed, for what purposes, and for whose benefit and protection. It declares that it is formed by the people of the United States — that is to say, by those who were members of the different political communities in the several States — and its great object is declared to be to secure the blessings of liberty to themselves and their posterity. It speaks in general terms of the people of the United States, and of citizens of the several States, when it is providing for the exercise of the powers granted or the privileges secured to the citizen. It does not define what description of persons are intended to be included under these terms, or who shall be regarded as a citizen and one of the people. It uses them as terms so well understood that no further description or definition was necessary.

But there are two clauses in the Constitution which point directly and specifically to the negro race as a separate class of persons, and show clearly that they were not regarded as a portion of the people or citizens of the Government then formed.

One of these clauses reserves to each of the thirteen States the right to import slaves until the year 1808 if it thinks proper. And the importation which it thus sanctions was unquestionably of persons of the race of which we are speaking, as the traffic in slaves in the United States had always

been confined to them. And by the other provision the States pledge themselves to each other to maintain the right of property of the master by delivering up to him any slave who may have escaped from his service, and be found within their respective territories. By the first above-mentioned clause, therefore, the right to purchase and hold this property is directly sanctioned and authorized for twenty years by the people who framed the Constitution. And by the second, they pledge themselves to maintain and uphold the right of the master in the manner specified, as long as the Government they then formed should endure. And these two provisions show conclusively that neither the description of persons therein referred to nor their descendants were embraced in any of the other provisions of the Constitution, for certainly these two clauses were not intended to confer on them or their posterity the blessings of liberty, or any of the personal rights so carefully provided for the citizen.

No one of that race had ever migrated to the United States voluntarily; all of them had been brought here as articles of merchandise. The number that had been emancipated at that time were but few in comparison with those held in slavery, and they were identified in the public mind with the race to which they belonged, and regarded as a part of the slave population rather than the free. It is obvious that they were not even in the minds of the framers of the Constitution when they were conferring special rights and privileges upon the citizens of a State in every other part of the Union.

Indeed, when we look to the condition of this race in the several States at the time, it is impossible to believe that these rights and privileges were intended to be extended to them. ...

The only two provisions which point to them and include them treat them as property and make it the duty of the Government to protect it; no other power, in relation to this race, is to be found in the Constitution; and as it is a Government of special, delegated, powers, no authority beyond these two provisions can be constitutionally exercised. The Government of the United States had no right to interfere for any other purpose but that of protecting the rights of the owner, leaving it altogether with the several States to deal with this race, whether emancipated or not, as each State may think justice, humanity, and the interests and safety of society, require. The States evidently intended to reserve this power exclusively to themselves.

No one, we presume, supposes that any change in public opinion or feeling, in relation to this unfortunate race, in the civilized nations of

Europe or in this country, should induce the court to give to the words of the Constitution a more liberal construction in their favor than they were intended to bear when the instrument was framed and adopted. Such an argument would be altogether inadmissible in any tribunal called on to interpret it. If any of its provisions are deemed unjust, there is a mode prescribed in the instrument itself by which it may be amended; but while it remains unaltered, it must be construed now as it was understood at the time of its adoption. It is not only the same in words, but the same in meaning, and delegates the same powers to the Government, and reserves and secures the same rights and privileges to the citizen; and as long as it continues to exist in its present form, it speaks not only in the same words, but with the same meaning and intent with which it spoke when it came from the hands of its framers and was voted on and adopted by the people of the United States. Any other rule of construction would abrogate the judicial character of this court, and make it the mere reflex of the popular opinion or passion of the day. This court was not created by the Constitution for such purposes. Higher and graver trusts have been confided to it, and it must not falter in the path of duty.

What the construction was at that time we think can hardly admit of doubt. We have the language of the Declaration of Independence and of the Articles of Confederation, in addition to the plain words of the Constitution itself; we have the legislation of the different States, before, about the time, and since the Constitution was adopted; we have the legislation of Congress, from the time of its adoption to a recent period; and we have the constant and uniform action of the Executive Department, all concurring together, and leading to the same result. And if anything in relation to the construction of the Constitution can be regarded as settled, it is that which we now give to the word "citizen" and the word "people."

And, upon a full and careful consideration of the subject, the court is of opinion, that, upon the facts stated in the plea in abatement, Dred Scott was not a citizen of Missouri within the meaning of the Constitution of the United States, and not entitled as such to sue in its courts, and consequently that the Circuit Court had no jurisdiction of the case, and that the judgment on the plea in abatement is erroneous. ...

We proceed, therefore, to inquire whether the facts relied on by the plaintiff entitled him to his freedom.

The case, as he himself states it, on the record brought here by his writ of error, is this:

The plaintiff was a negro slave, belonging to Dr. Emerson, who was a surgeon in the army of the United States. In the year 1834, he took the plaintiff from the State of Missouri to the military post at Rock Island, in the State of Illinois, and held him there as a slave until the month of April or May, 1836. At the time last mentioned, said Dr. Emerson removed the plaintiff from said military post at Rock Island to the military post at Fort Snelling, situate on the west bank of the Mississippi river, in the Territory known as Upper Louisiana, acquired by the United States of France, and situate north of the latitude of thirty-six degrees thirty minutes north, and north of the State of Missouri. Said Dr. Emerson held the plaintiff in slavery at said Fort Snelling from said last-mentioned date until the year 1838. ...

In the year 1838, said Dr. Emerson removed the plaintiff and said Harriet and their said daughter Eliza from said Fort Snelling to the State of Missouri, where they have ever since resided.

Before the commencement of this suit, said Dr. Emerson sold and conveyed the plaintiff, and Harriet, Eliza, and Lizzie, to the defendant, as slaves, and the defendant has ever since claimed to hold them, and each of them, as slaves.

In considering this part of the controversy, two questions arise: 1. Was he, together with his family, free in Missouri by reason of the stay in the territory of the United States hereinbefore mentioned? And 2. If they were not, is Scott himself free by reason of his removal to Rock Island, in the State of Illinois, as stated in the above admissions?

We proceed to examine the first question.

The act of Congress upon which the plaintiff relies declares that slavery and involuntary servitude, except as a punishment for crime, shall be forever prohibited in all that part of the territory ceded by France, under the name of Louisiana, which lies north of thirty-six degrees thirty minutes north latitude, and not included within the limits of Missouri. And the difficulty which meets us at the threshold of this part of the inquiry is whether Congress was authorized to pass this law under any of the powers granted to it by the Constitution; for if the authority is not given by that instrument, it is the duty of this court to declare it void and inoperative, and incapable of conferring freedom upon anyone who is held as a slave under the [laws] of [any one] of the States.

The counsel for the plaintiff has laid much stress upon that article in the Constitution which confers on Congress the power "to dispose of and make all needful rules and regulations respecting the territory or other

property belonging to the United States," but, in the judgment of the court, that provision has no bearing on the present controversy, and the power there given, whatever it may be, is confined, and was intended to be confined, to the territory which at that time belonged to, or was claimed by, the United States, and was within their boundaries as settled by the treaty with Great Britain, and can have no influence upon a territory afterwards acquired from a foreign Government. It was a special provision for a known and particular territory, and to meet a present emergency, and nothing more. ...

We do not mean, however, to question the power of Congress in this respect. The power to expand the territory of the United States by the admission of new States is plainly given, and, in the construction of this power by all the departments of the Government, it has been held to authorize the acquisition of territory not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission. ...

But, until that time arrives, it is undoubtedly necessary that some Government should be established in order to organize society and to protect the inhabitants in their persons and property, and as the people of the United States could act in this matter only through the Government which represented them and the through which they spoke and acted when the Territory was obtained, it was not only within the scope of its powers, but it was its duty, to pass such laws and establish such a Government as would enable those by whose authority they acted to reap the advantages anticipated from its acquisition and to gather there a population which would enable it to assume the position to which it was destined among the States of the Union. ...

But the power of Congress over the person or property of a citizen can never be a mere discretionary power under our Constitution and form of Government. The powers of the Government and the rights and privileges of the citizen are regulated and plainly defined by the Constitution itself. And when the Territory becomes a part of the United States, the Federal Government enters into possession in the character impressed upon it by those who created it. It enters upon it with its powers over the citizen strictly defined, and limited by the Constitution, from which it derives its own existence and by virtue of which alone it continues to exist and act as a Government and sovereignty. It has no power of any kind beyond it, and it cannot, when it enters a Territory of the United States, put off its character and assume discretionary or despotic powers which the

Constitution has denied to it. It cannot create for itself a new character separated from the citizens of the United States and the duties it owes them under the provisions of the Constitution. The Territory being a part of the United States, the Government and the citizen both enter it under the authority of the Constitution, with their respective rights defined and marked out, and the Federal Government can exercise no power over his person or property beyond what that instrument confers, nor lawfully deny any right which it has reserved. ...

The powers over person and property of which we speak are not only not granted to Congress, but are in express terms denied, and they are forbidden to exercise them. And this prohibition is not confined to the States, but the words are general, and extend to the whole territory over which the Constitution gives it power to legislate, including those portions of it remaining under Territorial Government, as well as that covered by States. It is a total absence of power everywhere within the dominion of the United States, and places the citizens of a Territory, so far as these rights are concerned, on the same footing with citizens of the States, and guards them as firmly and plainly against any inroads which the General Government might attempt under the plea of implied or incidental powers. And if Congress itself cannot do this — if it is beyond the powers conferred on the Federal Government — it will be admitted, we presume, that it could not authorize a Territorial Government to exercise them. It could confer no power on any local Government established by its authority to violate the provisions of the Constitution.

It seems, however, to be supposed that there is a difference between property in a slave and other property and that different rules may be applied to it in expounding the Constitution of the United States. And the laws and usages of nations, and the writings of eminent jurists upon the relation of master and slave and their mutual rights and duties, and the powers which Governments may exercise over it have been dwelt upon in the argument.

But, in considering the question before us, it must be borne in mind that there is no law of nations standing between the people of the United States and their Government and interfering with their relation to each other. The powers of the Government and the rights of the citizen under it are positive and practical regulations plainly written down. The people of the United States have delegated to it certain enumerated powers and forbidden it to exercise others. It has no power over the person or property of a citizen but what the citizens of the United States have granted. And no

laws or usages of other nations, or reasoning of statesmen or jurists upon the relations of master and slave, can enlarge the powers of the Government or take from the citizens the rights they have reserved. And if the Constitution recognises the right of property of the master in a slave, and makes no distinction between that description of property and other property owned by a citizen, no tribunal, acting under the authority of the United States, whether it be legislative, executive, or judicial, has a right to draw such a distinction or deny to it the benefit of the provisions and guarantees which have been provided for the protection of private property against the encroachments of the Government.

Now, as we have already said in an earlier part of this opinion upon a different point, the right of property in a slave is distinctly and expressly affirmed in the Constitution. The right to traffic in it, like an ordinary article of merchandise and property, was guaranteed to the citizens of the United States in every State that might desire it for twenty years. And the Government in express terms is pledged to protect it in all future time if the slave escapes from his owner. This is done in plain words [—] too plain to be misunderstood. And no word can be found in the Constitution which gives Congress a greater power over slave property or which entitles property of that kind to less protection [than] property of any other description. The only power conferred is the power coupled with the duty of guarding and protecting the owner in his rights.

Upon these considerations, it is the opinion of the court that the act of Congress which prohibited a citizen from holding and owning property of this kind in the territory of the United States north of the line therein mentioned is not warranted by the Constitution, and is therefore void, and that neither Dred Scott himself nor any of his family were made free by being carried into this territory, even if they had been carried there by the owner with the intention of becoming a permanent resident. ...

Upon the whole, therefore, it is the judgment of this court that it appears by the record before us that the plaintiff in error is not a citizen of Missouri in the sense in which that word is used in the Constitution, and that the Circuit Court of the United States, for that reason, had no jurisdiction in the case, and could give no judgment in it. Its judgment for the defendant must, consequently, be reversed, and a mandate issued directing the suit to be dismissed for want of jurisdiction.

Document 30

Fragment on the Constitution and Union

Abraham Lincoln

January 1861

Abraham Lincoln had a habit of working through thoughts and ideas by writing them down in notes, some of which he used later in public speeches and addresses. This fragment was written after Lincoln's election as President but before he had officially taken office, and just as several states had seceded or declared their intent to secede from the Union in opposition to his election. In preparation for the extreme challenges that lay before him, Lincoln reflected on the nature and purpose of the Constitution and Union, the fundamental principles informing them, and why they are worth preserving.

All this is not the result of accident. It has a philosophical cause. Without the *Constitution* and the *Union*, we could not have attained the result; but even these, are not the primary cause of our great prosperity. There is something back of these, entwining itself more closely about the human heart. That something, is the principle of "Liberty to all" — the principle that clears the *path* for all — gives *hope* to all — and, by consequence, *enterprize*, and *industry* to all.

The *expression* of that principle, in our Declaration of Independence, was most happy, and fortunate. *Without* this, as well as *with* it, we could have declared our independence of Great Britain; but *without* it, we could not, I think, have secured our free government, and consequent prosperity. No oppressed, people will *fight*, and *endure*, as our fathers did, without the promise of something better, than a mere change of masters.

The assertion of that *principle*, at *that time*, was *the word*, "*fitly spoken*" which has proved an "apple of gold" to us. The *Union*, and the *Constitution*, are the *picture* of *silver*, subsequently framed around it. The picture was made, not to *conceal*, or *destroy* the apple; but to *adorn*, and *preserve* it. The *picture* was made *for* the apple — *not* the apple for the picture.

So let us act, that neither *picture*, or *apple* shall ever be blurred, or bruised or broken.

That we may so act, we must study, and understand the points of danger.

Document 31

"Corner Stone" Speech

Alexander H. Stephens

March 21, 1861

Abridged

Before becoming Vice President of the Confederate States of America, Alexander Stephens had represented Georgia in the U.S. Congress and was pivotal in securing passage of the Kansas-Nebraska Act in 1854. This speech was delivered in Savannah after Georgia and six other states had seceded from the Union but before hostilities had begun with the Confederate assault on Fort Sumter. Stephens lauded the Confederate states for rejecting the radical theories of Thomas Jefferson and the American founders and establishing instead, for the first time in history, a government resting upon the self-evident truth of racial inequality.

Savannah, Georgia, as reported in the *Savannah Republican*

At half past seven o'clock on Thursday evening, the largest audience ever assembled at the Athenaeum was in the house, waiting most impatiently for the appearance of the orator of the evening, Hon. A. H. Stephens, Vice-President of the Confederate States of America. ...

MR. STEPHENS rose and spoke as follows: ...

We are passing through one of the greatest revolutions in the annals of the world. Seven States have within the last three months thrown off an old government and formed a new. This revolution has been signally marked, up to this time, by the fact of its having been accomplished without the loss of a single drop of blood. (Applause.)

This new constitution, or form of government, constitutes the subject to which your attention will be partly invited. In reference to it, I make this first general remark. It amply secures all our ancient rights, franchises, and liberties. All the great principles of Magna Charta are retained in it. No citizen is deprived of life, liberty, or property, but by the judgment of his peers under the laws of the land. The great principle of religious liberty,

which was the honor and pride of the old constitution, is still maintained and secured. All the essentials of the old constitution, which have endeared it to the hearts of the American people, have been preserved and perpetuated. ... So, taking the whole new constitution, I have no hesitancy in giving it as my judgment that it is decidedly better than the old. (Applause.) ...

But not to be tedious in enumerating the numerous changes for the better, allow me to allude to one other — though last, not least. The new constitution has put at rest, *forever*, all the agitating questions relating to our peculiar institution — African slavery as it exists amongst us — the proper *status* of the negro in our form of civilization. This was the immediate cause of the late rupture and present revolution. Jefferson in his forecast, had anticipated this, as the “rock upon which the old Union would split.” He was right. What was conjecture with him, is now a realized fact. But whether he fully comprehended the great truth upon which that rock *stood* and *stands*, may be doubted. The prevailing ideas entertained by him and most of the leading statesmen at the time of the formation of the old constitution, were that the enslavement of the African was in violation of the laws of nature; that it was wrong in *principle*, socially, morally, and politically. It was an evil they knew not well how to deal with, but the general opinion of the men of that day was that, somehow or other in the order of Providence, the institution would be evanescent and pass away. This idea, though not incorporated in the constitution, was the prevailing idea at that time. The constitution, it is true, secured every essential guarantee to the institution while it should last, and hence no argument can be justly urged against the constitutional guarantees thus secured, because of the common sentiment of the day. Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of races. This was an error. It was a sandy foundation, and the government built upon it fell when the “storm came and the wind blew.”

Our new government is founded upon exactly the opposite idea; its foundations are laid, its corner-stone rests upon the great truth, that the negro is not equal to the white man; that slavery — subordination to the superior race — is his natural and normal condition. (Applause.)

This, our new government, is the first, in the history of the world, based upon this great physical, philosophical, and moral truth. This truth has been slow in the process of its development, like all other truths in the various departments of science. It has been so even amongst us. Many who

hear me, perhaps, can recollect well, that this truth was not generally admitted, even within their day. The errors of the past generation still clung to many as late as twenty years ago. Those at the North, who still cling to these errors, with a zeal above knowledge, we justly denominate fanatics. All fanaticism springs from an aberration of the mind — from a defect in reasoning. It is a species of insanity. One of the most striking characteristics of insanity, in many instances, is forming correct conclusions from fancied or erroneous premises; so with the anti-slavery fanatics; their conclusions are right if their premises were. They assume that the negro is equal, and hence conclude that he is entitled to equal privileges and rights with the white man. If their premises were correct, their conclusions would be logical and just — but their premise being wrong, their whole argument fails. I recollect once of having heard a gentleman from one of the northern States, of great power and ability, announce in the House of Representatives, with imposing effect, that we of the South would be compelled, ultimately, to yield upon this subject of slavery, that it was as impossible to war successfully against a principle in politics, as it was in physics or mechanics. That the principle would ultimately prevail. That we, in maintaining slavery as it exists with us, were warring against a principle, a principle founded in nature, the principle of the equality of men. The reply I made to him was, that upon his own grounds, we should, ultimately, succeed, and that he and his associates, in this crusade against our institutions, would ultimately fail. The truth announced, that it was as impossible to war successfully against a principle in politics as it was in physics and mechanics, I admitted; but told him that it was he, and those acting with him, who were warring against a principle. They were attempting to make things equal which the Creator had made unequal.

In the conflict thus far, success has been on our side, complete throughout the length and breadth of the Confederate States. It is upon this, as I have stated, our social fabric is firmly planted; and I cannot permit myself to doubt the ultimate success of a full recognition of this principle throughout the civilized and enlightened world.

As I have stated, the truth of this principle may be slow in development, as all truths are and ever have been, in the various branches of science. It was so with the principles announced by Galileo — it was so with Adam Smith and his principles of political economy. It was so with Harvey, and his theory of the circulation of the blood. It is stated that not a single one of the medical profession, living at the time of the

announcement of the truths made by him, admitted them. Now, they are universally acknowledged. May we not, therefore, look with confidence to the ultimate universal acknowledgment of the truths upon which our system rests? It is the first government ever instituted upon the principles in strict conformity to nature, and the ordination of Providence, in furnishing the materials of human society. Many governments have been founded upon the principle of the subordination and serfdom of certain classes of the same race; such were and are in violation of the laws of nature. Our system commits no such violation of nature’s laws. With us, all of the white race, however high or low, rich or poor, are equal in the eye of the law. Not so with the negro. Subordination is his place. He, by nature, or by the curse against Canaan, is fitted for that condition which he occupies in our system. The architect, in the construction of buildings, lays the foundation with the proper material — the granite; then comes the brick or the marble. The substratum of our society is made of the material fitted by nature for it, and by experience we know that it is best, not only for the superior, but for the inferior race, that it should be so. It is, indeed, in conformity with the ordinance of the Creator. It is not for us to inquire into the wisdom of his ordinances, or to question them. For his own purposes, he has made one race to differ from another, as he has made “one star to differ from another star in glory.”

The great objects of humanity are best attained when there is conformity to his laws and decrees, in the formation of governments as well as in all things else. Our confederacy is founded upon principles in strict conformity with these laws. This stone which was rejected by the first builders “is become the chief of the corner” — the real “corner-stone” — in our new edifice. (Applause.)

I have been asked, what of the future? It has been apprehended by some that we would have arrayed against us the civilized world. I care not who or how many they may be against us, when we stand upon the eternal principles of truth, *if we are true to ourselves and the principles for which we contend*, we are obliged to, and must triumph. (Immense applause.)

Thousands of people who begin to understand these truths are not yet completely out of the shell; they do not see them in their length and breadth. We hear much of the civilization and christianization of the barbarous tribes of Africa. In my judgment, those ends will never be attained, but by first teaching them the lesson taught to Adam, that “in the sweat of his brow he should eat his bread,” (applause,) and teaching them to work, and feed, and clothe themselves. ...

But to return to the question of the future. What is to be the result of this revolution? ...

Our growth, by accessions from other States, will depend greatly upon whether we present to the world, as I trust we shall, a better government than that to which neighboring States belong. If we do this, North Carolina, Tennessee, and Arkansas cannot hesitate long; neither can Virginia, Kentucky, and Missouri. They will necessarily gravitate to us by an imperious law. We made ample provision in our constitution for the admission of other States; it is more guarded, and wisely so, I think, than the old constitution on the same subject, but not too guarded to receive them as fast as it may be proper. Looking to the distant future, and, perhaps, not very far distant either, it is not beyond the range of possibility, and even probability, that all the great States of the north-west will gravitate this way, as well as Tennessee, Kentucky, Missouri, Arkansas, etc. Should they do so, our doors are wide enough to receive them, but not until they are ready to assimilate with us in principle.

The process of disintegration in the old Union may be expected to go on with almost absolute certainty if we pursue the right course. We are now the nucleus of a growing power which, if we are true to ourselves, our destiny, and high mission, will become the controlling power on this continent. To what extent accessions will go on in the process of time, or where it will end, the future will determine. So far as it concerns States of the old Union, this process will be upon no such principles of *reconstruction* as now spoken of, but upon *reorganization* and new assimilation. (Loud applause.) Such are some of the glimpses of the future as I catch them. ...

As to whether we shall have war with our late confederates, or whether all matters of differences between us shall be amicably settled, I can only say that the prospect for a peaceful adjustment is better, so far as I am informed, than it has been.

The prospect of war is, at least, not so threatening as it has been. The idea of coercion, shadowed forth in President Lincoln's inaugural, seems not to be followed up thus far so vigorously as was expected. Fort Sumter, it is believed, will soon be evacuated. What course will be pursued toward Fort Pickens, and the other forts on the gulf, is not so well understood. It is to be greatly desired that all of them should be surrendered. Our object is *peace*, not only with the North, but with the world. All matters relating to the public property, public liabilities of the Union when we were members of it, we are ready and willing to adjust and settle upon the principles of

right, equity, and good faith. War can be of no more benefit to the North than to us. Whether the intention of evacuating Fort Sumter is to be received as an evidence of a desire for a peaceful solution of our difficulties with the United States, or the result of necessity, I will not undertake to say. I would fain hope the former. Rumors are afloat, however, that it is the result of necessity. All I can say to you, therefore, on that point is, keep your armor bright and your powder dry. ...

Document 32

Final Emancipation Proclamation

Abraham Lincoln

January 1, 1863

In July of 1862 President Lincoln revealed to his cabinet his resolve to issue a proclamation of emancipation. Though Lincoln had always been “naturally anti-slavery,” as he wrote in a letter to Albert Hodges, several challenges had stood in the way of the proclamation, including fears that it would push loyal Border States into the hands of the Confederacy, and the question of whether an Emancipation Proclamation would be constitutional. Despite these concerns, Lincoln pressed forward in 1862, carefully crafting the proclamation’s legalistic language to withstand scrutiny by a Supreme Court inclined to strike it down. In the final version of the Emancipation Proclamation, Lincoln justified it not only as a matter of military necessity but as an act of justice. When he signed it on January 1, 1863, over 3 million slaves were legally freed.

By the President of the United States of America:
A Proclamation.

Whereas, on the twentysecond day of September, in the year of our Lord one thousand eight hundred and sixty two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

“That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

“That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be, in good faith, represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such State shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States.”

Now, therefore I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief, of the Army and Navy of the United States in time of actual armed rebellion against authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty three, and in accordance with my purpose so to do publicly proclaimed for the full period of one hundred days, from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof respectively, are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana, (except the Parishes of St. Bernard, Plaquemines, Jefferson, St. Johns, St. Charles, St. James, Ascension, Assumption, Terrebonne, Lafourche, St. Mary, St. Martin, and Orleans, including the City of New-Orleans) Mississippi, Alabama, Florida, Georgia, South-Carolina, North-Carolina, and Virginia, (except the forty-eight counties designated as West Virginia, and also the counties of Berkley, Accomac, Northampton, Elizabeth-City, York, Princess Ann, and Norfolk, including the cities of Norfolk & Portsmouth[)]; and which excepted parts are, for the present, left precisely as if this proclamation were not issued.

And by virtue of the power, and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States, and parts of States, are, and henceforward shall be free; and that the Executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defence; and I recommend to

them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known, that such persons of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity, I invoke the considerate judgment of mankind, and the gracious favor of Almighty God.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this first day of January, in the year of our Lord one thousand eight hundred and sixty three, and of the Independence of the United States of America the eighty-seventh.

By the President: ABRAHAM LINCOLN

WILLIAM H. SEWARD, Secretary of State.

Document 33

Gettysburg Address

Abraham Lincoln
November 19, 1863

As President, Abraham Lincoln had been invited to speak at the dedication of the new cemetery at Gettysburg, Pennsylvania, which would be the final resting place for soldiers who had died in the bloodiest battle of the Civil War. Before he spoke, keynote speaker Edward Everett provided the crowd with a moving but lengthy speech on the historical causes and moral consequences of the war. When his turn came, Lincoln rose and in a mere 272 words revealed with poetic brevity the importance of the proposition “all men are created equal” to America’s past, present and future. Generations of Americans and people around the world have since found inspiration in this eloquent, noble and universal appeal to and defense of the cause of liberty.

Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we can not dedicate — we can not consecrate — we can not hallow — this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us — that from these honored dead we take increased devotion to that cause for which they gave the last full measure

of devotion — that we here highly resolve that these dead shall not have died in vain — that this nation, under God, shall have a new birth of freedom — and that government of the people, by the people, for the people, shall not perish from the earth.

Document 34

Resolution Submitting the Thirteenth Amendment to the States

Abraham Lincoln

February 1, 1865

Although the Emancipation Proclamation (see document 32) seemed to put slavery on the path to extinction, President Lincoln worked tirelessly to secure approval of the Thirteenth Amendment by Congress. Because the Supreme Court had declared a constitutional right to own slaves in the Dred Scott case (see document 29), it was very likely that the Emancipation Proclamation would be struck down as unconstitutional. Nothing short of a constitutional amendment could prevent this and permanently end slavery in the United States. Lincoln also knew that an amendment must be accomplished before public support for the measure abated with the Civil War's end, which seemed to be in sight by early 1865. To achieve the high principle at stake in the amendment, Lincoln used every bit of political prudence, skill, and influence at his disposal, and often had to make difficult concessions to opponents to gain their support. But the feat was accomplished; Lincoln acquired the votes in Congress to put the amendment before the American people, and they ratified it on December 6, 1865.

Thirty-Eighth Congress of the United States.

A Resolution Submitting to the Legislatures of the several States a proposition to amend the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two—thirds of both houses concurring), That the following article be proposed to the Legislatures of the several States as an amendment to the constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be

valid, to all intents and purposes, as a part of the said Constitution, namely:

ARTICLE XIII

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

SCHUYLER COLFAX

Speaker of the House of Representatives.

H. HAMLIN

Vice President of the United States, and President of the Senate.

Approved, February 1, 1865. ABRAHAM LINCOLN

Document 35

Second Inaugural Address

Abraham Lincoln

March 4, 1865

In his First Inaugural Address, President Lincoln had argued at length against secession and urged Americans both North and South to remain dedicated to the Union. The brevity and somber tone of his Second Inaugural Address reveals the effects of four years of devastating war on America's soul and Lincoln's heart. Never prone to condemn the Southern states for causing the Civil War, Lincoln offered instead reflections on the judgment God had handed down upon both the North and the South for the American sin of slavery. Lincoln's Second Inaugural is both an apology and a plea for forgiveness after full admission of national guilt for the institution of slavery. Building on these sentiments, Lincoln also appealed to northerners and southerners to reconcile when the conflict ended, urging forgiveness on the part of both victors and defeated, and a willingness on the part all Americans to abide by God's justice as made manifest by the war's outcome. After delivering this address, Lincoln saw Frederick Douglass in a crowd outside the White House and asked him what he thought of the speech. Shaking the President's hand, Douglass described it as "a sacred effort."

Fellow Countrymen,

At this second appearing to take the oath of the presidential office, there is less occasion for an extended address than there was at the first. Then a statement, somewhat in detail, of a course to be pursued, seemed fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention, and engrosses the energies of the nation, little that is new could be presented. The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself; and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured.

On the occasion corresponding to this four years ago, all thoughts were anxiously directed to an impending civil-war. All dreaded it — all sought to avert it. While the inaugural address was being delivered from this place, devoted altogether to *saving* the Union without war, insurgent agents were in the city seeking to *destroy* it without war — seeking to dissolve the Union, and divide effects, by negotiation. Both parties deprecated war; but one of them would *make* war rather than let the nation survive; and the other would *accept* war rather than let it perish. And the war came.

One eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the Southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was, somehow, the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union, even by war; while the government claimed no right to do more than to restrict the territorial enlargement of it. Neither party expected for the war, the magnitude, or the duration, which it has already attained. Neither anticipated that the *cause* of the conflict might cease with, or even before, the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding. Both read the same Bible, and pray to the same God; and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces; but let us judge not that we be not judged. The prayers of both could not be answered; that of neither has been answered fully. The Almighty has His own purposes. "Woe unto the world because of offences! for it must needs be that offences come; but woe to that man by whom the offence cometh!" If we shall suppose that American Slavery is one of those offences which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South, this terrible war, as the woe due to those by whom the offence came, shall we discern therein any departure from those divine attributes which the believers in a Living God always ascribe to Him? Fondly do we hope — fervently do we pray — that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue, until all the wealth piled by the bond-man's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash, shall be paid by another drawn with the

sword, as was said three thousand years ago, so still it must be said “the judgments of the Lord, are true and righteous altogether.”

With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation’s wounds; to care for him who shall have borne the battle, and for his widow, and his orphan — to do all which may achieve and cherish a just, and a lasting peace, among ourselves, and with all nations.

Document 36

Oration in Memory of Abraham Lincoln

Frederick Douglass

April 14, 1876

Though Frederick Douglass had often been critical of Lincoln's slowness in moving toward emancipation during the Civil War, the two men developed a mutual respect for each other. In this speech, Douglass recounted Lincoln's shortcomings as President, but also his accomplishments in the face of nearly insurmountable difficulties. Though constrained by the prejudices and qualms of his fellow white citizens, Lincoln had successfully preserved the Union and brought about the end of slavery. It was especially fitting that Douglass should make this speech on the anniversary of Lincoln's assassination. In his last public address, just days before his death, Lincoln supported voting rights for black Americans. In the crowd listening to Lincoln's speech that evening was John Wilkes Booth, who resolved to prevent Lincoln from making black suffrage a reality.

Delivered at the Unveiling of The Freedmen's Monument in Lincoln Park,
Washington, D.C.

Friends and Fellow-citizens,

I warmly congratulate you upon the highly interesting object which has caused you to assemble in such numbers and spirit as you have today. This occasion is in some respects remarkable. Wise and thoughtful men of our race, who shall come after us, and study the lesson of our history in the United States; who shall survey the long and dreary spaces over which we have traveled; who shall count the links in the great chain of events by which we have reached our present position, will make a note of this occasion; they will think of it and speak of it with a sense of manly pride and complacency.

I congratulate you, also, upon the very favorable circumstances in which we meet today. They are high, inspiring, and uncommon. They lend grace, glory, and significance to the object for which we have met.

Nowhere else in this great country, with its uncounted towns and cities, unlimited wealth, and immeasurable territory extending from sea to sea, could conditions be found more favorable to the success of this occasion than here.

We stand today at the national center to perform something like a national act — an act which is to go into history; and we are here where every pulsation of the national heart can be heard, felt, and reciprocated. A thousand wires, fed with thought and winged with lightning, put us in instantaneous communication with the loyal and true men all over this country.

Few facts could better illustrate the vast and wonderful change which has taken place in our condition as a people than the fact of our assembling here for the purpose we have today. Harmless, beautiful, proper, and praiseworthy as this demonstration is, I cannot forget that no such demonstration would have been tolerated here twenty years ago. The spirit of slavery and barbarism, which still lingers to blight and destroy in some dark and distant parts of our country, would have made our assembling here the signal and excuse for opening upon us all the flood-gates of wrath and violence. That we are here in peace today is a compliment and a credit to American civilization, and a prophecy of still greater national enlightenment and progress in the future. I refer to the past not in malice, for this is no day for malice; but simply to place more distinctly in front the gratifying and glorious change which has come both to our white fellow-citizens and ourselves, and to congratulate all upon the contrast between now and then; the new dispensation of freedom with its thousand blessings to both races, and the old dispensation of slavery with its ten thousand evils to both races — white and black. In view, then, of the past, the present, and the future, with the long and dark history of our bondage behind us, and with liberty, progress, and enlightenment before us, I again congratulate you upon this auspicious day and hour.

Friends and fellow-citizens, the story of our presence here is soon and easily told. We are here in the District of Columbia, here in the city of Washington, the most luminous point of American territory; a city recently transformed and made beautiful in its body and in its spirit; we are here in the place where the ablest and best men of the country are sent to devise the policy, enact the laws, and shape the destiny of the Republic; we are here, with the stately pillars and majestic dome of the Capitol of the nation looking down upon us; we are here, with the broad earth freshly adorned with the foliage and flowers of spring for our church, and all races,

colors, and conditions of men for our congregation — in a word, we are here to express, as best we may, by appropriate forms and ceremonies, our grateful sense of the vast, high, and preeminent services rendered to ourselves, to our race, to our country, and to the whole world by Abraham Lincoln.

The sentiment that brings us here to-day is one of the noblest that can stir and thrill the human heart. It has crowned and made glorious the high places of all civilized nations with the grandest and most enduring works of art, designed to illustrate the characters and perpetuate the memories of great public men. It is the sentiment which from year to year adorns with fragrant and beautiful flowers the graves of our loyal, brave, and patriotic soldiers who fell in defense of the Union and liberty. It is the sentiment of gratitude and appreciation, which often, in the presence of many who hear me, has filled yonder heights of Arlington with the eloquence of eulogy and the sublime enthusiasm of poetry and song; a sentiment which can never die while the Republic lives.

For the first time in the history of our people, and in the history of the whole American people, we join in this high worship, and march conspicuously in the line of this time-honored custom. First things are always interesting, and this is one of our first things. It is the first time that, in this form and manner, we have sought to do honor to an American great man, however deserving and illustrious. I commend the fact to notice; let it be told in every part of the Republic; let men of all parties and opinions hear it; let those who despise us, not less than those who respect us, know that now and here, in the spirit of liberty, loyalty, and gratitude, let it be known everywhere, and by everybody who takes an interest in human progress and in the amelioration of the condition of mankind, that, in the presence and with the approval of the members of the American House of Representatives, reflecting the general sentiment of the country; that in the presence of that august body, the American Senate, representing the highest intelligence and the calmest judgment of the country; in the presence of the Supreme Court and Chief-Justice of the United States, to whose decisions we all patriotically bow; in the presence and under the steady eye of the honored and trusted President of the United States, with the members of his wise and patriotic Cabinet, we, the colored people, newly emancipated and rejoicing in our blood-bought freedom, near the close of the first century in the life of this Republic, have now and here unveiled, set apart, and dedicated a monument of enduring granite and bronze, in every line, feature, and figure of which the men of this

generation may read, and those of aftercoming generations may read, something of the exalted character and great works of Abraham Lincoln, the first martyr President of the United States.

Fellow-citizens, in what we have said and done today, and in what we may say and do hereafter, we disclaim everything like arrogance and assumption. We claim for ourselves no superior devotion to the character, history, and memory of the illustrious name whose monument we have here dedicated today. We fully comprehend the relation of Abraham Lincoln both to ourselves and to the white people of the United States. Truth is proper and beautiful at all times and in all places, and it is never more proper and beautiful in any case than when speaking of a great public man whose example is likely to be commended for honor and imitation long after his departure to the solemn shades, the silent continents of eternity. It must be admitted, truth compels me to admit, even here in the presence of the monument we have erected to his memory, Abraham Lincoln was not, in the fullest sense of the word, either our man or our model. In his interests, in his associations, in his habits of thought, and in his prejudices, he was a white man.

He was preeminently the white man's President, entirely devoted to the welfare of white men. He was ready and willing at any time during the first years of his administration to deny, postpone, and sacrifice the rights of humanity in the colored people to promote the welfare of the white people of this country. In all his education and feeling he was an American of the Americans. He came into the Presidential chair upon one principle alone, namely, opposition to the extension of slavery. His arguments in furtherance of this policy had their motive and mainspring in his patriotic devotion to the interests of his own race. To protect, defend, and perpetuate slavery in the states where it existed Abraham Lincoln was not less ready than any other President to draw the sword of the nation. He was ready to execute all the supposed guarantees of the United States Constitution in favor of the slave system anywhere inside the slave states. He was willing to pursue, recapture, and send back the fugitive slave to his master, and to suppress a slave rising for liberty, though his guilty master were already in arms against the Government. The race to which we belong were not the special objects of his consideration. Knowing this, I concede to you, my white fellow-citizens, a preeminence in this worship at once full and supreme. First, midst, and last, you and yours were the objects of his deepest affection and his most earnest solicitude. You are the children of Abraham Lincoln. We are at best only his step-children;

children by adoption, children by forces of circumstances and necessity. To you it especially belongs to sound his praises, to preserve and perpetuate his memory, to multiply his statues, to hang his pictures high upon your walls, and commend his example, for to you he was a great and glorious friend and benefactor. Instead of supplanting you at his altar, we would exhort you to build high his monuments; let them be of the most costly material, of the most cunning workmanship; let their forms be symmetrical, beautiful, and perfect; let their bases be upon solid rocks, and their summits lean against the unchanging blue, overhanging sky, and let them endure forever! But while in the abundance of your wealth, and in the fullness of your just and patriotic devotion, you do all this, we entreat you to despise not the humble offering we this day unveil to view; for while Abraham Lincoln saved for you a country, he delivered us from a bondage, according to Jefferson, one hour of which was worse than ages of the oppression your fathers rose in rebellion to oppose.

Fellow-citizens, ours is no new-born zeal and devotion — merely a thing of this moment. The name of Abraham Lincoln was near and dear to our hearts in the darkest and most perilous hours of the Republic. We were no more ashamed of him when shrouded in clouds of darkness, of doubt, and defeat than when we saw him crowned with victory, honor, and glory. Our faith in him was often taxed and strained to the uttermost, but it never failed. When he tarried long in the mountain; when he strangely told us that we were the cause of the war; when he still more strangely told us that we were to leave the land in which we were born; when he refused to employ our arms in defense of the Union; when, after accepting our services as colored soldiers, he refused to retaliate our murder and torture as colored prisoners; when he told us he would save the Union if he could with slavery; when he revoked the Proclamation of Emancipation of General Fremont; when he refused to remove the popular commander of the Army of the Potomac, in the days of its inaction and defeat, who was more zealous in his efforts to protect slavery than to suppress rebellion; when we saw all this, and more, we were at times grieved, stunned, and greatly bewildered; but our hearts believed while they ached and bled. Nor was this, even at that time, a blind and unreasoning superstition. Despite the mist and haze that surrounded him; despite the tumult, the hurry, and confusion of the hour, we were able to take a comprehensive view of Abraham Lincoln, and to make reasonable allowance for the circumstances of his position. We saw him, measured him, and estimated him; not by stray utterances to injudicious and tedious delegations, who

often tried his patience; not by isolated facts torn from their connection; not by any partial and imperfect glimpses, caught at inopportune moments; but by a broad survey, in the light of the stern logic of great events, and in view of that divinity which shapes our ends, rough hew them how we will, we came to the conclusion that the hour and the man of our redemption had somehow met in the person of Abraham Lincoln. It mattered little to us what language he might employ on special occasions; it mattered little to us, when we fully knew him, whether he was swift or slow in his movements; it was enough for us that Abraham Lincoln was at the head of a great movement, and was in living and earnest sympathy with that movement, which, in the nature of things, must go on until slavery should be utterly and forever abolished in the United States.

When, therefore, it shall be asked what we have to do with the memory of Abraham Lincoln, or what Abraham Lincoln had to do with us, the answer is ready, full, and complete. Though he loved Caesar less than Rome, though the Union was more to him than our freedom or our future, under his wise and beneficent rule we saw ourselves gradually lifted from the depths of slavery to the heights of liberty and manhood; under his wise and beneficent rule, and by measures approved and vigorously pressed by him, we saw that the handwriting of ages, in the form of prejudice and proscription, was rapidly fading away from the face of our whole country; under his rule, and in due time, about as soon after all as the country could tolerate the strange spectacle, we saw our brave sons and brothers laying off the rags of bondage, and being clothed all over in the blue uniforms of the soldiers of the United States; under his rule we saw two hundred thousand of our dark and dusky people responding to the call of Abraham Lincoln, and with muskets on their shoulders, and eagles on their buttons, timing their high footsteps to liberty and union under the national flag; under his rule we saw the independence of the black republic of Haiti, the special object of slaveholding aversion and horror, fully recognized, and her minister, a colored gentleman, duly received here in the city of Washington; under his rule we saw the internal slave-trade, which so long disgraced the nation, abolished, and slavery abolished in the District of Columbia; under his rule we saw for the first time the law enforced against the foreign slave trade, and the first slave-trader hanged like any other pirate or murderer; under his rule, assisted by the greatest captain of our age, and his inspiration, we saw the Confederate States, based upon the idea that our race must be slaves, and slaves forever, battered to pieces and scattered to the four winds; under his rule, and in the fullness of time, we

saw Abraham Lincoln, after giving the slaveholders three months' grace in which to save their hateful slave system, penning the immortal paper, which, though special in its language, was general in its principles and effect, making slavery forever impossible in the United States. Though we waited long, we saw all this and more.

Can any colored man, or any white man friendly to the freedom of all men, ever forget the night which followed the first day of January, 1863, when the world was to see if Abraham Lincoln would prove to be as good as his word? I shall never forget that memorable night, when in a distant city I waited and watched at a public meeting, with three thousand others not less anxious than myself, for the word of deliverance which we have heard read today. Nor shall I ever forget the outburst of joy and thanksgiving that rent the air when the lightning brought to us the emancipation proclamation. In that happy hour we forgot all delay, and forgot all tardiness, forgot that the President had bribed the rebels to lay down their arms by a promise to withhold the bolt which would smite the slave-system with destruction; and we were thenceforward willing to allow the President all the latitude of time, phraseology, and every honorable device that statesmanship might require for the achievement of a great and beneficent measure of liberty and progress.

Fellow-citizens, there is little necessity on this occasion to speak at length and critically of this great and good man, and of his high mission in the world. That ground has been fully occupied and completely covered both here and elsewhere. The whole field of fact and fancy has been gleaned and garnered. Any man can say things that are true of Abraham Lincoln, but no man can say anything that is new of Abraham Lincoln. His personal traits and public acts are better known to the American people than are those of any other man of his age. He was a mystery to no man who saw him and heard him. Though high in position, the humblest could approach him and feel at home in his presence. Though deep, he was transparent; though strong, he was gentle; though decided and pronounced in his convictions, he was tolerant towards those who differed from him, and patient under reproaches. Even those who only knew him through his public utterance obtained a tolerably clear idea of his character and personality. The image of the man went out with his words, and those who read them knew him.

I have said that President Lincoln was a white man, and shared the prejudices common to his countrymen towards the colored race. Looking back to his times and to the condition of his country, we are compelled to

admit that this unfriendly feeling on his part may be safely set down as one element of his wonderful success in organizing the loyal American people for the tremendous conflict before them, and bringing them safely through that conflict. His great mission was to accomplish two things: first, to save his country from dismemberment and ruin; and, second, to free his country from the great crime of slavery. To do one or the other, or both, he must have the earnest sympathy and the powerful cooperation of his loyal fellow-countrymen. Without this primary and essential condition to success his efforts must have been vain and utterly fruitless. Had he put the abolition of slavery before the salvation of the Union, he would have inevitably driven from him a powerful class of the American people and rendered resistance to rebellion impossible. Viewed from the genuine abolition ground, Mr. Lincoln seemed tardy, cold, dull, and indifferent; but measuring him by the sentiment of his country, a sentiment he was bound as a statesman to consult, he was swift, zealous, radical, and determined.

Though Mr. Lincoln shared the prejudices of his white fellow-countrymen against the Negro, it is hardly necessary to say that in his heart of hearts he loathed and hated slavery. The man who could say, "Fondly do we hope, fervently do we pray, that this mighty scourge of war shall soon pass away, yet if God wills it continue till all the wealth piled by two hundred years of bondage shall have been wasted, and each drop of blood drawn by the lash shall have been paid for by one drawn by the sword, the judgments of the Lord are true and righteous altogether," gives all needed proof of his feeling on the subject of slavery. He was willing, while the South was loyal, that it should have its pound of flesh, because he thought that it was so nominated in the bond; but farther than this no earthly power could make him go.

Fellow-citizens, whatever else in this world may be partial, unjust, and uncertain, time, time! is impartial, just, and certain in its action. In the realm of mind, as well as in the realm of matter, it is a great worker, and often works wonders. The honest and comprehensive statesman, clearly discerning the needs of his country, and earnestly endeavoring to do his whole duty, though covered and blistered with reproaches, may safely leave his course to the silent judgment of time. Few great public men have ever been the victims of fiercer denunciation than Abraham Lincoln was during his administration. He was often wounded in the house of his friends. Reproaches came thick and fast upon him from within and from without, and from opposite quarters. He was assailed by Abolitionists; he

was assailed by slaveholders; he was assailed by the men who were for peace at any price; he was assailed, by those who were for a more vigorous prosecution of the war; he was assailed for not making the war an abolition war; and he was bitterly assailed for making the war an abolition war.

But now behold the change: the judgment of the present hour is, that taking him for all in all, measuring the tremendous magnitude of the work before him, considering the necessary means to ends, and surveying the end from the beginning, infinite wisdom has seldom sent any man into the world better fitted for his mission than Abraham Lincoln. His birth, his training, and his natural endowments, both mental and physical, were strongly in his favor. Born and reared among the lowly, a stranger to wealth and luxury, compelled to grapple single-handed with the flintiest hardships of life, from tender youth to sturdy manhood, he grew strong in the manly and heroic qualities demanded by the great mission to which he was called by the votes of his countrymen. The hard condition of his early life, which would have depressed and broken down weaker men, only gave greater life, vigor, and buoyancy to the heroic spirit of Abraham Lincoln. He was ready for any kind and any quality of work. What other young men dreaded in the shape of toil, he took hold of with the utmost cheerfulness.

“A spade, a rake, a hoe,
A pick-axe, or a bill;
A hook to reap, a scythe to mow,
A flail, or what you will.”

All day long he could split heavy rails in the woods, and half the night long he could study his English Grammar by the uncertain flare and glare of the light made by a pine-knot. He was at home in the land with his axe, with his maul, with gluts, and his wedges; and he was equally at home on water, with his oars, with his poles, with his planks, and with his boat-hooks. And whether in his flat-boat on the Mississippi River, or at the fireside of his frontier cabin, he was a man of work. A son of toil himself, he was linked in brotherly sympathy with the sons of toil in every loyal part of the Republic. This very fact gave him tremendous power with the American people, and materially contributed not only to selecting him to the Presidency, but in sustaining his administration of the Government.

Upon his inauguration as President of the United States, an office, even when assumed under the most favorable condition, fitted to tax and strain the largest abilities, Abraham Lincoln was met by a tremendous crisis. He was called upon not merely to administer the Government, but to decide, in the face of terrible odds, the fate of the Republic.

A formidable rebellion rose in his path before him; the Union was already practically dissolved; his country was torn and rent asunder at the center. Hostile armies were already organized against the Republic, armed with the munitions of war which the Republic had provided for its own defense. The tremendous question for him to decide was whether his country should survive the crisis and flourish, or be dismembered and perish. His predecessor in office had already decided the question in favor of national dismemberment, by denying to it the right of self-defense and self-preservation — a right which belongs to the meanest insect.

Happily for the country, happily for you and for me, the judgment of James Buchanan, the patrician, was not the judgment of Abraham Lincoln, the plebeian. He brought his strong common sense, sharpened in the school of adversity, to bear upon the question. He did not hesitate, he did not doubt, he did not falter; but at once resolved that at whatever peril, at whatever cost, the union of the States should be preserved. A patriot himself, his faith was strong and unwavering in the patriotism of his countrymen. Timid men said before Mr. Lincoln's inauguration, that we have seen the last President of the United States. A voice in influential quarters said, "Let the Union slide." Some said that a Union maintained by the sword was worthless. Others said a rebellion of 8,000,000 cannot be suppressed; but in the midst of all this tumult and timidity, and against all this, Abraham Lincoln was clear in his duty, and had an oath in heaven. He calmly and bravely heard the voice of doubt and fear all around him; but he had an oath in heaven, and there was not power enough on earth to make this honest boatman, backwoodsman, and broad-handed splitter of rails evade or violate that sacred oath. He had not been schooled in the ethics of slavery; his plain life had favored his love of truth. He had not been taught that treason and perjury were the proof of honor and honesty. His moral training was against his saying one thing when he meant another. The trust that Abraham Lincoln had in himself and in the people was surprising and grand, but it was also enlightened and well founded. He knew the American people better than they knew themselves, and his truth was based upon this knowledge.

Fellow-citizens, the fourteenth day of April, 1865, of which this is the eleventh anniversary, is now and will ever remain a memorable day in the annals of this Republic. It was on the evening of this day, while a fierce and sanguinary rebellion was in the last stages of its desolating power; while its armies were broken and scattered before the invincible armies of Grant and Sherman; while a great nation, torn and rent by war, was already

beginning to raise to the skies loud anthems of joy at the dawn of peace, it was startled, amazed, and overwhelmed by the crowning crime of slavery — the assassination of Abraham Lincoln. It was a new crime, a pure act of malice. No purpose of the rebellion was to be served by it. It was the simple gratification of a hell-black spirit of revenge. But it has done good after all. It has filled the country with a deeper abhorrence of slavery and a deeper love for the great liberator.

Had Abraham Lincoln died from any of the numerous ills to which flesh is heir; had he reached that good old age of which his vigorous constitution and his temperate habits gave promise; had he been permitted to see the end of his great work; had the solemn curtain of death come down but gradually — we should still have been smitten with a heavy grief, and treasured his name lovingly. But dying as he did die, by the red hand of violence, killed, assassinated, taken off without warning, not because of personal hate — for no man who knew Abraham Lincoln could hate him — but because of his fidelity to union and liberty, he is doubly dear to us, and his memory will be precious forever.

Fellow-citizens, I end, as I began, with congratulations. We have done a good work for our race today. In doing honor to the memory of our friend and liberator, we have been doing highest honors to ourselves and those who come after us; we have been fastening ourselves to a name and fame imperishable and immortal; we have also been defending ourselves from a blighting scandal. When now it shall be said that the colored man is soulless, that he has no appreciation of benefits or benefactors; when the foul reproach of ingratitude is hurled at us, and it is attempted to scourge us beyond the range of human brotherhood, we may calmly point to the monument we have this day erected to the memory of Abraham Lincoln.

Document 37

Plessy v. Ferguson

Supreme Court of the United States (163 U.S. 537)

May 18, 1896

Abridged

In this case, the Supreme Court upheld a Louisiana law requiring railroads to separate blacks and whites into different passenger cars, despite Justice Harlan's sole dissenting opinion that the "Constitution is color-blind" because of the Fourteenth Amendment. The Court affirmed the idea that the races could be segregated by law as long as the public facilities available to each race were "equal, but separate." This doctrine formed the legal basis for Southern Jim Crow laws, which were especially problematic as men like Booker T. Washington struggled to secure an equal place for black Americans through educational opportunities and vocational training in the South.

The statute of Louisiana, acts of 1890, c. 111, requiring railway companies carrying passengers in their coaches in that State, to provide equal, but separate, accommodations for the white and colored races, by providing two or more passenger coaches for each passenger train, or by dividing the passenger coaches by a partition so as to secure separate accommodations; and providing that no person shall be permitted to occupy seats in coaches other than the ones assigned to them, on account of the race they belong to; and requiring the officer of the passenger train to assign each passenger to the coach or compartment assigned for the race to which he or she belong; and imposing fines or imprisonment upon passengers insisting on going into a coach or compartment other than the one set [aside] for the race to which he or she belongs; and conferring upon officers of the train power to refuse to carry on the train passengers refusing to occupy the coach or compartment assigned to them, and exempting the railway company from liability for such refusal, are not in conflict with the provisions either of the Thirteenth Amendment or of the Fourteenth Amendment to the Constitution of the United States.

This was a petition for writs of prohibition and certiorari, originally filed in the Supreme Court of the State by Plessy, the plaintiff in error, against the Hon. John H. Ferguson, judge of the criminal District Court for the parish of Orleans, and setting forth in substance the following facts:

That petitioner was a citizen of the United States and a resident of the State of Louisiana, of mixed descent, in the proportion of seven eighths Caucasian and one eighth African blood; that the mixture of colored blood was not discernible in him, and that he was entitled to every recognition, right, privilege and immunity secured to the citizens of the United States of the white race by its Constitution and laws; that, on June 7, 1892, he engaged and paid for a first class passage on the East Louisiana Railway from New Orleans to Covington, in the same State, and thereupon entered a passenger train, and took possession of a vacant seat in a coach where passengers of the white race were accommodated; that such railroad company was incorporated by the laws of Louisiana as a common carrier, and was not authorized to distinguish between citizens according to their race. But, notwithstanding this, petitioner was required by the conductor, under penalty of ejection from said train and imprisonment, to vacate said coach and occupy another seat in a coach assigned by said company for persons not of the white race, and for no other reason than that petitioner was of the colored race; that, upon petitioner's refusal to comply with such order, he was, with the aid of a police officer, forcibly ejected from said coach and hurried off to and imprisoned in the parish jail of New Orleans, and there held to answer a charge made by such officer to the effect that he was guilty of having criminally violated an act of the General Assembly of the State, approved July 10, 1890, in such case made and provided.

That petitioner was subsequently brought before the recorder of the city for preliminary examination and committed for trial to the criminal District Court for the parish of Orleans, where an information was filed against him in the matter above set forth, for a violation of the above act, which act the petitioner affirmed to be null and void, because in conflict with the Constitution of the United States. ...

MR. JUSTICE BROWN, after stating the case, delivered the opinion of the court.

This case turns upon the constitutionality of an act of the General Assembly of the State of Louisiana, passed in 1890, providing for separate railway carriages for the white and colored races. ...

The constitutionality of this act is attacked upon the ground that it conflicts both with the Thirteenth Amendment of the Constitution, abolishing slavery, and the Fourteenth Amendment, which prohibits certain restrictive legislation on the part of the States.

1. That it does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude, except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude — a state of bondage; the ownership of mankind as a chattel, or at least the control of the labor and services of one man for the benefit of another, and the absence of a legal right to the disposal of his own person, property and services. ...

A statute which implies merely a legal distinction between the white and colored races — a distinction which is founded in the color of the two races and which must always exist so long as white men are distinguished from the other race by color — has no tendency to destroy the legal equality of the two races, or reestablish a state of involuntary servitude. Indeed, we do not understand that the Thirteenth Amendment is strenuously relied upon by the plaintiff in error in this connection.

2. By the Fourteenth Amendment, all persons born or naturalized in the United States and subject to the jurisdiction thereof are made citizens of the United States and of the State wherein they reside, and the States are forbidden from making or enforcing any law which shall abridge the privileges or immunities of citizens of the United States, or shall deprive any person of life, liberty, or property without due process of law, or deny to any person within their jurisdiction the equal protection of the laws. ...

The object of the amendment was undoubtedly to enforce the absolute equality of the two races before the law, but, in the nature of things, it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a commingling of the two races upon terms unsatisfactory to either. Laws permitting, and even requiring, their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police power. The most common instance of this is connected with the establishment of separate schools for white and colored children, which has been held to be a valid exercise of the legislative power even by courts of States where the political rights of the colored race have been longest and most earnestly enforced. ...

While we think the enforced separation of the races, as applied to the internal commerce of the State, neither abridges the privileges or immunities of the colored man, deprives him of his property without due process of law, nor denies him the equal protection of the laws within the meaning of the Fourteenth Amendment. ...

We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it. The argument necessarily assumes that if, as has been more than once the case and is not unlikely to be so again, the colored race should become the dominant power in the state legislature, and should enact a law in precisely similar terms, it would thereby relegate the white race to an inferior position. We imagine that the white race, at least, would not acquiesce in this assumption. The argument also assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the negro except by an enforced commingling of the two races. We cannot accept this proposition. If the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merits, and a voluntary consent of individuals. As was said by the Court of Appeals of New York in *People v. Gallagher*, 93 N. Y. 438, 448, "this end can neither be accomplished nor promoted by laws which conflict with the general sentiment of the community upon whom they are designed to operate. When the government, therefore, has secured to each of its citizens equal rights before the law and equal opportunities for improvement and progress, it has accomplished the end for which it was organized, and performed all of the functions respecting social advantages with which it is endowed."

Legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation. If the civil and political rights of both races be equal, one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane. ...

The judgment of the court below is, therefore, Affirmed.

MR. JUSTICE HARLAN, dissenting. ...

[W]e have before us a state enactment that compels, under penalties, the separation of the two races in railroad passenger coaches, and makes it a crime for a citizen of either race to enter a coach that has been assigned to citizens of the other race.

Thus, the State regulates the use of a public highway by citizens of the United States solely upon the basis of race.

However apparent the injustice of such legislation may be, we have only to consider whether it is consistent with the Constitution of the United States. ...

In respect of civil rights common to all citizens, the Constitution of the United States does not, I think, permit any public authority to know the race of those entitled to be protected in the enjoyment of such rights. Every true man has pride of race, and, under appropriate circumstances, when the rights of others, his equals before the law, are not to be affected, it is his privilege to express such pride and to take such action based upon it as to him seems proper. But I deny that any legislative body or judicial tribunal may have regard to the race of citizens when the civil rights of those citizens are involved. Indeed, such legislation as that here in question is inconsistent not only with that equality of rights which pertains to citizenship, National and State, but with the personal liberty enjoyed by everyone within the United States.

The Thirteenth Amendment does not permit the withholding or the deprivation of any right necessarily inhering in freedom. It not only struck down the institution of slavery as previously existing in the United States, but it prevents the imposition of any burdens or disabilities that constitute badges of slavery or servitude. It decreed universal civil freedom in this country. This court has so adjudged. But that amendment having been found inadequate to the protection of the rights of those who had been in slavery, it was followed by the Fourteenth Amendment, which added greatly to the dignity and glory of American citizenship and to the security of personal liberty by declaring that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside," and that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

These two amendments, if enforced according to their true intent and meaning, will protect all the civil rights that pertain to freedom and

citizenship. Finally, and to the end that no citizen should be denied, on account of his race, the privilege of participating in the political control of his country, it [w]as declared by the Fifteenth Amendment that “the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.”

These notable additions to the fundamental law were welcomed by the friends of liberty throughout the world. They removed the race line from our governmental systems. They had, as this court has said, a common purpose, namely to secure “to a race recently emancipated, a race that through many generations have been held in slavery, all the civil rights that the superior race enjoy.”

They declared, in legal effect, this court has further said, “that the law in the States shall be the same for the black as for the white; that all persons, whether colored or white, shall stand equal before the laws of the States, and, in regard to the colored race, for whose protection the amendment was primarily designed, that no discrimination shall be made against them by law because of their color.” ...

It [w]as said in argument that the statute of Louisiana does not discriminate against either race, but prescribes a rule applicable alike to white and colored citizens. But this argument does not meet the difficulty. Everyone knows that the statute in question had its origin in the purpose not so much to exclude white persons from railroad cars occupied by blacks as to exclude colored people from coaches occupied by or assigned to white persons. Railroad corporations of Louisiana did not make discrimination among whites in the matter of accommodation for travelers. The thing to accomplish was, under the guise of giving equal accommodation for whites and blacks, to compel the latter to keep to themselves while traveling in railroad passenger coaches. No one would be so wanting in candor a[s] to assert the contrary. The fundamental objection, therefore, to the statute is that it interferes with the personal freedom of citizens. ...

It is one thing for railroad carriers to furnish, or to be required by law to furnish, equal accommodations for all whom they are under a legal duty to carry. It is quite another thing for government to forbid citizens of the white and black races from traveling in the same public conveyance, and to punish officers of railroad companies for permitting persons of the two races to occupy the same passenger coach. If a State can prescribe, as a rule of civil conduct, that whites and blacks shall not travel as passengers in the

same railroad coach, why may it not so regulate the use of the streets of its cities and towns as to compel white citizens to keep on one side of a street and black citizens to keep on the other? Why may it not, upon like grounds, punish whites and blacks who ride together in streetcars or in open vehicles on a public road or street? Why may it not require sheriffs to assign whites to one side of a courtroom and blacks to the other? And why may it not also prohibit the commingling of the two races in the galleries of legislative halls or in public assemblages convened for the consideration of the political questions of the day? Further, if this statute of Louisiana is consistent with the personal liberty of citizens, why may not the State require the separation in railroad coaches of native and naturalized citizens of the United States, or of Protestants and Roman Catholics? ...

The white race deems itself to be the dominant race in this country. And so it is in prestige, in achievements, in education, in wealth and in power. So, I doubt not, it will continue to be for all time if it remains true to its great heritage and holds fast to the principles of constitutional liberty. But in view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man, and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved. It is therefore to be regretted that this high tribunal, the final expositor of the fundamental law of the land, has reached the conclusion that it is competent for a State to regulate the enjoyment by citizens of their civil rights solely upon the basis of race.

In my opinion, the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the *Dred Scott* Case. It was adjudged in that case that the descendants of Africans who were imported into this country and sold as slaves were not included nor intended to be included under the word "citizens" in the Constitution, and could not claim any of the rights and privileges which that instrument provided for and secured to citizens of the United States; that, at the time of the adoption of the Constitution, they were "considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and, whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the government might choose to grant them."

The recent amendments of the Constitution, it was supposed, had eradicated these principles from our institutions. But it seems that we have yet, in some of the States, a dominant race — a superior class of citizens, which assumes to regulate the enjoyment of civil rights, common to all citizens, upon the basis of race. The present decision, it may well be apprehended, will not only stimulate aggressions, more or less brutal and irritating, upon the admitted rights of colored citizens, but will encourage the belief that it is possible, by means of state enactments, to defeat the beneficent purposes which the people of the United States had in view when they adopted the recent amendments of the Constitution, by one of which the blacks of this country were made citizens of the United States and of the States in which they respectively reside, and whose privileges and immunities, as citizens, the States are forbidden to abridge. Sixty millions of whites are in no danger from the presence here of eight millions of blacks. The destinies of the two races in this country are indissolubly linked together, and the interests of both require that the common government of all shall not permit the seeds of race hate to be planted under the sanction of law. What can more certainly arouse race hate, what more certainly create and perpetuate a feeling of distrust between these races, than state enactments which, in fact, proceed on the ground that colored citizens are so inferior and degraded that they cannot be allowed to sit in public coaches occupied by white citizens. That, as all will admit, is the real meaning of such legislation as was enacted in Louisiana.

The sure guarantee of the peace and security of each race is the clear, distinct, unconditional recognition by our governments, National and State, of every right that inheres in civil freedom, and of the equality before the law of all citizens of the United States, without regard to race. State enactments regulating the enjoyment of civil rights upon the basis of race, and cunningly devised to defeat legitimate results of the war under the pretence of recognizing equality of rights, can have no other result than to render permanent peace impossible and to keep alive a conflict of races the continuance of which must do harm to all concerned. This question is not met by the suggestion that social equality cannot exist between the white and black races in this country. That argument, if it can be properly regarded as one, is scarcely worthy of consideration, for social equality no more exists between two races when traveling in a passenger coach or a public highway than when members of the same races sit by each other in a street car or in the jury box, or stand or sit with each other in a political

assembly, or when they use in common the street of a city or town, or when they are in the same room for the purpose of having their names placed on the registry of voters, or when they approach the ballot box in order to exercise the high privilege of voting.

There is a race so different from our own that we do not permit those belonging to it to become citizens of the United States. Persons belonging to it are, with few exceptions, absolutely excluded from our country. I allude to the Chinese race. But, by the statute in question, a Chinaman can ride in the same passenger coach with white citizens of the United States, while citizens of the black race in Louisiana, many of whom, perhaps, risked their lives for the preservation of the Union, who are entitled, by law, to participate in the political control of the State and nation, who are not excluded, by law or by reason of their race, from public stations of any kind, and who have all the legal rights that belong to white citizens, are yet declared to be criminals, liable to imprisonment, if they ride in a public coach occupied by citizens of the white race. It is scarcely just to say that a colored citizen should not object to occupying a public coach assigned to his own race. He does not object, nor, perhaps, would he object to separate coaches for his race if his rights under the law were recognized. But he objecting, and ought never to cease objecting, to the proposition that citizens of the white and black race can be adjudged criminals because they sit, or claim the right to sit, in the same public coach on a public highway.

The arbitrary separation of citizens on the basis of race while they are on a public highway is a badge of servitude wholly inconsistent with the civil freedom and the equality before the law established by the Constitution. It cannot be justified upon any legal grounds.

If evils will result from the commingling of the two races upon public highways established for the benefit of all, they will be infinitely less than those that will surely come from state legislation regulating the enjoyment of civil rights upon the basis of race. We boast of the freedom enjoyed by our people above all other peoples. But it is difficult to reconcile that boast with a state of the law which, practically, puts the brand of servitude and degradation upon a large class of our fellow citizens, our equals before the law. The thin disguise of "equal" accommodations for passengers in railroad coaches will not mislead anyone, nor atone for the wrong this day done. ...

I am of opinion that the statute of Louisiana is inconsistent with the personal liberty of citizens, white and black, in that State, and hostile to

both the spirit and letter of the Constitution of the United States. If laws of like character should be enacted in the several States of the Union, the effect would be in the highest degree mischievous. Slavery, as an institution tolerated by law would, it is true, have disappeared from our country, but there would remain a power in the States, by sinister legislation, to interfere with the full enjoyment of the blessings of freedom to regulate civil rights, common to all citizens, upon the basis of race, and to place in a condition of legal inferiority a large body of American citizens now constituting a part of the political community called the People of the United States, for whom and by whom, through representatives, our government is administered. Such a system is inconsistent with the guarantee given by the Constitution to each State of a republican form of government, and may be stricken down by Congressional action, or by the courts in the discharge of their solemn duty to maintain the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding.

For the reasons stated, I am constrained to withhold my assent from the opinion and judgment of the majority.

Document 38

Roosevelt Corollary to the Monroe Doctrine

Theodore Roosevelt

December 6, 1904

Abridged

With the collapse of the Spanish empire after the Spanish-American War of 1898, the United States found itself facing new foreign policy challenges in the western hemisphere. For many former Spanish colonies, the first taste of freedom and independence was mixed with political and economic upheaval and instability. In order to uphold the central idea of the Monroe Doctrine, President Roosevelt reasoned that the United States must proactively prevent political and economic crises in Latin American states that might invite European intervention in the western hemisphere. Under Roosevelt's watch the United States intervened militarily in Cuba to prevent a political insurrection, and sent administrators to prevent an economic crisis in San Domingo. Taking on the role of "international police power" marked a significant development in how the United States viewed its influence in the western hemisphere and eventually in world affairs.

Fourth Annual Message to Congress

To the Senate and House of Representatives: ...

It is not true that the United States feels any land hunger or entertains any projects as regards the other nations of the Western Hemisphere save such as are for their welfare. All that this country desires is to see the neighboring countries stable, orderly, and prosperous. Any country whose people conduct themselves well can count upon our hearty friendship. If a nation shows that it knows how to act with reasonable efficiency and decency in social and political matters, if it keeps order and pays its obligations, it need fear no interference from the United States. Chronic wrongdoing, or an impotence which results in a general loosening of the ties of civilized society, may in America, as elsewhere, ultimately require intervention by some civilized nation, and in the Western Hemisphere the

adherence of the United States to the Monroe Doctrine may force the United States, however reluctantly, in flagrant cases of such wrongdoing or impotence, to the exercise of an international police power. If every country washed by the Caribbean Sea would show the progress in stable and just civilization which with the aid of the Platt amendment Cuba has shown since our troops left the island, and which so many of the republics in both Americas are constantly and brilliantly showing, all question of interference by this Nation with their affairs would be at an end. Our interests and those of our southern neighbors are in reality identical. They have great natural riches, and if within their borders the reign of law and justice obtains, prosperity is sure to come to them. While they thus obey the primary laws of civilized society they may rest assured that they will be treated by us in a spirit of cordial and helpful sympathy. We would interfere with them only in the last resort, and then only if it became evident that their inability or unwillingness to do justice at home and abroad had violated the rights of the United States or had invited foreign aggression to the detriment of the entire body of American nations. It is a mere truism to say that every nation, whether in America or anywhere else, which desires to maintain its freedom, its independence, must ultimately realize that the right of such independence can not be separated from the responsibility of making good use of it. ...

Document 39

New Nationalism Speech

Theodore Roosevelt

August 31, 1910

The United States found itself fundamentally transformed after the Civil War. On the one hand, the war had resolved the problem of chattel slavery and seemed to open the future, as Lincoln hoped, to a new birth of freedom. On the other hand, the full potential of American industry had been unleashed, which brought along new social and economic challenges on a national scale. Wealthy industrialists extended their influence over corrupt politicians, which not only prevented the passage of progressive laws but called into question the possibility of real democracy in America. These challenges must be met, Roosevelt argued in this speech, if the great causes of equality, liberty, and self-government, for which Americans had fought and died during the Civil War, are to be preserved and fulfilled.

A Speech Delivered at the Dedication of the John Brown Memorial Park
in Osawatomie, Kansas

We come here to-day to commemorate one of the epoch-making events of the long struggle for the rights of man — the long struggle for the uplift of humanity. Our country — this great republic — means nothing unless it means the triumph of a real democracy, the triumph of popular government, and, in the long run, of an economic system under which each man shall be guaranteed the opportunity to show the best that there is in him. That is why the history of America is now the central feature of the history of the world; for the world has set its face hopefully toward our democracy; and, O my fellow citizens, each one of you carries on your shoulders not only the burden of doing well for the sake of your country, but the burden of doing well and of seeing that this nation does well for the sake of mankind.

There have been two great crises in our country's history: first, when it was formed, and then, again, when it was perpetuated; and, in the

second of these great crises — in the time of stress and strain which culminated in the Civil War, on the outcome of which depended the justification of what had been done earlier, you men of the Grand Army, you men who fought through the Civil War, not only did you justify your generation, but you justified the wisdom of Washington and Washington's colleagues. If this Republic had been founded by them only to be split asunder into fragments when the strain came, then the judgment of the world would have been that Washington's work was not worth doing. It was you who crowned Washington's work, as you carried to achievement the high purpose of Abraham Lincoln.

Now, with this second period of our history the name of John Brown will forever be associated; and Kansas was the theatre upon which the first act of the second of our great national life dramas was played. It was the result of the struggle in Kansas which determined that our country should be in deed as well as in name devoted to both union and freedom; that the great experiment of democratic government on a national scale should succeed and not fail. In name we had the Declaration of Independence in 1776; but we gave the lie by our acts to the words of the Declaration of Independence until 1865; and words count for nothing except in so far as they represent acts. This is true everywhere; but, O my friends, it should be truest of all in political life. A broken promise is bad enough in private life. It is worse in the field of politics. No man is worth his salt in public life who makes on the stump a pledge which he does not keep after election; and, if he makes such a pledge and does not keep it, hunt him out of public life. I care for the great deeds of the past chiefly as spurs to drive us onward in the present. I speak of the men of the past partly that they may be honored by our praise of them, but more that they may serve as examples for the future.

It was a heroic struggle; and, as is inevitable with all such struggles, it had also a dark and terrible side. Very much was done of good, and much also of evil; and, as was inevitable in such a period of revolution, often the same man did both good and evil. For our great good fortune as a nation, we, the people of the United States as a whole, can now afford to forget the evil, or, at least, to remember it without bitterness, and to fix our eyes with pride only on the good that was accomplished. Even in ordinary times there are very few of us who do not see the problems of life as through a glass, darkly; and when the glass is clouded by the murk of furious popular passion, the vision of the best and the bravest is dimmed. Looking back, we are all of us now able to do justice to the valor and the disinterestedness

and the love of the right, as to each it was given to see the right, shown both by the men of the North and the men of the South in that contest which was finally decided by the attitude of the West. We can admire the heroic valor, the sincerity, the self-devotion shown alike by the men who wore the blue and the men who wore the gray; and our sadness that such men should have to fight one another is tempered by the glad knowledge that ever hereafter their descendants shall be fighting side by side, struggling in peace as well as in war for the uplift of their common country, all alike resolute to raise to the highest pitch of honor and usefulness the nation to which they all belong. As for the veterans of the Grand Army of the Republic, they deserve honor and recognition such as is paid to no other citizens of the republic; for to them the republic owes it all; for to them it owes its very existence. It is because of what you and your comrades did in the dark years that we of to-day walk, each of us, head erect, and proud that we belong, not to one of a dozen little squabbling contemptible commonwealths, but to the mightiest nation upon which the sun shines.

I do not speak of this struggle of the past merely from the historic standpoint. Our interest is primarily in the application to-day of the lessons taught by the contest a half a century ago. It is of little use for us to pay lip-loyalty to the mighty men of the past unless we sincerely endeavor to apply to the problems of the present precisely the qualities which in other crises enabled the men of that day to meet those crises. It is half melancholy and half amusing to see the way in which well-meaning people gather to do honor to the men who, in company with John Brown, and under the lead of Abraham Lincoln, faced and solved the great problems of the nineteenth century, while, at the same time, these same good people nervously shrink from, or frantically denounce, those who are trying to meet the problems of the twentieth century in the spirit which was accountable for the successful solution of the problems of Lincoln's time.

Of that generation of men to whom we owe so much, the man to whom we owe most is, of course, Lincoln. Part of our debt to him is because he forecast our present struggle and saw the way out. He said: —

“I hold that while man exists it is his duty to improve not only his own condition, but to assist in ameliorating mankind.”

And again: —

“Labor is prior to, and independent of, capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital, and deserves much the higher consideration.”

If that remark was original with me, I should be even more strongly denounced as a Communist agitator than I shall be anyhow. It is Lincoln's. I am only quoting it; and that is one side; that is the side the capitalist should hear. Now, let the working man hear his side.

“Capital has its rights, which are as worthy of protection as any other rights. ... Nor should this lead to a war upon the owners of property. Property is the fruit of labor; ... property is desirable; is a positive good in the world.”

And then comes a thoroughly Lincolnlike sentence: —

“Let not him who is houseless pull down the house of another, but let him work diligently and build one for himself, thus by example assuring that his own shall be safe from violence when built.”

It seems to me that, in these words, Lincoln took substantially the attitude that we ought to take; he showed the proper sense of proportion in his relative estimates of capital and labor, of human rights and property rights. Above all, in this speech, as in many others, he taught a lesson in wise kindness and charity; an indispensable lesson to us of to-day. But this wise kindness and charity never weakened his arm or numbed his heart. We cannot afford weakly to blind ourselves to the actual conflict which faces us today. The issue is joined, and we must fight or fail.

In every wise struggle for human betterment one of the main objects, and often the only object, has been to achieve in large measure equality of opportunity. In the struggle for this great end, nations rise from barbarism to civilization, and through it people press forward from one stage of enlightenment to the next. One of the chief factors in progress is the destruction of special privilege. The essence of any struggle for healthy liberty has always been, and must always be, to take from some one man or class of men the right to enjoy power, or wealth, or position, or immunity, which has not been earned by service to his or their fellows. That is what you fought for in the Civil War, and that is what we strive for now.

At many stages in the advance of humanity, this conflict between the men who possess more than they have earned and the men who have earned more than they possess is the central condition of progress. In our day it appears as the struggle of freemen to gain and hold the right of self-government as against the special interests, who twist the methods of free government into machinery for defeating the popular will. At every stage, and under all circumstances, the essence of the struggle is to equalize opportunity, destroy privilege, and give to the life and citizenship of every individual the highest possible value both to himself and to the

commonwealth. That is nothing new. All I ask in civil life is what you fought for in the Civil War. I ask that civil life be carried on according to the spirit in which the army was carried on. You never get perfect justice, but the effort in handling the army was to bring to the front the men who could do the job. Nobody grudged promotion to Grant, or Sherman, or Thomas, or Sheridan, because they earned it. The only complaint was when a man got promotion which he did not earn.

Practical equality of opportunity for all citizens, when we achieve it, will have two great results. First, every man will have a fair chance to make of himself all that in him lies; to reach the highest point to which his capacities, unassisted by special privilege of his own and unhampered by the special privilege of others, can carry him, and to get for himself and his family substantially what he has earned. Second, equality of opportunity means that the commonwealth will get from every citizen the highest service of which he is capable. No man who carries the burden of the special privileges of another can give to the commonwealth that service to which it is fairly entitled.

I stand for the square deal. But when I say that I am for the square deal, I mean not merely that I stand for fair play under the present rules of the game, but that I stand for having those rules changed so as to work for a more substantial equality of opportunity and of reward for equally good service. One word of warning, which, I think, is hardly necessary in Kansas. When I say I want a square deal for the poor man, I do not mean that I want a square deal for the man who remains poor because he has not got the energy to work for himself. If a man who has had a chance will not make good, then he has got to quit. And you men of the Grand Army, you want justice for the brave man who fought, and punishment for the coward who shirked his work. Is that not so?

Now, this means that our government, national and state, must be freed from the sinister influence or control of special interests. Exactly as the special interests of cotton and slavery threatened our political integrity before the Civil War, so now the great special business interests too often control and corrupt the men and methods of government for their own profit. We must drive the special interests out of politics. That is one of our tasks to-day. Every special interest is entitled to justice — full, fair, and complete — and, now, mind you, if there were any attempt by mob-violence to plunder and work harm to the special interest, whatever it may be, that I most dislike, and the wealthy man, whomsoever he may be, for whom I have the greatest contempt, I would fight for him, and you would

if you were worth your salt. He should have justice. For every special interest is entitled to justice, but not one is entitled to a vote in Congress, to a voice on the bench, or to representation in any public office. The Constitution guarantees protection to property, and we must make that promise good. But it does not give the right of suffrage to any corporation.

The true friend of property, the true conservative, is he who insists that property shall be the servant and not the master of the commonwealth; who insists that the creature of man's making shall be the servant and not the master of the man who made it. The citizens of the United States must effectively control the mighty commercial forces which they have called into being.

There can be no effective control of corporations while their political activity remains. To put an end to it will be neither a short nor an easy task, but it can be done.

We must have complete and effective publicity of corporate affairs, so that the people may know beyond peradventure whether the corporations obey the law and whether their management entitles them to the confidence of the public. It is necessary that laws should be passed to prohibit the use of corporate funds directly or indirectly for political purposes; it is still more necessary that such laws should be thoroughly enforced. Corporate expenditures for political purposes, and especially such expenditures by public service corporations, have supplied one of the principal sources of corruption in our political affairs.

It has become entirely clear that we must have government supervision of the capitalization, not only of public service corporations, including, particularly, railways, but of all corporations doing an interstate business. I do not wish to see the nation forced into the ownership of the railways if it can possibly be avoided, and the only alternative is thoroughgoing and effective legislation, which shall be based on a full knowledge of all the facts, including a physical valuation of property. This physical valuation is not needed, or, at least, is very rarely needed, for fixing rates; but it is needed as the basis of honest capitalization.

We have come to recognize that franchises should never be granted except for a limited time, and never without proper provision for compensation to the public. It is my personal belief that the same kind and degree of control and supervision which should be exercised over public-service corporations should be extended also to combinations which control necessities of life, such as meat, oil, or coal, or which deal in them on an important scale. I have no doubt that the ordinary man who has

control of them is much like ourselves. I have no doubt he would like to do well, but I want to have enough supervision to help him realize that desire to do well.

I believe that the officers, and, especially, the directors, of corporations should be held personally responsible when any corporation breaks the law.

Combinations in industry are the result of an imperative economic law which cannot be repealed by political legislation. The effort at prohibiting all combination has substantially failed. The way out lies, not in attempting to prevent such combinations, but in completely controlling them in the interest of the public welfare. For that purpose the Federal Bureau of Corporations is an agency of first importance. Its powers, and, therefore, its efficiency, as well as that of the Interstate Commerce Commission, should be largely increased. We have a right to expect from the Bureau of Corporations and from the Interstate Commerce Commission a very high grade of public service. We should be as sure of the proper conduct of the interstate railways and the proper management of interstate business as we are now sure of the conduct and management of the national banks, and we should have as effective supervision in one case as in the other. The Hepburn Act, and the amendment to the act in the shape in which it finally passed Congress at the last session, represent a long step in advance, and we must go yet further.

There is a wide-spread belief among our people that, under the methods of making tariffs which have hitherto obtained, the special interests are too influential. Probably this is true of both the big special interests and the little special interests. These methods have put a premium on selfishness, and, naturally, the selfish big interests have gotten more than their smaller, though equally selfish, brothers. The duty of Congress is to provide a method by which the interest of the whole people shall be all that receives consideration. To this end there must be an expert tariff commission, wholly removed from the possibility of political pressure or of improper business influence. Such a commission can find the real difference between cost of production, which is mainly the difference of labor cost here and abroad. As fast as its recommendations are made, I believe in revising one schedule at a time. A general revision of the tariff almost inevitably leads to logrolling and the subordination of the general public interest to local and special interests.

The absence of effective State, and, especially, national, restraint upon unfair money-getting has tended to create a small class of enormously

wealthy and economically powerful men, whose chief object is to hold and increase their power. The prime need to is to change the conditions which enable these men to accumulate power which it is not for the general welfare that they should hold or exercise. We grudge no man a fortune which represents his own power and sagacity, when exercised with entire regard to the welfare of his fellows. Again, comrades over there, take the lesson from your own experience. Not only did you not grudge, but you gloried in the promotion of the great generals who gained their promotion by leading their army to victory. So it is with us. We grudge no man a fortune in civil life if it is honorably obtained and well used. It is not even enough that it should have been gained without doing damage to the community. We should permit it to be gained only so long as the gaining represents benefit to the community. This, I know, implies a policy of a far more active governmental interference with social and economic conditions in this country than we have yet had, but I think we have got to face the fact that such an increase in governmental control is now necessary.

No man should receive a dollar unless that dollar has been fairly earned. Every dollar received should represent a dollar's worth of service rendered — not gambling in stocks, but service rendered. The really big fortune, the swollen fortune, by the mere fact of its size acquires qualities which differentiate it in kind as well as in degree from what is possessed by men of relatively small means. Therefore, I believe in a graduated income tax on big fortunes, and in another tax which is far more easily collected and far more effective — a graduated inheritance tax on big fortunes, properly safeguarded against evasion, and increasing rapidly in amount with the size of the estate.

The people of the United States suffer from periodical financial panics to a degree substantially unknown to the other nations, which approach us in financial strength. There is no reason why we should suffer what they escape. It is of profound importance that our financial system should be promptly investigated, and so thoroughly and effectively revised as to make it certain that hereafter our currency will no longer fail at critical times to meet our needs.

It is hardly necessary to me to repeat that I believe in an efficient army and a navy large enough to secure for us abroad that respect which is the surest guarantee of peace. A word of special warning to my fellow citizens who are as progressive as I hope I am. I want them to keep up their interest in our international affairs; and I want them also continually to remember

Uncle Sam's interests abroad. Justice and fair dealings among nations rest upon principles identical with those which control justice and fair dealing among the individuals of which nations are composed, with the vital exception that each nation must do its own part in international police work. If you get into trouble here, you can call for the police; but if Uncle Sam gets into trouble, he has got to be his own policeman, and I want to see him strong enough to encourage the peaceful aspirations of other people's in connection with us. I believe in national friendships and heartiest good will to all nations; but national friendships, like those between men, must be founded on respect as well as on liking, on forbearance as well as upon trust. I should be heartily ashamed of any American who did not try to make the American government act as justly toward the other nations in international relations as he himself would act toward any individual in private relations. I should be heartily ashamed to see us wrong a weaker power, and I should hang my head forever if we tamely suffered wrong from a stronger power.

Of conservation I shall speak more at length elsewhere. Conservation means development as much as it does protection. I recognize the right and duty of this generation to develop and use the natural resources of our land; but I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us. I ask nothing of the nation except that it so behave as each farmer here behaves with reference to his own children. That farmer is a poor creature who skins the land and leaves it worthless to his children. The farmer is a good farmer who, having enabled the land to support himself and to provide for the education of his children, leaves it to them a little better than he found it himself. I believe the same thing of a nation.

Moreover, I believe that the natural resources must be used for the benefit of all our people, and not monopolized for the benefit of the few, and here again is another case in which I am accused of taking a revolutionary attitude. People forget now that one hundred years ago there were public men of good character who advocated the nation selling its public lands in great quantities, so that the nation could get the most money out of it, and giving it to the men who could cultivate it for their own uses. We took the proper democratic ground that the land should be granted in small sections to the men who were actually to till it and live on it. Now, with the water power, with the forests, with the mines, we are brought face to face with the fact that there are many people who will go with us in conserving the resources only if they are to be allowed to exploit

them for their benefit. That is one of the fundamental reasons why the special interests should be driven out of politics. Of all the questions which can come before this nation, short of the actual preservation of its existence in a great war, there is none which compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us, and training them into a better race to inhabit the land and pass it on. Conservation is a great moral issue, for it involves the patriotic duty of insuring the safety and continuance of the nation. Let me add that the health and vitality of our people are at least as well worth conserving as their forests, waters, lands, and minerals, and in this great work the national government must bear a most important part.

I have spoken elsewhere also of the great task which lies before the farmers of the country to get for themselves and their wives and children not only the benefits of better farming, but also those of better business methods and better conditions of life on the farm. The burden of this great task will fall, as it should, mainly upon the great organizations of the farmers themselves. I am glad it will, for I believe they are all well able to handle it. In particular, there are strong reasons why the Departments of Agriculture of the various states, the United States Department of Agriculture, and the agricultural colleges and experiment stations should extend their work to cover all phases of farm life, instead of limiting themselves, as they have far too often limited themselves in the past, solely to the question of the production of crops. And now a special word to the farmer. I want to see him make the farm as fine a farm as it can be made; and let him remember to see that the improvement goes on indoors as well as out; let him remember that the farmer's wife should have her share of thought and attention just as much as the farmer himself.

Nothing is more true than that excess of every kind is followed by reaction; a fact which should be pondered by reformer and reactionary alike. We are face to face with new conceptions of the relations of property to human welfare, chiefly because certain advocates of the rights of property as against the rights of men have been pushing their claims too far. The man who wrongly holds that every human right is secondary to his profit must now give way to the advocate of human welfare, who rightly maintains that every man holds his property subject to the general right of the community to regulate its use to whatever degree the public welfare may require it.

But I think we may go still further. The right to regulate the use of wealth in the public interest is universally admitted. Let us admit also the

right to regulate the terms and conditions of labor, which is the chief element of wealth, directly in the interest of the common good. The fundamental thing to do for every man is to give him a chance to reach a place in which he will make the greatest possible contribution to the public welfare. Understand what I say there. Give him a chance, not push him up if he will not be pushed. Help any man who stumbles; if he lies down, it is a poor job to try to carry him; but if he is a worthy man, try your best to see that he gets a chance to show the worth that is in him. No man can be a good citizen unless he has a wage more than sufficient to cover the bare cost of living, and hours of labor short enough so after his day's work is done he will have time and energy to bear his share in the management of the community, to help in carrying the general load. We keep countless men from being good citizens by the conditions of life by which we surround them. We need comprehensive workman's compensation acts, both state and national laws to regulate child labor and work for women, and, especially, we need in our common schools not merely education in book learning, but also practical training for daily life and work. We need to enforce better sanitary conditions for our workers and to extend the use of safety appliances for workers in industry and commerce, both within and between the states. Also, friends, in the interest of the workingman himself, we need to set our faces like flint against mob violence just as against corporate greed; against violence and injustice and lawlessness by wage workers just as much as against lawless cunning and greed and selfish arrogance of employers. If I could ask but one thing of my fellow countrymen, my request would be that, whenever they go in for reform, they remember the two sides, and that they always exact justice from one side as much as from the other. I have small use for the public servant who can always see and denounce the corruption of the capitalist, but who cannot persuade himself, especially before election, to say a word about lawless mob violence. And I have equally small use for the man, be he a judge on the bench or editor of a great paper, or wealthy and influential private citizen, who can see clearly enough and denounce the lawlessness of mob violence, but whose eyes are closed so that he is blind when the question is one of corruption of business on a gigantic scale. Also, remember what I said about excess in reformer and reactionary alike. If the reactionary man, who thinks of nothing but the rights of property, could have his way, he would bring about a revolution; and one of my chief fears in connection with progress comes because I do not want to see our people, for lack of proper leadership, compelled to follow men whose

intentions are excellent, but whose eyes are a little too wild to make it really safe to trust them. Here in Kansas there is one paper which habitually denounces me as the tool of Wall Street, and at the same time frantically repudiates the statement that I am a Socialist on the ground that that is an unwarranted slander of the Socialists.

National efficiency has many factors. It is a necessary result of the principle of conservation widely applied. In the end, it will determine our failure or success as a nation. National efficiency has to do, not only with natural resources and with men, but it is equally concerned with institutions. The state must be made efficient for the work which concerns only the people of the state; and the nation for that which concerns all the people. There must remain no neutral ground to serve as a refuge for lawbreakers, and especially for lawbreakers of great wealth, who can hire the vulpine legal cunning which will teach them how to avoid both jurisdictions. It is a misfortune when the national legislature fails to do its duty in providing a national remedy, so that the only national activity is the purely negative activity of the judiciary forbidding the state to exercise power in the premises.

I do not ask for the over centralization; but I do ask that we work in a spirit of broad and far-reaching nationalism where we work for what concerns our people as a whole. We are all Americans. Our common interests are as broad as the continent. I speak to you here in Kansas exactly as I would speak in New York or Georgia, for the most vital problems are those which affect us all alike. The national government belongs to the whole American people, and where the whole American people are interested, that interest can be guarded effectively only by the national government. The betterment which we seek must be accomplished, I believe, mainly through the national government.

The American people are right in demanding that New Nationalism, without which we cannot hope to deal with new problems. The New Nationalism puts the national need before sectional or personal advantage. It is impatient of the utter confusion that results from local legislatures attempting to treat national issues as local issues. It is still more impatient of the impotence which springs from over division of governmental powers, the impotence which makes it possible for local selfishness or for legal cunning, hired by wealthy special interests, to bring national activities to a deadlock. This New Nationalism regards the executive power as the steward of the public welfare. It demands of the judiciary that it shall be interested primarily in human welfare rather than

in property, just as it demands that the representative body shall represent all the people rather than any one class or section of the people.

I believe in shaping the ends of government to protect property as well as human welfare. Normally, and in the long run, the ends are the same; but whenever the alternative must be faced, I am for men and not for property, as you were in the Civil War. I am far from underestimating the importance of dividends; but I rank dividends below human character. Again, I do not have any sympathy with the reformer who says he does not care for dividends. Of course, economic welfare is necessary, for a man must pull his own weight and be able to support his family. I know well that the reformers must not bring upon the people economic ruin, or the reforms themselves will go down in the ruin. But we must be ready to face temporary disaster, whether or not brought on by those who will war against us to the knife. Those who oppose reform will do well to remember that ruin in its worst form is inevitable if our national life brings us nothing better than swollen fortunes for the few and the triumph in both politics and business of a sordid and selfish materialism.

If our political institutions were perfect, they would absolutely prevent the political domination of money in any part of our affairs. We need to make our political representatives more quickly and sensitively responsive to the people whose servants they are. More direct action by the people in their own affairs under proper safeguards is vitally necessary. The direct primary is a step in this direction, if it is associated with a corrupt practices act effective to prevent the advantage of the man willing recklessly and unscrupulously to spend money over his more honest competitor. It is particularly important that all moneys received or expended for campaign purposes should be publicly accounted for, not only after election, but before election as well. Political action must be made simpler, easier, and freer from confusion for every citizen. I believe that the prompt removal of unfaithful or incompetent public servants should be made easy and sure in whatever way experience shall show to be most expedient in any given class of cases.

One of the fundamental necessities in a representative government such as ours is to make certain that the men to whom the people delegate their power shall serve the people by whom they are elected, and not the special interests. I believe that every national officer, elected or appointed, should be forbidden to perform any service or receive any compensation, directly or indirectly, from interstate corporations; and a similar provision could not fail to be useful within the states.

The object of government is the welfare of the people. The material progress and prosperity of a nation are desirable chiefly so long as they lead to the moral and material welfare of all good citizens. Just in proportion as the average man and woman are honest, capable of sound judgment and high ideals, active in public affairs, — but, first of all, sound in their home life, and the father and mother of healthy children whom they bring up well, — just so far, and no farther, we may count our civilization a success. We must have — I believe we have already — a genuine and permanent moral awakening, without which no wisdom of legislation or administration really means anything; and, on the other hand, we must try to secure the social and economic legislation without which any improvement due to purely moral agitation is necessarily evanescent. Let me again illustrate by a reference to the Grand Army. You could not have won simply as a disorderly and disorganized mob. You needed generals; you needed careful administration of the most advanced type; and a good commissary — the cracker line. You well remember that success was necessary in many different lines in order to bring about general success. You had to have the administration at Washington good, just as you had to have the administration in the field; and you had to have the work of the generals good. You could not have triumphed without the administration and leadership; but it would all have been worthless if the average soldier had not had the right stuff in him. He had to have the right stuff in him, or you could not get it out of him. In the last analysis, therefore, vitally necessary though it was to have the right kind of organization and the right kind of generalship, it was even more vitally necessary that the average soldier should have the fighting edge, the right character. So it is in our civil life. No matter how honest and decent we are in our private lives, if we do not have the right kind of law and the right kind of administration of the law, we cannot go forward as a nation. That is imperative; but it must be an addition to, and not a substitute for, the qualities that make us good citizens. In the last analysis, the most important elements in any man's career must be the sum of those qualities which, in the aggregate, we speak of as character. If he has not got it, then no law that the wit of man can devise, no administration of the law by the boldest and strongest executive, will avail to help him. We must have the right kind of character — character that makes a man, first of all, a good man in the home, a good father, and a good husband — that makes a man a good neighbor. You must have that, and, then, in addition, you must have the kind of law and the kind of administration of the law which will

give to those qualities in the private citizen the best possible chance for development. The prime problem of our nation is to get the right type of good citizenship, and, to get it, we must have progress, and our public men must be genuinely progressive.

Document 40

Progressive Party Platform of 1912

August 7, 1912

Progressive reformers had worked for political, social and economic change within the traditional two-party system for decades before they established a third party — sometimes called the “Bull Moose Party” after Theodore Roosevelt, the party’s first presidential candidate. The Progressive Party’s 1912 platform listed those aspects of modern industrial society that most threatened the American ideals of equality and liberty, and which therefore required immediate attention under the supervision of the national government. Despite the best showing by a third-party candidate in American history, Roosevelt lost the election of 1912 to Woodrow Wilson, a Progressive running as the Democratic nominee. Nonetheless, the reform aspirations expressed in the Progressive Party Platform have had an enduring influence on how Americans think about equality, freedom, democracy and government.

DECLARATION OF PRINCIPLES OF THE PROGRESSIVE PARTY

The conscience of the people, in a time of grave national problems, has called into being a new party, born of the nation’s sense of justice. We of the Progressive party here dedicate ourselves to the fulfillment of the duty laid upon us by our fathers to maintain the government of the people, by the people and for the people whose foundations they laid.

We hold with Thomas Jefferson and Abraham Lincoln that the people are the masters of their Constitution, to fulfill its purposes and to safeguard it from those who, by perversion of its intent, would convert it into an instrument of injustice. In accordance with the needs of each generation the people must use their sovereign powers to establish and maintain equal opportunity and industrial justice, to secure which this Government was founded and without which no republic can endure.

This country belongs to the people who inhabit it. Its resources, its business, its institutions and its laws should be utilized, maintained or altered in whatever manner will best promote the general interest.

It is time to set the public welfare in the first place.

THE OLD PARTIES

Political parties exist to secure responsible government and to execute the will of the people.

From these great tasks both of the old parties have turned aside. Instead of instruments to promote the general welfare, they have become the tools of corrupt interests which use them impartially to serve their selfish purposes. Behind the ostensible government sits enthroned an invisible government owing no allegiance and acknowledging no responsibility to the people.

To destroy this invisible government, to dissolve the unholy alliance between corrupt business and corrupt politics is the first task of the statesmanship of the day.

The deliberate betrayal of its trust by the Republican party, the fatal incapacity of the Democratic party to deal with the new issues of the new time, have compelled the people to forge a new instrument of government through which to give effect to their will in laws and institutions.

Unhampered by tradition, uncorrupted by power, undismayed by the magnitude of the task, the new party offers itself as the instrument of the people to sweep away old abuses, to build a new and nobler commonwealth.

A COVENANT WITH THE PEOPLE

This declaration is our covenant with the people, and we hereby bind the party and its candidates in State and Nation to the pledges made herein.

THE RULE OF THE PEOPLE

The National Progressive party, committed to the principles of government by a self-controlled democracy expressing its will through representatives of the people, pledges itself to secure such alterations in the fundamental law of the several States and of the United States as shall insure the representative character of the government.

In particular, the party declares for direct primaries for the nomination of State and National officers, for nation-wide preferential primaries for candidates for the presidency; for the direct election of United States Senators by the people; and we urge on the States the policy

of the short ballot, with responsibility to the people secured by the initiative, referendum and recall.

AMENDMENT OF THE CONSTITUTION

The Progressive party, believing that a free people should have the power from time to time to amend their fundamental law so as to adapt it progressively to the changing needs of the people, pledges itself to provide a more easy and expeditious method of amending the Federal Constitution.

NATION AND STATE

Up to the limit of the Constitution, and later by amendment of the Constitution, if found necessary, we advocate bringing under effective national jurisdiction those problems which have expanded beyond reach of the individual States.

It is as grotesque as it is intolerable that the several States should by unequal laws in matter of common concern become competing commercial agencies, barter the lives of their children, the health of their women and the safety and well being of their working people for the benefit of their financial interests.

The extreme insistence on States' rights by the Democratic party in the Baltimore platform demonstrates anew its inability to understand the world into which it has survived or to administer the affairs of a union of States which have in all essential respects become one people.

EQUAL SUFFRAGE

The Progressive party, believing that no people can justly claim to be a true democracy which denies political rights on account of sex, pledges itself to the task of securing equal suffrage to men and women alike.

CORRUPT PRACTICES

We pledge our party to legislation that will compel strict limitation of all campaign contributions and expenditures, and detailed publicity of both before as well as after primaries and elections.

PUBLICITY AND PUBLIC SERVICE

We pledge our party to legislation compelling the registration of lobbyists; publicity of committee hearings except on foreign affairs, and recording of all votes in committee; and forbidding federal appointees

from holding office in State or National political organizations, or taking part as officers or delegates in political conventions for the nomination of elective State or National officials.

THE COURTS

The Progressive party demands such restriction of the power of the courts as shall leave to the people the ultimate authority to determine fundamental questions of social welfare and public policy. To secure this end, it pledges itself to provide:

1. That when an Act, passed under the police power of the State, is held unconstitutional under the State Constitution, by the courts, the people, after an ample interval for deliberation, shall have an opportunity to vote on the question whether they desire the Act to become law, notwithstanding such decision.

2. That, every decision of the highest appellate court of a State declaring an Act of the Legislature unconstitutional on the ground of its violation of the Federal Constitution shall be subject to the same review by the Supreme Court of the United States as is now accorded to decisions sustaining such legislation.

ADMINISTRATION OF JUSTICE

The Progressive party, in order to secure to the people a better administration of justice and by that means to bring about a more general respect for the law and the courts, pledges itself to work unceasingly for the reform of legal procedure and judicial methods.

We believe that the issuance of injunctions in cases arising out of labor disputes should be prohibited when such injunctions would not apply when no labor disputes existed.

We also believe that a person cited for contempt in labor disputes, except when such contempt was committed in the actual presence of the court or so near thereto as to interfere with the proper administration of justice, should have a right to trial by jury.

SOCIAL AND INDUSTRIAL JUSTICE

The supreme duty of the Nation is the conservation of human resources through an enlightened measure of social and industrial justice. We pledge ourselves to work unceasingly in State and Nation for:

Effective legislation looking to the prevention of industrial accidents, occupational diseases, overwork, involuntary unemployment, and other injurious effects incident to modern industry;

The fixing of minimum safety and health standards for the various occupations, and the exercise of the public authority of State and Nation, including the Federal Control over interstate commerce, and the taxing power, to maintain such standards;

The prohibition of child labor;

Minimum wage standards for working women, to provide a "living wage" in all industrial occupations;

The general prohibition of night work for women and the establishment of an eight hour day for women and young persons;

One day's rest in seven for all wage workers;

The eight hour day in continuous twenty-four-hour industries;

The abolition of the convict contract labor system; substituting a system of prison production for governmental consumption only; and the application of prisoners' earnings to the support of their dependent families;

Publicity as to wages, hours and conditions of labor; full reports upon industrial accidents and diseases, and the opening to public inspection of all tallies, weights, measures and check systems on labor products;

Standards of compensation for death by industrial accident and injury and trade disease which will transfer the burden of lost earnings from the families of working people to the industry, and thus to the community;

The protection of home life against the hazards of sickness, irregular employment and old age through the adoption of a system of social insurance adapted to American use;

The development of the creative labor power of America by lifting the last load of illiteracy from American youth and establishing continuation schools for industrial education under public control and encouraging agricultural education and demonstration in rural schools;

The establishment of industrial research laboratories to put the methods and discoveries of science at the service of American producers;

We favor the organization of the workers, men and women, as a means of protecting their interests and of promoting their progress.

DEPARTMENT OF LABOR

We pledge our party to establish a department of labor with a seat in the cabinet, and with wide jurisdiction over matters affecting the conditions of labor and living.

COUNTRY LIFE

The development and prosperity of country life are as important to the people who live in the cities as they are to the farmers. Increase of prosperity on the farm will favorably affect the cost of living, and promote the interests of all who dwell in the country, and all who depend upon its products for clothing, shelter and food.

We pledge our party to foster the development of agricultural credit and co-operation, the teaching of agriculture in schools, agricultural college extension, the use of mechanical power on the farm, and to re-establish the Country Life Commission, thus directly promoting the welfare of the farmers, and bringing the benefits of better farming, better business and better living within their reach.

HIGH COST OF LIVING

The high cost of living is due partly to world-wide and partly to local causes; partly to natural and partly to artificial causes. The measures proposed in this platform on various subjects such as the tariff, the trusts and conservation, will of themselves remove the artificial causes.

There will remain other elements such as the tendency to leave the country for the city, waste, extravagance, bad system of taxation, poor methods of raising crops and bad business methods in marketing crops.

To remedy these conditions requires the fullest information and based on this information, effective government supervision and control to remove all the artificial causes. We pledge ourselves to such full and immediate inquiry and to immediate action to deal with every need such inquiry discloses.

HEALTH

We favor the union of all the existing agencies of the Federal Government dealing with the public health into a single national health service without discrimination against or for any one set of therapeutic methods, school of medicine, or school of healing with such additional powers as may be necessary to enable it to perform efficiently such duties in the protection of the public from preventable diseases as may be

properly undertaken by the Federal authorities, including the executing of existing laws regarding pure food, quarantine and cognate subjects, the promotion of vital statistics and the extension of the registration area of such statistics, and co-operation with the health activities of the various States and cities of the Nation.

BUSINESS

We believe that true popular government, justice and prosperity go hand in hand, and, so believing, it is our purpose to secure that large measure of general prosperity which is the fruit of legitimate and honest business, fostered by equal justice and by sound progressive laws.

We demand that the test of true prosperity shall be the benefits conferred thereby on all the citizens, not confined to individuals or classes, and that the test of corporate efficiency shall be the ability better to serve the public; that those who profit by control of business affairs shall justify that profit and that control by sharing with the public the fruits thereof.

We therefore demand a strong National regulation of inter-State corporations. The corporation is an essential part of modern business. The concentration of modern business, in some degree, is both inevitable and necessary for national and international business efficiency. But the existing concentration of vast wealth under a corporate system, unguarded and uncontrolled by the Nation, has placed in the hands of a few men enormous, secret, irresponsible power over the daily life of the citizen — a power insufferable in a free Government and certain of abuse.

This power has been abused, in monopoly of National resources, in stock watering, in unfair competition and unfair privileges, and finally in sinister influences on the public agencies of State and Nation. We do not fear commercial power, but we insist that it shall be exercised openly, under publicity, supervision and regulation of the most efficient sort, which will preserve its good while eradicating and preventing its ill.

To that end we urge the establishment of a strong Federal administrative commission of high standing, which shall maintain permanent active supervision over industrial corporations engaged in inter-State commerce, or such of them as are of public importance, doing for them what the Government now does for the National banks, and what is now done for the railroads by the Inter-State Commerce Commission.

Such a commission must enforce the complete publicity of those corporation transactions which are of public interest; must attack unfair competition, false capitalization and special privilege, and by continuous

trained watchfulness guard and keep open equally all the highways of American commerce.

Thus the business man will have certain knowledge of the law, and will be able to conduct his business easily in conformity therewith; the investor will find security for his capital; dividends will be rendered more certain, and the savings of the people will be drawn naturally and safely into the channels of trade.

Under such a system of constructive regulation, legitimate business, freed from confusion, uncertainty and fruitless litigation, will develop normally in response to the energy and enterprise of the American business man.

We favor strengthening the Sherman Law by prohibiting agreement to divide territory or limit output; refusing to sell to customers who buy from business rivals; to sell below cost in certain areas while maintaining higher prices in other places; using the power of transportation to aid or injure special business concerns; and other unfair trade practices.

PATENTS

We pledge ourselves to the enactment of a patent law which will make it impossible for patents to be suppressed or used against the public welfare in the interests of injurious monopolies.

INTER-STATE COMMERCE COMMISSION

We pledge our party to secure to the Inter-State Commerce Commission the power to value the physical property of railroads. In order that the power of the commission to protect the people may not be impaired or destroyed, we demand the abolition of the Commerce Court.

CURRENCY

We believe there exists imperative need for prompt legislation for the improvement of our National currency system. We believe the present method of issuing notes through private agencies is harmful and unscientific.

The issue of currency is fundamentally a Government function and the system should have as [basic] principles soundness and elasticity. The control should be lodged with the Government and should be protected from domination or manipulation by Wall Street or any special interests.

We are opposed to the so-called Aldrich currency bill, because its provisions would place our currency and credit system in private hands, not subject to effective public control.

COMMERCIAL DEVELOPMENT

The time has come when the Federal Government should cooperate with manufacturers and producers in extending our foreign commerce. To this end we demand adequate appropriations by Congress, and the appointment of diplomatic and consular officers solely with a view to their special fitness and worth, and not in consideration of political expediency.

It is imperative to the welfare of our people that we enlarge and extend our foreign commerce.

In every way possible our Federal Government should co-operate in this important matter. Germany's policy of co-operation between government and business has, in comparatively few years, made that nation a leading competitor for the commerce of the world.

CONSERVATION

The natural resources of the Nation must be promptly developed and generously used to supply the people's needs, but we cannot safely allow them to be wasted, exploited, monopolized or controlled against the general good. We heartily favor the policy of conservation, and we pledge our party to protect the National forests without hindering their legitimate use for the benefit of all the people.

Agricultural lands in the National forests are, and should remain, open to the genuine settler. Conservation will not retard legitimate development. The honest settler must receive his patent promptly, without hindrance, rules or delays.

We believe that the remaining forests, coal and oil lands, water powers and other natural resources still in State or National control (except agricultural lands) are more likely to be wisely conserved and utilized for the general welfare if held in the public hands.

In order that consumers and producers, managers and workmen, now and hereafter, need not pay toll to private monopolies of power and raw material, we demand that such resources shall be retained by the State or Nation, and opened to immediate use under laws which will encourage development and make to the people a moderate return for benefits conferred.

In particular we pledge our party to require reasonable compensation to the public for water power rights hereafter granted by the public.

We pledge legislation to lease the public grazing lands under equitable provisions now pending which will increase the production of food for the people and thoroughly safeguard the rights of the actual homemaker. Natural resources, whose conservation is necessary for the National welfare, should be owned or controlled by the Nation.

GOOD ROADS

We recognize the vital importance of good roads and we pledge our party to foster their extension in every proper way, and we favor the early construction of National highways. We also favor the extension of the rural free delivery service.

ALASKA

The coal and other natural resources of Alaska should be opened to development at once. They are owned by the people of the United States, and are safe from monopoly, waste or destruction only while so owned.

We demand that they shall neither be sold nor given away, except under the Homestead Law, but while held in Government ownership shall be opened to use promptly upon liberal terms requiring immediate development.

Thus the benefit of cheap fuel will accrue to the Government of the United States and to the people of Alaska and the Pacific Coast; the settlement of extensive agricultural lands will be hastened; the extermination of the salmon will be prevented and the just and wise development of Alaskan resources will take the place of private extortion or monopoly.

We demand also that extortion or monopoly in transportation shall be prevented by the prompt acquisition, construction or improvement by the Government of such railroads, harbor and other facilities for transportation as the welfare of the people may demand.

We promise the people of the Territory of Alaska the same measure of legal self-government that was given to other American territories, and that Federal officials appointed there shall be qualified by previous *bona-fide* residence in the Territory.

WATERWAYS

The rivers of the United States are the natural arteries of this continent. We demand that they shall be opened to traffic as indispensable parts of a great Nation-wide system of transportation, in which the Panama Canal will be the central link, thus enabling the whole interior of the United States to share with the Atlantic and Pacific seaboard in the benefit derived from the canal.

It is a National obligation to develop our rivers, and especially the Mississippi and its tributaries, without delay, under a comprehensive general plan covering each river system from its source to its mouth, designed to secure its highest usefulness for navigation, irrigation, domestic supply, water power and the prevention of floods.

We pledge our party to the immediate preparation of such a plan, which should be made and carried out in close and friendly co-operation between the Nation, the States and the cities affected.

Under such a plan, the destructive floods of the Mississippi and other streams, which represent a vast and needless loss to the Nation, would be controlled by forest conservation and water storage at the headwaters, and by levees below; land sufficient to support millions of people would be reclaimed from the deserts and the swamps, water power enough to transform the industrial standings of whole States would be developed, adequate water terminals would be provided, transportation by river would revive, and the railroads would be compelled to co-operate as freely with the boat lines as with each other.

The equipment, organization and experience acquired in constructing the Panama Canal soon will be available for the Lakes-to-the-Gulf deep waterway and other portions of this great work, and should be utilized by the Nation in cooperation with the various States, at the lowest net cost to the people.

PANAMA CANAL

The Panama Canal, built and paid for by the American people, must be used primarily for their benefit.

We demand that the canal shall be so operated as to break the transportation monopoly now held and misused by the transcontinental railroads by maintaining sea competition with them; that ships directly or indirectly owned or controlled by American railroad corporations shall not be permitted to use the canal, and that American ships engaged in coastwise trade shall pay no tolls.

The Progressive party will favor legislation having for its aim the development of friendship and commerce between the United States and Latin-American nations.

TARIFF

We believe in a protective tariff which shall equalize conditions of competition between the United States and foreign countries, both for the farmer and the manufacturer, and which shall maintain for labor an adequate standard of living.

Primarily the benefit of any tariff should be disclosed in the pay envelope of the laborer. We declare that no industry deserves protection which is unfair to labor or which is operating in violation of Federal law. We believe that the presumption is always in favor of the consuming public.

We demand tariff revision because the present tariff is unjust to the people of the United States. Fair dealing toward the people requires an immediate downward revision of those schedules wherein duties are shown to be unjust or excessive.

We pledge ourselves to the establishment of a non-partisan scientific tariff commission, reporting both to the President and to either branch of Congress, which shall report, first, as to the costs of production, efficiency of labor, capitalization, industrial organization and efficiency and the general competitive position in this country and abroad of industries seeking protection from Congress; second, as to the revenue producing power of the tariff and its relation to the resources of Government; and, third, as to the effect of the tariff on prices, operations of middlemen, and on the purchasing power of the consumer.

We believe that this commission should have plenary power to elicit information, and for this purpose to prescribe a uniform system of accounting for the great protected industries. The work of the commission should not prevent the immediate adoption of acts reducing these schedules generally recognized as excessive.

We condemn the Payne-Aldrich bill as unjust to the people. The Republican organization is in the hands of those who have broken, and cannot again be trusted to keep, the promise of necessary downward revision.

The Democratic party is committed to the destruction of the protective system through a tariff for revenue only — a policy which would inevitably produce widespread industrial and commercial disaster.

We demand the immediate repeal of the Canadian Reciprocity Act.

INHERITANCE AND INCOME TAX

We believe in a graduated inheritance tax as a National means of equalizing the obligations of holders of property to Government, and we hereby pledge our party to enact such a Federal law as will tax large inheritances, returning to the States an equitable percentage of all amounts collected.

We favor the ratification of the pending amendment to the Constitution giving the Government power to levy an income tax.

PEACE AND NATIONAL DEFENSE

The Progressive party deplors the survival in our civilization of the barbaric system of warfare among nations with its enormous waste of resources even in time of peace, and the consequent impoverishment of the life of the toiling masses. We pledge the party to use its best endeavors to substitute judicial and other peaceful means of settling international differences.

We favor an international agreement for the limitation of naval forces. Pending such an agreement, and as the best means of preserving peace, we pledge ourselves to maintain for the present the policy of building two battleships a year.

TREATY RIGHTS

We pledge our party to protect the rights of American citizenship at home and abroad. No treaty should receive the sanction of our Government which discriminates between American citizens because of birthplace, race, or religion, or that does not recognize the absolute right of expatriation.

THE IMMIGRANT

Through the establishment of industrial standards we propose to secure to the able-bodied immigrant and to his native fellow workers a larger share of American opportunity.

We denounce the fatal policy of indifference and neglect which has left our enormous immigrant population to become the prey of chance and cupidity.

We favor Governmental action to encourage the distribution of immigrants away from the congested cities, to rigidly supervise all private

agencies dealing with them and to promote their assimilation, education and advancement.

PENSIONS

We pledge ourselves to a wise and just policy of pensioning American soldiers and sailors and their widows and children by the Federal Government. And we approve the policy of the southern States in granting pensions to the ex-Confederate soldiers and sailors and their widows and children.

PARCEL POST

We pledge our party to the immediate creation of a parcel post, with rates proportionate to distance and service.

CIVIL SERVICE

We condemn the violations of the Civil Service Law under the present administration, including the coercion and assessment of subordinate employees, and the President's refusal to punish such violation after a finding of guilty by his own commission; his distribution of patronage among subservient congressmen, while withholding it from those who refuse support of administration measures; his withdrawal of nominations from the Senate until political support for himself was secured, and his open use of the offices to reward those who voted for his renomination.

To eradicate these abuses, we demand not only the enforcement of the civil service act in letter and spirit, but also legislation which will bring under the competitive system postmasters, collectors, marshals, and all other non-political officers, as well as the enactment of an equitable retirement law, and we also insist upon continuous service during good behavior and efficiency.

GOVERNMENT BUSINESS ORGANIZATION

We pledge our party to readjustment of the business methods of the National Government and a proper co-ordination of the Federal bureaus, which will increase the economy and efficiency of the Government service, prevent duplications, and secure better results to the taxpayers for every dollar expended.

GOVERNMENT SUPERVISION OVER INVESTMENTS

The people of the United States are swindled out of many millions of dollars every year, through worthless investments. The plain people, the wage earner and the men and women with small savings, have no way of knowing the merit of concerns sending out highly colored prospectuses offering stock for sale, prospectuses that make big returns seem certain and fortunes easily within grasp.

We hold it to be the duty of the Government to protect its people from this kind of piracy. We, therefore, demand wise, carefully thought out legislation that will give us such Governmental supervision over this matter as will furnish to the people of the United States this much-needed protection, and we pledge ourselves thereto.

CONCLUSION

On these principles and on the recognized desirability of uniting the Progressive forces of the Nation into an organization which shall unequivocally represent the Progressive spirit and policy we appeal for the support of all American citizens, without regard to previous political affiliations.

Document 41

"Fourteen Points" Message

Woodrow Wilson

January 8, 1918

In 1917 President Wilson urged Congress to declare war against Imperial Germany to help make the world safe for democracy. As the war drew to a close, and German defeat seemed imminent, Wilson argued that more than military victory was necessary to secure peace and democracy in the future. In his "Fourteen Points" Message to Congress, President Wilson laid out his vision for a league of democratic nations that would prevent future aggression by autocratic governments and assist other societies still struggling on the path to civilization and freedom. Despite the U.S. Senate's rejection of the League of Nations, Wilson's forward-looking foreign policy vision provided a rationale for future American involvement in world affairs.

Gentlemen of the Congress, —

Once more, as repeatedly before, the spokesmen of the Central Empires have indicated their desire to discuss the objects of the war and the possible basis of a general peace. Parleys have been in progress at Brest-Litovsk between representatives of the Central Powers to which the attention of all the belligerents has been invited for the purpose of ascertaining whether it may be possible to extend these parleys into a general conference with regard to terms of peace and settlement.

The Russian representatives presented not only a perfectly definite statement of the principles upon which they would be willing to conclude peace, but also an equally definite program of the concrete application of those principles. The representatives of the Central Powers, on their part, presented an outline of settlement which, if much less definite, seemed susceptible of liberal interpretation until their specific program of practical terms was added. That program proposed no concessions at all either to the sovereignty of Russia or to the preferences of the populations with whose fortunes it dealt, but meant, in a word, that the Central Empires were to keep every foot of territory their armed forces had occupied, —

every province, every city, every point of vantage, — as a permanent addition to their territories and their power. It is a reasonable conjecture that the general principles of settlement which they at first suggested originated with the more liberal statesmen of Germany and Austria, the men who have begun to feel the force of their own peoples' thought and purpose, while the concrete terms of actual settlement came from the military leaders who have no thought but to keep what they have got. The negotiations have been broken off. The Russian representatives were sincere and in earnest. They cannot entertain such proposals of conquest and domination.

The whole incident is full of significance. It is also full of perplexity. With whom are the Russian representatives dealing? For whom are the representatives of the Central Empires speaking? Are they speaking for the majorities of their respective parliaments or for the minority parties, that military and imperialistic minority which has so far dominated their whole policy and controlled the affairs of Turkey and of the Balkan states which have felt obliged to become their associates in this war? The Russian representatives have insisted, very justly, very wisely, and in the true spirit of modern democracy, that the conferences they have been holding with the Teutonic and Turkish statesmen should be held within open, not closed doors, and all the world has been audience, as was desired.

To whom have we been listening, then? To those who speak the spirit and intention of the Resolutions of the German Reichstag on the 9th of July last, the spirit and intention of the liberal leaders and parties of Germany, or to those who resist and defy that spirit and intention and insist upon conquest and subjugation? Or are we listening, in fact, to both, unreconciled and in open and hopeless contradiction? These are very serious and pregnant questions. Upon the answer to them depends the peace of the world. But, whatever the results of the parleys at Brest-Litovsk, whatever the confusions of counsel and of purpose in the utterances of the spokesmen of the Central Empires, they have again attempted to acquaint the world with their objects in the war and have again challenged their adversaries to say what their objects are and what sort of settlement they would deem just and satisfactory. There is no good reason why that challenge should not be responded to, and responded to with the utmost candor. We did not wait for it. Not once, but again and again, we have laid our whole thought and purpose before the world, not in general terms only, but each time with sufficient definition to make it

clear what sort of definitive terms of settlement must necessarily spring out of them.

Within the last week Mr. Lloyd George has spoken with admirable candor and in admirable spirit for the people and Government of Great Britain. There is no confusion of counsel among the adversaries of the Central Powers, no uncertainty of principle, no vagueness of detail. The only secrecy of counsel, the only lack of fearless frankness, the only failure to make definite statement of the objects of the war, lies with Germany and her Allies. The issues of life and death hang upon these definitions. No statesman who has the least conception of his responsibility ought for a moment to permit himself to continue this tragical and appalling outpouring of blood and treasure unless he is sure beyond a peradventure that the objects of the vital sacrifice are part and parcel of the very life of Society and that the people for whom he speaks think them right and imperative as he does.

There is, moreover, a voice calling for these definitions of principle and of purpose which is, it seems to me, more thrilling and more compelling than any of the many moving voices with which the troubled air of the world is filled. It is the voice of the Russian people. They are prostrate and all but helpless, it would seem, before the grim power of Germany, which has hitherto known no relenting and no pity. Their power, apparently, is shattered. And yet their soul is not subservient. They will not yield either in principle or in action. Their conception of what is right, of what is humane and honorable for them to accept, has been stated with a frankness, a largeness of view, a generosity of spirit, and a universal human sympathy which must challenge the admiration of every friend of mankind; and they have refused to compound their ideals or desert others that they themselves may be safe.

They call to us to say what it is that we desire, — in what, if in anything, our purpose and our spirit differ from theirs; and I believe that the people of the United States would wish me to respond, with utter simplicity and frankness. Whether their present leaders believe it or not, it is our heartfelt desire and hope that some way may be opened whereby we may be privileged to assist the people of Russia to attain their utmost hope of liberty and ordered peace.

It will be our wish and purpose that the processes of peace, when they are begun, shall be absolutely open and that they shall involve and permit henceforth no secret understandings of any kind. The day of conquest and aggrandizement is gone by; so is also the day of secret covenants entered

into in the interest of particular governments and likely at some unlooked-for moment to upset the peace of the world. It is this happy fact, now clear to the view of every public man whose thoughts do not still linger in an age that is dead and gone, which makes it possible for every nation whose purposes are consistent with justice and the peace of the world to avow now or at any other time the objects it has in view.

We entered this war because violations of right had occurred which touched us to the quick and made the life of our own people impossible unless they were corrected and the world secured once for all against their recurrence. What we demand in this war, therefore, is nothing peculiar to ourselves. It is that the world be made fit and safe to live in; and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by the other peoples of the world as against force and selfish aggression. All the peoples of the world are in effect partners in this interest, and for our own part we see very clearly that unless justice be done to others it will not be done to us.

The program of the world's peace, therefore, is our program; and that program, the only possible program, as we see it, is this:

- I. Open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind but diplomacy shall proceed always frankly and in the public view.
- II. Absolute freedom of navigation upon the seas, outside territorial waters, alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.
- III. The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.
- IV. Adequate guarantees given and taken that national armaments will be reduced to the lowest point consistent with domestic safety.
- V. A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the government whose title is to be determined.

- VI. The evacuation of all Russian territory and such a settlement of all questions affecting Russia as will secure the best and freest cooperation of the other nations of the world in obtaining for her an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy and assure her of a sincere welcome into the society of free nations under institutions of her own choosing; and, more than a welcome, assistance also of every kind that she may need and may herself desire. The treatment accorded Russia by her sister nations in the months to come will be the acid test of their good will, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathy.
- VII. Belgium, the whole world will agree, must be evacuated and restored, without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of international law is forever impaired.
- VIII. All French territory should be freed and the invaded portions restored, and the wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine, which has unsettled the peace of the world for nearly fifty years, should be righted, in order that peace may once more be made secure in the interests of all.
- IX. A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.
- X. The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development.
- XI. Rumania, Serbia, and Montenegro should be evacuated; occupied territories restored; Serbia accorded free and secure access to the sea; and the relations of the several Balkan states to one another determined by friendly counsel along historically established lines of allegiance and nationality; and international guarantees of the political and economic independence and territorial integrity of the several Balkan states should be entered into.

- XII. The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development, and the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guarantees.
- XIII. An independent Polish state should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant.
- XIV. A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike.

In regard to these essential rectifications of wrong and assertions of right we feel ourselves to be intimate partners of all the governments and peoples associated together against the Imperialists. We cannot be separated in interest or divided in purpose. We stand together until the end.

For such arrangements and covenants we are willing to fight and to continue to fight until they are achieved; but only because we wish the right to prevail and desire a just and stable peace such as can be secured only by removing the chief provocations to war, which this program does remove. We have no jealousy of German greatness, and there is nothing in this program that impairs it. We grudge her no achievement or distinction of learning or of pacific enterprise, such as have made her record very bright and very enviable. We do not wish to injure her or to block in any way her legitimate influence or power. We do not wish to fight her either with arms or with hostile arrangements of trade if she is willing to associate herself with us and the other peace-loving nations of the world in covenants of justice and law and fair dealing. We wish her only to accept a place of equality among the peoples of the world, — the new world in which we now live, — instead of a place of mastery.

Neither do we presume to suggest to her any alteration or modification of her institutions. But it is necessary, we must frankly say, and necessary as a preliminary to any intelligent dealings with her on our

part, that we should know whom her spokesmen speak for when they speak to us, whether for the Reichstag majority or for the military party and the men whose creed is imperial domination.

We have spoken now, surely, in terms too concrete to admit of any further doubt or question. An evident principle runs through the whole program I have outlined. It is the principle of justice to all peoples and nationalities, and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak.

Unless this principle be made its foundation no part of the structure of international justice can stand. The people of the United States could act upon no other principle; and to the vindication of this principle they are ready to devote their lives, their honor, and everything they possess. The moral climax of this the culminating and final war for human liberty has come, and they are ready to put their own strength, their own highest purpose, their own integrity and devotion to the test.

Document 42

Speech on the 150th Anniversary of the Declaration of Independence

Calvin Coolidge
July 5, 1926

In the early twentieth century, some individuals argued that America's founding principles stood in the way of continued social and economic progress and that they must, therefore, be rejected for more modern theories of government. As both Governor of Massachusetts and President of the United States, Calvin Coolidge opposed such views. In this address, President Coolidge reminded Americans how revolutionary the Declaration of Independence had been by holding forth the idea, for the first time in history, that liberty was not the privilege of kings and nobles but an equal natural right. Rejecting that idea then or at any time, he said, could only lead America and the world back to the days when the people enjoyed neither liberty nor government by consent.

Philadelphia, Pennsylvania

Fellow Countryman,

We meet to celebrate the birthday of America. The coming of a new life always excites our interest. Although we know in the case of the individual that it has been an infinite repetition reaching back beyond our vision, that only makes it the more wonderful. But how our interest and wonder increase when we behold the miracle of the birth of a new nation. It is to pay our tribute of reverence and respect to those who participated in such a mighty event that we annually observe the fourth day of July. Whatever may have been the impression created by the news which went out from this city on that summer day in 1776, there can be no doubt as to the estimate which is now placed upon it. At the end of 150 years the four corners of the earth unite in coming to Philadelphia as to a holy shrine in grateful acknowledgement of a service so great, which a few inspired men

here rendered to humanity, that it is still the preeminent support of free government throughout the world.

Although a century and a half measured in comparison with the length of human experience is but a short time, yet measured in the life of governments and nations it ranks as a very respectable period. Certainly enough time has elapsed to demonstrate with a great deal of thoroughness the value of our institutions and their dependability as rules for the regulation of human conduct and the advancement of civilization. They have been in existence long enough to become very well seasoned. They have met, and met successfully, the test of experience.

It is not so much, then, for the purpose of undertaking to proclaim new theories and principles that this annual celebration is maintained, but rather to reaffirm and reestablish those old theories and principles which time and the unerring logic of events have demonstrated to be sound. Amid all the clash of conflicting interests, amid all the welter of partisan politics, every American can turn for solace and consolation to the Declaration of Independence and the Constitution of the United States with the assurance and confidence that those two great charters of freedom and justice remain firm and unshaken. Whatever perils appear, whatever dangers threaten, the Nation remains secure in the knowledge that the ultimate application of the law of the land will provide an adequate defense and protection.

It is little wonder that people at home and abroad consider Independence Hall as hallowed ground and revere the Liberty Bell as a sacred relic. That pile of bricks and mortar, that mass of metal, might appear to the uninstructed as only the outgrown meeting place and the shattered bell of a former time, useless now because of more modern conveniences, but to those who know they have become consecrated by the use which men have made of them. They have long been identified with a great cause. They are the framework of a spiritual event. The world looks upon them, because of their associations of one hundred and fifty years ago, as it looks upon the Holy Land because of what took place there nineteen hundred years ago. Through use for a righteous purpose they have become sanctified.

It is not here necessary to examine in detail the causes which led to the American Revolution. In their immediate occasion they were largely economic. The colonists objected to the navigation laws which interfered with their trade, they denied the power of Parliament to impose taxes which they were obliged to pay, and they therefore resisted the royal

governors and the royal forces which were sent to secure obedience to these laws. But the conviction is inescapable that a new civilization had come, a new spirit had arisen on this side of the Atlantic more advanced and more developed in its regard for the rights of the individual than that which characterized the Old World. Life in a new and open country had aspirations which could not be realized in any subordinate position. A separate establishment was ultimately inevitable. It had been decreed by the very laws of human nature. Man everywhere has an unconquerable desire to be the master of his own destiny.

We are obliged to conclude that the Declaration of Independence represented the movement of a people. It was not, of course, a movement from the top. Revolutions do not come from that direction. It was not without the support of many of the most respectable people in the Colonies, who were entitled to all the consideration that is given to breeding, education, and possessions. It had the support of another element of great significance and importance to which I shall later refer. But the preponderance of all those who occupied a position which took on the aspect of aristocracy did not approve of the Revolution and held toward it an attitude either of neutrality or open hostility. It was in no sense a rising of the oppressed and downtrodden. It brought no scum to the surface, for the reason that colonial society had developed no scum. The great body of the people were accustomed to privations, but they were free from depravity. If they had poverty, it was not of the hopeless kind that afflicts great cities, but the inspiring kind that marks the spirit of the pioneer. The American Revolution represented the informed and mature convictions of a great mass of independent, liberty loving, God-fearing people who knew their rights, and possessed the courage to dare to maintain them.

The Continental Congress was not only composed of great men, but it represented a great people. While its Members did not fail to exercise a remarkable leadership, they were equally observant of their representative capacity. They were industrious in encouraging their constituents to instruct them to support independence. But until such instructions were given they were inclined to withhold action.

While North Carolina has the honor of first authorizing its delegates to concur with other Colonies in declaring independence, it was quickly followed by South Carolina and Georgia, which also gave general instructions broad enough to include such action. But the first instructions which unconditionally directed its delegates to declare for independence

came from the great Commonwealth of Virginia. These were immediately followed by Rhode Island and Massachusetts, while the other Colonies, with the exception of New York, soon adopted a like course.

This obedience of the delegates to the wishes of their constituents, which in some cases caused them to modify their previous positions, is a matter of great significance. It reveals an orderly process of government in the first place; but more than that, it demonstrates that the Declaration of Independence was the result of the seasoned and deliberate thought of the dominant portion of the people of the Colonies. Adopted after long discussion and as the result of the duly authorized expression of the preponderance of public opinion, it did not partake of dark intrigue or hidden conspiracy. It was well advised. It had about it nothing of the lawless and disordered nature of a riotous insurrection. It was maintained on a plane which rises above the ordinary conception of rebellion. It was in no sense a radical movement but took on the dignity of a resistance to illegal usurpations. It was conservative and represented the action of the colonists to maintain their constitutional rights which from time immemorial had been guaranteed to them under the law of the land.

When we come to examine the action of the Continental Congress in adopting the Declaration of Independence in the light of what was set out in that great document and in the light of succeeding events, we can not escape the conclusion that it had a much broader and deeper significance than a mere secession of territory and the establishment of a new nation. Events of that nature have been taking place since the dawn of history. One empire after another has arisen, only to crumble away as its constituent parts separated from each other and set up independent governments of their own. Such actions long ago became commonplace. They have occurred too often to hold the attention of the world and command the admiration and reverence of humanity. There is something beyond the establishment of a new nation, great as that event would be, in the Declaration of Independence which has ever since caused it to be regarded as one of the great charters that not only was to liberate America but was everywhere to ennoble humanity.

It was not because it was proposed to establish a new nation, but because it was proposed to establish a nation on new principles, that July 4, 1776, has come to be regarded as one of the greatest days in history. Great ideas do not burst upon the world unannounced. They are reached by a gradual development over a length of time usually proportionate to their importance. This is especially true of the principles laid down in the

Declaration of Independence. Three very definite propositions were set out in its preamble regarding the nature of mankind and therefore of government. These were the doctrine that all men are created equal, that they are endowed with certain inalienable rights, and that therefore the source of the just powers of government must be derived from the consent of the governed.

If no one is to be accounted as born into a superior station, if there is to be no ruling class, and if all possess rights which can neither be bartered away nor taken from them by any earthly power, it follows as a matter of course that the practical authority of the Government has to rest on the consent of the governed. While these principles were not altogether new in political action, and were very far from new in political speculation, they had never been assembled before and declared in such a combination. But remarkable as this may be, it is not the chief distinction of the Declaration of Independence. The importance of political speculation is not to be underestimated, as I shall presently disclose. Until the idea is developed and the plan made there can be no action.

It was the fact that our Declaration of Independence containing these immortal truths was the political action of a duly authorized and constituted representative public body in its sovereign capacity, supported by the force of general opinion and by the armies of Washington already in the field, which makes it the most important civil document in the world. It was not only the principles declared, but the fact that therewith a new nation was born which was to be founded upon those principles and which from that time forth in its development has actually maintained those principles, that makes this pronouncement an incomparable event in the history of government. It was an assertion that a people had arisen determined to make every necessary sacrifice for the support of these truths and by their practical application bring the War of Independence to a successful conclusion and adopt the Constitution of the United States with all that it has meant to civilization.

The idea that the people have a right to choose their own rulers was not new in political history. It was the foundation of every popular attempt to depose an undesirable king. This right was set out with a good deal of detail by the Dutch when as early as July 26, 1581, they declared their independence of Philip of Spain. In their long struggle with the Stuarts the British people asserted the same principles, which finally culminated in the Bill of Rights deposing the last of that house and placing William and Mary on the throne. In each of these cases sovereignty through divine right was

displaced by sovereignty through the consent of the people. Running through the same documents, though expressed in different terms, is the clear inference of inalienable rights. But we should search these charters in vain for an assertion of the doctrine of equality. This principle had not before appeared as an official political declaration of any nation. It was profoundly revolutionary. It is one of the corner stones of American institutions.

But if these truths to which the Declaration refers have not before been adopted in their combined entirety by national authority, it is a fact that they had been long pondered and often expressed in political speculation. It is generally assumed that French thought had some effect upon our public mind during Revolutionary days. This may have been true. But the principles of our Declaration had been under discussion in the Colonies for nearly two generations before the advent of the French political philosophy that characterized the middle of the eighteenth century. In fact, they come from an earlier date. A very positive echo of what the Dutch had done in 1581, and what the English were preparing to do, appears in the assertion of the Rev. Thomas Hooker, of Connecticut, as early as 1638, when he said in a sermon before the General Court that—

“The foundation of authority is laid in the free consent of the people.”

“The choice of public magistrates belongs unto the people by God’s own allowance.”

This doctrine found wide acceptance among the nonconformist clergy who later made up the Congregational Church. The great apostle of this movement was the Rev. John Wise, of Massachusetts. He was one of the leaders of the revolt against the royal governor Andros in 1687, for which he suffered imprisonment. He was a liberal in ecclesiastical controversies. He appears to have been familiar with the writings of the political scientist, Samuel Pufendorf, who was born in Saxony in 1632. Wise published a treatise, entitled “The Church’s Quarrel Espoused[,]” in 1710, which was amplified in another publication in 1717. In it he dealt with the principles of civil government. His works were reprinted in 1772 and have been declared to have been nothing less than a textbook of liberty for our Revolutionary fathers.

While the written word was the foundation, it is apparent that the spoken word was the vehicle for convincing the people. This came with great force and wide range from the successors of Hooker and Wise. It was carried on with a missionary spirit which did not fail to reach the Scotch-

Irish of North Carolina, showing its influence by significantly making that Colony the first to give instructions to its delegates looking to independence. This preaching reached the neighborhood of Thomas Jefferson, who acknowledged that his “best ideas of democracy” had been secured at church meetings.

That these ideas were prevalent in Virginia is further revealed by the Declaration of Rights, which was prepared by George Mason and presented to the general assembly on May 27, 1776. This document asserted popular sovereignty and inherent natural rights, but confined the doctrine of equality to the assertion that “All men are created equally free and independent.” It can scarcely be imagined that Jefferson was unacquainted with what had been done in his own Commonwealth of Virginia when he took up the task of drafting the Declaration of Independence. But these thoughts can very largely be traced back to what John Wise was writing in 1710. He said, “Every man must be acknowledged equal to [e]very man.” Again, “The end of all good government is to cultivate humanity and promote the happiness of all and the good of every man in all his rights, his life, liberty, estate, honor, and so forth. ...”

And again, “For as they have a power every man in his natural state, so upon combination they can and do bequeath this power to others and settle it according as their united discretion shall determine.” And still again, “Democracy is Christ’s government in church and state.” Here was the doctrine of equality, popular sovereignty, and the substance of the theory of inalienable rights clearly asserted by Wise at the opening of the eighteenth century, just as we have the principle of the consent of the governed state[d] by Hooker as early as 1638.

When we take all these circumstances into consideration, it is but natural that the first paragraph of the Declaration of Independence should open with a reference to Nature’s God and should close in the final paragraphs with an appeal to the Supreme Judge of the world and an assertion of a firm reliance on Divine Providence. Coming from these sources, having as it did this background, it is no wonder that Samuel Adams could say “The people seem to recognize this resolution as though it were a decree promulgated from heaven.”

No one can examine this record and escape the conclusion that in the great outline of its principles the Declaration was the result of the religious teachings of the preceding period. The profound philosophy which Jonathan Edwards applied to theology, the popular preaching of George

Whitefield, had aroused the thought and stirred the people of the Colonies in preparation for this great event. No doubt the speculations which had been going on in England, and especially on the Continent, lent their influence to the general sentiment of the times. Of course, the world is always influenced by all the experience and all the thought of the past. But when we come to a contemplation of the immediate conception of the principles of human relationship which went into the Declaration of Independence we are not required to extend our search beyond our own shores. They are found in the texts, the sermons, and the writings of the early colonial clergy who were earnestly undertaking to instruct their congregations in the great mystery of how to live. They preached equality because they believed in the fatherhood of God and the brotherhood of man. They justified freedom by the text that we are all created in the divine image, all partakers of the divine spirit.

Placing every man on a plane where he acknowledged no superiors, where no one possessed any right to rule over him, he must inevitably choose his own rulers through a system of self-government. This was their theory of democracy. In those days such doctrines would scarcely have been permitted to flourish and spread in any other country. This was the purpose which the fathers cherished. In order that they might have freedom to express these thoughts and opportunity to put them into action, whole congregations with their pastors had migrated to the Colonies. These great truths were in the air that our people breathed. Whatever else we may say of it, the Declaration of Independence was profoundly American.

If this apprehension of the facts be correct, and the documentary evidence would appear to verify it, then certain conclusions are bound to follow. A spring will cease to flow if its source be dried up; a tree will wither if its roots be destroyed. In its main features the Declaration of Independence is a great spiritual document. It is a declaration not of material but of spiritual conceptions. Equality, liberty, popular sovereignty, the rights of man — these are not elements which we can see and touch. They are ideals. They have their source and their roots in the religious convictions. They belong to the unseen world. Unless the faith of the American people in these religious convictions is to endure, the principles of our Declaration will perish. We can not continue to enjoy the result if we neglect and abandon the cause.

We are too prone to overlook another conclusion. Governments do not make ideals, but ideals make governments. This is both historically

and logically true. Of course the government can help to sustain ideals and can create institutions through which they can be the better observed, but their source by their very nature is in the people. The people have to bear their own responsibilities. There is no method by which that burden can be shifted to the government. It is not the enactment, but the observance of laws, that creates the character of a nation.

About the Declaration there is a finality that is exceedingly restful. It is often asserted that the world has made a great deal of progress since 1776, that we have had new thoughts and new experiences which have given us a great advance over the people of that day, and that we may therefore very well discard their conclusions for something more modern. But that reasoning can not be applied to this great charter. If all men are created equal, that is final. If they are endowed with inalienable rights, that is final. If governments derive their just powers from the consent of the governed, that is final. No advance, no progress can be made beyond these propositions. If anyone wishes to deny their truth or their soundness, the only direction in which he can proceed historically is not forward, but backward toward the time when there was no equality, no rights of the individual, no rule of the people. Those who wish to proceed in that direction can not lay claim to progress. They are reactionary. Their ideas are not more modern, but more ancient, than those of the Revolutionary fathers.

In the development of its institutions America can fairly claim that it has remained true to the principles which were declared 150 years ago. In all the essentials we have achieved an equality which was never possessed by any other people. Even in the less important matter of material possessions we have secured a wider and wider distribution of wealth. The rights of the individual are held sacred and protected by constitutional guaranties[,] which even the Government itself is bound not to violate. If there is any one thing among us that is established beyond question, it is self-government — the right of the people to rule. If there is any failure in respect to any of these principles, it is because there is a failure on the part of individuals to observe them. We hold that the duly authorized expression of the will of the people has a divine sanction. But even in that we come back to the theory of John Wise that "Democracy is Christ's government." The ultimate sanction of law rests on the righteous authority of the Almighty.

On an occasion like this [a] great temptation exists to present evidence of the practical success of our form of democratic republic at

home and the ever-broadening acceptance it is securing abroad. Although these things are well known, their frequent consideration is an encouragement and an inspiration. But it is not results and effects so much as sources and causes that I believe it is even more necessary constantly to contemplate. Ours is a government of the people. It represents their will. Its officers may sometimes go astray, but that is not a reason for criticizing the principles of our institutions. The real heart of the American Government depends upon the heart of the people. It is from that source that we must look for all genuine reform. It is to that cause that we must ascribe all our results.

It was in the contemplation of these truths that the fathers made their declaration and adopted their Constitution. It was to establish a free government, which must not be permitted to degenerate into the unrestrained authority of a mere majority or the unbridled weight of a mere influential few. They undertook the balance these interests against each other and provide the three separate independent branches, the executive, the legislative, and the judicial departments of the Government, with checks against each other in order that neither one might encroach upon the other. These are our guaranties of liberty. As a result of these methods enterprise has been duly protected from confiscation, the people have been free from oppression, and there has been an ever-broadening and deepening of the humanities of life.

Under a system of popular government there will always be those who will seek for political preferment by clamoring for reform. While there is very little of this which is not sincere, there is a large portion that is not well informed. In my opinion very little of just criticism can attach to the theories and principles of our institutions. There is far more danger of harm than there is hope of good in any radical changes. We do need a better understanding and comprehension of them and a better knowledge of the foundations of government in general. Our forefathers came to certain conclusions and decided upon certain courses of action which have been a great blessing to the world. Before we can understand their conclusions we must go back and review the course which they followed. We must think the thoughts which they thought. Their intellectual life centered around the meetinghouse. They were intent upon religious worship. While there were always among them men of deep learning, and later those who had comparatively large possessions, the mind of the people was not so much engrossed in how much they knew, or how much they had, as in how they were going to live. While scantily provided with

other literature, there was a wide acquaintance with the Scriptures. Over a period as great as that which measures the existence of our independence they were subject to this discipline not only in their religious life and educational training, but also in their political thought. They were a people who came under the influence of a great spiritual development and acquired a great moral power.

No other theory is adequate to explain or comprehend the Declaration of Independence. It is the product of the spiritual insight of the people. We live in an age of science and of abounding accumulation of material things. These did not create our Declaration. Our Declaration created them. The things of the spirit come first. Unless we cling to that, all our material prosperity, overwhelming though it may appear, will turn to a barren sceptre in our grasp. If we are to maintain the great heritage which has been bequeathed to us, we must be like-minded as the fathers who created it. We must not sink into a pagan materialism. We must cultivate the reverence which they had for the things that are holy. We must follow the spiritual and moral leadership which they showed. We must keep replenished, that they may glow with a more compelling flame, the altar fires before which they worshiped.

Document 43

Commonwealth Club Address

Franklin D. Roosevelt

September 23, 1932

In this 1932 presidential campaign speech, Roosevelt called on Americans to reassess what they expected of their government. With economic conditions worsening during the Great Depression, Roosevelt made the case for a new kind of social contract — one between the people and government, which would more effectively secure for American citizens the rights of life and property under the leadership of “enlightened administration.” Upon winning office Roosevelt saw his election as the people’s approval of the new social contract. In exchange he promised swift and, if necessary, unprecedented executive action to stabilize the economy, relieve Americans of grinding poverty and unemployment, and preserve the essence of democracy in the United States.

San Francisco, California

My Friends,

I count it a privilege to be invited to address the Commonwealth Club. It has stood in the life of this city and State, and it is perhaps accurate to add, the Nation, as a group of citizen leaders interested in fundamental problems of Government, and chiefly concerned with achievement of progress in Government through non-partisan means. The privilege of addressing you, therefore, in the heat of a political campaign, is great. I want to respond to your courtesy in terms consistent with your policy.

I want to speak not of politics but of Government. I want to speak not of parties, but of universal principles. They are not political, except in that larger sense in which a great American once expressed a definition of politics, that nothing in all of human life is foreign to the science of politics.

I do want to give you, however, a recollection of a long life spent for a large part in public office. Some of my conclusions and observations have

been deeply accentuated in these past few weeks. I have traveled far — from Albany to the Golden Gate. I have seen many people, and heard many things, and today, when in a sense my journey has reached the half-way mark, I am glad of the opportunity to discuss with you what it all means to me.

Sometimes, my friends, particularly in years such as these, the hand of discouragement falls upon us. It seems that things are in a rut, fixed, settled, that the world has grown old and tired and very much out of joint. This is the mood of depression, of dire and weary depression.

But then we look around us in America, and everything tells us that we are wrong. America is new. It is in the process of change and development. It has the great potentialities of youth, and particularly is this true of the great West, and of this coast, and of California.

I would not have you feel that I regard this as in any sense a new community. I have traveled in many parts of the world, but never have I felt the arresting thought of the change and development more than here, where the old, mystic East would seem to be near to us, where the currents of life and thought and commerce of the whole world meet us. This factor alone is sufficient to cause man to stop and think of the deeper meaning of things, when he stands in this community.

But more than that, I appreciate that the membership of this club consists of men who are thinking in terms beyond the immediate present, beyond their own immediate tasks, beyond their own individual interests. I want to invite you, therefore, to consider with me in the large, some of the relationships of Government and economic life that go deeply into our daily lives, our happiness, our future and our security.

The issue of Government has always been whether individual men and women will have to serve some system of Government or economics, or whether a system of Government and economics exists to serve individual men and women. This question has persistently dominated the discussion of Government for many generations. On questions relating to these things men have differed, and for time immemorial it is probable that honest men will continue to differ.

The final word belongs to no man; yet we can still believe in change and in progress. Democracy, as a dear old friend of mine in Indiana, Meredith Nicholson, has called it, is a quest, a never-ending seeking for better things, and in the seeking for these things and the striving for them, there are many roads to follow. But, if we map the course of these roads, we find that there are only two general directions.

When we look about us, we are likely to forget how hard people have worked to win the privilege of government. The growth of the national Governments of Europe was a struggle for the development of a centralized force in the Nation, strong enough to impose peace upon ruling barons. In many instances the victory of the central Government, the creation of a strong central Government, was a haven of refuge to the individual. The people preferred the master far away to the exploitation and cruelty of the smaller master near at hand.

But the creators of national Government were perforce ruthless men. They were often cruel in their methods, but they did strive steadily toward something that society needed and very much wanted, a strong central State able to keep the peace, to stamp out civil war, to put the unruly nobleman in his place, and to permit the bulk of individuals to live safely. The man of ruthless force had his place in developing a pioneer country, just as he did in fixing the power of the central Government in the development of Nations. Society paid him well for his services and its development. When the development among the Nations of Europe, however, had been completed, ambition and ruthlessness, having served their term, tended to overstep their mark.

There came a growing feeling that Government was conducted for the benefit of a few who thrived unduly at the expense of all. The people sought a balancing — a limiting force. There came gradually, through town councils, trade guilds, national parliaments, by constitution and by popular participation and control, limitations on arbitrary power.

Another factor that tended to limit the power of those who ruled, was the rise of the ethical conception that a ruler bore a responsibility for the welfare of his subjects.

The American colonies were born in this struggle. The American Revolution was a turning point in it. After the Revolution the struggle continued and shaped itself in the public life of the country. There were those who because they had seen the confusion which attended the years of war for American independence surrendered to the belief that popular Government was essentially dangerous and essentially unworkable. They were honest people, my friends, and we cannot deny that their experience had warranted some measure of fear. The most brilliant, honest and able exponent of this point of view was Hamilton. He was too impatient of slow-moving methods. Fundamentally he believed that the safety of the republic lay in the autocratic strength of its Government, that the destiny of individuals was to serve that Government, and that fundamentally a

great and strong group of central institutions, guided by a small group of able and public spirited citizens, could best direct all Government.

But Mr. Jefferson, in the summer of 1776, after drafting the Declaration of Independence turned his mind to the same problem and took a different view. He did not deceive himself with outward forms. Government to him was a means to an end, not an end in itself; it might be either a refuge and a help or a threat and a danger, depending on the circumstances. We find him carefully analyzing the society for which he was to organize a Government. "We have no paupers. The great mass of our population is of laborers, our rich who cannot live without labor, either manual or professional, being few and of moderate wealth. Most of the laboring class possess property, cultivate their own lands, have families and from the demand for their labor, are enabled to exact from the rich and the competent such prices as enable them to feed abundantly, clothe above mere decency, to labor moderately and raise their families."

These people, he considered, had two sets of rights, those of "personal competency" and those involved in acquiring and possessing property. By "personal competency" he meant the right of free thinking, freedom of forming and expressing opinions, and freedom of personal living, each man according to his own lights. To insure the first set of rights, a Government must so order its functions as not to interfere with the individual. But even Jefferson realized that the exercise of the property rights might so interfere with the rights of the individual that the Government, without whose assistance the property rights could not exist, must intervene, not to destroy individualism, but to protect it.

You are familiar with the great political duel which followed; and how Hamilton, and his friends, building toward a dominant centralized power were at length defeated in the great election of 1800, by Mr. Jefferson's party. Out of that duel came the two parties, Republican and Democratic, as we know them today.

So began, in American political life, the new day, the day of the individual against the system, the day in which individualism was made the great watchword of American life. The happiest of economic conditions made that day long and splendid. On the Western frontier, land was substantially free. No one, who did not shirk the task of earning a living, was entirely without opportunity to do so. Depressions could, and did, come and go; but they could not alter the fundamental fact that most of the people lived partly by selling their labor and partly by extracting their livelihood from the soil, so that starvation and dislocation were practically

impossible. At the very worst there was always the possibility of climbing into a covered wagon and moving west where the untilled prairies afforded a haven for men to whom the East did not provide a place. So great were our natural resources that we could offer this relief not only to our own people, but to the distressed of all the world; we could invite immigration from Europe, and welcome it with open arms. Traditionally, when a depression came a new section of land was opened in the West; and even our temporary misfortune served our manifest destiny.

It was in the middle of the nineteenth century that a new force was released and a new dream created. The force was what is called the industrial revolution, the advance of steam and machinery and the rise of the forerunners of the modern industrial plant. The dream was the dream of an economic machine, able to raise the standard of living for everyone; to bring luxury within the reach of the humblest; to annihilate distance by steam power and later by electricity, and to release everyone from the drudgery of the heaviest manual toil. It was to be expected that this would necessarily affect Government. Heretofore, Government had merely been called upon to produce conditions within which people could live happily, labor peacefully, and rest secure. Now it was called upon to aid in the consummation of this new dream. There was, however, a shadow over the dream. To be made real, it required use of the talents of men of tremendous will and tremendous ambition, since by no other force could the problems of financing and engineering and new developments be brought to a consummation.

So manifest were the advantages of the machine age, however, that the United States fearlessly, cheerfully, and, I think, rightly, accepted the bitter with the sweet. It was thought that no price was too high to pay for the advantages which we could draw from a finished industrial system. The history of the last half century is accordingly in large measure a history of a group of financial Titans, whose methods were not scrutinized with too much care, and who were honored in proportion as they produced the results, irrespective of the means they used. The financiers who pushed the railroads to the Pacific were always ruthless, often wasteful, and frequently corrupt; but they did build railroads, and we have them today. It has been estimated that the American investor paid for the American railway system more than three times over in the process; but despite this fact the net advantage was to the United States. As long as we had free land; as long as population was growing by leaps and bounds; as long as our industrial plants were insufficient to supply our own needs,

society chose to give the ambitious man free play and unlimited reward provided only that he produced the economic plant so much desired.

During this period of expansion, there was equal opportunity for all and the business of Government was not to interfere but to assist in the development of industry. This was done at the request of business men themselves. The tariff was originally imposed for the purpose of "fostering our infant industry," a phrase I think the older among you will remember as a political issue not so long ago. The railroads were subsidized, sometimes by grants of money, oftener by grants of land; some of the most valuable oil lands in the United States were granted to assist the financing of the railroad which pushed through the Southwest. A nascent merchant marine was assisted by grants of money, or by mail subsidies, so that our steam shipping might ply the seven seas. Some of my friends tell me that they do not want the Government in business. With this I agree; but I wonder whether they realize the implications of the past. For while it has been American doctrine that the Government must not go into business in competition with private enterprises, still it has been traditional, particularly in Republican administrations, for business urgently to ask the Government to put at private disposal all kinds of Government assistance. The same man who tells you that he does not want to see the Government interfere in business — and he means it, and has plenty of good reasons for saying so — is the first to go to Washington and ask the Government for a prohibitory tariff on his product. When things get just bad enough as they did two years ago, he will go with equal speed to the United States Government and ask for a loan; and the Reconstruction Finance Corporation is the outcome of it. Each group has sought protection from the Government for its own special interests, without realizing that the function of Government must be to favor no small group at the expense of its duty to protect the rights of personal freedom and of private property of all its citizens.

In retrospect we can now see that the turn of the tide came with the turn of the century. We were reaching our last frontier; there was no more free land and our industrial combinations had become great uncontrolled and irresponsible units of power within the State. Clear-sighted men saw with fear the danger that opportunity would no longer be equal; that the growing corporation, like the feudal baron of old, might threaten the economic freedom of individuals to earn a living. In that hour, our antitrust laws were born. The cry was raised against the great corporations. Theodore Roosevelt, the first great Republican Progressive, fought a

Presidential campaign on the issue of “trust busting” and talked freely about malefactors of great wealth. If the government had a policy it was rather to turn the clock back, to destroy the large combinations and to return to the time when every man owned his individual small business.

This was impossible; Theodore Roosevelt, abandoning the idea of “trust busting,” was forced to work out a difference between “good” trusts and “bad” trusts. The Supreme Court set forth the famous “rule of reason” by which it seems to have meant that a concentration of industrial power was permissible if the method by which it got its power, and the use it made of that power, were reasonable.

Woodrow Wilson, elected in 1912, saw the situation more clearly. Where Jefferson had feared the encroachment of political power on the lives of individuals, Wilson knew that the new power was financial. He saw, in the highly centralized economic system, the despot of the twentieth century, on whom great masses of individuals relied for their safety and their livelihood, and whose irresponsibility and greed (if they were not controlled) would reduce them to starvation and penury. The concentration of financial power had not proceeded so far in 1912 as it has today; but it had grown far enough for Mr. Wilson to realize fully its implications. It is interesting, now, to read his speeches. What is called “radical” today (and I have reason to know whereof I speak) is mild compared to the campaign of Mr. Wilson. “No man can deny,” he said, “that the lines of endeavor have more and more narrowed and stiffened; no man who knows anything about the development of industry in this country can have failed to observe that the larger kinds of credit are more and more difficult to obtain unless you obtain them upon terms of uniting your efforts with those who already control the industry of the country, and nobody can fail to observe that every man who tries to set himself up in competition with any process of manufacture which has taken place under the control of large combinations of capital will presently find himself either squeezed out or obliged to sell and allow himself to be absorbed.” Had there been no World War — had Mr. Wilson been able to devote eight years to domestic instead of to international affairs — we might have had a wholly different situation at the present time. However, the then distant roar of European cannon, growing ever louder, forced him to abandon the study of this issue. The problem he saw so clearly is left with us as a legacy; and no one of us on either side of the political controversy can deny that it is a matter of grave concern to the Government.

A glance at the situation today only too clearly indicates that equality of opportunity as we have known it no longer exists. Our industrial plant is built; the problem just now is whether under existing conditions it is not overbuilt. Our last frontier has long since been reached, and there is practically no more free land. More than half of our people do not live on the farms or on lands and cannot derive a living by cultivating their own property. There is no safety valve in the form of a Western prairie to which those thrown out of work by the Eastern economic machines can go for a new start. We are not able to invite the immigration from Europe to share our endless plenty. We are now providing a drab living for our own people.

Our system of constantly rising tariffs has at last reacted against us to the point of closing our Canadian frontier on the north, our European markets on the east, many of our Latin-American markets to the south, and a goodly proportion of our Pacific markets on the west, through the retaliatory tariffs of those countries. It has forced many of our great industrial institutions which exported their surplus production to such countries, to establish plants in such countries, within the tariff walls. This has resulted in the reduction of the operation of their American plants, and opportunity for employment.

Just as freedom to farm has ceased, so also the opportunity in business has narrowed. It still is true that men can start small enterprises, trusting to native shrewdness and ability to keep abreast of competitors; but area after area has been preempted altogether by the great corporations, and even in the fields which still have no great concerns, the small man starts under a handicap. The unfeeling statistics of the past three decades show that the independent business man is running a losing race. Perhaps he is forced to the wall; perhaps he cannot command credit; perhaps he is "squeezed out," in Mr. Wilson's words, by highly organized corporate competitors, as your corner grocery man can tell you. Recently a careful study was made of the concentration of business in the United States. It showed that our economic life was dominated by some six hundred odd corporations who controlled two-thirds of American industry. Ten million small business men divided the other third. More striking still, it appeared that if the process of concentration goes on at the same rate, at the end of another century we shall have all American industry controlled by a dozen corporations, and run by perhaps a hundred men. Put plainly, we are steering a steady course toward economic oligarchy, if we are not there already.

Clearly, all this calls for a re-appraisal of values. A mere builder of more industrial plants, a creator of more railroad systems, an organizer of more corporations, is as likely to be a danger as a help. The day of the great promoter or the financial Titan, to whom we granted anything if only he would build, or develop, is over. Our task now is not discovery or exploitation of natural resources, or necessarily producing more goods. It is the soberer, less dramatic business of administering resources and plants already in hand, of seeking to reestablish foreign markets for our surplus production, of meeting the problem of underconsumption, of adjusting production to consumption, of distributing wealth and products more equitably, of adapting existing economic organizations to the service of the people. The day of enlightened administration has come.

Just as in older times the central Government was first a haven of refuge, and then a threat, so now in a closer economic system the central and ambitious financial unit is no longer a servant of national desire, but a danger. I would draw the parallel one step farther. We did not think because national Government had become a threat in the 18th century that therefore we should abandon the principle of national Government. Nor today should we abandon the principle of strong economic units called corporations, merely because their power is susceptible of easy abuse. In other times we dealt with the problem of an unduly ambitious central Government by modifying it gradually into a constitutional democratic Government. So today we are modifying and controlling our economic units.

As I see it, the task of Government in its relation to business is to assist the development of an economic declaration of rights, an economic constitutional order. This is the common task of statesman and business man. It is the minimum requirement of a more permanently safe order of things.

Happily, the times indicate that to create such an order not only is the proper policy of Government, but it is the only line of safety for our economic structures as well. We know, now, that these economic units cannot exist unless prosperity is uniform, that is, unless purchasing power is well distributed throughout every group in the Nation. That is why even the most selfish of corporations for its own interest would be glad to see wages restored and unemployment ended and to bring the Western farmer back to his accustomed level of prosperity and to assure a permanent safety to both groups. That is why some enlightened industries themselves endeavor to limit the freedom of action of each man and

business group within the industry in the common interest of all; why business men everywhere are asking a form of organization which will bring the scheme into balance, even though it may in some measure qualify the freedom of action of individual units within the business.

The exposition need not further be elaborated. It is brief and incomplete, but you will be able to expand it in terms of your own business or occupation without difficulty. I think everyone who has actually entered the economic struggle — which means everyone who was not born to safe wealth — knows in his own experience and his own life that we have now to apply the earlier concepts of American Government to the conditions of today.

The Declaration of Independence discusses the problem of Government in terms of a contract. Government is a relation of give and take, a contract, perforce, if we would follow the thinking out of which it grew. Under such a contract rulers were accorded power, and the people consented to that power on consideration that they be accorded certain rights. The task of statesmanship has always been the re-definition of these rights in terms of a changing and growing social order. New conditions impose new requirements upon Government and those who conduct Government.

I held, for example, in proceedings before me as Governor, the purpose of which was the removal of the Sheriff of New York, that under modern conditions it was not enough for a public official merely to evade the legal terms of official wrongdoing. He owned a positive duty as well. I said in substance that if he had acquired large sums of money, he was when accused required to explain the sources of such wealth. To that extent this wealth was colored with a public interest. I said that in financial matters, public servants should, even beyond private citizens, be held to a stern and uncompromising rectitude.

I feel that we are coming to a view through the drift of our legislation and our public thinking in the past quarter century that private economic power is, to enlarge an old phrase, a public trust as well. I hold that continued enjoyment of that power by any individual or group must depend upon the fulfillment of that trust. The men who have reached the summit of American business life know this best; happily, many of these urge the binding quality of this greater social contract.

The terms of that contract are as old as the Republic, and as new as the new economic order.

Every man has a right to life; and this means that he has also a right to make a comfortable living. He may by sloth or crime decline to exercise that right; but it may not be denied him. We have no actual famine or dearth; our industrial and agricultural mechanism can produce enough and to spare. Our Government formal and informal, political and economic, owes to everyone an avenue to possess himself of a portion of that plenty sufficient for his needs, through his own work.

Every man has a right to his own property; which means a right to be assured, to the fullest extent attainable, in the safety of his savings. By no other means can men carry the burdens of those parts of life which, in the nature of things, afford no chance of labor; childhood, sickness, old age. In all thought of property, this right is paramount; all other property rights must yield to it. If, in accord with this principle, we must restrict the operations of the speculator, the manipulator, even the financier, I believe we must accept the restriction as needful, not to hamper individualism but to protect it.

These two requirements must be satisfied, in the main, by the individuals who claim and hold control of the great industrial and financial combinations which dominate so large a part of our industrial life. They have undertaken to be, not business men, but princes of property. I am not prepared to say that the system which produces them is wrong. I am very clear that they must fearlessly and competently assume the responsibility which goes with the power. So many enlightened business men know this that the statement would be little more than a platitude, were it not for an added implication.

This implication is, briefly, that the responsible heads of finance and industry instead of acting each for himself, must work together to achieve the common end. They must, where necessary, sacrifice this or that private advantage; and in reciprocal self-denial must seek a general advantage. It is here that formal Government — political Government, if you choose — comes in. Whenever in the pursuit of this objective the lone wolf, the unethical competitor, the reckless promoter, the Ishmael or Insull whose hand is against every man's, declines to join in achieving an end recognized as being for the public welfare, and threatens to drag the industry back to a state of anarchy, the Government may properly be asked to apply restraint. Likewise, should the group ever use its collective power contrary to the public welfare, the Government must be swift to enter and protect the public interest.

The Government should assume the function of economic regulation only as a last resort, to be tried only when private initiative, inspired by high responsibility, with such assistance and balance as Government can give, has finally failed. As yet there has been no final failure, because there has been no attempt; and I decline to assume that this Nation is unable to meet the situation.

The final term of the high contract was for liberty and the pursuit of happiness. We have learned a great deal of both in the past century. We know that individual liberty and individual happiness mean nothing unless both are ordered in the sense that one man's meat is not another man's poison. We know that the old "rights of personal competency," the right to read, to think, to speak, to choose and live a mode of life, must be respected at all hazards. We know that liberty to do anything which deprives others of those elemental rights is outside the protection of any compact; and that Government in this regard is the maintenance of a balance, within which every individual may have a place if he will take it; in which every individual may find safety if he wishes it; in which every individual may attain such power as his ability permits, consistent with his assuming the accompanying responsibility.

All this is a long, slow talk. Nothing is more striking than the simple innocence of the men who insist, whenever an objective is present, on the prompt production of a patent scheme guaranteed to produce a result. Human endeavor is not so simple as that. Government includes the art of formulating a policy, and using the political technique to attain so much of that policy as will receive general support; persuading, leading, sacrificing, teaching always, because the greatest duty of a statesman is to educate. But in the matters of which I have spoken, we are learning rapidly, in a severe school. The lessons so learned must not be forgotten, even in the mental lethargy of a speculative upturn. We must build toward the time when a major depression cannot occur again; and if this means sacrificing the easy profits of inflationist booms, then let them go; and good riddance.

Faith in America, faith in our tradition of personal responsibility, faith in our institutions, faith in ourselves demand that we recognize the new terms of the old social contract. We shall fulfill them, as we fulfilled the obligation of the apparent Utopia which Jefferson imagined for us in 1776, and which Jefferson, Roosevelt and Wilson sought to bring to realization. We must do so, lest a rising tide of misery, engendered by our common failure, engulf us all. But failure is not an American habit; and in the strength of great hope we must all shoulder our common load.

Document 44

Speech on the Consequences of the Proposed New Deal

Herbert Hoover

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Abridged

In this rebuttal to Roosevelt's Commonwealth Club Address, President Hoover urged citizens to have faith in America's constitutional tradition and resist radical changes to the purpose and powers of government. Hoover consistently maintained that the American political and economic system was not the cause but the cure for the depression under which the nation then languished. Such downturns were the natural consequence of a free economic society, and recovery would be best achieved by remaining true to the principles of government that had made American prosperity and liberty possible for over a century and a half. Taken together, Hoover's and Roosevelt's speeches revealed two views of government and economic freedom that would inform American political debate throughout much of the 20th century.

Madison Square Garden, New York City

My fellow citizens, ...

This campaign is more than a contest between two men. It is more than a contest between two parties. It is a contest between two philosophies of government.

We are told by the opposition that we must have a change, that we must have a new deal. It is not the change that comes from normal development of national life to which I object or you object, but the proposal to alter the whole foundations of our national life which have been builded through generations of testing and struggle, and of the principles upon which we have made this Nation. The expressions of our opponents must refer to important changes in our economic and social system and our system of government; otherwise they would be nothing but vacuous words. And I realize that in this time of distress many of our

people are asking whether our social and economic system is incapable of that great primary function of providing security and comfort of life to all of the firesides of 25 million homes in America, whether our social system provides for the fundamental development and progress of our people, and whether our form of government is capable of originating and sustaining that security and progress.

This question is the basis upon which our opponents are appealing to the people in their fear and their distress. They are proposing changes and so-called new deals which would destroy the very foundations of the American system of life.

Our people should consider the primary facts before they come to the judgment — not merely through political agitation, the glitter of promise, and the discouragement of temporary hardships — whether they will support changes which radically affect the whole system which has been builded during these six generations of the toil of our fathers. They should not approach the question in the despair with which our opponents would clothe it.

Our economic system has received abnormal shocks during the last 3 years which have temporarily dislocated its normal functioning. These shocks have in a large sense come from without our borders, and I say to you that our system of government has enabled us to take such strong action as to prevent the disaster which would otherwise have come to this Nation. It has enabled us further to develop measures and programs which are now demonstrating their ability to bring about restoration and progress.

We must go deeper than platitudes and emotional appeals of the public platform in the campaign if we will penetrate to the full significance of the changes which our opponents are attempting to float upon the wave of distress and discontent from the difficulties through which we have passed. We can find what our opponents would do after searching the record of their appeals to discontent, to group and sectional interest. To find that, we must search for them in the legislative acts which they sponsored and passed in the Democratic-controlled House of Representatives in the last session of Congress. We must look into both the measures for which they voted and in which they were defeated. We must inquire whether or not the Presidential and Vice-Presidential candidates have disavowed those acts. If they have not, we must conclude that they form a portion and are a substantial indication of the profound changes in the new deal which is proposed.

And we must look still further than this as to what revolutionary changes have been proposed by the candidates themselves.

We must look into the type of leaders who are campaigning for the Democratic ticket, whose philosophies have been well known all their lives and whose demands for a change in the American system are frank and forceful. I can respect the sincerity of these men in their desire to change our form of government and our social and our economic system, though I shall do my best tonight to prove they are wrong. I refer particularly to Senator Norris, Senator La Follette, Senator Cutting, Senator Huey Long, Senator Wheeler, William Randolph Hearst, and other exponents of a social philosophy different from the traditional philosophies of the American people. Unless these men have felt assurance of support to their ideas they certainly would not be supporting these candidates and the Democratic Party. The zeal of these men indicates that they must have some sure confidence that they will have a voice in the administration of this Government.

I may say at once that the changes proposed from all these Democratic principals and their allies are of the most profound and penetrating character. If they are brought about, this will not be the America which we have known in the past.

Now, I may pause for a moment and examine the American system of government and of social and economic life which it is now proposed that we should alter. Our system is the product of our race and of our experience in building a Nation to heights unparalleled in the whole history of the world. It is a system peculiar to the American people. It differs essentially from all others in the world. It is an American system. It is rounded on the conception that only through ordered liberty, through freedom to the individual, and equal opportunity to the individual will his initiative and enterprise be summoned to spur the march of national progress.

It is by the maintenance of an equality of opportunity and therefore of a society absolutely fluid in the movement of its human particles that our individualism departs from the individualism of Europe. We resent class distinction because there can be no rise for the individual through the frozen strata of classes, and no stratification of classes can take place in a mass that is livened by the free rise of its human particles. Thus in our ideals the able and ambitious are able to rise constantly from the bottom to leadership in the community. We denounce any attempt to stir class feeling or class antagonisms in the United States.

This freedom of the individual creates of itself the necessity and the cheerful willingness of men to act cooperatively in a thousand ways and for every purpose as the occasion requires, and it permits such voluntary cooperations to be dissolved as soon as it has served its purpose and to be replaced by new voluntary associations for new purposes.

There has thus grown within us, to gigantic importance, a new conception. That is the conception of voluntary cooperation within the community; cooperation to perfect the social organizations; cooperation for the care of those in distress; cooperation for the advancement of knowledge, of scientific research, of education; cooperative action in a thousand directions for the advancement of economic life. This is self-government by the people outside of the Government. It is the most powerful development of individual freedom and equality of opportunity that has taken place in the century and a half since our fundamental institutions were founded.

It is in the further development of this cooperation and in a sense of its responsibility that we should find solution for many of the complex problems, and not by the extension of the Government into our economic and social life. The greatest function a government can perform is to build up that cooperation, and its most resolute action should be to deny the extension of bureaucracy. We have developed great agencies of cooperation by the assistance of the Government which do promote and protect the interests of individuals and the smaller units of business: the Federal Reserve System, in its strengthening and support of the smaller banks; the Farm Board, in its strengthening and support of the farm cooperatives; the home loan banks, in the mobilizing of building and loan associations and savings banks; the Federal land banks, in giving independence and strength to land mortgage associations; the great mobilization of relief to distress, the mobilization of business and industry in measures of recovery from this depression, and a score of other activities that are not socialism, and they are not the Government in business. They are the essence of protection to the development of free men. I wish to explore this point a little further. The primary conception of this whole American system is not the ordering of men but the cooperation of free men. It is rounded upon the conception of responsibility of the individual to the community, of the responsibility of local government to the State, of the State to the National Government.

I am exploring these questions because I propose to take up definite proposals of the opposition and test them with these realities in a few moments.

Now, our American system is rounded on a peculiar conception of self-government designed to maintain an equality of opportunity to the individual, and through decentralization it brings about and maintains these responsibilities. The centralization of government will undermine these responsibilities and will destroy the system itself.

Our Government differs from all previous conceptions, not only in the decentralization but also in the independence of the judicial arm of the Government.

Our Government is rounded on a conception that in times of great emergency, when forces are running beyond the control of individuals or cooperative action, beyond the control of local communities or the States, then the great reserve powers of the Federal Government should be brought into action to protect the people. But when these forces have ceased there must be a return to State, local, and individual responsibility.

The implacable march of scientific discovery with its train of new inventions presents every year new problems to government and new problems to the social order. Questions often arise whether, in the face of the growth of these new and gigantic tools, democracy can remain master in its own house and can preserve the fundamentals of our American system. I contend that it can, and I contend that this American system of ours has demonstrated its validity and superiority over any system yet invented by human mind. It has demonstrated it in the face of the greatest test of peacetime history — that is the emergency which we have passed in the last three years.

When the political and economic weakness of many nations of Europe, the result of the World War and its aftermath, finally culminated in the collapse of their institutions, the delicate adjustments of our economic and social and governmental life received a shock unparalleled in our history. No one knows that better than you of New York. No one knows its causes better than you. That the crisis was so great that many of the leading banks sought directly or indirectly to convert their assets into gold or its equivalent with the result that they practically ceased to function as credit institutions is known to you; that many of our citizens sought flight for their capital to other countries; that many of them attempted to hoard gold in large amounts you know. These were but

superficial indications of the flight of confidence and the belief that our Government could not overcome these forces.

Yet these forces were overcome — perhaps by narrow margins — and this demonstrates that our form of government has the capacity. It demonstrates what the courage of a nation can accomplish under the resolute leadership of the Republican Party. And I say the Republican Party because our opponents, before and during the crisis, proposed no constructive program, though some of their members patriotically supported ours for which they deserve on every occasion the applause of patriotism. Later on in the critical period, the Democratic House of Representatives did develop the real thought and ideas of the Democratic Party. They were so destructive that they had to be defeated. They did delay the healing of our wounds for months.

Now, in spite of all these obstructions we did succeed. Our form of government did prove itself equal to the task. We saved this Nation from a generation of chaos and degeneration; we preserved the savings, the insurance policies, gave a fighting chance to men to hold their homes. We saved the integrity of our Government and the honesty of the American dollar. And we installed measures which today are bringing back recovery. Employment, agriculture, and business — all of these show the steady, if slow, healing of an enormous wound.

As I left Washington, our Government departments communicated to me the fact that the October statistics on employment show that since the first day of July, the men returned to work in the United States exceed one million.

I therefore contend that the problem of today is to continue these measures and policies to restore the American system to its normal functioning, to repair the wounds it has received, to correct the weaknesses and evils which would defeat that system. To enter upon a series of deep changes now, to embark upon this inchoate new deal which has been propounded in this campaign would not only undermine and destroy our American system but it will delay for months and years the possibility of recovery. ...

Now, to go back to my major thesis — the thesis of the longer view. Before we enter into courses of deep-seated change and of the new deal, I would like you to consider what the results of this American system have been during the last 30 years — that is, a single generation. For if it can be demonstrated that by this means, our unequalled political, social, and economic system, we have secured a lift in the standards of living and the

diffusion of comfort and hope to men and women, the growth of equality of opportunity, the widening of all opportunity such as had never been seen in the history of the world, then we should not tamper with it and destroy it, but on the contrary we should restore it and, by its gradual improvement and perfection, foster it into new performance for our country and for our children.

Now, if we look back over the last generation we find that the number of our families and, therefore, our homes, has increased from about 16 to about 25 million, or 62 percent. In that time we have builded for them 15 million new and better homes. We have equipped 20 million out of these 25 million homes with electricity; thereby we have lifted infinite drudgery from women and men. The barriers of time and space have been swept away in this single generation. Life has been made freer, the intellectual vision of every individual has been expanded by the installation of 20 million telephones, 12 million radios, and the service of 20 million automobiles. Our cities have been made magnificent with beautiful buildings, parks, and playgrounds. Our countryside has been knit together with splendid roads. We have increased by 12 times the use of electrical power and thereby taken sweat from the backs of men. In the broad sweep real wages and purchasing power of men and women have steadily increased. New comforts have steadily come to them. The hours of labor have decreased, the 12-hour day has disappeared, even the 9-hour day has almost gone. We are now advocating the 5-day week. During this generation the portals of opportunity to our children have ever widened. While our population grew by but 62 percent, yet we have increased the number of children in high schools by 700 percent, and those in institutions of higher learning by 300 percent. With all our spending, we multiplied by six times the savings in our banks and in our building and loan associations. We multiplied by 1,200 percent the amount of our life insurance. With the enlargement of our leisure we have come to a fuller life; we have gained new visions of hope; we are more nearly realizing our national aspirations and giving increased scope to the creative power of every individual and expansion of every man's mind.

Now, our people in these 30 years have grown in the sense of social responsibility. There is profound progress in the relation of the employer to the employed. We have more nearly met with a full hand the most sacred obligation of man, that is, the responsibility of a man to his neighbor. Support to our schools, hospitals, and institutions for the care of

the afflicted surpassed in totals by billions the proportionate service in any period in any nation in the history of the world.

Now, three years ago there came a break in this progress. A break of the same type we have met 15 times in a century and yet have recovered from. But 18 months later came a further blow by the shocks transmitted to us from earthquakes of the collapse of nations throughout the world as the aftermath of the World War. The workings of this system of ours were dislocated. Businessmen and farmers suffered, and millions of men and women are out of jobs. Their distress is bitter. I do not seek to minimize it, but we may thank God that in view of the storm that we have met that 30 million still have jobs, and yet this does not distract our thoughts from the suffering of the 10 million.

But I ask you what has happened. This 30 years of incomparable improvement in the scale of living, of advance of comfort and intellectual life, of security, of inspiration, and ideals did not arise without right principles animating the American system which produced them. Shall that system be discarded because vote-seeking men appeal to distress and say that the machinery is all wrong and that it must be abandoned or tampered with? Is it not more sensible to realize the simple fact that some extraordinary force has been thrown into the mechanism which has temporarily deranged its operation? Is it not wiser to believe that the difficulty is not with the principles upon which our American system is founded and designed through all these generations of inheritance? Should not our purpose be to restore the normal working of that system which has brought to us such immeasurable gifts, and not to destroy it?

Now, in order to indicate to you that the proposals of our opponents will endanger or destroy our system, I propose to analyze a few of them in their relation to these fundamentals which I have stated.

First: A proposal of our opponents that would break down the American system is the expansion of governmental expenditure by yielding to sectional and group raids on the Public Treasury. The extension of governmental expenditures beyond the minimum limit necessary to conduct the proper functions of the Government enslaves men to work for the Government. If we combine the whole governmental expenditures — national, State, and municipal — we will find that before the World War each citizen worked, theoretically, 25 days out of each year for the Government. In 1924, he worked 46 days out of the year for the Government. Today he works, theoretically, for the support of all forms of Government 61 days out of the year.

No nation can conscript its citizens for this proportion of men's and women's time without national impoverishment and without the destruction of their liberties. Our Nation cannot do it without destruction to our whole conception of the American system. The Federal Government has been forced in this emergency to unusual expenditure, but in partial alleviation of these extraordinary and unusual expenditures the Republican administration has made a successful effort to reduce the ordinary running expenses of the Government. ...

Second: Another proposal of our opponents which would destroy the American system is that of inflation of the currency. The bill which passed the last session of the Democratic House called upon the Treasury of the United States to issue \$2,300 million in paper currency that would be unconvertible into solid values. Call it what you will, greenbacks or fiat money. It was the same nightmare which overhung our own country for years after the Civil War. ...

The use of this expedient by nations in difficulty since the war in Europe has been one of the most tragic disasters to equality of opportunity and the independence of man.

I quote from a revealing speech by Mr. Owen D. Young upon the return of the Dawes Commission from Europe. He stated:

"The currency of Germany was depreciating so rapidly that the industries paid their wages daily, and sometimes indeed twice a day. Standing with the lines of employees was another line of wives and mothers waiting for these marks. The wife grabbed the paper from her husband's hand and rushed to the nearest provision store to spend it quickly before the rapid depreciation had cut its purchasing power in two." ...

Third: In the last session of the Congress, under the personal leadership of the Democratic Vice-Presidential candidate, and their allies in the Senate, they enacted a law to extend the Government into personal banking business. I know it is always difficult to discuss banks. There seems to be much prejudice against some of them, but I was compelled to veto that bill out of fidelity to the whole American system of life and government. I may repeat a part of that veto message, and it remains unchallenged by any Democratic leader. I quote now from that veto message because that statement was not made in the heat of any political campaign. I said:

"It would mean loans against security for any conceivable purpose on any conceivable security to anybody who wants money. It would place the

Government in private business in such fashion as to violate the very principle of public relations upon which we have builded our Nation, and renders insecure its very foundations. Such action would make the Reconstruction Corporation the greatest banking and money-lending institution of all history. It would constitute a gigantic centralization of banking and finance to which the American people have been properly opposed over a hundred years. The purpose of the expansion is no longer in the spirit of solving a great major emergency but to establish a privilege whether it serves a great national end or not.”

I further said:

“It would require the setting up of a huge bureaucracy, to establish branches in every county and town in the United States. Every political pressure would be assembled for particular persons. It would be within the power of these agencies to dictate the welfare of millions of people, to discriminate between competitive business at will, and to deal favor and disaster among them. The organization would be constantly subjected to conspiracies and raids of predatory interests, individuals, and private corporations. Huge losses and great scandals must inevitably result. It would mean the squandering of public credit to be ultimately borne by the taxpayer.”

I stated further that:

“This proposal violates every sound principle of public finance and of our Government. Never before has so dangerous a suggestion been made to our country. Never before has so much power for evil been placed at the unlimited discretion of seven individuals.”

They failed to pass this bill over my veto. But you must not be deceived. This is still in their purposes as a part of the new deal, and no responsible candidate has yet disavowed it.

Fourth: Another proposal of our opponents which would wholly alter our American system of life is to reduce the protective tariff to a competitive tariff for revenue. ...

Fifth: Another proposal is that the Government go into the power business. ...

I have stated unceasingly that I am opposed to the Federal Government going into the power business. I have insisted upon rigid regulation. The Democratic candidate has declared that under the same conditions which may make local action of this character desirable, he is prepared to put the Federal Government into the power business. He is being actively supported by a score of Senators in this campaign, many of

whose expenses are being paid by the Democratic National Committee, who are pledged to Federal Government development and operation of electrical power.

I find in the instructions to the campaign speakers issued by the Democratic National Committee that they are instructed to criticize my action in the veto of the bill which would have put the Government permanently into the operation of power at Muscle Shoals. ... In that bill was the flat issue of the Federal Government permanently in competitive business. I vetoed it because of principle and not because it was especially applied to electrical power. In that veto I stated that I was firmly opposed to the Federal Government entering into any business, the major purpose of which is competition with our citizens except in major national emergencies. In that veto message, written long before the emergence of the exigencies of political campaigning, I stated:

“There are national emergencies which require that the Government should temporarily enter the field of business but that they must be emergency actions and in matters where the cost of the project is secondary to much higher consideration. There are many localities where the Federal Government is justified in the construction of great dams and reservoirs, where navigation, flood control, reclamation, or stream regulation are of dominant importance, and where they are beyond the capacity or purpose of private or local government capital to construct. In these cases, power is often a by product and should be disposed of by contract or lease. But for the Federal Government to deliberately go out to build up and expand such an occasion to the major purpose of a power and manufacturing business is to break down the initiative and enterprise of the American people; it is destruction of equality of opportunity among our people; it is the negation of the ideals upon which our civilization has been based. ...

“This bill would launch the Federal Government on a policy of ownership of power utilities upon a basis of competition instead of by the proper Government function of regulation for the protection of all the people. I hesitate to contemplate the future of our institutions, of our Government, and of our country, if the preoccupation of its officials is to be no longer the promotion of justice and equality of opportunity but is to be devoted to barter in the markets. That is not liberalism; it is degeneration.”

From their utterances in this campaign and elsewhere, it appears to me that we are justified in the conclusion that our opponents propose to put Federal Government extensively into business.

Sixth: I may cite another instance of absolutely destructive proposals to our American system by our opponents, and I am talking about fundamentals and not superficialities.

Recently there was circulated through the unemployed in this city and other cities, a letter from the Democratic candidate in which he stated that he would support measures for the inauguration of self-liquidating public works such as the utilization of water resources, flood control, land reclamation, to provide employment for all surplus labor at all times.

I especially emphasize that promise to promote "employment for all surplus labor at all times" — by the Government. I at first could not believe that anyone would be so cruel as to hold out a hope so absolutely impossible of realization to those 10 million who are unemployed and suffering. But the authenticity of that promise has been verified. And I protest against such frivolous promises being held out to a suffering people. It is easy to demonstrate that no such employment can be found. But the point that I wish to make here and now is the mental attitude and spirit of the Democratic Party that would lead them to attempt this or to make a promise to attempt it. That is another mark of the character of the new deal and the destructive changes which mean the total abandonment of every principle upon which this Government and this American system are rounded. If it were possible to give this employment to 10 million people by the Government — at the expense of the rest of the people — it would cost upwards of \$9 billion a year.

The stages of this destruction would be first the destruction of Government credit, then the destruction of the value of Government securities, the destruction of every fiduciary trust in our country, insurance policies and all. It would pull down the employment of those who are still at work by the high taxes and the demoralization of credit upon which their employment is dependent. It would mean the pulling and hauling of politics for projects and measures, the favoring of localities and sections and groups. It would mean the growth of a fearful bureaucracy which, once established, could never be dislodged. If it were possible, it would mean one-third of the electorate would have Government jobs, earnest to maintain this bureaucracy and to control the political destinies of the country. ...

I have said before, and I want to repeat on this occasion, that the only method by which we can stop the suffering and unemployment is by returning our people to their normal jobs in their normal homes, carrying on their normal functions of living. This can be done only by sound processes of protecting and stimulating recovery of the existing system upon which we have builded our progress thus far — preventing distress and giving such sound employment as we can find in the meantime.

Seventh: Recently, at Indianapolis, I called attention to the statement made by Governor Roosevelt in his address on October 25 with respect to the Supreme Court of the United States. He said:

“After March 4, 1929, the Republican Party was in complete control of all branches of the Government — Executive, Senate, and House, and I may add, for good measure, in order to make it complete, the Supreme Court as well.”

Now, I am not called upon to defend the Supreme Court of the United States from that slurring reflection. Fortunately for the American people that Court has jealously maintained over the years its high standard of integrity, impartiality, and freedom from influence of either the Executive or Congress, so that the confidence of the people in the Court is sound and unshaken.

But is the Democratic candidate really proposing his conception of the relation of the Executive with the Supreme Court? If that is his idea, he is proposing the most revolutionary new deal, the most stupendous breaking of precedent, the most destructive undermining of the very safeguard of our form of government yet proposed by any Presidential candidate.

Eighth: In order that we may get at the philosophical background of the mind which pronounces the necessity for profound change in our economic system and a new deal, I would call your attention to an address delivered by the Democratic candidate in San Francisco early in October.

He said:

“Our industrial plant is built. The problem just now is whether under existing conditions it is not overbuilt. Our last frontier has long since been reached. There is practically no more free land. There is no safety valve in the Western prairies where we can go for a new start. ... The mere building of more industrial plants, the organization of more corporations is as likely to be as much a danger as a help. ... Our task now is not the discovery of natural resources or necessarily the production of more goods, it is the sober, less dramatic business of administering the resources

and plants already in hand ... establishing markets for surplus production, of meeting the problem of under-consumption, distributing the wealth and products more equitably and adopting the economic organization to the service of the people. ...”

Now, there are many of these expressions with which no one would quarrel. But I do challenge the whole idea that we have ended the advance of America, that this country has reached the zenith of its power and the height of its development. That is the counsel of despair for the future of America. That is not the spirit by which we shall emerge from this depression. That is not the spirit which has made this country. If it is true, every American must abandon the road of countless progress and countless hopes and unlimited opportunity. I deny that the promise of American life has been fulfilled, for that means we have begun the decline and the fall. No nation can cease to move forward without degeneration of spirit.

I could quote from gentlemen who have emitted this same note of profound pessimism in each economic depression going back for 100 years. What the Governor has overlooked is the fact that we are yet but on the frontiers of development of science and of invention. I have only to remind you that discoveries in electricity, the internal-combustion engine, the radio — all of which have sprung into being since our land was settled — have in themselves represented the greatest advances made in America. This philosophy upon which the Governor of New York proposes to conduct the Presidency of the United States is the philosophy of stagnation and of despair. It is the end of hope. The destinies of this country cannot be dominated by that spirit in action. It would be the end of the American system.

I have recited to you some of the items in the progress of this last generation. Progress in that generation was not due to the opening up of new agricultural land; it was due to the scientific research, the opening of new invention, new flashes of light from the intelligence of our people. These brought the improvements in agriculture and in industry. There are a thousand inventions for comfort and the expansion of life yet in the lockers of science that have not yet come to light. We are only upon their frontiers. As for myself, I am confident that if we do not destroy our American system, if we continue to stimulate scientific research, if we continue to give it the impulse of initiative and enterprise, if we continue to build voluntary cooperation instead of financial concentration, if we continue to build into a system of free men, my children will enjoy the

same opportunity that has come to me and to the whole 120 million of my countrymen. I wish to see American Government conducted in that faith and hope.

Now, if these sample measures and promises, which I have discussed, or these failures to disavow these projects, this attitude of mind, mean anything, they mean the enormous expansion of the Federal Government; they mean the growth of bureaucracy such as we have never seen in our history. No man who has not occupied my position in Washington can fully realize the constant battle which must be carried on against incompetence, corruption, tyranny of government expanded into business activities. If we first examine the effect on our form of government of such a program, we come at once to the effect of the most gigantic increase in expenditure ever known in history. That alone would break down the savings, the wages, the equality of opportunity among our people. These measures would transfer vast responsibilities to the Federal Government from the States, the local governments, and the individuals. But that is not all; they would break down our form of government. It will crack the timbers of our Constitution. Our legislative bodies cannot delegate their authority to any dictator, but without such delegation every member of these bodies is impelled in representation of the interest of his constituents constantly to seek privilege and demand service in the use of such agencies. Every time the Federal Government extends its arm, 531 Senators and Congressmen become actual boards of directors of that business.

Capable men cannot be chosen by politics for all the various talents that business requires. Even if they were supermen, if there were no politics in the selection of a Government official, if there were no constant pressure for this and for that, so large a number of men would be incapable as a board of directors of any institution. At once when these extensions take place by the Federal Government, the authority and responsibility of State governments and institutions are undermined. Every enterprise of private business is at once halted to know what Federal action is going to be. It destroys initiative and courage. ...

Now, we have heard a great deal in this campaign about reactionaries, conservatives, progressives, liberals, and radicals. I think I belong to every group. I have not yet heard an attempt by any one of the orators who mouth these phrases to define the principles upon which they base these classifications. There is one thing I can say without any question of doubt — that is, that the spirit of liberalism is to create free men; it is not the

regimentation of men under government. It is not the extension of bureaucracy. I have said in this city before now that you cannot extend the mastery of government over the daily life of a people without somewhere making it master of people's souls and thoughts. Expansion of government in business and otherwise means that the government, in order to protect itself from the political consequences of its errors or even its successes, is driven irresistibly without peace to greater and greater control of the Nation's press and platform. Free speech does not live many hours after free industry and free commerce die. It is a false liberalism that interprets itself into Government operation of business. Every step in that direction poisons the very roots of liberalism. It poisons political equality, free speech, free press, and equality of opportunity. It is the road not to liberty but to less liberty. True liberalism is found not in striving to spread bureaucracy, but in striving to set bounds of it. It is found in an endeavor to extend cooperation between men. True liberalism seeks all legitimate freedom first in the confident belief that without such freedom the pursuit of other blessings is vain. Liberalism is a force truly of the spirit proceeding from the deep realization that economic freedom cannot be sacrificed if political freedom is to be preserved.

Even if the Government conduct of business could give us the maximum of efficiency instead of least efficiency, it would be purchased at the cost of freedom. It would increase rather than decrease abuse and corruption, stifle initiative and invention, undermine development of leadership, cripple mental and spiritual energies of our people, extinguish equality of opportunity, and dry up the spirit of liberty and progress. Men who are going about this country announcing that they are liberals because of their promises to extend the Government are not liberals; they are the reactionaries of the United States.

Now, I do not wish to be misquoted or misunderstood. I do not mean that our Government is to part with one iota of its national resources without complete protection to the public interest. I have already stated that democracy must remain master in its own house. I have stated that it is, at times, vitally necessary for the Government to protect the people when forces run against them which they cannot control. I have stated that abuse and wrongdoing must be punished and controlled. Nor do I wish to be interpreted as stating that the United States is a free-for-all and devil-take-the-hindmost society.

The very essence of equality of opportunity in our American system is that there shall be no monopoly or domination by anybody — whether it

be a group or section of the country, or whether it be business, or whether it be group interest. On the contrary, our American system demands economic justice as well as political and social justice; it is no system of *laissez faire*.

I am not setting up the contention that our American system is perfect. No human ideal has ever been perfectly attained, since humanity itself is not perfect. But the wisdom of our forefathers and the wisdom of the 30 men who have preceded me in this office hold to the conception that progress can be attained only as the sum of the accomplishments of free individuals, and they have held unalterably to these principles. ...

My countrymen, the proposals of our opponents represent a profound change in American life — less in concrete proposal, bad as that may be, than by implication and by evasion. Dominantly in their spirit they represent a radical departure from the foundations of 150 years which have made this the greatest Nation in the world. This election is not a mere shift from the ins to the outs. It means the determining of the course of our Nation over a century to come.

Now, my conception of America is a land where men and women may walk in ordered liberty, where they may enjoy the advantages of wealth not concentrated in the hands of a few but diffused through the opportunity of all, where they build and safeguard their homes, give to their children the full opportunities of American life, where every man shall be respected in the faith that his conscience and his heart direct him to follow, and where people secure in their liberty shall have leisure and impulse to seek a fuller life. That leads to the release of the energies of men and women, to the wider vision and higher hope. It leads to opportunity for greater and greater service not alone of man to man in our country but from our country to the world. It leads to health in body and a spirit unfettered, youthful, eager with a vision stretching beyond the farthest horizons with a mind open and sympathetic and generous. But that must be builded upon our experience with the past, upon the foundations which have made this country great. It must be the product of the development of our truly American system.

Document 45

1944 State of the Union Address

Franklin D. Roosevelt

January 11, 1944

After two years of war against Nazi Germany and Imperial Japan, President Roosevelt reminded Americans that continued national unity and sacrifice were necessary to see the war effort through to the end. But preserving victory, once achieved, would require more than just defeating foreign despots. Lasting security would require additional measures at home to prevent the emergence of despotism in the United States based on distinctions between economic classes. The rights proclaimed as self-evidently true by the founders, Roosevelt argued, had proved inadequate to provide equal opportunity and prosperity for all Americans at home. Convinced that there can be no freedom and no democracy without economic security for the people, Roosevelt called for a second Bill of Rights that would entitle Americans to a decent life and a basic level of security against unemployment and economic hardship.

To the Congress,

This Nation in the past two years has become an active partner in the world's greatest war against human slavery.

We have joined with like-minded people in order to defend ourselves in a world that has been gravely threatened with gangster rule.

But I do not think that any of us Americans can be content with mere survival. Sacrifices that we and our allies are making impose upon us all a sacred obligation to see to it that out of this war we and our children will gain something better than mere survival.

We are united in determination that this war shall not be followed by another interim which leads to new disaster — that we shall not repeat the tragic errors of ostrich isolationism — that we shall not repeat the excesses of the wild twenties when this Nation went for a joy ride on a roller coaster which ended in a tragic crash.

When Mr. Hull went to Moscow in October, and when I went to Cairo and Teheran in November, we knew that we were in agreement with our allies in our common determination to fight and win this war. But there were many vital questions concerning the future peace, and they were discussed in an atmosphere of complete candor and harmony.

In the last war such discussions, such meetings, did not even begin until the shooting had stopped and the delegates began to assemble at the peace table. There had been no previous opportunities for man-to-man discussions which lead to meetings of minds. The result was a peace which was not a peace.

That was a mistake which we are not repeating in this war.

And right here I want to address a word or two to some suspicious souls who are fearful that Mr. Hull or I have made "commitments" for the future which might pledge this Nation to secret treaties, or to enacting the role of Santa Claus.

To such suspicious souls — using a polite terminology — I wish to say that Mr. Churchill, and Marshal Stalin, and Generalissimo Chiang Kai-shek are all thoroughly conversant with the provisions of our Constitution. And so is Mr. Hull. And so am I.

Of course we made some commitments. We most certainly committed ourselves to very large and very specific military plans which require the use of all allied forces to bring about the defeat of our enemies at the earliest possible time.

But there were no secret treaties or political or financial commitments.

The one supreme objective for the future, which we discussed for each nation individually, and for all the United Nations, can be summed up in one word: Security.

And that means not only physical security which provides safety from attacks by aggressors. It means also economic security, social security, moral security — in a family of Nations.

In the plain down-to-earth talks that I had with the Generalissimo and Marshal Stalin and Prime Minister Churchill, it was abundantly clear that they are all most deeply interested in the resumption of peaceful progress by their own peoples — progress toward a better life. All our allies want freedom to develop their lands and resources, to build up industry, to increase education and individual opportunity, and to raise standards of living.

All our allies have learned by bitter experience that real development will not be possible if they are to be diverted from their purpose by repeated wars — or even threats of war.

China and Russia are truly united with Britain and America in recognition of this essential fact:

The best interests of each Nation, large and small, demand that all freedom-loving Nations shall join together in a just and durable system of peace. In the present world situation, evidenced by the actions of Germany, Italy, and Japan, unquestioned military control over disturbers of the peace is as necessary among Nations as it is among citizens in a community. And an equally basic essential to peace is a decent standard of living for all individual men and women and children in all Nations. Freedom from fear is eternally linked with freedom from want.

There are people who burrow through our Nation like unseeing moles, and attempt to spread the suspicion that if other Nations are encouraged to raise their standards of living, our own American standard of living must of necessity be depressed.

The fact is the very contrary. It has been shown time and again that if the standard of living of any country goes up, so does its purchasing power — and that such a rise encourages a better standard of living in neighboring countries with whom it trades. That is just plain common sense — and it is the kind of plain common sense that provided the basis for our discussions at Moscow, Cairo, and Teheran.

Returning from my journeyings, I must confess to a sense of “let-down” when I found many evidences of faulty perspective here in Washington. The faulty perspectives consists in overemphasizing lesser problems and thereby underemphasizing the first and greatest problem.

The overwhelming majority of our people have met the demands of this war with magnificent courage and understanding. They have accepted inconveniences; they have accepted hardships; they have accepted tragic sacrifices. And they are ready and eager to make whatever further contributions are needed to win the war as quickly as possible—if only they are given the chance to know what is required of them.

However, while the majority goes on about its great work without complaint, a noisy minority maintains an uproar of demands for special favors for special groups. There are pests who swarm through the lobbies of the Congress and the cocktail bars of Washington, representing these special groups as opposed to the basic interests of the Nation as a whole. They have come to look upon the war primarily as a chance to make

profits for themselves at the expense of their neighbors — profits in money or in terms of political or social preferment.

Such selfish agitation can be highly dangerous in wartime. It creates confusion. It damages morale. It hampers our national effort. It muddies the waters and therefore prolongs the war.

If we analyze American history impartially, we cannot escape the fact that in our past we have not always forgotten individual and selfish and partisan interests in time of war — we have not always been united in purpose and direction. We cannot overlook the serious dissensions and the lack of unity in our war of the Revolution, in our War of 1812, or in our War Between the States, when the survival of the Union itself was at stake.

In the First World War we came closer to national unity than in any previous war. But that war lasted only a year and a half, and increasing signs of disunity began to appear during the final months of the conflict.

In this war, we have been compelled to learn how interdependent upon each other are all groups and sections of the population of America.

Increased food costs, for example, will bring new demands for wage increases from all war workers which will in turn raise all prices of all things including those things which the farmers themselves have to buy. Increased wages or prices will each in turn produce the same results. They all have a particularly disastrous result on all fixed income groups.

And I hope you will remember that all of us in this Government represent the fixed income group just as much as we represent business owners, workers, and farmers. This group of fixed income people includes: teachers, clergy, policemen, firemen, widows and minors on fixed incomes, wives and dependents of our soldiers and sailors, and old-age pensioners. They and their families add up to one-quarter of our one hundred and thirty million people. They have few or no high pressure representatives at the Capitol. In a period of gross inflation they would be the worst sufferers.

If ever there was a time to subordinate individual or group selfishness to the national good, that time is now. Disunity at home — bickerings, self-seeking partisanship, stoppages of work, inflation, business as usual, politics as usual, luxury as usual [—] these are the influences which can undermine the morale of the brave men ready to die at the front for us here.

Those who are doing most of the complaining are not deliberately striving to sabotage the national war effort. They are laboring under the delusion that the time is past when we must make prodigious sacrifices —

that the war is already won and we can begin to slacken off. But the dangerous folly of that point of view can be measured by the distance that separates our troops from their ultimate objectives in Berlin and Tokyo — and by the sum of all the perils that lie along the way.

Overconfidence and complacency are among our deadliest enemies. Last spring — after notable victories at Stalingrad and in Tunisia and against the U-boats on the high seas — overconfidence became so pronounced that war production fell off. In two months, June and July, 1943, more than a thousand airplanes that could have been made and should have been made were not made. Those who failed to make them were not on strike. They were merely saying, “The war’s in the bag — so let’s relax.”

That attitude on the part of anyone — Government or management or labor — can lengthen this war. It can kill American boys.

Let us remember the lessons of 1918. In the summer of that year the tide turned in favor of the allies. But this Government did not relax. In fact, our national effort was stepped up. In August 1918, the draft age limits were broadened from 21 - 31 to 18 - 45. The President called for “force to the utmost,” and his call was heeded. And in November, only three months later, Germany surrendered.

That is the way to fight and win a war — all out — and not with half-an-eye on the battle fronts abroad and the other eye-and-a-half on personal, selfish, or political interests here at home.

Therefore, in order to concentrate all our energies and resources on winning the war, and to maintain a fair and stable economy at home, I recommend that the Congress adopt:

(1) A realistic tax law — which will tax all unreasonable profits, both individual and corporate, and reduce the ultimate cost of the war to our sons and daughters. The tax bill now under consideration by the Congress does not begin to meet this test.

(2) A continuation of the law for the renegotiation of war contracts — which will prevent exorbitant profits and assure fair prices to the Government. For two long years I have pleaded with the Congress to take undue profits out of war.

(3) A cost of food law — which will enable the Government (*a*) to place a reasonable floor under the prices the farmer may expect for his production; and (*b*) to place a ceiling on the prices a consumer will have to pay for the food he buys. This should apply to necessities only; and will

require public funds to carry out. It will cost in appropriations about one percent of the present annual cost of the war.

(4) Early reenactment of the stabilization statute of October 1942. This expires June 30, 1944, and if it is not extended well in advance, the country might just as well expect price chaos by summer.

We cannot have stabilization by wishful thinking. We must take positive action to maintain the integrity of the American dollar.

(5) A national service law — which, for the duration of the war, will prevent strikes, and, with certain appropriate exceptions, will make available for war production or for any other essential services every able-bodied adult in this Nation.

These five measures together form a just and equitable whole. I would not recommend a national service law unless the other laws were passed to keep down the cost of living, to share equitably the burdens of taxation, to hold the stabilization line, and to prevent undue profits.

The Federal Government already has the basic power to draft capital and property of all kinds for war purposes on a basis of just compensation.

As you know, I have for three years hesitated to recommend a national service act. Today, however, I am convinced of its necessity. Although I believe that we and our allies can win the war without such a measure, I am certain that nothing less than total mobilization of all our resources of manpower and capital will guarantee an earlier victory, and reduce the toll of suffering and sorrow and blood.

I have received a joint recommendation for this law from the heads of the War Department, the Navy Department, and the Maritime Commission. These are the men who bear responsibility for the procurement of the necessary arms and equipment, and for the successful prosecution of the war in the field. They say:

“When the very life of the Nation is in peril the responsibility for service is common to all men and women. In such a time there can be no discrimination between the men and women who are assigned by the Government to its defense at the battlefield and the men and women assigned to producing the vital materials essential to successful military operations. A prompt enactment of a National Service Law would be merely an expression of the universality of this responsibility.”

I believe the country will agree that those statements are the solemn truth.

National service is the most democratic way to wage a war. Like selective service for the armed forces, it rests on the obligation of each citizen to serve his nation to his utmost where he is best qualified.

It does not mean reduction in wages. It does not mean loss of retirement and seniority rights and benefits. It does not mean that any substantial numbers of war workers will be disturbed in their present jobs. Let these facts be wholly clear.

Experience in other democratic nations at war — Britain, Canada, Australia, and New Zealand — has shown that the very existence of national service makes unnecessary the widespread use of compulsory power. National service has proven to be a unifying moral force based on an equal and comprehensive legal obligation of all people in a nation at war.

There are millions of American men and women who are not in this war at all. It is not because they do not want to be in it. But they want to know where they can best do their share. National service provides that direction. It will be a means by which every man and woman can find that inner satisfaction which comes from making the fullest possible contribution to victory.

I know that all civilian war workers will be glad to be able to say many years hence to their grandchildren: "Yes, I, too, was in service in the great war. I was on duty in an airplane factory, and I helped make hundreds of fighting planes. The Government told me that in doing that I was performing my most useful work in the service of my country."

It is argued that we have passed the stage in the war where national service is necessary. But our soldiers and sailors know that this is not true. We are going forward on a long, rough road — and, in all journeys, the last miles are the hardest. And it is for that final effort — for the total defeat of our enemies — that we must mobilize our total resources. The national war program calls for the employment of more people in 1944 than in 1943.

It is my conviction that the American people will welcome this win-the-war measure which is based on the eternally just principle of "fair for one, fair for all."

It will give our people at home the assurance that they are standing four-square behind our soldiers and sailors. And it will give our enemies demoralizing assurance that we mean business — that we, 130,000,000 Americans, are on the march to Rome, Berlin, and Tokyo.

I hope that the Congress will recognize that, although this is a political year, national service is an issue which transcends politics. Great power must be used for great purposes.

As to the machinery for this measure, the Congress itself should determine its nature — but it should be wholly nonpartisan in its make-up.

Our armed forces are valiantly fulfilling their responsibilities to our country and our people. Now the Congress faces the responsibility for taking those measures which are essential to national security in this the most decisive phase of the Nation's greatest war.

Several alleged reasons have prevented the enactment of legislation which would preserve for our soldiers and sailors and marines the fundamental prerogative of citizenship — the right to vote. No amount of legalistic argument can becloud this issue in the eyes of these 10,000,000 American citizens. Surely the signers of the Constitution did not intend a document which, even in wartime, would be construed to take away the franchise of any of those who are fighting to preserve the Constitution itself.

Our soldiers and sailors and marines know that the overwhelming majority of them will be deprived of the opportunity to vote, if the voting machinery is left exclusively to the States under existing State laws — and that there is no likelihood of these laws being changed in time to enable them to vote at the next election. The Army and Navy have reported that it will be impossible effectively to administer forty-eight different soldier voting laws. It is the duty of the Congress to remove this unjustifiable discrimination against the men and women in our armed forces — and to do it as quickly as possible.

It is our duty now to begin to lay the plans and determine the strategy for the winning of a lasting peace and the establishment of an American standard of living higher than ever before known. We cannot be content, no matter how high that general standard of living may be, if some fraction of our people — whether it be one-third or one-fifth or one-tenth — is ill-fed, ill-clothed, ill[-]housed, and insecure.

This Republic had its beginning, and grew to its present strength, under the protection of certain inalienable political rights — among them the right of free speech, free press, free worship, trial by jury, freedom from unreasonable searches and seizures. They were our rights to life and liberty.

As our Nation has grown in size and stature, however — as our industrial economy expanded — these political rights proved inadequate to assure us equality in the pursuit of happiness.

We have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence. “Necessitous men are not free men.” People who are hungry and out of a job are the stuff of which dictatorships are made.

In our day these economic truths have become accepted as self-evident. We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all [—] regardless of station, race, or creed.

Among these are:

The right to a useful and remunerative job in the industries or shops or farms or mines of the Nation;

The right to earn enough to provide adequate food and clothing and recreation;

The right of every farmer to raise and sell his products at a return which will give him and his family a decent living;

The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;

The right of every family to a decent home;

The right to adequate medical care and the opportunity to achieve and enjoy good health;

The right to adequate protection from the economic fears of old age, sickness, accident, and unemployment;

The right to a good education.

All of these rights spell security. And after this war is won we must be prepared to move forward, in the implementation of these rights, to new goals of human happiness and well-being.

America’s own rightful place in the world depends in large part upon how fully these and similar rights have been carried into practice for our citizens. For unless there is security here at home there cannot be lasting peace in the world.

One of the great American industrialists of our day — a man who has rendered yeoman service to his country in this crisis — recently emphasized the grave dangers of “rightist reaction” in this Nation. All clear-thinking businessmen share his concern. Indeed, if such reaction should develop — if history were to repeat itself and we were to return to

the so-called “normalcy” of the 1920’s — then it is certain that even though we shall have conquered our enemies on the battlefields abroad, we shall have yielded to the spirit of Fascism here at home.

I ask the Congress to explore the means for implementing this economic bill of rights — for it is definitely the responsibility of the Congress so to do. Many of these problems are already before committees of the Congress in the form of proposed legislation. I shall from time to time communicate with the Congress with respect to these and further proposals. In the event that no adequate program of progress is evolved, I am certain that the Nation will be conscious of the fact.

Our fighting men abroad — and their families at home — expect such a program and have the right to insist upon it. It is to their demands that this Government should pay heed rather than to the whining demands of selfish pressure groups who seek to feather their nests while young Americans are dying.

The foreign policy that we have been following — the policy that guided us at Moscow, Cairo, and Teheran — is based on the common sense principle which was best expressed by Benjamin Franklin on July 4, 1776: “We must all hang together, or assuredly we shall all hang separately.”

I have often said that there are no two fronts for America in this war. There is only one front. There is one line of unity which extends from the hearts of the people at home to the men of our attacking forces in our farthest outposts. When we speak of our total effort, we speak of the factory and the field and the mine as well as of the battleground — we speak of the soldier and the civilian, the citizen and his Government.

Each and every one of us has a solemn obligation under God to serve this Nation in its most critical hour — to keep this Nation great — to make this Nation greater in a better world.

Document 46

The Long Telegram

George Kennan

February 22, 1946

Upon the end of World War II, relations between the United States and the U.S.S.R. (Union of Soviet Socialist Republics) rapidly cooled, and Americans were unsure of their former ally's future intentions. George Kennan, an American diplomat in Moscow, argued in this "Long Telegram" to the State Department that the Soviet Union must be taken seriously as a competitor for world influence and as a potential threat to long-term U.S. security interests. This insightful piece on the character of the Russian mind influenced American strategy for dealing with the Soviet Union throughout the Cold War, which ended with the dismantling of the U.S.S.R. in 1991.

Telegraphic Message from Moscow

Secret

Moscow via War

Rec'd 3:52 p.m.

Secretary of State, Washington

511, February 22, 9 p.m.

Answer to Dept's 284, Feb 3 involves questions so intricate, so delicate, so strange to our form of thought, and so important to analysis of our international environment that I cannot compress answers into single brief message without yielding to what I feel would be dangerous degree of over-simplification. I hope, therefore, Dept will bear with me if I submit in answer to this question five parts, subjects of which will be roughly as follows:

- (One) Basic features of post-war Soviet outlook.
- (Two) Background of this outlook
- (Three) Its projection in practical policy on official level.
- (Four) Its projection on unofficial level.

(Five) Practical deductions from standpoint of US policy.

I apologize in advance for this burdening of telegraphic channel; but questions involved are of such urgent importance, particularly in view of recent events, that our answers to them, if they deserve attention at all, seem to me to deserve it at once. THERE FOLLOWS PART ONE: BASIC FEATURES OF POST WAR SOVIET OUTLOOK, AS PUT FORWARD BY OFFICIAL PROPAGANDA MACHINE, ARE AS FOLLOWS:

(A) USSR still lives in antagonistic “capitalist encirclement” with which in the long run there can be no permanent peaceful coexistence. As stated by Stalin in 1927 to a delegation of American workers:

“In course of further development of international revolution there will emerge two centers of world significance: a socialist center, drawing to itself the countries which tend toward socialism, and a capitalist center, drawing to itself the countries that incline toward capitalism. Battle between these two centers for command of world economy will decide fate of capitalism and of communism in entire world.”

(B) Capitalist world is beset with internal conflicts, inherent in nature of capitalist society. These conflicts are insoluble by means of peaceful compromise. Greatest of them is that between England and US.

(C) Internal conflicts of capitalism inevitably generate wars. Wars thus generated may be of two kinds: intra-capitalist wars between two capitalist states, and wars of intervention against socialist world. Smart capitalists, vainly seeking escape from inner conflicts of capitalism, incline toward latter.

(D) Intervention against USSR, while it would be disastrous to those who undertook it, would cause renewed delay in progress of Soviet socialism and must therefore be forestalled at all costs.

(E) Conflicts between capitalist states, though likewise fraught with danger for USSR, nevertheless hold out great possibilities for advancement of socialist cause, particularly if USSR remains militarily powerful, ideologically monolithic and faithful to its present brilliant leadership.

(F) It must be borne in mind that capitalist world is not all bad. In addition to hopelessly reactionary and bourgeois elements, it includes (one) certain wholly enlightened and positive elements united in acceptable communistic parties and (two) certain other elements (now described for tactical reasons as progressive or democratic) whose reactions, aspirations and activities happen to be “objectively” favorable to

interests of USSR. These last must be encouraged and utilized for Soviet purposes.

(G) Among negative elements of bourgeois-capitalist society, most dangerous of all are those whom Lenin called false friends of the people, namely moderate-socialist or social-democratic leaders (in other words, non-[C]ommunist left-wing). These are more dangerous than out-and-out reactionaries, for latter at least march under their true colors, whereas moderate left-wing leaders confuse people by employing devices of socialism to serve interests of reactionary capital.

So much for premises. To what deductions do they lead from standpoint of Soviet policy? To following:

(A) Everything must be done to advance relative strength of USSR as factor in international society. Conversely, no opportunity must be missed to reduce strength and influence, collectively as well as individually, of capitalist powers.

(B) Soviet efforts, and those of Russia's friends abroad, must be directed toward deepening and exploiting of differences and conflicts between capitalist powers. If these eventually deepen into an "imperialist" war, this war must be turned into revolutionary upheavals within the various capitalist countries.

(C) "Democratic-progressive" elements abroad are to be utilized to maximum to bring pressure to bear on capitalist governments along lines agreeable to Soviet interests.

(D) Relentless battle must be waged against socialist and social-democratic leaders abroad.

PART TWO: BACKGROUND OF OUTLOOK

Before examining ramifications of this party line in practice there are certain aspects of it to which I wish to draw attention.

First, it does not represent natural outlook of Russian people. Latter are, by and large, friendly to outside world, eager for experience of it, eager to measure against it talents they are conscious of possessing, eager above all to live in peace and enjoy fruits of their own labor. Party line only represents thesis which official propaganda machine puts forward with great skill and persistence to a public often remarkably resistant in the stronghold of its innermost thoughts. But party line is binding for outlook and conduct of people who make up apparatus of power — party, secret police and Government — and it is exclusively with these that we have to deal.

Second, please note that premises on which this party line is based are for most part simply not true. Experience has shown that peaceful and mutually profitable coexistence of capitalist and socialist states is entirely possible. Basic internal conflicts in advanced countries are no longer primarily those arising out of capitalist ownership of means of production, but are ones arising from advanced urbanism and industrialism as such, which Russia has thus far been spared not by socialism but only by her own backwardness. Internal rivalries of capitalism do not always generate wars; and not all wars are attributable to this cause. To speak of possibility of intervention against USSR today, after elimination of Germany and Japan and after example of recent war, is sheerest nonsense. If not provoked by forces of intolerance and subversion "capitalist" world of today is quite capable of living at peace with itself and with Russia. Finally, no sane person has reason to doubt sincerity of moderate socialist leaders in [W]estern countries. Nor is it fair to deny success of their efforts to improve conditions for working population whenever, as in Scandinavia, they have been given chance to show what they could do.

Falseness of these premises, every one of which pre-dates recent war, was amply demonstrated by that conflict itself. Anglo-American differences did not turn out to be major differences of western world. Capitalist countries, other than those of Axis, showed no disposition to solve their differences by joining in crusade against USSR. Instead of imperialist war turning into civil wars and revolution, USSR found itself obliged to fight side by side with capitalist powers for an avowed community of aims.

Nevertheless, all these theses, however baseless and disproven, are being boldly put forward again today. What does this indicate? It indicates that Soviet party line is not based on any objective analysis of situation beyond Russia's borders; that it has, indeed, little to do with conditions outside of Russia; that it arises mainly from basic inner-Russian necessities which existed before recent war and exist today.

At bottom of Kremlin's neurotic view of world affairs is traditional and instinctive Russian sense of insecurity. Originally, this was insecurity of a peaceful agricultural people trying to live on vast exposed plain in neighborhood of fierce nomadic peoples. To this was added, as Russia came into contact with economically advanced [W]est, fear of more competent, more powerful, more highly organized societies in that area. But this latter type of insecurity was one which afflicted rather Russian rulers than Russian people; for Russian rulers have invariably sensed that

their rule was relatively archaic in form, fragile and artificial in its psychological foundation, unable to stand comparison or contact with political systems of [W]estern countries. For this reason they have always feared foreign penetration, feared direct contact between [W]estern world and their own, feared what would happen if Russians learned truth about world without or if foreigners learned truth about world within. And they have learned to seek security only in patient but deadly struggle for total destruction of rival power, never in compacts and compromises with it.

It was no coincidence that Marxism, which had smoldered ineffectively for half a century in Western Europe, caught hold and blazed for first time in Russia. Only in this land which had never known a friendly neighbor or indeed any tolerant equilibrium of separate powers, either internal or international, could a doctrine thrive which viewed economic conflicts of society as insoluble by peaceful means. After establishment of Bolshevik regime, Marxist dogma, rendered even more truculent and intolerant by Lenin's interpretation, became a perfect vehicle for sense of insecurity with which Bolsheviks, even more than previous Russian rulers, were afflicted. In this dogma, with its basic altruism of purpose, they found justification for their instinctive fear of outside world, for the dictatorship without which they did not know how to rule, for cruelties they did not dare not to inflict, for sacrifices they felt bound to demand. In the name of Marxism they sacrificed every single ethical value in their methods and tactics. Today they cannot dispense with it. It is fig leaf of their moral and intellectual respectability. Without it they would stand before history, at best, as only the last of that long succession of cruel and wasteful Russian rulers who have relentlessly forced country on to ever new heights of military power in order to guarantee external security of their internally weak regimes. This is why Soviet purposes must always be solemnly clothed in trappings of Marxism, and why no one should underrate importance of dogma in Soviet affairs. Thus Soviet leaders are driven [by?] necessities of their own past and present position to put forward a dogma which [apparent omission] outside world as evil, hostile and menacing, but as bearing within itself germs of creeping disease and destined to be wracked with growing internal convulsions until it is given final coup de grace by rising power of socialism and yields to new and better world. This thesis provides justification for that increase of military and police power of Russian state, for that isolation of Russian population from outside world, and for that fluid and constant pressure to extend limits of Russian police power which are together the natural and

instinctive urges of Russian rulers. Basically this is only the steady advance of uneasy Russian nationalism, a centuries old movement in which conceptions of offense and defense are inextricably confused. But in new guise of international Marxism, with its honeyed promises to a desperate and war torn outside world, it is more dangerous and insidious than ever before.

It should not be thought from above that Soviet party line is necessarily disingenuous and insincere on part of all those who put it forward[. M]any of them are too ignorant of outside world and mentally too dependent to question [apparent omission] self-hypnotism, and who have no difficulty making themselves believe what they find it comforting and convenient to believe. Finally we have the unsolved mystery as to who, if anyone, in this great land actually receives accurate and unbiased information about outside world. In atmosphere of oriental secretiveness and conspiracy which pervades this [G]overnment, possibilities for distorting or poisoning sources and currents of information are infinite. The very disrespect of Russians for objective truth — indeed, their disbelief in its existence — leads them to view all stated facts as instruments for furtherance of one ulterior purpose or another. There is good reason to suspect that this [G]overnment is actually a conspiracy within a conspiracy; and I for one am reluctant to believe that Stalin himself receives anything like an objective picture of outside world. Here there is ample scope for the type of subtle intrigue at which Russians are past masters. Inability of foreign governments to place their case squarely before Russian policy makers — extent to which they are delivered up in their relations with Russia to good graces of obscure and unknown advisors whom they never see and cannot influence — this to my mind is most disquieting feature of diplomacy in Moscow, and one which Western statesmen would do well to keep in mind if they would understand nature of difficulties encountered here.

PART THREE: PROJECTION OF SOVIET OUTLOOK IN PRACTICAL POLICY ON OFFICIAL LEVEL

We have now seen nature and background of Soviet program. What may we expect by way of its practical implementation?

Soviet policy, as Department implies in its query under reference, is conducted on two planes: (one) official plane represented by actions undertaken officially in name of Soviet Government; and (two) subterranean plane of actions undertaken by agencies for which Soviet Government does not admit responsibility.

Policy promulgated on both planes will be calculated to serve basic policies (A) to (D) outlined in part one. Actions taken on different planes will differ considerably, but will dovetail into each other in purpose, timing and effect.

On official plane we must look for following:

(A) Internal policy devoted to increasing in every way strength and prestige of Soviet state: intensive military-industrialization; maximum development of armed forces; great displays to impress outsiders; continued secretiveness about internal matters, designed to conceal weaknesses and to keep opponents in dark.

(B) Wherever it is considered timely and promising, efforts will be made to advance official limits of Soviet power. For the moment, these efforts are restricted to certain neighboring points conceived of here as being of immediate strategic necessity, such as Northern Iran, Turkey, possibly Bornholm. However, other points may at any time come into question, if and as concealed Soviet political power is extended to new areas. Thus a "friendly" Persian Government might be asked to grant Russia a port on Persian Gulf. Should Spain fall under [C]ommunist control, question of Soviet base at Gibraltar Strait might be activated. But such claims will appear on official level only when unofficial preparation is complete.

(C) Russians will participate officially in international organizations where they see opportunity of extending Soviet power or of inhibiting or diluting power of others. Moscow sees in UNO not the mechanism for a permanent and stable world society founded on mutual interest and aims of all nations, but an arena in which aims just mentioned can be favorably pursued. As long as UNO is considered here to serve this purpose, Soviets will remain with it. But if at any time they come to conclusion that it is serving to embarrass or frustrate their aims for power expansion and if they see better prospects for pursuit of these aims along other lines, they will not hesitate to abandon UNO. This would imply, however, that they felt themselves strong enough to split unity of other nations by their withdrawal, to render UNO ineffective as a threat to their aims or security, and to replace it with an international weapon more effective from their viewpoint. Thus Soviet attitude toward UNO will depend largely on loyalty of other nations to it, and on degree of vigor, decisiveness and cohesion with which those nations defend in UNO the peaceful and hopeful concept of international life, which that organization represents to our way of thinking. I reiterate, Moscow has no abstract devotion to UNO

ideals. Its attitude to that organization will remain essentially pragmatic and tactical.

(D) Toward colonial areas and backward or dependent peoples, Soviet policy, even on official plane, will be directed toward weakening of power and influence and contacts of advanced [W]estern nations, on theory that in so far as this policy is successful, there will be created a vacuum which will favor [C]ommunist-Soviet penetration. Soviet pressure for participation in trusteeship arrangements thus represents, in my opinion, a desire to be in a position to complicate and inhibit exertion of Western influence at such points rather than to provide major channel for exerting of Soviet power. Latter motive is not lacking, but for this Soviets prefer to rely on other channels than official trusteeship arrangements. Thus we may expect to find Soviets asking for admission everywhere to trusteeship or similar arrangements and using levers thus acquired to weaken [W]estern influence among such peoples.

(E) Russians will strive energetically to develop Soviet representation in, and official ties with, countries in which they sense strong possibilities of opposition to [W]estern centers of power. This applies to such widely separated points as Germany, Argentina, Middle Eastern countries, etc.

(F) In international economic matters, Soviet policy will really be dominated by pursuit of autarchy for Soviet Union and Soviet-dominated adjacent areas taken together. That, however, will be underlying policy. As far as official line is concerned, position is not yet clear. Soviet Government has shown strange reticence since termination hostilities on subject foreign trade. If large scale long term credits should be forthcoming, I believe Soviet Government may eventually again do lip service, as it did in [1930's] to desirability of building up international economic exchanges in general. Otherwise I think it possible Soviet foreign trade may be restricted largely to Soviets own security sphere, including occupied areas in Germany, and that a cold official shoulder may be turned to principle of general economic collaboration among nations.

(G) With respect to cultural collaboration, lip service will likewise be rendered to desirability of deepening cultural contacts between peoples, but this will not in practice be interpreted in any way which could weaken security position of Soviet peoples. Actual manifestations of Soviet policy in this respect will be restricted to arid channels of closely shepherded official visits and functions, with super-abundance of vodka and speeches and dearth of permanent effects.

(H) Beyond this, Soviet official relations will take what might be called “correct” course with individual foreign governments, with great stress being laid on prestige of Soviet Union and its representatives and with punctilious attention to protocol as distinct from good manners.

PART FOUR: FOLLOWING MAY BE SAID AS TO WHAT WE MAY EXPECT BY WAY OF IMPLEMENTATION OF BASIC SOVIET POLICIES ON UNOFFICIAL, OR SUBTERRANEAN PLANE, i.e. ON PLANE FOR WHICH SOVIET GOVERNMENT ACCEPTS NO RESPONSIBILITY

Agencies utilized for promulgation of policies on this plane are following:

One. Inner central core of Communist Parties in other countries. While many of persons who compose this category may also appear and act in unrelated public capacities, they are in reality working closely together as an underground operating directorate of world communism, a concealed Comintern tightly coordinated and directed by Moscow. It is important to remember that this inner core is actually working on underground lines, despite legality of parties with which it is associated.

Two. Rank and file of [C]ommunist [P]arties. Note distinction is drawn between those and persons defined in paragraph one. This distinction has become much sharper in recent years. Whereas formerly foreign [C]ommunist [P]arties represented a curious (and from Moscow’s standpoint often inconvenient) mixture of conspiracy and legitimate activity, now the conspiratorial element has been neatly concentrated in inner circle and ordered underground, while rank and file — no longer even taken into confidence about realities of movement — are thrust forward as bona fide internal partisans of certain political tendencies within their respective countries, genuinely innocent of conspiratorial connection with foreign states. Only in certain countries where communists are numerically strong do they now regularly appear and act as a body. As a rule they are used to penetrate, and to influence or dominate, as case may be, other organizations less likely to be suspected of being tools of Soviet Government, with a view to accomplishing their purposes through [apparent omission] organizations, rather than by direct action as a separate political party.

Three. A wide variety of national associations or bodies which can be dominated or influenced by such penetration. These include: labor unions, youth leagues, women’s organizations, racial societies, religious

societies, social organizations, cultural groups, liberal magazines, publishing houses, etc.

Four. International organizations which can be similarly penetrated through influence over various national components. Labor, youth and women's organizations are prominent among them. Particular, almost vital, importance is attached in this connection to international labor movement. In this, Moscow sees possibility of sidetracking western governments in world affairs and building up international lobby capable of compelling governments to take actions favorable to Soviet interests in various countries and of paralyzing actions disagreeable to USSR.

Five. Russian Orthodox Church, with its foreign branches, and through it the Eastern Orthodox Church in general.

Six. Pan-Slav movement and other movements (Azerbaijan, Armenian, Turcoman, etc.) based on racial groups within Soviet Union.

Seven. Governments or governing groups willing to lend themselves to Soviet purposes in one degree or another, such as present Bulgarian and Yugoslav [G]overnments, North Persian regime, Chinese Communists, etc. Not only propaganda machines but actual policies of these regimes can be placed extensively at disposal of USSR.

It may be expected that component parts of this far-flung apparatus will be utilized, in accordance with their individual suitability, as follows:

(A) To undermine general political and strategic potential of major western powers. Efforts will be made in such countries to disrupt national self confidence, to hamstring measures of national defense, to increase social and industrial unrest, to stimulate all forms of disunity. All persons with grievances, whether economic or racial, will be urged to seek redress not in mediation and compromise, but in defiant violent struggle for destruction of other elements of society. Here poor will be set against rich, black against white, young against old, newcomers against established residents, etc.

(B) On unofficial plane particularly violent efforts will be made to weaken power and influence of [W]estern [P]owers [on] colonial backward, or dependent peoples. On this level, no holds will be barred. Mistakes and weaknesses of western colonial administration will be mercilessly exposed and exploited. Liberal opinion in [W]estern countries will be mobilized to weaken colonial policies. Resentment among dependent peoples will be stimulated. And while latter are being encouraged to seek independence of [W]estern [P]owers, Soviet dominated puppet political machines will be undergoing preparation to

take over domestic power in respective colonial areas when independence is achieved.

(C) Where individual governments stand in path of Soviet purposes pressure will be brought for their removal from office. This can happen where governments directly oppose Soviet foreign policy aims (Turkey, Iran), where they seal their territories off against Communist penetration (Switzerland, Portugal), or where they compete too strongly, like Labor Government in England, for moral domination among elements which it is important for Communists to dominate. (Sometimes, two of these elements are present in a single case. Then Communist opposition becomes particularly shrill and savage.

(D) In foreign countries Communists will, as a rule, work toward destruction of all forms of personal independence, economic, political or moral. Their system can handle only individuals who have been brought into complete dependence on higher power. Thus, persons who are financially independent — such as individual businessmen, estate owners, successful farmers, artisans and all those who exercise local leadership or have local prestige, such as popular local clergymen or political figures, are anathema. It is not by chance that even in USSR local officials are kept constantly on move from one job to another, to prevent their taking [root.]

(E) Everything possible will be done to set major [W]estern [P]owers against each other. Anti-British talk will be plugged among Americans, anti-American talk among British. Continentals, including Germans, will be taught to abhor both Anglo-Saxon powers. Where suspicions exist, they will be fanned; where not, ignited. No effort will be spared to discredit and combat all efforts which threaten to lead to any sort of unity or cohesion among other [apparent omission] from which Russia might be excluded. Thus, all forms of international organization not amenable to [C]ommunist penetration and control, whether it be the Catholic [apparent omission] international economic concerns, or the international fraternity of royalty and aristocracy, must expect to find themselves under fire from many, and often [apparent omission]

(F) In general, all Soviet efforts on unofficial international plane will be negative and destructive in character, designed to tear down sources of strength beyond reach of Soviet control. This is only in line with basic Soviet instinct that there can be no compromise with rival power and that constructive work can start only when communist power is dominant. But behind all this will be applied insistent, unceasing pressure for penetration

and command of key positions in administration and especially in police apparatus of foreign countries. The Soviet regime is a police regime par excellence, reared in the dim half world of Tsarist police intrigue, accustomed to think primarily in terms of police power. This should never be lost sight of in gauging Soviet motives.

PART FIVE:

In summary, we have here a political force committed fanatically to the belief that with US there can be no permanent *modus vivendi*, that it is desirable and necessary that the internal harmony of our society be disrupted, our traditional way of life be destroyed, the international authority of our state be broken, if Soviet power is to be secure. This political force has complete power of disposition over energies of one of world's greatest peoples and resources of world's richest national territory, and is borne along by deep and powerful currents of Russian nationalism. In addition, it has an elaborate and far flung apparatus for exertion of its influence in other countries, an apparatus of amazing flexibility and versatility, managed by people whose experience and skill in underground methods are presumably without parallel in history. Finally, it is seemingly inaccessible to considerations of reality in its basic reactions. For it, the vast fund of objective fact about human society is not, as with us, the measure against which outlook is constantly being tested and re-formed, but a grab bag from which individual items are selected arbitrarily and tendenciously to bolster an outlook already preconceived. This is admittedly not a pleasant picture. Problem of how to cope with this force [is] undoubtedly greatest task our diplomacy has ever faced and probably greatest it will ever have to face. It should be point of departure from which our political general staff work at present juncture should proceed. It should be approached with same thoroughness and care as solution of major strategic problem in war, and if necessary, with no smaller outlay in planning effort. I cannot attempt to suggest all answers here. But I would like to record my conviction that problem is within our power to solve — and that without recourse to any general military conflict. And in support of this conviction there are certain observations of a more encouraging nature I should like to make:

(One) Soviet power, unlike that of Hitlerite Germany, is neither schematic nor adventuristic. It does not work by fixed plans. It does not take unnecessary risks. Impervious to logic of reason, and it is highly sensitive to logic of force. For this reason it can easily withdraw — and usually does — when strong resistance is encountered at any point. Thus,

if the adversary has sufficient force and makes clear his readiness to use it, he rarely has to do so. If situations are properly handled there need be no prestige engaging showdowns.

(Two) Gauged against [W]estern [W]orld as a whole, Soviets are still by far the weaker force. Thus, their success will really depend on degree of cohesion, firmness and vigor which Western World can muster. And this is factor which it is within our power to influence.

(Three) Success of Soviet system, as form of internal power, is not yet finally proven. It has yet to be demonstrated that it can survive supreme test of successive transfer of power from one individual or group to another. Lenin's death was first such transfer, and its effects wracked Soviet state for 15 years after Stalin's death or retirement will be second. But even this will not be final test. Soviet internal system will now be subjected, by virtue of recent territorial expansions, to series of additional strains which once proved severe tax on Tsardom. We here are convinced that never since termination of civil war have mass of Russian people been emotionally farther removed from doctrines of [C]ommunist [P]arty than they are today. In Russia, party has now become a great and — for the moment — highly successful apparatus of dictatorial administration, but it has ceased to be a source of emotional inspiration. Thus, internal soundness and permanence of movement need not yet be regarded as assured.

(Four) All Soviet propaganda beyond Soviet security sphere is basically negative and destructive. It should therefore be relatively easy to combat it by any intelligent and really constructive program.

For those reasons I think we may approach calmly and with good heart problem of how to deal with Russia. As to how this approach should be made, I only wish to advance, by way of conclusion, following comments:

(One) Our first step must be to apprehend, and recognize for what it is, the nature of the movement with which we are dealing. We must study it with same courage, detachment, objectivity, and same determination not to be emotionally provoked or unseated by it, with which doctor studies unruly and unreasonable individual.

(Two) We must see that our public is educated to realities of Russian situation. I cannot over-emphasize importance of this. Press cannot do this alone. It must be done mainly by [G]overnment, which is necessarily more experienced and better informed on practical problems involved. In this we need not be deterred by ugliness of picture. I am convinced that

there would be far less hysterical anti-Sovietism in our country today if realities of this situation were better understood by our people. There is nothing as dangerous or as terrifying as the unknown. It may also be argued that to reveal more information on our difficulties with Russia would reflect unfavorably on Russian American relations. I feel that if there is any real risk here involved, it is one which we should have courage to face, and sooner the better. But I cannot see what we would be risking. Our stake in this country, even coming on heels of tremendous demonstrations of our friendship for Russian people, is remarkably small. We have here no investments to guard, no actual trade to lose, virtually no citizens to protect, few cultural contacts to preserve. Our only stake lies in what we hope rather than what we have; and I am convinced we have better chance of realizing those hopes if our public is enlightened and if our dealings with Russians are placed entirely on realistic and matter of fact basis.

(Three) Much depends on health and vigor of our own society. World communism is like malignant parasite which feeds only on diseased tissue. This is point at which domestic and foreign policies meet. Every courageous and incisive measure to solve internal problems of our own society, to improve self confidence, discipline, morale and community spirit of our own people, is a diplomatic victory over Moscow worth a thousand diplomatic notes and joint communiqués. If we cannot abandon fatalism and indifference in face of deficiencies of our own society, Moscow will profit — Moscow cannot help profiting by them in its foreign policies.

(Four) We must formulate and put forward for other nations a much more positive and constructive picture of sort of world we would like to see than we have put forward in past. It is not enough to urge people to develop political processes similar to our own. Many foreign peoples, in Europe at least, are tired and frightened by experiences of past, and are less interested in abstract freedom than in security. They are seeking guidance rather than responsibilities. We should be better able than Russians to give them this. And unless we do, Russians certainly will.

(Five) Finally we must have courage and self-confidence to cling to our own methods and conceptions of human society. After all, the greatest danger that can befall us in coping with this problem of Soviet Communism, is that we shall allow ourselves to become like those with whom we are coping.

KENNAN

Document 47

Brown v. Board of Education of Topeka I and II

Supreme Court of the United States (347 U.S. 483)

1954 and 1955

Abridged

Since the Supreme Court's decision in Plessy v. Ferguson (see document 37), the doctrine of "separate but equal" legalized racial segregation in the United States. The Supreme Court finally rejected that doctrine in 1954 on the ground that segregated schools led to unequal educational opportunities for white and black students, which in turn had negative psychological effects on the self-image of black children. The end of legal segregation was cause for great hope and inspiration to Civil Rights leaders. When novelist Ralph Ellison heard the Court's decision he wrote, "Another battle of the Civil War has been won. ... What a wonderful world of possibilities are unfolded for the children!"

Brown v. Board of Education of Topeka I, May 17, 1954

Segregation of white and Negro children in the public schools of a State solely on the basis of race, pursuant to state laws permitting or requiring such segregation, denies to Negro children the equal protection of the laws guaranteed by the Fourteenth Amendment — even though the physical facilities and other “tangible” factors of white and Negro schools may be equal. (a) The history of the Fourteenth Amendment is inconclusive as to its intended effect on public education. (b) The question presented in these cases must be determined not on the basis of conditions existing when the Fourteenth Amendment was adopted, but in the light of the full development of public education and its present place in American life throughout the Nation. (c) Where a State has undertaken to provide an opportunity for an education in its public schools, such an opportunity is a right which must be made available to all on equal terms. (d) Segregation of children in public schools solely on the basis of race deprives children of the minority group of equal educational opportunities, even though the physical facilities and other “tangible”

factors may be equal. (e) The “separate but equal” doctrine adopted in *Plessy v. Ferguson*, 163 U.S. 537, has no place in the field of public education. (f) The cases are restored to the docket for further argument on specified questions relating to the forms of the decrees.

MR. CHIEF JUSTICE WARREN delivered the opinion of the Court.

These cases come to us from the States of Kansas, South Carolina, Virginia, and Delaware. They are premised on different facts and different local conditions, but a common legal question justifies their consideration together in this consolidated opinion.

In each of the cases, minors of the Negro race, through their legal representatives, seek the aid of the courts in obtaining admission to the public schools of their community on a nonsegregated basis. In each instance, they had been denied admission to schools attended by white children under laws requiring or permitting segregation according to race. This segregation was alleged to deprive the plaintiffs of the equal protection of the laws under the Fourteenth Amendment. In each of the cases other than the Delaware case, a three-judge federal district court denied relief to the plaintiffs on the so-called “separate but equal” doctrine announced by this Court in *Plessy v. Ferguson*, 163 U.S. 537. Under that doctrine, equality of treatment is accorded when the races are provided substantially equal facilities, even though these facilities be separate. ...

The plaintiffs contend that segregated public schools are not “equal” and cannot be made “equal,” and that hence they are deprived of the equal protection of the laws. ...

In the instant cases ... there are findings below that the Negro and white schools involved have been equalized, or are being equalized, with respect to buildings, curricula, qualifications and salaries of teachers, and other “tangible” factors. Our decision, therefore, cannot turn on merely a comparison of these tangible factors in the Negro and white schools involved in each of the cases. We must look instead to the effect of segregation itself on public education.

In approaching this problem, we cannot turn the clock back to 1868, when the Amendment was adopted, or even to 1896, when *Plessy v. Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great

expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

In *Sweatt v. Painter, supra*, in finding that a segregated law school for Negroes could not provide them equal educational opportunities, this Court relied in large part on "those qualities which are incapable of objective measurement but which make for greatness in a law school." In *McLaurin v. Oklahoma State Regents, supra*, the Court, in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations: "... his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession." Such considerations apply with added force to children in grade and high schools. To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone. The effect of this separation on their educational opportunities was well stated by a finding in the Kansas case by a court which nevertheless felt compelled to rule against the Negro plaintiffs: Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system. Whatever may have been the extent

of psychological knowledge at the time of *Plessy v. Ferguson*, this finding is amply supported by modern authority. Any language in *Plessy v. Ferguson* contrary to this finding is rejected.

We conclude that, in the field of public education, the doctrine of “separate but equal” has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment.

Because these are class actions, because of the wide applicability of this decision, and because of the great variety of local conditions, the formulation of decrees in these cases presents problems of considerable complexity. On reargument, the consideration of appropriate relief was necessarily subordinated to the primary question — the constitutionality of segregation in public education. We have now announced that such segregation is a denial of the equal protection of the laws. In order that we may have the full assistance of the parties in formulating decrees, the cases will be restored to the docket. ...

It is so ordered.

Brown v. Board of Education of Topeka II, May 31, 1955

MR. CHIEF JUSTICE WARREN delivered the opinion of the Court.

These cases were decided on May 17, 1954. The opinions of that date, declaring the fundamental principle that racial discrimination in public education is unconstitutional, are incorporated herein by reference. All provisions of federal, state, or local law requiring or permitting such discrimination must yield to this principle. There remains for consideration the manner in which relief is to be accorded. ...

Full implementation of these constitutional principles may require solution of varied local school problems. School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles. Because of their proximity to local conditions and the possible need for further hearings, the courts which originally

heard these cases can best perform this judicial appraisal. Accordingly, we believe it appropriate to remand the cases to those courts.

In fashioning and effectuating the decrees, the courts will be guided by equitable principles. Traditionally, equity has been characterized by a practical flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs. These cases call for the exercise of these traditional attributes of equity power. At stake is the personal interest of the plaintiffs in admission to public schools as soon as practicable on a nondiscriminatory basis. To effectuate this interest may call for elimination of a variety of obstacles in making the transition to school systems operated in accordance with the constitutional principles set forth in our May 17, 1954, decision. Courts of equity may properly take into account the public interest in the elimination of such obstacles in a systematic and effective manner. But it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them.

While giving weight to these public and private considerations, the courts will require that the defendants make a prompt and reasonable start toward full compliance with our May 17, 1954, ruling. Once such a start has been made, the courts may find that additional time is necessary to carry out the ruling in an effective manner. The burden rests upon the defendants to establish that such time is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date. To that end, the courts may consider problems related to administration, arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis, and revision of local laws and regulations which may be necessary in solving the foregoing problems. They will also consider the adequacy of any plans the defendants may propose to meet these problems and to effectuate a transition to a racially nondiscriminatory school system. During this period of transition, the courts will retain jurisdiction of these cases. ...

It is so ordered.

Document 48

"I Have a Dream" Speech

Martin Luther King, Jr.

August 28, 1963

In August of 1963, hundreds of thousands of Americans crowded before the Lincoln Memorial as part of the March on Washington for Jobs and Freedom. Near the end of the day, Dr. King, who had led many peaceful protests for civil rights in the face of deep-rooted prejudice and often brutally violent opposition, addressed the crowd and the nation with deeply moving words of justice. One hundred years after Abraham Lincoln had signed the Emancipation Proclamation, and nearly two hundred years since the Declaration of Independence, America had still not accomplished equal liberty for all. The time had come for America to finally live up to its creed, fulfill the promise of the American Founding, and make possible King's vision of a truly free and just society.

I am happy to join with you today in what will go down in history as the greatest demonstration for freedom in the history of our nation.

Five score years ago, a great American, in whose symbolic shadow we stand today, signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of their captivity.

But one hundred years later, the Negro still is not free; one hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination; one hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity; one hundred years later, the Negro is still languished in the corners of American society and finds himself in exile in his own land.

So we've come here today to dramatize a shameful condition. In a sense we've come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution

and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was the promise that all men, yes, black men as well as white men, would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness.

It is obvious today that America has defaulted on this promissory note in so far as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked "insufficient funds." But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. And so we've come to cash this check, a check that will give us upon demand the riches of freedom and the security of justice.

We have also come to this hallowed spot to remind America of the fierce urgency of now. This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make the real the promises of democracy; now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice; now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood; now is the time to make justice a reality for all of God's children. It would be fatal for the nation to overlook the urgency of the moment. This sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality.

Nineteen sixty-three is not an end, but a beginning. And those who hope that the Negro needed to blow off steam and will now be content, will have a rude awakening if the nation returns to business as usual. There will be neither rest nor tranquility in America until the Negro is granted his citizenship rights. The whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice emerges.

But there is something that I must say to my people, who stand on the worn threshold which leads into the palace of justice. In the process of gaining our rightful place, we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protests to degenerate into physical violence. Again and again we must rise to the majestic heights of meeting physical force with soul force. The marvelous new militancy, which has engulfed the Negro community, must not lead us to a distrust of all white people. For many of our white brothers, as

evidenced by their presence here today, have come to realize that their destiny is tied up with our destiny. And they have come to realize that their freedom is inextricably bound to our freedom. We cannot walk alone. And as we walk, we must make the pledge that we shall always march ahead. We cannot turn back.

There are those who are asking the devotees of Civil Rights, "When will you be satisfied?" We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality; we can never be satisfied as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities; we cannot be satisfied as long as the Negro's basic mobility is from a smaller ghetto to a larger one; we can never be satisfied as long as our children are stripped of their selfhood and robbed of their dignity by signs stating "For Whites Only"; we cannot be satisfied as long as the Negro in Mississippi cannot vote, and a Negro in New York believes he has nothing for which to vote. No! No, we are not satisfied, and we will not be satisfied until "justice rolls down like waters and righteousness like a mighty stream."

I am not unmindful that some of you have come here out of great trials and tribulations. Some of you have come fresh from narrow jail cells. Some of you have come from areas where your quest for freedom left you battered by the storms of persecution and staggered by the winds of police brutality. You have been the veterans of creative suffering. Continue to work with the faith that unearned suffering is redemptive. Go back to Mississippi. Go back to Alabama. Go back to South Carolina. Go back to Georgia. Go back to Louisiana. Go back to the slums and ghettos of our Northern cities, knowing that somehow this situation can and will be changed. Let us not wallow in the valley of despair.

I say to you today, my friends, so even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this nation will rise up and live out the true meaning of its creed, "We hold these truths to be self-evident, that all men are created equal." I have a dream that one day on the red hills of Georgia, sons of former slaves and the sons of former slaveowners will be able to sit down together at the table of brotherhood. I have a dream that one day even the state of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice. I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

I HAVE A DREAM TODAY!

I have a dream that one day down in Alabama — with its vicious racists, with its Governor having his lips dripping with the words of interposition and nullification — one day right there in Alabama, little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers.

I HAVE A DREAM TODAY!

I have a dream that one day every valley shall be exalted, and every hill and mountain shall be made low. The rough places will be plain and the crooked places will be made straight, "and the glory of the Lord shall be revealed, and all flesh shall see it together."

This is our hope. This is the faith that I go back to the South with. With this faith we will be able to hew out of the mountain of despair a stone of hope. With this faith we will be able to transform the jangling discords of our nation into a beautiful symphony of brother-hood. With this faith we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day. And this will be the day. This will be the day when all of God's children will be able to sing with new meaning, "My country 'tis of thee, sweet land of liberty, of thee I sing. Land where my father died, land of the pilgrim's pride, from every mountainside, let freedom ring." And if America is to be a great nation, this must become true.

So let freedom ring from the prodigious hilltops of New Hampshire; let freedom ring from the mighty mountains of New York; let freedom ring from the heightening Alleghenies of Pennsylvania; let freedom ring from the snow-capped Rockies of Colorado; let freedom ring from the curvaceous slopes of California. But not only that. Let freedom ring from Stone Mountain of Georgia; let freedom ring from Lookout Mountain of Tennessee; let freedom ring from every hill and mole hill of Mississippi. "From every mountainside, let freedom ring."

And when this happens, and when we allow freedom to ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual: "Free at last. Free at last. Thank God Almighty, we are free at last."

Document 49

"Great Society" Speech

Lyndon B. Johnson

May 22, 1964

New political and economic challenges in the 1960s caused some Americans to question the future direction of the country. "New Left" groups like Students for a Democratic Society feared that the American ideals of equality, democracy and progress had succumbed to civic indifference and corporate greed. President Johnson responded with this challenge for Americans to build the "Great Society." With the support of national leadership, economic opportunity would come to mean something more than success for some and failure for others. Beyond the mere pursuit of economic success, Americans would find meaning and purpose in life through greater educational and recreational opportunities. Johnson's vision of the "Great Society" was meant to uplift the American spirit at a time when citizens were especially anxious about Cold War developments and deepening U.S. involvement in Vietnam.

Commencement Speech at the University of Michigan

President Hatcher, Governor Romney, Senators McNamara and Hart, Congressmen Meader and Staebler, and other members of the fine Michigan delegation, members of the graduating class, my fellow Americans:

It is a great pleasure to be here today. This university has been coeducational since 1870, but I do not believe it was on the basis of your accomplishments that a Detroit high school girl said, "In choosing a college, you first have to decide whether you want a coeducational school or an educational school."

Well, we can find both here at Michigan, although perhaps at different hours.

I came out here today very anxious to meet the Michigan student whose father told a friend of mine that his son's education had been a real value. It stopped his mother from bragging about him.

I have come today from the turmoil of your Capital to the tranquility of your campus to speak about the future of your country.

The purpose of protecting the life of our Nation and preserving the liberty of our citizens is to pursue the happiness of our people. Our success in that pursuit is the test of our success as a Nation.

For a century we labored to settle and to subdue a continent. For half a century we called upon unbounded invention and untiring industry to create an order of plenty for all of our people.

The challenge of the next half century is whether we have the wisdom to use that wealth to enrich and elevate our national life, and to advance the quality of our American civilization.

Your imagination, your initiative, and your indignation will determine whether we build a society where progress is the servant of our needs, or a society where old values and new visions are buried under unbridled growth. For in your time we have the opportunity to move not only toward the rich society and the powerful society, but upward to the Great Society.

The Great Society rests on abundance and liberty for all. It demands an end to poverty and racial injustice, to which we are totally committed in our time. But that is just the beginning.

The Great Society is a place where every child can find knowledge to enrich his mind and to enlarge his talents. It is a place where leisure is a welcome chance to build and reflect, not a feared cause of boredom and restlessness. It is a place where the city of man serves not only the needs of the body and the demands of commerce but the desire for beauty and the hunger for community.

It is a place where man can renew contact with nature. It is a place which honors creation for its own sake and for what it adds to the understanding of the race. It is a place where men are more concerned with the quality of their goals than the quantity of their goods.

But most of all, the Great Society is not a safe harbor, a resting place, a final objective, a finished work. It is a challenge constantly renewed, beckoning us toward a destiny where the meaning of our lives matches the marvelous products of our labor.

So I want to talk to you today about three places where we begin to build the Great Society — in our cities, in our countryside, and in our classrooms.

Many of you will live to see the day, perhaps 50 years from now, when there will be 400 million Americans [—] four-fifths of them in urban areas. In the remainder of this century urban population will double, city land will double, and we will have to build homes, highways, and facilities equal to all those built since this country was first settled. So in the next 40 years we must rebuild the entire urban United States.

Aristotle said: "Men come together in cities in order to live, but they remain together in order to live the good life." It is harder and harder to live the good life in American cities today.

The catalog of ills is long: there is the decay of the centers and the despoiling of the suburbs. There is not enough housing for our people or transportation for our traffic. Open land is vanishing and old landmarks are violated.

Worst of all expansion is eroding the precious and time honored values of community with neighbors and communion with nature.

The loss of these values breeds loneliness and boredom and indifference.

Our society will never be great until our cities are great. Today the frontier of imagination and innovation is inside those cities and not beyond their borders.

New experiments are already going on. It will be the task of your generation to make the American city a place where future generations will come, not only to live but to live the good life.

I understand that if I stayed here tonight I would see that Michigan students are really doing their best to live the good life.

This is the place where the Peace Corps was started. It is inspiring to see how all of you, while you are in this country, are trying so hard to live at the level of the people.

A second place where we begin to build the Great Society is in our countryside. We have always prided ourselves on being not only America the strong and America the free, but America the beautiful. Today that beauty is in danger. The water we drink, the food we eat, the very air that we breathe, are threatened with pollution. Our parks are overcrowded, our seashores overburdened. Green fields and dense forests are disappearing.

A few years ago we were greatly concerned about the "Ugly American." Today we must act to prevent an ugly America.

For once the battle is lost, once our natural splendor is destroyed, it can never be recaptured. And once man can no longer walk with beauty or wonder at nature his spirit will wither and his sustenance be wasted.

A third place to build the Great Society is in the classrooms of America. There your children's lives will be shaped. Our society will not be great until every young mind is set free to scan the farthest reaches of thought and imagination. We are still far from that goal.

Today, 8 million adult Americans, more than the entire population of Michigan, have not finished 5 years of school. Nearly 20 million have not finished 8 years of school. Nearly 54 million — more than one-quarter of all America — have not even finished high school.

Each year more than 100,000 high school graduates, with proved ability, do not enter college because they cannot afford it. And if we cannot educate today's youth, what will we do in 1970 when elementary school enrollment will be 5 million greater than 1960? And high school enrollment will rise by 5 million. College enrollment will increase by more than 3 million.

In many places, classrooms are overcrowded and curricula are outdated. Most of our qualified teachers are underpaid, and many of our paid teachers are unqualified. So we must give every child a place to sit and a teacher to learn from. Poverty must not be a bar to learning, and learning must offer an escape from poverty.

But more classrooms and more teachers are not enough. We must seek an educational system which grows in excellence as it grows in size. This means better training for our teachers. It means preparing youth to enjoy their hours of leisure as well as their hours of labor. It means exploring new techniques of teaching, to find new ways to stimulate the love of learning and the capacity for creation.

These are three of the central issues of the Great Society. While our Government has many programs directed at those issues, I do not pretend that we have the full answer to those problems.

But I do promise this: We are going to assemble the best thought and the broadest knowledge from all over the world to find those answers for America. I intend to establish working groups to prepare a series of White House conferences and meetings — on the cities, on natural beauty, on the quality of education, and on other emerging challenges. And from these meetings and from this inspiration and from these studies we will begin to set our course toward the Great Society.

The solution to these problems does not rest on a massive program in Washington, nor can it rely solely on the strained resources of local authority. They require us to create new concepts of cooperation, a creative federalism, between the National Capital and the leaders of local communities.

Woodrow Wilson once wrote: "Every man sent out from his university should be a man of his Nation as well as a man of his time."

Within your lifetime powerful forces, already loosed, will take us toward a way of life beyond the realm of our experience, almost beyond the bounds of our imagination.

For better or for worse, your generation has been appointed by history to deal with those problems and to lead America toward a new age. You have the chance never before afforded to any people in any age. You can help build a society where the demands of morality, and the needs of the spirit, can be realized in the life of the Nation.

So, will you join in the battle to give every citizen the full equality which God enjoins and the law requires, whatever his belief, or race, or the color of his skin?

Will you join in the battle to give every citizen an escape from the crushing weight of poverty?

Will you join in the battle to make it possible for all nations to live in enduring peace — as neighbors and not as mortal enemies?

Will you join in the battle to build the Great Society, to prove that our material progress is only the foundation on which we will build a richer life of mind and spirit?

There are those timid souls who say this battle cannot be won; that we are condemned to a soulless wealth. I do not agree. We have the power to shape the civilization that we want. But we need your will, your labor, your hearts, if we are to build that kind of society.

Those who came to this land sought to build more than just a new country. They sought a new world. So I have come here today to your campus to say that you can make their vision our reality. So let us from this moment begin our work so that in the future men will look back and say: It was then, after a long and weary way, that man turned the exploits of his genius to the full enrichment of his life.

Thank you. Good-bye.

Document 50

“A Time for Choosing”

Ronald Reagan
October 27, 1964

Ronald Reagan had been a life-long Democrat and a supporter of Roosevelt’s New Deal policies, but chose to support Republican Barry Goldwater for President in 1964. In this speech, Reagan explains why he made the change. President Johnson’s Great Society policies, Reagan said, assumed that the people were incapable of self-government, and that therefore politicians and bureaucrats in Washington D.C. must have a greater role in deciding how Americans should live. This view taken to its extreme, Reagan argued, would extinguish the promise of liberty and self-government for Americans and the world. Without rejecting the potential good that government can accomplish, Reagan emphasized its fundamental duty to secure natural rights and protect the enjoyment of liberty. Reagan’s “A Time for Choosing” speech and Johnson’s “Great Society” presented two broad views of America’s purpose and future that continue to shape and influence political debate today.

Thank you very much. Thank you and good evening. The sponsor has been identified, but unlike most television programs, the performer hasn’t been provided with a script. As a matter of fact, I have been permitted to choose my own ideas regarding the choice that we face in the next few weeks.

I have spent most of my life as a Democrat. I recently have seen fit to follow another course. I believe that the issues confronting us cross party lines. Now, one side in this campaign has been telling us that the issues of this election are the maintenance of peace and prosperity. The line has been used “We’ve never had it so good.”

But I have an uncomfortable feeling that this prosperity isn’t something on which we can base our hopes for the future. No nation in history has ever survived a tax burden that reached a third of its national income. Today, 37 cents of every dollar earned in this country is the tax collector’s share, and yet our government continues to spend \$17 million a

day more than the government takes in. We haven't balanced our budget 28 out of the last 34 years. We have raised our debt limit three times in the last twelve months, and now our national debt is one and a half times bigger than all the combined debts of all the nations in the world. We have \$15 billion in gold in our treasury — we don't own an ounce. Foreign dollar claims are \$27.3 billion, and we have just had announced that the dollar of 1939 will now purchase 45 cents in its total value.

As for the peace that we would preserve, I wonder who among us would like to approach the wife or mother whose husband or son has died in South Vietnam and ask them if they think this is a peace that should be maintained indefinitely. Do they mean peace, or do they mean we just want to be left in peace? There can be no real peace while one American is dying some place in the world for the rest of us. We are at war with the most dangerous enemy that has ever faced mankind in his long climb from the swamp to the stars, and it has been said if we lose that war, and in doing so lose this way of freedom of ours, history will record with the greatest astonishment that those who had the most to lose did the least to prevent its happening. Well, I think it's time we ask ourselves if we still know the freedoms that were intended for us by the Founding Fathers.

Not too long ago two friends of mine were talking to a Cuban refugee, a businessman who had escaped from Castro, and in the midst of his story one of my friends turned to the other and said, "We don't know how lucky we are." And the Cuban stopped and said, "How lucky you are! I had someplace to escape to." In that sentence he told us the entire story. If we lose freedom here, there is no place to escape to. This is the last stand on Earth. And this idea that government is beholden to the people, that it has no other source of power except to sovereign people, is still the newest and most unique idea in all the long history of man's relation to man. This is the issue of this election. Whether we believe in our capacity for self-government or whether we abandon the American revolution and confess that a little intellectual elite in a far-distant capital can plan our lives for us better than we can plan them ourselves.

You and I are told increasingly that we have to choose between a left or right, but I would like to suggest that there is no such thing as a left or right. There is only an up or down — up to a man's age-old dream, the ultimate in individual freedom consistent with law and order — or down to the ant heap totalitarianism, and regardless of their sincerity, their humanitarian motives, those who would trade our freedom for security have embarked on this downward course.

In this vote-harvesting time, they use terms like the "Great Society," or as we were told a few days ago by the President, we must accept a "greater government activity in the affairs of the people." But they have been a little more explicit in the past and among themselves — and all of the things that I now will quote have appeared in print. These are not Republican accusations. For example, they have voices that say "the cold war will end through acceptance of a not undemocratic socialism." Another voice says that the profit motive has become outmoded, it must be replaced by the incentives of the welfare state; or our traditional system of individual freedom is incapable of solving the complex problems of the 20th century. Senator Fullbright has said at Stanford University that the Constitution is outmoded. He referred to the president as our moral teacher and our leader, and he said he is hobbled in his task by the restrictions in power imposed on him by this antiquated document. He must be freed so that he can do for us what he knows is best. And Senator Clark of Pennsylvania, another articulate spokesman, defines liberalism as "meeting the material needs of the masses through the full power of centralized government." Well, I for one resent it when a representative of the people refers to you and me — the free man and woman of this country — as "the masses." This is a term we haven't applied to ourselves in America. But beyond that, "the full power of centralized government" — this was the very thing the Founding Fathers sought to minimize. They knew that governments don't control things. A government can't control the economy without controlling people. And they know when a government sets out to do that, it must use force and coercion to achieve its purpose. They also knew, those Founding Fathers, that outside of its legitimate functions, government does nothing as well or as economically as the private sector of the economy.

Now, we have no better example of this than the government's involvement in the farm economy over the last 30 years. Since 1955, the cost of this program has nearly doubled. One-fourth of farming in America is responsible for 85% of the farm surplus. Three-fourths of farming is out on the free market and has known a 21% increase in the per capita consumption of all its produce. You see, that one-fourth of farming is regulated and controlled by the federal government. In the last three years we have spent \$43 in feed grain program for every bushel of corn we don't grow.

Senator Humphrey last week charged that Barry Goldwater as President would seek to eliminate farmers. He should do his homework a

little better, because he will find out that we have had a decline of 5 million in the farm population under these government programs. He will also find that the Democratic administration has sought to get from Congress an extension of the farm program to include that three-fourths that is now free. He will find that they have also asked for the right to imprison farmers who wouldn't keep books as prescribed by the federal government. The Secretary of Agriculture asked for the right to seize farms through condemnation and resell them to other individuals. And contained in that same program was a provision that would have allowed the federal government to remove 2 million farmers from the soil.

At the same time, there has been an increase in the Department of Agriculture employees. There is now one for every 30 farms in the United States, and still they can't tell us how 66 shiploads of grain headed for Austria disappeared without a trace and Billie Sol Estes never left shore.

Every responsible farmer and farm organization has repeatedly asked the government to free the farm economy, but who are farmers to know what is best for them? The wheat farmers voted against a wheat program. The government passed it anyway. Now the price of bread goes up; the price of wheat to the farmer goes down.

Meanwhile, back in the city, under urban renewal the assault on freedom carries on. Private property rights are so diluted that public interest is almost anything that a few government planners decide it should be. In a program that takes for the needy and gives to the greedy, we see such spectacles as in Cleveland, Ohio, a million-and-a-half-dollar building completed only three years ago must be destroyed to make way for what government officials call a "more compatible use of the land." The President tells us he is now going to start building public housing units in the thousands where heretofore we have only built them in the hundreds. But FHA and the Veterans Administration tell us that they have 120,000 housing units they've taken back through mortgage foreclosures. For three decades, we have sought to solve the problems of unemployment through government planning, and the more the plans fail, the more the planners plan. The latest is the Area Redevelopment Agency. They have just declared Rice County, Kansas, a depressed area. Rice County, Kansas, has two hundred oil wells, and the 14,000 people there have over \$30 million on deposit in personal savings in their banks. When the government tells you you're depressed, lie down and be depressed.

We have so many people who can't see a fat man standing beside a thin one without coming to the conclusion that the fat man got that way

by taking advantage of the thin one. So they are going to solve all the problems of human misery through government and government planning. Well, now, if government planning and welfare had the answer and they've had almost 30 years of it, shouldn't we expect government to almost read the score to us once in a while? Shouldn't they be telling us about the decline each year in the number of people needing help? The reduction in the need for public housing?

But the reverse is true. Each year the need grows greater, the program grows greater. We were told four years ago that 17 million people went to bed hungry each night. Well, that was probably true. They were all on a diet. But now we are told that 9.3 million families in this country are poverty-stricken on the basis of earning less than \$3,000 a year. Welfare spending is 10 times greater than in the dark depths of the Depression. We are spending \$45 billion on welfare. Now do a little arithmetic, and you will find that if we divided the \$45 billion up equally among those 9 million poor families, we would be able to give each family \$4,600 a year, and this added to their present income should eliminate poverty! Direct aid to the poor, however, is running only about \$600 per family. It would seem that someplace there must be some overhead.

So now we declare "war on poverty," or "you, too, can be a Bobby Baker!" Now, do they honestly expect us to believe that if we add \$1 billion to the \$45 million we are spending... one more program to the 30-odd we have — and remember, this new program doesn't replace any, it just duplicates existing programs — do they believe that poverty is suddenly going to disappear by magic? Well, in all fairness I should explain that there is one part of the new program that isn't duplicated. This is the youth feature. We are now going to solve the dropout problem, juvenile delinquency, by reinstituting something like the old CCC camps, and we are going to put our young people in camps, but again we do some arithmetic, and we find that we are going to spend each year just on room and board for each young person that we help \$4,700 a year! We can send them to Harvard for \$2,700! Don't get me wrong. I'm not suggesting that Harvard is the answer to juvenile delinquency.

But seriously, what are we doing to those we seek to help? Not too long ago, a judge called me here in Los Angeles. He told me of a young woman who had come before him for a divorce. She had six children, was pregnant with her seventh. Under his questioning, she revealed her husband was a laborer earning \$250 a month. She wanted a divorce so that she could get an \$80 raise. She is eligible for \$330 a month in the Aid to

Dependent Children Program. She got the idea from two women in her neighborhood who had already done that very thing.

Yet anytime you and I question the schemes of the do-gooders, we are denounced as being against their humanitarian goals. They say we are always "against" things, never "for" anything. Well, the trouble with our liberal friends is not that they are ignorant, but that they know so much that isn't so. We are for a provision that destitution should not follow unemployment by reason of old age, and to that end we have accepted Social Security as a step toward meeting the problem.

But we are against those entrusted with this program when they practice deception regarding its fiscal shortcomings, when they charge that any criticism of the program means that we want to end payments to those who depend on them for livelihood. They have called it insurance to us in a hundred million pieces of literature. But then they appeared before the Supreme Court and they testified that it was a welfare program. They only use the term "insurance" to sell it to the people. And they said Social Security dues are a tax for the general use of the government, and the government has used that tax. There is no fund, because Robert Byers, the actuarial head, appeared before a congressional committee and admitted that Social Security as of this moment is \$298 billion in the hole. But he said there should be no cause for worry because as long as they have the power to tax, they could always take away from the people whatever they needed to bail them out of trouble! And they are doing just that.

A young man, 21 years of age, working at an average salary ... his Social Security contribution would, in the open market, buy him an insurance policy that would guarantee \$220 a month at age 65. The government promises \$127. He could live it up until he is 31 and then take out a policy that would pay more than Social Security. Now, are we so lacking in business sense that we can't put this program on a sound basis so that people who do require those payments will find that they can get them when they are due ... that the cupboard isn't bare? Barry Goldwater thinks we can.

At the same time, can't we introduce voluntary features that would permit a citizen who can do better on his own to be excused upon presentation of evidence that he had made provisions for the non-earning years? Should we allow a widow with children to work, and not lose the benefits supposedly paid for by her deceased husband? Shouldn't you and I be allowed to declare who our beneficiaries will be under these programs, which we cannot do? I think we are for telling our senior citizens that no

one in this country should be denied medical care because of a lack of funds. But I think we are against forcing all citizens, regardless of need, into a compulsory government program, especially when we have such examples, as announced last week, when France admitted that their Medicare program was now bankrupt. They've come to the end of the road.

In addition, was Barry Goldwater so irresponsible when he suggested that our government give up its program of deliberate planned inflation so that when you do get your Social Security pension, a dollar will buy a dollar's worth, and not 45 cents' worth?

I think we are for an international organization, where the nations of the world can seek peace. But I think we are against subordinating American interests to an organization that has become so structurally unsound that today you can muster a two-thirds vote on the floor of the General Assembly among the nations that represent less than 10 percent of the world's population. I think we are against the hypocrisy of assailing our allies because here and there they cling to a colony, while we engage in a conspiracy of silence and never open our mouths about the millions of people enslaved in Soviet colonies in the satellite nation.

I think we are for aiding our allies by sharing of our material blessings with those nations which share in our fundamental beliefs, but we are against doling out money government to government, creating bureaucracy, if not socialism, all over the world. We set out to help 19 countries. We are helping 107. We spent \$146 billion. With that money, we bought a \$2 million yacht for Haile Selassie. We bought dress suits for Greek undertakers; extra wives for Kenyan government officials. We bought a thousand TV sets for a place where they have no electricity. In the last six years, 52 nations have bought \$7 billion worth of our gold, and all 52 are receiving foreign aid from this country.

No government ever voluntarily reduces itself in size. Government programs, once launched, never disappear. Actually, a government bureau is the nearest thing to eternal life we'll ever see on this Earth. Federal employees number 2.5 million, and federal, state, and local, one out of six of the nation's work force is employed by the government. These proliferating bureaus with their thousands of regulations have cost us many of our constitutional safeguards. How many of us realize that today federal agents can invade a man's property without a warrant? They can impose a fine without a formal hearing, let alone a trial by jury, and they can seize and sell his property in auction to enforce the payment of that

fine. In Chico County, Arkansas, James Wier overplanted his rice allotment. The government obtained a \$17,000 judgment, and a U.S. marshal sold his 950-acre farm at auction. The government said it was necessary as a warning to others to make the system work. Last February 19 at the University of Minnesota, Norman Thomas, six-time candidate for President on the Socialist Party ticket, said, "If Barry Goldwater became President, he would stop the advance of socialism in the United States." I think that's exactly what he will do.

As a former Democrat, I can tell you Norman Thomas isn't the only man who has drawn this parallel to socialism with the present administration. Back in 1936, Mr. Democrat himself, Al Smith, the great American, came before the American people and charged that the leadership of his party was taking the [party] of Jefferson, Jackson, and Cleveland down the road under the banners of Marx, Lenin, and Stalin. And he walked away from his party, and he never returned to the day he died, because to this day, the leadership of that party has been taking that party, that honorable party, down the road in the image of the labor socialist party of England. Now it doesn't require expropriation or confiscation of private property or business to impose socialism on a people. What does it mean whether you hold the deed or the title to your business or property if the government holds the power of life and death over that business or property? Such machinery already exists. The government can find some charge to bring against any concern it chooses to prosecute. Every businessman has his own tale of harassment. Somewhere a perversion has taken place. Our natural, inalienable rights are now considered to be a dispensation of government, and freedom has never been so fragile, so close to slipping from our grasp as it is at this moment. Our Democratic opponents seem unwilling to debate these issues. They want to make you and I believe that this is a contest between two men ... that we are to choose just between two personalities.

Well, what of this man that they would destroy? And in destroying, they would destroy that which he represents, the ideas that you and I hold dear. Is he the brash and shallow and trigger-happy man they say he is? Well, I have been privileged to know him "when." I knew him long before he ever dreamed of trying for high office, and I can tell you personally I have never known a man in my life I believe so incapable of doing a dishonest or dishonorable thing.

This is a man who in his own business, before he entered politics, instituted a profit-sharing plan, before unions had ever thought of it. He

put in health and medical insurance for all his employees. He took 50 percent of the profits before taxes and set up a retirement program, a pension plan for all his employees. He sent checks for life to an employee who was ill and couldn't work. He provided nursing care for the children of mothers who work in the stores. When Mexico was ravaged by floods from the Rio Grande, he climbed in his airplane and flew medicine and supplies down there.

An ex-GI told me how he met him. It was the week before Christmas during the Korean War, and he was at the Los Angeles airport trying to get a ride home to Arizona for Christmas, and he said that there were a lot of servicemen there and no seats available on the planes. Then a voice came over the loudspeaker and said, "Any men in uniform wanting a ride to Arizona, go to runway such-and-such," and they went down there, and there was this fellow named Barry Goldwater sitting in his plane. Every day in the weeks before Christmas, all day long, he would load up the plane, fly to Arizona, fly them to their homes, then fly back over to get another load.

During the hectic split-second timing of a campaign, this is a man who took time out to sit beside an old friend who was dying of cancer. His campaign managers were understandably impatient, but he said, "There aren't many left who care what happens to her. I'd like her to know I care." This is a man who said to his 19-year-old son, "There is no foundation like the rock of honesty and fairness, and when you begin to build your life upon that rock, with the cement of the faith in God that you have, then you have a real start." This is not a man who could carelessly send other people's sons to war. And that is the issue of this campaign that makes all of the other problems I have discussed academic, unless we realize that we are in a war that must be won.

Those who would trade our freedom for the soup kitchen of the welfare state have told us that they have a utopian solution of peace without victory. They call their policy "accommodation." And they say if we only avoid any direct confrontation with the enemy, he will forget his evil ways and learn to love us. All who oppose them are indicted as warmongers. They say we offer simple answers to complex problems. Well, perhaps there is a simple answer — not an easy answer — but simple.

If you and I have the courage to tell our elected officials that we want our national policy based upon what we know in our hearts is morally right. We cannot buy our security, our freedom from the threat of the bomb by committing an immorality so great as saying to a billion now in

slavery behind the Iron Curtain, "Give up your dreams of freedom because to save our own skin, we are willing to make a deal with your slave masters." Alexander Hamilton said, "A nation which can prefer disgrace to danger is prepared for a master, and deserves one." Let's set the record straight. There is no argument over the choice between peace and war, but there is only one guaranteed way you can have peace — and you can have it in the next second — surrender.

Admittedly there is a risk in any course we follow other than this, but every lesson in history tells us that the greater risk lies in appeasement, and this is the specter our well-meaning liberal friends refuse to face — that their policy of accommodation is appeasement, and it gives no choice between peace and war, only between fight and surrender. If we continue to accommodate, continue to back and retreat, eventually we have to face the final demand — the ultimatum. And what then? When Nikita Khrushchev has told his people he knows what our answer will be? He has told them that we are retreating under the pressure of the Cold War, and someday when the time comes to deliver the ultimatum, our surrender will be voluntary because by that time we will have weakened from within spiritually, morally, and economically. He believes this because from our side he has heard voices pleading for "peace at any price" or "better Red than dead," or as one commentator put it, he would rather "live on his knees than die on his feet." And therein lies the road to war, because those voices don't speak for the rest of us. You and I know and do not believe that life is so dear and peace so sweet as to be purchased at the price of chains and slavery. If nothing in life is worth dying for, when did this begin — just in the face of this enemy? Or should Moses have told the children of Israel to live in slavery under the pharaohs? Should Christ have refused the cross? Should the patriots at Concord Bridge have thrown down their guns and refused to fire the shot heard 'round the world? The martyrs of history were not fools, and our honored dead who gave their lives to stop the advance of the Nazis didn't die in vain. Where, then, is the road to peace? Well, it's a simple answer after all.

You and I have the courage to say to our enemies, "There is a price we will not pay." There is a point beyond which they must not advance. This is the meaning in the phrase of Barry Goldwater's "peace through strength." Winston Churchill said that "the destiny of man is not measured by material computation. When great forces are on the move in the world, we learn we are spirits — not animals." And he said, "There is something

going on in time and space, and beyond time and space, which, whether we like it or not, spells duty."

You and I have a rendezvous with destiny. We will preserve for our children this, the last best hope of man on Earth, or we will sentence them to take the last step into a thousand years of darkness.

We will keep in mind and remember that Barry Goldwater has faith in us. He has faith that you and I have the ability and the dignity and the right to make our own decisions and determine our own destiny.

Thank you very much.

Study Questions

For each of the Documents in this collection, we suggest below in section A questions relevant for that Document alone and in section B questions that require comparison between Documents.

1. Declaration of Independence (July 4, 1776)

A1: What does it mean for a people or nation to be independent?

A2: What is the original purpose of government, and why must it derive its powers from the consent of the governed to be just?

A3: What reasons does the Declaration of Independence give to justify political separation from Great Britain? What guidelines does the Declaration of Independence provide regarding when and how a people should engage in revolution?

B1: How do the principles of the Declaration of Independence influence Brutus's views on the Constitution in his second essay (Document 8)?

B2: What aspects of the Declaration of Independence are rejected by John C. Calhoun in his Speech on the Oregon Bill (Document 26) and Alexander Stephens in his Corner Stone Speech (Document 31)? What reasons do Calhoun and Stephens give for rejecting those aspects of the Declaration of Independence?

B3: In what ways do Abraham Lincoln's Gettysburg Address (Document 33) and Martin Luther King, Jr.'s "I Have a Dream" Speech (Document 48) point readers back to the original promises and purposes of the Declaration of Independence?

2. James Madison, Memorial and Remonstrance Against Religious Assessments (June 20, 1785)

A1: Why should everyone be free to choose their own religious beliefs and practices, according to Madison?

A2: What reasons does Madison give against government regulation of religious matters?

A3: What negative effects would the bill in question have on religion, law, and society?

B1: How do Madison's arguments for religious liberty compare with those in the Virginia Statute for Religious Freedom (Document 3)? Both the Statute and the Memorial and Remonstrance offer arguments from principle and practice. Do both documents appeal to the same principles? Do they see the same practical benefits from establishing religious liberty or the same harms from failing to do so?

B2: In his Letter to the Hebrew Congregation (Document 12), Washington wrote that "it is now no more that toleration is spoken of...". What is the difference between religious toleration and religious freedom, according to Washington and Madison?

B3: In his speech on amendments to the Constitution (Document 11), Madison suggested language guaranteeing the right of belief and worship, but also the rights of conscience. Are the rights of belief and worship different from the rights of conscience? Is it significant that the "rights of conscience" are not mentioned in the first amendment as adopted (Document 13)?

3. Thomas Jefferson, Virginia Statute for Religious Freedom (January 16, 1786)

A1: Why should religious establishments be prohibited according to Jefferson?

A2: Why should individuals not be compelled to support churches through taxes?

A3: Why should government refrain from dictating official religious opinions?

B1: Do Jefferson's views on religious freedom agree with those of James Madison in his Memorial and Remonstrance (Document 2)?

B2: In his speech on the 150th Anniversary of the Declaration of Independence (Document 42), Calvin Coolidge said that the Declaration of Independence "was the result of the religious teachings of the preceding [colonial] period" of American history. Would Jefferson have agreed with Coolidge that the Declaration of Independence was the result of colonial religious teachings?

B3: In his Farewell Address (Document 15), Washington argued that "religion and morality" were "indispensable supports" of political prosperity. If religion is necessary for the preservation of the republic, why should government be prohibited from supporting it? Is support for

religion the same thing as an establishment of religion? Would Jefferson have agreed that there should be public support for religion? How would he have argued against it?

4. James Madison, Notes of Debates in the Federal Convention of 1787 (1787)

A1: What reasons do delegates give for or against direct election of representatives in Congress by the people?

A2: Why do some delegates believe that the legislatures in each state should choose representatives in Congress?

A3: Why does Roger Sherman believe the people are “more happy” in small states, and why does James Madison disagree?

B1: How does the mode of selecting Representatives and Senators in the Constitution (Document 5) resolve the disagreement among delegates over how members of Congress should be elected?

B2: James Madison made his most complete case for a large republic in Federalist 10 (Document 9). How do his arguments in Federalist 10 support or differ from his arguments on June 6 at the Federal Convention?

B3: The Progressive Party Platform of 1912 (Document 40) calls for a constitutional amendment changing to the direct election of Senators. Would delegates at the Federal Convention of 1787 agree or disagree with this proposed amendment?

5. Constitution of the United States (September 17, 1787)

A1: What specific reasons for creating the Constitution are listed in the Preamble?

A2: What is the purpose of sections 8, 9, and 10 in Article I?

A3: What specific responsibilities of the President are listed in Article II?

A4: Which branch of government has the job of securing the United States against foreign threats according to the Constitution?

A5: What steps must be taken in order to amend the Constitution?

B1: What is the connection between the Declaration of Independence (Document 1) and the Constitution? In other words, how does the

Constitution fulfill the basic principles of government as expressed in the Declaration of Independence?

B2: What does the Bill of Rights (Document 13) add to the Constitution that it otherwise would have lacked?

B3: How does Lincoln understand the purpose of the Constitution as described in his Fragment on the Constitution and Union (Document 30)?

6. Brutus I (October 18, 1787)

A1: Why is ratification the most important question any people has ever had to decide?

A2: With which powers of the new government is Brutus especially concerned?

A3: Why does Brutus believe that a republic as large as the one proposed by the Constitution will lead to tyranny?

B1: In light of his concerns about a large republic with a distant centralized government, with which aspects of the original Constitution (Document 5) would Brutus disagree?

B2: On what points, if any, does Brutus agree with the arguments in *The Federalist* Nos. 1, 10, and 51 (Documents 7, 9, and 10)? More importantly, on what points do they disagree?

B3: How does Brutus expand upon, or add, to his argument as demonstrated in Brutus II (Document 8)?

7. Publius (Alexander Hamilton), *The Federalist* No. 1 (October 27, 1787)

A1: Why is it critically important for Americans to ratify the Constitution?

A2: If Americans fail to choose well in the ratification process, what will they have proven to the world and their posterity?

A3: Why does Hamilton expect strong opposition to the Constitution from some Americans?

B1: The Progressive Party Platform of 1912 (Document 40) calls for important changes to restore control of government and the Constitution to the people. In what ways is the argument of Progressives similar to or different from that of Publius in the first paragraph of *Federalist* No. 1?

B2: Publius remarks that it is up to Americans, by their conduct and example, to decide “the important question, whether societies of men are really capable or not, of establishing good government from reflection and choice.” Was Lyndon Johnson’s plan to call together experts to figure out what government programs will bring about the Great Society (Document 49) compatible with establishing good government by reflection and choice?

B3: Was Ronald Reagan (Document 50) speaking in the spirit of Publius when he criticized the Great Society in the name of the “dignity and right” of all Americans “to make our decisions and determine our own destiny”?

8. Brutus II (November 1, 1787)

A1: What are the ideas upon which the social compact is founded, according to Brutus?

A2: What is a state of nature and why do individuals leave it to establish civil government?

A3: Why is it necessary to provide guards against government tyranny?

A4: What kinds of rights ought to be protected or guaranteed by a bill of rights?

B1: Compare the reasons Brutus gives for a bill of rights with those offered by James Madison in his Speech on Amendments to the Constitution (Document 11). Do they offer similar or different arguments in favor of a bill of rights?

B2: Which rights in the Bill of Rights (Document 13) does Brutus call for in this letter?

B3: Brutus writes that the common good is the end of government, an idea echoed by Franklin Roosevelt in his Commonwealth Club Address (Document 43) and his 1944 State of the Union Address (Document 45). Would Brutus agree or disagree with the rights Roosevelt calls for in those speeches?

9. Publius (James Madison), The Federalist No. 10 (November 22, 1787)

A1: How does Madison define a faction?

A2: What two things may be done to eliminate the causes of faction, and why does Madison reject them?

A3: What aspects of a republic make it prone to faction, but less susceptible than a democracy?

A4: What advantages does a large republic have over a small one for preventing and controlling the effects of majority faction?

B1: How does Publius respond to Brutus's argument from Document 6 that "a free republic cannot succeed over a country of such immense extent, containing such a number of inhabitants"?

B2: What does George Washington say about "faction" in his Farewell Address (Document 15), and is Washington's view on factions the same as Madison's?

B3: In Theodore Roosevelt's New Nationalism Speech (Document 39) and The Progressive Party Platform of 1912 (Document 40), corporations and businesses are referred to as "special interests" that have colluded with politicians to corrupt democratic government. Are these "special interests" an example of faction as Madison understood the term?

10. Publius (James Madison), The Federalist No. 51 (February 6, 1788)

A1: What is the best way to keep the powers of government properly separated among the branches in practice?

A2: Why is framing a good government made difficult by human nature?

A3: What are the two possible sources of oppression and what remedies does Madison propose to prevent them?

B1: How do you think Brutus (Documents 6 and 8) would respond to Publius's understanding of human nature and the separation of powers?

B2: How do John C. Calhoun's views on preventing government tyranny in his Fort Hill Address (Document 23) agree or disagree with those of Publius?

B3: Would Publius agree or disagree with Theodore Roosevelt's calls for a strengthened executive and "broad and far-reaching nationalism" in the New Nationalism Speech (Document 39)?

11. James Madison, Speech on Amendments to the Constitution (June 8, 1789)

A1: What reasons does Madison give for introducing these amendments in Congress?

A2: What rights would be protected by the proposed amendments?

A3: What objections had other individuals made to a bill of rights, and with which objections does Madison agree or disagree?

B1: Would any of the Amendments proposed by Madison have changed the structure of the government or the powers granted to each branch in the Constitution (Document 5)?

B2: Would the amendments Madison proposes satisfy the concerns of Brutus in his second letter (Document 8)?

B3: Which amendments proposed by Madison make it into the Bill of Rights (Document 13), and which do not?

12. George Washington, Letter to the Hebrew Congregation at Newport (August 18, 1790)

A1: How does Washington describe the idea of religious toleration, and how is this different from religious liberty?

A2: Washington stated in his letter that the government of the United States required “only that those who live under its protection demean themselves as good citizens in giving it on all occasions their effectual support.” If someone objects to a law, such as the fugitive slave law, because of their religious convictions, are they justified in disobeying it?

A3: In the last two paragraphs, Washington concludes with two prayers. What is similar or different about the two prayers?

B1: In Federalist 10 (Document 9), Madison listed “a zeal for different opinions concerning religion” as one of the causes of faction sown in the nature of man. In a regime of religious liberty such as the one praised by Washington in this letter, will not religious factionalism have great freedom to express itself? Did this happen in American history? Does Madison’s argument in Federalist 10 explain how religious factionalism might be controlled or its bad effects moderated?

B2: Washington writes that equal “liberty of conscience” reveals an “enlarged and liberal policy” in America. In his letter to Roger Weightman (Document 21), Thomas Jefferson writes of how the Declaration of

Independence has restored “the free right to the unbounded exercise of reason and freedom of opinion.” How are equal liberty of conscience and the free exercise of reason and opinion related? Are they both necessary in order to have an “enlarged and liberal” society in America?

13. Bill of Rights (December 15, 1791)

A1: How many rights are guaranteed by the First Amendment, and what do those rights all have in common?

A2: What effect do the Ninth and Tenth Amendments have on the rights of the people and the powers of the state and national governments?

A3: Which rights listed in the Bill of Rights are intended to better protect life and liberty? Which rights are intended to better protect property?

B1: How many of the rights in the Bill of Rights are meant to remedy violations by the King of Great Britain listed in the Declaration of Independence (Document 1)?

B2: In his Speech on Amendments to the Constitution (Document 11) Madison calls for a bill of rights to be inserted before the Constitution’s Preamble. How is Madison’s understanding of a bill of rights different from what has come to be called the Bill of Rights by Americans?

B3: What does Franklin Roosevelt add to the Bill of Rights in his 1944 State of the Union Address (Document 45)? Are Roosevelt’s additions necessary to fulfill the original purposes of the Bill of Rights?

14. James Madison, “Property” (March 29, 1792)

A1: What two definitions of property does Madison offer in this editorial, and what do they have in common?

A2: Why is the protection of property in its ordinary material sense not enough to guarantee liberty?

A3: What kinds of things should government do or not do with regard to property?

B1: The right to property is not mentioned in The Declaration of Independence (Document 1). Does Madison’s understanding of property suggest that the right to property is implied in the Declaration of

Independence? If so, in what sense is property among the “unalienable rights” listed in the Declaration of Independence?

B2: In his First Inaugural Address (Document 16), how does Thomas Jefferson echo Madison’s essay on property?

B3: Progressives called for greater regulation of labor and wealth in the Progressive Party Platform of 1912 (Document 40), especially the sections on “Social and Industrial Justice” and “Business.” Would Progressive regulation protect or infringe upon the right to property as Madison understood it?

15. George Washington, Farewell Address (September 19, 1796)

A1: Why does Washington urge dedication by his fellow citizens to their government and each other?

A2: What might cause the “spirit of party” to arise in the United States and why should it be avoided?

A3: What advice does Washington offer for how the United States should deal with other nations?

B1: In his First Inaugural Address (Document 16), Thomas Jefferson offers some advice on how the United States should think of its role in the world and conduct its relations with other nations. To what extent does Jefferson’s advice agree or disagree with that of Washington in his Farewell Address?

B2: Which foreign policy vision is more in agreement with the principles expressed by Washington — that of the Monroe Doctrine (Document 19), or that of the Roosevelt Corollary to the Monroe Doctrine (Document 38)? In what ways do the Monroe Doctrine and the Roosevelt Corollary diverge from Washington’s advice?

B3: In the Webster-Hayne Debates (Document 22), the two Senators articulate different views of the Union and its importance. With which view would Washington most agree?

B4: Washington, in his Farewell Address, and Andrew Jackson, in his Proclamation Regarding Nullification (Document 25), both offer reasons in support of maintaining the Union. Do their reasons agree or are they different?

16. Thomas Jefferson, First Inaugural Address (March 4, 1801)

A1: What is the “sacred principle” that Jefferson says Americans must always keep in mind in their constitutional republic?

A2: Upon what common ground does Jefferson urge his fellow citizens to unite?

A3: What things are necessary to make the American people happy and prosperous?

B1: In his Farewell Address (Document 15), Washington warned against the dangers of “the spirit of party.” After a heated and contentious election between Federalists and Republicans, on what grounds does Jefferson try to reunite Americans and mend the divisive effects of party politics?

B2: In his First Inaugural Address, Jefferson describes what he believes to be “the sum of good government.” He also lists what he deems to be the “essential principles of our government,” which he describes as “the creed of our political faith.” How does Jefferson’s “sum of good government” and his “political creed” compare with the views of government expressed in Roosevelt’s Commonwealth Club Address (Document 43) and 1944 State of the Union Address (Document 45)?

17. Supreme Court of the United States, *Marbury v. Madison* (February 24, 1803)

A1: What evidence does Chief Justice Marshall give to prove that Marbury had been duly appointed as an officer of the United States?

A2: Why does Marshall question the act of Congress giving the Supreme Court authority to issue writs of mandamus (that is, to compel certain actions by the government)?

A3: How does Marshall reason that the Supreme Court must have the authority to question and ascertain the constitutionality of laws?

B1: Does Chief Justice Marshall’s use of judicial review agree with the judicial powers granted in Article III of the Constitution (Document 5)? Can the power of judicial review be found in Article III of the Constitution?

B2: Does Marshall’s decision in this case, and his use of judicial review to reach that decision, agree with Publius’s understanding of separation of powers in Federalist No. 51 (Document 10)?

B3: In his Veto Message of the Bill on the Bank of the United States (Document 24), would Andrew Jackson agree with Marshall's claim that "it is emphatically the province and duty of the Judicial Department to say what the law is"?

18. Thomas Jefferson, Letter to John Holmes (April 22, 1820)

A1: Why does Jefferson describe the Missouri Compromise as the "knell of the Union"?

A2: What will it take to end slavery in the United States, according to Jefferson, and is he hopeful or doubtful that it will be accomplished?

A3: Why does Jefferson fear the "passions" of the younger generation of Americans?

B1: Jefferson viewed the Missouri Compromise with alarm, but Abraham Lincoln, in his Speech on the Repeal of the Missouri Compromise (Document 28), called for the restoration of the compromise. Why did Jefferson and Lincoln disagree on whether the compromise was good policy?

B: In his Speech on the Oregon Bill (Document 26), John C. Calhoun speculated on the causes that might lead to the destruction of the American Union. Would Calhoun agree or disagree with Jefferson's reasons for considering the Missouri Compromise the "knell of the Union"?

19. James Monroe, Monroe Doctrine (December 2, 1823)

A1: What reasons does Monroe give for denying further colonization by European powers in the Western Hemisphere?

A2: What will the United States do if a European nation attempts to reclaim its former colonial possessions in the Western Hemisphere?

B1: Is the Monroe Doctrine consistent with or a departure from George Washington's foreign policy advice in his Farewell Address (Document 15)?

B2: Does the Roosevelt Corollary to the Monroe Doctrine (Document 38) modify the Monroe Doctrine? If so, how?

B3: Are the proposals that George Kennan offered for dealing with the Soviet Union after World War II in the Long Telegram (Document

46), part five, compatible with the Monroe Doctrine or had the geopolitical situation changed so much that the Monroe Doctrine was no longer applicable?

20. Thomas Jefferson, Letter to Henry Lee (May 8, 1825)

A1: Why does Jefferson describe those who thought alike about the Revolution as “American whigs”?

A2: What was the object of the Declaration of Independence, and how original were the ideas expressed in it?

A3: Upon what authority do the sentiments expressed in the Declaration of Independence rest?

B1: How does Brutus’ second letter (Document 8) help clarify what Jefferson means when he writes, “All American Whigs thought alike on these subjects”?

B2: How is “the American mind” Jefferson mentions here also revealed in Madison’s Memorial and Remonstrance Against Religious Establishments (Document 2) and Jefferson’s Virginia Statute for Religious Freedom (Document 3)?

B3: Is it possible to discern an “American mind” in the arguments of Publius (Documents 7, 9, and 10) and Brutus (Documents 6 and 8) despite their disagreements over the Constitution?

21. Thomas Jefferson, Letter to Roger C. Weightman (June 24, 1826)

A1: What does Jefferson mean when he describes human equality as a “palpable truth”?

A2: Who are the “favored few” Jefferson refers to at the end of this letter?

B1: How does Jefferson’s description of the Declaration’s purpose in this letter differ from the account he gives in his Letter to Henry Lee (Document 20)?

B2: How does Jefferson’s view on the meaning and significance of the Declaration of Independence relate to or diverge from the accounts given by later Americans such as John C. Calhoun (Document 26), Roger Taney (Document 29), and Alexander H. Stephens (Document 31)?

B3: How does Jefferson's letter help us understand what Lincoln meant in his Fragment on the Constitution and Union (Document 30) when he wrote that the principle of equal liberty in the Declaration of Independence is like an "apple of gold"?

22. Daniel Webster and Robert Y. Hayne, Webster-Hayne Debates (January 1830)

A1: How do Webster and Hayne differ in their descriptions of the origin and purpose of the Constitution and Union?

A2: What prompts Hayne's passionate defense of slavery during the debate?

A3: What is the "Carolina doctrine," and what reasons do Webster and Hayne give to challenge or support that doctrine?

B1: Do the sectional differences over the issue of slavery, as they emerge in this debate, make Publius's arguments in Federalist 10 (Document 9) for controlling the effects of faction with a large republic irrelevant?

B2: Which Senator's arguments about the nature and importance of the Union agree most with Washington's arguments in his Farewell Address (Document 15)?

B3: What are the similarities and differences between the argument of Senator Hayne on the Union and those of John C. Calhoun in his Fort Hill Address (Document 23)?

23. John C. Calhoun, Fort Hill Address (July 26, 1831)

A1: What is the "great and leading principle" upon which the Constitution and Union were founded according to Calhoun?

A2: What does Calhoun say was the original purpose of establishing the Constitution?

A3: Why does Calhoun believe the states must have the final say regarding the powers of Congress?

B1: In Federalist 51 (Document 10), Publius argued that our federal system — that is, the division of powers between the national and state governments — would be a workable foundation for Union and provide an additional safeguard for "the rights of the people". Would Calhoun agree with Publius's assessment of federalism? Does Calhoun have to

change the original understanding of federalism to make it work as a foundation for union?

B2: Does Andrew Jackson in his Proclamation Regarding Nullification (Document 25) agree or disagree with Calhoun's understanding of the origin and purpose of the Union and the rights of the states?

B3: Do the calls for expanding the powers of the national government in Theodore Roosevelt's New Nationalism (Document 39) justify Calhoun's concern for preserving the rights of states?

24. Andrew Jackson, Veto Message of the Bill on the Bank of the United States (July 10, 1832)

A1: What three reasons does Jackson give for vetoing the Bank Bill?

A2: Why does Jackson reject the claim that the Supreme Court had permanently established the constitutionality of the National Bank?

A3: Why does Jackson believe the Bank Bill would open the door to foreign influence?

B1: Consider the language and context of the "necessary and proper" clause in Article I section 8 of the Constitution (Document 5)? Why does Jackson believe the National Bank is not justified by the necessary and proper clause? How does Jackson understand the meaning of the necessary and proper clause?

B2: In Federalist 51 (Document 10), Publius wrote that in order for constitutional powers to remain properly separated, "ambition must counteract ambition". Is Jackson's veto of the Bank Bill an example of that "ambition" called for by Publius?

B3: Is Jackson's understanding of "rights of the states" the same as John C. Calhoun's in his Fort Hill Address (Document 23)? If not, why not?

25. Andrew Jackson, Proclamation Regarding Nullification (December 10, 1832)

A1: Upon what five grounds does Jackson reject South Carolina's self-claimed right to nullify acts of Congress?

A2: Why does Jackson reject the idea that a state may lawfully secede from the Union?

A3: What course of action does the Constitution obligate Jackson to take regarding South Carolina's ordinance?

B1: How does Jackson's argument echo Washington's defense of the Union in his Farewell Address (Document 15) and anticipate Lincoln's defense of the Union in his Fragment on the Constitution and Union (Document 30)?

B2: How does Jackson draw on the Preamble and Article VI of the Constitution (Document 5) to denounce the claim that a state may nullify an Act of Congress and secede from the Union?

26. John C. Calhoun, Speech on the Oregon Bill (June 27, 1848)

A1: What is the only issue, according to Calhoun, that could potentially dissolve the Union?

A2: Why does Calhoun reject the ideas of natural equality and natural freedom?

A3: Does Calhoun agree or disagree with Thomas Jefferson's views on slavery?

B1: John C. Calhoun argues that the safety and well-being of society is as paramount to individual liberty as the safety and well-being of the race is to that of individuals. On the basis of the Declaration of Independence (Document 1) and Madison's essay "Property" (Document 14), how might one respond to this view?

B2: Evaluate Calhoun's argument in light of Jefferson's claim in his letter to Roger Weightman (Document 21) that "the mass of mankind has not been born with saddles on their backs, nor a favored few bootied and spurred, ready to ride them legitimately, by the grace of God."

B3: How are Calhoun's arguments rejecting equal liberty for all echoed in Taney's opinion in the *Dred Scott* case (Document 29)?

27. Frederick Douglass, "What to the Slave is the Fourth of July?" (July 5, 1852)

A1: Why does Douglass believe that the continued existence of slavery tarnishes the principles expressed in the Declaration of Independence?

A2: What arguments does Douglass make to prove that slavery is unjust and that slaveholders are guilty of hypocrisy?

A3: In this speech, does Douglass believe the Constitution is pro-slavery or anti-slavery?

B1: Would Douglass agree with George Washington's view (Document 15) of how religion supports "political prosperity"?

B2: Compare Douglass's views on the meaning and purpose of the Declaration of Independence to Lincoln's views on the intentions of the Founders in his Speech on the Repeal of the Missouri Compromise (Document 28).

B3: Compare and contrast Frederick Douglass's approach to calling America to account for its failures and hypocrisy with Martin Luther King's approach (Document 48).

28. Abraham Lincoln, Speech on the Repeal of the Missouri Compromise (October 16, 1854)

A1: Why does Lincoln believe the Kansas-Nebraska Act is not neutral with regard to the spread of slavery?

A2: Why is the Kansas-Nebraska Act contrary to the principles of the Declaration of Independence, according to Lincoln, and not consistent with the views of the American Founders regarding slavery?

A3: Does Lincoln agree or disagree with Stephen Douglas's understanding of popular sovereignty?

B1: Compare and contrast Lincoln's view of the Missouri Compromise and slavery with Jefferson's (Document 18). Why does Jefferson reject the compromise, and why does Lincoln call for its restoration?

B2: How does Lincoln disagree with Chief Justice Roger Taney (Document 29) on whether or not the Missouri Compromise was consistent with the Constitution?

29. Supreme Court of the United States, *Dred Scott v. Sandford* (March 6, 1857)

A1: What evidence does Chief Justice Taney use to show that the American Founders did not include slaves or their descendants as citizens?

A2: Why does Taney conclude that members of the "enslaved African race" were excluded from the Declaration of Independence's claim that "all men are created equal"?

B1: How does the Constitution (Document 5) guarantee the right to property in slaves according to Taney?

B2: In his letter to Roger Weightman (Document 21), Jefferson claimed that the Declaration of Independence was meant to open the eyes of the world to the rights of man. Would Taney agree or disagree with Jefferson's understanding of the purpose of the Declaration of Independence?

B3: Compare and contrast Chief Justice Roger Taney with Calhoun (Document 26) and Stephens (Document 31) on the question of how the Founders, especially Jefferson, understood the place of the slaves in America? Consider both the evidence they rely on and the conclusions they arrive at.

30. Abraham Lincoln, Fragment on the Constitution and Union (January 1861)

A1: What principle is the primary cause of prosperity in America according to Lincoln, and why?

A2: How did that principle influence what Americans fought for during the American Revolution?

A3: What is the relationship between the "apple of gold" and the "picture of silver"?

B1: Lincoln says that the Declaration of Independence was the cause of our "great prosperity." What does Lincoln mean by "prosperity," and is it the same thing James Madison speaks of in his essay, "Property" (Document 14)?

B2: Does Lincoln praise the Union and Constitution for the same reasons as George Washington in his Farewell Address (Document 15)?

B3: Lincoln views the principle of "liberty to all" (in the Declaration of Independence) as an "apple of gold" in a "picture of silver", but for John C. Calhoun (Document 26) that principle is a seed that is producing poisonous fruits. How can these two men understand this principle so differently?

31. Alexander H. Stephens, "Corner Stone" Speech (March 21, 1861)

A1: Why does Stephens believe the Confederate Constitution is better than the Constitution of the United States?

A2: What was the opinion of Thomas Jefferson and other Founders regarding slavery, and does Stephens agree or disagree with that view?

A3: Why does Stephens characterize abolitionism as a “species of insanity”?

B1: On the basis of the Declaration of Independence (Document 1), how might someone respond to Stephens’s use of the category of “race”?

B2: How are Alexander H. Stephens and John C. Calhoun (Document 26) similar and how do they differ in the case they make against the principle of equality found in the Declaration of Independence?

B3: In late 1860, Alexander Stephens asked President-elect Lincoln to say something to calm the fears of the people of the South. “A word ‘fitly spoken’ by you now would be like ‘apples of gold in pictures of silver,’” he wrote. Why would Stephens disagree with Lincoln’s use of this language from scripture in his Fragment on the Constitution and Union (Document 30)?

32. Abraham Lincoln, Final Emancipation Proclamation (January 1, 1863)

A1: By what authority and upon what grounds does Lincoln issue the Emancipation Proclamation?

A2: What should happen to the freed slaves upon their emancipation?

A3: What advice does Lincoln give to the slaves that will be freed by the Proclamation?

B1: How is Lincoln’s justification of the Emancipation Proclamation a response to the critiques of the Declaration’s principles found in Calhoun (Document 26) and Stephens (Document 31)? Given Lincoln’s critiques of Calhoun and Stephens, we might expect Lincoln to appeal to the Declaration in the Emancipation Proclamation. Why doesn’t he do so?

B2: Why are the tone and language of the Emancipation Proclamation so different from the language of other Lincoln speeches such as the Gettysburg Address (Document 33) and his Second Inaugural Address (Document 35)?

33. Abraham Lincoln, Gettysburg Address (November 19, 1863)

A1: Why does Lincoln call the idea that “all men are created equal” a “proposition” rather than a self-evident truth as in the Declaration of Independence?

A2: Lincoln speaks of the men “who here gave their lives that that nation might live.” What is “that” nation to which he refers? Why does he not say “the nation” or even “this nation”?

A3: What is the great task still remaining before Americans, and what will be proven by the outcome of the Civil War?

B1: Alexander Stephens delivered his “Corner Stone” speech (Document 31) just before the Civil War began. Based on that speech, how would Stephens disagree with Lincoln’s understanding of the purpose of the Civil War?

B2: Compare and contrast Lincoln’s Gettysburg Address with his Second Inaugural Address (Document 35). To whom is Lincoln speaking in each address? What is Lincoln’s purpose in each address? Is the tone of each address similar or different?

B3: Compare Lincoln’s views on the meaning of the Civil War with those of Theodore Roosevelt in his New Nationalism speech (Document 39). Do they share a common understanding of the purpose of the war and the nature of the “new birth of freedom” that was to emerge from it?

34. Abraham Lincoln, Resolution Submitting the Thirteenth Amendment to the States (February 1, 1865)

A1: Who must approve the amendment as proposed by Congress before it is officially enacted?

A2: What exception does the Amendment make to the ban on involuntary servitude?

B1: The words “slave” and “slavery” do not appear in the original Constitution (Document 5). Was this Amendment still necessary to eliminate slavery from the original Constitution? What parts of the original U.S. Constitution does this Amendment change or eliminate?

B2: What arguments of Justice Taney in the *Dred Scott* decision (Document 29) does the Thirteenth Amendment directly contradict or overturn?

35. Abraham Lincoln, Second Inaugural Address (March 4, 1865)

A1: What is the cause of the Civil War, according to Lincoln, and who is to blame for the terrible consequences of the war?

A2: For how long does Lincoln think the Civil War will continue?

A3: What is Lincoln's vision for the nation once the Civil War has ended?

B1: Compare and contrast Lincoln and John C. Calhoun in his Speech on the Oregon Bill (Document 26) on the causes of the Civil War. Would both agree that the issue of slavery would be the cause of conflict and disunion?

B2: Compare the final paragraph of Lincoln's Second Inaugural Address and the final paragraph of his Gettysburg Address (Document 33). Taken together, what vision do they provide for the future of the United States after the Civil War ends?

B3: Frederick Douglass described Lincoln's Second Inaugural Address as a "sacred effort." Based on his assessment of Lincoln's Presidency in his Oration in Memory of Abraham Lincoln (Document 36), why would Douglass have praised Lincoln's Second Inaugural so highly? In what sense was Lincoln's Second Inaugural an "effort"? In what sense was it "sacred"?

36. Frederick Douglass, Oration in Memory of Abraham Lincoln (April 14, 1876)

A1: Why does Douglass call Lincoln "the first martyr President of the United States"?

A2: What aspects of Lincoln's presidency dismayed Douglass and other black Americans at times, and how did Lincoln redeem himself in their eyes over the course of the Civil War?

A3: Why does Douglass refer to Lincoln as "the white man's president" at the beginning of the speech, but conclude by calling him "our friend and liberator"?

B1: Based on his views of the Founders' intentions in "What to the Slave is the Fourth of July?" (Document 27), would Douglass say Lincoln was fulfilling the aspirations of the American Founding, or correcting its imperfections?

B2: Douglass describes the political circumstances that affected Lincoln's actions as President, emphasizing how he had to work within the limits of what public opinion in the North would allow him to do. In this, Douglass recognizes Lincoln's political acumen and statesmanship. How does the language and careful wording of Lincoln's Emancipation Proclamation (Document 32) support Douglass's explanation of Lincoln's goals and methods as President?

B3: Where do we find evidence to support Douglass's claim that Lincoln was "preeminently the white man's President" in Lincoln's Gettysburg Address (Document 33) and Second Inaugural Address (Document 35)? How does this evidence reveal what Douglass means when he describes Lincoln this way?

37. Supreme Court of the United States, *Plessy v. Ferguson* (May 18, 1896)

A1: Why does Justice Brown decide that the Louisiana statute in question does not violate the Thirteenth and Fourteenth Amendments?

A2: Why does Brown make a distinction between civil or political equality and social equality?

A3: Why do the Thirteenth and Fourteenth Amendments make the Constitution "color-blind" according to Harlan?

B1: It is significant that Justice Brown does not mention the Declaration of Independence in his opinion. Does Justice Brown's defense of "separate but equal" live up to the claim that "all men are created equal" in the Declaration of Independence (Document 1)?

B2: Why does Justice Harlan compare the Court's decision in this case to the *Dred Scott* decision (Document 29)? What do Justice Brown's opinion in *Plessy v. Ferguson* and Chief Justice Taney's opinion in the *Dred Scott* case have in common?

38. Theodore Roosevelt, Roosevelt Corollary to the Monroe Doctrine (December 6, 1904)

A1: What is the role of the United States in the Western Hemisphere, and what would justify U.S. intervention in the domestic affairs of other nations according to Roosevelt?

A2: What qualities must other nations in the Western Hemisphere display to earn the friendship of the United States?

B1: How would Roosevelt's Corollary help to fulfill and uphold the original Monroe Doctrine (Document 19)? In what ways, if any, does Roosevelt deviate from the original intent of the Monroe Doctrine?

B2: Does what Roosevelt says about foreign or domestic affairs in his New Nationalism Speech (Document 39) help us understand his attitude toward Caribbean countries?

B3: Compare Roosevelt's Corollary to the advice given by George Washington in his Farewell Address (Document 15) and Woodrow Wilson in his "Fourteen Points" Message (Document 41) on how the United States should deal with other nations. What does each of these men think is necessary for the United States to act with justice toward other nations?

39. Theodore Roosevelt, New Nationalism Speech (August 31, 1910)

A1: What common cause does Roosevelt find between Progressives in his day and the supporters of Abraham Lincoln during the Civil War?

A2: What does Roosevelt mean when he calls for "practical equality of opportunity" and a "square deal" for all?

A3: What has led to the creation of a small group of extremely wealthy and powerful men, and what reforms are necessary to break their control of politicians?

B1: What does "democracy" mean to Roosevelt, and how is it similar to or different from "republican government" as described by Publius in Federalist No. 10 (Document 9) and Federalist No. 51 (Document 10)?

B2: Does Roosevelt's description of good government, especially in the last paragraph, agree or disagree with the "sum of good government" described in Jefferson's First Inaugural Address (Document 16)? What more must government do, according to Roosevelt, to be good government?

B2: Which views of Theodore Roosevelt's on the role of the national government are echoed in Franklin Roosevelt's Commonwealth Club Address (Document 43) and Lyndon Johnson's "Great Society" Speech (Document 49)?

40. Progressive Party Platform of 1912 (August 7, 1912)

A1: On what grounds do Progressives argue that a new party is needed?

A2: What industrial and labor reforms are called for by the Progressive Party?

A3: How would the Progressive Party's changes to the political system foster more democracy in the nation?

B1: How would the reforms called for by Progressives change the structure and powers of government in the Constitution (Document 5)?

B2: How would the specific reform measures in the Progressive Party Platform promote or satisfy Roosevelt's calls for the New Nationalism and the Square Deal in his New Nationalism Speech (Document 39)?

B3: Which reforms would be fulfilled or promoted by the goals of Franklin Roosevelt's 1944 State of the Union Address (Document 45)?

41. Woodrow Wilson, "Fourteen Points" Message (January 8, 1918)

A1: Why did the United States enter the War, according to Wilson, and what is the goal for which the nation continues to fight?

A2: How would Wilson's post-war vision affect how nations around the world deal with each other?

A3: What is the principle that unites all fourteen points in Wilson's message, and why should Americans be devoted to that principle?

B1: Consider how Wilson's Fourteen Points prescribes rules for U.S. relations with other nations and influences how we should think about our place in the world. Would George Washington, in his Farewell Address (Document 15), agree or disagree with Wilson's specific points and his understanding of the role of the United States in world affairs?

B2: In his Long Telegram (Document 46), George Kennan lays out a general strategy for dealing with the Soviet Union. In what ways does Kennan's strategy agree or disagree with Wilson's vision of and prescriptions for American foreign policy after World War I?

42. Calvin Coolidge, Speech on the 150th Anniversary of the Declaration of Independence (July 5, 1926)

A1: Why should Americans celebrate the Fourth of July according to Coolidge?

A2: What are the three definite propositions expressed in the Declaration of Independence, and why does Coolidge believe they are essential for continued progress?

A3: Why does he call the Declaration of Independence America's "great spiritual document"?

B1: Do Thomas Jefferson, in his Letter to Roger Weightman (Document 21), and Coolidge agree on the reason for celebrating the Fourth of July? Are their descriptions of what was important about the American Founding similar or different?

B2: Coolidge often used the language of progress but had objections to some of the specific political reforms called for by other Progressives, such as those in Theodore Roosevelt's New Nationalism speech (Document 39) and the Progressive Party Platform of 1912 (Document 40). Given Coolidge's understanding of the purpose of the American Founding, why does he object to those Progressive reforms? Is it possible for Coolidge to be "progressive" without agreeing to the other Progressive reforms?

B3: Compare Coolidge's understanding of the purpose of the American Founding to that of Ronald Reagan in his "A Time for Choosing" Speech (Document 50). Do they have a similar or different understanding of the Founding, and how does this affect their views on the proper powers and objects of government?

43. Franklin D. Roosevelt, Commonwealth Club Address (September 23, 1932)

A1: How does Roosevelt characterize the views of Alexander Hamilton and Thomas Jefferson on government and democracy, and with which view does Roosevelt profess greater agreement? Does Roosevelt implicitly endorse either view in the remainder of his speech?

A2: What are the tasks of "enlightened administration" in government, and why are those tasks now vitally necessary?

A3: What are the "new terms of the old social contract" according to Roosevelt, and why has it become necessary to add these new terms?

B1: Taken together with his new economic bill of rights in the 1944 State of the Union Address (Document 45), Roosevelt's Commonwealth Club Address has a lot to say about the right to property. Does Roosevelt's understanding of property rights agree or disagree with that of James Madison in his 1792 essay on the subject (Document 14)?

B2: How does Roosevelt's account of the purpose of the "social contract" square with the principles expressed in the second paragraph of the Declaration of Independence (Document 1)?

B3: To what extent does Franklin Roosevelt's view of the role of government agree with that laid out by Theodore Roosevelt in his New Nationalism Speech (Document 39)? Does Franklin Roosevelt's view call on government to do more or less than Theodore Roosevelt's view?

44. Herbert Hoover, Speech on the Consequences of the Proposed New Deal (October 31, 1932)

A1: What is the "American system" of political, social, and economic life, and upon what principles and aspirations does it rest, according to Hoover?

A2: According to Hoover, what is the role of the national government in both promoting progress and dealing with great national crises and emergencies?

B1: What are Hoover's specific objections to Roosevelt's New Deal proposals in the Commonwealth Club Address (Document 43), and why does he especially disagree with the claim that America has reached the height of its development? What would Hoover make of Roosevelt's claim, put forward in the Commonwealth Club Address, that the age of growth is over, and "the day of enlightened administration has come"?

B2: In what sense does Hoover foreshadow the sort of American conservatism later found in Reagan's "A Time for Choosing" Speech? Do Hoover and Reagan share a similar understanding of the proper powers and objects of government?

45. Franklin D. Roosevelt, 1944 State of the Union Address (January 11, 1944)

A1: According to Roosevelt, what things, other than the defeat of fascism abroad, are necessary to achieve lasting security for the United States and the world?

A2: How has the war affected how individuals in America think about their relationship to their government and fellow citizens?

A3: What are the new “self-evident” economic truths that form the second Bill of Rights, and why are these new rights necessary, according to Roosevelt?

B1: Are the “economic truths” expressed by Roosevelt compatible with the “self-evident” truths of the Declaration of Independence (Document 1), especially the unalienable rights to life, liberty, and the pursuit of happiness? Is Roosevelt adding “security” to the list of “political” rights and, if so, what does security mean to Roosevelt? Why does Roosevelt call life and liberty “political rights,” as opposed to “unalienable rights” as they are described in the Declaration of Independence?

B2: What does Roosevelt’s proposed “second Bill of Rights” add to the original Bill of Rights (Document 13)?

B3: In what sense does the agenda Roosevelt lays out here foreshadow Lyndon Johnson’s “Great Society” (Document 49)?

46. George Kennan, The Long Telegram (February 22, 1946)

A1: How do Russia’s history and geographical location affect the Communist Party’s control of the Soviet Union and influence its general view of the rest of the world?

A2: What are the strategic international goals of the Soviet Union, and what tactics will it employ to achieve those objectives?

A3: What measures does Kennan recommend that will allow the United States to deal effectively with the Soviet Union in the future?

B1: In his Long Telegram, Kennan presents an insightful account of what one might call the “Russian mind.” How does the “Russian mind,” as Kennan describes it, differ from the “American mind” as described by Thomas Jefferson in his Letter to Henry Lee (Document 20)?

B2: How might Kennan’s strategy for the post-World War II era be seen as a departure from the prescriptions Washington put forward in his Farewell Address (Document 15)?

B3: How does Kennan’s vision of the post-World War II international system differ from that imagined by Woodrow Wilson in his “Fourteen Points” Address (Document 41)?

47. Supreme Court of the United States, *Brown v. Board of Education of Topeka I and II* (1954 and 1955)

A1: Why is an equally good education essential for all students according to Chief Justice Warren?

A2: What detrimental effect does segregated education have on black students?

A3: Why does Warren not argue that segregated education violates the equal protection clause of the Fourteenth Amendment?

B1: Compare the arguments of Justice Harlan in *Plessy v. Ferguson* (Document 37) against “separate but equal” to those of Chief Justice Warren in *Brown v. Board of Education*. What is different about their arguments? What arguments does Harlan make that Warren does not make? Based on his vision of a free and equal society in his “I Have A Dream” Speech (Document 48), would Martin Luther King, Jr. agree more with Harlan’s arguments against “separate but equal,” or with Warren’s?

B3: How are Chief Justice Warren’s criteria for equal education echoed in Lyndon Johnson’s educational reforms in his “Great Society” Speech (Document 49)?

48. Martin Luther King, Jr., “I Have a Dream” Speech (August 28, 1963)

A1: What is the “check” that Dr. King and others have come to Washington to cash?

A2: Why does Dr. King describe the idea that all men are created equal as America’s “creed”?

A3: What does Dr. King mean by the “American dream” and what things are necessary to finally fulfill that dream?

B1: What is the promise of the Declaration of Independence (Document 1), according to King?

B2: How does King’s understanding of the views and intent of the American Founders — “the architects of our republic” — differ from that of Chief Justice Taney in the *Dred Scott* decision (Document 29)?

B3: How does King’s speech remind us of Abraham Lincoln’s vision of a “new birth of freedom” in the Gettysburg Address (Document 33)?

49. Lyndon B. Johnson, “Great Society” Speech (May 22, 1964)

A1: In Johnson’s vision, what qualities will distinguish the “Great Society” from the society that then existed in America, and what will life be like for citizens in that “Great Society”?

A2: Why are urban renewal, conservation of natural beauty, and improved educational opportunities so critical, according to Johnson?

A3: What is the role of the federal government in building the “Great Society”?

B1: Compare and contrast Johnson’s criteria for the “Great Society” to the vision of a just society as described by Thomas Jefferson in his Letter to Roger Weightman (Document 21) and First Inaugural Address (Document 16).

B2: Is Johnson’s “Great Society” meant to fulfill, supplement, or replace the earlier social, political, and economic reforms called for in the Progressive Party Platform of 1912 (Document 40)? What, if anything, does Johnson add to the reforms called for by earlier Progressives?

B3: Based on his New Deal policies as described in the Commonwealth Club Address (Document 43), do the visions of Franklin Roosevelt and Lyndon Johnson of a “great” society agree? What would make society “great” according to both Presidents?

50. Ronald Reagan, “A Time for Choosing” (October 27, 1964)

A1: Why does Reagan believe that freedom has become fragile in America?

A2: Why does Reagan take issue with the language some politicians have used to justify the “Great Society” program?

A3: What is the proper role of government in promoting progress in America, according to Reagan?

B1: In this speech, Reagan says the American people face a critical choice in the 1964 election. What does the choice in this election have in common with the important questions described by Brutus in his first letter (Document 6) and Publius in Federalist No. 1 (Document 7)?

B2: Does Reagan’s understanding of America’s original purpose and the intent of the Founders have more in common with Coolidge’s Speech on the 150th Anniversary of the Declaration of Independence (Document

42) or with Franklin Roosevelt's Commonwealth Club Address (Document 43)?

B3: What aspects of the "Great Society" (Document 49) does Reagan specifically reject in this speech, and why?

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