

The U.S. Constitution  
and Other Writings





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U.S. C ONSTITUTION  
AND  
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U.S. CONSTITUTION  
AND  
OTHER WRITINGS

*Introduction by Ken Mondschein, PhD*



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## INTRODUCTION

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.” These words—the rationale for the creation of the United States as expressed in the Declaration of Independence—did not spring fully formed from the mind of Thomas Jefferson. Jefferson borrowed the words “Life, Liberty, and Property” from the seventeenth-century English philosopher John Locke, but replaced “Property” with the more general phrase “the pursuit of Happiness.” However, “happiness,” as anyone who has read the Greek philosopher Aristotle knows—and Jefferson did indeed read his Aristotle—is impossible without property, so the two ideas are really one and the same. Seen in this light, the “pursuit of happiness”—an idea used to defend everything from civil rights to same-sex marriage—can mean “to own and enjoy property.”

This short example illustrates an important fact: This is a book of historical documents, but historical documents of a special nature. Some of the documents in this book, such as presidential addresses, speeches, and letters, point out the road forward; others, such as constitutional amendments, carry this vision into law. What they all have in common are two things: They are foundational to our ideas of “freedom,” and because they are also the product of particular times, places, and understandings, they require interpretation. Exactly how their meaning should be read is an ongoing debate in our society today. Some interpreters—called “originalists”—insist the Constitution should be construed according to the original intent of the framers, while others—“non-originalists”—maintain it is a living document that can and should be interpreted according the times we live in now.

The American experiment has evolved since our country’s founding. Our nation has changed a great deal from the days in which voting was limited to propertied free white men, and enslaved African Americans were considered three-fifths of a human being for purposes of representation, to a country in

which women and African Americans are viable candidates for the highest office in the land. Put another way, we are as far removed from the year of American independence as the Founding Fathers were from the world of Martin Luther and Copernicus. Just as the Founding Fathers did not believe in one church for all people headed by the pope in Rome, or hold to a model of the universe where the sun goes around the earth, so, too, has our idea of liberty expanded over almost 250 years of history to include ideas that would have been unthinkable to the framers of the Constitution.

This book allows you to read the founding documents for yourself, and see how the concept of “liberty” has expanded over time. After all, one of the great ideals of American democracy is that ordinary people can read and interpret the foundational documents for themselves. By understanding our country’s past, we can help to shape its future—but first, we must be well-informed of the context of those documents.

## HISTORY OF AMERICAN HISTORY

All nations have a history, but what is little appreciated is that the history of the United States—like the country itself—was deliberately created. America, the “first new nation” in the words of political sociologist Seymour Martin Lipset, was settled by immigrants who came from overseas. In the nineteenth century, as now, there was a great deal of anxiety about who, exactly, was an “American” and whether successive waves of newcomers would change the nature of the United States. One solution thought up by more progressive minds was the creation of free public schools, which would teach a curriculum that gave a certain perspective on Americanism and act as the stove for the “melting pot” in which different emigrant cultures would meld into one society.

The mythologizing of the Founding Fathers, together with “just-so” stories, such as George Washington and the cherry tree, were thus deliberate attempts at myth-making. Earlier writers wrote “useful histories” that mythologized the

era of American founding; as time went on, ideas grew both broader and more critical. Here are some of the more influential figures in this process:

- Noah Webster (1758–1843) tried to give a unique and “standard” form to American English with his dictionary.
- The educator Horace Mann (1796–1859) helped create a secular educational system that taught American history as a means of instilling patriotism.
- In his influential histories, George Bancroft (1800–1891) wrote of the four p’s—providence, progress, patria [patriotism], and pan-democracy—in U.S. history. To him, America was a divinely ordained, exceptional society.
- Henry Wadsworth Longfellow (1807–1882) made American figures such as Hiawatha and Paul Revere into the subjects of epic verse.
- John Dewey (1859–1952) continued Mann’s public education project, but also helped spread more progressive critiques of the history of the United States, such as those of the Columbia historian Charles Beard.
- Charles Beard (1874–1948) incorporated an economic perspective of the study of American history as a spur toward social reform.
- Howard Zinn (1922–2010) wrote *A People’s History of the United States*, which concentrated not on “great men” but on social movements, and criticized the misdeeds of those in power.

As you can see from this list, the way in which American history has been taught has greatly depended on the times. For instance, the “curriculum wars” Dewey’s approach sparked in the 1920s repeated in almost every decade since: Should the study of history solely instill patriotism, or also critique our nation? Should it be America-centric, or transnational? Were the Founding Fathers divinely inspired geniuses or flawed, human figures?

Any understanding of American founding documents must therefore deal with the legacy of how American history has been taught. Over time, historians have shifted from a narrower, literal view to a broader, critical perspective. These two approaches to history are reflected in today's two main schools of constitutional legal thought—which are also schools of historiography (the study of the study of history)—originalism and non-originalism. The first looks to the original intent of the framers of the Constitution while the other takes an expansive view of an activist government. These philosophies tend to toe certain political lines: Originalists often favor individual liberty, a limited government, and a more laissez-faire capitalist economy while non-originalists favor a more mixed economy and a government that ensures civil liberties for all people. Of course, no free society can function without balance, and the two views have existed alongside one another through most of American history, bolstered by a strong shared faith in freedom of speech, religion, thought, assembly, and democratic processes.

## ORIGINALISM

The originalist school of thought holds that we must consider the original intent of the framers of the Constitution when determining if a law is constitutional or not. As the legal scholar and Supreme Court nominee Robert Bork put it, “If the Constitution is law, then presumably its meaning, like that of all other law, is the meaning the lawmakers were understood to have intended ... This means, of course, that a judge ... may never create new constitutional rights or destroy old ones. Any time he does so, he violates not only the limits to his own authority but ... also violates the rights of the legislature and the people.”

There are several thorny questions associated with this philosophy. First, it assumes that we can truly understand the often-unclear intent of the framers of the Constitution. Also, we encounter many situations not anticipated by the framers. For example, we can look at the Second Amendment: “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.” There are various debates around the meaning of the Second Amendment, including the codicil of the “well regulated militia,” but let us accept for a moment that the amendment allows private citizens to own the sorts of weapons used by a “militia,” that is, the armed forces. This was the understanding of Supreme Court justice and originalist Antonin Scalia when he wrote the majority opinion upholding the constitutional right to private firearms ownership in *District of Columbia v. Heller* (2008), in which he stated:

The Antifederalists feared that the Federal Government would disarm the people in order to disable this citizens’ militia, enabling a politicized standing army or a select militia to rule. The response was to deny Congress power to abridge the ancient right of individuals to keep and bear arms, so that the ideal of a citizens’ militia would be preserved.

In this opinion, Scalia was making, in essence, an historical argument: The Founding Fathers’ intention was to preserve the “ancient right” to own weapons as long understood in English civil law and to enable the common people to defend themselves against tyranny. This principle, however foreign it might be to our modern world, should guide how courts understand and apply the law. If the people of the United States, working through their government, decided that this goal was outdated and no longer relevant to the modern world, then the Constitution should be amended. From this perspective, originalists are doing no more than holding the law to what is written in the Constitution, the “rule book” that constitutes the highest law in the land.

## NON- ORIGINALISM

The non-originalist school of thought (also sometimes called the “living Constitution” approach) is rooted in the English legal tradition, which has long given judges the ability to expand and comment on the law. (Conversely, in most European countries, the law is statutory and judges may only apply,

not interpret the law.) Non-originalism allows for considerably more leeway in interpreting the Constitution than does an originalist perspective. Take again the example of gun control. Modern firearms are far more efficient killing implements than Revolutionary War–era muskets. They are less expensive, more readily available, more accurate, and have far higher ammunition capacities and rates of fire. Likewise, does the definition of “arms” include other personal weapons unimaginable to the founders, such as stun guns, switchblade knives, sawed-off shotguns, pistols that can be hidden from metal detectors, machine guns, or portable surface-to-air missiles? A non-originalist, then, might argue that society has a pressing need to pass laws to restrict the right to “keep and bear arms.”

To these objections, an originalist might reply that the framers gave us the ability to amend the law through legal processes as times change. If we wanted to limit weapons ownership, we should therefore change the Constitution. A non-originalist would argue that this is a lengthy process in which it is difficult to achieve consensus. Interpreting the Constitution allows us to adapt in a more flexible manner. Against this, originalists argue that non-originalism makes the law arbitrary, subject to the whims of each generation, and diminishes the power of the Constitution as a binding contract. They accuse judges of being “activist,” shaping society according to their own views, which erodes respect for the judiciary. Proponents of a living Constitution, on the other hand, maintain that we cannot base our society solely on how people 250 years ago understood the world.

Non-originalism has been of immense importance in expanding civil rights. For instance, the equal protection clause of the Fourteenth Amendment states:

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. 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.

This “protection,” historically instituted to counteract Reconstructionera Black Codes in Southern states, has been widely interpreted. It formed the basis for *Plessy v. Ferguson* (1896), which, contrary to the amendment’s intent, established the doctrine of “separate but equal” that allowed for segregation. However, it also formed the basis for *Brown v. Board of Education* (1954), which ended “separate but equal” in the context of school desegregation; *Loving v. Virginia* (1967), which ended that state’s ban on interracial marriage; *Roe v. Wade* (1973), which said that denying women access to abortion violated due process; and *Obergefell v. Hodges* (2015), which said that the right to marry is a fundamental right of same-sex couples.

Other examples of the expansion of rights include *Griswold v. Connecticut* (1965), in which the Supreme Court expanded the meaning of the Fourth and Fifth Amendments to grant married couples access to birth control. This decision virtually created what we now think of as the inviolable “right to privacy,” which in turn informed decisions such as *Lawrence v. Texas* (2003), which said that states could not make homosexual acts between consenting adults illegal.

The *Obergefell v. Hodges* decision illustrates how such changes and reinterpretations are rooted in historical circumstance. While originalists (such as Antonin Scalia in his dissenting opinion in the case) say that there is no inherent right to same-sex marriage, the idea that people in such relationships deserve the “equal protection” of this social institution is part of a wider redefinition of marriage and romantic relationships in the context of the post-industrial economy and the sexual revolution. It also reflects a changing popular and scientific understanding of same-sex attraction as an inherent part of a person’s makeup, rather than a sin or a vice. There is indeed nothing in the Constitution on same-sex marriage—but to many Americans, it

seems obvious that the promise of “liberty” includes the right to marry the person of one’s choice.

## TURNING POINTS IN AMERICAN HISTORY

The contents of this volume show how American ideas of liberty have changed with the times and fall into several periods: The revolutionary era and early republic, including the Declaration of Independence; the Articles of Confederation; the Treaty of Paris, which recognized American independence; the Virginia Plan, which proposed a bicameral legislature; the Northwest Ordinance, which opened the way to the West and required a strong central government; the Federalist Papers, arguing for a strong central government; and, of course, the Constitution and Bill of Rights. There are also the less proud moments, such as Andrew Jackson’s 1830 speech “On Indian Removal” and Abraham Lincoln’s “A House Divided,” in which he foresaw that the compromises the Founding Fathers had made regarding slavery could not long endure.

Indeed, slavery gave rise to the great crisis that ended the first period of American history, the Civil War. This tragic and far-reaching event necessitated a reevaluation of the plan of government, and saw an expansion of constitutional protections that still forms the basis for law today. To this period belong the Emancipation Proclamation, the abolition of slavery, the Thirteenth Amendment, the Gettysburg Address, and Lincoln’s second inaugural address.

Following the Civil War, the United States saw its period of greatest expansion—unfortunately at the expense of Native Americans and other peoples. It is as a reminder of this that we include documents from Chief Joseph of the Nez Perce and Queen Lili‘uokalani of Hawaii. So, too, do we include Susan B. Anthony arguing that women have been forgotten in the march of American liberty. In the drive for profit and progress, there was also a need to set aside unspoiled lands for future generations, as was seen in the

act establishing Yellowstone National Park in 1872.

The early twentieth century marked another turning point which saw the United States becoming a world power. A federal bureaucracy, funded by the new income tax, intervened in World War I, and idealists such as Woodrow Wilson saw America becoming a force for good. However, after the war, the United States quickly turned isolationist. This was a period of mixed progress in civil liberties: Though women gained the right to vote in with the passage of the Nineteenth Amendment in 1919, segregation still ruled the land and xenophobia, as seen in such events as the Japanese internment during World War II, was also endemic. Likewise, it was a period in which, thanks to the rigors of the Great Depression and the hope offered by Franklin D. Roosevelt's New Deal, Americans realized a modern economy needed some degree of central government oversight to function.

It was the need to defeat the Axis and, afterward, counter the threat of communist aggression and nuclear annihilation that pulled the United States out of its isolationist stance. The United States was the foremost backer of the North Atlantic Treaty Organization and the United Nations. As part of this Cold War competition, in a feat to rival the building of the Great Pyramids of Egypt in terms of labor and treasure, the United States sent human beings on an almost 240,000-mile journey to the moon. The dark side of this was the "Red Scare" that led to Senator Joseph McCarthy's witch hunt against ideological dissenters and a military-industrial complex that, as President Dwight D. Eisenhower warned in his farewell address, would gain inordinate economic and political power.

Postwar America was characterized by prosperity on a scale the world had never seen, mitigated by the ever-present need for progress in civil rights and the persistent fear of nuclear war. The communist Soviet Union began to collapse in the late 1980s, ending the Cold War—an event for which politicians attempted to take credit, but for which the explanation was more likely economic in nature. However, in the first years of the new millennium,

the United States harvested the crops sown in the Cold War as terrorists based in Afghanistan launched a devastating and unprecedented attack on New York and Washington, D.C., on September 11, 2001, that saw the destruction of the World Trade Center and significant damage to the Pentagon. The civil rights movement finally achieved full legal, if not de facto, equality for African Americans—the highlight of which was the inauguration of the first black president, Barack Obama, in 2009. Similarly, women and homosexual people made progress—albeit slower progress—toward full rights and equality.

When jurists and private citizens seek to interpret the documents of the American past, they are, in effect, playing the part of historians. Any such attempt must, therefore, consider an informed reading of historiography. The documents in this volume demonstrate that the promises stated upon the founding of the United States have indeed been interpreted differently by each generation. Understanding the historical origins of these ideas, and the socially constructed nature of liberty itself, is the duty of every citizen in a free society.

Ken Mondschein, PhD  
April 6, 2017  
Northampton, Massachusetts

## THE MAYFLOWER COMPACT

(1620)

*The Mayflower Compact was the governing charter of the English colony at Plymouth in Massachusetts. John Carver, who helped to organize the Mayflower voyage and became the colony's first governor, likely wrote the compact, and it was signed by the colony's forty-one free, adult men.*

in the name of God, Amen. We, whose names are underwritten, the Loyal Subjects of our dread Sovereigne Lord, King James, by the Grace of God, of Great Britaine, France, and Ireland, King, Defender of the Faith, etc.

Having undertaken for the Glory of God, and Advancement of the Christian Faith, and the Honour of our King and Country, a Voyage to plant the first colony in the Northerne Parts of Virginia; doe, by these Presents, solemnly and mutually in the Presence of God and one of another, covenant and combine ourselves together into a civill Body Politick, for our better Ordering and Preservation, and Furtherance of the Ends aforesaid; And by Virtue hereof do enact, constitute, and frame, such just and equall Laws, Ordinances, Acts, Constitutions, and Offices, from time to time, as shall be thought most meete and convenient for the Generall Good of the Colony; unto which we promise all due Submission and Obedience.

In Witness whereof we have hereunto subscribed our names at Cape Cod the eleventh of November, in the Raigne of our Sovereigne Lord, King James of England, France, and Ireland, the eighteenth, and of Scotland, the fiftie-fourth, Anno. Domini, 1620.

## THE SILENCE DOGOOD LETTERS (1722)

*Benjamin Franklin helped publish Boston's third newspaper, the New England Courant, as an apprentice at his brother James's print shop. The newspaper provided jaunty literary pieces in imitation of London papers that James admired, among other newsworthy articles. Ben, who wanted to write for the paper but was afraid of objections from his brother, started slipping letters about current topics under the printshop door in the dead of night, using the pseudonym "Silence Dogood." James and his friends frequently lauded the letters as coming from a much older and wiser community member, never suspecting the author was James's sixteen-year-old brother. Eventually Ben admitted the truth, which led to a brotherly rift, sending Ben to Philadelphia, where he became one of the foremost statesmen of our country. The fourteen letters are published here.*

APRIL 2, 1722 • SILENCE DOGOOD #1

TO the Author of the *New-England Courant*.

Sir,

It may not be improper in the first place to inform your Readers, that I intend once a Fortnight to present them, by the Help of this Paper, with a short Epistle, which I presume will add somewhat to their Entertainment.

And since it is observed, that the Generality of People, now a days, are unwilling either to commend or dispraise what they read, until they are in some measure inform'd who or what the Author of it is, whether he be poor or rich, old or young, a Schollar or a Leather Apron Man, &c. and give their Opinion of the Performance, according to the Knowledge which they have of the Author's Circumstances, it may not be amiss to begin with a short Account of my past Life and present Condition, that the Reader may not be at a Loss to judge whether or no my Lucubrations are worth his reading.

At the time of my Birth, my Parents were on Ship-board in their Way from London to N. England. My Entrance into this troublesome World was attended with the Death of my Father, a Misfortune, which tho' I was not then capable of knowing, I shall never be able to forget; for as he, poor Man, stood upon the Deck rejoicing at my Birth, a merciless Wave entred the Ship, and in one Moment carry'd him beyond Reprieve. Thus, was the first Day which I saw, the last that was seen by my Father; and thus was my disconsolate Mother at once made both a Parent and a Widow.

When we arrived at Boston (which was not long after) I was put to Nurse in a Country Place, at a small Distance from the Town, where I went to School, and past my Infancy and Childhood in Vanity and Idleness, until I was bound out Apprentice, that I might no longer be a Charge to my Indigent Mother, who was put to hard Shifts for a Living.

My Master was a Country Minister, a pious good-natur'd young Man, and a Batchelor: he labour'd with all his Might to instil vertuous and godly Principles into my tender Soul, well knowing that it was the most suitable Time to make deep and lasting Impressions on the Mind, while it was yet untainted with Vice, free and unbiass'd. He endeavour'd that I might be instructed in all that Knowledge and Learning which is necessary for our Sex, and deny'd me no Accomplishment that could possibly be attained in a Country Place; such as all Sorts of Needle-Work, Writing, Arithmetick, &c. and observing that I took a more than ordinary Delight in reading ingenious Books, he gave me the free Use of his Library, which tho' it was but small, yet it was well chose, to inform the Understanding rightly, and enable the Mind to frame great and noble Ideas.

Before I had liv'd quite two Years with this Reverend Gentleman, my indulgent Mother departed this Life, leaving me as it were by my self, having no Relation on Earth within my Knowledge.

I will not abuse your Patience with a tedious Recital of all the frivolous

Accidents of my Life, that happened from this Time until I arrived to Years of Discretion, only inform you that I liv'd a chearful Country Life, spending my leisure Time either in some innocent Diversion with the neighbouring Females, or in some shady Retirement, with the best of Company, Books. Thus I past away the Time with a Mixture of Profit and Pleasure, having no affliction but what was imaginary, and created in my own Fancy; as nothing is more common with us Women, than to be grieving for nothing, when we have nothing else to grieve for.

As I would not engross too much of your Paper at once, I will defer the Remainder of my Story until my next Letter; in the mean time desiring your Readers to exercise their Patience, and bear with my Humours now and then, because I shall trouble them but seldom. I am not insensible of the Impossibility of pleasing all, but I would not willingly displease any; and for those who will take Offence were none is intended, they are beneath the Notice of Your Humble Servant,

S I L E N C E D O G O O D.

APRIL 16, 1722 • SILENCE DOGOOD #2

To the Author of the New-England Courant.

Sir,

Histories of Lives are seldom entertaining, unless they contain something either admirable or exemplar: And since there is little or nothing of this Nature in my own Adventures, I will not tire your Readers with tedious Particulars of no Consequence, but will briefly, and in as few Words as possible, relate the most material Occurrences of my Life, and according to my Promise, confine all to this Letter.

My Reverend master who had hitherto remained a Batchelor, (after much



meditation on the Eighteenth verse of the Second Chapter of Genesis,) took up a Resolution to marry; and having made several unsuccessful fruitless Attempts on the more topping Sort of our Sex, and being tir'd with making troublesome Journeys and Visits to no Purpose, he began unexpectedly to cast a loving Eye upon Me, whom he had brought up cleverly to his Hand.

There is certainly scarce any Part of a Man's Life in which he appears more silly and ridiculous, than when he makes his first Onset in Courtship. The awkward Manner in which my Master first discover'd his Intentions, made me, in spite of my Reverence to his Person, burst out into an unmannerly Laughter: However, having ask'd his Pardon, and with much ado compos'd my Countenance, I promis'd him I would take his Proposal into serious Consideration, and speedily give him an Answer.

As he had been a great Benefactor (and in a Manner a Father to me) I could not well deny his Request, when I once perceived he was in earnest. Whether it was Love, or Gratitude, or Pride, or all Three that made me consent, I know not; but it is certain, he found it no hard Matter, by the Help of his Rhetorick, to conquer my Heart, and perswade me to marry him.

This unexpected Match was very astonishing to all the Country round about, and served to furnish them with Discourse for a long Time after; some approving it, others disliking it, as they were led by their various Fancies and Inclinations.

We lived happily together in the Height of conjugal Love and mutual Endearments, for near Seven Years, in which Time we added Two likely Girls and a Boy to the Family of the Dogoods: But alas! When my Sun was in its meridian Altitude, inexorable unrelenting Death, as if he had envy'd my Happiness and Tranquility, and resolv'd to make me entirely miserable by the Loss of so good an Husband, hastened his Flight to the Heavenly World, by a sudden unexpected Departure from this.

I have now remained in a State of Widowhood for several Years, but it is a State I never much admir'd, and I am apt to fancy that I could be easily perswaded to marry again, provided I was sure of a good-humour'd, sober, agreeable Companion: But one, even with these few good Qualities, being hard to find, I have lately relinquish'd all Thoughts of that Nature.

At present I pass away my leisure Hours in Conversation, either with my honest Neighbour Rusticus and his Family, or with the ingenious Minister of our Town, who now lodges at my House, and by whose Assistance I intend now and then to beautify my Writings with a Sentence or two in the learned Languages, which will not only be fashionable, and pleasing to those who do not understand it, but will likewise be very ornamental.

I shall conclude this with my own Character, which (one would think) I should be best able to give. Know then, That I am an Enemy to Vice, and a Friend to Vertue. I am one of an extensive Charity, and a great Forgiver of private Injuries: A hearty Lover of the Clergy and all good Men, and a mortal Enemy to arbitrary Government and unlimited Power. I am naturally very jealous for the Rights and Liberties of my Country; and the least appearance of an Incroachment on those invaluable Priviledges, is apt to make my Blood boil exceedingly. I have likewise a natural Inclination to observe and reprove the Faults of others, at which I have an excellent Faculty. I speak this by Way of Warning to all such whose Offences shall come under my Cognizance, for I never intend to wrap my Talent in a Napkin. To be brief; I am courteous and affable, good humour'd (unless I am first provok'd,) and handsome, and sometimes witty, but always, Sir, Your Friend and Humble Servant,

S I L E N C E D O G O O D.

APRIL 30, 1722 • SILENCE DOGOOD #3

To the Author of the *New-England Courant*.

Sir,

It is undoubtedly the Duty of all Persons to serve the Country they live in, according to their Abilities; yet I sincerely acknowledge, that I have hitherto been very deficient in this Particular; whether it was for want of Will or Opportunity, I will not at present stand to determine: Let it suffice, that I now take up a Resolution, to do for the future all that lies in my Way for the Service of my Countrymen.

I have from my Youth been indefatigably studious to gain and treasure up in my Mind all useful and desireable Knowledge, especially such as tends to improve the Mind, and enlarge the Understanding: And as I have found it very beneficial to me, I am not without Hopes, that communicating my small Stock in this Manner, by Peace-meal to the Publick, may be at least in some Measure useful.

I am very sensible that it is impossible for me, or indeed any one Writer to please all Readers at once. Various Persons have different Sentiments; and that which is pleasant and delightful to one, gives another a Disgust. He that would (in this Way of Writing) please all, is under a Necessity to make his Themes almost as numerous as his Letters. He must one while be merry and diverting, then more solid and serious; one while sharp and satyrical, then (to mollify that) be sober and religious; at one Time let the Subject be Politicks, then let the next Theme be Love: Thus will every one, one Time or other find some thing agreeable to his own Fancy, and in his Turn be delighted.

According to this Method I intend to proceed, bestowing now and then a few gentle Reproofs on those who deserve them, not forgetting at the same time to applaud those whose Actions merit Commendation. And here I must not forget to invite the ingenious Part of your Readers, particularly those of my own Sex to enter into a Correspondence with me, assuring them, that their Condescension in this Particular shall be received as a Favour, and accordingly acknowledged.

I think I have now finish'd the Foundation, and I intend in my next to begin to raise the Building. Having nothing more to write at present, I must make the usual excuse in such Cases, of being in haste, assuring you that I speak from my Heart when I call my self, The most humble and obedient of all the Servants your Merits have acquir'd,

S I L E N C E D O G O O D.

MAY 14, 1722 • SILENCE DOGOOD #4

*An sum etiam nunc vel Graecè loqui vel Latinè docendus? Cicero.*

To the Author of the *New-England Courant*.

Sir,

Discoursing the other Day at Dinner with my Reverend Boarder, formerly mention'd, (whom for Distinction sake we will call by the Name of Clericus,) concerning the Education of Children, I ask'd his Advice about my young Son William, whether or no I had best bestow upon him Academical Learning, or (as our Phrase is) bring him up at our College: He perswaded me to do it by all Means, using many weighty Arguments with me, and answering all the Objections that I could form against it; telling me withal, that he did not doubt but that the Lad would take his Learning very well, and not idle away his Time as too many there now-a-days do. These Words of Clericus gave me a Curiosity to inquire a little more strictly into the present Circumstances of that famous Seminary of Learning; but the Information which he gave me, was neither pleasant, nor such as I expected.

As soon as Dinner was over, I took a solitary Walk into my Orchard, still ruminating on Clericus's Discourse with much Consideration, until I came to my usual Place of Retirement under the Great Apple-Tree; where having seated my self, and carelessly laid my Head on a verdant Bank, I fell by

Degrees into a soft and undisturbed Slumber. My waking Thoughts remained with me in my Sleep, and before I awak'd again, I dreamt the following Dream.

I fancy'd I was travelling over pleasant and delightful Fields and Meadows, and thro' many small Country Towns and Villages; and as I pass'd along, all Places resounded with the Fame of the Temple of Learning: Every Peasant, who had wherewithal, was preparing to send one of his Children at least to this famous Place; and in this Case most of them consulted their own Purses instead of their Childrens Capacities: So that I observed, a great many, yea, the most part of those who were travelling thither, were little better than Dunces and Blockheads. Alas! alas!

At length I entred upon a spacious Plain, in the Midst of which was erected a large and stately Edifice: It was to this that a great Company of Youths from all Parts of the Country were going; so stepping in among the Crowd, I passed on with them, and presently arrived at the Gate.

The Passage was kept by two sturdy Porters named Riches and Poverty, and the latter obstinately refused to give Entrance to any who had not first gain'd the Favour of the former; so that I observed, many who came even to the very Gate, were obliged to travel back again as ignorant as they came, for want of this necessary Qualification. However, as a Spectator I gain'd Admittance, and with the rest entred directly into the Temple.

In the Middle of the great Hall stood a stately and magnificent Throne, which was ascended to by two high and difficult Steps. On the Top of it sat Learning in awful State; she was appalled wholly in Black, and surrounded almost on every Side with innumerable Volumes in all Languages. She seem'd very busily employ'd in writing something on half a Sheet of Paper, and upon Enquiry, I understood she was preparing a Paper, call'd, *The New-England Courant*. On her Right Hand sat English, with a pleasant smiling Countenance, and handsomely attir'd; and on her left were seated several

Antique Figures with their Faces veil'd. I was considerably puzzl'd to guess who they were, until one inform'd me, (who stood beside me,) that those Figures on her left Hand were Latin, Greek, Hebrew, &c. and that they were very much reserv'd, and seldom or never unvail'd their Faces here, and then to few or none, tho' most of those who have in this Place acquir'd so much Learning as to distinguish them from English, pretended to an intimate Acquaintance with them. I then enquir'd of him, what could be the Reason why they continued veil'd, in this Place especially: He pointed to the Foot of the Throne, where I saw Idleness, attended with Ignorance, and these (he inform'd me) were they, who first veil'd them, and still kept them so.

Now I observed, that the whole Tribe who entred into the Temple with me, began to climb the Throne; but the Work proving troublesome and difficult to most of them, they withdrew their Hands from the Plow, and contented themselves to sit at the Foot, with Madam Idleness and her Maid Ignorance, until those who were assisted by Diligence and a docible Temper, had well nigh got up the first Step: But the Time drawing nigh in which they could no way avoid ascending, they were fain to crave the Assistance of those who had got up before them, and who, for the Reward perhaps of a Pint of Milk, or a Piece of Plumb-Cake, lent the Lubbers a helping Hand, and sat them in the Eye of the World, upon a Level with themselves.

The other Step being in the same Manner ascended, and the usual Ceremonies at an End, every Beetle-Scull seem'd well satisfy'd with his own Portion of Learning, tho' perhaps he was e'en just as ignorant as ever. And now the Time of their Departure being come, they march'd out of Doors to make Room for another Company, who waited for Entrance: And I, having seen all that was to be seen, quitted the hall likewise, and went to make my Observations on those who were just gone out before me.

Some I perceiv'd took to Merchandizing, others to Travelling, some to one Thing, some to another, and some to Nothing; and many of them from henceforth, for want of Patrimony, liv'd as poor as Church Mice, being

unable to dig, and ashamed to beg, and to live by their Wits it was impossible. But the most Part of the Crowd went along a large beaten Path, which led to a Temple at the further End of the Plain, call'd, The Temple of Theology. The Business of those who were employ'd in this Temple being laborious and painful, I wonder'd exceedingly to see so many go towards it; but while I was pondering this Matter in my Mind, I spy'd Pecunia behind a Curtain, beckoning to them with her Hand, which Sight immediately satisfy'd me for whose Sake it was, that a great Part of them (I will not say all) travel'd that Road. In this Temple I saw nothing worth mentioning, except the ambitious and fraudulent Contrivances of Plagius, who (notwithstanding he had been severely reprehended for such Practices before) was diligently transcribing some eloquent Paragraphs out of Tillotson's Works, &c., to embellish his own.

Now I bethought my self in my Sleep, that it was Time to be at Home, and as I fancy'd I was travelling back thither, I reflected in my Mind on the extream Folly of those Parents, who, blind to their Childrens Dulness, and insensible of the Solidity of their Skulls, because they think their Purses can afford it, will needs send them to the Temple of Learning, where, for want of a suitable Genius, they learn little more than how to carry themselves handsomely, and enter a Room genteely, (which might as well be acquir'd at a Dancing-School,) and from whence they return, after Abundance of Trouble and Charge, as great Blockheads as ever, only more proud and self-conceited.

While I was in the midst of these unpleasant Reflections, Clericus (who with a Book in his Hand was walking under the Trees) accidentally awak'd me; to him I related my Dream with all its Particulars, and he, without much Study, presently interpreted it, assuring me, That it was a lively Representation of Harvard College, Etcetera. I remain, Sir, Your Humble Servant,

S I L E N C E D O G O O D.

MAY 28, 1722 • SILENCE DOGOOD #5

*Mulier Mulieri magis congruet. Ter.*

To the Author of the *New-England Courant*.

Sir,

I shall here present your Readers with a Letter from one, who informs me that I have begun at the wrong End of my Business, and that I ought to begin at Home, and censure the Vices and Follies of my own Sex, before I venture to meddle with your's: Nevertheless, I am resolved to dedicate this Speculation to the Fair Tribe, and endeavour to show, that Mr. Ephraim charges Women with being particularly guilty of Pride, Idleness, &c. wrongfully, inasmuch as the Men have not only as great a Share in those Vices as the Women, but are likewise in a great Measure the Cause of that which the Women are guilty of. I think it will be best to produce my Antagonist, before I encounter him.

To Mrs. Dogood.

“Madam,

“My Design in troubling you with this Letter is, to desire you would begin with your own Sex first: Let the first Volley of your Resentments be directed against Female Vice; let Female Idleness, Ignorance and Folly, (which are Vices more peculiar to your Sex than to our's,) be the Subject of your Satyrs, but more especially Female Pride, which I think is intollerable. Here is a large Field that wants Cultivation, and which I believe you are able (if willing) to improve with Advantage; and when you have once reformed the Women, you will find it a much easier Task to reform the Men, because Women are the prime Causes of a great many Male Enormities. This is all at present from Your Friendly Wellwisher,

Ephraim Censorious”

After Thanks to my Correspondent for his Kindness in cutting out Work for



me, I must assure him, that I find it a very difficult Matter to reprove Women separate from the Men; for what Vice is there in which the Men have not as great a Share as the Women? and in some have they not a far greater, as in Drunkenness, Swearing, &c.? And if they have, then it follows, that when a Vice is to be reprov'd, Men, who are most culpable, deserve the most Reprehension, and certainly therefore, ought to have it. But we will wave this Point at present, and proceed to a particular Consideration of what my Correspondent calls Female Vice.

As for Idleness, if I should Quaere, Where are the greatest Number of its Votaries to be found, with us or the Men? it might I believe be easily and truly answer'd, With the latter. For notwithstanding the Men are commonly complaining how hard they are forc'd to labour, only to maintain their Wives in Pomp and Idleness, yet if you go among the Women, you will learn, that they have always more Work upon their Hands than they are able to do; and that a Woman's Work is never done, &c. But however, Suppose we should grant for once, that we are generally more idle than the Men, (without making any Allowance for the Weakness of the Sex,) I desire to know whose Fault it is? Are not the Men to blame for their Folly in maintaining us in Idleness? Who is there that can be handsomely Supported in Affluence, Ease and Pleasure by another, that will chuse rather to earn his Bread by the Sweat of his own Brows? And if a Man will be so fond and so foolish, as to labour hard himself for a Livelihood, and suffer his Wife in the mean Time to sit in Ease and Idleness, let him not blame her if she does so, for it is in a great Measure his own Fault.

And now for the Ignorance and Folly which he reproaches us with, let us see (if we are Fools and Ignoramus's) whose is the Fault, the Men's or our's. An ingenious Writer, having this Subject in Hand, has the following Words, wherein he lays the Fault wholly on the Men, for not allowing Women the Advantages of Education.

“I have (says he) often thought of it as one of the most barbarous Customs in

the World, considering us as a civiliz'd and Christian Country, that we deny the Advantages of Learning to Women. We reproach the Sex every Day with Folly and Impertinence, while I am confident, had they the Advantages of Education equal to us, they would be guilty of less than our selves. One would wonder indeed how it should happen that Women are conversible at all, since they are only beholding to natural Parts for all their Knowledge. Their Youth is spent to teach them to stitch and sew, or make Baubles: They are taught to read indeed, and perhaps to write their Names, or so; and that is the Heighth of a Womans Education. And I would but ask any who slight the Sex for their Understanding, What is a Man (a Gentleman, I mean) good for that is taught no more? If Knowledge and Understanding had been useless Additions to the Sex, God Almighty would never have given them Capacities, for he made nothing Needless. What has the Woman done to forfeit the Priviledge of being taught? Does she plague us with her Pride and Impertinence? Why did we not let her learn, that she might have had more Wit? Shall we upbraid Women with Folly, when 'tis only the Error of this inhumane Custom that hindred them being made wiser."

So much for Female Ignorance and Folly, and now let us a little consider the Pride which my Correspondent thinks is intollerable. By this Expression of his, one would think he is some dejected Swain, tyranniz'd over by some cruel haughty Nymph, who (perhaps he thinks) has no more Reason to be proud than himself. Alas-a-day! What shall we say in this Case! Why truly, if Women are proud, it is certainly owing to the Men still; for if they will be such Simpletons as to humble themselves at their Feet, and fill their credulous Ears with extravagant Praises of their Wit, Beauty, and other Accomplishments (perhaps where there are none too,) and when Women are by this Means perswaded that they are Something more than humane, what Wonder is it, if they carry themselves haughtily, and live extravagantly. Notwithstanding, I believe there are more Instances of extravagant Pride to be found among Men than among Women, and this Fault is certainly more hainous in the former than in the latter.

Upon the whole, I conclude, that it will be impossible to lash any Vice, of which the Men are not equally guilty with the Women, and consequently deserve an equal (if not a greater) Share in the Censure. However, I exhort both to amend, where both are culpable, otherwise they may expect to be severely handled by Sir, Your Humble Servant,

SILENCE DOGOOD.

N.B. Mrs. Dogood has lately left her Seat in the Country, and come to Boston, where she intends to tarry for the Summer Season, in order to compleat her Observations of the present reigning Vices of the Town.

JUNE 11, 1722 • SILENCE DOGOOD #6

*Quem Dies videt veniens Superbum, Hunc Dies vidit fugiens jacentem.*

Seneca.

To the Author of the *New-England Courant*.

Sir,

Among the many reigning Vices of the Town which may at any Time come under my Consideration and Reprehension, there is none which I am more inclin'd to expose than that of Pride. It is acknowledg'd by all to be a Vice the most hateful to God and Man. Even those who nourish it in themselves, hate to see it in others. The proud Man aspires after Nothing less than an unlimited Superiority over his Fellow-Creatures. He has made himself a King in Soliloquy; fancies himself conquering the World; and the Inhabitants thereof consulting on proper Methods to acknowledge his Merit. I speak it to my Shame, I my self was a Queen from the Fourteenth to the Eighteenth Year of my Age, and govern'd the World all the Time of my being govern'd by my Master. But this speculative Pride may be the Subject of another Letter: I shall at present confine my Thoughts to what we call Pride of Apparel. This

Sort of Pride has been growing upon us ever since we parted with our Homespun Cloaths for Fourteen Penny Stuffs, &c. And the Pride of Apparel has begot and nourish'd in us a Pride of Heart, which portends the Ruin of Church and State. Pride goeth before Destruction, and a haughty Spirit before a Fall: And I remember my late Reverend Husband would often say upon this Text, That a Fall was the natural Consequence, as well as Punishment of Pride. Daily Experience is sufficient to evince the Truth of this Observation. Persons of small Fortune under the Dominion of this Vice, seldom consider their Inability to maintain themselves in it, but strive to imitate their Superiors in Estate, or Equals in Folly, until one Misfortune comes upon the Neck of another, and every Step they take is a Step backwards. By striving to appear rich they become really poor, and deprive themselves of that Pity and Charity which is due to the humble poor Man, who is made so more immediately by Providence.

This Pride of Apparel will appear the more foolish, if we consider, that those airy Mortals, who have no other Way of making themselves considerable but by gorgeous Apparel, draw after them Crowds of Imitators, who hate each other while they endeavour after a Similitude of Manners. They destroy by Example, and envy one another's Destruction.

I cannot dismiss this Subject without some Observations on a particular Fashion now reigning among my own Sex, the most immodest and inconvenient of any the Art of Woman has invented, namely, that of Hoop-Petticoats. By these they are incommoded in their General and Particular Calling, and therefore they cannot answer the Ends of either necessary or ornamental Apparel. These monstrous topsy-turvy Mortar-Pieces, are neither fit for the Church, the Hall, or the Kitchen; and if a Number of them were well mounted on Noddles-Island, they would look more like Engines of War for bombarding the Town, than Ornaments of the Fair Sex. An honest Neighbour of mine, happening to be in Town some time since on a publick Day, inform'd me, that he saw four Gentlewomen with their Hoops half mounted in a Balcony, as they withdrew to the Wall, to the great Terror of the

Militia, who (he thinks) might attribute their irregular Volleys to the formidable Appearance of the Ladies Petticoats.

I assure you, Sir, I have but little Hopes of perswading my Sex, by this Letter, utterly to relinquish the extravagant Foolery, and Indication of Immodesty, in this monstrous Garb of their's; but I would at least desire them to lessen the Circumference of their Hoops, and leave it with them to consider, Whether they, who pay no Rates or Taxes, ought to take up more Room in the King's High-Way, than the Men, who yearly contribute to the Support of the Government. I am, Sir, Your Humble Servant,

S I L E N C E D O G O O D.

JUNE 25, 1722 • SILENCE DOGOOD #7

*Give me the Muse, whose generous Force,*

*Impatient of the Reins,*

*Pursues an unattempted Course,*

*Breaks all the Criticks Iron Chains. Watts.*

To the Author of the *New-England Courant*.

Sir,

It has been the Complaint of many Ingenious Foreigners, who have travell'd amongst us, That good Poetry is not to be expected in New-England. I am apt to Fancy, the Reason is, not because our Countreymen are altogether void of a Poetical Genius, nor yet because we have not those Advantages of Education which other Countries have, but purely because we do not afford that Praise and Encouragement which is merited, when any thing extraordinary of this Kind is produc'd among us: Upon which Consideration

I have determined, when I meet with a Good Piece of New-England Poetry, to give it a suitable Encomium, and thereby endeavour to discover to the World some of its Beautys, in order to encourage the Author to go on, and bless the World with more, and more Excellent Productions.

There has lately appear'd among us a most Excellent Piece of Poetry, entituled, "An Elegy upon the much Lamented Death of Mrs. Mehitebell Kitel, Wife of Mr. John Kitel of Salem, &c." It may justly be said in its Praise, without Flattery to the Author, that it is the most Extraordinary Piece that ever was wrote in New-England. The Language is so soft and Easy, the Expression so moving and pathetick, but above all, the Verse and Numbers so Charming and Natural, that it is almost beyond Comparison,

*The Muse disdains*

*Those Links and Chains,*

*Measures and Rules of vulgar Strains,*

*And o'er the Laws of Harmony a Sovereign Queen she reigns.*

I find no English Author, Ancient or Modern, whose Elegies may be compar'd with this, in respect to the Elegance of Stile, or Smoothness of Rhime; and for the affecting Part, I will leave your Readers to judge, if ever they read any Lines, that would sooner make them draw their Breath and Sigh, if not shed Tears, than these following.

*Come let us mourn, for we have lost a Wife, a Daughter, and a Sister,*

*Who has lately taken Flight, and greatly we have mist her.*

In another Place,

*Some little Time before she yielded up her Breath,*

*She said, I ne'er shall hear one Sermon more on Earth.*

*She kist her Husband some little Time before she expir'd,*

*Then lean'd her Head the Pillow on, just out of Breath and tir'd.*

But the Threefold Appellation in the first Line

*a Wife, a Daughter, and a Sister,*

must not pass unobserved. That Line in the celebrated Watts,

GUNSTON *the Just, the Generous, and the Young,*

is nothing Comparable to it. The latter only mentions three Qualifications of one Person who was deceased, which therefore could raise Grief and Compassion but for One. Whereas the former, (our most excellent Poet) gives his Reader a Sort of an Idea of the Death of Three Persons, viz.

*a Wife, a Daughter, and a Sister,*

which is Three Times as great a Loss as the Death of One, and consequently must raise Three Times as much Grief and Compassion in the Reader.

I should be very much straitned for Room, if I should attempt to discover even half the Excellencies of this Elegy which are obvious to me. Yet I cannot omit one Observation, which is, that the Author has (to his Honour) invented a new Species of Poetry, which wants a Name, and was never before known. His Muse scorns to be confin'd to the old Measures and Limits, or to observe the dull Rules of Criticks;

*Nor Rapin gives her Rules to fly, nor Purcell Notes to sing.* Watts.

Now 'tis Pity that such an Excellent Piece should not be dignify'd with a

particular Name; and seeing it cannot justly be called, either Epic, Sapphic, Lyric, or Pindaric, nor any other Name yet invented, I presume it may, (in Honour and Remembrance of the Dead) be called the Kitelic. Thus much in the Praise of Kitelic Poetry.

It is certain, that those Elegies which are of our own Growth, (and our Soil seldom produces any other sort of Poetry) are by far the greatest part, wretchedly Dull and Ridiculous. Now since it is imagin'd by many, that our Poets are honest, well-meaning Fellows, who do their best, and that if they had but some Instructions how to govern Fancy with Judgment, they would make indifferent good Elegies; I shall here subjoin a Receipt for that purpose, which was left me as a Legacy, (among other valuable Rarities) by my Reverend Husband. It is as follows,

*A RECEIPT to make a New-England Funeral ELEGY.*

For the Title of your Elegy. Of these you may have enough ready made to your Hands; but if you should chuse to make it your self, you must be sure not to omit the Words Aetatis Suae, which will Beautify it exceedingly.

For the Subject of your Elegy. Take one of your Neighbours who has lately departed this Life; it is no great matter at what Age the Party dy'd, but it will be best if he went away suddenly, being Kill'd, Drown'd, or Froze to Death.

Having chose the Person, take all his Virtues, Excellencies, &c. and if he have not enough, you may borrow some to make up a sufficient Quantity: To these add his last Words, dying Expressions, &c. if they are to be had; mix all these together, and be sure you strain them well. Then season all with a Handful or two of Melancholly Expressions, such as, Dreadful, Deadly, cruel cold Death, unhappy Fate, weeping Eyes, &c. Have mixed all these Ingredients well, put them into the empty Scull of some young Harvard; (but in Case you have ne'er a One at Hand, you may use your own,) there let them Ferment for the Space of a Fortnight, and by that Time they will be



incorporated into a Body, which take out, and having prepared a sufficient Quantity of double Rhimes, such as, Power, Flower; Quiver, Shiver; Grieve us, Leave us; tell you, excel you; Expeditions, Physicians; Fatigue him, Intrigue him; &c. you must spread all upon Paper, and if you can procure a Scrap of Latin to put at the End, it will garnish it mightily; then having affixed your Name at the Bottom, with a *Moestus Composuit*, you will have an Excellent Elegy.

N.B. This Receipt will serve when a Female is the Subject of your Elegy, provided you borrow a greater Quantity of Virtues, Excellencies, &c. Sir,  
Your Servant,

S I L E N C E D O G O O D.

p.s. I shall make no other Answer to Hypercarpus's Criticism on my last Letter than this, *Mater me genuit, peperit mox filia matrem.*

JULY 9, 1722 • SILENCE DOGOOD #8

To the Author of the *New-England Courant*.

Sir,

I prefer the following Abstract from the London Journal to any Thing of my own, and therefore shall present it to your Readers this week without any further Preface.

“Without Freedom of Thought, there can be no such Thing as Wisdom; and no such Thing as publick Liberty, without Freedom of Speech; which is the Right of every Man, as far as by it, he does not hurt or controul the Right of another: And this is the only Check it ought to suffer, and the only Bounds it ought to know.

“This sacred Privilege is so essential to free Governments, that the Security of

Property, and the Freedom of Speech always go together; and in those wretched Countries where a Man cannot call his Tongue his own, he can scarce call any Thing else his own. Whoever would overthrow the Liberty of a Nation, must begin by subduing the Freedom of Speech; a Thing terrible to Publick Traytors.

“This Secret was so well known to the Court of King Charles the First, that his wicked Ministry procured a Proclamation, to forbid the People to talk of Parliaments, which those Traytors had laid aside. To assert the undoubted Right of the Subject, and defend his Majesty’s legal Prerogative, was called Disaffection, and punished as Sedition. Nay, People were forbid to talk of Religion in their Families: For the Priests had combined with the Ministers to cook up Tyranny, and suppress Truth and the Law, while the late King James, when Duke of York, went avowedly to Mass, Men were fined, imprisoned and undone, for saying he was a Papist: And that King Charles the Second might live more securely a Papist, there was an Act of Parliament made, declaring it Treason to say that he was one.

“That Men ought to speak well of their Governours is true, while their Governours deserve to be well spoken of; but to do publick Mischief, without hearing of it, is only the Prerogative and Felicity of Tyranny: A free People will be shewing that they are so, by their Freedom of Speech.

“The Administration of Government, is nothing else but the Attendance of the Trustees of the People upon the Interest and Affairs of the People: And as it is the Part and Business of the People, for whose Sake alone all publick Matters are, or ought to be transacted, to see whether they be well or ill transacted; so it is the Interest, and ought to be the Ambition, of all honest Magistrates, to have their Deeds openly examined, and publickly scann’d: Only the wicked Governours of Men dread what is said of them; *Audivit Tiberius probra queis lacerabitur, atque percussus est.* The publick Censure was true, else he had not felt it bitter.

“Freedom of Speech is ever the Symptom, as well as the Effect of a good Government. In old Rome, all was left to the Judgment and Pleasure of the People, who examined the publick Proceedings with such Discretion, and censured those who administred them with such Equity and Mildness, that in the space of Three Hundred Years, not five publick Ministers suffered unjustly. Indeed whenever the Commons proceeded to Violence, the great Ones had been the Agressors.

“Guilt only dreads Liberty of Speech, which drags it out of its lurking Holes, and exposes its Deformity and Horrour to Daylight. Horatius, Valerius, Cincinnatus, and other vertuous and undesigning Magistrates of the Roman Commonwealth, had nothing to fear from Liberty of Speech. Their virtuous Administration, the more it was examin’d, the more it brightned and gain’d by Enquiry. When Valerius in particular, was accused upon some slight grounds of affecting the Diadem; he, who was the first Minister of Rome, does not accuse the People for examining his Conduct, but approved his Innocence in a Speech to them; and gave such Satisfaction to them, and gained such Popularity to himself, that they gave him a new Name; inde cognomen factum Publicolae est; to denote that he was their Favourite and their Friend. *Latae deinde leges —Ante omnes de provocatione Adversus Magistratus Ad Populum, Livii, lib. 2. Cap. 8.*

“But Things afterwards took another Turn. Rome, with the Loss of its Liberty, lost also its Freedom of Speech; then Mens Words began to be feared and watched; and then first began the poysonous Race of Informers, banished indeed under the righteous Administration of Titus, Narva, Trajan, Aurelius, &c. but encouraged and enriched under the vile Ministry of Sejanus, Tigillinus, Pallas, and Cleander: *Queri libet, quod in secreta nostra non inquirant principes, nisi quos Odimus,* says Pliny to Trajan.

“The best Princes have ever encouraged and promoted Freedom of Speech; they know that upright Measures would defend themselves, and that all upright Men would defend them. Tacitus, speaking of the Reign of some of

the Princes abovemention'd, says with Extasy, Rara Temporum felicitate, ubi sentire quae velis, & quae sentias dicere licet: A blessed Time when you might think what you would, and speak what you thought.

“I doubt not but old Spencer and his Son, who were the Chief Ministers and Betrayers of Edward the Second, would have been very glad to have stopped the Mouths of all the honest Men in England. They dreaded to be called Traytors, because they were Traytors. And I dare say, Queen Elizabeth's Walsingham, who deserved no Reproaches, feared none. Misrepresentation of publick Measures is easily overthrown, by representing publick Measures truly; when they are honest, they ought to be publickly known, that they may be publickly commended; but if they are knavish or pernicious, they ought to be publickly exposed, in order to be publickly detested.” Yours, &c.,

SILENCE DOGOOD.

JULY 23, 1722 • SILENCE DOGOOD #9

*Corruptio optimi est pessima.*

To the Author of the *New-England Courant*.

Sir,

It has been for some Time a Question with me, Whether a Commonwealth suffers more by hypocritical Pretenders to Religion, or by the openly Profane? But some late Thoughts of this Nature, have inclined me to think, that the Hypocrite is the most dangerous Person of the Two, especially if he sustains a Post in the Government, and we consider his Conduct as it regards the Publick. The first Artifice of a State Hypocrite is, by a few savoury Expressions which cost him Nothing, to betray the best Men in his Country into an Opinion of his Goodness; and if the Country wherein he lives is noted for the Purity of Religion, he the more easily gains his End, and consequently

may more justly be expos'd and detested. A notoriously profane Person in a private Capacity, ruins himself, and perhaps forwards the Destruction of a few of his Equals; but a publick Hypocrite every day deceives his betters, and makes them the Ignorant Trumpeters of his supposed Godliness: They take him for a Saint, and pass him for one, without considering that they are (as it were) the Instruments of publick Mischief out of Conscience, and ruin their Country for God's sake.

This Political Description of a Hypocrite, may (for ought I know) be taken for a new Doctrine by some of your Readers; but let them consider, that a little Religion, and a little Honesty, goes a great way in Courts. 'Tis not inconsistent with Charity to distrust a Religious Man in Power, tho' he may be a good Man; he has many Temptations "to propagate publick Destruction for Personal Advantages and Security": And if his Natural Temper be covetous, and his Actions often contradict his pious Discourse, we may with great Reason conclude, that he has some other Design in his Religion besides barely getting to Heaven. But the most dangerous Hypocrite in a Commonwealth, is one who leaves the Gospel for the sake of the Law: A Man compounded of Law and Gospel, is able to cheat a whole Country with his Religion, and then destroy them under Colour of Law: And here the Clergy are in great Danger of being deceiv'd, and the People of being deceiv'd by the Clergy, until the Monster arrives to such Power and Wealth, that he is out of the reach of both, and can oppress the People without their own blind Assistance. And it is a sad Observation, that when the People too late see their Error, yet the Clergy still persist in their Encomiums on the Hypocrite; and when he happens to die for the Good of his Country, without leaving behind him the Memory of one good Action, he shall be sure to have his Funeral Sermon stuff'd with Pious Expressions which he dropt at such a Time, and at such a Place, and on such an Occasion; than which nothing can be more prejudicial to the Interest of Religion, nor indeed to the Memory of the Person deceas'd. The Reason of this Blindness in the Clergy is, because they are honourably supported (as they ought to be) by their People, and see nor feel nothing of the Oppression which is obvious and burdensome to every

one else.

But this Subject raises in me an Indignation not to be born; and if we have had, or are like to have any Instances of this Nature in New England, we cannot better manifest our Love to Religion and the Country, than by setting the Deceivers in a true Light, and undeceiving the Deceived, however such Discoveries may be represented by the ignorant or designing Enemies of our Peace and Safety.

I shall conclude with a Paragraph or two from an ingenious Political Writer in the London Journal, the better to convince your Readers, that Publick Destruction may be easily carry'd on by hypocritical Pretenders to Religion.

“A raging Passion for immoderate Gain had made Men universally and intensely hard-hearted: They were every where devouring one another. And yet the Directors and their Accomplices, who were the acting Instruments of all this outrageous Madness and Mischief, set up for wonderful pious Persons, while they were defying Almighty God, and plundering Men; and they set apart a Fund of Subscriptions for charitable Uses; that is, they mercilessly made a whole People Beggars, and charitably supported a few necessitous and worthless Favourites. I doubt not, but if the Villany had gone on with Success, they would have had their Names handed down to Posterity with Encomiums; as the Names of other publick Robbers have been! We have Historians and Ode Makers now living, very proper for such a Task. It is certain, that most People did, at one Time, believe the Directors to be great and worthy Persons. And an honest Country Clergyman told me last Summer, upon the Road, that Sir John was an excellent publick-spirited Person, for that he had beautified his Chancel.

“Upon the whole we must not judge of one another by their best Actions; since the worst Men do some Good, and all Men make fine Professions: But we must judge of Men by the whole of their Conduct, and the Effects of it. Thorough Honesty requires great and long Proof, since many a Man, long

thought honest, has at length proved a Knave. And it is from judging without Proof, or false Proof, that Mankind continue Unhappy.”

I am, Sir, Your humble Servant,

S I L E N C E D O G O O D.

AUGUST 13, 1722 • SILENCE DOGOOD #10

*Optimè societas hominum servabitur. Cic.*

To the Author of the *New-England Courant*.

Sir,

Discoursing lately with an intimate Friend of mine of the lamentable Condition of Widows, he put into my Hands a Book, wherein the ingenious Author proposes (I think) a certain Method for their Relief. I have often thought of some such Project for their Benefit my self, and intended to communicate my Thoughts to the Publick; but to prefer my own Proposals to what follows, would be rather an Argument of Vanity in me than Good Will to the many Hundreds of my Fellow-Sufferers now in New-England.

“We have (says he) abundance of Women, who have been Bred well, and Liv’d well, Ruin’d in a few Years, and perhaps, left Young, with a House full of Children, and nothing to Support them; which falls generally upon the Wives of the Inferior Clergy, or of Shopkeepers and Artificers.

“They marry Wives with perhaps £300 to £1000 Portion, and can settle no Jointure upon them; either they are Extravagant and Idle, and Waste it, or Trade decays, or Losses, or a Thousand Contingences happen to bring a Tradesman to Poverty, and he Breaks; the Poor Young Woman, it may be, has Three or Four Children, and is driven to a thousand shifts, while he lies in the Mint or Fryars under the Dilemma of a Statute of Bankrupt; but if he

Dies, then she is absolutely Undone, unless she has Friends to go to.

“Suppose an Office to be Erected, to be call’d An Office of Ensurance for Widows, upon the following Conditions;

“Two thousand Women, or their Husbands for them, Enter their Names into a Register to be kept for that purpose, with the Names, Age, and Trade of their Husbands, with the Place of their abode, Paying at the Time of their Enting 5s. down with 1s. 4d. per Quarter, which is to the setting up and support of an Office with Clerks, and all proper Officers for the same; for there is no maintaining such without Charge; they receive every one of them a Certificate, Seal’d by the Secretary of the Office, and Sign’d by the Governors, for the Articles hereafter mentioned.

“If any one of the Women becomes a Widow, at any Time after Six Months from the Date of her Subscription, upon due Notice given, and Claim made at the Office in form, as shall be directed, she shall receive within Six Months after such Claim made, the Sum of £500 in Money, without any Deductions, saving some small Fees to the Officers, which the Trustees must settle, that they may be known.

“In Consideration of this, every Woman so Subscribing, Obliges her self to Pay as often as any Member of the Society becomes a Widow, the due Proportion or Share allotted to her to Pay, towards the £500 for the said Widow, provided her Share does not exceed the Sum of 5s.

“No Seamen or Soldiers Wives to be accepted into such a Proposal as this, on the Account before mention’d, because the Contingences of their Lives are not equal to others, unless they will admit this general Exception, supposing they do not Die out of the Kingdom.

“It might also be an Exception, That if the Widow, that Claim’d, had really, bona fide, left her by her Husband to her own use, clear of all Debts and



Legacies, £2000 she shou'd have no Claim; the Intent being to Aid the Poor, not add to the Rich. But there lies a great many Objections against such an Article: As

“1. It may tempt some to forswear themselves.

“2. People will Order their Wills so as to defraud the Exception.

“One Exception must be made; and that is, Either very unequal Matches, as when a Woman of Nineteen Marries an old Man of Seventy; or Women who have infirm Husbands, I mean known and publickly so. To remedy which, Two things are to be done.

“[1.] The Office must have moving Officers without doors, who shall inform themselves of such matters, and if any such Circumstances appear, the Office should have 14 days time to return their Money, and declare their Subscriptions Void.

“2. No Woman whose Husband had any visible Distemper, should claim under a Year after her Subscription.

“One grand Objection against this Proposal, is, How you will oblige People to pay either their Subscription, or their Quarteridge.

“To this I answer, By no Compulsion (tho' that might be perform'd too) but altogether voluntary; only with this Argument to move it, that if they do not continue their Payments, they lose the Benefit of their past Contributions.

“I know it lies as a fair Objection against such a Project as this, That the number of Claims are so uncertain, That no Body knows what they engage in, when they Subscribe, for so many may die Annually out of Two Thousand, as may perhaps make my Payment £20 or 25 per Ann., and if a Woman happen to Pay that for Twenty Years, though she receives the £500 at last she is a great Loser; but if she dies before her Husband, she has lessened his Estate

considerably, and brought a great Loss upon him.

“First, I say to this, That I wou’d have such a Proposal as this be so fair and easy, that if any Person who had Subscrib’d found the Payments too high, and the Claims fall too often, it shou’d be at their Liberty at any Time, upon Notice given, to be released and stand Oblig’d no longer; and if so, Volenti non fit Injuria; every one knows best what their own Circumstances will bear.

“In the next Place, because Death is a Contingency, no Man can directly Calculate, and all that Subscribe must take the Hazard; yet that a Prejudice against this Notion may not be built on wrong Grounds, let’s examine a little the Probable hazard, and see how many shall die Annually out of 2000 Subscribers, accounting by the common proportion of Burials, to the number of the Living.

“Sir William Petty in his Political Arithmetick, by a very Ingenious Calculation, brings the Account of Burials in London, to be 1 in 40 Annually, and proves it by all the proper Rules of proportion’d Computation; and I’ll take my Scheme from thence. If then One in Forty of all the People in England should Die, that supposes Fifty to Die every Year out of our Two Thousand Subscribers; and for a Woman to Contribute 5s. to every one, would certainly be to agree to Pay £12 10s. per Ann. upon her Husband’s Life, to receive £500 when he Di’d, and lose it if she Di’d first; and yet this wou’d not be a hazard beyond reason too great for the Gain.

“But I shall offer some Reasons to prove this to be impossible in our Case; First, Sir William Petty allows the City of London to contain about a Million of People, and our Yearly Bill of Mortality never yet amounted to 25000 in the most Sickly Years we have had, Plague Years excepted, sometimes but to 20000, which is but One in Fifty: Now it is to be consider’d here, that Children and Ancient People make up, one time with another, at least one third of our Bills of Mortality; and our Assurances lies upon none but the Midling Age of the People, which is the only age wherein Life is any thing

steady; and if that be allow'd, there cannot Die by his Computation, above One in Eighty of such People, every Year; but because I would be sure to leave Room for Casualty, I'll allow one in Fifty shall Die out of our Number Subscrib'd.

“Secondly, It must be allow'd, that our Payments falling due only on the Death of Husbands, this One in Fifty must not be reckoned upon the Two thousand; for 'tis to be suppos'd at least as many Women shall die as Men, and then there is nothing to Pay; so that One in Fifty upon One Thousand, is the most that I can suppose shall claim the Contribution in a Year, which is Twenty Claims a Year at 5s. each, and is £5 per Ann. and if a Woman pays this for Twenty Year, and claims at last, she is Gainer enough, and no extraordinary Loser if she never claims at all: And I verily believe any Office might undertake to demand at all Adventures not above £6 per Ann. and secure the Subscriber £500 in case she come to claim as a Widow.”

I would leave this to the Consideration of all who are concern'd for their own or their Neighbour's Temporal Happiness; and I am humbly of Opinion, that the Country is ripe for many such Friendly Societies, whereby every Man might help another, without any Disservice to himself. We have many charitable Gentlemen who Yearly give liberally to the Poor, and where can they better bestow their Charity than on those who become so by Providence, and for ought they know on themselves. But above all, the Clergy have the most need of coming into some such Project as this. They as well as poor Men (according to the Proverb) generally abound in Children; and how many Clergymen in the Country are forc'd to labour in their Fields, to keep themselves in a Condition above Want? How then shall they be able to leave any thing to their forsaken, dejected, and almost forgotten Wives and Children. For my own Part, I have nothing left to live on, but Contentment and a few Cows; and tho' I cannot expect to be reliev'd by this Project, yet it would be no small Satisfaction to me to see it put in Practice for the Benefit of others. I am, Sir, &c.

SILENCE DOGOOD.

AUGUST 20, 1722 • SILENCE DOGOOD #11

*Neque licitum interea est meam amicam visere.*

To the Author of the *New-England Courant*.

Sir,

From a natural Compassion to my Fellow-Creatures, I have sometimes been betray'd into Tears at the Sight of an Object of Charity, who by a bear [sic] Relation of his Circumstances, seem'd to demand the Assistance of those about him. The following Petition represents in so lively a Manner the forlorn State of a Virgin well stricken in Years and Repentance, that I cannot forbear publishing it at this Time, with some Advice to the Petitioner.

To Mrs. Silence Dogood.

“1. That your Petitioner being puff'd up in her younger Years with a numerous Train of Humble Servants, had the Vanity to think, that her extraordinary Wit and Beauty would continually recommend her to the Esteem of the Gallants; and therefore as soon as it came to be publickly known that any Gentleman address'd her, he was immediately discarded.

“2. That several of your Petitioners Humble Servants, who upon their being rejected by her, were, to all Apperance in a dying Condition, have since recover'd their Health, and been several Years married, to the great Surprise and Grief of your Petitioner, who parted with them upon no other Conditions, but that they should die or run distracted for her, as several of them faithfully promis'd to do.

“3. That your Petitioner finding her self disappointed in and neglected by her former Adorers, and no new Offers appearing for some Years past, she has

been industriously contracting Acquaintance with several Families in Town and Country, where any young Gentlemen or Widowers have resided, and endeavour'd to appear as conversable as possible before them: She has likewise been a strict Observer of the Fashion, and always appear'd well dress'd. And the better to restore her decay'd Beauty, she has consum'd above Fifty Pound's Worth of the most approved Cosmeticks. But all won't do.

“Your Petitioner therefore most humbly prays, That you would be pleased to form a Project for the Relief of all those penitent Mortals of the fair Sex, that are like to be punish'd with their Virginitie until old Age, for the Pride and Insolence of their Youth.

“And your Petitioner (as in Duty bound) shall ever pray, &c.

Margaret Aftercast”

Were I endow'd with the Faculty of Match-making, it should be improv'd for the Benefit of Mrs. Margaret, and others in her Condition: But since my extream Modesty and Taciturnity, forbids an Attempt of this Nature, I would advise them to relieve themselves in a Method of Friendly Society; and that already publish'd for Widows, I conceive would be a very proper Proposal for them, whereby every single Woman, upon full Proof given of her continuing a Virgin for the Space of Eighteen Years, (dating her Virginitie from the Age of Twelve,) should be entituled to £500 in ready Cash.

But then it will be necessary to make the following Exceptions.

1. That no Woman shall be admitted into the Society after she is Twenty Five Years old, who has made a Practice of entertaining and discarding Humble Servants, without sufficient Reason for so doing, until she has manifested her Repentance in Writing under her Hand.

2. No Member of the Society who has declar'd before two credible Witnesses, That it is well known she has refus'd several good Offers since the Time of her Subscribing, shall be entituled to the £500 when she comes of Age; that is to say, Thirty Years.

3. No Woman, who after claiming and receiving, has had the good Fortune to marry, shall entertain any Company with Encomiums on her Husband, above the Space of one Hour at a Time, upon Pain of returning one half the Money into the Office, for the first Offence; and upon the second Offence to return the Remainder. I am, Sir, Your Humble Servant,

S I L E N C E D O G O O D.

SEPTEMBER 10, 1722 • SILENCE DOGOOD #12

*Quod est in cordi sobrii, est in ore ebrii.*

To the Author of the *New-England Courant*.

Sir,

It is no unprofitable tho' unpleasant Pursuit, diligently to inspect and consider the Manners and Conversation of Men, who, insensible of the greatest Enjoyments of humane Life, abandon themselves to Vice from a false Notion of Pleasure and good Fellowship. A true and natural Representation of any Enormity, is often the best Argument against it and Means of removing it, when the most severe Reprehensions alone, are found ineffectual.

I would in this letter improve the little Observation I have made on the Vice of Drunkenness, the better to reclaim the good Fellows who usually pay the Devotions of the Evening to Bacchus.

I doubt not but moderate Drinking has been improv'd for the Diffusion of Knowledge among the ingenious Part of Mankind, who want the Talent of a

ready Utterance, in order to discover the Conceptions of their Minds in an entertaining and intelligible Manner. 'Tis true, drinking does not improve our Faculties, but it enables us to use them; and therefore I conclude, that much Study and Experience, and a little Liquor, are of absolute Necessity for some Tempers, in order to make them accomplish'd Orators. Dic. Ponder discovers an excellent Judgment when he is inspir'd with a Glass or two of Claret, but he passes for a Fool among those of small Observation, who never saw him the better for Drink. And here it will not be improper to observe, That the moderate Use of Liquor, and a well plac'd and well regulated Anger, often produce this same Effect; and some who cannot ordinarily talk but in broken Sentences and false Grammar, do in the Heat of Passion express themselves with as much Eloquence as Warmth. Hence it is that my own Sex are generally the most eloquent, because the most passionate. "It has been said in the Praise of some Men, (says an ingenious Author,) that they could talk whole Hours together upon any thing; but it must be owned to the Honour of the other Sex, that there are many among them who can talk whole Hours together upon Nothing. I have known a Woman branch out into a long extempore Dissertation on the Edging of a Petticoat, and chide her Servant for breaking a China Cup, in all the Figures of Rhetorick."

But after all it must be consider'd, that no Pleasure can give Satisfaction or prove advantageous to a reasonable Mind, which is not attended with the Restraints of Reason. Enjoyment is not to be found by Excess in any sensual Gratification; but on the contrary, the immoderate Cravings of the Voluptuary, are always succeeded with Loathing and a palled Appetite. What Pleasure can the Drunkard have in the Reflection, that, while in his Cups, he retain'd only the Shape of a Man, and acted the Part of a Beast; or that from reasonable Discourse a few Minutes before, he descended to Impertinence and Nonsense?

I cannot pretend to account for the different Effects of Liquor on Persons of different Dispositions, who are guilty of Excess in the Use of it. 'Tis strange to see Men of a regular Conversation become rakish and profane when

intoxicated with Drink, and yet more surprizing to observe, that some who appear to be the most profligate Wretches when sober, become mighty religious in their Cups, and will then, and at no other Time address their Maker, but when they are destitute of Reason, and actually affronting him. Some shrink in the Wetting, and others swell to such an unusual Bulk in their Imaginations, that they can in an Instant understand all Arts and Sciences, by the liberal Education of a little vivifying Punch, or a sufficient Quantity of other exhilerating Liquor.

And as the Effects of Liquor are various, so are the Characters given to its Devourers. It argues some Shame in the Drunkards themselves, in that they have invented numberless Words and Phrases to cover their Folly, whose proper Significations are harmless, or have no Signification at all. They are seldom known to be drunk, tho' they are very often boozey, cogey, tipsey, fox'd, merry, mellow, fuddl'd, groatable, Confoundedly cut, See two Moons, are Among the Philistines, In a very good Humour, See the Sun, or, The Sun has shone upon them; they Clip the King's English, are Almost froze, Feavourish, In their Altitudes, Pretty well enter'd, &c. In short, every Day produces some new Word or Phrase which might be added to the Vocabulary of the Tiplers: But I have chose to mention these few, because if at any Time a Man of Sobriety and Temperance happens to cut himself confoundedly, or is almost froze, or feavourish, or accidentally sees the Sun, &c. he may escape the Imputation of being drunk, when his Misfortune comes to be related. I am Sir, Your Humble Servant,

S I L E N C E D O G O O D.

SEPTEMBER 24, 1722 • SILENCE DOGOOD #13

To the Author of the *New-England Courant*.

Sir,



In Persons of a contemplative Disposition, the most indifferent Things provoke the Exercise of the Imagination; and the Satisfactions which often arise to them thereby, are a certain Relief to the Labour of the Mind (when it has been intensely fix'd on more substantial Subjects) as well as to that of the Body.

In one of the late pleasant Moon-light Evenings, I so far indulg'd in my self the Humour of the Town in walking abroad, as to continue from my Lodgings two or three Hours later than usual, and was pleas'd beyond Expectation before my Return. Here I found various Company to observe, and various Discourse to attend to. I met indeed with the common Fate of Listeners, (who hear no good of themselves,) but from a Consciousness of my Innocence, receiv'd it with a Satisfaction beyond what the Love of Flattery and the Daubings of a Parasite could produce. The Company who rally'd me were about Twenty in Number, of both Sexes; and tho' the Confusion of Tongues (like that of Babel) which always happens among so many impetuous Talkers, render'd their Discourse not so intelligible as I could wish, I learnt thus much, That one of the Females pretended to know me, from some Discourse she had heard at a certain House before the Publication of one of my Letters; adding, That I was a Person of an ill Character, and kept a criminal Correspondence with a Gentleman who assisted me in Writing. One of the Gallants clear'd me of this random Charge, by saying, That tho' I wrote in the Character of a Woman, he knew me to be a Man; But, continu'd he, he has more need of endeavouring a Reformation in himself, than spending his Wit in satyrizing others.

I had no sooner left this Set of Ramblers, but I met a Crowd of Tarpolins and their Doxies, link'd to each other by the Arms, who ran (by their own Account) after the Rate of Six Knots an Hour, and bent their Course towards the Common. Their eager and amorous Emotions of Body, occasion'd by taking their Mistresses in Tow, they call'd wild Steerage: And as a Pair of them happen'd to trip and come to the Ground, the Company were call'd upon to bring to, for that Jack and Betty were founder'd. But this Fleet were

not less comical or irregular in their Progress than a Company of Females I soon after came up with, who, by throwing their Heads to the Right and Left, at every one who pass'd by them, I concluded came out with no other Design than to revive the Spirit of Love in Disappointed Batchelors, and expose themselves to Sale to the first Bidder.

But it would take up too much Room in your Paper to mention all the Occasions of Diversion I met with in this Night's Ramble. As it grew later, I observed, that many pensive Youths with down Looks and a slow Pace, would be ever now and then crying out on the Cruelty of their Mistresses; others with a more rapid Pace and chearful Air, would be swinging their Canes and clapping their Cheeks, and whispering at certain Intervals, I'm certain I shall have her! This is more than I expected! How charmingly she talks! &c.

Upon the whole I conclude, That our Night-Walkers are a Set of People, who contribute very much to the Health and Satisfaction of those who have been fatigu'd with Business or Study, and occasionally observe their pretty Gestures and Impertinencies. But among Men of Business, the Shoemakers, and other Dealers in Leather, are doubly oblig'd to them, inasmuch as they exceedingly promote the Consumption of their Ware: And I have heard of a Shoemaker, who being ask'd by a noted Rambler, Whether he could tell how long her Shoes would last; very prettily answer'd, That he knew how many Days she might wear them, but not how many Nights; because they were then put to a more violent and irregular Service than when she employ'd her self in the common Affairs of the House. I am, Sir, Your Humble Servant,

S I L E N C E D O G O O D.

OCTOBER 8, 1722 • SILENCE DOGOOD #14

*Earum causarum quantum quaeque valeat, videamus. Cicero.*

To the Author of the *New-England Courant*.

Sir,

It often happens, that the most zealous Advocates for any Cause find themselves disappointed in the first Appearance of Success in the Propagation of their Opinion; and the Disappointment appears unavoidable, when their easy Proselytes too suddenly start into Extrems, and are immediately fill'd with Arguments to invalidate their former Practice. This creates a Suspicion in the more considerate Part of Mankind, that those who are thus given to Change, neither fear God, nor honour the King. In Matters of Religion, he that alters his Opinion on a religious Account, must certainly go thro' much Reading, hear many Arguments on both Sides, and undergo many Struggles in his Conscience, before he can come to a full Resolution: Secular Interest will indeed make quick Work with an immoral Man, especially if, notwithstanding the Alteration of his Opinion, he can with any Appearance of Credit retain his Immorality. But, by this Turn of Thought I would not be suspected of Uncharitableness to those Clergymen at Connecticut, who have lately embrac'd the Establish'd Religion of our Nation, some of whom I hear made their Professions with a Seriousness becoming their Order: However, since they have deny'd the Validity of Ordination by the Hands of Presbyters, and consequently their Power of Administring the Sacraments, &c. we may justly expect a suitable Manifestation of their Repentance for invading the Priests Office, and living so long in a Corah-like Rebellion. All I would endeavour to shew is, That an indiscreet Zeal for spreading an Opinion, hurts the Cause of the Zealot. There are too many blind Zealots among every Denomination of Christians; and he that propagates the Gospel among Rakes and Beaus without reforming them in their Morals, is every whit as ridiculous and impolitick as a Statesman who makes Tools of Ideots and Tale-Bearers.

Much to my present Purpose are the Words of two Ingenious Authors of the Church of England, tho' in all Probability they were tainted with Whiggish

Principles; and with these I shall conclude this Letter.

“I would (says one) have every zealous Man examine his Heart thoroughly, and, I believe, he will often find that what he calls a Zeal for his Religion, is either Pride, Interest or Ill-nature. A Man who differs from another in Opinion sets himself above him in his own Judgment, and in several Particulars pretends to be the wiser Person. This is a great Provocation to the Proud Man, and gives a keen Edge to what he calls his Zeal. And that this is the Case very often, we may observe from the Behaviour of some of the most Zealous for Orthodoxy, who have often great Friendships and Intimacies with vicious immoral Men, provided they do but agree with them in the same Scheme of Belief. The Reason is, because the vicious Believer gives the Precedency to the virtuous Man, and allows the good Christian to be the worthier Person, at the same Time that he cannot come up to his Perfections. This we find exemplified in that trite Passage which we see quoted in almost every System of Ethicks, tho’ upon another Occasion;

—*Video meliore proboque*

*Deteriora sequor* —

“On the contrary, it is certain if our Zeal were true and genuine, we should be much more angry with a Sinner than a Heretick, since there are several Cases which may excuse the latter before his great Judge, but none which can excuse the former.

“I have (says another) found by Experience, that it is impossible to talk distinctly without defining the Words of which we make use. There is not a Term in our Language which wants Explanation so much as the Word Church. One would think when People utter it, they should have in their Minds Ideas of Virtue and Religion; but that important Monosyllable drags all the other Words in the Language after it, and it is made use of to express both Praise and Blame, according to the Character of him who speaks it. By

this means it happens, that no one knows what his Neighbour means when he says such a one is for or against the Church. It has happen'd that he who is seen every Day at Church, has not been counted in the Eye of the World a Churchman; and he who is very zealous to oblige every one to frequent it but himself, has been a very good Son of the Church. This Praepossession is the best Handle imaginable for Politicians to make use of, for managing the Loves and Hatreds of Mankind to the Purposes to which they would lead them. But this is not a Thing for Fools to meddle with, for they only bring Disesteem upon those whom they attempt to serve, when they unskilfully pronounce Terms of Art. I have observed great Evils arise from this Practice, and not only the Cause of Piety, but also the secular Interest of Clergymen, has extreamly suffered by the general unexplained Signification of the Word Church."

I am, Sir, Your Humble Servant,

S I L E N C E D O G O O D.

AN EDICT BY THE KING OF PRUSSIA (1773)

PRINTED IN THE PUBLIC ADVERTISER,  
SEPTEMBER 22, 1773

*Although written in the style of a royal proclamation, this “edict” by Benjamin Franklin is really a satire in which Franklin claimed that England belonged to Prussia. He goes on to list “restrictions” imposed on the British by the Prussian monarchy. In this way, Franklin used the fictional relationship to comment on the imposition of British rule on the American colonies.*

FOR the Public Advertiser.

The Subject of the following Article of Foreign Intelligence being exceeding extraordinary, is the Reason of its being separated from the usual Articles of Foreign News.

Dantzick, September

We have long wondered here at the Supineness of the English Nation, under the Prussian Impositions upon its Trade entering our Port. We did not till lately know the Claims, antient and modern, that hang over that Nation, and therefore could not suspect that it might submit to those Impositions from a Sense of Duty, or from Principles of Equity. The following Edict, just made public, may, if serious, throw some Light upon this Matter.

“Frederick, by the Grace of God, King of Prussia, &c. &c. &c. to all present and to come, Health. The Peace now enjoyed throughout our Dominions, having afforded us Leisure to apply ourselves to the Regulation of Commerce, the Improvement of our Finances, and at the same Time the easing our Domestic Subjects in their Taxes: For these Causes, and other good Considerations us thereunto moving, We hereby make known, that after

having deliberated these Affairs in our Council, present our dear Brothers, and other great Officers of the State, Members of the same, We, of our certain Knowledge, full Power and Authority Royal, have made and issued this present Edict, viz.

Whereas it is well known to all the World, that the first German Settlements made in the Island of Britain, were by Colonies of People, Subjects to our renowned Ducal Ancestors, and drawn from their Dominions, under the Conduct of Hengist, Horsa, Hella, Uffa, Cerdicus, Ida, and others; and that the said Colonies have flourished under the Protection of our august House, for Ages past, have never been emancipated therefrom, and yet have hitherto yielded little Profit to the same. And whereas We Ourself have in the last War fought for and defended the said Colonies against the Power of France, and thereby enabled them to make Conquests from the said Power in America, for which we have not yet received adequate Compensation. And whereas it is just and expedient that a Revenue should be raised from the said Colonies in Britain towards our Indemnification; and that those who are Descendants of our antient Subjects, and thence still owe us due Obedience, should contribute to the replenishing of our Royal Coffers, as they must have done had their Ancestors remained in the Territories now to us appertaining: We do therefore hereby ordain and command, That from and after the Date of these Presents, there shall be levied and paid to our Officers of the Customs, on all Goods, Wares and Merchandizes, and on all Grain and other Produce of the Earth exported from the said Island of Britain, and on all Goods of whatever Kind imported into the same, a Duty of Four and an Half per Cent. ad Valorem, for the Use of us and our Successors. And that the said Duty may more effectually be collected, We do hereby ordain, that all Ships or Vessels bound from Great Britain to any other Part of the World, or from any other Part of the World to Great Britain, shall in their respective Voyages touch at our Port of Koningsberg, there to be unladen, searched, and charged with the said Duties.

And whereas there have been from Time to Time discovered in the said Island

of Great Britain by our Colonists there, many Mines or Beds of Iron Stone; and sundry Subjects of our antient Dominion, skilful in converting the said Stone into Metal, have in Times past transported themselves thither, carrying with them and communicating that Art; and the Inhabitants of the said Island, presuming that they had a natural Right to make the best Use they could of the natural Productions of their Country for their own Benefit, have not only built Furnaces for smelting the said Stone into Iron, but have erected Plating Forges, Slitting Mills, and Steel Furnaces, for the more convenient manufacturing of the same, thereby endangering a Diminution of the said Manufacture in our antient Dominion. We do therefore hereby farther ordain, that from and after the Date hereof, no Mill or other Engine for Slitting or Rolling of Iron, or any Plating Forge to work with a Tilt-Hammer, or any Furnace for making Steel, shall be erected or continued in the said Island of Great Britain: And the Lord Lieutenant of every County in the said Island is hereby commanded, on Information of any such Erection within his County, to order and by Force to cause the same to be abated and destroyed, as he shall answer the Neglect thereof to Us at his Peril. But We are nevertheless graciously pleased to permit the Inhabitants of the said Island to transport their Iron into Prussia, there to be manufactured, and to them returned, they paying our Prussian Subjects for the Workmanship, with all the Costs of Commission, Freight and Risque coming and returning, any Thing herein contained to the contrary notwithstanding.

We do not however think fit to extend this our Indulgence to the Article of Wool, but meaning to encourage not only the manufacturing of woollen Cloth, but also the raising of Wool in our antient Dominions, and to prevent both, as much as may be, in our said Island, We do hereby absolutely forbid the Transportation of Wool from thence even to the Mother Country Prussia; and that those Islanders may be farther and more effectually restrained in making any Advantage of their own Wool in the Way of Manufacture, We command that none shall be carried out of one County into another, nor shall any Worsted-Bay, or Woollen-Yarn, Cloth, Says, Bays, Kerseys, Serges, Frizes, Druggets, Cloth-Serges, Shalloons, or any other Drapery Stuffs, or



Woollen Manufactures whatsoever, made up or mixt with Wool in any of the said Counties, be carried into any other County, or be Waterborne even across the smallest River or Creek, on Penalty of Forfeiture of the same, together with the Boats, Carriages, Horses, &c. that shall be employed in removing them. Nevertheless Our loving Subjects there are hereby permitted, (if they think proper) to use all their Wool as Manure for the Improvement of their Lands.

And whereas the Art and Mystery of making Hats hath arrived at great Perfection in Prussia, and the making of Hats by our remote Subjects ought to be as much as possible restrained. And forasmuch as the Islanders before-mentioned, being in Possession of Wool, Beaver, and other Furs, have presumptuously conceived they had a Right to make some Advantage thereof, by manufacturing the same into Hats, to the Prejudice of our domestic Manufacture, We do therefore hereby strictly command and ordain, that no Hats or Felts whatsoever, dyed or undyed, finished or unfinished, shall be loaden or put into or upon any Vessel, Cart, Carriage or Horse, to be transported or conveyed out of one County in the said Island into another County, or to any other Place whatsoever, by any Person or Persons whatsoever, on Pain of forfeiting the same, with a Penalty of Five Hundred Pounds Sterling for every Offence. Nor shall any Hat-maker in any of the said Counties employ more than two Apprentices, on Penalty of Five Pounds Sterling per Month: We intending hereby that such Hat-makers, being so restrained both in the Production and Sale of their Commodity, may find no Advantage in continuing their Business. But lest the said Islanders should suffer Inconveniency by the Want of Hats, We are farther graciously pleased to permit them to send their Beaver Furs to Prussia; and We also permit Hats made thereof to be exported from Prussia to Britain, the People thus favoured to pay all Costs and Charges of Manufacturing, Interest, Commission to Our Merchants, Insurance and Freight going and returning, as in the Case of Iron.

And lastly, Being willing farther to favour Our said Colonies in Britain, We do hereby also ordain and command, that all the Thieves, Highway and

Street-Robbers, House-breakers, Forgerers, Murderers, So[domi]tes, and Villains of every Denomination, who have forfeited their Lives to the Law in Prussia, but whom We, in Our great Clemency, do not think fit here to hang, shall be emptied out of our Gaols into the said Island of Great Britain for the better peopling of that Country.

We flatter Ourselves that these Our Royal Regulations and Commands will be thought just and reasonable by Our much-favoured Colonists in England, the said Regulations being copied from their own Statutes of 10 and 11 Will. iii. C. 10, 5 Geo. ii. C. 22, 23 Geo. ii. C. 29, 4 Geo. i. C. 11, and from other equitable Laws made by their Parliaments, or from Instructions given by their Princes, or from Resolutions of both Houses entered into for the good Government of their own Colonies in Ireland and America.

And all Persons in the said Island are hereby cautioned not to oppose in any wise the Execution of this Our Edict, or any Part thereof, such Opposition being High Treason, of which all who are suspected shall be transported in Fetters from Britain to Prussia, there to be tried and executed according to the Prussian Law.

Such is our Pleasure.

Given at Potsdam this twenty-fifth Day of the Month of August, One Thousand Seven Hundred and Seventy-three, and in the Thirty-third Year of our Reign.

By the King in his Council

RECHTMAESSIG, Secr.

## RULES BY WHICH A GREAT EMPIRE MAY BE REDUCED TO A SMALL ONE (1773)

*A companion to Benjamin Franklin's "An Edict by the King of Prussia," these rules were also satire and an attempt by Franklin to persuade British civilians to empathize with the lives and struggles of the American colonists.*

PRINTED IN THE PUBLIC ADVERTISER, SEPTEMBER 11,  
1773; INCOMPLETE DRAFT AND NOTES: AMERICAN  
PHILOSOPHICAL SOCIETY

for the Public Advertiser.

Rules by which a great Empire may be reduced to a small one. [Presented privately to a late Minister, when he entered upon his Administration; and now first published.]

An ancient Sage valued himself upon this, that tho' he could not fiddle, he knew how to make a great City of a little one. The Science that I, a modern Simpleton, am about to communicate is the very reverse.

I address myself to all Ministers who have the Management of extensive Dominions, which from their very Greatness are become troublesome to govern, because the Multiplicity of their Affairs leaves no Time for fiddling.

I. In the first Place, Gentlemen, you are to consider, that a great Empire, like a great Cake, is most easily diminished at the Edges. Turn your Attention therefore first to your remotest Provinces; that as you get rid of them, the next may follow in Order.

II. That the Possibility of this Separation may always exist, take special Care the Provinces are never incorporated with the Mother Country, that they do not enjoy the same common Rights, the same Privileges in Commerce, and that they are governed by severer Laws, all of your enacting, without allowing

them any Share in the Choice of the Legislators. By carefully making and preserving such Distinctions, you will (to keep to my Simile of the Cake) act like a wise Gingerbread Baker, who, to facilitate a Division, cuts his Dough half through in those Places, where, when bak'd, he would have it broken to Pieces.

III. These remote Provinces have perhaps been acquired, purchas'd, or conquer'd, at the sole Expence of the Settlers or their Ancestors, without the Aid of the Mother Country. If this should happen to increase her Strength by their growing Numbers ready to join in her Wars, her Commerce by their growing Demand for her Manufactures, or her Naval Power by greater Employment for her Ships and Seamen, they may probably suppose some Merit in this, and that it entitles them to some Favour; you are therefore to forget it all, or resent it as if they had done you Injury. If they happen to be zealous Whigs, Friends of Liberty, nurtur'd in Revolution Principles, remember all that to their Prejudice, and contrive to punish it: For such Principles, after a Revolution is thoroughly established, are of no more Use, they are even odious and abominable.

IV. However peaceably your Colonies have submitted to your Government, shewn their Affection to your Interest, and patiently borne their Grievances, you are to suppose them always inclined to revolt, and treat them accordingly. Quarter Troops among them, who by their Insolence may provoke the rising of Mobs, and by their Bullets and Bayonets suppress them. By this Means, like the Husband who uses his Wife ill from Suspicion, you may in Time convert your Suspicions into Realities.

V. Remote Provinces must have Governors, and Judges, to represent the Royal Person, and execute every where the delegated Parts of his Office and Authority. You Ministers know, that much of the Strength of Government depends on the Opinion of the People; and much of that Opinion on the Choice of Rulers placed immediately over them. If you send them wise and good Men for Governors, who study the Interest of the Colonists, and

advance their Prosperity, they will think their King wise and good, and that he wishes the Welfare of his Subjects. If you send them learned and upright Men for judges, they will think him a Lover of Justice. This may attach your Provinces more to his Government. You are therefore to be careful who you recommend for those Offices. If you can find Prodigals who have ruined their Fortunes, broken Gamesters or Stock-Jobbers, these may do well as Governors; for they will probably be rapacious, and provoke the People by their Extortions. Wrangling Proctors and petty-fogging Lawyers too are not amiss, for they will be for ever disputing and quarrelling with their little Parliaments, if withal they should be ignorant, wrong-headed and insolent, so much the better. Attorneys Clerks and Newgate Solicitors will do for Chief-Justices, especially if they hold their Places during your Pleasure: And all will contribute to impress those ideas of your Government that are proper for a People you would wish to renounce it.

VI. To confirm these Impressions, and strike them deeper, whenever the Injured come to the Capital with Complaints of Mal-administration, Oppression, or Injustice, punish such Suitors with long Delay, enormous Expence, and a final Judgment in Favour of the Oppressor. This will have an admirable Effect every Way. The Trouble of future Complaints will be prevented, and Governors and Judges will be encouraged to farther Acts of Oppression and Injustice; and thence the People may become more disaffected, and at length desperate.

VII. When such Governors have crammed their Coffers, and made themselves so odious to the People that they can no longer remain among them with Safety to their Persons, recall and reward them with Pensions. You may make them Baronets too, if that respectable Order should not think fit to resent it. All will contribute to encourage new Governors in the same Practices, and make the supreme Government detestable.

VIII. If when you are engaged in War, your Colonies should vie in liberal Aids of Men and Money against the common Enemy, upon your simple

Requisition, and give far beyond their Abilities, reflect, that a Penny taken from them by your Power is more honourable to you than a Pound presented by their Benevolence. Despise therefore their voluntary Grants, and resolve to harrass them with novel Taxes. They will probably complain to your Parliaments that they are taxed by a Body in which they have no Representative, and that this is contrary to common Right. They will petition for Redress. Let the Parliaments flout their Claims, reject their Petitions, refuse even to suffer the reading of them, and treat the Petitioners with the utmost Contempt. Nothing can have a better Effect, in producing the Alienation proposed; for though many can forgive Injuries, none ever forgave Contempt.

IX. In laying these Taxes, never regard the heavy Burthens those remote People already undergo, in defending their own Frontiers, supporting their own provincial Governments, making new Roads, building Bridges, Churches and other public Edifices, which in old Countries have been done to your Hands by your Ancestors, but which occasion constant Calls and Demands on the Purses of a new People. Forget the Restraints you lay on their Trade for your own Benefit, and the Advantage a Monopoly of this Trade gives your exacting Merchants. Think nothing of the Wealth those Merchants and your Manufacturers acquire by the Colony Commerce; their increased Ability thereby to pay Taxes at home; their accumulating, in the Price of their Commodities, most of those Taxes, and so levying them from their consuming Customers: All this, and the Employment and Support of thousands of your Poor by the Colonists, you are intirely to forget. But remember to make your arbitrary Tax more grievous to your Provinces, by public Declarations importing that your Power of taxing them has no limits, so that when you take from them without their Consent a Shilling in the Pound, you have a clear Right to the other nineteen. This will probably weaken every Idea of Security in their Property, and convince them that under such a Government they have nothing they can call their own; which can scarce fail of producing the happiest Consequences!

X. Possibly indeed some of them might still comfort themselves, and say, “Though we have no Property, we have yet something left that is valuable; we have constitutional Liberty both of Person and of Conscience. This King, these Lords, and these Commons, who it seems are too remote from us to know us and feel for us, cannot take from us our Habeas Corpus Right, or our Right of Trial by a Jury of our Neighbours: They cannot deprive us of the Exercise of our Religion, alter our ecclesiastical Constitutions, and compel us to be Papists if they please, or Mahometans.” To annihilate this Comfort, begin by Laws to perplex their Commerce with infinite Regulations impossible to be remembered and observed; ordain Seizures of their Property for every Failure; take away the Trial of such Property by Jury, and give it to arbitrary Judges of your own appointing, and of the lowest Characters in the Country, whose Salaries and Emoluments are to arise out of the Duties or Condemnations, and whose Appointments are during Pleasure. Then let there be a formal Declaration of both Houses, that Opposition to your Edicts is Treason, and that Persons suspected of Treason in the Provinces may, according to some obsolete Law, be seized and sent to the Metropolis of the Empire for Trial; and pass an Act that those there charged with certain other Offences shall be sent away in Chains from their Friends and Country to be tried in the same Manner for Felony. Then erect a new Court of Inquisition among them, accompanied by an armed Force, with Instructions to transport all such suspected Persons, to be ruined by the Expence if they bring over Evidences to prove their Innocence, or be found guilty and hanged if they can’t afford it. And lest the People should think you cannot possibly go any farther, pass another solemn declaratory Act, that “King, Lords, and Commons had, hath, and of Right ought to have, full Power and Authority to make Statutes of sufficient Force and Validity to bind the unrepresented Provinces in all cases whatsoever.” This will include Spiritual with temporal; and taken together, must operate wonderfully to your Purpose, by convincing them, that they are at present under a Power something like that spoken of in the Scriptures, which can not only kill their Bodies, but damn their Souls to all Eternity, by compelling them, if it pleases, to worship the Devil.

XI. To make your Taxes more odious, and more likely to procure Resistance, send from the Capital a Board of Officers to superintend the Collection, composed of the most indiscreet, ill-bred and insolent you can find. Let these have large Salaries out of the extorted Revenue, and live in open grating Luxury upon the Sweat and Blood of the Industrious, whom they are to worry continually with groundless and expensive Prosecutions before the above-mentioned arbitrary Revenue-Judges, all at the Cost of the Party prosecuted tho' acquitted, because the King is to pay no Costs. Let these Men by your Order be exempted from all the common Taxes and Burthens of the Province, though they and their Property are protected by its Laws. If any Revenue Officers are suspected of the least Tenderness for the People, discard them. If others are justly complained of, protect and reward them. If any of the Under-officers behave so as to provoke the People to drub them, promote those to better Offices: This will encourage others to procure for themselves such profitable Drubbings, by multiplying and enlarging such Provocations, and all with work towards the End you aim at.

XII. Another Way to make your Tax odious, is to misapply the Produce of it. If it was originally appropriated for the Defence of the Provinces and the better Support of Government, and the Administration of Justice where it may be necessary, then apply none of it to that Defence, but bestow it where it is not necessary, in augmented Salaries or Pensions to every Governor who has distinguished himself by his Enmity to the People, and by calumniating them to their Sovereign. This will make them pay it more unwillingly, and be more apt to quarrel with those that collect it, and those that imposed it, who will quarrel again with them, and all shall contribute to your main Purpose of making them weary of your Government.

XIII. If the People of any Province have been accustomed to support their own Governors and Judges to Satisfaction, you are to apprehend that such Governors and Judges may be thereby influenced to treat the People kindly, and to do them Justice. This is another Reason for applying Part of that Revenue in larger Salaries to such Governors and Judges, given, as their



Commissions are, during your Pleasure only, forbidding them to take any Salaries from their Provinces; that thus the People may no longer hope any Kindness from their Governors, or (in Crown Cases) any Justice from their Judges. And as the Money thus mis-applied in one Province is extorted from all, probably all will resent the Misapplication.

XIV. If the Parliaments of your Provinces should dare to claim Rights or complain of your Administration, order them to be harass'd with repeated Dissolutions. If the same Men are continually return'd by new Elections, adjourn their Meetings to some Country Village where they cannot be accommodated, and there keep them during Pleasure; for this, you know, is your Prerogative; and an excellent one it is, as you may manage it, to promote Discontents among the People, diminish their Respect, and increase their Disaffection.

XV. Convert the brave honest Officers of your Navy into pimping Tide-waiters and Colony Officers of the Customs. Let those who in Time of War fought gallantly in Defence of the Commerce of their Countrymen, in Peace be taught to prey upon it. Let them learn to be corrupted by great and real Smugglers; but (to shew their Diligence) scour with armed Boats every Bay, Harbour, River, Creek, Cove or Nook throughout the Coast of your Colonies, stop and detain every Coaster, every Wood-boat, every Fisherman, tumble their Cargoes, and even their Ballast, inside out and upside down; and if a Penn'orth of Pins is found un-entered, let the Whole be seized and confiscated. Thus shall the Trade of your Colonists suffer more from their Friends in Time of Peace, than it did from their Enemies in War. Then let these Boats Crews land upon every Farm in their Way, rob the Orchards, steal the Pigs and Poultry, and insult the Inhabitants. If the injured and exasperated Farmers, unable to procure other Justice, should attack the Agressors, drub them and burn their Boats, you are to call this High Treason and Rebellion, order3 Fleets and Armies into their Country, and threaten to carry all the Offenders three thousand Miles to be hang'd, drawn and quartered. O! this will work admirably!

XVI. If you are told of Discontents in your Colonies, never believe that they are general, or that you have given Occasion for them; therefore do not think of applying any Remedy, or of changing any offensive Measure. Redress no Grievance, lest they should be encouraged to demand the Redress of some other Grievance. Grant no Request that is just and reasonable, lest they should make another that is unreasonable. Take all your Informations of the State of the Colonies from your Governors and Officers in Enmity with them. Encourage and reward these Leasing-makers; secrete their lying Accusations lest they should be confuted; but act upon them as the clearest Evidence, and believe nothing you hear from the Friends of the People. Suppose all their Complaints to be invented and promoted by a few factious Demagogues, whom if you could catch and hang, all would be quiet. Catch and hang a few of them accordingly; and the Blood of the Martyrs shall work Miracles in favour of your Purpose.

XVII. If you see rival Nations rejoicing at the Prospect of your Disunion with your Provinces, and endeavouring to promote it: If they translate, publish and applaud all the Complaints of your discontented Colonists, at the same Time privately stimulating you to severer Measures; let not that alarm or offend you. Why should it? since you all mean the same Thing.

XVIII. If any Colony should at their own Charge erect a Fortress to secure their Port against the Fleets of a foreign Enemy, get your Governor to betray that Fortress into your Hands. Never think of paying what it cost the Country, for that would look, at least, like some Regard for Justice; but turn it into a Citadel to awe the Inhabitants and curb their Commerce. If they should have lodged in such Fortress the very Arms they bought and used to aid you in your Conquests, seize them all, 'twill provoke like Ingratitude added to Robbery. One admirable Effect of these Operations will be, to discourage every other Colony from erecting such Defences, and so their and your Enemies may more easily invade them, to the great Disgrace of your Government, and of course the Furtherance of your Project.

XIX. Send Armies into their Country under Pretence of protecting the Inhabitants; but instead of garrisoning the Forts on their Frontiers with those Troops, to prevent Incursions, demolish those Forts, and order the Troops into the Heart of the Country, that the Savages may be encouraged to attack the Frontiers, and that the Troops may be protected by the Inhabitants: This will seem to proceed from your Ill will or your Ignorance, and contribute farther to produce and strengthen an Opinion among them, that you are no longer fit to govern them.

XX. Lastly, Invest the General of your Army in the Provinces with great and unconstitutional Powers, and free him from the Controul of even your own Civil Governors. Let him have Troops enow under his Command, with all the Fortresses in his Possession; and who knows but (like some provincial Generals in the Roman Empire, and encouraged by the universal Discontent you have produced) he may take it into his Head to set up for himself. If he should, and you have carefully practised these few excellent Rules of mine, take my Word for it, all the Provinces will immediately join him, and you will that Day (if you have not done it sooner) get rid of the Trouble of governing them, and all the Plagues attending their Commerce and Connection from thenceforth and for ever.

Q.E.D.

**“GIVE ME LIBERTY, OR  
GIVE ME DEATH!” (1775)**

*Founding Father Patrick Henry delivered this rousing speech to encourage the colony of Virginia to send troops to fight in the Revolutionary War. He was successful and in 1784 became the first governor of the new state of Virginia.*

**ST. JOHN’S CHURCH  
RICHMOND, VIRGINIA**

NO man thinks more highly than I do of the patriotism, as well as abilities, of the very worthy gentlemen who have just addressed the House. But different men often see the same subject in different lights; and, therefore, I hope it will not be thought disrespectful to those gentlemen if, entertaining as I do, opinions of a character very opposite to theirs, I shall speak forth my sentiments freely, and without reserve. This is no time for ceremony. The question before the House is one of awful moment to this country. For my own part, I consider it as nothing less than a question of freedom or slavery; and in proportion to the magnitude of the subject ought to be the freedom of the debate. It is only in this way that we can hope to arrive at truth, and fulfill the great responsibility which we hold to God and our country. Should I keep back my opinions at such a time, through fear of giving offence, I should consider myself as guilty of treason towards my country, and of an act of disloyalty toward the majesty of heaven, which I revere above all earthly kings.

Mr. President, it is natural to man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth, and listen to the song of that siren till she transforms us into beasts. Is this the part of wise men, engaged in a great and arduous struggle for liberty? Are we disposed to be of the number of those who, having eyes, see not, and, having ears, hear not, the things which so nearly concern their temporal salvation? For my part, whatever

anguish of spirit it may cost, I am willing to know the whole truth; to know the worst, and to provide for it.

I have but one lamp by which my feet are guided; and that is the lamp of experience. I know of no way of judging of the future but by the past. And judging by the past, I wish to know what there has been in the conduct of the British ministry for the last ten years, to justify those hopes with which gentlemen have been pleased to solace themselves, and the House. Is it that insidious smile with which our petition has been lately received? Trust it not, sir; it will prove a snare to your feet. Suffer not yourselves to be betrayed with a kiss. Ask yourselves how this gracious reception of our petition comports with these war-like preparations which cover our waters and darken our land. Are fleets and armies necessary to a work of love and reconciliation? Have we shown ourselves so unwilling to be reconciled, that force must be called in to win back our love? Let us not deceive ourselves, sir. These are the implements of war and subjugation; the last arguments to which kings resort. I ask, gentlemen, sir, what means this martial array, if its purpose be not to force us to submission? Can gentlemen assign any other possible motive for it? Has Great Britain any enemy, in this quarter of the world, to call for all this accumulation of navies and armies? No, sir, she has none. They are meant for us; they can be meant for no other. They are sent over to bind and rivet upon us those chains which the British ministry have been so long forging. And what have we to oppose to them? Shall we try argument? Sir, we have been trying that for the last ten years. Have we anything new to offer upon the subject? Nothing. We have held the subject up in every light of which it is capable; but it has been all in vain. Shall we resort to entreaty and humble supplication? What terms shall we find which have not been already exhausted? Let us not, I beseech you, sir, deceive ourselves. Sir, we have done everything that could be done to avert the storm which is now coming on. We have petitioned; we have remonstrated; we have supplicated; we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical hands of the ministry and Parliament. Our petitions have been slighted; our remonstrances have

produced additional violence and insult; our supplications have been disregarded; and we have been spurned, with contempt, from the foot of the throne. In vain, after these things, may we indulge the fond hope of peace and reconciliation. There is no longer any room for hope. If we wish to be free if we mean to preserve inviolate those inestimable privileges for which we have been so long contending if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained, we must fight! I repeat it, sir, we must fight! An appeal to arms and to the God of Hosts is all that is left us!

They tell us, sir, that we are weak; unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house? Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance, by lying supinely on our backs, and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot? Sir, we are not weak if we make a proper use of those means which the God of nature hath placed in our power. Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations; and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. Besides, sir, we have no election. If we were base enough to desire it, it is now too late to retire from the contest. There is no retreat but in submission and slavery! Our chains are forged! Their clanking may be heard on the plains of Boston! The war is inevitable—and let it come! I repeat it, sir, let it come!

It is in vain, sir, to extenuate the matter. Gentlemen may cry, “Peace, Peace”—but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms!

Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!

## THE DECLARATION OF INDEPENDENCE

(1776)

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 shown, 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 of Naturalization of Foreigners; refusing to pass others to encourage their migration 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 harass 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 of 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 attention 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 the 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.

MASSACHUSETTS:

John Hancock

Samuel Adams

John Adams

Robert Treat Paine

Elbridge Gerry

NEW YORK:

William Floyd

Philip Livingston

Francis Lewis

Lewis Morris

NEW JERSEY:

Richard Stockton

John Witherspoon

Francis Hopkinson

John Hart

Abraham Clark

PENNSYLVANIA:

Robert Morris

Benjamin Rush

Benjamin Franklin

John Morton

George Clymer

James Smith

George Taylor

James Wilson

George Ross

VIRGINIA:

George Wythe

Richard Henry Lee

Thomas Jefferson

Benjamin Harrison

Thomas Nelson, Jr.

Francis Lightfoot Lee

Carter Braxton

MARYLAND:

Samuel Chase

William Paca

Thomas Stone

Charles Carroll of Carrollton

D ELAWARE:

Caesar Rodney

George Read

Thomas McKean

N EW H AMPSHIRE:

Josiah Bartlett

William Whipple

Matthew Thornton

C ONNECTICUT:

Roger Sherman

Samuel Huntington

William Williams

Oliver Wolcott

R HODE I SLAND:

Stephen Hopkins

William Ellery

N ORTH C AROLINA:

William Hooper

Joseph Hewes

John Penn

S O U T H C A R O L I N A :

Edward Rutledge

Thomas Heyward, Jr.

Thomas Lynch, Jr.

Arthur Middleton

G E O R G I A :

Button Gwinnett

Lyman Hall

George Walton



**ARTICLES OF CONFEDERATION  
AND PERPETUAL UNION  
(PASSED 1777; RATIFIED 1781)**

*The Articles of Confederation was the first document that detailed the rights, responsibilities, and powers of the thirteen newly independent American colonies. The Articles of Confederation proved not to be strong enough, though, and was ultimately replaced by the United States Constitution.*

articles of Confederation and Perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

ARTICLE I. The Style of this confederacy shall be, “The United States of America.”

ART. II. Each state retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

ART. III. The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ART. IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds and fugitives from justice excepted, shall be entitled to all privileges and immunities of free

citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any state, on the property of the United States, or either of them.

If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any state, shall flee from justice, and be found in any of the United States, he shall upon demand of the Governour or executive power of the state from which he fled, be delivered up, and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state.

ART. V. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each state to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

No state shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit receives any salary, fees or emolument of any kind.

Each state shall maintain its own delegates in a meeting of the states, and

while they act as members of the committee of the states.

In determining questions in the United States, in Congress assembled, each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court, or place out of Congress, and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.

ART. VI. No state, without the consent of the United States, in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state; nor shall the United States, in Congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States, in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the United States in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace, by any state, except such number only, as shall be deemed necessary by the United States, in Congress assembled, for the defence of such state, or its trade; nor shall any body of

forces be kept up, by any state, in time of peace, except such number only as, in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accounted, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No state shall engage in any war without the consent of the United States in Congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled, can be consulted: nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ART. VII. When land forces are raised by any state, for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made appointment.

ART. VIII. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land

within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States, in Congress assembled, shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the United States in Congress assembled.

ART. IX. The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever—of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States, shall be divided or appropriated—of granting letters of marque and reprisal in times of peace—appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts; for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States, in Congress assembled, shall also be the last resort on appeal, in all disputes and differences now subsisting, or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority, or lawful agent of any state in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given, by order of Congress, to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to

appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot, and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each state, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress, for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the state where the cause shall be tried, “well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward.” Provided, also, that no state shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdictions as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to

such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states—fixing the standard of weights and measures throughout the United States—regulating the trade and managing all affairs with the Indians, not members of any of the states; provided that the legislative right of any state, within its own limits, be not infringed or violated—establishing and regulating post-offices from one state to another, throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office—appointing all officers of the land forces in the service of the United States, excepting regimental officers—appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States, in Congress assembled, shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated, “A Committee of the States,” and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction—to appoint one of their number to preside; provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted,—to build and equip a navy—to agree upon the number of land forces, and to make requisitions from each state for its quota, in

proportion to the number of white inhabitants in such state, which requisition shall be binding; and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm, and equip them, in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled; but if the United States, in Congress assembled, shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States, in Congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same, nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and



shall publish the Journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state, on any question, shall be entered on the Journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request, shall be furnished with a transcript of the said Journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ART. X. The committee of the states, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled, by the consent of nine states, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states, in the Congress of the United States assembled, is requisite.

ART. XI. Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

ART. XII. All bills of credit emitted, monies borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ART. XIII. Every state shall abide by the determinations of the United States, in Congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration

be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every state.

And Whereas it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union, Know Ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions, which by the said confederation are submitted to them. And that the articles thereof shall be inviolably observed by the states we respectively represent, and that the union shall be perpetual. In Witness whereof, we have hereunto set our hands, in Congress.

Done at Philadelphia, in the State of Pennsylvania, the ninth Day of July, in the Year of our Lord one Thousand seven Hundred and Seventy-eight, and in the third year of the Independence of America.

O N THE PART OF AND BEHALF OF THE S TATE OF M ASSACHUSETTS B AY:

John Hancock

Samuel Adams

Elbridge Gerry

Francis Dana

James Lovell

Samuel Holten

O N THE PART AND BEHALF OF THE S TATE OF P ENNSYLVANIA:

Robert Morris

Daniel Roberdeau

John Bayard Smith

William Clingan

Joseph Reed; 22d July, 1778

O N THE PART AND BEHALF OF THE S TATE OF V IRGINIA:

Richard Henry Lee

John Banister

Thomas Adams

John Harvie

Francis Lightfoot Lee

O N THE PART AND BEHALF OF THE S TATE OF M ARYLAND:

John Hanson; March 1, 1781

Daniel Carroll

O N THE PART AND BEHALF OF THE S TATE OF D ELAWARE:

Thomas McKean; Febr 22d, 1779

John Dickinson; May 5th, 1779

Nicholas Van Dyke

O N THE PART AND BEHALF OF THE S TATE OF C ONNECTICUT:

Roger Sherman

Samuel Huntington

Oliver Wolcott

Titus Hosmer

Andrew Adams

O N THE PART AND BEHALF OF THE S TATE OF R HODE-I SLAND AND P  
ROVIDENCE P LANTATIONS:

William Ellery

Henry Marchant

John Collins

O N THE PART AND BEHALF OF THE S TATE OF S OUTH C AROLINA:

Henry Laurens

William Henry Drayton

John Mathews

Richard Hutson

Thos Heyward, Junr.

O N THE PART AND BEHALF OF THE S TATE OF N EW Y ORK:

James Duane

Fracis Lewis

William Duer

Gouverneur Morris

O N THE P ART AND IN B EHALF OF THE S TATE OF N EW J ERSEY, N  
OVEMBER 26 TH, 1778:

John Witherspoon

Nathaniel Scudder

O N THE PART AND BEHALF OF THE S TATE OF N ORTH C AROLINA:

John Penn; July 21st, 1778

Cornelius Harnett

John Williams

O N THE PART AND BEHALF OF THE S TATE OF G EORGIA:

John Walton; 24th July, 1778

Edward Telfair

Edward Langworthy

O N THE PART OF AND BEHALF OF THE S TATE OF N EW H AMPSHIRE:

Josiah Bartlett

John Wentworth, Junior;

August 8th, 1778

## THE TREATY OF PARIS (1783)

*Signed by representatives on behalf of England's King George III and the new United States of America, the Treaty of Paris officially ended the Revolutionary War.*

### THE DEFINITIVE TREATY OF PEACE 1783

in the Name of the most Holy & undivided Trinity.

It having pleased the Divine Providence to dispose the Hearts of the most Serene and most Potent Prince George the Third, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, Duke of Brunswick and Lunebourg, Arch-Treasurer and Prince Elector of the Holy Roman Empire etc. and of the United States of America, to forget all past Misunderstandings and Differences that have unhappily interrupted the good Correspondence and Friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory Intercourse between the two countries upon the ground of reciprocal Advantages and mutual Convenience as may promote and secure to both perpetual Peace and Harmony; and having for this desirable End already laid the Foundation of Peace & Reconciliation by the Provisional Articles signed at Paris on the 30th of November 1782, by the Commissioners empowered on each Part, which Articles were agreed to be inserted in and constitute the Treaty of Peace proposed to be concluded between the Crown of Great Britain and the said United States, but which Treaty was not to be concluded until Terms of Peace should be agreed upon between Great Britain & France, and his Britannic Majesty should be ready to conclude such Treaty accordingly: and the treaty between Great Britain & France having since been concluded, his Britannic Majesty & the United States of America, in Order to carry into full Effect the Provisional Articles above mentioned, according to the Tenor thereof, have constituted & appointed, that is to say his Britannic Majesty on his Part, David Hartley, Esqr., Member of the Parliament of Great Britain, and the said United States

on their Part—stop point—John Adams, Esqr., late a Commissioner of the United States of America at the Court of Versailles, late Delegate in Congress from the State of Massachusetts, and Chief Justice of the said State, and Minister Plenipotentiary of the said United States to their High Mightinesses the States General of the United Netherlands—stop point—Benjamin Franklin, Esqr., late Delegate in Congress from the State of Pennsylvania, President of the Convention of the said State, and Minister Plenipotentiary from the United States of America at the Court of Versailles; John Jay, Esqr., late President of Congress and Chief Justice of the state of New York, and Minister Plenipotentiary from the said United States at the Court of Madrid; to be Plenipotentiaries for the concluding and signing the Present Definitive Treaty; who after having reciprocally communicated their respective full Powers have agreed upon and confirmed the following Articles.

ARTICLE 1 ST: His Britannic Majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be free sovereign and Independent States; that he treats with them as such, and for himself his Heirs & Successors, relinquishes all claims to the Government, Propriety, and Territorial Rights of the same and every Part thereof.

ARTICLE 2 D: And that all Disputes which might arise in future on the subject of the Boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their Boundaries, viz.; from the Northwest Angle of Nova Scotia, viz., that Angle which is formed by a Line drawn due North from the Source of St. Croix River to the Highlands; along the said Highlands which divide those Rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost Head of Connecticut River; Thence down along the middle of that River to the forty-fifth Degree of North Latitude; From thence by a Line due West on said Latitude until it strikes the



River Iroquois or Cataraquy; Thence along the middle of said River into Lake Ontario; through the Middle of said Lake until it strikes the Communication by Water between that Lake & Lake Erie; Thence along the middle of said Communication into Lake Erie, through the middle of said Lake until it arrives at the Water Communication between that lake & Lake Huron; Thence along the middle of said Water Communication into the Lake Huron, thence through the middle of said Lake to the Water Communication between that Lake and Lake Superior; thence through Lake Superior Northward of the Isles Royal & Phelipeaux to the Long Lake; Thence through the middle of said Long Lake and the Water Communication between it & the Lake of the Woods, to the said Lake of the Woods; Thence through the said Lake to the most Northwestern Point thereof, and from thence on a due West Course to the river Mississippi; Thence by a Line to be drawn along the Middle of the said river Mississippi until it shall intersect the Northernmost Part of the thirty-first Degree of North Latitude, South, by a Line to be drawn due East from the Determination of the Line last mentioned in the Latitude of thirty-one Degrees of the Equator to the middle of the River Apalachicola or Catahouche; Thence along the middle thereof to its junction with the Flint River; Thence straight to the Head of Saint Mary's River, and thence down along the middle of Saint Mary's River to the Atlantic Ocean. East, by a Line to be drawn along the Middle of the river Saint Croix, from its Mouth in the Bay of Fundy to its Source, and from its Source directly North to the aforesaid Highlands, which divide the Rivers that fall into the Atlantic Ocean from those which fall into the river Saint Lawrence; comprehending all Islands within twenty Leagues of any Part of the Shores of the United States, and lying between Lines to be drawn due East from the Points where the aforesaid Boundaries between Nova Scotia on the one Part and East Florida on the other shall, respectively, touch the Bay of Fundy and the Atlantic Ocean, excepting such Islands as now are or heretofore have been within the limits of the said Province of Nova Scotia.

ARTICLE 3 D: It is agreed that the People of the United States shall continue to enjoy unmolested the Right to take Fish of every kind on the Grand Bank

and on all the other Banks of Newfoundland, also in the Gulf of Saint Lawrence and at all other Places in the Sea, where the Inhabitants of both Countries used at any time heretofore to fish. And also that the Inhabitants of the United States shall have Liberty to take Fish of every Kind on such Part of the Coast of Newfoundland as British Fishermen shall use, (but not to dry or cure the same on that Island) And also on the Coasts, Bays & Creeks of all other of his Britannic Majesty's Dominions in America; and that the American Fishermen shall have Liberty to dry and cure Fish in any of the unsettled Bays, Harbors, and Creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled, but so soon as the same or either of them shall be settled, it shall not be lawful for the said Fishermen to dry or cure Fish at such Settlement without a previous Agreement for that purpose with the Inhabitants, Proprietors, or Possessors of the Ground.

ARTICLE 4 TH: It is agreed that Creditors on either Side shall meet with no lawful Impediment to the Recovery of the full Value in Sterling Money of all bona fide Debts heretofore contracted.

ARTICLE 5 TH: It is agreed that Congress shall earnestly recommend it to the Legislatures of the respective States to provide for the Restitution of all Estates, Rights, and Properties, which have been confiscated belonging to real British Subjects; and also of the Estates, Rights, and Properties of Persons resident in Districts in the Possession on his Majesty's Arms and who have not borne Arms against the said United States. And that Persons of any other Description shall have free Liberty to go to any Part or Parts of any of the thirteen United States and therein to remain twelve Months unmolested in their Endeavors to obtain the Restitution of such of their Estates, Rights & Properties as may have been confiscated. And that Congress shall also earnestly recommend to the several States a Reconsideration and Revision of all Acts or Laws regarding the Premises, so as to render the said Laws or Acts perfectly consistent not only with Justice and Equity but with that Spirit of Conciliation which on the Return of the Blessings of Peace should universally prevail. And that Congress shall also earnestly recommend to the

several States that the Estates, Rights, and Properties of such last mentioned Persons shall be restored to them, they refunding to any Persons who may be now in Possession the Bona fide Price (where any has been given) which such Persons may have paid on purchasing any of the said Lands, Rights, or Properties since the Confiscation.

And it is agreed that all Persons who have any Interest in confiscated Lands, either by Debts, Marriage Settlements, or otherwise, shall meet with no lawful Impediment in the Prosecution of their just Rights.

ARTICLE 6 TH: That there shall be no future Confiscations made nor any Prosecutions commenced against any Person or Persons for, or by Reason of the Part, which he or they may have taken in the present War, and that no Person shall on that Account suffer any future Loss or Damage, either in his Person, Liberty, or Property; and that those who may be in Confinement on such Charges at the Time of the Ratification of the Treaty in America shall be immediately set at Liberty, and the Prosecutions so commenced be discontinued.

ARTICLE 7 TH: There shall be a firm and perpetual Peace between his Britannic Majesty and the said States, and between the Subjects of the one and the Citizens of the other, wherefore all Hostilities both by Sea and Land shall from henceforth cease: All prisoners on both Sides shall be set at Liberty, and his Britannic Majesty shall with all convenient speed, and without causing any Destruction, or carrying away any Negroes or other Property of the American inhabitants, withdraw all his Armies, Garrisons & Fleets from the said United States, and from every Post, Place and Harbour within the same; leaving in all Fortifications, the American Artillery that may be therein: And shall also Order & cause all Archives, Records, Deeds & Papers belonging to any of the said States, or their Citizens, which in the Course of the War may have fallen into the hands of his Officers, to be forthwith restored and delivered to the proper States and Persons to whom they belong.

ARTICLE 8 TH: The Navigation of the river Mississippi, from its source to the Ocean, shall forever remain free and open to the Subjects of Great Britain and the Citizens of the United States.

ARTICLE 9 TH: In case it should so happen that any Place or Territory belonging to Great Britain or to the United States should have been conquered by the Arms of either from the other before the Arrival of the said Provisional Articles in America, it is agreed that the same shall be restored without Difficulty and without requiring any Compensation.

ARTICLE 10 TH: The solemn Ratifications of the present Treaty expedited in good & due Form shall be exchanged between the contracting Parties in the Space of Six Months or sooner if possible to be computed from the Day of the Signature of the present Treaty. In witness whereof we the undersigned their Ministers Plenipotentiary have in their Name and in Virtue of our Full Powers, signed with our Hands the present Definitive Treaty, and caused the Seals of our Arms to be affixed thereto.

Done at Paris, this third day of September in the year of our Lord, one thousand seven hundred and eighty-three.

## THE VIRGINIA PLAN (1787)

*In the Virginia Plan, writer James Madison laid the foundation for our current governmental system by proposing that the United States adopt three branches of government: the legislative, judicial, and executive.*

state of the resolutions submitted to the consideration of the House by the honorable Mr. Randolph, as altered, amended, and agreed to, in a Committee of the whole House.

1. R ESOLVED that it is the opinion of this Committee that a national government ought to be established consisting of a Supreme Legislative, Judiciary, and Executive.
2. R ESOLVED that the national Legislature ought to consist of Two Branches.
3. R ESOLVED that the members of the first branch of the national Legislature ought to be elected by the People of the several States for the term of Three years, to receive fixed stipends, by which they may be compensated for the devotion of their time to public service to be paid out of the National Treasury, to be ineligible to any Office established by a particular State or under the authority of the United-States (except those peculiarly belonging to the functions of the first branch) during the term of service, and under the national government for the space of one year after its expiration.
4. R ESOLVED that the members of the second Branch of the national Legislature ought to be chosen by the individual Legislatures, to be of the age of thirty years at least, to hold their offices for a term sufficient to ensure their independency, namely seven years, to receive fixed stipends, by which they may be compensated for the devotion of their time to public service—to be paid out of the National Treasury to be ineligible to any office established by a particular State, or under the authority of the United States (except those peculiarly belonging to the functions of the second branch) during the term of

service, and under the national government, for the space of one year after it's expiration.

5. R ESOLVED that each branch ought to possess the right of originating acts.

6. R ESOLVED that the national Legislature ought to be empowered to enjoy the legislative rights vested in Congress by the confederation—and moreover to legislate in all cases to which the separate States are incompetent: or in which the harmony of the United States may be interrupted by the exercise of individual legislation, to negative all laws passed by the several States contravening, in the opinion of the national Legislature, the articles of union, or any treaties subsisting under the authority of the union.

7. R ESOLVED that the right of suffrage in the first branch of the national Legislature ought not to be according to the rule established in the articles of confederation: but according to some equitable ratio of representation—namely, in proportion to the whole number of white and other free citizens and inhabitants of every age, sex, and condition including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description, except Indians, not paying taxes in each State.

8. R ESOLVED that the right of suffrage in the second branch of the national Legislature ought to be according to the rule established for the first.

9. R ESOLVED that a national Executive be instituted to consist of a single person, to be chosen by the National Legislature, for the term of seven years, with power to carry into execution the national Laws, to appoint to Offices in cases not otherwise provided for to be ineligible a second time, and to be removable on impeachment and conviction of mal practice or neglect of duty, to receive a fixed stipend, by which he may be compensated for the devotion of his time to public service to be paid out of the national Treasury.

10. R ESOLVED that the national executive shall have a right to negative any legislative act: which shall not be afterwards passed unless by two third parts of each branch of the national Legislature.

11. R ESOLVED that a national Judiciary be established to consist of One Supreme Tribunal. The Judges of which to be appointed by the second Branch of the National Legislature, to hold their offices during good behaviour to receive, punctually, at stated times, a fixed compensation for their services: in which no encrease or diminution shall be made so as to affect the persons actually in office at the time of such encrease or diminution.

12. R ESOLVED that the national Legislature be empowered to appoint inferior Tribunals.

13. R ESOLVED that the jurisdiction of the national Judiciary shall extend to cases which respect the collection of the national revenue; impeachments of any national officers; and questions which involve the national peace and harmony.

14. R ESOLVED that provision ought to be made for the admission of States, lawfully arising within the limits of the United States, whether from a voluntary junction of government and territory, or otherwise, with the consent of a number of voices in the national Legislature less than the whole.

15. R ESOLVED that provision ought to be made for the continuance of Congress and their authorities until a given day after the reform of the articles of Union shall be adopted; and for the completion of all their engagements.

16. R ESOLVED that a republican constitution, and its existing laws, ought to be guaranteed to each State by the United States.

17. R ESOLVED that provision ought to be made for the amendment of the

articles of Union, whensoever it shall seem necessary.

18. R ESOLVED that the Legislative, Executive, and Judiciary powers within the several States ought to be bound by oath to support the articles of Union.

19. R ESOLVED that the amendments which shall be offered to the confederation by the Convention, ought at a proper time or times, after the approbation of Congress, to be submitted to an assembly or assemblies of representatives, recommended by the several Legislatures, to be expressly chosen by the People to consider and decide thereon.



## THE NORTHWEST ORDINANCE (1787)

*The Northwest Ordinance was an act of Congress that created the Northwest Territory, which included the modern states of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.*

AN ORDINANCE for the government of the Territory of the United States northwest of the River Ohio

SECTION 1. Be it ordained by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

SEC. 2. Be it ordained by the authority aforesaid, That the estates, both of resident and nonresident proprietors in the said territory, dying intestate, shall descent to, and be distributed among their children, and the descendants of a deceased child, in equal parts; the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them: And where there shall be no children or descendants, then in equal parts to the next of kin in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parents' share; and there shall in no case be a distinction between kindred of the whole and half blood; saving, in all cases, to the widow of the intestate her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be (being of full age), and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed and delivered by the person being of full age, in whom the estate may be, and attested by two witnesses,

provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however to the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents and the neighboring villages who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance, of property.

SEC. 3. Be it ordained by the authority aforesaid, That there shall be appointed from time to time by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein in 1,000 acres of land, while in the exercise of his office.

SEC. 4. There shall be appointed from time to time by Congress, a secretary, whose commission shall continue in force for four years unless sooner revoked; he shall reside in the district, and have a freehold estate therein in 500 acres of land, while in the exercise of his office. It shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department, and transmit authentic copies of such acts and proceedings, every six months, to the Secretary of Congress: There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in 500 acres of land while in the exercise of their offices; and their commissions shall continue in force during good behavior.

SEC. 5. The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress from time to time: which laws shall be in force in the district until the organization of the General Assembly therein, unless

disapproved of by Congress; but afterwards the Legislature shall have authority to alter them as they shall think fit.

S EC. 6. The governor, for the time being, shall be commander in chief of the militia, appoint and commission all officers in the same below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

S EC. 7. Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers in each county or township, as he shall find necessary for the preservation of the peace and good order in the same: After the general assembly shall be organized, the powers and duties of the magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers not herein otherwise directed, shall during the continuance of this temporary government, be appointed by the governor.

S EC. 8. For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed from time to time as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

S EC. 9. So soon as there shall be five thousand free male inhabitants of full age in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect a representative from their counties or townships to represent them in the general assembly: Provided, That, for every five hundred free male inhabitants, there shall be one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase, until the number of representatives shall amount to twenty five; after which, the number and

proportion of representatives shall be regulated by the legislature: Provided, That no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and, in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same; Provided, also, That a freehold in fifty acres of land in the district, having been a citizen of one of the states, and being resident in the district, or the like freehold and two years residence in the district, shall be necessary to qualify a man as an elector of a representative.

SEC. 10. The representatives thus elected, shall serve for the term of two years; and, in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

SEC. 11. The general assembly or legislature shall consist of the governor, legislative council, and a house of representatives. The Legislative Council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum: and the members of the Council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the Governor shall appoint a time and place for them to meet together; and, when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and, whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall

appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill, or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the general assembly, when, in his opinion, it shall be expedient.

S EC. 12. The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity and of office; the governor before the president of congress, and all other officers before the Governor. As soon as a legislature shall be formed in the district, the council and house assembled in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating but not voting during this temporary government.

S EC. 13. And, for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory: to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

S EC. 14. It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States and the people and States in the said territory and forever remain unalterable, unless by common consent, to wit:

ART. 1. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

ART. 2. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature; and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offenses, where the proof shall be evident or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers or the law of the land; and, should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts or engagements, bona fide, and without fraud, previously formed.

ART. 3. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them.

ART. 4. The said territory, and the States which may be formed therein, shall forever remain a part of this Confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as

shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and, in no case, shall nonresident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ART. 5. There shall be formed in the said territory, not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The western State in the said territory, shall be bounded by the Mississippi, the Ohio, and Wabash Rivers; a direct line drawn from the Wabash and Post Vincents, due North, to the territorial line between the United States and Canada; and, by the said territorial line, to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, by a direct line, drawn due north from the mouth of the Great Miami, to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the

said territorial line: Provided, however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And, whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government: Provided, the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ART. 6. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted: Provided, always, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23rd of April, 1784, relative to the subject of this ordinance, be, and the same are hereby repealed and declared null and void.

D ONE by the United States, in Congress assembled, the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the twelfth.



## THE CONSTITUTION OF THE UNITED STATES OF AMERICA (1787)

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 choose 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 Behavior, 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, Dockyards, 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.

## **A R T I C L E I I**



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 Person 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 encreased 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 Offenses 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 behavior, 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 attainted.

## 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 Labor 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 Labor, But shall be delivered up on Claim of the Party to whom such Service or Labor may be due.

SECTION 3. New States may be admitted by the Congress into this Union; but no new States 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.

## **A R T I C L E 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.

## **A R T I C L E 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.

D ONE 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,

G O. WASHINGTON—  
President and deputy from Virginia

NEW HAMPSHIRE

John Langdon

Nicholas Gilman

MARYLAND

James Mchenry

Dan of St Thomas Jenifer

Daniel Carroll

VIRGINIA

John Blair—

James Madison, Jr.

NORTH CAROLINA

William Blount

Richard Dobbs Spaight

Hugh Williamson

PENNSYLVANIA

Benjamin Franklin

Thomas Mifflin

Robert Morris

George Clymer

Thomas FitzSimons

Jared Ingersoll

James Wilson

Gouverneur Morris

MASSACHUSETTS



Nathaniel Gorham

Rufus King

C ONNECTICUT

William Samuel Johnson

Roger Sherman

N EW J ERSEY

William Livingston

David Brearley

William Paterson

Jonathan Dayton

N EW Y ORK

Alexander Hamilton

D ELAWARE

George Read

Gunning Bedford, Jr.

John Dickinson

Richard Bassett

Jacob Broom

S O U T H C A R O L I N A

John Rutledge

Charles Cotesworth Pinckney

Charles Pinckney

Pierce Butler

G E O R G I A

William Few

Abraham Baldwin

A T T E S T :

William Jackson, Secretary

## THE FEDERALIST PAPERS

(1787–88)

*To encourage New York to ratify the U.S. Constitution, Founding Fathers Alexander Hamilton, James Madison, and John Jay wrote The Federalist Papers, eighty-five essays and articles that explained the need for a Constitution and discussed many other political issues. At the time, the essays were published anonymously under the pseudonym “Publius,” a popular Latin name in ancient Rome that also gave us the word “populous.” The Federalist Papers became the premier companion to the U.S. Constitution and are still used by federal courts today, including the U.S. Supreme Court, to interpret that document. Several of the most important papers are included here.*

FEDERALIST NO. 1.

GENERAL INTRODUCTION

For the Independent Journal. Saturday, October 27, 1787

**ALEXANDER HAMILTON**

TO the People of the State of New York:

After an unequivocal experience of the inefficacy of the subsisting Federal Government, you are called upon to deliberate on 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, 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, 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 era in which 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 will add the inducements of philanthropy to those of patriotism, to 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, unperplexed and unbiased by considerations not connected with the public good. But this is a thing more ardently to be wished 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 foreign 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 well aware that it would be disingenuous to resolve indiscriminately the opposition of any set of men (merely because their situations might subject them to suspicion) into interested or ambitious views. Candor 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 made its

appearance, or 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 furnish a lesson of moderation to those who are ever so much persuaded of their being in the right in any controversy. 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 influenced 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 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, however just these sentiments will be allowed to be, 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 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 despotic 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 pretense and artifice, the stale bait for popularity at the expense of the public good. It will be forgotten, on the one hand, that jealousy is the usual concomitant of love, and that the noble enthusiasm of liberty is 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 interest 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 forbidden appearance 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, I have had an eye, my fellow-citizens, to putting 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 prosperity.*

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 your 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 an open avowal of it. 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 new Constitution or a dismemberment of the Union. It will therefore be of use to begin by examining 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 constitute the subject of my next address.

PUBLIUS

FEDERALIST NO. 9.

THE UNION AS A SAFEGUARD AGAINST DOMESTIC FACTION AND  
INSURRECTION

For the Independent Journal. Wednesday, November 21, 1787

**ALEXANDER HAMILTON**

TO the People of the State of New York:

A firm Union will be of the utmost moment to the peace and liberty of the States, as a barrier against domestic faction and insurrection. It is impossible to read the history of the petty republics of Greece and Italy without feeling sensations of horror and disgust at the distractions with which they were continually agitated, and at the rapid succession of revolutions by which they were kept in a state of perpetual vibration between the extremes of tyranny and anarchy. If they exhibit occasional calms, these only serve as short-lived contrast to the furious storms that are to succeed. If now and then intervals of felicity open to view, we behold them with a mixture of regret, arising from the reflection that the pleasing scenes before us are soon to be overwhelmed by the tempestuous waves of sedition and party rage. If momentary rays of glory break forth from the gloom, while they dazzle us with a transient and fleeting brilliancy, they at the same time admonish us to lament that the vices of government should pervert the direction and tarnish the lustre of those bright talents and exalted endowments for which the favored soils that produced them have been so justly celebrated.

From the disorders that disfigure the annals of those republics the advocates of despotism have drawn arguments, not only against the forms of republican government, but against the very principles of civil liberty. They have decried all free government as inconsistent with the order of society, and have indulged themselves in malicious exultation over its friends and partisans. Happily for mankind, stupendous fabrics reared on the basis of liberty, which have flourished for ages, have, in a few glorious instances, refuted their gloomy sophisms. And, I trust, America will be the broad and solid foundation of other edifices, not less magnificent, which will be equally permanent monuments of their errors.



But it is not to be denied that the portraits they have sketched of republican government were too just copies of the originals from which they were taken. If it had been found impracticable to have devised models of a more perfect structure, the enlightened friends to liberty would have been obliged to abandon the cause of that species of government as indefensible. The science of politics, however, like most other sciences, has received great improvement. The efficacy of various principles is now well understood, which were either not known at all, or imperfectly known to the ancients. The regular distribution of power into distinct departments; the introduction of legislative balances and checks; the institution of courts composed of judges holding their offices during good behavior; the representation of the people in the legislature by deputies of their own election: these are wholly new discoveries, or have made their principal progress towards perfection in modern times. They are means, and powerful means, by which the excellences of republican government may be retained and its imperfections lessened or avoided. To this catalogue of circumstances that tend to the amelioration of popular systems of civil government, I shall venture, however novel it may appear to some, to add one more, on a principle which has been made the foundation of an objection to the new Constitution; I mean the *enlargement* of the *orbit* within which such systems are to revolve, either in respect to the dimensions of a single State or to the consolidation of several smaller States into one great Confederacy. The latter is that which immediately concerns the object under consideration. It will, however, be of use to examine the principle in its application to a single State, which shall be attended to in another place.

The utility of a Confederacy, as well to suppress faction and to guard the internal tranquillity of States, as to increase their external force and security, is in reality not a new idea. It has been practiced upon in different countries and ages, and has received the sanction of the most approved writers on the subject of politics. The opponents of the plan proposed have, with great assiduity, cited and circulated the observations of Montesquieu on the necessity of a contracted territory for a republican government. But they seem

not to have been apprised of the sentiments of that great man expressed in another part of his work, nor to have adverted to the consequences of the principle to which they subscribe with such ready acquiescence.

When Montesquieu recommends a small extent for republics, the standards he had in view were of dimensions far short of the limits of almost every one of these States. Neither Virginia, Massachusetts, Pennsylvania, New York, North Carolina, nor Georgia can by any means be compared with the models from which he reasoned and to which the terms of his description apply. If we therefore take his ideas on this point as the criterion of truth, we shall be driven to the alternative either of taking refuge at once in the arms of monarchy, or of splitting ourselves into an infinity of little, jealous, clashing, tumultuous commonwealths, the wretched nurseries of unceasing discord, and the miserable objects of universal pity or contempt. Some of the writers who have come forward on the other side of the question seem to have been aware of the dilemma; and have even been bold enough to hint at the division of the larger States as a desirable thing. Such an infatuated policy, such a desperate expedient, might, by the multiplication of petty offices, answer the views of men who possess not qualifications to extend their influence beyond the narrow circles of personal intrigue, but it could never promote the greatness or happiness of the people of America.

Referring the examination of the principle itself to another place, as has been already mentioned, it will be sufficient to remark here that, in the sense of the author who has been most emphatically quoted upon the occasion, it would only dictate a reduction of the *size* of the more considerable *members* of the Union, but would not militate against their being all comprehended in one confederate government. And this is the true question, in the discussion of which we are at present interested.

So far are the suggestions of Montesquieu from standing in opposition to a general Union of the States, that he explicitly treats of a confederate republic as the expedient for extending the sphere of popular government, and

reconciling the advantages of monarchy with those of republicanism.

“It is very probable,” (says he \*) “that mankind would have been obliged at length to live constantly under the government of a single person, had they not contrived a kind of constitution that has all the internal advantages of a republican, together with the external force of a monarchical government. I mean a *Confederate Republic*.”

“This form of government is a convention by which several smaller *states* agree to become members of a larger *one*, which they intend to form. It is a kind of assemblage of societies that constitute a new one, capable of increasing, by means of new associations, till they arrive to such a degree of power as to be able to provide for the security of the united body.”

“A republic of this kind, able to withstand an external force, may support itself without any internal corruptions. The form of this society prevents all manner of inconveniences.”

“If a single member should attempt to usurp the supreme authority, he could not be supposed to have an equal authority and credit in all the confederate states. Were he to have too great influence over one, this would alarm the rest. Were he to subdue a part, that which would still remain free might oppose him with forces independent of those which he had usurped and overpower him before he could be settled in his usurpation.”

“Should a popular insurrection happen in one of the confederate states the others are able to quell it. Should abuses creep into one part, they are reformed by those that remain sound. The state may be destroyed on one side, and not on the other; the confederacy may be dissolved, and the confederates preserve their sovereignty.”

“As this government is composed of small republics, it enjoys the internal happiness of each; and with respect to its external situation, it is possessed,

by means of the association, of all the advantages of large monarchies.”

I have thought it proper to quote at length these interesting passages, because they contain a luminous abridgment of the principal arguments in favor of the Union, and must effectually remove the false impressions which a misapplication of other parts of the work was calculated to make. They have, at the same time, an intimate connection with the more immediate design of this paper; which is, to illustrate the tendency of the Union to repress domestic faction and insurrection.

A distinction, more subtle than accurate, has been raised between a *confederacy* and a *consolidation* of the States. The essential characteristic of the first is said to be, the restriction of its authority to the members in their collective capacities, without reaching to the individuals of whom they are composed. It is contended that the national council ought to have no concern with any object of internal administration. An exact equality of suffrage between the members has also been insisted upon as a leading feature of a confederate government. These positions are, in the main, arbitrary; they are supported neither by principle nor precedent. It has indeed happened, that governments of this kind have generally operated in the manner which the distinction taken notice of, supposes to be inherent in their nature; but there have been in most of them extensive exceptions to the practice, which serve to prove, as far as example will go, that there is no absolute rule on the subject. And it will be clearly shown in the course of this investigation that as far as the principle contended for has prevailed, it has been the cause of incurable disorder and imbecility in the government.

The definition of a *Confederate Republic* seems simply to be “an assemblage of societies,” or an association of two or more states into one state. The extent, modifications, and objects of the federal authority are mere matters of discretion. So long as the separate organization of the members be not abolished; so long as it exists, by a constitutional necessity, for local purposes; though it should be in perfect subordination to the general

authority of the union, it would still be, in fact and in theory, an association of states, or a confederacy. The proposed Constitution, so far from implying an abolition of the State governments, makes them constituent parts of the national sovereignty, by allowing them a direct representation in the Senate, and leaves in their possession certain exclusive and very important portions of sovereign power. This fully corresponds, in every rational import of the terms, with the idea of a federal government.

In the Lycian confederacy, which consisted of twenty-three *cities* or republics, the largest were entitled to *three* votes in the *common council*, those of the middle class to *two*, and the smallest to *one*. The *common council* had the appointment of all the judges and magistrates of the respective *cities*. This was certainly the most, delicate species of interference in their internal administration; for if there be any thing that seems exclusively appropriated to the local jurisdictions, it is the appointment of their own officers. Yet Montesquieu, speaking of this association, says: “Were I to give a model of an excellent Confederate Republic, it would be that of Lycia.” Thus we perceive that the distinctions insisted upon were not within the contemplation of this enlightened civilian; and we shall be led to conclude, that they are the novel refinements of an erroneous theory.

PUBLIUS

FEDERALIST NO. 10.

THE SAME SUBJECT CONTINUED (THE UNION AS A SAFEGUARD AGAINST DOMESTIC FACTION AND INSURRECTION)

From the Daily Advertiser. Thursday, November 22, 1787.

JAMES MADISON

TO the People of the State of New York:

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 everywhere perished; as they continue to be the favorite 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 everywhere 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 labor 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 a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adversed 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 was 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 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 a 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 everywhere 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 cooperate 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 moneyed 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 the 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 overburden 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 this form of government can be rescued from the opprobrium under which it has so long labored, 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 coexistent 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 result 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 patronized 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 more favorable to the election of proper guardians of the public weal; and it is clearly decided in favor 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 two constituents, and being proportionally greater 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 practice 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 representatives 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 dishonorable 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 the advantage consist in the substitution of representatives whose enlightened views and virtuous sentiments render them superior to local prejudices and 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

FEDERALIST NO. 14.

OBJECTIONS TO THE PROPOSED CONSTITUTION FROM EXTENT OF TERRITORY ANSWERED

From the New York Packet. Friday, November 30, 1787.

JAMES MADISON

TO the People of the State of New York:

WE HAVE seen the necessity of the Union, as our bulwark against foreign danger, as the conservator of peace among ourselves, as the guardian of our commerce and other common interests, as the only substitute for those military establishments which have subverted the liberties of the Old World, and as the proper antidote for the diseases of faction, which have proved fatal to other popular governments, and of which alarming symptoms have been betrayed by our own. All that remains, within this branch of our inquiries, is to take notice of an objection that may be drawn from the great extent of country which the Union embraces. A few observations on this subject will be the more proper, as it is perceived that the adversaries of the new Constitution are availing themselves of the prevailing prejudice with regard to the practicable sphere of republican administration, in order to supply, by imaginary difficulties, the want of those solid objections which they endeavor in vain to find.

The error which limits republican government to a narrow district has been unfolded and refuted in preceding papers. I remark here only that it seems to

owe its rise and prevalence chiefly to the confounding of a republic with a democracy, applying to the former reasonings drawn from the nature of the latter. The true distinction between these forms was also adverted to on a former occasion. It is, that in a democracy, the people meet and exercise the government in person; in a republic, they assemble and administer it by their representatives and agents. A democracy, consequently, will be confined to a small spot. A republic may be extended over a large region.

To this accidental source of the error may be added the artifice of some celebrated authors, whose writings have had a great share in forming the modern standard of political opinions. Being subjects either of an absolute or limited monarchy, they have endeavored to heighten the advantages, or palliate the evils of those forms, by placing in comparison the vices and defects of the republican, and by citing as specimens of the latter the turbulent democracies of ancient Greece and modern Italy. Under the confusion of names, it has been an easy task to transfer to a republic observations applicable to a democracy only; and among others, the observation that it can never be established but among a small number of people, living within a small compass of territory.

Such a fallacy may have been the less perceived, as most of the popular governments of antiquity were of the democratic species; and even in modern Europe, to which we owe the great principle of representation, no example is seen of a government wholly popular, and founded, at the same time, wholly on that principle. If Europe has the merit of discovering this great mechanical power in government, by the simple agency of which the will of the largest political body may be centred, and its force directed to any object which the public good requires, America can claim the merit of making the discovery the basis of unmixed and extensive republics. It is only to be lamented that any of her citizens should wish to deprive her of the additional merit of displaying its full efficacy in the establishment of the comprehensive system now under her consideration.

As the natural limit of a democracy is that distance from the central point which will just permit the most remote citizens to assemble as often as their public functions demand, and will include no greater number than can join in those functions; so the natural limit of a republic is that distance from the centre which will barely allow the representatives to meet as often as may be necessary for the administration of public affairs. Can it be said that the limits of the United States exceed this distance? It will not be said by those who recollect that the Atlantic coast is the longest side of the Union, that during the term of thirteen years, the representatives of the States have been almost continually assembled, and that the members from the most distant States are not chargeable with greater intermissions of attendance than those from the States in the neighborhood of Congress.

That we may form a juster estimate with regard to this interesting subject, let us resort to the actual dimensions of the Union. The limits, as fixed by the treaty of peace, are: on the east the Atlantic, on the south the latitude of thirty-one degrees, on the west the Mississippi, and on the north an irregular line running in some instances beyond the forty-fifth degree, in others falling as low as the forty-second. The southern shore of Lake Erie lies below that latitude. Computing the distance between the thirty-first and forty-fifth degrees, it amounts to nine hundred and seventy-three common miles; computing it from thirty-one to forty-two degrees, to seven hundred and sixty-four miles and a half. Taking the mean for the distance, the amount will be eight hundred and sixty-eight miles and three-fourths. The mean distance from the Atlantic to the Mississippi does not probably exceed seven hundred and fifty miles. On a comparison of this extent with that of several countries in Europe, the practicability of rendering our system commensurate to it appears to be demonstrable. It is not a great deal larger than Germany, where a diet representing the whole empire is continually assembled; or than Poland before the late dismemberment, where another national diet was the depositary of the supreme power. Passing by France and Spain, we find that in Great Britain, inferior as it may be in size, the representatives of the northern extremity of the island have as far to travel to the national council as



will be required of those of the most remote parts of the Union.

Favorable as this view of the subject may be, some observations remain which will place it in a light still more satisfactory.

In the first place it is to be remembered that the general government is not to be charged with the whole power of making and administering laws. Its jurisdiction is limited to certain enumerated objects, which concern all the members of the republic, but which are not to be attained by the separate provisions of any. The subordinate governments, which can extend their care to all those other subjects which can be separately provided for, will retain their due authority and activity. Were it proposed by the plan of the convention to abolish the governments of the particular States, its adversaries would have some ground for their objection; though it would not be difficult to show that if they were abolished the general government would be compelled, by the principle of self-preservation, to reinstate them in their proper jurisdiction.

A second observation to be made is that the immediate object of the federal Constitution is to secure the union of the thirteen primitive States, which we know to be practicable; and to add to them such other States as may arise in their own bosoms, or in their neighborhoods, which we cannot doubt to be equally practicable. The arrangements that may be necessary for those angles and fractions of our territory which lie on our northwestern frontier, must be left to those whom further discoveries and experience will render more equal to the task.

Let it be remarked, in the third place, that the intercourse throughout the Union will be facilitated by new improvements. Roads will everywhere be shortened, and kept in better order; accommodations for travelers will be multiplied and meliorated; an interior navigation on our eastern side will be opened throughout, or nearly throughout, the whole extent of the thirteen States. The communication between the Western and Atlantic districts, and

between different parts of each, will be rendered more and more easy by those numerous canals with which the beneficence of nature has intersected our country, and which art finds it so little difficult to connect and complete.

A fourth and still more important consideration is, that as almost every State will, on one side or other, be a frontier, and will thus find, in regard to its safety, an inducement to make some sacrifices for the sake of the general protection; so the States which lie at the greatest distance from the heart of the Union, and which, of course, may partake least of the ordinary circulation of its benefits, will be at the same time immediately contiguous to foreign nations, and will consequently stand, on particular occasions, in greatest need of its strength and resources. It may be inconvenient for Georgia, or the States forming our western or northeastern borders, to send their representatives to the seat of government; but they would find it more so to struggle alone against an invading enemy, or even to support alone the whole expense of those precautions which may be dictated by the neighborhood of continual danger. If they should derive less benefit, therefore, from the Union in some respects than the less distant States, they will derive greater benefit from it in other respects, and thus the proper equilibrium will be maintained throughout.

I submit to you, my fellow-citizens, these considerations, in full confidence that the good sense which has so often marked your decisions will allow them their due weight and effect; and that you will never suffer difficulties, however formidable in appearance, or however fashionable the error on which they may be founded, to drive you into the gloomy and perilous scene into which the advocates for disunion would conduct you. Hearken not to the unnatural voice which tells you that the people of America, knit together as they are by so many cords of affection, can no longer live together as members of the same family; can no longer continue the mutual guardians of their mutual happiness; can no longer be fellow citizens of one great, respectable, and flourishing empire. Hearken not to the voice which petulantly tells you that the form of government recommended for your

adoption is a novelty in the political world; that it has never yet had a place in the theories of the wildest projectors; that it rashly attempts what it is impossible to accomplish. No, my countrymen, shut your ears against this unhallowed language. Shut your hearts against the poison which it conveys; the kindred blood which flows in the veins of American citizens, the mingled blood which they have shed in defense of their sacred rights, consecrate their Union, and excite horror at the idea of their becoming aliens, rivals, enemies. And if novelties are to be shunned, believe me, the most alarming of all novelties, the most wild of all projects, the most rash of all attempts, is that of rendering us in pieces, in order to preserve our liberties and promote our happiness. But why is the experiment of an extended republic to be rejected, merely because it may comprise what is new? Is it not the glory of the people of America, that, whilst they have paid a decent regard to the opinions of former times and other nations, they have not suffered a blind veneration for antiquity, for custom, or for names, to overrule the suggestions of their own good sense, the knowledge of their own situation, and the lessons of their own experience? To this manly spirit, posterity will be indebted for the possession, and the world for the example, of the numerous innovations displayed on the American theatre, in favor of private rights and public happiness. Had no important step been taken by the leaders of the Revolution for which a precedent could not be discovered, no government established of which an exact model did not present itself, the people of the United States might, at this moment have been numbered among the melancholy victims of misguided councils, must at best have been laboring under the weight of some of those forms which have crushed the liberties of the rest of mankind. Happily for America, happily, we trust, for the whole human race, they pursued a new and more noble course. They accomplished a revolution which has no parallel in the annals of human society. They reared the fabrics of governments which have no model on the face of the globe. They formed the design of a great Confederacy, which it is incumbent on their successors to improve and perpetuate. If their works betray imperfections, we wonder at the fewness of them. If they erred most in the structure of the Union, this was the

work most difficult to be executed; this is the work which has been new modelled by the act of your convention, and it is that act on which you are now to deliberate and to decide.

PUBLIUS

FEDERALIST NO. 39.

THE CONFORMITY OF THE PLAN TO REPUBLICAN PRINCIPLES

For the Independent Journal. Wednesday, January 16, 1788

JAMES MADISON

TO the People of the State of New York:

THE last paper having concluded the observations which were meant to introduce a candid survey of the plan of government reported by the convention, we now proceed to the execution of that part of our undertaking.

The first question that offers itself is, whether the general form and aspect of the government be strictly republican. It is evident that no other form would be reconcilable with the genius of the people of America; with the fundamental principles of the Revolution; or with that honorable determination which animates every votary of freedom, to rest all our political experiments on the capacity of mankind for self-government. If the plan of the convention, therefore, be found to depart from the republican character, its advocates must abandon it as no longer defensible.

What, then, are the distinctive characters of the republican form? Were an answer to this question to be sought, not by recurring to principles, but in the application of the term by political writers, to the constitution of different States, no satisfactory one would ever be found. Holland, in which no particle of the supreme authority is derived from the people, has passed almost universally under the denomination of a republic. The same title has been

bestowed on Venice, where absolute power over the great body of the people is exercised, in the most absolute manner, by a small body of hereditary nobles. Poland, which is a mixture of aristocracy and of monarchy in their worst forms, has been dignified with the same appellation. The government of England, which has one republican branch only, combined with an hereditary aristocracy and monarchy, has, with equal impropriety, been frequently placed on the list of republics. These examples, which are nearly as dissimilar to each other as to a genuine republic, show the extreme inaccuracy with which the term has been used in political disquisitions.

If we resort for a criterion to the different principles on which different forms of government are established, we may define a republic to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior. It is *essential* to such a government that it be derived from the great body of the society, not from an inconsiderable proportion, or a favored class of it; otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of republicans, and claim for their government the honorable title of republic. It is *sufficient* for such a government that the persons administering it be appointed, either directly or indirectly, by the people; and that they hold their appointments by either of the tenures just specified; otherwise every government in the United States, as well as every other popular government that has been or can be well organized or well executed, would be degraded from the republican character. According to the constitution of every State in the Union, some or other of the officers of government are appointed indirectly only by the people. According to most of them, the chief magistrate himself is so appointed. And according to one, this mode of appointment is extended to one of the coordinate branches of the legislature. According to all the constitutions, also, the tenure of the highest offices is extended to a definite period, and in many instances, both within the legislative and executive departments, to a period of years. According to the provisions of most of the constitutions,

again, as well as according to the most respectable and received opinions on the subject, the members of the judiciary department are to retain their offices by the firm tenure of good behavior.

On comparing the Constitution planned by the convention with the standard here fixed, we perceive at once that it is, in the most rigid sense, conformable to it. The House of Representatives, like that of one branch at least of all the State legislatures, is elected immediately by the great body of the people. The Senate, like the present Congress, and the Senate of Maryland, derives its appointment indirectly from the people. The President is indirectly derived from the choice of the people, according to the example in most of the States. Even the judges, with all other officers of the Union, will, as in the several States, be the choice, though a remote choice, of the people themselves, the duration of the appointments is equally conformable to the republican standard, and to the model of State constitutions. The House of Representatives is periodically elective, as in all the States; and for the period of two years, as in the State of South Carolina. The Senate is elective, for the period of six years; which is but one year more than the period of the Senate of Maryland, and but two more than that of the Senates of New York and Virginia. The President is to continue in office for the period of four years; as in New York and Delaware, the chief magistrate is elected for three years, and in South Carolina for two years. In the other States the election is annual. In several of the States, however, no constitutional provision is made for the impeachment of the chief magistrate. And in Delaware and Virginia he is not impeachable till out of office. The President of the United States is impeachable at any time during his continuance in office. The tenure by which the judges are to hold their places, is, as it unquestionably ought to be, that of good behavior. The tenure of the ministerial offices generally, will be a subject of legal regulation, conformably to the reason of the case and the example of the State constitutions.

Could any further proof be required of the republican complexion of this system, the most decisive one might be found in its absolute prohibition of

titles of nobility, both under the federal and the State governments; and in its express guaranty of the republican form to each of the latter.

“But it was not sufficient,” say the adversaries of the proposed Constitution, “for the convention to adhere to the republican form. They ought, with equal care, to have preserved the *federal* form, which regards the Union as a *confederacy* of sovereign states; instead of which, they have framed a *national* government, which regards the Union as a *consolidation* of the States.” And it is asked by what authority this bold and radical innovation was undertaken? The handle which has been made of this objection requires that it should be examined with some precision.

Without inquiring into the accuracy of the distinction on which the objection is founded, it will be necessary to a just estimate of its force, first, to ascertain the real character of the government in question; secondly, to inquire how far the convention were authorized to propose such a government; and thirdly, how far the duty they owed to their country could supply any defect of regular authority.

First. In order to ascertain the real character of the government, it may be considered in relation to the foundation on which it is to be established; to the sources from which its ordinary powers are to be drawn; to the operation of those powers; to the extent of them; and to the authority by which future changes in the government are to be introduced.

On examining the first relation, it appears, on one hand, that the Constitution is to be founded on the assent and ratification of the people of America, given by deputies elected for the special purpose; but, on the other, that this assent and ratification is to be given by the people, not as individuals composing one entire nation, but as composing the distinct and independent States to which they respectively belong. It is to be the assent and ratification of the several States, derived from the supreme authority in each State, the authority of the people themselves. The act, therefore, establishing the Constitution,

will not be a *national*, but a *federal* act.

That it will be a federal and not a national act, as these terms are understood by the objectors; the act of the people, as forming so many independent States, not as forming one aggregate nation, is obvious from this single consideration, that it is to result neither from the decision of a *majority* of the people of the Union, nor from that of a *majority* of the States. It must result from the *unanimous* assent of the several States that are parties to it, differing no otherwise from their ordinary assent than in its being expressed, not by the legislative authority, but by that of the people themselves. Were the people regarded in this transaction as forming one nation, the will of the majority of the whole people of the United States would bind the minority, in the same manner as the majority in each State must bind the minority; and the will of the majority must be determined either by a comparison of the individual votes, or by considering the will of the majority of the States as evidence of the will of a majority of the people of the United States. Neither of these rules have been adopted. Each State, in ratifying the Constitution, is considered as a sovereign body, independent of all others, and only to be bound by its own voluntary act. In this relation, then, the new Constitution will, if established, be a *federal*, and not a *national* constitution.

The next relation is, to the sources from which the ordinary powers of government are to be derived. The House of Representatives will derive its powers from the people of America; and the people will be represented in the same proportion, and on the same principle, as they are in the legislature of a particular State. So far the government is *national*, not *federal*. The Senate, on the other hand, will derive its powers from the States, as political and coequal societies; and these will be represented on the principle of equality in the Senate, as they now are in the existing Congress. So far the government is *federal*, not *national*. The executive power will be derived from a very compound source. The immediate election of the President is to be made by the States in their political characters. The votes allotted to them are in a compound ratio, which considers them partly as distinct and coequal



societies, partly as unequal members of the same society. The eventual election, again, is to be made by that branch of the legislature which consists of the national representatives; but in this particular act they are to be thrown into the form of individual delegations, from so many distinct and coequal bodies politic. From this aspect of the government it appears to be of a mixed character, presenting at least as many *federal* as *national* features.

The difference between a federal and national government, as it relates to the *operation of the government*, is supposed to consist in this, that in the former the powers operate on the political bodies composing the Confederacy, in their political capacities; in the latter, on the individual citizens composing the nation, in their individual capacities. On trying the Constitution by this criterion, it falls under the *national*, not the *federal* character; though perhaps not so completely as has been understood. In several cases, and particularly in the trial of controversies to which States may be parties, they must be viewed and proceeded against in their collective and political capacities only. So far the national countenance of the government on this side seems to be disfigured by a few federal features. But this blemish is perhaps unavoidable in any plan; and the operation of the government on the people, in their individual capacities, in its ordinary and most essential proceedings, may, on the whole, designate it, in this relation, a *national* government.

But if the government be national with regard to the *operation* of its powers, it changes its aspect again when we contemplate it in relation to the *extent* of its powers. The idea of a national government involves in it, not only an authority over the individual citizens, but an indefinite supremacy over all persons and things, so far as they are objects of lawful government. Among a people consolidated into one nation, this supremacy is completely vested in the national legislature. Among communities united for particular purposes, it is vested partly in the general and partly in the municipal legislatures. In the former case, all local authorities are subordinate to the supreme; and may be controlled, directed, or abolished by it at pleasure. In the latter, the local or municipal authorities form distinct and independent portions of the

supremacy, no more subject, within their respective spheres, to the general authority, than the general authority is subject to them, within its own sphere. In this relation, then, the proposed government cannot be deemed a *national* one; since its jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects. It is true that in controversies relating to the boundary between the two jurisdictions, the tribunal which is ultimately to decide, is to be established under the general government. But this does not change the principle of the case. The decision is to be impartially made, according to the rules of the Constitution; and all the usual and most effectual precautions are taken to secure this impartiality. Some such tribunal is clearly essential to prevent an appeal to the sword and a dissolution of the compact; and that it ought to be established under the general rather than under the local governments, or, to speak more properly, that it could be safely established under the first alone, is a position not likely to be combated.

If we try the Constitution by its last relation to the authority by which amendments are to be made, we find it neither wholly *national* nor wholly *federal*. Were it wholly national, the supreme and ultimate authority would reside in the *majority* of the people of the Union; and this authority would be competent at all times, like that of a majority of every national society, to alter or abolish its established government. Were it wholly federal, on the other hand, the concurrence of each State in the Union would be essential to every alteration that would be binding on all. The mode provided by the plan of the convention is not founded on either of these principles. In requiring more than a majority, and principles. In requiring more than a majority, and particularly in computing the proportion by *states*, not by *citizens*, it departs from the *national* and advances towards the *federal* character; in rendering the concurrence of less than the whole number of States sufficient, it loses again the *federal* and partakes of the *national* character.

The proposed Constitution, therefore, is, in strictness, neither a national nor a federal Constitution, but a composition of both. In its foundation it is federal,

not national; in the sources from which the ordinary powers of the government are drawn, it is partly federal and partly national; in the operation of these powers, it is national, not federal; in the extent of them, again, it is federal, not national; and, finally, in the authoritative mode of introducing amendments, it is neither wholly federal nor wholly national.

PUBLIUS

FEDERALIST NO. 51.

THE STRUCTURE OF THE GOVERNMENT MUST FURNISH THE PROPER CHECKS AND BALANCES BETWEEN THE DIFFERENT DEPARTMENTS.

For the Independent Journal. Wednesday, February 6, 1788.

JAMES MADISON

TO the People of the State of New York:

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 defense 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 sentinel 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-defense. 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 defense 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 connection 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 forms, 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 proportionately 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 on any other principles than those of justice and the general good; whilst there being thus less danger to a minor from the will of a 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 practical 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

FEDERALIST NO. 70.

THE EXECUTIVE DEPARTMENT FURTHER CONSIDERED

From The Independent Journal. Saturday, March 15, 1788.

ALEXANDER HAMILTON

to the People of the State of New York:



THERE is an idea, which is not without its advocates, that a vigorous Executive is inconsistent with the genius of republican government. The enlightened well-wishers to this species of government must at least hope that the supposition is destitute of foundation; since they can never admit its truth, without at the same time admitting the condemnation of their own principles. Energy in the Executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks; it is not less essential to the steady administration of the laws; to the protection of property against those irregular and high-handed combinations which sometimes interrupt the ordinary course of justice; to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy. Every man the least conversant in Roman story, knows how often that republic was obliged to take refuge in the absolute power of a single man, under the formidable title of Dictator, as well against the intrigues of ambitious individuals who aspired to the tyranny, and the seditions of whole classes of the community whose conduct threatened the existence of all government, as against the invasions of external enemies who menaced the conquest and destruction of Rome.

There can be no need, however, to multiply arguments or examples on this head. A feeble Executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution; and a government ill executed, whatever it may be in theory, must be, in practice, a bad government.

Taking it for granted, therefore, that all men of sense will agree in the necessity of an energetic Executive, it will only remain to inquire, what are the ingredients which constitute this energy? How far can they be combined with those other ingredients which constitute safety in the republican sense? And how far does this combination characterize the plan which has been reported by the convention?

The ingredients which constitute energy in the Executive are, first, unity;

secondly, duration; thirdly, an adequate provision for its support; fourthly, competent powers.

The ingredients which constitute safety in the republican sense are, first, a due dependence on the people, secondly, a due responsibility.

Those politicians and statesmen who have been the most celebrated for the soundness of their principles and for the justice of their views, have declared in favor of a single Executive and a numerous legislature. They have with great propriety, considered energy as the most necessary qualification of the former, and have regarded this as most applicable to power in a single hand, while they have, with equal propriety, considered the latter as best adapted to deliberation and wisdom, and best calculated to conciliate the confidence of the people and to secure their privileges and interests.

That unity is conducive to energy will not be disputed. Decision, activity, secrecy, and despatch will generally characterize the proceedings of one man in a much more eminent degree than the proceedings of any greater number; and in proportion as the number is increased, these qualities will be diminished.

This unity may be destroyed in two ways: either by vesting the power in two or more magistrates of equal dignity and authority; or by vesting it ostensibly in one man, subject, in whole or in part, to the control and co-operation of others, in the capacity of counsellors to him. Of the first, the two Consuls of Rome may serve as an example; of the last, we shall find examples in the constitutions of several of the States. New York and New Jersey, if I recollect right, are the only States which have intrusted the executive authority wholly to single men. \* Both these methods of destroying the unity of the Executive have their partisans; but the votaries of an executive council are the most numerous. They are both liable, if not to equal, to similar objections, and may in most lights be examined in conjunction.

The experience of other nations will afford little instruction on this head. As far, however, as it teaches any thing, it teaches us not to be enamoured of plurality in the Executive. We have seen that the Achæans, on an experiment of two Prætors, were induced to abolish one. The Roman history records many instances of mischiefs to the republic from the dissensions between the Consuls, and between the military Tribunes, who were at times substituted for the Consuls. But it gives us no specimens of any peculiar advantages derived to the state from the circumstance of the plurality of those magistrates. That the dissensions between them were not more frequent or more fatal, is a matter of astonishment, until we advert to the singular position in which the republic was almost continually placed, and to the prudent policy pointed out by the circumstances of the state, and pursued by the Consuls, of making a division of the government between them. The patricians engaged in a perpetual struggle with the plebeians for the preservation of their ancient authorities and dignities; the Consuls, who were generally chosen out of the former body, were commonly united by the personal interest they had in the defense of the privileges of their order. In addition to this motive of union, after the arms of the republic had considerably expanded the bounds of its empire, it became an established custom with the Consuls to divide the administration between themselves by lot—one of them remaining at Rome to govern the city and its environs, the other taking the command in the more distant provinces. This expedient must, no doubt, have had great influence in preventing those collisions and rivalships which might otherwise have embroiled the peace of the republic.

But quitting the dim light of historical research, attaching ourselves purely to the dictates of reason and good sense, we shall discover much greater cause to reject than to approve the idea of plurality in the Executive, under any modification whatever.

Wherever two or more persons are engaged in any common enterprise or pursuit, there is always danger of difference of opinion. If it be a public trust or office, in which they are clothed with equal dignity and authority, there is

peculiar danger of personal emulation and even animosity. From either, and especially from all these causes, the most bitter dissensions are apt to spring. Whenever these happen, they lessen the respectability, weaken the authority, and distract the plans and operation of those whom they divide. If they should unfortunately assail the supreme executive magistracy of a country, consisting of a plurality of persons, they might impede or frustrate the most important measures of the government, in the most critical emergencies of the state. And what is still worse, they might split the community into the most violent and irreconcilable factions, adhering differently to the different individuals who composed the magistracy.

Men often oppose a thing, merely because they have had no agency in planning it, or because it may have been planned by those whom they dislike. But if they have been consulted, and have happened to disapprove, opposition then becomes, in their estimation, an indispensable duty of self-love. They seem to think themselves bound in honor, and by all the motives of personal infallibility, to defeat the success of what has been resolved upon contrary to their sentiments. Men of upright, benevolent tempers have too many opportunities of remarking, with horror, to what desperate lengths this disposition is sometimes carried, and how often the great interests of society are sacrificed to the vanity, to the conceit, and to the obstinacy of individuals, who have credit enough to make their passions and their caprices interesting to mankind. Perhaps the question now before the public may, in its consequences, afford melancholy proofs of the effects of this despicable frailty, or rather detestable vice, in the human character.

Upon the principles of a free government, inconveniences from the source just mentioned must necessarily be submitted to in the formation of the legislature; but it is unnecessary, and therefore unwise, to introduce them into the constitution of the Executive. It is here, too, that they may be most pernicious. In the legislature, promptitude of decision is oftener an evil than a benefit. The differences of opinion, and the jarrings of parties in that department of the government, though they may sometimes obstruct salutary

plans, yet often promote deliberation and circumspection, and serve to check excesses in the majority. When a resolution too is once taken, the opposition must be at an end. That resolution is a law, and resistance to it punishable. But no favorable circumstances palliate or atone for the disadvantages of dissension in the executive department. Here, they are pure and unmixed. There is no point at which they cease to operate. They serve to embarrass and weaken the execution of the plan or measure to which they relate, from the first step to the final conclusion of it. They constantly counteract those qualities in the Executive which are the most necessary ingredients in its composition—vigor and expedition, and this without any counterbalancing good. In the conduct of war, in which the energy of the Executive is the bulwark of the national security, every thing would be to be apprehended from its plurality.

It must be confessed that these observations apply with principal weight to the first case supposed—that is, to a plurality of magistrates of equal dignity and authority a scheme, the advocates for which are not likely to form a numerous sect; but they apply, though not with equal, yet with considerable weight to the project of a council, whose concurrence is made constitutionally necessary to the operations of the ostensible Executive. An artful cabal in that council would be able to distract and to enervate the whole system of administration. If no such cabal should exist, the mere diversity of views and opinions would alone be sufficient to tincture the exercise of the executive authority with a spirit of habitual feebleness and dilatoriness.

But one of the weightiest objections to a plurality in the Executive, and which lies as much against the last as the first plan, is, that it tends to conceal faults and destroy responsibility. Responsibility is of two kinds—to censure and to punishment. The first is the more important of the two, especially in an elective office. Man, in public trust, will much oftener act in such a manner as to render him unworthy of being any longer trusted, than in such a manner as to make him obnoxious to legal punishment. But the multiplication of the Executive adds to the difficulty of detection in either case. It often becomes

impossible, amidst mutual accusations, to determine on whom the blame or the punishment of a pernicious measure, or series of pernicious measures, ought really to fall. It is shifted from one to another with so much dexterity, and under such plausible appearances, that the public opinion is left in suspense about the real author. The circumstances which may have led to any national miscarriage or misfortune are sometimes so complicated that, where there are a number of actors who may have had different degrees and kinds of agency, though we may clearly see upon the whole that there has been mismanagement, yet it may be impracticable to pronounce to whose account the evil which may have been incurred is truly chargeable.

“I was overruled by my council. The council were so divided in their opinions that it was impossible to obtain any better resolution on the point.” These and similar pretexts are constantly at hand, whether true or false. And who is there that will either take the trouble or incur the odium, of a strict scrutiny into the secret springs of the transaction? Should there be found a citizen zealous enough to undertake the unpromising task, if there happen to be collusion between the parties concerned, how easy it is to clothe the circumstances with so much ambiguity, as to render it uncertain what was the precise conduct of any of those parties?

In the single instance in which the governor of this State is coupled with a council—that is, in the appointment to offices, we have seen the mischiefs of it in the view now under consideration. Scandalous appointments to important offices have been made. Some cases, indeed, have been so flagrant that *all parties* have agreed in the impropriety of the thing. When inquiry has been made, the blame has been laid by the governor on the members of the council, who, on their part, have charged it upon his nomination; while the people remain altogether at a loss to determine, by whose influence their interests have been committed to hands so unqualified and so manifestly improper. In tenderness to individuals, I forbear to descend to particulars.

It is evident from these considerations, that the plurality of the Executive

tends to deprive the people of the two greatest securities they can have for the faithful exercise of any delegated power—first, the restraints of public opinion, which lose their efficacy, as well on account of the division of the censure attendant on bad measures among a number, as on account of the uncertainty on whom it ought to fall; and, second, the opportunity of discovering with facility and clearness the misconduct of the persons they trust, in order either to their removal from office or to their actual punishment in cases which admit of it.

In England, the king is a perpetual magistrate; and it is a maxim which has obtained for the sake of the public peace, that he is unaccountable for his administration, and his person sacred. Nothing, therefore, can be wiser in that kingdom, than to annex to the king a constitutional council, who may be responsible to the nation for the advice they give. Without this, there would be no responsibility whatever in the executive department, an idea inadmissible in a free government. But even there the king is not bound by the resolutions of his council, though they are answerable for the advice they give. He is the absolute master of his own conduct in the exercise of his office, and may observe or disregard the counsel given to him at his sole discretion.

But in a republic, where every magistrate ought to be personally responsible for his behavior in office, the reason which in the British Constitution dictates the propriety of a council, not only ceases to apply, but turns against the institution. In the monarchy of Great Britain, it furnishes a substitute for the prohibited responsibility of the chief magistrate, which serves in some degree as a hostage to the national justice for his good behavior. In the American republic, it would serve to destroy, or would greatly diminish, the intended and necessary responsibility of the Chief Magistrate himself.

The idea of a council to the Executive, which has so generally obtained in the State constitutions, has been derived from that maxim of republican jealousy which considers power as safer in the hands of a number of men than of a

single man. If the maxim should be admitted to be applicable to the case, I should contend that the advantage on that side would not counterbalance the numerous disadvantages on the opposite side. But I do not think the rule at all applicable to the executive power. I clearly concur in opinion, in this particular, with a writer whom the celebrated Junius pronounces to be “deep, solid, and ingenious,” that “the executive power is more easily confined when it is *one*”; \* that it is far more safe there should be a single object for the jealousy and watchfulness of the people; and, in a word, that all multiplication of the Executive is rather dangerous than friendly to liberty.

A little consideration will satisfy us, that the species of security sought for in the multiplication of the Executive, is unattainable. Numbers must be so great as to render combination difficult, or they are rather a source of danger than of security. The united credit and influence of several individuals must be more formidable to liberty, than the credit and influence of either of them separately. When power, therefore, is placed in the hands of so small a number of men, as to admit of their interests and views being easily combined in a common enterprise, by an artful leader, it becomes more liable to abuse, and more dangerous when abused, than if it be lodged in the hands of one man; who, from the very circumstance of his being alone, will be more narrowly watched and more readily suspected, and who cannot unite so great a mass of influence as when he is associated with others. The Decemvirs of Rome, whose name denotes their number, † were more to be dreaded in their usurpation than any *one* of them would have been. No person would think of proposing an Executive much more numerous than that body; from six to a dozen have been suggested for the number of the council. The extreme of these numbers, is not too great for an easy combination; and from such a combination America would have more to fear, than from the ambition of any single individual. A council to a magistrate, who is himself responsible for what he does, are generally nothing better than a clog upon his good intentions, are often the instruments and accomplices of his bad and are almost always a cloak to his faults.



I forbear to dwell upon the subject of expense; though it be evident that if the council should be numerous enough to answer the principal end aimed at by the institution, the salaries of the members, who must be drawn from their homes to reside at the seat of government, would form an item in the catalogue of public expenditures too serious to be incurred for an object of equivocal utility. I will only add that, prior to the appearance of the Constitution, I rarely met with an intelligent man from any of the States, who did not admit, as the result of experience, that the *unity* of the executive of this State was one of the best of the distinguishing features of our constitution.

PUBLIUS

FEDERALIST NO. 78.  
THE JUDICIARY DEPARTMENT

From McLean's Edition, New York. Wednesday, May 28, 1788

ALEXANDER HAMILTON

TO the People of the State of New York:

We proceed now to an examination of the judiciary department of the proposed government.

In unfolding the defects of the existing Confederation, the utility and necessity of a federal judicature have been clearly pointed out. It is the less necessary to recapitulate the considerations there urged, as the propriety of the institution in the abstract is not disputed; the only questions which have been raised being relative to the manner of constituting it, and to its extent. To these points, therefore, our observations shall be confined.

The manner of constituting it seems to embrace these several objects: 1st. The mode of appointing the judges. 2d. The tenure by which they are to hold their

places. 3d. The partition of the judiciary authority between different courts, and their relations to each other.

FIRST. As to the mode of appointing the judges; this is the same with that of appointing the officers of the Union in general, and has been so fully discussed in the two last numbers, that nothing can be said here which would not be useless repetition.

SECOND. As to the tenure by which the judges are to hold their places; this chiefly concerns their duration in office; the provisions for their support; the precautions for their responsibility.

According to the plan of the convention, all judges who may be appointed by the United States are to hold their offices *during good behavior*; which is conformable to the most approved of the State constitutions and among the rest, to that of this State. Its propriety having been drawn into question by the adversaries of that plan, is no light symptom of the rage for objection, which disorders their imaginations and judgments. The standard of good behavior for the continuance in office of the judicial magistracy, is certainly one of the most valuable of the modern improvements in the practice of government. In a monarchy it is an excellent barrier to the despotism of the prince; in a republic it is a no less excellent barrier to the encroachments and oppressions of the representative body. And it is the best expedient which can be devised in any government, to secure a steady, upright, and impartial administration of the laws.

Whoever attentively considers the different departments of power must perceive, that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them. The Executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights

of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither *force* nor *will*, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.

This simple view of the matter suggests several important consequences. It proves incontestably, that the judiciary is beyond comparison the weakest of the three departments of power \*; that it can never attack with success either of the other two; and that all possible care is requisite to enable it to defend itself against their attacks. It equally proves, that though individual oppression may now and then proceed from the courts of justice, the general liberty of the people can never be endangered from that quarter; I mean so long as the judiciary remains truly distinct from both the legislature and the Executive. For I agree, that “there is no liberty, if the power of judging be not separated from the legislative and executive powers.” \* And it proves, in the last place, that as liberty can have nothing to fear from the judiciary alone, but would have every thing to fear from its union with either of the other departments; that as all the effects of such a union must ensue from a dependence of the former on the latter, notwithstanding a nominal and apparent separation; that as, from the natural feebleness of the judiciary, it is in continual jeopardy of being overpowered, awed, or influenced by its co-ordinate branches; and that as nothing can contribute so much to its firmness and independence as permanency in office, this quality may therefore be justly regarded as an indispensable ingredient in its constitution, and, in a great measure, as the citadel of the public justice and the public security.

The complete independence of the courts of justice is peculiarly essential in a limited Constitution. By a limited Constitution, I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no ex post facto laws, and the like. Limitations of this kind can be preserved in practice no other way

than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing.

Some perplexity respecting the rights of the courts to pronounce legislative acts void, because contrary to the Constitution, has arisen from an imagination that the doctrine would imply a superiority of the judiciary to the legislative power. It is urged that the authority which can declare the acts of another void, must necessarily be superior to the one whose acts may be declared void. As this doctrine is of great importance in all the American constitutions, a brief discussion of the ground on which it rests cannot be unacceptable.

There is no position which depends on clearer principles, than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can be valid. To deny this, would be to affirm, that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid.

If it be said that the legislative body are themselves the constitutional judges of their own powers, and that the construction they put upon them is conclusive upon the other departments, it may be answered, that this cannot be the natural presumption, where it is not to be collected from any particular provisions in the Constitution. It is not otherwise to be supposed, that the Constitution could intend to enable the representatives of the people to substitute their will to that of their constituents. It is far more rational to suppose, that the courts were designed to be an intermediate body between the people and the legislature, in order, among other things, to keep the latter within the limits assigned to their authority. The interpretation of the laws is

the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred; or, in other words, the Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents.

Nor does this conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposes that the power of the people is superior to both; and that where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former. They ought to regulate their decisions by the fundamental laws, rather than by those which are not fundamental.

This exercise of judicial discretion, in determining between two contradictory laws, is exemplified in a familiar instance. It not uncommonly happens, that there are two statutes existing at one time, clashing in whole or in part with each other, and neither of them containing any repealing clause or expression. In such a case, it is the province of the courts to liquidate and fix their meaning and operation. So far as they can, by any fair construction, be reconciled to each other, reason and law conspire to dictate that this should be done; where this is impracticable, it becomes a matter of necessity to give effect to one, in exclusion of the other. The rule which has obtained in the courts for determining their relative validity is, that the last in order of time shall be preferred to the first. But this is a mere rule of construction, not derived from any positive law, but from the nature and reason of the thing. It is a rule not enjoined upon the courts by legislative provision, but adopted by themselves, as consonant to truth and propriety, for the direction of their conduct as interpreters of the law. They thought it reasonable, that between the interfering acts of an *equal* authority, that which was the last indication of

its will should have the preference.

But in regard to the interfering acts of a superior and subordinate authority, of an original and derivative power, the nature and reason of the thing indicate the converse of that rule as proper to be followed. They teach us that the prior act of a superior ought to be preferred to the subsequent act of an inferior and subordinate authority; and that accordingly, whenever a particular statute contravenes the Constitution, it will be the duty of the judicial tribunals to adhere to the latter and disregard the former.

It can be of no weight to say that the courts, on the pretense of a repugnancy, may substitute their own pleasure to the constitutional intentions of the legislature. This might as well happen in the case of two contradictory statutes; or it might as well happen in every adjudication upon any single statute. The courts must declare the sense of the law; and if they should be disposed to exercise *will* instead of *judgment*, the consequence would equally be the substitution of their pleasure to that of the legislative body. The observation, if it prove any thing, would prove that there ought to be no judges distinct from that body.

If, then, the courts of justice are to be considered as the bulwarks of a limited Constitution against legislative encroachments, this consideration will afford a strong argument for the permanent tenure of judicial offices, since nothing will contribute so much as this to that independent spirit in the judges which must be essential to the faithful performance of so arduous a duty.

This independence of the judges is equally requisite to guard the Constitution and the rights of individuals from the effects of those ill humors, which the arts of designing men, or the influence of particular conjunctures, sometimes disseminate among the people themselves, and which, though they speedily give place to better information, and more deliberate reflection, have a tendency, in the meantime, to occasion dangerous innovations in the government, and serious oppressions of the minor party in the community.

Though I trust the friends of the proposed Constitution will never concur with its enemies, \* in questioning that fundamental principle of republican government, which admits the right of the people to alter or abolish the established Constitution, whenever they find it inconsistent with their happiness, yet it is not to be inferred from this principle, that the representatives of the people, whenever a momentary inclination happens to lay hold of a majority of their constituents, incompatible with the provisions in the existing Constitution, would, on that account, be justifiable in a violation of those provisions; or that the courts would be under a greater obligation to connive at infractions in this shape, than when they had proceeded wholly from the cabals of the representative body. Until the people have, by some solemn and authoritative act, annulled or changed the established form, it is binding upon themselves collectively, as well as individually; and no presumption, or even knowledge, of their sentiments, can warrant their representatives in a departure from it, prior to such an act. But it is easy to see, that it would require an uncommon portion of fortitude in the judges to do their duty as faithful guardians of the Constitution, where legislative invasions of it had been instigated by the major voice of the community.

But it is not with a view to infractions of the Constitution only, that the independence of the judges may be an essential safeguard against the effects of occasional ill humors in the society. These sometimes extend no farther than to the injury of the private rights of particular classes of citizens, by unjust and partial laws. Here also the firmness of the judicial magistracy is of vast importance in mitigating the severity and confining the operation of such laws. It not only serves to moderate the immediate mischiefs of those which may have been passed, but it operates as a check upon the legislative body in passing them; who, perceiving that obstacles to the success of iniquitous intention are to be expected from the scruples of the courts, are in a manner compelled, by the very motives of the injustice they meditate, to qualify their attempts. This is a circumstance calculated to have more influence upon the character of our governments, than but few may be aware of. The benefits of

the integrity and moderation of the judiciary have already been felt in more States than one; and though they may have displeased those whose sinister expectations they may have disappointed, they must have commanded the esteem and applause of all the virtuous and disinterested. Considerate men, of every description, ought to prize whatever will tend to beget or fortify that temper in the courts: as no man can be sure that he may not be tomorrow the victim of a spirit of injustice, by which he may be a gainer today. And every man must now feel, that the inevitable tendency of such a spirit is to sap the foundations of public and private confidence, and to introduce in its stead universal distrust and distress.

That inflexible and uniform adherence to the rights of the Constitution, and of individuals, which we perceive to be indispensable in the courts of justice, can certainly not be expected from judges who hold their offices by a temporary commission. Periodical appointments, however regulated, or by whomsoever made, would, in some way or other, be fatal to their necessary independence. If the power of making them was committed either to the Executive or legislature, there would be danger of an improper complaisance to the branch which possessed it; if to both, there would be an unwillingness to hazard the displeasure of either; if to the people, or to persons chosen by them for the special purpose, there would be too great a disposition to consult popularity, to justify a reliance that nothing would be consulted but the Constitution and the laws.

There is yet a further and a weightier reason for the permanency of the judicial offices, which is deducible from the nature of the qualifications they require. It has been frequently remarked, with great propriety, that a voluminous code of laws is one of the inconveniences necessarily connected with the advantages of a free government. To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules and precedents, which serve to define and point out their duty in every particular case that comes before them; and it will readily be conceived from the variety of controversies which grow out of the folly and wickedness of



mankind, that the records of those precedents must unavoidably swell to a very considerable bulk, and must demand long and laborious study to acquire a competent knowledge of them. Hence it is, that there can be but few men in the society who will have sufficient skill in the laws to qualify them for the stations of judges. And making the proper deductions for the ordinary depravity of human nature, the number must be still smaller of those who unite the requisite integrity with the requisite knowledge. These considerations apprise us, that the government can have no great option between fit character; and that a temporary duration in office, which would naturally discourage such characters from quitting a lucrative line of practice to accept a seat on the bench, would have a tendency to throw the administration of justice into hands less able, and less well qualified, to conduct it with utility and dignity. In the present circumstances of this country, and in those in which it is likely to be for a long time to come, the disadvantages on this score would be greater than they may at first sight appear; but it must be confessed, that they are far inferior to those which present themselves under the other aspects of the subject.

Upon the whole, there can be no room to doubt that the convention acted wisely in copying from the models of those constitutions which have established good behavior as the tenure of their judicial offices, in point of duration; and that so far from being blamable on this account, their plan would have been inexcusably defective, if it had wanted this important feature of good government. The experience of Great Britain affords an illustrious comment on the excellence of the institution.

PUBLIUS

FEDERALIST NO. 84.

CERTAIN GENERAL AND MISCELLANEOUS OBJECTIONS TO THE  
CONSTITUTION CONSIDERED AND ANSWERED.

From McLean's Edition, New York. Wednesday, May 28, 1788

## ALEXANDER HAMILTON

TO the People of the State of New York:

IN THE course of the foregoing review of the Constitution, I have taken notice of, and endeavored to answer most of the objections which have appeared against it. There, however, remain a few which either did not fall naturally under any particular head or were forgotten in their proper places. These shall now be discussed; but as the subject has been drawn into great length, I shall so far consult brevity as to comprise all my observations on these miscellaneous points in a single paper.

The most considerable of the remaining objections is that the plan of the convention contains no bill of rights. Among other answers given to this, it has been upon different occasions remarked that the constitutions of several of the States are in a similar predicament. I add that New York is of the number. And yet the opposers of the new system, in this State, who profess an unlimited admiration for its constitution, are among the most intemperate partisans of a bill of rights. To justify their zeal in this matter, they allege two things: one is that, though the constitution of New York has no bill of rights prefixed to it, yet it contains, in the body of it, various provisions in favor of particular privileges and rights, which, in substance amount to the same thing; the other is, that the Constitution adopts, in their full extent, the common and statute law of Great Britain, by which many other rights, not expressed in it, are equally secured.

To the first I answer, that the Constitution proposed by the convention contains, as well as the constitution of this State, a number of such provisions.

Independent of those which relate to the structure of the government, we find the following: Article 1, section 3, clause 7—“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 9, of the same article, clause 2—“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.” Clause 3—“No bill of attainder or ex-post-facto law shall be passed.” Clause 7—“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.” Article 3, section 2, clause 3—“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, of the same article —“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.” And clause 3, of the same section—“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 attainted.”

It may well be a question, whether these are not, upon the whole, of equal importance with any which are to be found in the constitution of this State. The establishment of the writ of habeas corpus, the prohibition of ex post facto laws, and of *titles of nobility*, to which we have no corresponding provision in our Constitution, are perhaps greater securities to liberty and republicanism than any it contains. The creation of crimes after the commission of the fact, or, in other words, the subjecting of men to punishment for things which, when they were done, were breaches of no law, and the practice of arbitrary imprisonments, have been, in all ages, the favorite and most formidable instruments of tyranny. The observations of the

judicious Blackstone, \* in reference to the latter, are well worthy of recital: “To bereave a man of life, (says he) or by violence to confiscate his estate, without accusation or trial, would be so gross and notorious an act of despotism, as must at once convey the alarm of tyranny throughout the whole nation; but confinement of the person, by secretly hurrying him to jail, where his sufferings are unknown or forgotten, is a less public, a less striking, and therefore a more dangerous engine of arbitrary government.” And as a remedy for this fatal evil he is everywhere peculiarly emphatical in his encomiums on the habeas corpus act, which in one place he calls “the *bulwark* of the British Constitution.” †

Nothing need be said to illustrate the importance of the prohibition of titles of nobility. This may truly be denominated the corner-stone of republican government; for so long as they are excluded, there can never be serious danger that the government will be any other than that of the people.

To the second that is, to the pretended establishment of the common and state law by the Constitution, I answer, that they are expressly made subject “to such alterations and provisions as the legislature shall from time to time make concerning the same.” They are therefore at any moment liable to repeal by the ordinary legislative power, and of course have no constitutional sanction. The only use of the declaration was to recognize the ancient law and to remove doubts which might have been occasioned by the Revolution. This consequently can be considered as no part of a declaration of rights, which under our constitutions must be intended as limitations of the power of the government itself.

It has been several times truly remarked that bills of rights are, in their origin, stipulations between kings and their subjects, abridgements of prerogative in favor of privilege, reservations of rights not surrendered to the prince. Such was *Magna Charta*, obtained by the barons, sword in hand, from King John. Such were the subsequent confirmations of that charter by succeeding princes. Such was the Petition of Right assented to by Charles I, in the

beginning of his reign. Such, also, was the Declaration of Right presented by the Lords and Commons to the Prince of Orange in 1688, and afterwards thrown into the form of an act of parliament called the Bill of Rights. It is evident, therefore, that, according to their primitive signification, they have no application to constitutions professedly founded upon the power of the people, and executed by their immediate representatives and servants. Here, in strictness, the people surrender nothing; and as they retain every thing they have no need of particular reservations. “ *We, the People* of the United States, to secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.” Here is a better recognition of popular rights, than volumes of those aphorisms which make the principal figure in several of our State bills of rights, and which would sound much better in a treatise of ethics than in a constitution of government.

But a minute detail of particular rights is certainly far less applicable to a Constitution like that under consideration, which is merely intended to regulate the general political interests of the nation, than to a constitution which has the regulation of every species of personal and private concerns. If, therefore, the loud clamors against the plan of the convention, on this score, are well founded, no epithets of reprobation will be too strong for the constitution of this State. But the truth is, that both of them contain all which, in relation to their objects, is reasonably to be desired.

I go further, and affirm that bills of rights, in the sense and to the extent in which they are contended for, are not only unnecessary in the proposed Constitution, but would even be dangerous. They would contain various exceptions to powers not granted; and, on this very account, would afford a colorable pretext to claim more than were granted. For why declare that things shall not be done which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed? I will not contend that such a provision would confer a regulating power; but it is evident that it would furnish, to men disposed to usurp, a plausible pretense for claiming

that power. They might urge with a semblance of reason, that the Constitution ought not to be charged with the absurdity of providing against the abuse of an authority which was not given, and that the provision against restraining the liberty of the press afforded a clear implication, that a power to prescribe proper regulations concerning it was intended to be vested in the national government. This may serve as a specimen of the numerous handles which would be given to the doctrine of constructive powers, by the indulgence of an injudicious zeal for bills of rights.

On the subject of the liberty of the press, as much as has been said, I cannot forbear adding a remark or two: in the first place, I observe, that there is not a syllable concerning it in the constitution of this State; in the next, I contend, that whatever has been said about it in that of any other State, amounts to nothing. What signifies a declaration, that “the liberty of the press shall be inviolably preserved”? What is the liberty of the press? Who can give it any definition which would not leave the utmost latitude for evasion? I hold it to be impracticable; and from this I infer, that its security, whatever fine declarations may be inserted in any constitution respecting it, must altogether depend on public opinion, and on the general spirit of the people and of the government. \* And here, after all, as is intimated upon another occasion, must we seek for the only solid basis of all our rights.

There remains but one other view of this matter to conclude the point. The truth is, after all the declamations we have heard, that the Constitution is itself, in every rational sense, and to every useful purpose, *a Bill of Rights*. The several bills of rights in Great Britain form its Constitution, and conversely the constitution of each State is its bill of rights. And the proposed Constitution, if adopted, will be the bill of rights of the Union. Is it one object of a bill of rights to declare and specify the political privileges of the citizens in the structure and administration of the government? This is done in the most ample and precise manner in the plan of the convention; comprehending various precautions for the public security, which are not to be found in any of the State constitutions. Is another object of a bill of rights

to define certain immunities and modes of proceeding, which are relative to personal and private concerns? This we have seen has also been attended to, in a variety of cases, in the same plan. Adverting therefore to the substantial meaning of a bill of rights, it is absurd to allege that it is not to be found in the work of the convention. It may be said that it does not go far enough, though it will not be easy to make this appear; but it can with no propriety be contended that there is no such thing. It certainly must be immaterial what mode is observed as to the order of declaring the rights of the citizens, if they are to be found in any part of the instrument which establishes the government. And hence it must be apparent, that much of what has been said on this subject rests merely on verbal and nominal distinctions, entirely foreign from the substance of the thing.

Another objection which has been made, and which, from the frequency of its repetition, it is to be presumed is relied on, is of this nature: "It is improper (say the objectors) to confer such large powers, as are proposed, upon the national government, because the seat of that government must of necessity be too remote from many of the States to admit of a proper knowledge on the part of the constituent, of the conduct of the representative body." This argument, if it proves any thing, proves that there ought to be no general government whatever. For the powers which, it seems to be agreed on all hands, ought to be vested in the Union, cannot be safely intrusted to a body which is not under every requisite control. But there are satisfactory reasons to show that the objection is in reality not well founded. There is in most of the arguments which relate to distance a palpable illusion of the imagination. What are the sources of information by which the people in Montgomery County must regulate their judgment of the conduct of their representatives in the State legislature? Of personal observation they can have no benefit. This is confined to the citizens on the spot. They must therefore depend on the information of intelligent men, in whom they confide; and how must these men obtain their information? Evidently from the complexion of public measures, from the public prints, from correspondences with their representatives, and with other persons who reside at the place of their

deliberations. This does not apply to Montgomery County only, but to all the counties at any considerable distance from the seat of government.

It is equally evident that the same sources of information would be open to the people in relation to the conduct of their representatives in the general government, and the impediments to a prompt communication which distance may be supposed to create, will be overbalanced by the effects of the vigilance of the State governments. The executive and legislative bodies of each State will be so many sentinels over the persons employed in every department of the national administration; and as it will be in their power to adopt and pursue a regular and effectual system of intelligence, they can never be at a loss to know the behavior of those who represent their constituents in the national councils, and can readily communicate the same knowledge to the people. Their disposition to apprise the community of whatever may prejudice its interests from another quarter, may be relied upon, if it were only from the rivalship of power. And we may conclude with the fullest assurance that the people, through that channel, will be better informed of the conduct of their national representatives, than they can be by any means they now possess of that of their State representatives.

It ought also to be remembered that the citizens who inhabit the country at and near the seat of government will, in all questions that affect the general liberty and prosperity, have the same interest with those who are at a distance, and that they will stand ready to sound the alarm when necessary, and to point out the actors in any pernicious project. The public papers will be expeditious messengers of intelligence to the most remote inhabitants of the Union.

Among the many curious objections which have appeared against the proposed Constitution, the most extraordinary and the least colorable is derived from the want of some provision respecting the debts due to the United States. This has been represented as a tacit relinquishment of those debts, and as a wicked contrivance to screen public defaulters. The



newspapers have teemed with the most inflammatory railings on this head; yet there is nothing clearer than that the suggestion is entirely void of foundation, the offspring of extreme ignorance or extreme dishonesty. In addition to the remarks I have made upon the subject in another place, I shall only observe that as it is a plain dictate of common-sense, so it is also an established doctrine of political law, that “States neither lose any of their rights, nor are discharged from any of their obligations, by a change in the form of their civil government.” \*

The last objection of any consequence, which I at present recollect, turns upon the article of expense. If it were even true, that the adoption of the proposed government would occasion a considerable increase of expense, it would be an objection that ought to have no weight against the plan.

The great bulk of the citizens of America are with reason convinced, that Union is the basis of their political happiness. Men of sense of all parties now, with few exceptions, agree that it cannot be preserved under the present system, nor without radical alterations; that new and extensive powers ought to be granted to the national head, and that these require a different organization of the federal government—a single body being an unsafe depository of such ample authorities. In conceding all this, the question of expense must be given up; for it is impossible, with any degree of safety, to narrow the foundation upon which the system is to stand. The two branches of the legislature are, in the first instance, to consist of only sixty-five persons, which is the same number of which Congress, under the existing Confederation, may be composed. It is true that this number is intended to be increased; but this is to keep pace with the progress of the population and resources of the country. It is evident that a less number would, even in the first instance, have been unsafe, and that a continuance of the present number would, in a more advanced stage of population, be a very inadequate representation of the people.

Whence is the dreaded augmentation of expense to spring? One source

indicated, is the multiplication of offices under the new government. Let us examine this a little.

It is evident that the principal departments of the administration under the present government, are the same which will be required under the new. There are now a Secretary of War, a Secretary of Foreign Affairs, a Secretary for Domestic Affairs, a Board of Treasury, consisting of three persons, a Treasurer, assistants, clerks, etc. These officers are indispensable under any system, and will suffice under the new as well as the old. As to ambassadors and other ministers and agents in foreign countries, the proposed Constitution can make no other difference than to render their characters, where they reside, more respectable, and their services more useful. As to persons to be employed in the collection of the revenues, it is unquestionably true that these will form a very considerable addition to the number of federal officers; but it will not follow that this will occasion an increase of public expense. It will be in most cases nothing more than an exchange of State for national officers. In the collection of all duties, for instance, the persons employed will be wholly of the latter description. The States individually will stand in no need of any for this purpose. What difference can it make in point of expense to pay officers of the customs appointed by the State or by the United States? There is no good reason to suppose that either the number or the salaries of the latter will be greater than those of the former.

Where then are we to seek for those additional articles of expense which are to swell the account to the enormous size that has been represented to us? The chief item which occurs to me respects the support of the judges of the United States. I do not add the President, because there is now a president of Congress, whose expenses may not be far, if any thing, short of those which will be incurred on account of the President of the United States. The support of the judges will clearly be an extra expense, but to what extent will depend on the particular plan which may be adopted in regard to this matter. But upon no reasonable plan can it amount to a sum which will be an object of material consequence.

Let us now see what there is to counterbalance any extra expense that may attend the establishment of the proposed government. The first thing which presents itself is that a great part of the business which now keeps Congress sitting through the year will be transacted by the President. Even the management of foreign negotiations will naturally devolve upon him, according to general principles concerted with the Senate, and subject to their final concurrence. Hence it is evident that a portion of the year will suffice for the session of both the Senate and the House of Representatives; we may suppose about a fourth for the latter and a third, or perhaps half, for the former. The extra business of treaties and appointments may give this extra occupation to the Senate. From this circumstance we may infer that, until the House of Representatives shall be increased greatly beyond its present number, there will be a considerable saving of expense from the difference between the constant session of the present and the temporary session of the future Congress.

But there is another circumstance of great importance in the view of economy. The business of the United States has hitherto occupied the State legislatures, as well as Congress. The latter has made requisitions which the former have had to provide for. Hence it has happened that the sessions of the State legislatures have been protracted greatly beyond what was necessary for the execution of the mere local business of the States. More than half their time has been frequently employed in matters which related to the United States. Now the members who compose the legislatures of the several States amount to two thousand and upwards, which number has hitherto performed what under the new system will be done in the first instance by sixty-five persons, and probably at no future period by above a fourth or fifth of that number. The Congress under the proposed government will do all the business of the United States themselves, without the intervention of the State legislatures, who thenceforth will have only to attend to the affairs of their particular States, and will not have to sit in any proportion as long as they have heretofore done. This difference in the time of the sessions of the State legislatures will be clear gain, and will alone form an article of saving,

which may be regarded as an equivalent for any additional objects of expense that may be occasioned by the adoption of the new system.

The result from these observations is that the sources of additional expense from the establishment of the proposed Constitution are much fewer than may have been imagined; that they are counterbalanced by considerable objects of saving; and that while it is questionable on which side the scale will preponderate, it is certain that a government less expensive would be incompetent to the purposes of the Union.

P UBLIUS

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*\* The same idea, tracing the arguments to their consequences, is held out in several of the late publications against the new Constitution .*

*\* “Spirit of Laws,” vol. i., book ix., chap. i .*

*\* New York has no council except for the single purpose of appointing to offices; New Jersey has a council whom the governor may consult. But I think, from the terms of the constitution, their resolutions do not bind him .*

*\* De Lolme .*

*† Ten .*

*\* The celebrated Montesquieu, speaking of them, says: “Of the three powers above mentioned, the judiciary is next to nothing.”— Spirit of Laws, Vol. I, page 186.*

*\* Idem, page 181 .*

*\* Vide Protest of the Minority of the Convention of Pennsylvania, Martin’s*

*Speech, etc .*

\* Vide Blackstone's Commentaries, *Vol. 1, p. 136.*

† *Idem, Vol. 4, p. 438 .*

\* *To show that there is a power in the Constitution by which the liberty of the press may be affected, recourse has been had to the power of taxation. It is said that duties may be laid upon the publications so high as to amount to a prohibition. I know not by what logic it could be maintained, that the declarations in the State constitutions, in favor of the freedom of the press, would be a constitutional impediment to the imposition of duties upon publications by the State legislatures. It cannot certainly be pretended that any degree of duties, however low, would be an abridgment of the liberty of the press. We know that newspapers are taxed in Great Britain, and yet it is notorious that the press nowhere enjoys greater liberty than in that country. And if duties of any kind may be laid without a violation of that liberty, it is evident that the extent must depend on legislative discretion, respecting the liberty of the press, will give it no greater security than it will have without them. The same invasions of it may be effected under the State constitutions which contain those declarations through the means of taxation, as under the proposed Constitution, which has nothing of the kind. It would be quite as significant to declare that government ought to be free, that taxes ought not to be excessive, etc., as that the liberty of the press ought not to be restrained .*

\* Vide Rutherford's Institutes, *Vol. 2, Book II, Chapter X, Sections XIV and XV.* Vide also Grotius, *Book II, Chapter IX, Sections VIII and IX.*

## GEORGE WASHINGTON'S FIRST INAUGURAL ADDRESS

APRIL 30, 1789

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

Among the vicissitudes incident to life no event could have filled me with greater anxieties than that of which the notification was transmitted by your order, and received on the 14th day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes, with an immutable decision, as the asylum of my declining years—a retreat which was rendered every day more necessary as well as more dear to me by the addition of habit to inclination, and of frequent interruptions in my health to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust to which the voice of my country called me, being sufficient to awaken in the wisest and most experienced of her citizens a distrustful scrutiny into his qualifications, could not but overwhelm with despondence one who (inheriting inferior endowments from nature and unpracticed in the duties of civil administration) ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions all I dare aver is that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope is that if, in executing this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibility to this transcendent proof of the confidence of my fellow-citizens, and have thence too little consulted my incapacity as well as disinclination for the weighty and untried cares before me, my error will be palliated by the motives which mislead me, and its consequences be judged by my country with some share of the partiality in which they originated.

Such being the impressions under which I have, in obedience to the public summons, repaired to the present station, it would be peculiarly improper to

omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States a Government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge. In tendering this homage to the Great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own, nor those of my fellow-citizens at large less than either. No people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of men more than those of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency; and in the important revolution just accomplished in the system of their united government the tranquil deliberations and voluntary consent of so many distinct communities from which the event has resulted can not be compared with the means by which most governments have been established without some return of pious gratitude, along with an humble anticipation of the future blessings which the past seem to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed. You will join with me, I trust, in thinking that there are none under the influence of which the proceedings of a new and free government can more auspiciously commence.

By the article establishing the executive department it is made the duty of the President "to recommend to your consideration such measures as he shall judge necessary and expedient." The circumstances under which I now meet you will acquit me from entering into that subject further than to refer to the great constitutional charter under which you are assembled, and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial with the feelings which actuate me, to substitute, in place of a recommendation of particular measures, the tribute that is due to the talents,

the rectitude, and the patriotism which adorn the characters selected to devise and adopt them. In these honorable qualifications I behold the surest pledges that as on one side no local prejudices or attachments, no separate views nor party animosities, will misdirect the comprehensive and equal eye which ought to watch over this great assemblage of communities and interests, so, on another, that the foundation of our national policy will be laid in the pure and immutable principles of private morality, and the preeminence of free government be exemplified by all the attributes which can win the affections of its citizens and command the respect of the world. I dwell on this prospect with every satisfaction which an ardent love for my country can inspire, since there is no truth more thoroughly established than that there exists in the economy and course of nature an indissoluble union between virtue and happiness; between duty and advantage; between the genuine maxims of an honest and magnanimous policy and the solid rewards of public prosperity and felicity; since we ought to be no less persuaded that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right which Heaven itself has ordained; and since the preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered, perhaps, as deeply, as finally, staked on the experiment entrusted to the hands of the American people.

Besides the ordinary objects submitted to your care, it will remain with your judgment to decide how far an exercise of the occasional power delegated by the fifth article of the Constitution is rendered expedient at the present juncture by the nature of objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good; for I assure myself that whilst you carefully avoid every alteration which might endanger the benefits of an united and effective government, or which ought to await the future lessons of experience, a reverence for the characteristic rights of freemen and a regard for the public harmony will



sufficiently influence your deliberations on the question how far the former can be impregably fortified or the latter be safely and advantageously promoted.

To the foregoing observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will therefore be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed; and being still under the impressions which produced it, I must decline as inapplicable to myself any share in the personal emoluments which may be indispensably included in a permanent provision for the executive department, and must accordingly pray that the pecuniary estimates for the station in which I am placed may during my continuance in it be limited to such actual expenditures as the public good may be thought to require.

Having thus imparted to you my sentiments as they have been awakened by the occasion which brings us together, I shall take my present leave; but not without resorting once more to the benign Parent of the Human Race in humble supplication that, since He has been pleased to favor the American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity on a form of government for the security of their union and the advancement of their happiness, so His divine blessing may be equally conspicuous in the enlarged views, the temperate consultations, and the wise measures on which the success of this Government must depend.

**THE BILL OF RIGHTS**  
**(PASSED 1789; RATIFIED 1791)**

congress of the United States begun and held at the City of New York on Wednesday the fourth of March, one thousand seven hundred and eighty nine.

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.

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 Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

**A MENDMENT 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.

**A MENDMENT 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.

### **A MENDMENT 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.

### **A MENDMENT 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.

### **A MENDMENT 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 offense 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.

### **A MENDMENT 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 defense.

#### **A MENDMENT 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.

#### **A MENDMENT VIII**

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

#### **A MENDMENT IX**

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

#### **A MENDMENT 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.

**THOMAS JEFFERSON'S FIRST  
INAUGURAL ADDRESS**  
**MARCH 4, 1801**

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 presentiments 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 here see 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 might 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 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 and feared 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 forms 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 hundredth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions 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 here and his greater happiness hereafter—with all these blessings, what more is necessary to make us a happy and a 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 anti-republican 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 burthened; 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 in 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.

## THE LOUISIANA PURCHASE

### TREATY (1803)

*The Louisiana Purchase Treaty consisted of three separate documents: an agreement between France and the United States called the Treaty of Cession and two conventions. With the Louisiana Purchase, the United States paid just \$15 million (or, 4¢ per acre) to double its size and expand west of the Mississippi River.*

### TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE FRENCH REPUBLIC

The President of the United States of America and the First Consul of the French Republic, in the name of the French People, desiring to remove all Source of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the Convention of the 8th Vendémiaire an 9 (30 September 1800) relative to the rights claimed by the United States in virtue of the Treaty concluded at Madrid the 27 of October 1795, between His Catholic Majesty & the Said United States, & willing to Strengthen the union and friendship which at the time of the said Convention was happily reestablished between the two nations have respectively named their Plenipotentiaries, to wit, the President of the United States, by and with the advice and consent of the Senate of the said States; Robert R. Livingston Minister Plenipotentiary of the United States; and James Monroe Minister Plenipotentiary and Envoy extraordinary of the said States near the Government of the French Republic; and the First Consul in the name of the French people, Citizen Francis Barbé Marbois Minister of the public treasury who after having respectively exchanged their full powers have agreed to the following Articles.

### ARTICLE I

Whereas by the Article the third of the Treaty concluded at St. Ildefonso the

9th Vendémiaire an 9 (1st October) 1800 between the First Consul of the French Republic and his Catholic Majesty, it was agreed as follows.

“His Catholic Majesty promises and engages on his part to cede to the French Republic six months after the full and entire execution of the conditions and Stipulations herein relative to his Royal Highness the Duke of Parma, the Colony or Province of Louisiana with the Same extent that it now has in the hand of Spain, & that it had when France possessed it; and Such as it Should be after the Treaties subsequently entered into between Spain and other States.”

And whereas in pursuance of the Treaty and particularly of the third article the French Republic has an incontestible title to the domain and to the possession of the said Territory—The First Consul of the French Republic desiring to give to the United States a strong proof of his friendship doth hereby cede to the United States in the name of the French Republic for ever and in full Sovereignty the said territory with all its rights and appurtenances as fully and in the Same manner as they have been acquired by the French Republic in virtue of the above mentioned Treaty concluded with his Catholic Majesty.

## **A R T I C L E   I I**

In the cession made by the preceeding article are included the adjacent Islands belonging to Louisiana all public lots and Squares, vacant lands and all public buildings, fortifications, barracks and other edifices which are not private property.—The Archives, papers & documents relative to the domain and Sovereignty of Louisiana and its dependences will be left in the possession of the Commissaries of the United States, and copies will be afterwards given in due form to the Magistrates and Municipal officers of such of the said papers and documents as may be necessary to them.

## **A R T I C L E   I I I**

The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible according to the principles of the federal Constitution to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property and the Religion which they profess.

#### **A R T I C L E I V**

There shall be sent by the Government of France a Commissary to Louisiana to the end that he do every act necessary as well to receive from the Officers of his Catholic Majesty the said country and its dependances in the name of the French Republic if it has not been already done as to transmit it in the name of the French Republic to the Commissary or agent of the United States.

#### **A R T I C L E V**

Immediately after the ratification of the present Treaty by the President of the United States and in case that of the first Consul's shall have been previously obtained, the commissary of the French Republic shall remit all military posts of New Orleans and other parts of the ceded territory to the Commissary or Commissaries named by the President to take possession—the troops whether of France or Spain who may be there shall cease to occupy any military post from the time of taking possession and shall be embarked as soon as possible in the course of three months after the ratification of this treaty.

#### **A R T I C L E V I**

The United States promise to execute such treaties and articles as may have been agreed between Spain and the tribes and nations of Indians until by mutual consent of the United States and the said tribes or nations other

suitable articles shall have been agreed upon.

## **ARTICLE VII**

As it is reciprocally advantageous to the commerce of France and the United States to encourage the communication of both nations for a limited time in the country ceded by the present treaty until general arrangements relative to commerce of both nations may be agreed on; it has been agreed between the contracting parties that the French ships coming directly from France or any of her colonies loaded only with the produce and manufactures of France or her said Colonies; and the ships of Spain coming directly from Spain or any of her colonies loaded only with the produce or manufactures of Spain or her Colonies shall be admitted during the space of twelve years in the Port of New-Orleans and in all other legal ports-of-entry within the ceded territory in the same manner as the ships of the United States coming directly from France or Spain or any of their Colonies without being subject to any other or greater duty on merchandize [merchandise] or other or greater tonnage than that paid by the citizens of the United States.

During that space of time above mentioned no other nation shall have a right to the same privileges in the Ports of the ceded territory—the twelve years shall commence three months after the exchange of ratifications if it shall take place in France or three months after it shall have been notified at Paris to the French Government if it shall take place in the United States; It is however well understood that the object of the above article is to favour the manufactures, Commerce, freight and navigation of France and of Spain So far as relates to the importations that the French and Spanish shall make into the said Ports of the United States without in any sort affecting the regulations that the United States may make concerning the exportation of the produce and merchandize of the United States, or any right they may have to make such regulations.

## **ARTICLE VIII**

In future and for ever after the expiration of the twelve years, the ships of France shall be treated upon the footing of the most favoured nations in the ports above mentioned.

## **A R T I C L E IX**

The particular Convention Signed this day by the respective Ministers, having for its object to provide for the payment of debts due to the Citizens of the United States by the French Republic prior to the 30th Sept. 1800 (8th Vendémiaire an 9) is approved and to have its execution in the same manner as if it had been inserted in this present treaty, and it shall be ratified in the same form and in the same time so that the one shall not be ratified distinct from the other.

Another particular Convention signed at the same date as the present treaty relative to a definitive rule between the contracting parties is in the like manner approved and will be ratified in the same form, and in the same time and jointly.

## **A R T I C L E X**

The present treaty shall be ratified in good and due form and the ratifications shall be exchanged in the space of six months after the date of the signature by the Ministers Plenipotentiary or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed these articles in the French and English languages; declaring nevertheless that the present Treaty was originally agreed to in the French language; and have thereunto affixed their Seals.

Done at Paris the tenth day of Floreal in the eleventh year of the French Republic; and the 30th of April 1803.

**A C O N V E N T I O N B E T W E E N**

## THE UNITED STATES OF AMERICA AND THE FRENCH REPUBLIC

The President of the United States of America and the First Consul of the French Republic in the name of the French people, in consequence of the treaty of cession of Louisiana which has been signed this day; wishing to regulate definitively every thing which has relation to the said cession have authorized to this effect the Plenipotentiaries, that is to say the President of the United States has, by and with the advice and consent of the Senate of the said States, nominated for their Plenipotentiaries, Robert R. Livingston, Minister Plenipotentiary of the United States, and James Monroe, Minister Plenipotentiary and Envoy-Extraordinary of the said United States, near the Government of the French Republic; and the First Consul of the French Republic, in the name of the French people, has named as Plenipotentiary of the said Republic the citizen Francis Barbé Marbois: who, in virtue of their full powers, which have been exchanged this day, have agreed to the following articles:

### **A R T I C L E 1**

The Government of the United States engages to pay to the French government in the manner specified in the following article the sum of sixty millions of francs independent of the sum which shall be fixed by another Convention for the payment of the debts due by France to citizens of the United States.

### **A R T I C L E 2**

For the payment of the sum of sixty millions of francs mentioned in the preceding article the United States shall create a stock of eleven million, two hundred and fifty thousand dollars bearing an interest of Six percent per annum payable half yearly in London Amsterdam or Paris amounting by the half year to three hundred and thirty seven thousand five hundred Dollars,

according to the proportions which shall be determined by the French Government to be paid at either place: The principal of the said stock to be reimbursed at the treasury of the United States in annual payments of not less than three millions of dollars each; of which the first payment shall commence fifteen years after the date of the exchange of ratifications:—this stock shall be transferred to the government of France or to such person or persons as Shall be authorized to receive it in three months at most after the exchange of ratifications of this treaty and after Louisiana shall be taken possession of the name of the Government of the United States.

It is further agreed that if the French Government should be desirous of disposing of the said stock to receive the capital in Europe at shorter terms that its measures for that purpose shall be taken so as to favour in the greatest degree possible the credit of the United States, and to raise to the highest price the said stock.

### **ARTICLE 3**

It is agreed that the Dollar of the United States specified in the present Convention shall be fixed at five francs  $3333/100000$  or five livres eight Sous tournois.

The present Convention shall be ratified in good and due form, and the ratifications shall be exchanged the space of six months to date from this day or sooner it possible.

In faith of which the respective Plenipotentiaries have signed the above articles both in the French and English languages, declaring nevertheless that the present treaty has been originally agreed on and written in the French language; to which they have hereunto affixed their Seals.

D ONE at Paris the tenth of Floreal eleventh year of the French Republic;  
30th April 1803.



## A CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE FRENCH REPUBLIC

The President of the United States of America and the First Consul of the French Republic in the name of the French People having by a Treaty of this date terminated all difficulties relative to Louisiana, and established on a solid foundation the friendship which unites the two nations and being desirous in compliance with the Second and fifth Articles of the Convention of the 8th Vendémiaire ninth year of the French Republic (30th September 1800) to secure the payment of the Sums due by France to the citizens of the United States have respectively nominated as Plenipotentiaries that is to say the President of the United States of America by and with the advise and consent of their Senate Robert R. Livingston Minister Plenipotentiary and James Monroe Minister Plenipotentiary and Envoy Extraordinary of the said States near the Government of the French Republic: and the First Consul in the name of the French People the Citizen Francis Barbé Marbois Minister of the Public Treasury; who after having exchanged their full powers have agreed to the following articles.

### **A RTICLE 1**

The debts due by France to citizens of the United States contracted before the 8th Vendémiaire ninth year of the French Republic (30th September 1800) shall be paid according to the following regulations with interest at Six per cent; to commence from the period when the accounts and vouchers were presented to the French Government.

### **A RTICLE 2**

The debts provided for by the preceeding Article are those whose result is comprised in the conjectural note annexed to the present Convention and which, with the interest cannot exceed the Sum of twenty millions of Francs.

The claims comprised in the said note which fall within the exceptions of the following articles, shall not be admitted to the benefit of this provision.

### **A R T I C L E 3**

The principal and interests of the said debts shall be discharged by the United States, by orders drawn by their Minister Plenipotentiary on their treasury, these orders shall be payable Sixty days after the exchange of ratifications of the Treaty and the Conventions signed this day, and after possession shall be given of Louisiana by the Commissaries of France to those of the United States.

### **A R T I C L E 4**

It is expressly agreed that the preceding articles shall comprehend no debts but such as are due to citizens of the United States who have been and are yet creditors of France for Supplies for embargoes and prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the said Convention 8th Vendémiaire ninth year, (30th Sept 1800)

### **A R T I C L E 5**

The preceding Articles shall apply only, First: to captures of which the council of prizes shall have ordered restitution, it being well understood that the claimant cannot have recourse to the United States otherwise than he might have had to the Government of the French republic, and only in case of insufficiency of the captors—2d the debts mentioned in the Said fifth Article of the Convention contracted before the 8th Vendémiaire an 9 (30th September 1800) the payment of which has been heretofore claimed of the actual Government of France and for which the creditors have a right to the protection of the United States;—the said 5th Article does not comprehend prizes whose condemnation has been or shall be confirmed: it is the express intention of the contracting parties not to extend the benefit of the present

Convention to reclamations of American citizens who Shall have established houses of Commerce in France, England or other countries than the United States in partnership with foreigners, and who by that reason and the nature of their commerce ought to be regarded as domiciliated in the places where such house exist.—All agreements and bargains concerning merchandize [merchandise], which shall not be the property of American citizens, are equally excepted from the benefit of the said Conventions, saving however to such persons their claims in like manner as if this Treaty had not been made.

#### **A R T I C L E 6**

And that the different questions which may arise under the preceding article may be fairly investigated, the Ministers Plenipotentiary of the United States Shall name three persons, who Shall act from the present and provisionally, and who shall have full power to examine, without removing the documents, all the accounts of the different claims already liquidated by the Bureaus established for this purpose by the French Republic, and to ascertain whether they belong to the classes designated by the present Convention and the principles established in it or if they are not in one of its exceptions and on their Certificate, declaring that the debt is due to an American Citizen or his representative and that it existed before the 8th Vendémiaire 9th year (30 September 1800) the debtor shall be entitled to an order on the Treasury of the United States in the manner prescribed by the 3d Article.

#### **A R T I C L E 7**

The same agents shall likewise have power, without removing the documents, to examine the claims which are prepared for verification, and to certify those which ought to be admitted by uniting the necessary qualifications, and not being comprised in the exceptions contained in the present Convention.

#### **A R T I C L E 8**

The same agents shall likewise examine the claims which are not prepared for liquidation, and certify in writing those which in their judgement ought to be admitted to liquidation.

## **ARTICLE 9**

In proportion as the debts mentioned in these articles shall be admitted they shall be discharged with interest at six per cent: by the Treasury of the United States.

## **ARTICLE 10**

And that no debt shall not have the qualifications above mentioned and that no unjust or exorbitant demand may be admitted, the Commercial agent of the United States at Paris or such other agent as the Minister Plenipotentiary or the United States shall think proper to nominate shall assist at the operations of the Bureaus and cooperate in the examinations of the claims; and if this agent shall be of the opinion that any debt is not completely proved, or if he shall judge that it is not comprised in the principles of the fifth article above mentioned, and if notwithstanding his opinion the Bureaus established by the French Government should think that it ought to be liquidated, he shall transmit his observations to the board established by the United States, who, without removing documents, shall make a complete examination of the debt and vouchers which support it, and report the result to the Minister of the United States.—The Minister of the United States shall transmit his observations in all such cases to the Minister of the treasury of the French Republic, on whose report the French Government shall decide definitively in every case.

The rejection of any claim shall have no other effect than to exempt the United States from the payment of it, the French Government reserving to itself, the right to decide definitively on such claim so far as it concerns itself.

## **A RTICLE 11**

Every necessary decision shall be made in the course of a year to commence from the exchange of ratifications, and no reclamation shall be admitted afterwards.

## **A RTICLE 12**

In case of claims for debts contracted by the Government of France with citizens of the United States since the 8th Vendémiaire 9th year/30 September 1800 not being comprised in this Convention may be pursued, and the payment demanded in the Same manner as if it had not been made.

## **A RTICLE 13**

The present convention shall be ratified in good and due form and the ratifications shall be exchanged in six months from the date of the Signature of the Ministers Plenipotentiary, or sooner if possible.

In faith of which, the respective Ministers Plenipotentiary have signed the above Articles both in the French and English languages, declaring nevertheless that the present treaty has been originally agreed on and written in the French language, to which they have hereunto affixed their Seals.

D ONE at Paris, the tenth of Floreal, eleventh year of the French Republic.

## “THE STAR- SPANGLED BANNER” (1814)

*Francis Scott Key wrote “The Star-Spangled Banner” during the War of 1812, but it didn’t become the country’s official anthem until 1931.*

O say can you see, by the dawn’s early light,  
What so proudly we hail’d at the twilight’s last gleaming,  
Whose broad stripes and bright stars through the perilous fight  
O’er the ramparts we watched were so gallantly streaming?  
And the rocket’s red glare, the bombs bursting in air,  
Gave proof through the night that our flag was still there,  
O say does that star-spangled banner yet wave  
O’er the land of the free and the home of the brave?  
On the shore dimly seen through the mists of the deep  
Where the foe’s haughty host in dread silence reposes,  
What is that which the breeze, o’er the towering steep,  
As it fitfully blows, half conceals, half discloses?  
Now it catches the gleam of the morning’s first beam,  
In full glory reflected now shines in the stream,  
'Tis the star-spangled banner—O long may it wave

O'er the land of the free and the home of the brave!  
And where is that band who so vauntingly swore,  
That the havoc of war and the battle's confusion  
A home and a country should leave us no more?  
Their blood has washed out their foul footsteps' pollution.  
No refuge could save the hireling and slave  
From the terror of flight or the gloom of the grave,  
And the star-spangled banner in triumph doth wave  
O'er the land of the free and the home of the brave.  
O thus be it ever when freemen shall stand  
Between their loved home and the war's desolation!  
Blest with victory and peace may the heaven-rescued land  
Praise the power that hath made and preserved us a nation!  
Then conquer we must, when our cause it is just,  
And this be our motto—"In God is our trust,"  
And the star-spangled banner in triumph shall wave  
O'er the land of the free and the home of the brave.

## THE MONROE DOCTRINE (1823)

*During his seventh annual message to Congress in December 1823, President James Monroe laid out the principle of American foreign policy that became known as the Monroe Doctrine, which said that European countries no longer had any right to colonize land or otherwise interfere in the Western Hemisphere.*

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 northwest coast of this continent. A similar proposal has 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.

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 results have 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 to do so. 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 maintain 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 judgement 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 of them 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 hope that other powers will pursue the same course.

## ON INDIAN REMOVAL (1830)

*President Andrew Jackson used his first annual message to Congress to discuss the “successes” of the Indian Removal Act of 1830, which called for the removal of Native Americans located in the southeastern states. The act relocated tribes to areas west of the Mississippi River, thereby opening up the land in the South for white settlement. The Indian Removal Act was not the first attempt to take control of Native American land—the U.S. government had been negotiating treaties, fighting wars, and forcing Native Americans to move since the country was founded. But it was the first time the government officially called for complete removal and relocation. It also laid the foundation for much of the country’s subsequent relationships with Native Americans and led to tragedy, including the 1838–39 Trail of Tears, during which more than 4,000 of about 15,000 Cherokees died during a forced, 800-mile march from their homes in Georgia to Oklahoma’s Indian Territory.*

it gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements is approaching to a happy consummation. Two important tribes have accepted the provision made for their removal at the last session of Congress, and it is believed that their example will induce the remaining tribes also to seek the same obvious advantages.

The consequences of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. The pecuniary advantages which it promises to the Government are the least of its recommendations. It puts an end to all possible danger of collision between the authorities of the General and State Governments on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north and Louisiana on the south to the settlement of the whites it will

incalculably strengthen the southwestern frontier and render the adjacent States strong enough to repel future invasions without remote aid. It will relieve the whole State of Mississippi and the western part of Alabama of Indian occupancy, and enable those States to advance rapidly in population, wealth, and power. It will separate the Indians from immediate contact with settlements of whites; free them from the power of the States; enable them to pursue happiness in their own way and under their own rude institutions; will retard the progress of decay, which is lessening their numbers, and perhaps cause them gradually, under the protection of the Government and through the influence of good counsels, to cast off their savage habits and become an interesting, civilized, and Christian community.

What good man would prefer a country covered with forests and ranged by a few thousand savages to our extensive Republic, studded with cities, towns, and prosperous farms embellished with all the improvements which art can devise or industry execute, occupied by more than 12,000,000 happy people, and filled with all the blessings of liberty, civilization and religion?

The present policy of the Government is but a continuation of the same progressive change by a milder process. The tribes which occupied the countries now constituting the Eastern States were annihilated or have melted away to make room for the whites. The waves of population and civilization are rolling to the westward, and we now propose to acquire the countries occupied by the red men of the South and West by a fair exchange, and, at the expense of the United States, to send them to land where their existence may be prolonged and perhaps made perpetual. Doubtless it will be painful to leave the graves of their fathers; but what do they more than our ancestors did or than our children are now doing? To better their condition in an unknown land our forefathers left all that was dear in earthly objects. Our children by thousands yearly leave the land of their birth to seek new homes in distant regions. Does Humanity weep at these painful separations from everything, animate and inanimate, with which the young heart has become entwined? Far from it. It is rather a source of joy that our country affords scope where

our young population may range unconstrained in body or in mind, developing the power and facilities of man in their highest perfection. These remove hundreds and almost thousands of miles at their own expense, purchase the lands they occupy, and support themselves at their new homes from the moment of their arrival. Can it be cruel in this Government when, by events which it can not control, the Indian is made discontented in his ancient home to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year in his new abode? How many thousands of our own people would gladly embrace the opportunity of removing to the West on such conditions! If the offers made to the Indians were extended to them, they would be hailed with gratitude and joy.

And is it supposed that the wandering savage has a stronger attachment to his home than the settled, civilized Christian? Is it more afflicting to him to leave the graves of his fathers than it is to our brothers and children? Rightly considered, the policy of the General Government toward the red man is not only liberal, but generous. He is unwilling to submit to the laws of the States and mingle with their population. To save him from this alternative, or perhaps utter annihilation, the General Government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement.

## GEORGE W. HARKINS'S LETTER TO THE AMERICAN PEOPLE (1832)

*By the nineteenth century, the Choctaw was one of the largest Native American tribes living in present-day Mississippi, Alabama, Arkansas, and Louisiana. Beginning in 1830, as a result of the Indian Removal Act, the U.S. government seized their land and forced them to move west to Oklahoma and the Indian Territory. In response, a young attorney and prominent Choctaw chief named George Washington Harkins composed the following letter, which was printed in newspapers across the country in 1832.*

TO the American People:

It is with considerable diffidence that I attempt to address the American people, knowing and feeling sensibly my incompetency; and believing that your highly and well improved minds would not be well entertained by the address of a Choctaw. But having determined to emigrate west of the Mississippi river this fall, I have thought proper in bidding you farewell to make a few remarks expressive of my views, and the feelings that actuate me on the subject of our removal.

Believing that our all is at stake and knowing that you readily sympathize with the distressed of every country, I confidently throw myself upon your indulgence and ask you to listen patiently. I do not arrogate to myself the prerogative of deciding upon the expediency of the late treaty, yet I feel bound as a Choctaw, to give a distinct expression of my feelings on that interesting, (and to the Choctaws), all important subject.

We were hedged in by two evils, and we chose that which we thought the least. Yet we could not recognize the right that the state of Mississippi had assumed, to legislate for us.—Although the legislature of the state were qualified to make laws for their own citizens, that did not qualify them to

become law makers to a people that were so dissimilar in manners and customs as the Choctaws are to the Mississippians. Admitting that they understood the people, could they remove that mountain of prejudice that has ever obstructed the streams of justice, and prevent their salutary influence from reaching my devoted countrymen. We as Choctaws rather chose to suffer and be free, than live under the degrading influence of laws, which our voice could not be heard in their formation.

Much as the state of Mississippi has wronged us, I cannot find in my heart any other sentiment than an ardent wish for her prosperity and happiness.

I could cheerfully hope, that those of another age and generation may not feel the effects of those oppressive measures that have been so illiberally dealt out to us; and that peace and happiness may be their reward. Amid the gloom and horrors of the present separation, we are cheered with a hope that ere long we shall reach our destined land, and that nothing short of the basest acts of treachery will ever be able to wrest it from us, and that we may live free. Although your ancestors won freedom on the field of danger and glory, our ancestors owned it as their birthright, and we have had to purchase it from you as the vilest slaves buy their freedom.

Yet it is said that our present movements are our own voluntary acts—such is not the case. We found ourselves like a benighted stranger, following false guides, until he was surrounded on every side, with fire and water. The fire was certain destruction, and a feeble hope was left him of escaping by water. A distant view of the opposite shore encourages the hope; to remain would be inevitable annihilation. Who would hesitate, or who would say that his plunging into the water was his own voluntary act? Painful in the extreme is the mandate of our expulsion. We regret that it should proceed from the mouth of our professed friend, for whom our blood was co-mingled with that of his bravest warriors, on the field of danger and death.

But such is the instability of professions. The man who said that he would

plant a stake and draw a line around us, that never should be passed, was the first to say he could not guard the lines, and drew up the stake and wiped out all traces of the line. I will not conceal from you my fears, that the present grounds may be removed. I have my foreboding; who of us can tell after witnessing what has already been done, what the next force may be.

I ask you in the name of justice, for repose for myself and for my injured people. Let us alone—we will not harm you, we want rest. We hope, in the name of justice, that another outrage may never be committed against us, and that we may for the future be cared for as children, and not driven about as beasts, which are benefited by a change of pasture.

Taking an example from the American government, and knowing the happiness which its citizens enjoy under the influence of mild republican institutions, it is the intention of our countrymen to form a government assimilated to that of our white brethren in the United States, as nearly as their condition will permit.

We know that in order to protect the rights and secure the liberties of the people, no government approximates so nearly to perfection as the one to which we have alluded. As east of the Mississippi we have been friends, so west we will cherish the same feelings with additional fervour; and although we may be removed to the desert, still we shall look with fond regard, upon those who have promised us their protection. Let that feeling be reciprocated.

Friends, my attachment to my native land was strong—that cord is now broken; and we must go forth as wanderers in a strange land! I must go—let me entreat you to regard us with feelings of kindness, and when the hand of oppression is stretched against us, let me hope that every part of the United States, filling the mountains and valleys, will echo and say stop, you have no power, we are the sovereign people, and our friends shall no more be disturbed. We ask you for nothing that is incompatible with your other duties.



We go forth sorrowful, knowing that wrong has been done. Will you extend to us your sympathizing regards until all traces of disagreeable oppositions are obliterated, and we again shall have confidence in the professions of our white brethren.

Here is the land of our progenitors, and here are their bones; they left them as a sacred deposit, and we have been compelled to venerate its trust; it is dear to us, yet we cannot stay, my people are dear to me, with them I must go. Could I stay and forget them and leave them to struggle alone, unaided, unfriended, and forgotten by our great father? I should then be unworthy the name of a Choctaw, and be a disgrace to my blood. I must go with them; my destiny is cast among the Choctaw people. If they suffer, so will I; if they prosper, then I will rejoice. Let me again ask you to regard us with feelings of kindness.

## RULES AND REGULATIONS OF THE KNICKERBOCKER BASE BALL CLUB

(1845)

*Playing baseball was a popular pastime for men during the 19th century, but the game had no formal or universal rules. In 1845 a bank clerk from New York named Alexander Cartwright Jr. formed the Knickerbocker Base Ball Club with some friends, and they played regular games at a park in Hoboken, New Jersey. Cartwright and his club created the Knickerbocker Rules, a list of twenty guidelines that formed the foundation for “America’s game” as we know it today.*

FOR many years the games of Town ball, Rounders and old Cat have been the sport of young boys. Recently, they have, in one form or another, been much enjoyed by gentlemen seeking wholesome American exercise. In 1845 Alexander Cartwright and other members of the Knickerbocker Base Ball Club of New York codified the unwritten rules of these boys’ games into one, and so made the game of Base Ball a sport worthy of attention by adults. We have little doubt but that this gentlemanly pastime will capture the interest and imagination of sportsman and spectator alike throughout this country. Herewith are offered the first and complete rules of the game of Base Ball as played by the Knickerbocker Base Ball Club:

### RULES AND REGULATIONS

1st. Member must strictly observe the time agreed upon for exercise, and be punctual in their attendance.

2nd. When assembled for exercise, the President, or in his absence the Vice-President, shall appoint an Umpire, who shall keep the game in a book provided for that purpose, and note violations of the By-Laws and Rules during the time of exercise.

3rd. The presiding officer shall designate two members as Captains, who shall retire and make the match to be played, observing at the same time that the players put opposite to each other should be nearly as equal as possible; the choice of sides to be then tossed for, and the first in hand to be decided in like manner.

4th. The bases shall be from “home” to second base, forty-two paces; from first to third base, forty-two paces equidistant.

5th. No stump match shall be played on a regular day of exercise.

6th. If there should not be a sufficient number of members of the Club present at the time agreed upon to commence exercise, gentlemen not members may be chosen in to make up the match, which shall not be broken up to take in members that may afterward appear; but, in all cases, members shall have the preference, when present, at the making of a match.

7th. If members appear after the game is commenced they may be chosen in if mutually agreed upon.

8th. The game to consist of twenty-one counts, or aces; but at the conclusion an equal number of hands must be played.

9th. The ball must be pitched, and not thrown, for the bat.

10th. A ball knocked out of the field or outside the range of the first or third base, is foul.

11th. Three balls being struck at and missed and the last one caught, is a hand out; if not caught is considered fair, and the striker is bound to run.

12th. If a ball be struck, or tipped, and caught, either flying or on the first bound, it is a hand out.

13th. A player running the bases shall be out, if the ball is in the hands of an adversary on the base, or the runner is touched with it before he makes base; it being understood, however, that in no instance is a ball to be thrown at him.

14th. A player running who shall prevent an adversary from catching or getting the ball before making his base, is hand out.

15th. Three hands out, all out.

16th. Players must take their strike in regular turn.

17th. All disputes and differences relative to the game, to be decided by the Umpire, from which there is no appeal.

18th. No ace or base can be made on a foul strike.

19th. A runner cannot be put out in making one base, when a balk is made by the pitcher.

20th. But one base allowed when a ball bound out of the field when struck.

## SOJOURNER TRUTH'S "AIN'T I A WOMAN?"

(1851)

*Sojourner Truth was born Isabella Baumfree in 1797, a slave in upstate New York. She had four children while enslaved, but in 1826, a year before New York abolished slavery, she escaped to freedom with her youngest, an infant daughter. In 1828 she filed a lawsuit to regain custody of her five-year-old son, and won. She changed her name in the 1840s, and became a fervent abolitionist and women's rights activist. In May 1851, she delivered her most famous speech, "Ain't I a Woman?" at the Ohio Women's Right's Convention in Akron.*

women's Convention, Akron, Ohio

Well, children, where there is so much racket there must be something out of kilter. I think that 'twixt the negroes of the South and the women at the North, all talking about rights, the white men will be in a fix pretty soon. But what's all this here talking about?

That man over there says that women need to be helped into carriages, and lifted over ditches, and to have the best place everywhere. Nobody ever helps me into carriages, or over mud-puddles, or gives me any best place! And ain't I a woman? Look at me! Look at my arm! I have ploughed and planted, and gathered into barns, and no man could head me! And ain't I a woman? I could work as much and eat as much as a man—when I could get it—and bear the lash as well! And ain't I a woman? I have borne thirteen children, and seen most all sold off to slavery, and when I cried out with my mother's grief, none but Jesus heard me! And ain't I a woman?

Then they talk about this thing in the head; what's this they call it? [member of audience whispers, "intellect"] That's it, honey. What's that got to do with women's rights or negroes' rights? If my cup won't hold but a pint, and yours holds a quart, wouldn't you be mean not to let me have my little half measure

full?

Then that little man in black there, he says women can't have as much rights as men, 'cause Christ wasn't a woman! Where did your Christ come from? Where did your Christ come from? From God and a woman! Man had nothing to do with Him.

If the first woman God ever made was strong enough to turn the world upside down all alone, these women together ought to be able to turn it back, and get it right side up again! And now they is asking to do it, the men better let them.

Obliged to you for hearing me, and now old Sojourner ain't got nothing more to say.

## FREDERICK DOUGLASS'S SPEECH ON THE DRED SCOTT DECISION (1857)

*In the 1840s and 1850s, a slave named Dred Scott sued his owner John Sanford, arguing that because he'd lived for several years in Wisconsin and Illinois, both nonslave states, he should be free under a Missouri precedent that said slaves who'd spent a prolonged period in free states would also be free when they returned to Missouri. He ultimately won in the Missouri State Supreme Court, but Sanford appealed to the U.S. Supreme Court. In 1857, led by Chief Justice Roger Taney, the court overturned that decision and declared that slaves were not U.S. citizens and therefore had no right to sue in U.S. courts. In response, abolitionist Frederick Douglass, himself a former slave, gave the following speech.*

MR. Chairman, Friends, and Fellow Citizens:

While four millions of our fellow countrymen are in chains—while men, women, and children are bought and sold on the auction-block with horses, sheep, and swine—while the remorseless slave—whip draws the warm blood of our common humanity—it is meet that we assemble as we have done to-day, and lift up our hearts and voices in earnest denunciation of the vile and shocking abomination. It is not for us to be governed by our hopes or our fears in this great work; yet it is natural on occasions like this, to survey the position of the great struggle which is going on between slavery and freedom, and to dwell upon such signs of encouragement as may have been lately developed, and the state of feeling these signs or events have occasioned in us and among the people generally. It is a fitting time to take an observation to ascertain where we are, and what our prospects are.

To many, the prospects of the struggle against slavery seem far from cheering. Eminent men, North and South, in Church and State, tell us that the omens are all against us. Emancipation, they tell us, is a wild, delusive idea; the price of human flesh was never higher than now; slavery was never more

closely entwined about the hearts and affections of the southern people than now; that whatever of conscientious scruple, religious conviction, or public policy, which opposed the system of slavery forty or fifty years ago, has subsided; and that slavery never reposed upon a firmer basis than now. Completing this picture of the happy and prosperous condition of this system of wickedness, they tell us that this state of things is to be set to our account. Abolition agitation has done it all. How deep is the misfortune of my poor, bleeding people, if this be so! How lost their condition, if even the efforts of their friends but sink them deeper in ruin!

Without assenting to this strong representation of the increasing strength and stability of slavery, without denouncing what of untruth pervades it, I own myself not insensible to the many difficulties and discouragements, that beset us on every hand. They fling their broad and gloomy shadows across the pathway of every thoughtful colored man in this country. For one, I see them clearly, and feel them sadly. With an earnest, aching heart, I have long looked for the realization of the hope of my people. Standing, as it were, barefoot, and treading upon the sharp and flinty rocks of the present, and looking out upon the boundless sea of the future, I have sought, in my humble way, to penetrate the intervening mists and clouds, and, perchance, to descry, in the dim and shadowy distance, the white flag of freedom, the precise speck of time at which the cruel bondage of my people should end, and the long entombed millions rise from the foul grave of slavery and death. But of that time I can know nothing, and you can know nothing. All is uncertain at that point. One thing, however, is certain; slaveholders are in earnest, and mean to cling to their slaves as long as they can, and to the bitter end. They show no sign of a wish to quit their iron grasp upon the sable throats of their victims. Their motto is, “a firmer hold and a tighter grip” for every new effort that is made to break their cruel power. The case is one of life or death with them, and they will give up only when they must do that or do worse.

In one view the slaveholders have a decided advantage over all opposition. It is well to notice this advantage—the advantage of complete organization.



They are organized; and yet were not at the pains of creating their organizations. The State governments, where the system of slavery exists, are complete slavery organizations. The church organizations in those States are equally at the service of slavery; while the Federal Government, with its army and navy, from the chief magistracy in Washington, to the Supreme Court, and thence to the chief marshalship at New York, is pledged to support, defend, and propagate the crying curse of human bondage. The pen, the purse, and the sword, are united against the simple truth, preached by humble men in obscure places.

This is one view. It is, thank God, only one view; there is another, and a brighter view. David, you know, looked small and insignificant when going to meet Goliath, but looked larger when he had slain his foe. The Malakoff was, to the eye of the world, impregnable, till the hour it fell before the shot and shell of the allied army. Thus hath it ever been. Oppression, organized as ours is, will appear invincible up to the very hour of its fall. Sir, let us look at the other side, and see if there are not some things to cheer our heart and nerve us up anew in the good work of emancipation.

Take this fact—for it is a fact—the anti-slavery movement has, from first to last, suffered no abatement. It has gone forth in all directions, and is now felt in the remotest extremities of the Republic. It started small, and was without capital either in men or money. The odds were all against it. It literally had nothing to lose, and everything to gain. There was ignorance to be enlightened, error to be combated, conscience to be awakened, prejudice to be overcome, apathy to be aroused, the right of speech to be secured, mob violence to be subdued, and a deep, radical change to be wrought in the mind and heart of the whole nation. This great work, under God, has gone on, and gone on gloriously. Amid all changes, fluctuations, assaults, and adverses of every kind, it has remained firm in its purpose, steady in its aim, onward and upward, defying all opposition, and never losing a single battle. Our strength is in the growth of anti-slavery conviction, and this has never halted.

There is a significant vitality about this abolition movement. It has taken a deeper, broader, and more lasting hold upon the national heart than ordinary reform movements. Other subjects of much interest come and go, expand and contract, blaze and vanish, but the huge question of American Slavery, comprehending, as it does, not merely the weal or the woe of four millions, and their countless posterity, but the weal or the woe of this entire nation, must increase in magnitude and in majesty with every hour of its history. From a cloud not bigger than a man's hand, it has overspread the heavens. It has risen from a grain not bigger than a mustard seed. Yet see the fowls of the air, how they crowd its branches.

Politicians who cursed it, now defend it; ministers, once dumb, now speak in its praise; and presses, which once flamed with hot denunciations against it, now surround the sacred cause as by a wall of living fire. Politicians go with it as a pillar of cloud by day, and the press as a pillar of fire by night. With these ancient tokens of success, I, for one, will not despair of our cause.

Those who have undertaken to suppress and crush out this agitation for Liberty and humanity, have been most woefully disappointed. Many who have engaged to put it down, have found themselves put down. The agitation has pursued them in all their meanderings, broken in upon their seclusion, and, at the very moment of fancied security, it has settled down upon them like a mantle of unquenchable fire. Clay, Calhoun, and Webster each tried his hand at suppressing the agitation; and they went to their graves disappointed and defeated.

Loud and exultingly have we been told that the slavery question is settled, and settled forever. You remember it was settled thirty-seven years ago, when Missouri was admitted into the Union with a slaveholding constitution, and slavery prohibited in all territory north of thirty-six degrees of north latitude. Just fifteen years afterwards, it was settled again by voting down the right of petition, and gagging down free discussion in Congress. Ten years after this it was settled again by the annexation of Texas, and with it the war with

Mexico. In 1850 it was again settled. This was called a final settlement. By it slavery was virtually declared to be the equal of Liberty, and should come into the Union on the same terms. By it the right and the power to hunt down men, women, and children, in every part of this country, was conceded to our southern brethren, in order to keep them in the Union. Four years after this settlement, the whole question was once more settled, and settled by a settlement which unsettled all the former settlements.

The fact is, the more the question has been settled, the more it has needed settling. The space between the different settlements has been strikingly on the decrease. The first stood longer than any of its successors. There is a lesson in these decreasing spaces. The first stood fifteen years—the second, ten years—the third, five years—the fourth stood four years—and the fifth has stood the brief space of two years. This last settlement must be called the Taney settlement. We are now told, in tones of lofty exultation, that the day is lost—all lost—and that we might as well give up the struggle. The highest authority has spoken. The voice of the Supreme Court has gone out over the troubled waves of the National Conscience, saying peace, be still.

This infamous decision of the Slaveholding wing of the Supreme Court maintains that slaves are within the contemplation of the Constitution of the United States, property; that slaves are property in the same sense that horses, sheep, and swine are property; that the old doctrine that slavery is a creature of local law is false; that the right of the slaveholder to his slave does not depend upon the local law, but is secured wherever the Constitution of the United States extends; that Congress has no right to prohibit slavery anywhere; that slavery may go in safety anywhere under the star-spangled banner; that colored persons of African descent have no rights that white men are bound to respect; that colored men of African descent are not and cannot be citizens of the United States.

You will readily ask me how I am affected by this devilish decision—this judicial incarnation of wolfishness? My answer is, and no thanks to the

slaveholding wing of the Supreme Court, my hopes were never brighter than now. I have no fear that the National Conscience will be put to sleep by such an open, glaring, and scandalous tissue of lies as that decision is, and has been, over and over, shown to be. The Supreme Court of the United States is not the only power in this world. It is very great, but the Supreme Court of the Almighty is greater. Judge Taney can do many things, but he cannot perform impossibilities. He cannot bale out the ocean, annihilate the firm old earth, or pluck the silvery star of liberty from our Northern sky. He may decide, and decide again; but he cannot reverse the decision of the Most High. He cannot change the essential nature of things—making evil good, and good evil. Happily for the whole human family, their rights have been defined, declared, and decided in a court higher than the Supreme Court.

“There is a law,” says Brougham, “above all the enactments of human codes, and by that law, unchangeable and eternal, man cannot hold property in man.”

Your fathers have said that man’s right to liberty is self-evident. There is no need of argument to make it clear. The voices of nature, of conscience, of reason, and of revelation, proclaim it as the right of all rights, the foundation of all trust, and of all responsibility. Man was born with it. It was his before he comprehended it. The deed conveying it to him is written in the center of his soul, and is recorded in Heaven. The sun in the sky is not more palpable to the sight than man’s right to liberty is to the moral vision. To decide against this right in the person of Dred Scott, or the humblest and most whip-scarred bondman in the land, is to decide against God. It is an open rebellion against God’s government. It is an attempt to undo what God has done, to blot out the broad distinction instituted by the Allwise between men and things, and to change the image and superscription of the everliving God into a speechless piece of merchandise.

Such a decision cannot stand. God will be true though every man be a liar. We can appeal from this hell black judgment of the Supreme Court, to the

court of common sense and common humanity. We can appeal from man to God. If there is no justice on earth, there is yet justice in heaven. You may close your Supreme Court against the black man's cry for justice, but you cannot, thank God, close against him the ear of a sympathising world, nor shut up the Court of Heaven. All that is merciful and just, on earth and in Heaven, will execrate and despise this edict of Taney.

If it were at all likely that the people of these free States would tamely submit to this demoniacal judgment, I might feel gloomy and sad over it, and possibly it might be necessary for my people to look for a home in some other country. But as the case stands, we have nothing to fear.

In one point of view, we, the abolitionists and colored people, should meet this decision, unlooked for and monstrous as it appears, in a cheerful spirit. This very attempt to blot out forever the hopes of an enslaved people may be one necessary link in the chain of events preparatory to the downfall and complete overthrow of the whole slave system.

The whole history of the anti-slavery movement is studded with proof that all measures devised and executed with a view to ally and diminish the anti-slavery agitation, have only served to increase, intensify, and embolden that agitation.

This wisdom of the crafty has been confounded, and the counsels of the ungodly brought to nought. It was so with the Fugitive Slave Bill. It was so with the Kansas-Nebraska Bill; and it will be so with this last and most shocking of all pro-slavery devices, this Taney decision.

When great transactions are involved, where the fate of millions is concerned, where a long enslaved and suffering people are to be delivered, I am superstitious enough to believe that the finger of the Almighty may be seen bringing good out of evil, and making the wrath of man redound to his honor, hastening the triumph of righteousness.

The American people have been called upon, in a most striking manner, to abolish and put away forever the system of slavery. The subject has been pressed upon their attention in all earnestness and sincerity. The cries of the slave have gone forth to the world, and up to the throne of God. This decision, in my view, is a means of keeping the nation awake on the subject. It is another proof that God does not mean that we shall go to sleep, and forget that we are a slaveholding nation.

Step by step we have seen the slave power advancing; poisoning, corrupting, and perverting the institutions of the country; growing more and more haughty, imperious, and exacting. The white man's liberty has been marked out for the same grave with the black man's.

The ballot box is desecrated, God's law set at nought, armed legislators stalk the halls of Congress, freedom of speech is beaten down in the Senate. The rivers and highways are infested by border ruffians, and white men are made to feel the iron heel of slavery. This ought to arouse us to kill off the hateful thing. They are solemn warnings to which the white people, as well as the black people, should take heed.

If these shall fail, judgment, more fierce or terrible, may come. The lightning, whirlwind, and earthquake may come. Jefferson said that he trembled for his country when he reflected that God is just, and his justice cannot sleep forever. The time may come when even the crushed worm may turn under the tyrant's feet. Goaded by cruelty, stung by a burning sense of wrong, in an awful moment of depression and desperation, the bondman and bondwoman at the south may rush to one wild and deadly struggle for freedom. Already slaveholders go to bed with bowie knives, and apprehend death at their dinners. Those who enslave, rob, and torment their cooks, may well expect to find death in their dinner-pots.

The world is full of violence and fraud, and it would be strange if the slave, the constant victim of both fraud and violence, should escape the contagion.

He, too, may learn to fight the devil with fire, and for one, I am in no frame of mind to pray that this may be long deferred.

Two remarkable occurrences have followed the presidential election; one was the unaccountable sickness traced to the National Hotel at Washington, and the other was the discovery of a plan among the slaves, in different localities, to slay their oppressors. Twenty or thirty of the suspected were put to death. Some were shot, some hanged, some burned, and some died under the lash. One brave man owned himself well acquainted with the conspiracy, but said he would rather die than disclose the facts. He received seven hundred and fifty lashes, and his noble spirit went away to the God who gave it. The name of this hero has been by the meanness of tyrants suppressed. Such a man redeems his race. He is worthy to be mentioned with the Hoffers and Tells, the noblest heroes of history. These insurrectionary movements have been put down, but they may break out at any time, under the guidance of higher intelligence, and with a more invincible spirit.

The fire thus kindled, may be revived again;

The flames are extinguished, but the embers remain;

One terrible blast may produce an ignition,

Which shall wrap the whole South in wild conflagration.

The pathway of tyrants lies over volcanoes

The very air they breathe is heavy with sorrows;

Agonizing heart-throbs convulse them while sleeping,

And the wind whispers Death as over them sweeping.

By all the laws of nature, civilization, and of progress, slavery is a doomed

system. Not all the skill of politicians, North and South, not all the sophistries of Judges, not all the fulminations of a corrupt press, not all the hypocritical prayers, or the hypocritical refusals to pray of a hollow-hearted priesthood, not all the devices of sin and Satan, can save the vile thing from extermination.

Already a gleam of hope breaks upon us from the southwest. One Southern city has grieved and astonished the whole South by a preference for freedom. The wedge has entered. Dred Scott, of Missouri, goes into slavery, but St. Louis declares for freedom. The judgment of Taney is not the judgment of St. Louis.

It may be said that this demonstration in St. Louis is not to be taken as an evidence of sympathy with the slave; that it is purely a white man's victory. I admit it. Yet I am glad that white men, bad as they generally are, should gain a victory over slavery. I am willing to accept a judgment against slavery, whether supported by white or black reasons—though I would much rather have it supported by both. He that is not against us, is on our part.

Come what will, I hold it to be morally certain that, sooner or later, by fair means or foul means, in quiet or in tumult, in peace or in blood, in judgment or in mercy, slavery is doomed to cease out of this otherwise goodly land, and liberty is destined to become the settled law of this Republic.

I base my sense of the certain overthrow of slavery, in part, upon the nature of the American Government, the Constitution, the tendencies of the age, and the character of the American people; and this, notwithstanding the important decision of Judge Taney. I know of no soil better adapted to the growth of reform than American soil. I know of no country where the conditions for affecting great changes in the settled order of things, for the development of right ideas of liberty and humanity, are more favorable than here in these United States.



The very groundwork of this government is a good repository of Christian civilization. The Constitution, as well as the Declaration of Independence, and the sentiments of the founders of the Republic, give us a platform broad enough, and strong enough, to support the most comprehensive plans for the freedom and elevation of all the people of this country, without regard to color, class, or clime.

There is nothing in the present aspect of the anti-slavery question which should drive us into the extravagance and nonsense of advocating a dissolution of the American Union as a means of overthrowing slavery, or freeing the North from the malign influence of slavery upon the morals of the Northern people. While the press is at liberty, and speech is free, and the ballot-box is open to the people of the sixteen free States; while the slaveholders are but four hundred thousand in number, and we are fourteen millions; while the mental and moral power of the nation is with us; while we are really the strong and they are the weak, it would look worse than cowardly to retreat from the Union.

If the people of the North have not the power to cope with these four hundred thousand slaveholders inside the Union, I see not how they could get out of the Union. The strength necessary to move the Union must ever be less than is required to break it up. If we have got to conquer the slave power to get out of the Union, I for one would much rather conquer, and stay in the Union. The latter, it strikes me, is the far more rational mode of action.

I make these remarks in no servile spirit, nor in any superstitious reverence for a mere human arrangement. If I felt the Union to be a curse, I should not be far behind the very chiefest of the disunion Abolitionists in denouncing it. But the evil to be met and abolished is not in the Union. The power arrayed against us is not a parchment.

It is not in changing the dead form of the Union, that slavery is to be abolished in this country. We have to do not with the dead, but the living; not

with the past, but the living present.

Those who seek slavery in the Union, and who are everlastingly dealing blows upon the Union, in the belief that they are killing slavery, are most woefully mistaken. They are fighting a dead form instead of a living and powerful reality. It is clearly not because of the peculiar character of our Constitution that we have slavery, but the wicked pride, love of power, and selfish perverseness of the American people.

Slavery lives in this country not because of any paper Constitution, but in the moral blindness of the American people, who persuade themselves that they are safe, though the rights of others may be struck down.

Besides, I think it would be difficult to hit upon any plan less likely to abolish slavery than the dissolution of the Union. The most devoted advocates of slavery, those who make the interests of slavery their constant study, seek a dissolution of the Union as their final plan for preserving slavery from Abolition, and their ground is well taken. Slavery lives and flourishes best in the absence of civilization; a dissolution of the Union would shut up the system in its own congenial barbarism.

The dissolution of the Union would not give the North one single additional advantage over slavery to the people of the North, but would manifestly take from them many which they now certainly possess.

Within the Union we have a firm basis of anti-slavery operation. National welfare, national prosperity, national reputation and honor, and national scrutiny; common rights, common duties, and common country, are so many bridges over which we can march to the destruction of slavery. To fling away these advantages because James Buchanan is President, or Judge Taney gives a lying decision in favor of slavery, does not enter into my notion of common sense.

Mr. Garrison and his friends have been telling us that, while in the Union, we are responsible for slavery; and in so telling us, he and they have told us the truth. But in telling us that we shall cease to be responsible for slavery by dissolving the Union, he and they have not told us the truth.

There now, clearly, is no freedom from responsibility for slavery, but in the Abolition of slavery. We have gone too far in this business now to sum up our whole duty in the cant phrase of “no Union with slaveholders.” To desert the family hearth may place the recreant husband out of the sight of his hungry children, but it cannot free him from responsibility. Though he should roll the waters of three oceans between him and them, he could not roll from his soul the burden of his responsibility to them; and, as with the private family, so in this instance with the national family. To leave the slave in his chains, in the hands of cruel masters who are too strong for him, is not to free ourselves from responsibility. Again: If I were on board of a pirate ship, with a company of men and women whose lives and liberties I had put in jeopardy, I would not clear my soul of their blood by jumping in the long boat, and singing out no union with pirates. My business would be to remain on board, and while I never would perform a single act of piracy again, I should exhaust every means given me by my position, to save the lives and liberties of those against whom I had committed piracy. In like manner, I hold it is our duty to remain inside this Union, and use all the power to restore to enslaved millions their precious and God-given rights. The more we have done by our voice and our votes, in times past, to rivet their galling fetters, the more clearly and solemnly comes the sense of duty to remain, to undo what we have done. Where, I ask, could the slave look for release from slavery if the Union were dissolved? I have an abiding conviction founded upon long and careful study of the certain effects of slavery upon the moral sense of slaveholding communities, that if the slaves are ever delivered from bondage, the power will emanate from the free States.

All hope that the slaveholders will be self-moved to this great act of justice, is groundless and delusive. Now, as of old, the Redeemer must come from

above, not from beneath. To dissolve the Union would be to withdraw the emancipating power from the field.

But I am told this is the argument of expediency. I admit it, and am prepared to show that what is expedient in this instance is right.

“Do justice, though the heavens fall.” Yes, that is a good motto, but I deny that it would be doing justice to the slave to dissolve the Union and leave the slave in his chains to get out by the clemency of his master, or the strength of his arms. Justice to the slave is to break his chains, and going out of the union is to leave him in his chains, and without any probable chance of getting out of them.

But I come now to the great question as to the constitutionality of slavery. The recent slaveholding decision, as well as the teachings of anti-slavery men, make this a fit time to discuss the constitutional pretensions of slavery.

The people of the North are a law abiding people. They love order and respect the means to that end. This sentiment has sometimes led them to the folly and wickedness of trampling upon the very life of law, to uphold its dead form. This was so in the execution of that thrice accursed Fugitive Slave Bill. Burns and Simms were sent back to the hell of slavery after they had looked upon Bunker Hill, and heard liberty thunder in Faneuil Hall. The people permitted this outrage in obedience to the popular sentiment of reverence for law. While men thus respect law, it becomes a serious matter so to interpret the law as to make it operate against liberty. I have a quarrel with those who fling the Supreme Law of this land between the slave and freedom. It is a serious matter to fling the weight of the Constitution against the cause of human liberty, and those who do it, take upon them a heavy responsibility. Nothing but absolute necessity, shall, or ought to drive me to such a concession to slavery.

When I admit that slavery is constitutional, I must see slavery recognized in

the Constitution. I must see that it is there plainly stated that one man of a certain description has a right of property in the body and soul of another man of a certain description. There must be no room for a doubt. In a matter so important as the loss of liberty, everything must be proved beyond all reasonable doubt.

The well known rules of legal interpretation bear me out in this stubborn refusal to see slavery where slavery is not, and only to see slavery where it is.

The Supreme Court has, in its day, done something better than make slaveholding decisions. It has laid down rules of interpretation which are in harmony with the true idea and object of law and liberty.

It has told us that the intention of legal instruments must prevail; and that this must be collected from its words. It has told us that language must be construed strictly in favor of liberty and justice.

It has told us where rights are infringed, where fundamental principles are overthrown, where the general system of the law is departed from, the Legislative intention must be expressed with irresistible clearness, to induce a court of justice to suppose a design to effect such objects.

These rules are as old as law. They rise out of the very elements of law. It is to protect human rights, and promote human welfare. Law is in its nature opposed to wrong, and must everywhere be presumed to be in favor of the right. The pound of flesh, but not one drop of blood, is a sound rule of legal interpretation. Besides there is another rule of law as well of common sense, which requires us to look to the ends for which a law is made, and to construe its details in harmony with the ends sought.

Now let us approach the Constitution from the standpoint thus indicated, and instead of finding in it a warrant for the stupendous system of robbery, comprehended in the term slavery, we shall find it strongly against that

system.

“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.”

Such are the objects announced by the instrument itself, and they are in harmony with the Declaration of Independence, and the principles of human well-being. Six objects are here declared, “Union,” “defence,” “welfare,” “tranquility,” and “justice,” and “liberty.”

Neither in the preamble nor in the body of the Constitution is there a single mention of the term slave or slave holder, slave master or slave state, neither is there any reference to the color, or the physical peculiarities of any part of the people of the United States. Neither is there anything in the Constitution standing alone, which would imply the existence of slavery in this country.

“We, the people”—not we, the white people—not we, the citizens, or the legal voters—not we, the privileged class, and excluding all other classes but we, the people; not we, the horses and cattle, but we the people—the men and women, the human inhabitants of the United States, do ordain and establish this Constitution, &c.

I ask, then, any man to read the Constitution, and tell me where, if he can, in what particular that instrument affords the slightest sanction of slavery? Where will he find a guarantee for slavery? Will he find it in the declaration that no person shall be deprived of life, liberty, or property, without due process of law? Will he find it in the declaration that the Constitution was established to secure the blessing of liberty? Will he find it in the right of the people to be secure in their persons and papers, and houses, and effects? Will he find it in the clause prohibiting the enactment by any State of a bill of

attainder?

These all strike at the root of slavery, and any one of them, but faithfully carried out, would put an end to slavery in every State in the American Union.

Take, for example, the prohibition of a bill of attainder. That is a law entailing on the child the misfortunes of the parent. This principle would destroy slavery in every State of the Union.

The law of slavery is a law of attainder. The child is property because its parent was property, and suffers as a slave because its parent suffered as a slave. Thus the very essence of the whole slave code is in open violation of a fundamental provision of the Constitution, and is in open and flagrant violation of all the objects set forth in the Constitution.

While this and much more can be said, and has been said, and much better said, by Lysander Spooner, William Goodell, Beriah Green, and Gerrit Smith, in favor of the entire unconstitutionality of slavery, what have we on the other side? How is the constitutionality of slavery made out, or attempted to be made out? First, by discrediting and casting away as worthless the most beneficent rules of legal interpretation; by disregarding the plain and common sense reading of the instrument itself; by showing that the Constitution does not mean what it says, and says what it does not mean, by assuming that the written Constitution is to be interpreted in the light of a secret and unwritten understanding of its framers, which understanding is declared to be in favor of slavery. It is in this mean, contemptible, underhand method that the Constitution is pressed into the service of slavery.

They do not point us to the Constitution itself, for the reason that there is nothing sufficiently explicit for their purpose; but they delight in supposed intentions—intentions nowhere expressed in the Constitution, and everywhere contradicted in the Constitution.

Judge Taney lays down this system of interpreting in this wise:

“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 appealed, they would have deserved and received universal rebuke and reprobation.”

“It is difficult, at this day, to realize the state of public opinion respecting that unfortunate class with the civilized and enlightened portion of the world at the time of the Declaration of Independence and the adoption of the Constitution; but history shows they had, for more than a century, been regarded as beings of an inferior order, and unfit associates for the white race, either socially or politically, and had no rights which white men are bound to respect; and the black man might be reduced to slavery, bought and sold, and treated as an ordinary article of merchandise. This opinion, at that time, was fixed and universal with the civilized portion of the white race. It was regarded as an axiom of morals, which no one thought of disputing, and everyone habitually acted upon it, without doubting, for a moment, the correctness of the opinion. And in no nation was this opinion more fixed, and generally acted upon, than in England; the subjects of which government not only seized them on the coast of Africa, but took them, as ordinary merchandise, to where they could make a profit on them. The opinion, thus entertained, was universally maintained on the colonies this side of the Atlantic; accordingly, Negroes of the African race were regarded by them as 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.”



The argument here is, that the Constitution comes down to us from a slaveholding period and a slaveholding people; and that, therefore, we are bound to suppose that the Constitution recognizes colored persons of African descent, the victims of slavery at that time, as debarred forever from all participation in the benefit of the Constitution and the Declaration of Independence, although the plain reading of both includes them in their beneficent range.

As a man, an American, a citizen, a colored man of both Anglo-Saxon and African descent, I denounce this representation as a most scandalous and devilish perversion of the Constitution, and a brazen misstatement of the facts of history.

But I will not content myself with mere denunciation; I invite attention to the facts.

It is a fact, a great historic fact, that at the time of the adoption of the Constitution, the leading religious denominations in this land were anti-slavery, and were laboring for the emancipation of the colored people of African descent.

The church of a country is often a better index of the state of opinion and feeling than is even the government itself. The Methodists, Baptists, Presbyterians, and the denomination of Friends, were actively opposing slavery, denouncing the system of bondage, with language as burning and sweeping as we employ at this day.

Take the Methodists. In 1780, that denomination said: “The Conference acknowledges that slavery is contrary to the laws of God, man, and nature, and hurtful to society—contrary to the dictates of conscience and true religion, and doing to others that we would not do unto us.” In 1784, the same church declared, “that those who buy, sell, or give slaves away, except for the purpose to free them, shall be expelled immediately.” In 1785, it

spoke even more stringently on the subject. It then said: “We hold in the deepest abhorrence the practice of slavery, and shall not cease to seek its destruction by all wise and proper means.” So much for the position of the Methodist Church in the early history of the Republic, in those days of darkness to which Judge Taney refers.

Let us now see how slavery was regarded by the Presbyterian Church at that early date.

In 1794, the General Assembly of that body pronounced the following judgment in respect to slavery, slaveholders, and slaveholding. “1st Timothy, 1st chapter, 10th verse: ‘The law was made for man stealers.’ ‘This crime among the Jews exposed the perpetrators of it to capital punishment.’ Exodus, xxi, 15.—And the apostle here classes them with sinners of the first rank. The word he uses in its original import, comprehends all who are concerned in bringing any of the human race into slavery, or in retaining them in it. Stealers of men are all those who bring off slaves or freemen, and keep, sell, or buy them. ‘To steal a freeman’ says Grotius, ‘is the highest kind of theft.’ In other instances, we only steal human property, but when we steal or retain men in slavery, we seize those who, in common with ourselves, are constituted, by the original grant, lords of the earth.”

I might quote, at length, from the sayings of the Baptist Church and the sayings of eminent divines at this early period, showing that Judge Taney has grossly falsified history, but will not detain you with these quotations.

The testimony of the church, and the testimony of the founders of this Republic, from the declaration downward, prove Judge Taney false; as false to history as he is to law.

Washington and Jefferson, and Adams, and Jay, and Franklin, and Rush, and Hamilton, and a host of others, held no such degrading views on the subject of slavery as are imputed by Judge Taney to the Fathers of the Republic. All,

at that time, looked for the gradual but certain abolition of slavery, and shaped the constitution with a view to this grand result.

George Washington can never be claimed as a fanatic, or as the representative of fanatics. The slaveholders impudently use his name for the base purpose of giving respectability to slavery. Yet, in a letter to Robert Morris, Washington uses this language—language which, at this day, would make him a terror of the slaveholders, and the natural representative of the Republican party.

“There is not a man living, who wishes more sincerely than I do, to see some plan adopted for the abolition of slavery; but there is only one proper and effectual mode by which it can be accomplished, and that is by Legislative authority; and this, as far as my suffrage will go, shall not be wanting.”

Washington only spoke the sentiment of his times. There were, at that time, Abolition societies in the slave States—Abolition societies in Virginia, in North Carolina, in Maryland, in Pennsylvania, and in Georgia—all slaveholding States. Slavery was so weak, and liberty so strong, that free speech could attack the monster to its teeth. Men were not mobbed and driven out of the presence of slavery, merely because they condemned the slave system. The system was then on its knees imploring to be spared, until it could get itself decently out of the world. In the light of these facts, the Constitution was framed, and framed in conformity to it.

It may, however, be asked, if the Constitution were so framed that the rights of all the people were naturally protected by it, how happens it that a large part of the people have been held in slavery ever since its adoption? Have the people mistaken the requirements of their own Constitution?

The answer is ready. The Constitution is one thing, its administration is another, and, in this instance, a very different and opposite thing. I am here to vindicate the law, not the administration of the law. It is the written Constitution, not the unwritten Constitution, that is now before us. If, in the

whole range of the Constitution, you can find no warrant for slavery, then we may properly claim it for liberty.

Good and wholesome laws are often found dead on the statute book. We may condemn the practice under them and against them, but never the law itself. To condemn the good law with the wicked practice, is to weaken, not to strengthen our testimony.

It is no evidence that the Bible is a bad book, because those who profess to believe the Bible are bad. The slaveholders of the South, and many of their wicked allies at the North, claim the Bible for slavery; shall we, therefore, fling the Bible away as a pro-slavery book? It would be as reasonable to do so as it would be to fling away the Constitution. We are not the only people who have illustrated the truth, that a people may have excellent law, and detestable practices. Our Savior denounces the Jews, because they made void the law by their traditions. We have been guilty of the same sin.

The American people have made void our Constitution by just such traditions as Judge Taney and Mr. Garrison have been giving to the world of late, as the true light in which to view the Constitution of the United States. I shall follow neither. It is not what Moses allowed for the hardness of heart, but what God requires, ought to be the rule.

It may be said that it is quite true that the Constitution was designed to secure the blessings of liberty and justice to the people who made it, and to the posterity of the people who made it, but was never designed to do any such thing for the colored people of African descent.

This is Judge Taney's argument, and it is Mr. Garrison's argument, but it is not the argument of the Constitution. The Constitution imposes no such mean and satanic limitations upon its own beneficent operation. And, if the Constitution makes none, I beg to know what right has anybody, outside of the Constitution, for the special accommodation of slaveholding villainy, to

impose such a construction upon the Constitution?

The Constitution knows all the human inhabitants of this country as “the people.” It makes, as I have said before, no discrimination in favor of, or against, any class of the people, but is fitted to protect and preserve the rights of all, without reference to color, size, or any physical peculiarities. Besides, it has been shown by William Goodell and others, that in eleven out of the old thirteen States, colored men were legal voters at the time of the adoption of the Constitution.

In conclusion, let me say, all I ask of the American people is, that they live up to the Constitution, adopt its principles, imbibe its spirit, and enforce its provisions. When this is done, the wounds of my bleeding people will be healed, the chain will no longer rust on their ankles, their backs will no longer be torn by the bloody lash, and liberty, the glorious birthright of our common humanity, will become the inheritance of all the inhabitants of this highly favored country.

## “A HOUSE DIVIDED” (1858)

*On June 16, 1858, Abraham Lincoln, then a candidate for the U.S. Senate, delivered a powerful (and many said, radical) speech before the Illinois Republican National Convention. In the speech, Lincoln argued that the United States could not last much longer divided among free and slave states, nor would the issue of slavery be solved by allowing new states to choose a side, the most popular political approach at the time. Instead, the United States would ultimately have to become either all slave or all free. Lincoln lost that Senate election to Stephen A. Douglas, his Democratic opponent who supported allowing new states to decide if they would be free or slaveholding. But two years later, Lincoln won the Republican Party’s nomination for president and then won the election, setting into motion events that would end the practice of slavery in the United States.*

if we could first know where we are and whither we are tending, we could better judge what to do and how to do it. We are now far into the fifth year since a policy was initiated with the avowed object and confident promise of putting an end to slavery agitation. Under the operation of that policy, that agitation has not only not ceased but has constantly augmented. In my opinion, it will not cease until a crisis shall have been reached and passed. “A house divided against itself cannot stand.” I believe this government cannot endure, permanently, half slave and half free. I do not expect the Union to be dissolved; I do not expect the house to fall; but I do expect it will cease to be divided. It will become all one thing, or all the other. Either the opponents of slavery will arrest the further spread of it and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction, or its advocates will push it forward till it shall become alike lawful in all the states, old as well as new, North as well as South.

Have we no tendency to the latter condition?

Let anyone who doubts carefully contemplate that now almost complete legal

combination—piece of machinery, so to speak—compounded of the Nebraska doctrine and the Dred Scott decision. Let him consider, not only what work the machinery is adapted to do, and how well adapted, but also let him study the history of its construction and trace, if he can, or rather fail, if he can, to trace the evidences of design and concert of action among its chief architects, from the beginning.

The new year of 1854 found slavery excluded from more than half the states by state constitutions and from most of the national territory by congressional prohibition. Four days later commenced the struggle which ended in repealing that congressional prohibition. This opened all the national territory to slavery and was the first point gained.

But, so far, Congress only had acted; and an endorsement by the people, real or apparent, was indispensable to save the point already gained and give chance for more.

This necessity had not been overlooked, but had been provided for, as well as might be, in the notable argument of “squatter sovereignty,” otherwise called “sacred right of self-government,” which latter phrase, though expressive of the only rightful basis of any government, was so perverted in this attempted use of it as to amount to just this: That if any one man choose to enslave another, no third man shall be allowed to object. That argument was incorporated into the Nebraska Bill itself, in the language which follows:

It being the true intent and meaning of this act not to legislate slavery into an territory or state, nor to exclude it therefrom, but to leave the people there-of perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.

Then opened the roar of loose declamation in favor of “squatter sovereignty” and “sacred right of self-government.” “But,” said opposition members, “let us amend the bill so as to expressly declare that the people of the territory

may exclude slavery.” “Not we,” said the friends of the measure; and down they voted the amendment.

While the Nebraska Bill was passing through Congress, a law case, involving the question of a Negro’s freedom, by reason of his owner having voluntarily taken him first into a free state and then into a territory covered by the congressional prohibition, and held him as a slave for a long time in each, was passing through the United States Circuit Court for the district of Missouri; and both Nebraska Bill and lawsuit were brought to a decision in the same month of May 1854. The Negro’s name was Dred Scott, which name now designates the decision finally made in the case. Before the then next presidential election, the law case came to, and was argued in, the Supreme Court of the United States; but the decision of it was deferred until after the election. Still, before the election, Senator Trumbull, on the floor of the Senate, requested the leading advocate of the Nebraska Bill to state his opinion whether the people of a territory can constitutionally exclude slavery from their limits; and the latter answers: “That is a question for the Supreme Court.”

The election came. Mr. Buchanan was elected, and the endorsement, such as it was, secured. That was the second point gained. The endorsement, however, fell short of a clear popular majority by nearly 400,000 votes, and so, perhaps, was not overwhelmingly reliable and satisfactory. The outgoing President, in his last annual message, as impressively as possible echoed back upon the people the weight and authority of the endorsement. The Supreme Court met again, did not announce their decision, but ordered a reargument.

The presidential inauguration came, and still no decision of the Court; but the incoming President, in his inaugural address, fervently exhorted the people to abide by the forthcoming decision, whatever it might be. Then, in a few days, came the decision.

The reputed author of the Nebraska Bill finds an early occasion to make a



speech at this capital endorsing the Dred Scott decision, and vehemently denouncing all opposition to it. The new President, too, seizes the early occasion of the Silliman letter to endorse and strongly construe that decision, and to express his astonishment that any different view had ever been entertained!

At length a squabble springs up between the President and the author of the Nebraska Bill, on the mere question of fact, whether the Lecompton constitution was or was not in any just sense made by the people of Kansas; and in that quarrel the latter declares that all he wants is a fair vote for the people, and that he cares not whether slavery be voted down or voted up. I do not understand his declaration, that he cares not whether slavery be voted down or voted up, to be intended by him other than as an apt definition of the policy he would impress upon the public mind—the principle for which he declares he has suffered so much and is ready to suffer to the end. And well may he cling to that principle! If he has any parental feeling, well may he cling to it. That principle is the only shred left of his original Nebraska doctrine.

Under the Dred Scott decision, “squatter sovereignty” squatted out of existence, tumbled down like temporary scaffolding; like the mold at the foundry, served through one blast and fell back into loose sand; helped to carry an election and then was kicked to the winds. His late joint struggle with the Republicans against the Lecompton constitution involves nothing of the original Nebraska doctrine. That struggle was made on a point—the right of a people to make their own constitution—upon which he and the Republicans have never differed.

The several points of the Dred Scott decision, in connection with Senator Douglas’ “care not” policy, constitute the piece of machinery in its present state of advancement. This was the third point gained. The working points of that machinery are:

First, that no Negro slave, imported as such from Africa, and no descendant of such slave can ever be a citizen of any state in the sense of that term as used in the Constitution of the United States. This point is made in order to deprive the Negro, in every possible event, of the benefit of that provision of the United States Constitution which declares that “the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states.”

Second, that, “subject to the Constitution of the United States,” neither Congress nor a territorial legislature can exclude slavery from any United States territory. This point is made in order that individual men may fill up the territories with slaves, without danger of losing them as property, and thus enhance the chances of permanency to the institution through all the future.

Third, that whether the holding a Negro in actual slavery in a free state makes him free, as against the holder, the United States courts will not decide, but will leave to be decided by the courts of any slave state the Negro may be forced into by the master. This point is made, not to be pressed immediately but, if acquiesced in for awhile, and apparently endorsed by the people at an election, then to sustain the logical conclusion that what Dred Scott’s master might lawfully do with Dred Scott in the free state of Illinois, every other master may lawfully do with any other one, or 1,000 slaves, in Illinois or in any other free state.

Auxiliary to all this, and working hand in hand with it, the Nebraska doctrine, or what is left of it, is to educate and mold public opinion, at least Northern public opinion, not to care whether slavery is voted down or voted up. This shows exactly where we now are; and partially, also, whither we are tending.

It will throw additional light on the latter to go back and run the mind over the string of historical facts already stated. Several things will now appear

less dark and mysterious than they did when they were transpiring. The people were to be left “perfectly free,” “subject only to the Constitution.” What the Constitution had to do with it, outsiders could not then see. Plainly enough, now, it was an exactly fitted niche for the Dred Scott decision to afterward come in and declare the perfect freedom of the people to be just no freedom at all.

Why was the amendment expressly declaring the right of the people voted down? Plainly enough, now, the adoption of it would have spoiled the niche for the Dred Scott decision. Why was the Court decision held up? Why even a senator’s individual opinion withheld till after the presidential election? Plainly enough, now, the speaking out then would have damaged the “perfectly free” argument upon which the election was to be carried. Why the outgoing President’s felicitation on the endorsement? Why the delay of a reargument? Why the incoming President’s advance exhortation in favor of the decision? These things look like the cautious patting and petting of a spirited horse preparatory to mounting him when it is dreaded that he may give the rider a fall. And why the hasty after-endorsement of the decision by the President and others?

We cannot absolutely know that all these exact adaptations are the result of preconcert. But when we see a lot of framed timbers, different portions of which we know have been gotten out at different times and places and by different workmen—Stephen, Franklin, Roger, and James, for instance—and when we see these timbers joined together and see they exactly make the frame of a house or a mill, all the tenons and mortises exactly fitting, and all the lengths and proportions of the different pieces exactly adapted to their respective places, and not a piece too many or too few, not omitting even scaffolding, or, if a single piece be lacking, we see the place in the frame exactly fitted and prepared yet to bring such piece in—in such a case, we find it impossible not to believe that Stephen and Franklin and Roger and James all understood one another from the beginning, and all worked upon a common plan or draft drawn up before the first blow was struck.

## THE EMANCIPATION PROCLAMATION

(1862–63)

*President Abraham Lincoln’s Emancipation Proclamation—drafted in 1862 and delivered on January 1 of the next year—officially freed all slaves in states rebelling against the Union. As Northern troops assumed control of Southern areas, the proclamation took effect.*

By the President of the United States of America:

### **A P ROCLAMATION**

Whereas on the 22nd day of September, A.D. 1862, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

“That on the 1st day of January, A.D. 1863, 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 1st 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 States 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 the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this 1st day of January, A.D. 1863, and in accordance with my purpose so to do, publicly proclaimed for the full period of one hundred days from the first day 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. John, St. Charles, St. James, Ascension, Assumption, Terrebone, 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 Berkeley, Accomac, Northhampton, Elizabeth City, York, Princess Anne, and Norfolk, including the cities of Norfolk and 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.

## THE HOMESTEAD ACT (1862)

*In an effort to encourage settlement of the American West, President Abraham Lincoln signed the Homestead Act into law in 1862. For the first time in history, nearly any American who was a head of household or older than twenty-one—from farmers and immigrants to newly freed slaves and even some women—could claim 160 acres of once-public land as his own after paying only an \$18 filing fee. The law has long been considered one of the most important pieces of American legislation, and it transformed the landscape of the western United States.*

### AN ACT TO SECURE HOMESTEADS TO ACTUAL SETTLERS ON THE PUBLIC DOMAIN

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States Government or given aid and comfort to its enemies, shall, from and after the first January, eighteen hundred and sixty-three, be entitled to enter one quarter section or a less quantity of unappropriated public lands, upon which said person may have filed a preemption claim, or which may, at the time the application is made, be subject to preemption at one dollar and twenty-five cents, or less, per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same shall have been surveyed: Provided, That any person owning and residing on land may, under the provisions of this act, enter other land lying contiguous to his or her said land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

SEC. 2. And be it further enacted, That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of a family, or is twenty-one years or more of age, or shall have performed service in the army or navy of the United States, and that he has never borne arms against the Government of the United States or given aid and comfort to its enemies, and that such application is made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever; and upon filing the said affidavit with the register or receiver, and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified: Provided, however, That no certificate shall be given or patent issued therefore until the expiration of five years from the date of such entry ; and if, at the expiration of such time, or at any time within two years thereafter, the person making such entry; or, if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death; shall prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid, and shall make affidavit that no part of said land has been alienated, and that he has borne true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent, as in other cases provided for by law: And provided, further, That in case of the death of both father and mother, leaving an Infant child, or children, under twenty-one years of age, the right and fee shall ensure to the benefit of said infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicil, sell said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase,



and be entitled to a patent from the United States, on payment of the office fees and sum of money herein specified.

SEC. 3. And be it further enacted, That the register of the land office shall note all such applications on the tract books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 4. And be it further enacted, That no lands acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

SEC. 5. And be it further enacted, That if, at any time after the filing of the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said land for more than six months at any time, then and in that event the land so entered shall revert to the government.

SEC. 6. And be it further enacted, That no individual shall be permitted to acquire title to more than one quarter section under the provisions of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, one half to be paid by the person making the application at the time of so doing, and the other half on the issue of the certificate by the person to whom it may be issued; but this shall not be construed to enlarge the maximum of compensation now prescribed by law for any register or receiver: Provided, That nothing contained in this act shall be so construed as

to impair or interfere in any manner whatever with existing preemption rights: And provided, further, That all persons who may have filed their applications for a preemption right prior to the passage of this act, shall be entitled to all privileges of this act: Provided, further, That no person who has served, or may hereafter serve, for a period of not less than fourteen days in the army or navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this act on account of not having attained the age of twenty-one years.

SEC 7. And be it further enacted, That the fifth section of the act entitled “An act in addition to an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes,” approved the third of March, in the year eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits, re-quired or authorized by this act.

SEC. 8. And be it further enacted, That nothing in this act shall be so construed as to prevent any person who has availed him or herself of the benefits of the first section of this act, from paying the minimum price, or the price to which the same may have graduated, for the quantity of land so entered at any time before the expiration of the five years, and obtaining a patent therefore from the government, as in other cases provided by law, on making proof of settlement and cultivation as provided by existing laws granting preemption rights.

**ABRAHAM LINCOLN'S GETTYSBURG  
ADDRESS (1863)**

*More than 51,000 Union and Confederate soldiers were killed, wounded, or missing after the Battle of Gettysburg (July 1–3, 1863). In memory of that loss, President Abraham Lincoln delivered the following speech four months later when he visited the battlefield.*

**GIVEN ON THE BATTLEFIELD NEAR  
GETTYSBURG, PENNSYLVANIA**

FOUR score and seven years ago, our fathers brought forth upon 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 battlefield 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 this nation might live. It is altogether fitting and proper that we should do this. But, in a larger sense, we cannot dedicate—we cannot consecrate—we cannot 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 this earth.

ABRAHAM LINCOLN'S  
SECOND INAUGURAL ADDRESS  
MARCH 4, 1865

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 offenses; for it must needs be that offenses come, but woe to that man by whom the offense cometh." If we shall suppose that American slavery is one of those offenses 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 offense 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 bondsman'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 lasting peace among ourselves and with all nations.

**13TH AMENDMENT TO THE U.S.  
CONSTITUTION: THE ABOLITION  
OF SLAVERY (1865)**

**AMENDMENT 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.

## THE PURCHASE OF ALASKA (1867)

*The United States bought the territory of Alaska from Russia in 1867 for \$7.2 million, the result of a treaty negotiated by U.S. Secretary of State William Seward. At the time, many critics called the purchase “Seward’s Folly” and considered it a waste of money. But when the Klondike Gold Rush began in Canada in 1896, miners and others streamed into the new territory, boosting its economy and proving the purchase worthwhile. Alaska became the forty-ninth state in 1959.*

Treaty concerning the Cession of the Russian Possessions in North America by his Majesty the Emperor of all the Russias to the United States of America; Concluded March 30, 1867; Ratified by the United States May 28, 1867; Exchanged June 20, 1867; Proclaimed by the United States June 20, 1867.

### **BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. A PROCLAMATION.**

Whereas a treaty between the United States of America and his Majesty the Emperor of all the Russias was concluded and signed by their respective plenipotentiaries at the city of Washington, on the thirtieth day of March, last, which treaty, being in English and French languages, is, word for word as follows:

[The French version is omitted for brevity.]

The United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their Plenipotentiaries: the President of the United States, William H. Seward, Secretary of State; and His Majesty the Emperor of all the Russias, the Privy Councillor Edward de Stoeckl, his Envoy Extraordinary and Minister

Plenipotentiary to the United States.

And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:

#### **ARTICLE I.**

His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain of February 28 (16) 1825, and described in Articles III and IV of said convention, in the following terms:

“Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and the 133d degree of west longitude, (meridian of Greenwich,) the said line shall ascend to the north along the channel called Portland channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude, (of the same meridian;) and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen ocean.

“IV. With reference to the line of demarcation laid down in the preceding article, it is understood—



“1st. That the island called Prince of Wales Island shall belong wholly to Russia,” (now, by this cession, to the United States.)

“2d. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom.”

The western limit within which the territories and dominion conveyed, are contained, passes through a point in Behring’s straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest through Behring’s straits and Behring’s sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a south-westerly direction, so as to pass midway between the island of Attou and the Copper island of the Kormandorski couplet or group in the North Pacific ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian.

## **ARTICLE II.**

In the cession of territory and dominion made by the preceding article are included the right of property in all public lots and squares, vacant lands, and

all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed, that the churches which have been built in the ceded territory by the Russian government, shall remain the property of such members of the Greek Oriental Church resident in the territory, as may choose to worship therein. Any government archives, papers, and documents relative to the territory and dominion aforesaid, which may be now existing there, will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the United States to the Russian government, or to such Russian officers or subjects as they may apply for.

### **ARTICLE III.**

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country.

### **ARTICLE IV.**

His Majesty the Emperor of all the Russias shall appoint, with convenient despatch, an agent or agents for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, dominion, property, dependencies and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without

waiting for such formal delivery.

#### **ARTICLE V.**

Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory shall be delivered to the agent of the United States, and any Russian troops which may be in the territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

#### **ARTICLE VI.**

In consideration of the cession aforesaid, the United States agree to pay at the treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of his Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unencumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property holders; and the cession hereby made, conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

#### **ARTICLE VII.**

When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by his Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington, the thirtieth day of March, in the year of our Lord one thousand eight hundred and sixty-seven.

**VICTORIA C. WOODHULL'S ADDRESS  
TO THE JUDICIARY COMMITTEE OF THE  
HOUSE OF REPRESENTATIVES (1871)**

*Victoria Woodhull was a suffragette from Ohio who, in 1872, became the first woman to run for president. A year before, she gave this speech before the House of Representatives' Judiciary Committee in support of women's suffrage, which she argued was an implied right under the Constitution.*

having most respectfully memorialized Congress for the passage of such laws as in its wisdom shall seem necessary and proper to carry into effect the rights vested by the Constitution of the United States in the citizens to vote, without regard to sex, I beg leave to submit to your honorable body the following in favor of my prayer in said memorial which has been referred to your Committee.

The public law of the world is founded upon the conceded fact that sovereignty cannot be forfeited or renounced. The sovereign power of this country is perpetually in the politically organized people of the United States, and can neither be relinquished nor abandoned by any portion of them. The people in this republic who confer sovereignty are its citizens: in a monarchy the people are the subjects of sovereignty. All citizens of a republic by rightful act or implication confer sovereign power. All people of a monarchy are subjects who exist under its supreme shield and enjoy its immunities. The subject of a monarch takes municipal immunities from the sovereign as a gracious favor; but the woman citizen of this country has the inalienable "sovereign" right of self-government in her own proper person. Those who look upon woman's status by the dim light of the common law, which unfolded itself under the feudal and military institutions that establish right upon physical power, cannot find any analogy in the status of the woman citizen of this country, where the broad sunshine of our Constitution has enfranchised all.

As sovereignty cannot be forfeited, relinquished, or abandoned, those from whom it flows—the citizens—are equal in conferring the power, and should be equal in the enjoyment of its benefits and in the exercise of its rights and privileges. One portion of citizens have no power to deprive another portion of rights and privileges such as are possessed and exercised by themselves. The male citizen has no more right to deprive the female citizen of the free, public, political, expression of opinion than the female citizen has to deprive the male citizen thereof.

The sovereign will of the people is expressed in our written Constitution, which is the supreme law of the land. The Constitution makes no distinction of sex. The Constitution defines a woman born or naturalized in the United States, and subject to the jurisdiction thereof, to be a citizen. It recognizes the right of citizens to vote. It declares 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.”

Women, white and black, belong to races, although to different races. A race of people comprises all the people, male and female. The right to vote cannot be denied on account of race. All people included in the term race have the right to vote, unless otherwise prohibited. Women of all races are white, black, or some intermediate color. Color comprises all people, of all races and both sexes. The right to vote cannot be denied on account of color. All people included in the term color have the right to vote unless otherwise prohibited.

With the right to vote sex has nothing to do. Race and color include all people of both sexes. All people of both sexes have the right to vote, unless prohibited by special limited terms less comprehensive than race or color. No such limiting terms exist in the Constitution. Women, white and black, have from time immemorial groaned under what is properly termed in the Constitution “previous condition of servitude.” Women are the equals of men before the law, and are equal in all their rights as citizens. Women are

debarred from voting in some parts of the United States, although they are allowed to exercise that right elsewhere. Women were formerly permitted to vote in places where they are now debarred therefrom. The naturalization laws of the United States expressly provide for the naturalization of women. But the right to vote has only lately been definitely declared by the Constitution to be inalienable, under three distinct conditions—in all of which woman is clearly embraced.

The citizen who is taxed should also have a voice in the subject matter of taxation. “No taxation without representation” is a right which was fundamentally established at the very birth of our country’s independence; and by what ethics does any free government impose taxes on women without giving them a voice upon the subject or a participation in the public declaration as to how and by whom these taxes shall be applied for common public use? Women are free to own and to control property, separate and free from males, and they are held responsible in their own proper persons, in every particular, as well as men, in and out of court. Women have the same inalienable right to life, liberty, and the pursuit of happiness that men have. Why have they not this right politically, as well as men?

Women constitute a majority of the people of this country—they hold vast portions of the nation’s wealth and pay a proportionate share of the taxes. They are intrusted with the most vital responsibilities of society; they bear, rear, and educate men; they train and mould their characters; they inspire the noblest impulses in men; they often hold the accumulated fortunes of a man’s life for the safety of the family and as guardians of the infants, and yet they are debarred from uttering any opinion by public vote, as to the management by public servants of these interests; they are the secret counselors, the best advisers, the most devoted aids in the most trying periods of men’s lives, and yet men shrink from trusting them in the common questions of ordinary politics. Men trust women in the market, in the shop, on the highway and railroad, and in all other public places and assemblies, but when they propose to carry a slip of paper with a name upon it to the polls, they fear them.

Nevertheless, as citizens, women have the right to vote; they are part and parcel of that great element in which the sovereign power of the land had birth; and it is by usurpation only that men debar them from this right. The American nation, in its march onward and upward, cannot publicly choke the intellectual and political activity of half its citizens by narrow statutes. The will of the entire people is the true basis of republican government, and a free expression of that will by the public vote of all citizens, without distinctions of race, color, occupation, or sex, is the only means by which that will can be ascertained. As the world has advanced into civilization and culture; as mind has risen in its dominion over matter; as the principle of justice and moral right has gained sway, and merely physical organized power has yielded thereto; as the might of right has supplanted the right of might, so have the rights of women become more fully recognized, and that recognition is the result of the development of the minds of men, which through the ages she has polished, and thereby heightened the lustre of civilization.

It was reserved for our great country to recognize by constitutional enactment that political equality of all citizens which religion, affection, and common sense should have long since accorded; it was reserved for America to sweep away the mist of prejudice and ignorance, and that chivalric condescension of a darker age, for in the language of Holy Writ, "The night is far spent, the day is at hand, let us therefore cast off the work of darkness and let us put on the armor of light. Let us walk honestly as in the day." It may be argued against the proposition that there still remains upon the statute books of some States the word "male" to an exclusion; but as the Constitution, in its paramount character, can only be read by the light of the established principle, *ita lex Scripta est*, and as a subject of sex is not mentioned, and the Constitution is not limited either in terms or by necessary implication in the general rights of citizens to vote, this right cannot be limited on account of anything in the spirit of inferior or previous enactments upon a subject which is not mentioned in the supreme law. A different construction would destroy a vested right in a portion of the citizens, and this no legislature has a right to do without compensation, and nothing can compensate a citizen for the loss



of his or her suffrage—its value is equal to the value of life. Neither can it be presumed that women are to be kept from the polls as a mere police regulation: it is to be hoped, at least, that police regulations in their case need not be very active. The effect of the amendments to the Constitution must be to annul the power over this subject in the States, whether past, present, or future, which is contrary to the amendments. The amendments would even arrest the action of the Supreme Court in cases pending before it prior to their adoption, and operate as an absolute prohibition to the exercise of any other jurisdiction than merely to dismiss the suit. 8 Dall., 382; 6 Wheaton, 405; 9 ib., 868; 3d Circ. Pa., 1832.

And if the restrictions contained in the Constitution as to color, race or servitude, were designed to limit the State governments in reference to their own citizens, and were intended to operate also as restrictions on the federal power, and to prevent interference with the rights of the State and its citizens, how, then, can the State restrict citizens of the United States in the exercise of rights not mentioned in any restrictive clause in reference to actions on the part of those citizens having reference solely to the necessary functions of the General Government, such as the election of representatives and senators to Congress, whose election the Constitution expressly gives Congress the power to regulate? S. C., 1847: Fox vs. Ohio, 5 Howard, 410.

Your memorialist complains of the existence of State laws, and prays Congress, by appropriate legislation, to declare them, as they are, annulled, and to give vitality to the Constitution under its power to make and alter the regulations of the States contravening the same.

It may be urged in opposition that the courts have power, and should declare upon this subject. The Supreme Court has the power, and it would be its duty to declare the law: but the court will not do so unless a determination of such point as shall arise make it necessary to the determination of a controversy, and hence a case must be presented in which there can be no rational doubt. All this would subject the aggrieved parties to much dilatory, expensive and

needless litigation, which your memorialist prays your honorable body to dispense with by appropriate legislation, as there can be no purpose in special arguments “ad inconvenienti,” enlarging or contracting the import of the language of the Constitution.

Therefore, Believing firmly in the right of citizens to freely approach those in whose hands their destiny is placed under the Providence of God, your memorialist has frankly, but humbly, appealed to you, and prays that the wisdom of Congress may be moved to action in this matter for the benefit and the increased happiness of our beloved country.

**ACT ESTABLISHING  
YELLOWSTONE NATIONAL PARK (1872)**

*President Ulysses S. Grant signed this law establishing Yellowstone National Park on March 1, 1872. It was the first national park in the world.*

Forty-Second Congress of the United States of America;

At the Second Session, Begun and held at the City of Washington, on Monday, the Fourth day of December, one thousand eight hundred and seventy-one.

An act to set apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tract of land in the Territories of Montana and Wyoming, lying near the headwaters of the Yellowstone River, and described as follows, to wit, commencing at the junction of Gardiner's river with the Yellowstone river, and running east to the meridian passing ten miles to the eastward of the most eastern point of Yellowstone lake; thence south along said meridian to the parallel of latitude passing ten miles south of the most southern point of Yellowstone lake; thence west along said parallel to the meridian passing fifteen miles west of the most western point of Madison lake; thence north along said meridian to the latitude of the junction of Yellowstone and Gardiner's rivers; thence east to the place of beginning, is hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasuring-ground for the benefit and enjoyment of the people; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom.

SEC 2. That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may in his discretion, grant leases for building purposes for terms not exceeding ten years, of small parcels of ground, at such places in said park as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases, and all other revenues that may be derived from any source connected with said park, to be expended under his direction in the management of the same, and the construction of roads and bridlepaths therein. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

**SUSAN B. ANTHONY ON WOMEN'S  
SUFFRAGE (1873)**

*In 1872 activist Susan B. Anthony cast an illegal vote in the presidential election. She was arrested and put on trial the next year, where she delivered a rousing speech about the injustice of the ban on women voting. Ultimately, Anthony was found guilty and fined \$100, which she refused to pay. Throughout her life, she remained an advocate for many issues, including women's suffrage. Susan B. Anthony died in 1906 ... fourteen years before the U.S. government amended the Constitution to give women the right to vote.*

DELIVERED IN TWENTY-NINE OF THE POST OFFICE DISTRICTS OF MONROE, AND TWENTY-ONE OF ONTARIO, IN HER CANVASS OF THOSE COUNTIES, PRIOR TO HER TRIAL IN JUNE, 1873.

Friends and Fellow-citizens: I stand before you tonight, under indictment for the alleged crime of having voted at the last Presidential election, without having a lawful right to vote. It shall be my work this evening to prove to you that in thus voting, I not only committed no crime, but, instead, simply exercised my citizen's right, guaranteed to me and all United States citizens by the National Constitution, beyond the power of any State to deny.

Our democratic-republican government is based on the idea of the natural right of every individual member thereof to a voice and a vote in making and executing the laws. We assert the province of government to be to secure the people in the enjoyment of their unalienable rights. We throw to the winds the old dogma that governments can give rights. Before governments were organized, no one denies that each individual possessed the right to protect his own life, liberty and property. And when 100 or 1,000,000 people enter into a free government, they do not barter away their natural rights; they simply pledge themselves to protect each other in the enjoyment of them, through prescribed judicial and legislative tribunals. They agree to abandon

the methods of brute force in the adjustment of their differences, and adopt those of civilization.

Nor can you find a word in any of the grand documents left us by the fathers that assumes for government the power to create or to confer rights. The Declaration of Independence, the United States Constitution, the constitutions of the several states and the organic laws of the territories, all alike propose to protect the people in the exercise of their God-given rights. Not one of them pretends to bestow rights.

All men are created equal, and endowed by their Creator with certain unalienable rights. Among these are life, liberty and the pursuit of happiness. That to secure these, governments are instituted among men, deriving their just powers from the consent of the governed.

Here is no shadow of government authority over rights, nor exclusion of any class from their full and equal enjoyment. Here is pronounced the right of all men, and “consequently,” as the Quaker preacher said, “of all women,” to a voice in the government. And here, in this very first paragraph of the declaration, is the assertion of the natural right of all to the ballot; for, how can “the consent of the governed” be given, if the right to vote be denied. Again:

That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such forms as to them shall seem most likely to effect their safety and happiness.

Surely, the right of the whole people to vote is here clearly implied. For however destructive to their happiness this government might become, a disfranchised class could neither alter nor abolish it, nor institute a new one, except by the old brute force method of insurrection and rebellion. One-half

of the people of this nation today are utterly powerless to blot from the statute books an unjust law, or to write there a new and a just one. The women, dissatisfied as they are with this form of government, that enforces taxation without representation,—that compels them to obey laws to which they have never given their consent,—that imprisons and hangs them without a trial by a jury of their peers, that robs them, in marriage, of the custody of their own persons, wages and children,—are this half of the people left wholly at the mercy of the other half, in direct violation of the spirit and letter of the declarations of the framers of this government, every one of which was based on the immutable principle of equal rights to all. By those declarations, kings, priests, popes, aristocrats, were all alike dethroned, and placed on a common level, politically, with the lowliest born subject or serf. By them, too, men, as such, were deprived of their divine right to rule, and placed on a political level with women. By the practice of those declarations all class and caste distinction will be abolished; and slave, serf, plebeian, wife, woman, all alike, bound from their subject position to the proud platform of equality.

The preamble of the federal constitution says:

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.

It was we, the people, not we, the white male citizens, nor yet we, the male citizens; but we, the whole people, who formed this Union. And we formed it, not to give the blessings of liberty, but to secure them; not to the half of ourselves and the half of our posterity, but to the whole people—women as well as men. And it is downright mockery to talk to women of their enjoyment of the blessings of liberty while they are denied the use of the only means of securing them provided by this democratic-republican government—the ballot.

The early journals of Congress show that when the committee reported to that body the original articles of confederation, the very first article which became the subject of discussion was that respecting equality of suffrage. Article 4th said:

The better to secure and perpetuate mutual friendship and intercourse between the people of the different States of this Union, the free inhabitants of each of the States, (paupers, vagabonds and fugitives from justice excepted,) shall be entitled to all the privileges and immunities of the free citizens of the several States.

Thus, at the very beginning, did the fathers see the necessity of the universal application of the great principle of equal rights to all—in order to produce the desired result—a harmonious union and a homogeneous people.

Luther Martin, attorney-general of Maryland, in his report to the Legislature of that State of the convention that framed the United States Constitution, said:

Those who advocated the equality of suffrage took the matter up on the original principles of government: that the reason why each individual man in forming a State government should have an equal vote, is because each individual, before he enters into government, is equally free and equally independent.

James Madison said:

Under every view of the subject, it seems indispensable that the mass of the citizens should not be without a voice in making the laws which they are to obey, and in choosing the magistrates who are to administer them.

Also:

Let it be remembered, finally, that it has ever been the pride and the boast of



America that the rights for which she contended were the rights of human nature.

And these assertions of the framers of the United States Constitution of the equal and natural rights of all the people to a voice in the government, have been affirmed and reaffirmed by the leading statesmen of the nation, throughout the entire history of our government.

Thaddeus Stevens, of Pennsylvania, said in 1866:

I have made up my mind that the elective franchise is one of the inalienable rights meant to be secured by the declaration of independence.

B. Gratz Brown, of Missouri, in the three days' discussion in the United States Senate in 1866, on Senator Cowan's motion to strike "male" from the District of Columbia suffrage bill, said:

Mr. President, I say here on the floor of the American Senate, I stand for universal suffrage; and as a matter of fundamental principle, do not recognize the right of society to limit it on any ground of race or sex. I will go farther and say, that I recognize the right of franchise as being intrinsically a natural right. I do not believe that society is authorized to impose any limitations upon it that do not spring out of the necessities of the social state itself. Sir, I have been shocked, in the course of this debate, to hear Senators declare this right only a conventional and political arrangement, a privilege yielded to you and me and others; not a right in any sense, only a concession! Mr. President, I do not hold my liberties by any such tenure. On the contrary, I believe that whenever you establish that doctrine, whenever you crystalize that idea in the public mind of this country, you ring the death-knell of American liberties.

Charles Sumner, in his brave protests against the fourteenth and fifteenth amendments, insisted that, so soon as by the thirteenth amendment the slaves became free men, the original powers of the United States Constitution

guaranteed to them equal rights—the right to vote and to be voted for. In closing one of his great speeches he said:

I do not hesitate to say that when the slaves of our country became “citizens” they took their place in the body politic as a component part of the “people,” entitled to equal rights, and under the protection of these two guardian principles: First—That all just governments stand on the consent of the governed; and second, that taxation without representation is tyranny; and these rights it is the duty of Congress to guarantee as essential to the idea of a Republic.

The preamble of the Constitution of the State of New York declares the same purpose. It says:

We, the people of the State of New York, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this Constitution.

Here is not the slightest intimation, either of receiving freedom from the United States Constitution, or of the State conferring the blessings of liberty upon the people; and the same is true of every one of the thirty-six State Constitutions. Each and all, alike declare rights God-given, and that to secure the people in the enjoyment of their inalienable rights, is their one and only object in ordaining and establishing government. And all of the State Constitutions are equally emphatic in their recognition of the ballot as the means of securing the people in the enjoyment of these rights.

Article 1 of the New York State Constitution says:

No member of this State shall be disfranchised or deprived of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers.

And so carefully guarded is the citizen’s right to vote, that the Constitution

makes special mention of all who may be excluded. It says:

Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery, larceny or any infamous crime.

In naming the various employments that shall not affect the residence of voters—the 3d section of article 2d says “that being kept at any alms house, or other asylum, at public expense, nor being confined at any public prison, shall deprive a person of his residence,” and hence his vote. Thus is the right of voting most sacredly hedged about. The only seeming permission in the New York State Constitution for the disfranchisement of women is in section 1st of article 2d, which says:

Every male citizen of the age of twenty-one years, &c., shall be entitled to vote.

But I submit that in view of the explicit assertions of the equal right of the whole people, both in the preamble and previous article of the constitution, this omission of the adjective “female” in the second, should not be construed into a denial; but, instead, counted as of no effect. Mark the direct prohibition: “No member of this State shall be disfranchised, unless by the ‘law of the land,’ or the judgment of his peers.” “The law of the land,” is the United States Constitution: and there is no provision in that document that can be fairly construed into a permission to the States to deprive any class of their citizens of their right to vote. Hence New York can get no power from that source to disfranchise one entire half of her members. Nor has “the judgment of their peers” been pronounced against women exercising their right to vote; no disfranchised person is allowed to be judge or juror—and none but disfranchised persons can be women’s peers; nor has the legislature passed laws excluding them on account of idiocy or lunacy; nor yet the courts convicted them of bribery, larceny, or any infamous crime. Clearly, then, there is no constitutional ground for the exclusion of women from the ballot-box in the State of New York. No barriers whatever stand to-day between

women and the exercise of their right to vote save those of precedent and prejudice.

The clauses of the United States Constitution, cited by our opponents as giving power to the States to disfranchise any classes of citizens they shall please, are contained in sections 2d and 4th of article 1st. The second says:

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.

This cannot be construed into a concession to the States of the power to destroy the right to become an elector, but simply to prescribe what shall be the qualifications, such as competency of intellect, maturity of age, length of residence, that shall be deemed necessary to enable them to make an intelligent choice of candidates. If, as our opponents assert, the last clause of this section makes it the duty of the United States to protect citizens in the several States against higher or different qualifications for electors for representatives in Congress, than for members of Assembly, then must the first clause make it equally imperative for the national government to interfere with the States, and forbid them from arbitrarily cutting off the right of one-half of the people to become electors altogether. Section 4th says:

The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

Here is conceded the power only to prescribe times, places and manner of holding the elections; and even with these Congress may interfere, with all excepting the mere place of choosing Senators. Thus you see, there is not the slightest permission in either section for the States to discriminate against the

right of any class of citizens to vote. Surely, to regulate cannot be to annihilate! nor to qualify to wholly deprive. And to this principle every true Democrat and Republican said amen, when applied to black men by Senator Sumner in his great speeches for *equal rights to all* from 1865 to 1869; and when, in 1871, I asked that Senator to declare the power of the United States Constitution to protect women in their right to vote—as he had done for black men—he handed me a copy of all his speeches during that reconstruction period, and said:

Miss Anthony, put “sex” where I have “race” or “color,” and you have here the best and strongest argument I can make for woman. There is not a doubt but women have the constitutional right to vote, and I will never vote for a sixteenth amendment to guarantee it to them. I voted for both the fourteenth and fifteenth under protest; would never have done it but for the pressing emergency of that hour; would have insisted that the power of the original Constitution to protect all citizens in the equal enjoyment of their rights should have been vindicated through the courts. But the newly made freedmen had neither the intelligence, wealth nor time to wait that slow process. Women possess all these in an eminent degree, and I insist that they shall appeal to the courts, and through them establish the powers of our American magna charta, to protect every citizen of the Republic. But, friends, when in accordance with Senator Sumner’s counsel, I went to the ballot-box, last November, and exercised my citizen’s right to vote, the courts did not wait for me to appeal to them—they appealed to me, and indicted me on the charge of having voted illegally.

Senator Sumner, putting sex where he did color, said:

Qualifications cannot be in their nature permanent or insurmountable. Sex cannot be a qualification any more than size, race, color, or previous condition of servitude. A permanent or insurmountable qualification is equivalent to a deprivation of the suffrage. In other words, it is the tyranny of taxation without representation, against which our revolutionary mothers, as

well as fathers, rebelled.

For any State to make sex a qualification that must ever result in the disfranchisement of one entire half of the people, is to pass a bill of attainder, or an ex post facto law, and is therefore a violation of the supreme law of the land. By it, the blessings of liberty are forever withheld from women and their female posterity. To them, this government has no just powers derived from the consent of the governed. To them this government is not a democracy. It is not a republic. It is an odious aristocracy; a hateful oligarchy of sex. The most hateful aristocracy ever established on the face of the globe. An obligarchy of wealth, where the rich govern the poor; an obligarchy of learning, where the educated govern the ignorant; or even an obligarchy of race, where the Saxon rules the African, might be endured; but this obligarchy of sex, which makes father, brothers, husband, sons, the obligarchs over the mother and sisters, the wife and daughters of every household; which ordains all men sovereigns, all women subjects, carries dissension, discord and rebellion into every home of the nation. And this most odious aristocracy exists, too, in the face of Section 4, of Article 4, which says:

The United States shall guarantee to every State in the Union a republican form of government.

What, I ask you, is the distinctive difference between the inhabitants of a monarchical and those of a republican form of government, save that in the monarchical the people are subjects, helpless, powerless, bound to obey laws made by superiors—while in the republican, the people are citizens, individual sovereigns, all clothed with equal power, to make and unmake both their laws and law makers, and the moment you deprive a person of his right to a voice in the government, you degrade him from the status of a citizen of the republic, to that of a subject, and it matters very little to him whether his monarch be an individual tyrant, as is the Czar of Russia, or a 15,000,000 headed monster, as here in the United States; he is a powerless

subject, serf or slave; not a free and independent citizen in any sense.

But, it is urged, the use of the masculine pronouns he, his and him, in all the constitutions and laws, is proof that only men were meant to be included in their provisions. If you insist on this version of the letter of the law, we shall insist that you be consistent, and accept the other horn of the dilemma, which would compel you to exempt women from taxation for the support of the government, and from penalties for the violation of laws.

A year and a half ago I was at Walla Walla, Washington Territory. I saw there a theatrical company, called the "Pixley Sisters," playing before crowded houses, every night of the whole week of the territorial fair. The eldest of those three fatherless girls was scarce eighteen. Yet every night a United States officer stretched out his long fingers, and clutched six dollars of the proceeds of the exhibitions of those orphan girls, who, but a few years before, were half starvelings in the streets of Olympia, the capital of that far-off north-west territory. So the poor widow, who keeps a boarding house, manufactures shirts, or sells apples and peanuts on the street corners of our cities, is compelled to pay taxes from her scanty pittance. I would that the women of this republic, at once, resolve, never again to submit to taxation, until their right to vote be recognized.

Miss Sarah E. Wall, of Worcester, Mass., twenty years ago, took this position. For several years, the officers of the law distrained her property, and sold it to meet the necessary amount; still she persisted, and would not yield an iota, though every foot of her lands should be struck off under the hammer. And now, for several years, the assessor has left her name off the tax list, and the collector passed her by without a call.

Mrs. J. S. Weeden, of Viroqua, Wis., for the past six years, has refused to pay her taxes, though the annual assessment is \$75.

Mrs. Ellen Van Valkenburg, of Santa Cruz, Cal., who sued the County Clerk

for refusing to register her name, declares she will never pay another dollar of tax until allowed to vote; and all over the country, women property holders are waking up to the injustice of taxation without representation, and ere long will refuse, en masse, to submit to the imposition.

There is no she, or her, or hers, in the tax laws.

The statute of New York reads:

Every person shall be assessed in the town or ward where he resides when the assessment is made, for the lands owned by him, &c. ... Every collector shall call at least once on the person taxed, or at his usual place of residence, and shall demand payment of the taxes charged on him. If any one shall refuse to pay the tax imposed on him, the collector shall levy the same by distress and sale of his property.

The same is true of all the criminal laws: “No person shall be compelled to be a witness against himself, &c.”

The same with the law of May 31st, 1870, the 19th section of which I am charged with having violated; not only are all the pronouns in it masculine, but everybody knows that that particular section was intended expressly to hinder the rebels from voting. It reads “If any person shall knowingly vote without his having a lawful right,” &c. Precisely so with all the papers served on me—the U.S. Marshal’s warrant, the bail-bond, the petition for habeas corpus, the bill of indictment—not one of them had a feminine pronoun printed in it; but, to make them applicable to me, the Clerk of the Court made a little carat at the left of “he” and placed an “s” over it, thus making she out of he. Then the letters “is” were scratched out, the little carat under and “er” over, to make her out of his, and I insist if government officials may thus manipulate the pronouns to tax, fine, imprison and hang women, women may take the same liberty with them to secure to themselves their right to a voice in the government.



So long as any classes of men were denied their right to vote, the government made a show of consistency, by exempting them from taxation. When a property qualification of \$250 was required of black men in New York, they were not compelled to pay taxes, so long as they were content to report themselves worth less than that sum; but the moment the black man died, and his property fell to his widow or daughter, the black woman's name would be put on the assessor's list, and she be compelled to pay taxes on the same property exempted to her husband. The same is true of ministers in New York. So long as the minister lives, he is exempted from taxation on \$1,500 of property, but the moment the breath goes out of his body, his widow's name will go down on the assessor's list, and she will have to pay taxes on the \$1,500. So much for the special legislation in favor of women.

In all the penalties and burdens of the government, (except the military,) women are reckoned as citizens, equally with men. Also, in all the privileges and immunities, save those of the jury box and ballot box, the two fundamental privileges on which rest all the others. The United States government not only taxes, fines, imprisons and hangs women, but it allows them to pre-empt lands, register ships, and take out passport and naturalization papers. Not only does the law permit single women and widows to the right of naturalization, but Section 2 says: "A married woman may be naturalized without the concurrence of her husband." (I wonder the fathers were not afraid of creating discord in the families of foreigners); and again: "When an alien, having complied with the law, and declared his intention to become a citizen, dies before he is actually naturalized, his widow and children shall be considered citizens, entitled to all rights and privileges as such, on taking the required oath." If a foreign born woman by becoming a naturalized citizen, is entitled to all the rights and privileges of citizenship, is not a native born woman, by her national citizenship, possessed of equal rights and privileges?

The question of the masculine pronouns, yes and nouns, too, has been settled by the United States Supreme Court, in the Case of Silver versus Ladd,

December, 1868, in a decision as to whether a woman was entitled to lands, under the Oregon donation law of 1850. Elizabeth Cruthers, a widow, settled upon a claim, and received patents. She died, and her son was heir. He died. Then Messrs. Ladd & Nott took possession, under the general pre-emption law, December, 1861. The administrator, E.P. Silver, applied for a writ of ejectment at the land office in Oregon City. Both the Register and Receiver decided that an unmarried woman could not hold land under that law. The Commissioner of the General Land Office, at Washington, and the Secretary of the Interior, also gave adverse opinions. Here patents were issued to Ladd & Nott, and duly recorded. Then a suit was brought to set aside Ladd's patent, and it was carried through all the State Courts and the Supreme Court of Oregon, each, in turn, giving adverse decisions. At last, in the United States Supreme Court, Associate Justice Miller reversed the decisions of all the lower tribunals, and ordered the land back to the heirs of Mrs. Cruthers. The Court said:

In construing a benevolent statute of the government, made for the benefit of its own citizens, inviting and encouraging them to settle on its distant public lands, the words "single man," and "unmarried man" may, especially if aided by the context and other parts of the statute, be taken in a generic sense. Held, accordingly, that the Fourth Section of the Act of Congress, of September 27th, 1850, granting by way of donation, lands in Oregon Territory, to every white settler or occupant, American half-breed Indians included, embraced within the term single man an unmarried woman.

And the attorney, who carried this question to its final success, is now the United States senator elect from Oregon, Hon. J.H. Mitchell, in whom the cause of equal rights to women has an added power on the floor of the United States Senate.

Though the words persons, people, inhabitants, electors, citizens, are all used indiscriminately in the national and state constitutions, there was always a conflict of opinion, prior to the war, as to whether they were synonymous

terms, as for instance:

No person shall be a representative who shall not have been seven years a citizen, and who shall not, when elected, be an inhabitant of that state in which he is chosen. No person shall be a senator who shall not have been a citizen of the United States, and an inhabitant of that state in which he is chosen.

But, whatever room there was for a doubt, under the old regime, the adoption of the fourteenth amendment settled that question forever, in its first sentence: “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 the second settles the equal status of all persons—all citizens:

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens; 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.

The only question left to be settled, now, is: Are women persons? And I hardly believe any of our opponents will have the hardihood to say they are not. Being persons, then, women are citizens, and no state has a right to make any new law, or to enforce any old law, that shall abridge their privileges or immunities. Hence, every discrimination against women in the constitutions and laws of the several states, is today null and void, precisely as is every one against negroes.

Is the right to vote one of the privileges or immunities of citizens? I think the disfranchised ex-rebels, and the ex-state prisoners will all agree with me, that it is not only one of them, but the one without which all the others are nothing. Seek first the kingdom of the ballot, and all things else shall be

given thee, is the political injunction.

Webster, Worcester and Bouvier all define citizen to be a person, in the United States, entitled to vote and hold office.

Prior to the adoption of the thirteenth amendment, by which slavery was forever abolished, and black men transformed from property to persons, the judicial opinions of the country had always been in harmony with these definitions. To be a person was to be a citizen, and to be a citizen was to be a voter.

Associate Justice Washington, in defining the privileges and immunities of the citizen, more than fifty years ago, said: “they included all such privileges as were fundamental in their nature. And among them is the right to exercise the elective franchise, and to hold office.”

Even the “Dred Scott” decision, pronounced by the abolitionists and republicans infamous, because it virtually declared “black men had no rights white men were bound to respect,” gave this true and logical conclusion, that to be one of the people was to be a citizen and a voter.

Chief Judge Daniels said:

There is not, it is believed, to be found in the theories of writers on government, or in any actual experiment heretofore tried, an exposition of the term citizen, which has not been considered as conferring the actual possession and enjoyment of the perfect right of acquisition and enjoyment of an entire equality of privileges, civil and political.

Associate Justice Taney said:

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.

Thus does Judge Taney's decision, which was such a terrible ban to the black man, while he was a slave, now, that he is a person, no longer property, pronounce him a citizen, possessed of an entire equality of privileges, civil and political. And not only the black man, but the black woman, and all women as well.

And it was not until after the abolition of slavery, by which the negroes became free men, hence citizens, that the United States Attorney, General Bates, rendered a contrary opinion. He said:

The constitution uses the word "citizen" only to express the political quality, (not equality mark,) of the individual in his relation to the nation; to declare that he is a member of the body politic, and bound to it by the reciprocal obligations of allegiance on the one side, and protection on the other. The phrase, "a citizen of the United States," without addition or qualification, means neither more nor less than a member of the nation.

Then, to be a citizen of this republic, is no more than to be a subject of an empire. You and I, and all true and patriotic citizens must repudiate this base conclusion. We all know that American citizenship, without addition or qualification, means the possession of equal rights, civil and political. We all know that the crowning glory of every citizen of the United States is, that he can either give or withhold his vote from every law and every legislator under the government.

Did "I am a Roman citizen," mean nothing more than that I am a "member" of the body politic of the republic of Rome, bound to it by the reciprocal obligations of allegiance on the one side, and protection on the other? Ridiculously absurd question, you say. When you, young man, shall travel

abroad, among the monarchies of the old world, and there proudly boast yourself an “American citizen,” will you thereby declare yourself neither more nor less than a “member” of the American nation?

And this opinion of Attorney General Bates, that a black citizen was not a voter, made merely to suit the political exigency of the republican party, in that transition hour between emancipation and enfranchisement, was no less infamous, in spirit or purpose, than was the decision of Judge Taney, that a black man was not one of the people, rendered in the interest and at the behest of the old democratic party, in its darkest hour of subjection to the slave power. Nevertheless, all of the adverse arguments, adverse congressional reports and judicial opinions, thus far, have been based on this purely partisan, time-serving opinion of General Bates, that the normal condition of the citizen of the United States is that of disfranchisement. That only such classes of citizens as have had special legislative guarantee have a legal right to vote.

And if this decision of Attorney General Bates was infamous, as against black men, but yesterday plantation slaves, what shall we pronounce upon Judge Bingham, in the house of Representatives, and Carpenter, in the Senate of the United States, for citing it against the women of the entire nation, vast numbers of whom are the peers of those honorable gentlemen, themselves, in morals!! intellect, culture, wealth, family—paying taxes on large estates, and contributing equally with them and their sex, in every direction, to the growth, prosperity and well-being of the republic? And what shall be said of the judicial opinions of Judges Carter, Jameson, McKay and Sharswood, all based upon this aristocratic, monarchial idea, of the right of one class to govern another?

I am proud to mention the names of the two United States Judges who have given opinions honorable to our republican idea, and honorable to themselves—Judge Howe, of Wyoming Territory, and Judge Underwood, of Virginia.

The former gave it as his opinion a year ago, when the Legislature seemed likely to revoke the law enfranchising the women of that territory, that, in case they succeeded, the women would still possess the right to vote under the fourteenth amendment.

Judge Underwood, of Virginia, in noticing the recent decision of Judge Carter, of the Supreme Court of the District of Columbia, denying to women the right to vote, under the fourteenth and fifteenth amendment, says;

If the people of the United States, by amendment of their constitution, could expunge, without any explanatory or assisting legislation, an adjective of five letters from all state and local constitutions, and thereby raise millions of our most ignorant fellow-citizens to all of the rights and privileges of electors, why should not the same people, by the same amendment, expunge an adjective of four letters from the same state and local constitutions, and thereby raise other millions of more educated and better informed citizens to equal rights and privileges, without explanatory or assisting legislation?

If the fourteenth amendment does not secure to all citizens the right to vote, for what purpose was that grand old charter of the fathers lumbered with its unwieldy proportions? The republican party, and Judges Howard and Bingham, who drafted the document, pretended it was to do something for black men; and if that something was not to secure them in their right to vote and hold office, what could it have been? For, by the thirteenth amendment, black men had become people, and hence were entitled to all the privileges and immunities of the government, precisely as were the women of the country, and foreign men not naturalized. According to Associate Justice Washington, they already had the

Protection of the government, the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety, subject to such restraints as the government may justly prescribe for the general welfare of the whole; the right of a citizen of one

state to pass through or to reside in any other state for the purpose of trade, agriculture, professional pursuit, or otherwise; to claim the benefit of the writ of habeas corpus, to institute and maintain actions of any kind in the courts of the state; to take, hold, and dispose of property, either real or personal, and an exemption from higher taxes or impositions than are paid by the other citizens of the state.

Thus, you see, those newly freed men were in possession of every possible right, privilege and immunity of the government, except that of suffrage, and hence, needed no constitutional amendment for any other purpose. What right, I ask you, has the Irishman the day after he receives his naturalization papers that he did not possess the day before, save the right to vote and hold office? And the Chinamen, now crowding our Pacific coast, are in precisely the same position. What privilege or immunity has California or Oregon the constitutional right to deny them, save that of the ballot? Clearly, then, if the fourteenth amendment was not to secure to black men their right to vote, it did nothing for them, since they possessed everything else before. But, if it was meant to be a prohibition of the states, to deny or abridge their right to vote—which I fully believe—then it did the same for all persons, white women included, born or naturalized in the United States; for the amendment does not say all male persons of African descent, but all persons are citizens.

The second section is simply a threat to punish the states, by reducing their representation on the floor of Congress, should they disfranchise any of their male citizens, on account of color, and does not allow of the inference that the states may disfranchise from any, or all other causes; nor in any wise weaken or invalidate the universal guarantee of the first section. What rule of law or logic would allow the conclusion, that the prohibition of a crime to one person, on severe pains and penalties, was a sanction of that crime to any and all other persons save that one?

But, however much the doctors of the law may disagree, as to whether people and citizens, in the original constitution, were one and the same, or whether



the privileges and immunities in the fourteenth amendment include the right of suffrage, the question of the citizen's right to vote is settled forever by the fifteenth amendment. "The citizen's right to vote shall not be denied by the United States, nor any state thereof; on account of race, color, or previous condition of servitude." How can the state deny or abridge the right of the citizen, if the citizen does not possess it? There is no escape from the conclusion, that to vote is the citizen's right, and the specifications of race, color, or previous condition of servitude can, in no way, impair the force of the emphatic assertion, that the citizen's right to vote shall not be denied or abridged.

The political strategy of the second section of the fourteenth amendment, failing to coerce the rebel states into enfranchising their negroes, and the necessities of the republican party demanding their votes throughout the South, to ensure the re-election of Grant in 1872, that party was compelled to place this positive prohibition of the fifteenth amendment upon the United States and all the states thereof.

If we once establish the false principle, that United States citizenship does not carry with it the right to vote in every state in this Union, there is no end to the petty freaks and cunning devices, that will be resorted to, to exclude one and another class of citizens from the right of suffrage.

It will not always be men combining to disfranchise all women; native born men combining to abridge the rights of all naturalized citizens, as in Rhode Island. It will not always be the rich and educated who may combine to cut off the poor and ignorant; but we may live to see the poor, hardworking, uncultivated day laborers, foreign and native born, learning the power of the ballot and their vast majority of numbers, combine and amend state constitutions so as to disfranchise the Vanderbilts and A.T. Stewarts, the Conklings and Fentons. It is a poor rule that won't work more ways than one. Establish this precedent, admit the right to deny suffrage to the states, and there is no power to foresee the confusion, discord and disruption that may

await us. There is, and can be, but one safe principle of government—equal rights to all. And any and every discrimination against any class, whether on account of color, race, nativity, sex, property, culture, can but embitter and disaffect that class, and thereby endanger the safety of the whole people.

Clearly, then, the national government must not only define the rights of citizens, but it must stretch out its powerful hand and protect them in every state in this Union.

But if you will insist that the fifteenth amendment's emphatic interdiction against robbing United States citizens of their right to vote, "on account of race, color, or previous condition of servitude," is a recognition of the right, either of the United States, or any state, to rob citizens of that right, for any or all other reasons, I will prove to you that the class of citizens for which I now plead, and to which I belong, may be, and are, by all the principles of our government, and many of the laws of the states, included under the term "previous condition of servitude."

First.—The married women and their legal status. What is servitude? "The condition of a slave." What is a slave? "A person who is robbed of the proceeds of his labor; a person who is subject to the will of another."

By the law of Georgia, South Carolina, and all the states of the South, the negro had no right to the custody and control of his person. He belonged to his master. If he was disobedient, the master had the right to use correction. If the negro didn't like the correction, and attempted to run away, the master had a right to use coercion to bring him back.

By the law of every state in this Union to-day, North as well as South, the married woman has no right to the custody and control of her person. The wife belongs to her husband; and if she refuses obedience to his will, he may use moderate correction, and if she doesn't like his moderate correction, and attempts to leave his "bed and board," the husband may use moderate

coercion to bring her back. The little word “moderate,” you see, is the saving clause for the wife, and would doubtless be overstepped should her offended husband administer his correction with the “cat-o’-nine-tails,” or accomplish his coercion with blood-hounds.

Again, the slave had no right to the earnings of his hands, they belonged to his master; no right to the custody of his children, they belonged to his master; no right to sue or be sued, or testify in the courts. If he committed a crime, it was the master who must sue or be sued.

In many of the states there has been special legislation, giving to married women the right to property inherited, or received by bequest, or earned by the pursuit of any avocation outside of the home; also, giving her the right to sue and be sued in matters pertaining to such separate property; but not a single state of this Union has ever secured the wife in the enjoyment of her right to the joint ownership of the joint earnings of the marriage copartnership. And since, in the nature of things, the vast majority of married women never earn a dollar, by work outside of their families, nor inherit a dollar from their fathers, it follows that from the day of their marriage to the day of the death of their husbands, not one of them ever has a dollar, except it shall please her husband to let her have it.

In some of the states, also, there have been laws passed giving to the mother a joint right with the father in the guardianship of the children. But twenty years ago, when our woman’s rights movement commenced, by the laws of the State of New York, and all the states, the father had the sole custody and control of the children. No matter if he were a brutal, drunken libertine, he had the legal right, without the mother’s consent, to apprentice her sons to rumsellers, or her daughters to brothel keepers. He could even will away an unborn child, to some other person than the mother. And in many of the states the law still prevails, and the mothers are still utterly powerless under the common law.

I doubt if there is, to-day, a State in this Union where a married woman can sue or be sued for slander of character, and until quite recently there was not one in which she could sue or be sued for injury of person. However damaging to the wife's reputation any slander may be, she is wholly powerless to institute legal proceedings against her accuser, unless her husband shall join with her; and how often have we heard of the husband conspiring with some outside barbarian to blast the good name of his wife? A married woman cannot testify in courts in cases of joint interest with her husband. A good farmer's wife near Earlville, Ill., who had all the rights she wanted, went to a dentist of the village and had a full set of false teeth, both upper and under. The dentist pronounced them an admirable fit, and the wife declared they gave her fits to wear them; that she could neither chew nor talk with them in her mouth. The dentist sued the husband; his counsel brought the wife as witness; the judge ruled her off the stand, saying "a married woman cannot be a witness in matters of joint interest between herself and her husband." Think of it, ye good wives, the false teeth in your mouths are joint interest with your husbands, about which you are legally incompetent to speak! If in our frequent and shocking railroad accidents a married woman is injured in her person, in nearly all of the States, it is her husband who must sue the company, and it is to her husband that the damages, if there are any, will be awarded. In Ashfield, Mass., supposed to be the most advanced of any State in the Union in all things, humanitarian as well as intellectual, a married woman was severely injured by a defective sidewalk. Her husband sued the corporation and recovered \$13,000 damages. And those \$13,000 belong to him bona fide; and whenever that unfortunate wife wishes a dollar of it to supply her needs she must ask her husband for it; and if the man be of a narrow, selfish, niggardly nature, she will have to hear him say, every time, "What have you done, my dear, with the twenty-five cents I gave you yesterday?" Isn't such a position, I ask you, humiliating enough to be called "servitude"? That husband, as would any other husband, in nearly every State of this Union, sued and obtained damages for the loss of the services of his wife, precisely as the master, under the old slave regime, would have done,

had his slave been thus injured, and precisely as he himself would have done had it been his ox, cow or horse instead of his wife.

There is an old saying that “a rose by any other name would smell as sweet,” and I submit if the deprivation by law of the ownership of one’s own person, wages, property, children, the denial of the right as an individual, to sue and be sued, and to testify in the courts, is not a condition of servitude most bitter and absolute, though under the sacred name of marriage?

Does any lawyer doubt my statement of the legal status of married women? I will remind him of the fact that the old common law of England prevails in every State in this Union, except where the Legislature has enacted special laws annulling it. And I am ashamed that not one State has yet blotted from its statute books the old common law of marriage, by which Blackstone, summed up in the fewest words possible, is made to say, “husband and wife are one, and that one is the husband.”

Thus may all married women, wives and widows, by the laws of the several States, be technically included in the fifteenth amendment’s specification of “condition of servitude,” present or previous. And not only married women, but I will also prove to you that by all the great fundamental principles of our free government, the entire womanhood of the nation is in a “condition of servitude” as surely as were our revolutionary fathers, when they rebelled against old King George. Women are taxed without representation, governed without their consent, tried, convicted and punished without a jury of their peers. And is all this tyranny any less humiliating and degrading to women under our democratic-republican government to-day than it was to men under their aristocratic, monarchical government one hundred years ago? There is not an utterance of old John Adams, John Hancock or Patrick Henry, but finds a living response in the soul of every intelligent, patriotic woman of the nation. Bring to me a common-sense woman property holder, and I will show you one whose soul is fired with all the indignation of 1776 every time the tax-gatherer presents himself at her door. You will not find one such but feels

her condition of servitude as galling as did James Otis when he said:

The very act of taxing exercised over those who are not represented appears to me to be depriving them of one of their most essential rights, and if continued, seems to be in effect an entire disfranchisement of every civil right. For, what one civil right is worth a rush after a man's property is subject to be taken from him at pleasure without his consent? If a man is not his own assessor in person, or by deputy, his liberty is gone, or he is wholly at the mercy of others.

What was the three-penny tax on tea, or the paltry tax on paper and sugar to which our revolutionary fathers were subjected, when compared with the taxation of the women of this Republic? The orphaned Pixley sisters, six dollars a day, and even the women, who are proclaiming the tyranny of our taxation without representation, from city to city throughout the country, are often compelled to pay a tax for the poor privilege of defending our rights. And again, to show that disfranchisement was precisely the slavery of which the fathers complained, allow me to cite to you old Ben. Franklin, who in those olden times was admitted to be good authority, not merely in domestic economy, but in political as well; he said:

Every man of the commonalty, except infants, insane persons and criminals, is of common right and the law of God, a freeman and entitled to the free enjoyment of liberty. That liberty or freedom consists in having an actual share in the appointment of those who are to frame the laws, and who are to be the guardians of every man's life, property and peace. For the all of one man is as dear to him as the all of another; and the poor man has an equal right, but more need to have representatives in the Legislature than the rich one. That they who have no voice or vote in the electing of representatives, do not enjoy liberty, but are absolutely enslaved to those who have votes and their representatives; for to be enslaved is to have governors whom other men have set over us, and to be subject to laws made by the representatives of others, without having had representatives of our own to give consent in our

behalf.

Suppose I read it with the feminine gender:

That women who have no voice nor vote in the electing of representatives, do not enjoy liberty, but are absolutely enslaved to men who have votes and their representatives; for to be enslaved is to have governors whom men have set over us, and to be subject to the laws made by the representatives of men, without having representatives of our own to give consent in our behalf.

And yet one more authority; that of Thomas Paine, than whom not one of the Revolutionary patriots more ably vindicated the principles upon which our government is founded:

The right of voting for representatives is the primary right by which other rights are protected. To take away this right is to reduce man to a state of slavery; for slavery consists in being subject to the will of another; and he that has not a vote in the election of representatives is in this case. The proposal, therefore, to disfranchise any class of men is as criminal as the proposal to take away property.

Is anything further needed to prove woman's condition of servitude sufficiently orthodox to entitle her to the guaranties of the fifteenth amendment?

Is there a man who will not agree with me, that to talk of freedom without the ballot, is mockery—is slavery—to the women of this Republic, precisely as New England's orator Wendell Phillips, at the close of the late war, declared it to be to the newly emancipated black men?

I admit that prior to the rebellion, by common consent, the right to enslave, as well as to disfranchise both native and foreign born citizens, was conceded to the States. But the one grand principle, settled by the war and the

reconstruction legislation, is the supremacy of national power to protect the citizens of the United States in their right to freedom and the elective franchise, against any and every interference on the part of the several States. And again and again, have the American people asserted the triumph of this principle, by their overwhelming majorities for Lincoln and Grant.

The one issue of the last two Presidential elections was, whether the fourteenth and fifteenth amendments should be considered the irrevocable will of the people; and the decision was, they shall be—and that it is not only the right, but the duty of the National Government to protect all United States citizens in the full enjoyment and free exercise of all their privileges and immunities against any attempt of any State to deny or abridge.

And in this conclusion Republicans and Democrats alike agree.

Senator Frelinghuysen said:

The heresy of State rights has been completely buried in these amendments, that as amended, the Constitution confers not only national but State citizenship upon all persons born or naturalized within our limits.

The Call for the national Republican convention said:

Equal suffrage has been engrafted on the national Constitution; the privileges and immunities of American citizenship have become a part of the organic law.

The national Republican platform said:

Complete liberty and exact equality in the enjoyment of all civil, political and public rights, should be established and maintained throughout the Union by efficient and appropriate State and federal legislation.

If that means anything, it is that Congress should pass a law to require the



States to protect women in their equal political rights, and that the States should enact laws making it the duty of inspectors of elections to receive women's votes on precisely the same conditions they do those of men.

Judge Stanley Mathews—a substantial Ohio democrat—in his preliminary speech at the Cincinnati convention, said most emphatically:

The constitutional amendments have established the political equality of all citizens before the law.

President Grant, in his message to Congress March 30th, 1870, on the adoption of the fifteenth amendment, said:

A measure which makes at once four millions of people voters, is indeed a measure of greater importance than any act of the kind from the foundation of the Government to the present time.

How could four millions negroes be made voters if two millions were not included?

The California State Republican convention said:

Among the many practical and substantial triumphs of the principles achieved by the Republican party during the past twelve years, it enumerated with pride and pleasure, the prohibiting of any State from abridging the privileges of any citizen of the Republic, the declaring the civil and political equality of every citizen, and the establishing all these principles in the federal constitution by amendments thereto, as the permanent law.

Benjamin F. Butler, in a recent letter to me, said:

I do not believe anybody in Congress doubts that the Constitution authorizes the right of women to vote, precisely as it authorizes trial by jury and many other like rights guaranteed to citizens.

And again, General Butler said:

It is not laws we want; there are plenty of laws—good enough, too. Administrative ability to enforce law is the great want of the age, in this country especially. Everybody talks of law, law. If everybody would insist on the enforcement of law, the government would stand on a firmer basis, and questions would settle themselves.

And it is upon this just interpretation of the United States Constitution that our National Woman Suffrage Association which celebrates the twenty-fifth anniversary of the woman's rights movement in New York on the 6th of May next, has based all its arguments and action the past five years.

We no longer petition Legislature or Congress to give us the right to vote. We appeal to the women everywhere to exercise their too long neglected "citizen's right to vote." We appeal to the inspectors of election everywhere to receive the votes of all United States citizens as it is their duty to do. We appeal to United States commissioners and marshals to arrest the inspectors who reject the names and votes of United States citizens, as it is their duty to do, and leave those alone who, like our eighth ward inspectors, perform their duties faithfully and well.

We ask the juries to fail to return verdicts of "guilty" against honest, law-abiding, tax-paying United States citizens for offering their votes at our elections. Or against intelligent, worthy young men, inspectors of elections, for receiving and counting such citizens' votes.

We ask the judges to render true and unprejudiced opinions of the law, and wherever there is room for a doubt to give its benefit on the side of liberty and equal rights to women, remembering that "the true rule of interpretation under our national constitution, especially since its amendments, is that anything for human rights is constitutional, everything against human rights unconstitutional."

And it is on this line that we propose to fight our battle for the ballot—all peaceably, but nevertheless persistently through to complete triumph, when all United States citizens shall be recognized as equals before the law.

## CHIEF JOSEPH OF THE NEZ PERCE

### SURRENDERS (1877)

*In 1877 the U.S. government broke its peace treaty with the Wallowa Valley, Oregon, band of the Nez Perce and demanded that they move to a reservation in Idaho. When the tribe refused, the government sent 2,000 soldiers to force them to move. Led by Chief Joseph, the 750 or so Nez Perce went looking for asylum: first with the Crow in Montana, and then when the Crow refused protection, they headed for Canada and Sitting Bull's Sioux tribe. Along the way, they fought and held off the pursuing American army and earned a reputation for benevolence, treating prisoners humanely and buying, rather than stealing, supplies. However, after chasing them more than 1,000 miles, the Americans caught up with Chief Joseph on October 5, 1877, just forty miles from the Canadian border. Chief Joseph and his men were captured, and he delivered an eloquent speech of surrender that earned him a place in history. Chief Joseph was sent first to reservations in Oklahoma and Kansas before being allowed to return home to the Pacific Northwest. He died in 1904.*

tell General Howard I know his heart. What he told me before, I have it in my heart. I am tired of fighting. Our Chiefs are killed; Looking Glass is dead, Ta Hool Hool Shute is dead. The old men are all dead. It is the young men who say yes or no. He who led on the young men is dead. It is cold, and we have no blankets; the little children are freezing to death. My people, some of them, have run away to the hills, and have no blankets, no food. No one knows where they are—perhaps freezing to death. I want to have time to look for my children, and see how many of them I can find. Maybe I shall find them among the dead. Hear me, my Chiefs! I am tired; my heart is sick and sad. From where the sun now stands I will fight no more forever.

## THE DAWES ACT (1887)

*In 1887 President Grover Cleveland signed the Dawes Act into law. Named for Henry Dawes, the Massachusetts senator who wrote it, the act divided up the land on Native American reservations into smaller parcels that would then be owned by individual members of the tribes. Cleveland's hope was that by breaking up the reservations and making Native Americans landowners, they would become self-sufficient farmers and assimilate into white culture. However, many of the reservations were in desert or semidesert areas and, therefore, unsuitable for farming. Plus, certain provisions in the law (including one that said any Native American who failed at farming lost his allotment to the federal government) led to the amount of tribal land in the United States shrinking from 138 million acres in 1887 to just 78 million acres thirteen years later. The Dawes Act remained in effect until 1934, when President Franklin D. Roosevelt signed the Indian Reorganization Act, which, among other things, restored communal reservation land to Native American tribes.*

AN Act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation or any part thereof of such Indians is advantageous for agricultural and grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed if necessary, and to allot the lands in said reservation in severalty to any Indian located thereon in quantities as follows:

To each head of a family, one-quarter of a section;

To each single person over eighteen years of age, one-eighth of a section;

To each orphan child under eighteen years of age, one-eighth of a section;  
and

To each other single person under eighteen years now living, or who may be born prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one-sixteenth of a section:

Provided, That in case there is not sufficient land in any of said reservations to allot lands to each individual of the classes above named in quantities as above provided, the lands embraced in such reservation or reservations shall be allotted to each individual of each of said classes pro rata in accordance with the provisions of this act: And provided further, That where the treaty or act of Congress setting apart such reservation provides the allotment of lands in severalty in quantities in excess of those herein provided, the President, in making allotments upon such reservation, shall allot the lands to each individual Indian belonging thereon in quantity as specified in such treaty or act: And provided further, That when the lands allotted are only valuable for grazing purposes, an additional allotment of such grazing lands, in quantities as above provided, shall be made to each individual.

SEC. 2. That all allotments set apart under the provisions of this act shall be selected by the Indians, heads of families selecting for their minor children, and the agents shall select for each orphan child, and in such manner as to embrace the improvements of the Indians making the selection, where the improvements of two or more Indians have been made on the same legal subdivision of land, unless they shall otherwise agree, a provisional line may be run dividing said lands between them, and the amount to which each is entitled shall be equalized in the assignment of the remainder of the land to which they are entitled under his act: Provided, That if any one entitled to an

allotment shall fail to make a selection within four years after the President shall direct that allotments may be made on a particular reservation, the Secretary of the Interior may direct the agent of such tribe or band, if such there be, and if there be no agent, then a special agent appointed for that purpose, to make a selection for such Indian, which selection shall be allotted as in cases where selections are made by the Indians, and patents shall issue in like manner.

SEC. 3. That the allotments provided for in this act shall be made by special agents appointed by the President for such purpose, and the agents in charge of the respective reservations on which the allotments are directed to be made, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and shall be certified by such agents to the Commissioner of Indian Affairs, in duplicate, one copy to be retained in the Indian Office and the other to be transmitted to the Secretary of the Interior for his action, and to be deposited in the General Land Office.

SEC. 4. That where any Indian not residing upon a reservation, or for whose tribe no reservation has been provided by treaty, act of Congress, or executive order, shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land-office for the district in which the lands are located, to have the same allotted to him or her, and to his or her children, in quantities and manner as provided in this act for Indians residing upon reservations; and when such settlement is made upon unsurveyed lands, the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions as herein provided. And the fees to which the officers of such local land-office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them, from any moneys in the Treasury of the United States not otherwise appropriated, upon a statement of an account in their behalf for such fees by the Commissioner of the General Land Office, and a

certification of such account to the Secretary of the Treasury by the Secretary of the Interior.

SEC. 5. That upon the approval of the allotments provided for in this act by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever: Provided, That the President of the United States may in any case in his discretion extend the period. And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void: Provided, That the law of descent and partition in force in the State or Territory where such lands are situate shall apply thereto after patents therefor have been executed and delivered, except as herein otherwise provided; and the laws of the State of Kansas regulating the descent and partition of real estate shall, so far as practicable, apply to all lands in the Indian Territory which may be allotted in severalty under the provisions of this act: And provided further, That at any time after lands have been allotted to all the Indians of any tribe as herein provided, or sooner if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservation not allotted as such tribe shall, from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress, and the form and



manner of executing such release prescribed by Congress: Provided however, That all lands adapted to agriculture, with or without irrigation so sold or released to the United States by any Indian tribe shall be held by the United States for the sole purpose of securing homes to actual settlers and shall be disposed of by the United States to actual and bona fide settlers only tracts not exceeding one hundred and sixty acres to any one person, on such terms as Congress shall prescribe, subject to grants which Congress may make in aid of education: And provided further, That no patents shall issue therefor except to the person so taking the same as and homestead, or his heirs, and after the expiration of five years occupancy thereof as such homestead; and any conveyance of said lands taken as a homestead, or any contract touching the same, or lieu thereon, created prior to the date of such patent, shall be null and void. And the sums agreed to be paid by the United States as purchase money for any portion of any such reservation shall be held in the Treasury of the United States for the sole use of the tribe or tribes Indians; to whom such reservations belonged; and the same, with interest thereon at three per cent per annum, shall be at all times subject to appropriation by Congress for the education and civilization of such tribe or tribes of Indians or the members thereof. The patents aforesaid shall be recorded in the General Land Office, and afterward delivered, free of charge, to the allottee entitled thereto. And if any religious society or other organization is now occupying any of the public lands to which this act is applicable, for religious or educational work among the Indians, the Secretary of the Interior is hereby authorized to confirm such occupation to such society or organization, in quantity not exceeding one hundred and sixty acres in any one tract, so long as the same shall be so occupied, on such terms as he shall deem just; but nothing herein contained shall change or alter any claim of such society for religious or educational purposes heretofore granted by law. And hereafter in the employment of Indian police, or any other employes in the public service among any of the Indian tribes or bands affected by this act, and where Indians can perform the duties required, those Indians who have availed themselves of the provisions of this act and become citizens of the United

States shall be preferred.

SEC. 6. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law. And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner affecting the right of any such Indian to tribal or other property.

SEC. 7. That in cases where the use of water for irrigation is necessary to render the lands within any Indian reservation available for agricultural purposes, the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations as he may deem necessary to secure a just and equal distribution thereof among the Indians residing upon any such reservation; and no other appropriation or grant of water by any riparian proprietor shall be permitted to the damage of any other riparian proprietor.

SEC. 8. That the provisions of this act shall not extend to the territory occupied by the Cherokees, Creeks, Choctaws, Chickasaws, Seminoles, and Osage, Miamies and Peorias, and Sacs and Foxes, in the Indian Territory, nor to any of the reservations of the Seneca Nation of New York Indians in the State of New York, nor to that strip of territory in the State of Nebraska

adjoining the Sioux Nation on the south added by executive order.

S EC. 9. That for the purpose of making the surveys and resurveys mentioned in section two of this act, there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars, to be repaid proportionately out of the proceeds of the sales of such land as may be acquired from the Indians under the provisions of this act.

S EC. 10. That nothing in this act contained shall be so construed to affect the right and power of Congress to grant the right of way through any lands granted to an Indian, or a tribe of Indians, for railroads or other highways, or telegraph lines, for the public use, or condemn such lands to public uses, upon making just compensation.

S EC. 11. That nothing in this act shall be so construed as to prevent the removal of the Southern Ute Indians from their present reservation in Southwestern Colorado to a new reservation by and with consent of a majority of the adult male members of said tribe.

**JOINT RESOLUTION TO PROVIDE FOR  
ANNEXING THE HAWAIIAN ISLANDS TO  
THE UNITED STATES (1898)**

*The story of Hawaiian annexation began in 1893 when the kingdom's Queen Lili'uokalani drafted a constitution meant to restore governance of the islands to the native Hawaiians, rather than the constitutional government supported by nonnative businessmen (primarily the islands' sugar barons) and politicians. In response, the businessmen and politicians, with the support of the U.S. military, deposed Lili'uokalani in a nonviolent coup and placed her under house arrest. They also instituted a provisional government that petitioned the U.S. government for annexation. Congress passed a resolution, but President Grover Cleveland opposed annexation and refused to sign it. It wasn't until 1898 that pro-annexation William McKinley was elected president, and he signed a new congressional order to annex the islands.*

whereas, the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America, all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States, the absolute fee and ownership of all public, Government, or Crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof, and that all and singular the

property and rights hereinbefore mentioned are vested in the United States of America.

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition: Provided, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

Until Congress shall provide for the government of such islands all the civil, judicial, and military powers exercised by the officers of the existing government in said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

The existing treaties of the Hawaiian Islands with foreign nations shall forthwith cease and determine, being replaced by such treaties as may exist, or as may be hereafter concluded, between the United States and such foreign nations. The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaties so extinguished, and not inconsistent with this joint resolution nor contrary to the Constitution of the United States nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

The public debt of the Republic of Hawaii, lawfully existing at the date of the passage of this joint resolution, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States; but the liability of the United States in this regard shall in no case exceed four million dollars. So long, however, as the existing Government and the present commercial relations of the Hawaiian Islands are continued as hereinbefore, provided said Government shall continue to pay the interest on said debt.

There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

S EC. 1. The President shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the Hawaiian Islands as they shall deem necessary or proper.

S EC. 2. That the commissioners hereinbefore provided for shall be appointed by the President, by and with the advice and consent of the Senate.

S EC. 3. That the sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and to be immediately available, to be expended at the discretion of the President of the United States of America, for the purpose of carrying this joint resolution into effect.

**LETTER OF PROTEST FROM QUEEN  
LILI'UOKALANI OF HAWAII TO THE HOUSE  
OF REPRESENTATIVES (1898)**

*In 1898, Hawaii's last queen, Lili'uokalani, traveled to Washington, D.C., to ask President William McKinley, the U.S. Congress, and the American people to restore governance of the Hawaiian Islands to the native monarchy. Her efforts failed, but she continued to lobby for Hawaiian independence until her death in 1917.*

to the House of Representatives of the United States:

I, Lili'uokalani of Hawaii, named heir apparent on the 10th day of April, 1877, and proclaimed Queen of the Hawaiian Islands on the 29th day of January, 1891, do hereby earnestly and respectfully protest against the assertion of ownership by the United States of America of the so-called Hawaiian Crown Islands amounting to about one million acres and which are my property, and I especially protest against such assertion of ownership as a taking of property without due process of law and without just or other compensation.

Therefore, supplementing my protest of June 17, 1897, I call upon the President and the National Legislature and the People of the United States to do justice in this matter and to restore to me this property, the enjoyment of which is being withheld from me by your Government under what must be a misapprehension of my right and title.

Done at Washington, District of Columbia, United States of America, this nineteenth day of December, in the year one thousand eight hundred and ninety-eight.

**THEODORE ROOSEVELT'S**  
**INAUGURAL ADDRESS**  
**MARCH 4, 1905**

my fellow-citizens, no people on earth have more cause to be thankful than ours, and this is said reverently, in no spirit of boastfulness in our own strength, but with gratitude to the Giver of Good who has blessed us with the conditions which have enabled us to achieve so large a measure of well-being and of happiness. To us as a people it has been granted to lay the foundations of our national life in a new continent. We are the heirs of the ages, and yet we have had to pay few of the penalties which in old countries are exacted by the dead hand of a bygone civilization. We have not been obliged to fight for our existence against any alien race; and yet our life has called for the vigor and effort without which the manlier and hardier virtues wither away. Under such conditions it would be our own fault if we failed; and the success which we have had in the past, the success which we confidently believe the future will bring, should cause in us no feeling of vainglory, but rather a deep and abiding realization of all which life has offered us; a full acknowledgment of the responsibility which is ours; and a fixed determination to show that under a free government a mighty people can thrive best, alike as regards the things of the body and the things of the soul.

Much has been given us, and much will rightfully be expected from us. We have duties to others and duties to ourselves; and we can shirk neither. We have become a great nation, forced by the fact of its greatness into relations with the other nations of the earth, and we must behave as beseems a people with such responsibilities. Toward all other nations, large and small, our attitude must be one of cordial and sincere friendship. We must show not only in our words, but in our deeds, that we are earnestly desirous of securing their good will by acting toward them in a spirit of just and generous recognition of all their rights. But justice and generosity in a nation, as in an individual, count most when shown not by the weak but by the strong. While ever careful to refrain from wrongdoing others, we must be no less insistent



that we are not wronged ourselves. We wish peace, but we wish the peace of justice, the peace of righteousness. We wish it because we think it is right and not because we are afraid. No weak nation that acts manfully and justly should ever have cause to fear us, and no strong power should ever be able to single us out as a subject for insolent aggression.

Our relations with the other powers of the world are important; but still more important are our relations among ourselves. Such growth in wealth, in population, and in power as this nation has seen during the century and a quarter of its national life is inevitably accompanied by a like growth in the problems which are ever before every nation that rises to greatness. Power invariably means both responsibility and danger. Our forefathers faced certain perils which we have outgrown. We now face other perils, the very existence of which it was impossible that they should foresee. Modern life is both complex and intense, and the tremendous changes wrought by the extraordinary industrial development of the last half century are felt in every fiber of our social and political being. Never before have men tried so vast and formidable an experiment as that of administering the affairs of a continent under the forms of a Democratic republic. The conditions which have told for our marvelous material well-being, which have developed to a very high degree our energy, self-reliance, and individual initiative, have also brought the care and anxiety inseparable from the accumulation of great wealth in industrial centers. Upon the success of our experiment much depends, not only as regards our own welfare, but as regards the welfare of mankind. If we fail, the cause of free self-government throughout the world will rock to its foundations, and therefore our responsibility is heavy, to ourselves, to the world as it is to-day, and to the generations yet unborn. There is no good reason why we should fear the future, but there is every reason why we should face it seriously, neither hiding from ourselves the gravity of the problems before us nor fearing to approach these problems with the unbending, unflinching purpose to solve them aright.

Yet, after all, though the problems are new, though the tasks set before us

differ from the tasks set before our fathers who founded and preserved this Republic, the spirit in which these tasks must be undertaken and these problems faced, if our duty is to be well done, remains essentially unchanged. We know that self-government is difficult. We know that no people needs such high traits of character as that people which seeks to govern its affairs aright through the freely expressed will of the freemen who compose it. But we have faith that we shall not prove false to the memories of the men of the mighty past. They did their work, they left us the splendid heritage we now enjoy. We in our turn have an assured confidence that we shall be able to leave this heritage unwasted and enlarged to our children and our children's children. To do so we must show, not merely in great crises, but in the everyday affairs of life, the qualities of practical intelligence, of courage, of hardihood, and endurance, and above all the power of devotion to a lofty ideal, which made great the men who founded this Republic in the days of Washington, which made great the men who preserved this Republic in the days of Abraham Lincoln.

**16TH AMENDMENT TO THE U.S.**  
**CONSTITUTION: FEDERAL INCOME TAX**  
**(PASSED 1909, RATIFIED 1913)**

sixty-first Congress of the United States of America, At the First Session,

Begun and held at the City of Washington on Monday, the fifteenth day of March, one thousand nine hundred and nine.

**JOINT RESOLUTION**

Proposing an amendment to 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 each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislature of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

“ARTICLE XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.”

## WOODROW WILSON'S FOURTEEN POINTS

(1918)

*In January 1918, President Woodrow Wilson delivered a speech to Congress in which he outlined “fourteen points” that he believed were needed to achieve peace after the fighting in World War I. He intended for the fourteen points to be used as a framework for the treaty that ended the war, but during the negotiations, Wilson discovered that America’s allies in that war (England, France, and Italy) instead wanted to punish their enemies (Germany and Austria-Hungary). In the end, Wilson’s suggestions were abandoned in favor of a more punitive treaty, but the fourteenth point, which called for a world organization dedicated to maintaining world peace, led to the creation of the League of Nations. The United States never joined the league, but thirty years later, the country did join its successor: the United Nations.*

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 Russian representatives and 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 of the ninth 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 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 it 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 interest 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 that 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.

**19TH AMENDMENT TO THE  
U.S. CONSTITUTION:  
WOMEN' S RIGHT TO VO TE (1920)**

sixty-sixth Congress of the United States of America; At the First Session,  
Begun and held at the City of Washington on Monday, the nineteenth day of  
May, one thousand nine hundred and nineteen.

**J O I N T R E S O L U T I O N**

Proposing an amendment to the Constitution extending the right of suffrage  
to women.

R E S O L V E D by the Senate and House of Representatives of the United States  
of America in Congress assembled (two-thirds of each House concurring  
therein), That the following article is proposed as an amendment to the  
Constitution, which shall be valid to all intents and purposes as part of the  
Constitution when ratified by the legislature of three-fourths of the several  
States.

“A R T I C L E \_\_\_\_\_.

“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 sex.

Congress shall have power to enforce this article by appropriate legislation.”

## FDR PROPOSES THE NEW DEAL (1932)

*During the 1932 presidential campaign, in response to the devastation of the Great Depression, Democratic candidate Franklin Delano Roosevelt proposed a sweeping economic program that came to be known as the New Deal. It would reduce unemployment, boost the American economy, and provide assistance to the poor. In July 1932, Roosevelt laid out his New Deal proposal at the Democratic National Convention. Four months later in the general election, Roosevelt defeated incumbent president Herbert Hoover in a landslide, and the country began its slow climb back to economic prosperity.*

chairman Walsh, my friends of the Democratic National Convention of 1932:

I appreciate your willingness after these six arduous days to remain here, for I know well the sleepless hours which you and I have had. I regret that I am late, but I have no control over the winds of Heaven and could only be thankful for my Navy training.

The appearance before a National Convention of its nominee for President, to be formally notified of his selection, is unprecedented and unusual, but these are unprecedented and unusual times. I have started out on the tasks that lie ahead by breaking the absurd traditions that the candidate should remain in professed ignorance of what has happened for weeks until he is formally notified of that event many weeks later.

My friends, may this be the symbol of my intention to be honest and to avoid all hypocrisy or sham, to avoid all silly shutting of the eyes to the truth in this campaign. You have nominated me and I know it, and I am here to thank you for the honor. Let it also be symbolic that in so doing I broke traditions.

Let it be from now on the task of our Party to break foolish traditions. We will break foolish traditions and leave it to the Republican leadership, far

more skilled in that art, to break promises.

Let us now and here highly resolve to resume the country's interrupted march along the path of real progress, of real justice, of real equality for all of our citizens, great and small. Our indomitable leader in that interrupted march is no longer with us, but there still survives today his spirit. Many of his captains, thank God, are still with us, to give us wise counsel. Let us feel that in everything we do there still lives with us, if not the body, the great indomitable, unquenchable, progressive soul of our Commander-in-Chief, Woodrow Wilson.

I have many things on which I want to make my position clear at the earliest possible moment in this campaign. That admirable document, the platform which you have adopted, is clear. I accept it 100 percent.

And you can accept my pledge that I will leave no doubt or ambiguity on where I stand on any question of moment in this campaign.

As we enter this new battle, let us keep always present with us some of the ideals of the Party: The fact that the Democratic Party by tradition and by the continuing logic of history, past and present, is the bearer of liberalism and of progress and at the same time of safety to our institutions. And if this appeal fails, remember well, my friends, that a resentment against the failure of Republican leadership—and note well that in this campaign I shall not use the word “Republican Party,” but I shall use, day in and day out, the words, “Republican leadership”—the failure of Republican leaders to solve our troubles may degenerate into unreasoning radicalism.

The great social phenomenon of this depression, unlike others before it, is that it has produced but a few of the disorderly manifestations that too often attend upon such times.

Wild radicalism has made few converts, and the greatest tribute that I can pay

to my countrymen is that in these days of crushing want there persists an orderly and hopeful spirit on the part of the millions of our people who have suffered so much. To fail to offer them a new chance is not only to betray their hopes but to misunderstand their patience.

To meet by reaction that danger of radicalism is to invite disaster. Reaction is no barrier to the radical. It is a challenge, a provocation. The way to meet that danger is to offer a workable program of reconstruction, and the party to offer it is the party with clean hands. This, and this only, is a proper protection against blind reaction on the one hand and an improvised, hit-or-miss, irresponsible opportunism on the other.

There are two ways of viewing the Government's duty in matters affecting economic and social life. The first sees to it that a favored few are helped and hopes that some of their prosperity will leak through, sift through, to labor, to the farmer, to the small business man. That theory belongs to the party of Toryism, and I had hoped that most of the Tories left this country in 1776.

But it is not and never will be the theory of the Democratic Party. This is no time for fear, for reaction or for timidity. Here and now I invite those nominal Republicans who find that their conscience cannot be squared with the groping and the failure of their party leaders to join hands with us; here and now, in equal measure, I warn those nominal Democrats who squint at the future with their faces turned toward the past, and who feel no responsibility to the demands of the new time, that they are out of step with their Party.

Yes, the people of this country want a genuine choice this year, not a choice between two names for the same reactionary doctrine. Ours must be a party of liberal thought, of planned action, of enlightened international outlook, and of the greatest good to the greatest number of our citizens.

Now it is inevitable—and the choice is that of the times—it is inevitable that the main issue of this campaign should revolve about the clear fact of our

economic condition, a depression so deep that it is without precedent in modern history. It will not do merely to state, as do Republican leaders to explain their broken promises of continued inaction, that the depression is worldwide. That was not their explanation of the apparent prosperity of 1928. The people will not forget the claim made by them then that prosperity was only a domestic product manufactured by a Republican President and a Republican Congress. If they claim paternity for the one they cannot deny paternity for the other.

I cannot take up all the problems today. I want to touch on a few that are vital. Let us look a little at the recent history and the simple economics, the kind of economics that you and I and the average man and woman talk.

In the years before 1929 we know that this country had completed a vast cycle of building and inflation; for ten years we expanded on the theory of repairing the wastes of the War, but actually expanding far beyond that, and also beyond our natural and normal growth. Now it is worth remembering, and the cold figures of finance prove it, that during that time there was little or no drop in the prices that the consumer had to pay, although those same figures proved that the cost of production fell very greatly; corporate profit resulting from this period was enormous; at the same time little of that profit was devoted to the reduction of prices. The consumer was forgotten. Very little of it went into increased wages; the worker was forgotten, and by no means an adequate proportion was even paid out in dividends—the stockholder was forgotten.

And, incidentally, very little of it was taken by taxation to the beneficent Government of those years.

What was the result? Enormous corporate surpluses piled up—the most stupendous in history. Where, under the spell of delirious speculation, did those surpluses go? Let us talk economics that the figures prove and that we can understand. Why, they went chiefly in two directions: first, into new and



unnecessary plants which now stand stark and idle; and second, into the call-money market of Wall Street, either directly by the corporations, or indirectly through the banks. Those are the facts. Why blink at them?

Then came the crash. You know the story. Surpluses invested in unnecessary plants became idle. Men lost their jobs; purchasing power dried up; banks became frightened and started calling loans. Those who had money were afraid to part with it. Credit contracted. Industry stopped. Commerce declined, and unemployment mounted.

And there we are today.

Translate that into human terms. See how the events of the past three years have come home to specific groups of people: first, the group dependent on industry; second, the group dependent on agriculture; third, and made up in large part of members of the first two groups, the people who are called “small investors and depositors.” In fact, the strongest possible tie between the first two groups, agriculture and industry, is the fact that the savings and to a degree the security of both are tied together in that third group—the credit structure of the Nation.

Never in history have the interests of all the people been so united in a single economic problem. Picture to yourself, for instance, the great groups of property owned by millions of our citizens, represented by credits issued in the form of bonds and mortgages—Government bonds of all kinds, Federal, State, county, municipal; bonds of industrial companies, of utility companies; mortgages on real estate in farms and cities, and finally the vast investments of the Nation in the railroads. What is the measure of the security of each of those groups? We know well that in our complicated, interrelated credit structure if any one of these credit groups collapses they may all collapse. Danger to one is danger to all.

How, I ask, has the present Administration in Washington treated the

interrelationship of these credit groups? The answer is clear: It has not recognized that interrelationship existed at all. Why, the Nation asks, has Washington failed to understand that all of these groups, each and every one, the top of the pyramid and the bottom of the pyramid, must be considered together, that each and every one of them is dependent on every other; each and every one of them affecting the whole financial fabric?

Statesmanship and vision, my friends, require relief to all at the same time.

Just one word or two on taxes, the taxes that all of us pay toward the cost of Government of all kinds.

I know something of taxes. For three long years I have been going up and down this country preaching that Government—Federal and State and local—costs too much. I shall not stop that preaching. As an immediate program of action we must abolish useless offices. We must eliminate unnecessary functions of Government—functions, in fact, that are not definitely essential to the continuance of Government. We must merge, we must consolidate subdivisions of Government, and, like the private citizen, give up luxuries which we can no longer afford.

By our example at Washington itself, we shall have the opportunity of pointing the way of economy to local government, for let us remember well that out of every tax dollar in the average State in this Nation, 40 cents enter the treasury in Washington, D.C., 10 or 12 cents only go to the State capitals, and 48 cents are consumed by the costs of local government in counties and cities and towns.

I propose to you, my friends, and through you, that Government of all kinds, big and little, be made solvent and that the example be set by the President of the United States and his Cabinet.

And talking about setting a definite example, I congratulate this convention

for having had the courage fearlessly to write into its declaration of principles what an overwhelming majority here assembled really thinks about the 18th Amendment. This convention wants repeal. Your candidate wants repeal. And I am confident that the United States of America wants repeal.

Two years ago the platform on which I ran for Governor the second time contained substantially the same provision. The overwhelming sentiment of the people of my State, as shown by the vote of that year, extends, I know, to the people of many of the other States. I say to you now that from this date on the 18th Amendment is doomed. When that happens, we as Democrats must and will, rightly and morally, enable the States to protect themselves against the importation of intoxicating liquor where such importation may violate their State laws. We must rightly and morally prevent the return of the saloon.

To go back to this dry subject of finance, because it all ties in together—the 18th Amendment has something to do with finance, too—in a comprehensive planning for the reconstruction of the great credit groups, including Government credit, I list an important place for that prize statement of principle in the platform here adopted calling for the letting in of the light of day on issues of securities, foreign and domestic, which are offered for sale to the investing public.

My friends, you and I as common-sense citizens know that it would help to protect the savings of the country from the dishonesty of crooks and from the lack of honor of some men in high financial places. Publicity is the enemy of crookedness. And now one word about unemployment, and incidentally about agriculture. I have favored the use of certain types of public works as a further emergency means of stimulating employment and the issuance of bonds to pay for such public works, but I have pointed out that no economic end is served if we merely build without building for a necessary purpose. Such works, of course, should insofar as possible be self-sustaining if they are to be financed by the issuing of bonds. So as to spread the points of all kinds as widely as possible, we must take definite steps to shorten the

working day and the working week.

Let us use common sense and business sense. Just as one example, we know that a very hopeful and immediate means of relief, both for the unemployed and for agriculture, will come from a wide plan of the converting of many millions of acres of marginal and unused land into timberland through reforestation. There are tens of millions of acres east of the Mississippi River alone in abandoned farms, in cut-over land, now growing up in worthless brush. Why, every European Nation has a definite land policy, and has had one for generations. We have none. Having none, we face a future of soil erosion and timber famine. It is clear that economic foresight and immediate employment march hand in hand in the call for the reforestation of these vast areas.

In so doing, employment can be given to a million men. That is the kind of public work that is self-sustaining, and therefore capable of being financed by the issuance of bonds which are made secure by the fact that the growth of tremendous crops will provide adequate security for the investment.

Yes, I have a very definite program for providing employment by that means. I have done it, and I am doing it today in the State of New York. I know that the Democratic Party can do it successfully in the Nation. That will put men to work, and that is an example of the action that we are going to have.

Now as a further aid to agriculture, we know perfectly well—but have we come out and said so clearly and distinctly?—we should repeal immediately those provisions of law that compel the Federal Government to go into the market to purchase, to sell, to speculate in farm products in a futile attempt to reduce farm surpluses. And they are the people who are talking of keeping Government out of business. The practical way to help the farmer is by an arrangement that will, in addition to lightening some of the impoverishing burdens from his back, do something toward the reduction of the surpluses of staple commodities that hang on the market. It should be our aim to add to

the world prices of staple products the amount of a reasonable tariff protection, to give agriculture the same protection that industry has today.

And in exchange for this immediately increased return I am sure that the farmers of this Nation would agree ultimately to such planning of their production as would reduce the surpluses and make it unnecessary in later years to depend on dumping those surpluses abroad in order to support domestic prices. That result has been accomplished in other Nations; why not in America, too?

Farm leaders and farm economists, generally, agree that a plan based on that principle is a desirable first step in the reconstruction of agriculture. It does not in itself furnish a complete program, but it will serve in great measure in the long run to remove the pall of a surplus without the continued perpetual threat of world dumping. Final voluntary reduction of surplus is a part of our objective, but the long continuance and the present burden of existing surpluses make it necessary to repair great damage of the present by immediate emergency measures.

Such a plan as that, my friends, does not cost the Government any money, nor does it keep the Government in business or in speculation.

As to the actual wording of a bill, I believe that the Democratic Party stands ready to be guided by whatever the responsible farm groups themselves agree on. That is a principle that is sound; and again I ask for action.

One more word about the farmer, and I know that every delegate in this hall who lives in the city knows why I lay emphasis on the farmer. It is because one-half of our population, over 50,000,000 people, are dependent on agriculture; and, my friends, if those 50,000,000 people have no money, no cash, to buy what is produced in the city, the city suffers to an equal or greater extent.

That is why we are going to make the voters understand this year that this Nation is not merely a Nation of independence, but it is, if we are to survive, bound to be a Nation of interdependence—town and city, and North and South, East and West. That is our goal, and that goal will be understood by the people of this country no matter where they live.

Yes, the purchasing power of that half of our population dependent on agriculture is gone. Farm mortgages reach nearly ten billions of dollars today and interest charges on that alone are \$560,000,000 a year. But that is not all. The tax burden caused by extravagant and inefficient local government is an additional factor. Our most immediate concern should be to reduce the interest burden on these mortgages.

Rediscounting of farm mortgages under salutary restrictions must be expanded and should, in the future, be conditioned on the reduction of interest rates. Amortization payments, maturities should likewise in this crisis be extended before rediscount is permitted where the mortgagor is sorely pressed. That, my friends, is another example of practical, immediate relief: Action.

I aim to do the same thing, and it can be done, for the small homeowner in our cities and villages. We can lighten his burden and develop his purchasing power. Take away, my friends, that spectre of too high an interest rate. Take away that spectre of the due date just a short time away. Save homes; save homes for thousands of self-respecting families, and drive out that spectre of insecurity from our midst.

Out of all the tons of printed paper, out of all the hours of oratory, the recriminations, the defenses, the happy-thought plans in Washington and in every State, there emerges one great, simple, crystal-pure fact that during the past ten years a Nation of 120,000,000 people has been led by the Republican leaders to erect an impregnable barbed wire entanglement around its borders through the instrumentality of tariffs which have isolated us from

all the other human beings in all the rest of the round world. I accept that admirable tariff statement in the platform of this convention. It would protect American business and American labor. By our acts of the past we have invited and received the retaliation of other Nations. I propose an invitation to them to forget the past, to sit at the table with us, as friends, and to plan with us for the restoration of the trade of the world.

Go into the home of the business man. He knows what the tariff has done for him. Go into the home of the factory worker. He knows why goods do not move. Go into the home of the farmer. He knows how the tariff has helped to ruin him.

At last our eyes are open. At last the American people are ready to acknowledge that Republican leadership was wrong and that the Democracy is right.

My program, of which I can only touch on these points, is based upon this simple moral principle: the welfare and the soundness of a Nation depend first upon what the great mass of the people wish and need; and second, whether or not they are getting it.

What do the people of America want more than anything else? To my mind, they want two things: work, with all the moral and spiritual values that go with it; and with work, a reasonable measure of security—security for themselves and for their wives and children. Work and security—these are more than words. They are more than facts. They are the spiritual values, the true goal toward which our efforts of reconstruction should lead. These are the values that this program is intended to gain; these are the values we have failed to achieve by the leadership we now have.

Our Republican leaders tell us economic laws—sacred, inviolable, unchangeable—cause panics which no one could prevent. But while they prate of economic laws, men and women are starving. We must lay hold of

the fact that economic laws are not made by nature. They are made by human beings.

Yes, when—not if—when we get the chance, the Federal Government will assume bold leadership in distress relief. For years Washington has alternated between putting its head in the sand and saying there is no large number of destitute people in our midst who need food and clothing, and then saying the States should take care of them, if there are. Instead of planning two and a half years ago to do what they are now trying to do, they kept putting it off from day to day, week to week, and month to month, until the conscience of America demanded action.

I say that while primary responsibility for relief rests with localities now, as ever, yet the Federal Government has always had and still has a continuing responsibility for the broader public welfare. It will soon fulfill that responsibility.

And now, just a few words about our plans for the next four months. By coming here instead of waiting for a formal notification, I have made it clear that I believe we should eliminate expensive ceremonies and that we should set in motion at once, tonight, my friends, the necessary machinery for an adequate presentation of the issues to the electorate of the Nation.

I myself have important duties as Governor of a great State, duties which in these times are more arduous and more grave than at any previous period. Yet I feel confident that I shall be able to make a number of short visits to several parts of the Nation. My trips will have as their first objective the study at first hand, from the lips of men and women of all parties and all occupations, of the actual conditions and needs of every part of an interdependent country.

One word more: Out of every crisis, every tribulation, every disaster, mankind rises with some share of greater knowledge, of higher decency, of purer purpose. Today we shall have come through a period of loose thinking,



descending morals, an era of selfishness, among individual men and women and among Nations. Blame not Governments alone for this. Blame ourselves in equal share. Let us be frank in acknowledgment of the truth that many amongst us have made obeisance to Mammon, that the profits of speculation, the easy road without toil, have lured us from the old barricades. To return to higher standards we must abandon the false prophets and seek new leaders of our own choosing.

Never before in modern history have the essential differences between the two major American parties stood out in such striking contrast as they do today. Republican leaders not only have failed in material things, they have failed in national vision, because in disaster they have held out no hope, they have pointed out no path for the people below to climb back to places of security and of safety in our American life.

Throughout the Nation, men and women, forgotten in the political philosophy of the Government of the last years look to us here for guidance and for more equitable opportunity to share in the distribution of national wealth.

On the farms, in the large metropolitan areas, in the smaller cities and in the villages, millions of our citizens cherish the hope that their old standards of living and of thought have not gone forever. Those millions cannot and shall not hope in vain.

I pledge you, I pledge myself, to a new deal for the American people. Let us all here assembled constitute ourselves prophets of a new order of competence and of courage. This is more than a political campaign; it is a call to arms. Give me your help, not to win votes alone, but to win in this crusade to restore America to its own people.

**FRANKLIN D. ROOSEVELT'S**  
**FIRST INAUGURAL ADDRESS**  
**MARCH 4, 1933**

I am certain that my fellow Americans expect that on my induction into the Presidency I will address them with a candor and a decision which the present situation of our Nation impels. This is preeminently the time to speak the truth, the whole truth, frankly and boldly. Nor need we shrink from honestly facing conditions in our country today. This great Nation will endure as it has endured, will revive and will prosper.

So, first of all, let me assert my firm belief that the only thing we have to fear is fear itself—nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance. In every dark hour of our national life a leadership of frankness and vigor has met with that understanding and support of the people themselves which is essential to victory. I am convinced that you will again give that support to leadership in these critical days.

In such a spirit on my part and on yours we face our common difficulties. They concern, thank God, only material things. Values have shrunk to fantastic levels; taxes have risen; our ability to pay has fallen; government of all kinds is faced by serious curtailment of income; the means of exchange are frozen in the currents of trade; the withered leaves of industrial enterprise lie on every side; farmers find no markets for their produce; the savings of many years in thousands of families are gone. More important, a host of unemployed citizens face the grim problem of existence, and an equally great number toil with little return. Only a foolish optimist can deny the dark realities of the moment.

Yet our distress comes from no failure of substance. We are stricken by no plague of locusts. Compared with the perils which our forefathers conquered because they believed and were not afraid, we have still much to be thankful

for. Nature still offers her bounty and human efforts have multiplied it. Plenty is at our doorstep, but a generous use of it languishes in the very sight of the supply. Primarily this is because the rulers of the exchange of mankind's goods have failed, through their own stubbornness and their own incompetence, have admitted their failure, and abdicated. Practices of the unscrupulous money changers stand indicted in the court of public opinion, rejected by the hearts and minds of men.

True they have tried, but their efforts have been cast in the pattern of an outworn tradition. Faced by failure of credit they have proposed only the lending of more money. Stripped of the lure of profit by which to induce our people to follow their false leadership, they have resorted to exhortations, pleading tearfully for restored confidence. They know only the rules of a generation of self-seekers. They have no vision, and when there is no vision the people perish.

The money changers have fled from their high seats in the temple of our civilization. We may now restore that temple to the ancient truths. The measure of the restoration lies in the extent to which we apply social values more noble than mere monetary profit.

Happiness lies not in the mere possession of money; it lies in the joy of achievement, in the thrill of creative effort. The joy and moral stimulation of work no longer must be forgotten in the mad chase of evanescent profits. These dark days, my friends, will be worth all they cost us if they teach us that our true destiny is not to be ministered unto but to minister to ourselves and to our fellow men.

Recognition of the falsity of material wealth as the standard of success goes hand in hand with the abandonment of the false belief that public office and high political position are to be valued only by the standards of pride of place and personal profit; and there must be an end to a conduct in banking and in business which too often has given to a sacred trust the likeness of callous

and selfish wrongdoing. Small wonder that confidence languishes, for it thrives only on honesty, on honor, on the sacredness of obligations, on faithful protection, on unselfish performance; without them it cannot live.

Restoration calls, however, not for changes in ethics alone. This Nation asks for action, and action now.

Our greatest primary task is to put people to work. This is no unsolvable problem if we face it wisely and courageously. It can be accomplished in part by direct recruiting by the Government itself, treating the task as we would treat the emergency of a war, but at the same time, through this employment, accomplishing greatly needed projects to stimulate and reorganize the use of our natural resources.

Hand in hand with this we must frankly recognize the overbalance of population in our industrial centers and, by engaging on a national scale in a redistribution, endeavor to provide a better use of the land for those best fitted for the land. The task can be helped by definite efforts to raise the values of agricultural products and with this the power to purchase the output of our cities. It can be helped by preventing realistically the tragedy of the growing loss through foreclosure of our small homes and our farms. It can be helped by insistence that the Federal, State, and local governments act forthwith on the demand that their cost be drastically reduced. It can be helped by the unifying of relief activities which today are often scattered, uneconomical, and unequal. It can be helped by national planning for and supervision of all forms of transportation and of communications and other utilities which have a definitely public character. There are many ways in which it can be helped, but it can never be helped merely by talking about it. We must act and act quickly.

Finally, in our progress toward a resumption of work we require two safeguards against a return of the evils of the old order. There must be a strict supervision of all banking and credits and investments; there must be an end

to speculation with other people's money, and there must be provision for an adequate but sound currency.

There are the lines of attack. I shall presently urge upon a new Congress in special session detailed measures for their fulfillment, and I shall seek the immediate assistance of the several States.

Through this program of action we address ourselves to putting our own national house in order and making income balance outgo. Our international trade relations, though vastly important, are in point of time and necessity secondary to the establishment of a sound national economy. I favor as a practical policy the putting of first things first. I shall spare no effort to restore world trade by international economic readjustment, but the emergency at home cannot wait on that accomplishment.

The basic thought that guides these specific means of national recovery is not narrowly nationalistic. It is the insistence, as a first consideration, upon the interdependence of the various elements in all parts of the United States—a recognition of the old and permanently important manifestation of the American spirit of the pioneer. It is the way to recovery. It is the immediate way. It is the strongest assurance that the recovery will endure.

In the field of world policy I would dedicate this Nation to the policy of the good neighbor—the neighbor who resolutely respects himself and, because he does so, respects the rights of others—the neighbor who respects his obligations and respects the sanctity of his agreements in and with a world of neighbors.

If I read the temper of our people correctly, we now realize as we have never realized before our interdependence on each other; that we can not merely take but we must give as well; that if we are to go forward, we must move as a trained and loyal army willing to sacrifice for the good of a common discipline, because without such discipline no progress is made, no

leadership becomes effective. We are, I know, ready and willing to submit our lives and property to such discipline, because it makes possible a leadership which aims at a larger good. This I propose to offer, pledging that the larger purposes will bind upon us all as a sacred obligation with a unity of duty hitherto evoked only in time of armed strife.

With this pledge taken, I assume unhesitatingly the leadership of this great army of our people dedicated to a disciplined attack upon our common problems.

Action in this image and to this end is feasible under the form of government which we have inherited from our ancestors. Our Constitution is so simple and practical that it is possible always to meet extraordinary needs by changes in emphasis and arrangement without loss of essential form. That is why our constitutional system has proved itself the most superbly enduring political mechanism the modern world has ever seen. It has met every stress of vast expansion of territory, of foreign wars, of bitter internal strife, of world relations.

It is to be hoped that the normal balance of executive and legislative authority may be wholly adequate to meet the unprecedented task before us. But it may be that an unprecedented demand and need for undelayed action may call for temporary departure from that normal balance of public procedure.

I am prepared under my constitutional duty to recommend the measures that a stricken nation in the midst of a stricken world may require. These measures, or such other measures as the Congress may build out of its experience and wisdom, I shall seek, within my constitutional authority, to bring to speedy adoption.

But in the event that the Congress shall fail to take one of these two courses, and in the event that the national emergency is still critical, I shall not evade the clear course of duty that will then confront me. I shall ask the Congress

for the one remaining instrument to meet the crisis—broad Executive power to wage a war against the emergency, as great as the power that would be given to me if we were in fact invaded by a foreign foe.

For the trust reposed in me I will return the courage and the devotion that befit the time. I can do no less.

We face the arduous days that lie before us in the warm courage of the national unity; with the clear consciousness of seeking old and precious moral values; with the clean satisfaction that comes from the stern performance of duty by old and young alike. We aim at the assurance of a rounded and permanent national life.

We do not distrust the future of essential democracy. The people of the United States have not failed. In their need they have registered a mandate that they want direct, vigorous action. They have asked for discipline and direction under leadership. They have made me the present instrument of their wishes. In the spirit of the gift I take it.

In this dedication of a Nation we humbly ask the blessing of God. May He protect each and every one of us. May He guide me in the days to come.

## THE SOCIAL SECURITY ACT (1935)

*Between 1933 and 1938, President Franklin Delano Roosevelt's New Deal was enacted in two stages. The first addressed the most pressing issues of the economic crisis: stabilizing the country's banking and financial systems, and providing money to states for relief operations. The second stage, called the Second New Deal, addressed social welfare. This included protecting workers' rights to organize into unions, expanding the government's jobs programs, and the signing of the Social Security Act. This legislation provided many benefits, including unemployment insurance and aid for dependent mothers and children. But it is best known for creating the old-age Social Security system we know today: a federal insurance program that collects taxes from employers and employees, and pays retirees a monthly benefit, in an effort to prevent the abject poverty many American workers perviously experienced in old age.*

AN act to provide for the general welfare by establishing a system of Federal old-age benefits, and by enabling the several States to make more adequate provision for aged persons, blind persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws; to establish a Social Security Board; to raise revenue; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

### **T I T L E I**

### **G R A N T S T O S T A T E S f o r O L D - A G E A S S I S T A N C E**

### **A P P R O P R I A T I O N**

SECTION 1. For the purpose of enabling each State to furnish financial assistance, as far as practicable under the conditions in such State, to aged



needy individuals, there is hereby authorized to be appropriated for the fiscal year ended June 30, 1936, the sum of \$49,750,000, and there is hereby authorized to be appropriated for each fiscal year thereafter a sum sufficient to carry out the purposes of this title. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Social Security Board established by Title VII (hereinafter referred to as the Board), State plans for old-age assistance.

#### STATE OLD-AGE ASSISTANCE PLANS

SEC. 2. (a) A State plan for old-age assistance must

- (1) provide that it shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them;
- (2) provide for financial participation by the State;
- (3) either provide for the establishment or designation of a single State agency to administer the plan, or provide for the establishment or designation of a single State agency to supervise the administration of the plan;
- (4) provide for granting to any individual, whose claim for old-age assistance is denied, an opportunity for a fair hearing before such State agency;
- (5) provide such methods of administration (other than those relating to selection, tenure of office, and compensation of personnel) as are found by the Board to be necessary for the efficient operation of the plan;
- (6) provide that the State agency will make such reports, in such form and containing such information, as the Board may from time to time require, and comply with such provisions as the Board may from time to time find necessary to assure the correctness and verification of such reports; and
- (7) provide that, if the State or any of its political subdivisions collects from

the estate of any recipient of old-age assistance any amount with respect to old-age assistance furnished him under the plan, one-half of the net amount so collected shall be promptly paid to the United States. Any payment so made shall be deposited in the Treasury to the credit of the appropriation for the purposes of this title.

(b) The Board shall approve any plan which fulfills the conditions specified in subsection (a), except that it shall not approve any plan which imposes, as a condition of eligibility for old-age assistance under the plan—

(1) An age requirement of more than sixty-five years, except that the plan may impose, effective until January 1, 1940, an age requirement of as much as seventy years; or

(2) Any residence requirement which excludes any resident of the State who has resided therein five years during the nine years immediately preceding the application for old-age assistance and has resided therein continuously for one year immediately preceding the application; or (3) Any citizenship requirement which excludes any citizen of the United States.

#### PAYMENT TO STATES

SEC. 3. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for old-age assistance, for each quarter, beginning with the quarter commencing July 1, 1935,

(1) an amount, which shall be used exclusively as old-age assistance, equal to one-half of the total of the sums expended during such quarter as old-age assistance under the State plan with respect to each individual who at the time of such expenditure is sixty-five years of age or older and is not an inmate of a public institution, not counting so much of such expenditure with respect to any individual for any month as exceeds \$30, and

(2) 5 per centum of such amount, which shall be used for paying the costs of administering the State plan or for old-age assistance, or both, and for no other purpose: Provided, That the State plan, in order to be approved by the Board, need not provide for financial participation before July 1, 1937, by the State, in the case of any State which the Board, upon application by the State and after reasonable notice and opportunity for hearing to the State, finds is prevented by its constitution from providing such financial participation.

(b) The method of computing and paying such amounts shall be as follows:

(1) The Board shall, prior to the beginning of each quarter, estimate the amount to be paid to the State for such quarter under the provisions of clause (1) of subsection (a), such estimate to be based on

(A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of such clause, and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter, and if such amount is less than one-half of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived,

(B) records showing the number of aged individuals in the State, and

(C) such other investigation as the Board may find necessary.

(2) The Board shall then certify to the Secretary of the Treasury the amount so estimated by the Board, reduced or increased, as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the State under clause (1) of subsection (a) for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the Board for such prior quarter.

(3) The Secretary of the Treasury shall thereupon, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Board, the amount so certified, increased by 5 per centum.

#### OPERATION OF STATE PLANS

SEC. 4. In the case of any State plan for old-age assistance which has been approved by the Board, if the Board, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of such plan, finds—

(1) that the plan has been so changed as to impose any age, residence, or citizenship requirement prohibited by section 2 (b), or that in the administration of the plan any such prohibited requirement is imposed, with the knowledge of such State agency, in a substantial number of cases; or

(2) that in the administration of the plan there is a failure to comply substantially with any provision required by section 2 (a) to be included in the plan; the Board shall notify such State agency that further payments will not be made to the State until the Board is satisfied that such prohibited requirement is no longer so imposed, and that there is no longer any such failure to comply. Until it is so satisfied it shall make no further certification to the Secretary of the Treasury with respect to such State.

#### ADMINISTRATION

SEC. 5. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1936, the sum of \$250,000, for all necessary expenses of the Board in administering the provisions of this title.

#### DEFINITION

SEC. 6. When used in this title the term old age assistance means money

payments to aged individuals.

**TITLE II**  
**FEDERAL OLD-AGE BENEFITS**  
**OLD-AGE RESERVE ACCOUNT**

SECTION 201. (a) There is hereby created an account in the Treasury of the United States to be known as the Old-Age Reserve Account hereinafter in this title called the Account. There is hereby authorized to be appropriated to the Account for each fiscal year, beginning with the fiscal year ending June 30, 1937, an amount sufficient as an annual premium to provide for the payments required under this title, such amount to be determined on a reserve basis in accordance with accepted actuarial principles, and based upon such tables of mortality as the Secretary of the Treasury shall from time to time adopt, and upon an interest rate of 3 per centum per annum compounded annually. The Secretary of the Treasury shall submit annually to the Bureau of the Budget an estimate of the appropriations to be made to the Account.

(b) It shall be the duty of the Secretary of the Treasury to invest such portion of the amounts credited to the Account as is not, in his judgment, required to meet current withdrawals. Such investment may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired

(1) on original issue at par, or

(2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the Account. Such special obligations shall bear interest at the rate of 3 per centum per annum. Obligations other than such special obligations may be acquired for the

Account only on such terms as to provide an investment yield of not less than 3 per centum per annum.

(c) Any obligations acquired by the Account (except special obligations issued exclusively to the Account) may be sold at the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Account shall be credited to and form a part of the Account.

(e) All amounts credited to the Account shall be available for making payments required under this title.

(f) The Secretary of the Treasury shall include in his annual report the actuarial status of the Account.

#### OLD-AGE BENEFIT PAYMENTS

SEC. 202. (a) Every qualified individual (as defined in section 210) shall be entitled to receive, with respect to the period beginning on the date he attains the age of sixty-five, or on January 1, 1942, whichever is the later, and ending on the date of his death, an old-age benefit (payable as nearly as practicable in equal monthly installments) as follows:

(1) If the total wages (as defined in section 210) determined by the Board to have been paid to him, with respect to employment (as defined in section 210) after December 31, 1936, and before he attained the age of sixty-five, were not more than \$3,000, the old-age benefit shall be at a monthly rate of one-half of 1 per centum of such total wages;

(2) If such total wages were more than \$3,000, the old-age benefit shall be at a monthly rate equal to the sum of the following:

(A) One-half of 1 per centum of \$3,000; plus

(B) One-twelfth of 1 per centum of the amount by which such total wages exceeded \$3,000 and did not exceed \$45,000; plus

(C) One-twenty-fourth of 1 per centum of the amount by which such total wages exceeded \$45,000.

(b) In no case shall the monthly rate computed under subsection (a) exceed \$85.

(c) If the Board finds at any time that more or less than the correct amount has theretofore been paid to any individual under this section, then, under regulations made by the Board, proper adjustments shall be made in connection with subsequent payments under this section to the same individual.

(d) Whenever the Board finds that any qualified individual has received wages with respect to regular employment after he attained the age of sixty-five, the old-age benefit payable to such individual shall be reduced, for each calendar month in any part of which such regular employment occurred, by an amount equal to one month's benefit. Such reduction shall be made, under regulations prescribed by the Board, by deductions from one or more payments of old-age benefit to such individual.

#### PAYMENTS UPON DEATH

SEC. 203. (a) If any individual dies before attaining the age of sixty-five, there shall be paid to his estate an amount equal to 3 per centum of the total wages determined by the Board to have been paid to him, with respect to employment after December 31, 1936.

(b) If the Board finds that the correct amount of the old-age benefit payable to a qualified individual during his life under section 202 was less than 3 per

centum of the total wages by which such old-age benefit was measurable, then there shall be paid to his estate a sum equal to the amount, if any, by which such 3 per centum exceeds the amount (whether more or less than the correct amount) paid to him during his life as old-age benefit.

(c) If the Board finds that the total amount paid to a qualified individual under an old-age benefit during his life was less than the correct amount to which he was entitled under section 202, and that the correct amount of such old-age benefit was 3 per centum or more of the total wages by which such old-age benefit was measurable, then there shall be paid to his estate a sum equal to the amount, if any, by which the correct amount of the old-age benefit exceeds the amount which was so paid to him during his life.

#### PAYMENTS TO AGED INDIVIDUALS NOT QUALIFIED FOR BENEFITS

SEC. 204. (a) There shall be paid in a lump sum to any individual who, upon attaining the age of sixty-five, is not a qualified individual, an amount equal to 3 per centum of the total wages determined by the Board to have been paid to him, with respect to employment after December 31, 1936, and before he attained the age of sixty-five.

(b) After any individual becomes entitled to any payment under subsection (a), no other payment shall be made under this title in any manner measured by wages paid to him, except that any part of any payment under subsection (a) which is not paid to him before his death shall be paid to his estate.

#### AMOUNTS OF \$500 OR LESS PAYABLE TO ESTATES.

SEC. 205. If any amount payable to an estate under section 203 or 204 is \$500 or less, such amount may, under regulations prescribed by the Board, be paid to the persons found by the Board to be entitled thereto under the law of the State in which the deceased was domiciled, without the necessity of compliance with the requirements of law with respect to the administration of such estate.



## OVERPAYMENTS DURING LIFE

SEC. 206. If the Board finds that the total amount paid to a qualified individual under an old-age benefit during his life was more than the correct amount to which he was entitled under section 202, and was 3 per centum or more of the total wages by which such old-age benefit was measurable, then upon his death there shall be repaid to the United States by his estate the amount, if any, by which such total amount paid to him during his life exceeds whichever of the following is the greater:

(1) Such 3 per centum, or

(2) the correct amount to which he was entitled under section 202.

## METHOD OF MAKING PAYMENTS

SEC. 207. The Board shall from time to time certify to the Secretary of the Treasury the name and address of each person entitled to receive a payment under this title, the amount of such payment, and the time at which it should be made, and the Secretary of the Treasury through the Division of Disbursement of the Treasury Department, and prior to audit or settlement by the General Accounting Office, shall make payment in accordance with the certification by the Board.

## ASSIGNMENT

SEC. 208. The right of any person to any future payment under this title shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights existing under this title shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

## PENALTIES

SEC. 209. Whoever in any application for any payment under this title makes any false statement as to any material fact, knowing such statement to be false, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

#### DEFINITIONS

SEC. 210. When used in this title—(a) The term wages means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include that part of the remuneration which, after remuneration equal to \$3,000 has been paid to an individual by an employer with respect to employment during any calendar year, is paid to such employer with respect to employment during such calendar year.

(b) The term employment means any service, of whatever nature, performed within the United States by an employee for his employer, except—

- (1) Agricultural labor;
- (2) Domestic service in a private home;
- (3) Casual labor not in the course of the employer's trade or business;
- (4) Service performed as an officer or member of the crew of a vessel documented under the laws of the United States or of any foreign country;
- (5) Service performed in the employ of the United States Government or of an instrumentality of the United States;
- (6) Service performed in the employ of a State, a political subdivision thereof, or an instrumentality of one or more States or political subdivisions;
- (7) Service performed in the employ of a corporation, community chest, fund,

or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(c) The term qualified individual means any individual with respect to whom it appears to the satisfaction of the Board that—

(1) He is at least sixty-five years of age; and

(2) The total amount of wages paid to him, with respect to employment after December 31, 1936, and before he attained the age of sixty-five, was not less than \$2,000; and

(3) Wages were paid to him, with respect to employment on some five days after December 31, 1936, and before he attained the age of sixty-five, each day being in a different calendar year.

### **T I T L E   I I I**

#### **G R A N T S   T O   S T A T E S   F O R   U N E M P L O Y M E N T   C O M P E N S A T I O N**

#### **A D M I N I S T R A T I O N   A P P R O P R I A T I O N**

SECTION 301. For the purpose of assisting the States in the administration of their unemployment compensation laws, there is hereby authorized to be appropriated, for the fiscal year ending June 30, 1936, the sum of \$4,000,000, and for each fiscal year thereafter the sum of \$49,000,000, to be used as hereinafter provided.

#### **P A Y M E N T S   T O   S T A T E S**

SEC. 302. (a) The Board shall from time to time certify to the Secretary of the Treasury for payment to each State which has an unemployment compensation law approved by the Board under Title IX, such amounts as the Board determines to be necessary for the proper administration of such law

during the fiscal year in which such payment is to be made. The Board's determination shall be based on

- (1) the population of the State;
- (2) an estimate of the number of persons covered by the State law and of the cost of proper administration of such law; and
- (3) such other factors as the Board finds relevant. The Board shall not certify for payment under this section in any fiscal year a total amount in excess of the amount appropriated therefor for such fiscal year.

(b) Out of the sums appropriated therefor, the Secretary of the Treasury shall, upon receiving a certification under subsection (a), pay, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, to the State agency charged with the administration of such law the amount so certified.

#### PROVISIONS OF STATE LAWS

SEC. 303. (a) The Board shall make no certification for payment to any State unless it finds that the law of such State, approved by the Board under Title IX, includes provisions for—

- (1) Such methods of administration (other than those relating to selection, tenure of office, and compensation of personnel) as are found by the Board to be reasonably calculated to insure full payment of unemployment compensation when due; and
- (2) Payment of unemployment compensation solely through public employment offices in the State or such other agencies as the Board may approve; and
- (3) Opportunity for a fair hearing, before an impartial tribunal, for all

individuals whose claims for unemployment compensation are denied; and

(4) The payment of all money received in the unemployment fund of such State, immediately upon such receipt, to the Secretary of the Treasury to the credit of the Unemployment Trust Fund established by section 904; and

(5) Expenditure of all money requisitioned by the State agency from the Unemployment Trust Fund, in the payment of unemployment compensation, exclusive of expenses of administration; and

(6) The making of such reports, in such form and containing such information, as the Board may from time to time require, and compliance with such provisions as the Board may from time to time find necessary to assure the correctness and verification of such reports; and

(7) Making available upon request to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of unemployment compensation, and a statement of such recipient's rights to further compensation under such law.

(b) Whenever the Board, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law finds that in the administration of the law there is—

(1) a denial, in a substantial number of cases, of unemployment compensation to individuals entitled thereto under such law; or

(2) a failure to comply substantially with any provision specified in subsection (a); the Board shall notify such State agency that further payments will not be made to the State until the Board is satisfied that there is no longer any such denial or failure to comply. Until it is so satisfied it shall make no further certification to the Secretary of the Treasury with respect to

such State.

#### **TITLE IV**

#### **GRANTS TO STATES FOR AID TO DEPENDENT CHILDREN**

#### **APPROPRIATION**

SECTION 401. For the purpose of enabling each State to furnish financial assistance, as far as practicable under the conditions in such State, to needy dependent children, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1936, the sum of \$24,750,000, and there is hereby authorized to be appropriated for each fiscal year thereafter a sum sufficient to carry out the purposes of this title. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Board, State plans for aid to dependent children.

#### **STATE PLANS FOR AID TO DEPENDENT CHILDREN**

SEC. 402. (a) A State plan for aid to dependent children must

(1) provide that it shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them;

(2) provide for financial participation by the State;

(3) either provide for the establishment or designation of a single State agency to administer the plan, or provide for the establishment or designation of a single State agency to supervise the administration of the plan;

(4) provide for granting to any individual, whose claim with respect to aid to a dependent child is denied, an opportunity for a fair hearing before such State agency;

(5) provide such methods of administration (other than those relating to selection, tenure of office, and compensation of personnel) as are found by

the Board to be necessary for the efficient operation of the plan; and

(6) provide that the State agency will make such reports, in such form and containing such information, as the Board may from time to time require, and comply with such provisions as the Board may from time to time find necessary to assure the correctness and verification of such reports.

(b) The Board shall approve any plan which fulfills the conditions specified in subsection (a) except that it shall not approve any plan which imposes as a condition of eligibility for aid to dependent children, a residence requirement which denies aid with respect to any child residing in the State

(1) who has resided in the State for one year immediately preceding the application for such aid or

(2) who was born within the State within one year immediately preceding the application, if its mother has resided in the State for one year immediately preceding the birth.

#### PAYMENT TO STATES

SEC. 403. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to dependent children, for each quarter, beginning with the quarter commencing July 1, 1935, an amount, which shall be used exclusively for carrying out the State plan, equal to one-third of the total of the sums expended during such quarter under such plan, not counting so much of such expenditure with respect to any dependent child for any month as exceeds \$18, or if there is more than one dependent child in the same home, as exceeds \$18 for any month with respect to one such dependent child and \$12 for such month with respect to each of the other dependent children.

(b) The method of computing and paying such amounts shall be as follows:

(1) The Board shall, prior to the beginning of each quarter, estimate the amount to be paid to the State for such quarter under the provisions of subsection

(a), such estimate to be based on

(A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of such subsection and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter, and if such amount is less than two-thirds of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived,

(B) records showing the number of dependent children in the State, and

(C) such other investigation as the Board may find necessary.

(2) The Board shall then certify to the Secretary of the Treasury the amount so estimated by the Board, reduced or increased, as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the State for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the Board for such prior quarter.

(3) The Secretary of the Treasury shall thereupon, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Board, the amount so certified.

#### OPERATION OF STATE PLANS

SEC. 404. In the case of any State plan for aid to dependent children which



has been approved by the Board, if the Board, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of such plan, finds—

(1) that the plan has been so changed as to impose any residence requirement prohibited by section 402 (b), or that in the administration of the plan any such prohibited requirement is imposed, with the knowledge of such State agency, in a substantial number of cases; or

(2) that in the administration of the plan there is a failure to comply substantially with any provision required by section 402 (a) to be included in the plan; the Board shall notify such State agency that further payments will not be made to the State until the Board is satisfied that such prohibited requirement is no longer so imposed, and that there is no longer any such failure to comply. Until it is so satisfied it shall make no further certification to the Secretary of the Treasury with respect to such State.

#### ADMINISTRATION

S EC. 405. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1936, the sum of \$250,000 for all necessary expenses of the Board in administering the provisions of this title.

#### DEFINITIONS

S EC. 406. When used in this title—

(a) The term dependent child means a child under the age of sixteen who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, or aunt, in a place of residence maintained by one or more of such relatives as his or their own home;

(b) The term aid to dependent children means money payments with respect to a dependent child or dependent children.

## **T I T L E V**

### **G R A N T S T O S T A T E S F O R M A T E R N A L A N D C H I L D W E L F A R E**

#### **P A R T 1—M A T E R N A L A N D C H I L D H E A L T H S E R V I C E S**

##### **A P P R O P R I A T I O N**

SECTION 501. For the purpose of enabling each State to extend and improve, as far as practicable under the conditions in such State, services for promoting the health of mothers and children, especially in rural areas and in areas suffering from severe economic distress, there is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1936, the sum of \$3,800,000. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Chief of the Children's Bureau, State plans for such services.

##### **A L L O T M E N T S T O S T A T E S**

SEC. 502. (a) Out of the sums appropriated pursuant to section 501 for each fiscal year the Secretary of Labor shall allot to each State \$20,000, and such part of \$1,800,000 as he finds that the number of live births in such State bore to the total number of live births in the United States, in the latest calendar year for which the Bureau of the Census has available statistics.

(b) Out of the sums appropriated pursuant to section 501 for each fiscal year the Secretary of Labor shall allot to the States \$980,000 (in addition to the allotments made under subsection (a)), according to the financial need of each State for assistance in carrying out its State plan, as determined by him after taking into consideration the number of live births in such State.

(c) The amount of any allotment to a State under subsection (a) for any fiscal year remaining unpaid to such State at the end of such fiscal year shall be available for payment to such State under section 504 until the end of the second succeeding fiscal year. No payment to a State under section 504 shall be made out of its allotment for any fiscal year until its allotment for the preceding fiscal year has been exhausted or has ceased to be available.

#### APPROVAL OF STATE PLANS

SEC. 503. (a) A State plan for maternal and child-health services must (1) provide for financial participation by the State;

(2) provide for the administration of the plan by the State health agency or the supervision of the administration of the plan by the State health agency;

(3) provide such methods of administration (other than those relating to selection, tenure of office, and compensation of personnel) as are necessary for the efficient operation of the plan;

(4) provide that the State health agency will make such reports, in such form and containing such information, as the Secretary of Labor may from time to time require, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports;

(5) provide for the extension and improvement of local maternal and child-health services administered by local child health units;

(6) provide for cooperation with medical, nursing, and welfare groups and organizations; and

(7) provide for the development of demonstration services in needy areas and among groups in special need.

(b) The Chief of the Children's Bureau shall approve any plan which fulfills

the conditions specified in subsection (a) and shall thereupon notify the Secretary of Labor and the State health agency of his approval.

#### PAYMENT TO STATES

SEC. 504. (a) From the sums appropriate therefor and the allotments available under section 502 (a), the Secretary of the Treasury shall pay to each State which has an approved plan for maternal and child-health services, for each quarter beginning with the quarter commencing July 1935, an amount, which shall be used exclusively for carrying out the State plan, equal to one-half of the total sum expended during such quarter for carrying out such plan.

(b) The method of computing and paying such amounts shall be as follows:

(1) The Secretary of Labor shall, prior the beginning of each quarter, estimate the amount to be paid to the State for such quarter under the provisions of subsection (a), such estimate to be based on

(A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of such subsection and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter, and if such amount is less than one-half of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived, and

(B) such investigation as he may find necessary.

(2) The Secretary of Labor shall then certify the amount so estimated by him to the Secretary of the Treasury, reduced or increased, as the case may be, by any sum by which the Secretary of Labor finds that his estimate for any prior quarter was greater or less than the amount, which should have been paid to the State for such quarter, except to the extent that such sum has been applied

to make the amount certified for any prior quarter greater or less than the amount, estimated by the Secretary of Labor for such prior quarter.

(3) The Secretary of the Treasury shall thereupon, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Secretary of Labor, the amount so certified.

(c) The Secretary of Labor shall from time to time certify to the Secretary of the Treasury the amounts to be paid to the States from the allotments available under section 502 (b), and the Secretary of the Treasury shall, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, make payments of such amounts from such allotments at the time or times specified by the Secretary of Labor.

#### OPERATION OF STATE PLANS

SEC. 505. In the case of any State plan for maternal and child-health services which has been approved by the Chief of the Children's Bureau, if the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of such plan, finds that in the administration of the plan there is a failure to comply substantially with any provision required by section 503 to be included in the plan, he shall notify such State agency that further payments will not be made to the State until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied he shall make no further certification to the Secretary of the Treasury with respect to such State.

#### PART 2—SERVICES FOR CRIPPLED CHILDREN APPROPRIATION

SEC. 511. For the purpose of enabling each State to extend and improve (especially in rural areas and in areas suffering from severe economic

distress), as far as practicable under the conditions in such State, services for locating crippled children and for providing medical, surgical, corrective, and other services and care, and facilities for diagnosis, hospitalization, and aftercare, for children who are crippled or who are suffering from conditions which lead to crippling, there is hereby authorized to be appropriated for each fiscal year beginning with the fiscal year ending June 30, 1936, the sum of \$2,850,000. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Chief of the Children's Bureau, State plans for such services.

#### ALLOTMENTS TO STATES

SEC. 512. (a) Out of the sums appropriated pursuant to section 511 for each fiscal year the Secretary of Labor shall allot to each State \$20,000, and the remainder to the States according to the need of each State as determined by him after taking into consideration the number of crippled children in such State in need of the services referred to section 511 and the cost of furnishing such service to them

(b) The amount of any allotment to a State under subsection (a) for any fiscal year remaining unpaid to such State at the end of such fiscal year shall be available for payment to such State under section 514 until the end of the second succeeding fiscal year. No payment to a State under section 514 shall be made out of its allotment for any fiscal year until its allotment for the preceding fiscal year has been exhausted or has ceased to be available.

#### APPROVAL OF STATE PLANS

SEC. 513. (a) A State plan for services for crippled children must

- (1) provide for financial participation by the State;
- (2) provide for the administration of the plan by a State agency or the supervision of the administration of the plan by a State agency;

(3) provide such methods of administration (other than those relating to selection, tenure of office, and compensation of personnel) as are necessary for the efficient operation of the plan;

(4) provide that the State agency will make such reports, in such form and containing such information, as the Secretary of Labor may from time to time require, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports;

(5) provide for carrying out the purposes specified in section 511; and

(6) provide for cooperation with medical, health, nursing, and welfare groups and organizations and with any agency in such State charged with administering State laws providing for vocational rehabilitation of physically handicapped children.

(b) The Chief of the Children's Bureau shall approve any plan which fulfills the conditions specified in subsection (a) and shall thereupon notify the Secretary of Labor and the State agency of his approval.

#### PAYMENT TO STATES

SEC. 514. (a) From the sums appropriated therefor and the allotments available under section 512, the Secretary of the Treasury shall pay to each State which has an approved plan for services for crippled children, for each quarter, beginning the quarter commencing July 1, 1935, an amount which shall be used exclusively for carrying out the State plan, equal to one-half of the total sum expended during such quarter for carrying out such plan.

(b) The method of computing and paying such amounts shall be as follows:

(1) The Secretary of Labor shall, prior the beginning of each quarter, estimate the amount to be paid to the State for such quarter under the provisions of subsection (a), such estimate to be based on

(A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of such subsection and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter and if such amount is less than one-half of the total sum of such estimated expenditures the source or sources from which the difference is expected to be derived, and

(B) such investigation as he may find necessary.

(2) The Secretary of Labor shall then certify the amount so estimated by him to the Secretary of the Treasury, reduced or increased as the case may be, by any sum by which the Secretary of Labor finds that his estimate for any prior quarter was greater or less than the amount which should have been paid to the State for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the Secretary of Labor for such prior quarter.

(3) The Secretary of the Treasury shall thereupon, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Secretary of Labor, the amount so certified.

#### OPERATION OF STATE PLANS

SEC. 515. In the case of any State plan for services for crippled children which has been approved by the Chief of the Children's Bureau, if the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of such plan finds that in the administration of the plan there a failure to comply substantially with any provision required by section 513 to be included in the plan, he shall notify such State agency that further payments will not be made to the State until he is satisfied that there is no longer any such failure to



comply. Until he is so satisfied he shall make no further certification to the Secretary of the Treasury with respect to such State.

### PART 3—CHILD WELFARE SERVICES

SEC. 521. (a) For the purpose of enabling the United States, through the Children's Bureau, to cooperate with State public-welfare agencies establishing, extending, and strengthening, especially in predominantly rural areas, public-welfare services (hereinafter in this section referred to as child-welfare services) for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent, there is hereby authorized to be appropriated for each fiscal year, beginning with the year ending June 30, 1936, the sum of \$1,500,000. Such amount shall be allotted by the Secretary of Labor for use by cooperating State public-welfare agencies on the basis of plans developed jointly by the State agency and the Children's Bureau, to each State, \$10,000, and the remainder to each State on the basis of such plans, not to exceed such part of the remainder as the rural population of such State bears to the total rural population of the United States. The amount so allotted shall be expended for payment of part of the cost of district, county or other local child-welfare services in areas predominantly rural, and for developing State services for the encouragement and assistance of adequate methods of community child-welfare organization in areas predominantly rural and other areas of special need. The amount of any allotment to a State under this section for any fiscal year remaining unpaid to such State at the end of such fiscal year shall be available for payment to such State under this section until the end of the second succeeding fiscal year. No payment to a State under this section shall be made out of its allotment for any fiscal year until its allotment for the preceding fiscal year has been exhausted or has ceased to be available.

(b) From the sums appropriated therefor and the allotments available under subsection (a) the Secretary of Labor shall from time to time certify to the Secretary of the Treasury the amounts to be paid to the States, and the

Secretary of the Treasury shall, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, make payments of such amounts from such allotments at the time or times specified by the Secretary of Labor.

#### PART 4—VOCATIONAL REHABILITATION

SEC. 531. (a) In order to enable the United States to cooperate with the States and Hawaii in extending and strengthening their programs of vocational rehabilitation of the physically disabled, and to continue to carry out the provisions and purposes of the Act entitled An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment, approved June 2, 1920, as amended (U.S.C., title 29, ch. 4; U.S.C., Supp. VII title 29, secs. 31, 32, 34, 35, 37, 39, and 40), there is hereby authorized to be appropriated for the fiscal years ending June 30, 1936, and June 30, 1937, the sum of \$841,000 for each such fiscal year in addition to the amount of the existing authorization, and for each fiscal year thereafter the sum of \$1,938,000. Of the sums appropriated pursuant to such authorization for each fiscal year, \$5,000 shall be apportioned to the Territory of Hawaii and the remainder shall be apportioned among the several States in the manner provided in such Act of June 2, 1920, as amended.

(b) For the administration of such Act of June 2, 1920, as amended, by the Federal agency authorized to administer it, there is hereby authorized to be appropriated for the fiscal years ending June 30, 1936, and June 30, 1937, the sum of \$22,000 for each such fiscal year in addition to the amount of the existing authorization, and for each fiscal year thereafter the sum of \$102,000.

#### PART 5—ADMINISTRATION

SEC. 541. (a) There is hereby authorized to be appropriated for the fiscal year

ending June 30, 1936, the sum of \$425,000, for all necessary expenses of the Children's Bureau in administering the provisions of this title, except section 531.

(b) The Children's Bureau shall make such studies and investigations as will promote the efficient administration of this title, except section 531.

(c) The Secretary of Labor shall include in his annual report to Congress a full account of the administration of this title, except section 531.

## **TITLE VI**

### **PUBLIC HEALTH WORK APPROPRIATION**

SECTION 601. For the purpose of assisting States, counties, health districts, and other political subdivisions of the States in establishing and maintaining adequate public-health services, including the training of personnel for State and local health work, there is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1936, the sum of \$8,000,000 to be used as hereinafter provided.

#### **STATE AND LOCAL PUBLIC HEALTH SERVICES**

SEC. 602. (a) The Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury, shall, at the beginning of each fiscal year, allot to the States the total of (1) the amount appropriated for such year pursuant to section 601; and (2) the amounts of the allotments under this section for the preceding fiscal year remaining unpaid to the States at the end of such fiscal year. The amounts of such allotments shall be determined on the basis of (1) the population; (2) the special health problems; and (3) the financial needs; of the respective States. Upon making such allotments the Surgeon General of the Public Health Service shall certify the amounts thereof to the Secretary of the Treasury.

(b) The amount of an allotment to any State under subsection (a) for any

fiscal year, remaining unpaid at the end of such fiscal year, shall be available for allotment to States under subsection (a) for the succeeding fiscal year, in addition to the amount appropriated for such year.

(c) Prior to the beginning of each quarter of the fiscal year, the Surgeon General of the Public Health Service shall, with the approval of the Secretary of the Treasury, determine in accordance with rules and regulations previously prescribed by such Surgeon General after consultation with a conference of the State and Territorial health authorities, the amount to be paid to each State for such quarter from the allotment to such State, and shall certify the amount so determined to the Secretary of the Treasury. Upon receipt of such certification, the Secretary of the Treasury shall, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, pay in accordance with such certification.

(d) The moneys so paid to any State shall be expended solely in carrying out the purposes specified in section 601, and in accordance with plans presented by the health authority of such State and approved by the Surgeon General of the Public Health Service.

#### INVESTIGATIONS

SEC. 603. (a) There is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1936, the sum of \$2,000,000 for expenditure by the Public Health Service for investigation of disease and problems of sanitation (including the printing and binding of the findings of such investigations), and for the pay and allowances and traveling expenses of personnel of the Public Health Service, including commissioned officers, engaged in such investigations or detailed to cooperate with the health authorities of any State in carrying out the purposes specified in section 601: Provided, That no personnel of the Public Health Service shall be detailed to cooperate with the health authorities of any State except at the

request of the proper authorities of such State.

(b) The personnel of the Public Health Service paid from any appropriation not made pursuant to subsection (a) may be detailed to assist in carrying out the purposes of this title. The appropriation from which they are paid shall be reimbursed from the appropriation made pursuant to subsection (a) to the extent of their salaries and allowances for services performed while so detailed.

(c) The Secretary of the Treasury shall include in his annual report to Congress a full account of the administration of this title.

## **TITLE VII**

### **Social Security Board Establishment**

SECTION 701. There is hereby established a Social Security Board (in this Act referred to as the Board ) to be composed of three members to be appointed by the President, by and with the advice and consent of the Senate. During his term of membership on the Board, no member shall engage in any other business, vocation, or employment. Not more than two of the members of the Board shall be members of the same political party. Each member shall receive a salary at the rate of \$10,000 a year and shall hold office for a term of six years, except that

(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term; and

(2) the terms of office of the members first taking office after the date of the enactment of this Act shall expire, as designated by the President at the time of appointment, one at the end of two years, one at the end of four years, and one at the end of six years, after the date of the enactment of this Act. The President shall designate one of the members as the chairman of the Board.

## DUTIES OF THE SOCIAL SECURITY BOARD

SEC. 702. The Board shall perform the duties imposed upon it by this Act and shall also have the duty of studying and making recommendations as to the most effective methods of providing economic security through social insurance, and as to legislation and matters of administrative policy concerning old-age pensions, unemployment compensation, accident compensation, and related subjects.

## EXPENSES OF THE BOARD

SEC. 703. The Board is authorized to appoint and fix the compensation of such officers and employees, and to make such expenditures, as may be necessary for carrying out its functions under this Act. Appointments of attorneys and experts may be made without regard to the civil-service laws.

## REPORTS

SEC. 704. The Board shall make a full report to Congress, at the beginning of each regular session, of the administration of the functions with which it is charged.

## TITLE VIII

### TAXES WITH RESPECT TO EMPLOYMENT

#### INCOME TAX ON EMPLOYEES

SECTION 801. In addition to other taxes, there shall be levied, collected, and paid upon the income of every individual a tax equal to the following percentages of the wages (as defined in section 811) received by him after December 31, 1936, with respect to employment (as defined in section 811) after such date:

(1) With respect to employment during the calendar years 1937, 1938, and

1939, the rate shall be 1 per centum.

(2) With respect to employment during the calendar years 1940, 1941, and 1942, the rate shall 1 per centum.

(3) With respect to employment during the calendar years 1943, 1944, and 1945, the rate shall be 2 per centum.

(4) With respect to employment during the calendar years 1946, 1947, and 1948, the rate shall be 2 per centum.

(5) With respect to employment after December 31, 1948, the rate shall be 3 per centum.

#### DEDUCTION OF TAX FROM WAGES

SEC. 802. (a) The tax imposed by section 801 shall be collected by the employer of the taxpayer by deducting the amount of the tax from the wages as and when paid. Every employer required so to deduct the tax is hereby made liable for the payment of such tax, and is hereby indemnified against the claims and demands of any person for the amount of any such payment made by such employer.

(b) If more or less than the correct amount of tax imposed by section 801 is paid with respect to any wage payment, then, under regulations made under this title, proper adjustments, with respect both to the tax and the amount to be deducted, shall be made, without interest, in connection with subsequent wage payments to the same individual by the same employer.

#### DEDUCTIBILITY FROM INCOME TAX

SEC. 803. For the purposes of the income tax imposed by Title I of the Revenue Act of 1934 or by any Act of Congress in substitution therefor, the tax imposed by section 801 shall not be allowed as a deduction to the

taxpayer in computing his net income for the year in which such tax is deducted from his wages.

#### EXCISE TAX ON EMPLOYERS

SEC. 804. In addition to other taxes, every employer shall pay an excise tax, with respect to having individuals in his employ, equal to the following percentages of the wages (as defined in section 811) paid by him after December 31, 1936, with respect to employment (as defined in section 811) after such date:

- (1) With respect to employment during the calendar years 1937, 1938, and 1939, the rate shall be 1 per centum.
- (2) With respect to employment during the calendar years 1940, 1941, and 1942, the rate shall be 1 per centum.
- (3) With respect to employment during the calendar years 1943, 1944, and 1945, the rate shall be 2 per centum.
- (4) With respect to employment during the calendar years 1946, 1947, and 1948, the rate shall be 2 per centum.
- (5) With respect to employment after December 31, 1948, the rate shall be 3 per centum.

#### ADJUSTMENT OF EMPLOYERS TAX

SEC. 805. If more or less than the correct amount of tax imposed by section 804 is paid with respect to any wage payment, then, under regulations made under this title, proper adjustments with respect the tax shall be made, without interest, in connection with subsequent wage payments to the same individual by the same employer.



## REFUNDS AND DEFICIENCIES

SEC. 806. If more or less than the correct amount of tax imposed by section 801 or 804 is paid or deducted with respect to any wage payment and the overpayment or underpayment of tax cannot be adjusted under section 802 (b) or 805 the amount of the overpayment shall be refunded and the amount of the underpayment shall be collected in such manner and at such times (subject to the statutes of limitations properly applicable thereto) as may be prescribed by regulations made under this title.

## COLLECTION AND PAYMENT OF TAXES

SEC. 807. (a) The taxes imposed by this title shall be collected by the Bureau of Internal Revenue under the direction of the Secretary of the Treasury and shall be paid into the Treasury of the United States as internal-revenue collections. If the tax is not paid when due, there shall be added as part of the tax interest (except in the case of adjustments made in accordance with the provisions of sections 802 (b) and 805) at the rate of one-half of 1 per centum per month from the date the tax became due until paid.

(b) Such taxes shall be collected and paid in such manner, at such times, and under such conditions, not inconsistent with this title (either by making and filing returns, or by stamps, coupons, tickets, books, or other reasonable devices or methods necessary or helpful in securing a complete and proper collection and payment of the tax or in securing proper identification of the taxpayer), as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

(c) All provisions of law, including penalties, applicable with respect to any tax imposed by section 600 or section 800 of the Revenue Act of 1926 and the provisions of section 607 of the Revenue Act of 1934, shall, insofar as applicable and not inconsistent with the provisions of this title, be applicable with respect to the taxes imposed by this title.

(d) In the payment of any tax under this title a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

#### RULES AND REGULATIONS

SEC. 808. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make and publish rules and regulations for the enforcement of this title.

#### SALE OF STAMPS BY POSTMASTERS

SEC. 809. The Commissioner of Internal Revenue shall furnish to the Postmaster General without prepayment a suitable quantity of stamps, coupons, tickets, books, or other devices prescribed by the Commissioner under section 807 for the collection or payment of any tax imposed by this title, to be distributed to, and kept on sale by, all post offices of the first and second classes, and such post offices of the third and fourth classes as

(1) are located in county seats, or

(2) are certified by the Secretary of the Treasury to the Postmaster General as necessary to the proper administration of this title. The Postmaster General may require each such postmaster to furnish bond in such increased amount as he may from time to time determine, and each such postmaster shall deposit the receipts from the sale of such stamps, coupons, tickets, books, or other devices, to the credit of, and render accounts to, the Postmaster General at such times and in such form as the Postmaster General may by regulations prescribe. The Postmaster General shall at least once a month transfer to the Treasury, as internal-revenue collections all receipts so deposited together with a statement of the additional expenditures in the District of Columbia and elsewhere incurred by the Post Office Department in performing the duties imposed upon said Department by this Act, and the Secretary of the Treasury is hereby authorized and directed to advance from time to time to

the credit of the Post Office Department from appropriations made for the collection of the taxes imposed by this title, such sums as may be required for such additional expenditures incurred by the Post Office Department.

#### PENALTIES

SEC. 810. (a) Whoever buys, sells, offers for sale, uses, transfers, takes or gives in exchange, or pledges or gives in pledge, except as authorized in this title or in regulations made pursuant thereto, any stamp, coupon, ticket, book, or other device, prescribed by the Commissioner of Internal Revenue under section 807 for the collection or payment of any tax imposed by this title, shall be fined not more than \$1,000 or imprisoned for not more than six months, or both.

(b) Whoever, with intent to defraud, alters, forges, makes, or counterfeits any stamp, coupon, ticket, book, or other device prescribed by the Commissioner of Internal Revenue under section 807 for the collection or payment of any tax imposed by this title, or uses, sells, lends, or has in his possession any such altered, forged, or counterfeited stamp, coupon, ticket, book, or other device, or makes, uses, sells, or has in his possession any material in imitation of the material used in the manufacture of such stamp, coupon, ticket, book, or other device, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

#### DEFINITIONS

SEC. 811. When used in this title- (a) The term wages means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include that part of the remuneration which, after remuneration equal to \$3,000 has been paid to an individual by an employer with respect to employment during any calendar year, is paid to such individual by such employer with respect to employment during such calendar year.

(b) The term employment means any service, of whatever nature, performed within the United States by an employee for his employer, except—

(1) Agricultural labor;

(2) Domestic service in a private home;

(3) Casual labor not in the course of the employer's trade or business;

(4) Service performed by an individual who has attained the age of sixty-five;

(5) Service performed as an officer or member of the crew of a vessel documented under the laws of the United States or of any foreign country;

(6) Service performed in the employ of the United States Government or of an instrumentality of the United States;

(7) Service performed in the employ of a State, a political subdivision thereof, or an instrumentality of one or more States or political subdivisions;

(8) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

## **TITLE IX**

### **TAX ON EMPLOYERS OF EIGHT OR MORE**

#### **IMPOSITION OF TAX**

SECTION 901. On and after January 1, 1936, every employer (as defined in section 907) shall pay for each calendar year an excise tax, with respect to having individuals in his employ, equal to the following percentages of the

total wages (as defined in section 907) payable by him (regardless of the time of payment) with respect to employment (as defined in section 907) during such calendar year:

(1) With respect to employment during the calendar year 1936 the rate shall be 1 per centum;

(2) With respect to employment during the calendar year 1937 the rate shall be 2 per centum;

(3) With respect to employment after December 31, 1937, the rate shall be 3 per centum.

#### CREDIT AGAINST TAX

SEC. 902. The taxpayer may credit against the tax imposed by section 901 the amount of contributions, with respect to employment during the taxable year, paid by him (before the date of filing of his return for the taxable year) into an unemployment fund under a State law. The total credit allowed to a taxpayer under this section for all contributions paid into unemployment funds with respect to employment during such taxable year shall not exceed 90 per centum of the tax against which it is credited, and credit shall be allowed only for contributions made under the laws of States certified for the taxable year as provided in section 903.

#### CERTIFICATION OF STATE LAWS

SEC. 903 (a) The Social Security Board shall approve any State law submitted to it, within thirty days of such submission, which it finds provides that—

(1) All compensation is to be paid through public employment offices in the State or such other agencies as the Board may approve;

(2) No compensation shall be payable with respect to any day of unemployment occurring within two years after the first day of the first period with respect to which contributions are required;

(3) All money received in the unemployment fund shall immediately upon such receipt be paid over to the Secretary of the Treasury to the credit of the Unemployment Trust Fund established by section 904;

(4) All money withdrawn from the Unemployment Trust Fund by the State agency shall be used solely in the payment of compensation, exclusive of expenses of administration;

(5) Compensation shall not be denied in such State to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(A) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(B) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(C) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bonafide labor organization;

(6) All the rights, privileges, or immunities conferred by such law or by acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal such law at any time. The Board shall, upon approving such law, notify the Governor of the State of its approval.

(b) On December 31 in each taxable year the Board shall certify to the Secretary of the Treasury each State whose law it has previously approved,

except that it shall not certify any State which, after reasonable notice and opportunity for hearing to the State agency, the Board finds has changed its law so that it no longer contains the provisions specified in subsection (a) or has with respect to such taxable year failed to comply substantially with any such provision.

(c) If, at any time during the taxable year, the Board has reason to believe that a State whose law it has previously approved, may not be certified under subsection (b), it shall promptly so notify the Governor of such State.

#### UNEMPLOYMENT TRUST FUND

SEC. 904. (a) There is hereby established in the Treasury of the United States a trust fund to be known as the Unemployment Trust Fund, hereinafter in this title called the Fund. The Secretary of the Treasury is authorized and directed to receive and hold in the Fund all moneys deposited therein by a State agency from a State unemployment fund. Such deposit may be made directly with the Secretary of the Treasury or with any Federal reserve bank or member bank of the Federal Reserve System designated by him for such purpose.

(b) It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in his judgment, required to meet current withdrawals. Such investment may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired

(1) on original issue at par, or

(2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the Fund. Such special obligations

shall bear interest at a rate equal to the average rate of interest, computed as of the end of the calendar month next preceding the date of such issue, borne by all interest-bearing obligations of the United States then forming part of the public debt; except that where such average rate is not a multiple of one eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. Obligations other than such special obligations may be acquired for the Fund only on such terms as to provide an investment yield not less than the yield which would be required in the case of special obligations if issued to the Fund upon the date of such acquisition.

(c) Any obligations acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold at the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(e) The Fund shall be invested as a single fund, but the Secretary of the Treasury shall maintain a separate book account for each State agency and shall credit quarterly on March 31, June 30, September 30, and December 31, of each year, to each account, on the basis of the average daily balance of such account, a proportionate part of the earnings of the Fund for the quarter ending on such date.

(f) The Secretary of the Treasury is authorized and directed to pay out of the Fund to any State agency such amount as it may duly requisition, not exceeding the amount standing to the account of such State agency at the time of such payment.

#### ADMINISTRATION, REFUNDS, AND PENALTIES

SEC. 905. (a) The tax imposed by this title shall be collected by the Bureau



of Internal Revenue under the direction of the Secretary of the Treasury and shall be paid into the Treasury of the United States as internal-revenue collections. If the tax is not paid when due, there shall be added as part of the tax interest at the rate of one-half of 1 per centum per month from the date the tax became due until paid.

(b) Not later than January 31, next following the close of the taxable year, each employer shall make a return of the tax under this title for such taxable year. Each such return shall be made under oath, shall be filed with the collector of internal revenue for the district in which is located the principal place of business of the employer, or, if he has no principal place of business in the United States, then with the collector at Baltimore, Maryland, and shall contain such information and be made in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulations prescribe. All provisions of law (including penalties) applicable in respect of the taxes imposed by section 600 of the Revenue Act of 1926, shall, insofar as not inconsistent with this title, be applicable in respect of the tax imposed by this title. The Commissioner may extend the time for filing the return of the tax imposed by this title, under such rules and regulations as he may prescribe with the approval of the Secretary of the Treasury, but no such extension shall be for more than sixty days.

(c) Returns filed under this title shall be open to inspection in the same manner, to the same extent, and subject to the same provisions of law, including penalties, as returns made under Title II of the Revenue Act of 1926.

(d) The taxpayer may elect to pay the tax in four equal installments instead of in a single payment, in which case the first installment shall be paid not later than the last day prescribed for the filing of returns, the second installment shall be paid on or before the last day of the third month, the third installment on or before the last day of the sixth month, and the fourth installment on or before the last day of the ninth month, after such last day. If

the tax or any installment thereof is not paid on or before the last day of the period fixed for its payment, the whole amount of the tax unpaid shall be paid upon notice and demand from the collector.

(e) At the request of the taxpayer the time for payment of the tax or any installment thereof may be extended under regulations prescribed by the Commissioner with the approval of the Secretary of the Treasury, for a period not to exceed six months from the last day of the period prescribed for the payment of the tax or any installment thereof. The amount of the tax in respect of which any extension is granted shall be paid (with interest at the rate of one-half of 1 per centum per month) on or before the date of the expiration of the period of the extension.

(f) In the payment of any tax under this title a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

#### INTERSTATE COMMERCE

SEC. 906. No person required under a State law to make payments to an unemployment fund shall be relieved from compliance therewith on the ground that he is engaged in interstate commerce, or that the State law does not distinguish between employees engaged in interstate commerce and those engaged in intrastate commerce.

#### DEFINITIONS

SEC. 907. When used in this title—(a) The term employer does not include any person unless on each of some twenty days during the taxable year, each day being in a different calendar week, the total number of individuals who were in his employ for some portion of the day (whether or not at the same moment of time) was eight or more.

(b) The term wages means all remuneration for employment, including the

cash value of all remuneration paid in any medium other than cash.

(c) The term employment means any service, of whatever nature, performed within the United States by an employee for his employer, except—

(1) Agricultural labor;

(2) Domestic service in a private home;

(3) Service performed as an officer or member of a crew of a vessel on the navigable waters of the United States;

(4) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(5) Service performed in the employ of the United States Government or of an instrumentality of the United States;

(6) Service performed in the employ of a State, a political subdivision thereof, or an instrumentality of one or more States or political subdivisions;

(7) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(d) The term State agency means any State officer, board, or other authority, designated under a State law to administer the unemployment fund in such State.

(e) The term unemployment fund means a special fund, established under a State law and administered by a State agency, for the payment of

compensation.

(f) The term contributions means payments required by a State law to be made by an employer into an unemployment fund, to the extent that such payments are made by him without any part thereof being deducted or deductible from the wages of individuals in his employ.

(g) The term compensation means cash benefits payable to individuals with respect to their unemployment.

#### RULES AND REGULATIONS

SEC. 908. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make and publish rules and regulations for the enforcement of this title, except sections 903, 904, and 910.

#### ALLOWANCE OF ADDITIONAL CREDIT

SEC. 909. (a) In addition to the credit allowed under section 902, a taxpayer may, subject to the conditions imposed by section 910, credit against the tax imposed by section 901 for any taxable year after the taxable year 1937, an amount, with respect to each State law, equal to the amount, if any, by which the contributions, with respect to employment in such taxable year, actually paid by the taxpayer under such law before the date of filing his return for such taxable year, is exceeded by whichever of the following is the lesser—  
(1) The amount of contributions which he would have been required to pay under such law for such taxable year if he had been subject to the highest rate applicable from time to time throughout such year to any employer under such law; or (2) Two and seven-tenths per centum of the wages payable by him with respect to employment with respect to which contributions for such year were required under such law.

(b) If the amount of the contributions actually so paid by the taxpayer is less than the amount which he should have paid under the State law, the

additional credit under subsection (a) shall be reduced proportionately.

(c) The total credits allowed to a taxpayer under this title shall not exceed 90 per centum of the tax against which such credits are taken.

#### CONDITIONS OF ADDITIONAL CREDIT ALLOWANCE

SEC. 910. (a) A taxpayer shall be allowed the additional credit under section 909, with respect to his contribution rate under a State law being lower, for any taxable year, than that of another employer subject to such law, only if the Board finds that under such law—

- (1) Such lower rate, with respect to contributions to a pooled fund, is permitted on the basis of not less than three years of compensation experience;
- (2) Such lower rate, with respect to contributions to a guaranteed employment account, is permitted only when his guaranty of employment was fulfilled in the preceding calendar year, and such guaranteed employment account amounts to not less than 7 per centum of the total wages payable by him, in accordance with such guaranty, with respect to employment in such State in the preceding calendar year;
- (3) Such lower rate, with respect to contributions to a separate reserve account, is permitted only when
  - (A) compensation has been payable from such account throughout the preceding calendar year, and
  - (B) such account amounts to not less than five times the largest amount of compensation paid from such account within any one of the three preceding calendar years, and
  - (C) such account amounts to not less than 7 per centum of the total wages

payable by him (plus the total wages payable by any other employers who may be contributing to such account) with respect to employment in such State in the preceding calendar year.

(b) Such additional credit shall be reduced, if any contributions under such law are made by such taxpayer at a lower rate under conditions not fulfilling the requirements of subsection (a), by the amount bearing the same ratio to such additional credit as the amount of contributions made at such lower rate bears to the total of his contributions paid for such year under such law.

(c) As used in this section—

(1) The term reserve account means a separate account in an unemployment fund, with respect to an employer or group of employers, from which compensation is payable only with respect to the unemployment of individuals who were in the employ of such employer, or of one of the employers comprising the group.

(2) The term pooled fund means an unemployment fund or any part thereof in which all contributions are mingled and undivided, and from which compensation is payable to all eligible individuals, except that to individuals last employed by employers with respect to whom reserve accounts are maintained by the State agency, it is payable only when such accounts are exhausted.

(3) The term guaranteed employment account means a separate account, in an unemployment fund, of contributions paid by an employer (or group of employers) who

(A) guarantees in advance thirty hours of wages for each of forty calendar weeks (or more, with one weekly hour deducted for each added week guaranteed) in twelve months, to all the individuals in his employ in one or more distinct establishments, except that any such individual's guaranty may

commence after a probationary period (included within twelve or less consecutive calendar weeks), and

(B) gives security or assurance, satisfactory to the State agency, for the fulfillment of such guaranties, from which account compensation shall be payable with respect to the unemployment of any such individual whose guaranty is not fulfilled or renewed and who is otherwise eligible for compensation under the State law.

(4) The term year of compensation experience, as applied to an employer, means any calendar year throughout which compensation was payable with respect to any individual in his employ who became unemployed and was eligible for compensation.

## **T I T L E X**

### **G R A N T S T O S T A T E S F O R A I D T O T H E B L I N D A P P R O P R I A T I O N**

SECTION 1001. For the purpose of enabling each State to furnish financial assistance, as far as practicable under the conditions in such State, to needy individuals who are blind, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1936, the sum of \$3,000,000, and there is hereby authorized to be appropriated for each fiscal year thereafter a sum sufficient to carry out the purposes of this title. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Social Security Board, State plans for aid to the blind.

#### **S T A T E P L A N S F O R A I D T O T H E B L I N D**

S E C . 1 0 0 2 . ( a ) A State plan for aid to the blind must

(1) provide that it shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them;

- (2) provide for financial participation by the State;
- (3) either provide for the establishment or designation of a single State agency to administer the plan, or provide for the establishment or designation of a single State agency to supervise the administration of the plan;
- (4) provide for granting to any individual, whose claim for aid is denied, an opportunity for a fair hearing before such State agency;
- (5) provide such methods of administration (other than those relating to selection, tenure of office, and compensation of personnel) as are found by the Board to be necessary for the efficient operation of the plan;
- (6) provide that the State agency will make such reports, in such form and containing such information, as the Board may from time to time require, and comply with such provisions as the Board may from time to time find necessary to assure the correctness and verification of such reports; and
- (7) provide that no aid will be furnished any individual under the plan with respect to any period with respect to which he is receiving old-age assistance under the State plan approved under section 2 of this Act.

(b) The Board shall approve any plan which fulfills the conditions specified in subsection (a), except that it shall not approve any plan which imposes, as a condition of eligibility for aid to the blind under the plan—

- (1) Any residence requirement which excludes any resident of the State who has resided therein five years during the nine years immediately preceding the application for aid and has resided therein continuously for one year immediately preceding the application or
- (2) Any citizenship requirement which excludes any citizen of the United States.



## PAYMENT TO STATES

SEC. 1003. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to the blind, for each quarter, beginning with the quarter commencing July 1, 1935,

(1) an amount which shall be used exclusively as aid to the blind equal to one-half of the total of the sums expended during such quarter as aid to the blind under the State plan with respect to each individual who is blind and is not an inmate of a public institution not counting so much of such expenditure with respect to any individual for any month as exceeds \$30, and

(2) 5 per centum of such amount, which shall be used for paying the costs of administering the State plan or for aid to the blind, or both, and for no other purpose.

(b) The method of computing and paying such amounts shall be as follows:

(1) The Board shall, prior to the beginning of each quarter, estimate the amount to be paid to the State for such quarter under provisions of clause (1) of subsection (a), such estimate to be based on

(A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of such clause, and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter, and if such amount is less than one-half of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived,

(B) records showing the number of blind individuals in the State, and

(C) such other investigation as the Board may find necessary.

(2) The Board shall then certify to the Secretary of the Treasury the amount

so estimated by the Board, reduced or increased, as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the State under clause (1) of subsection (a) for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the Board for such prior quarter.

(3) The Secretary of the Treasury shall thereupon, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Board, the amount so certified, increased by 5 per centum.

#### OPERATION OF STATE PLANS

SEC. 1004. In the case of any State plan for aid to the blind which has been approved by the Board, if the Board, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of such a plan, finds—

(1) that the plan has been so changed as to impose any residence or citizenship requirement prohibited by section 1002 (b), or that in the administration of the plan any such prohibited requirement is imposed, with the knowledge of such State agency, in a substantial number of cases; or

(2) that in the administration of the plan there is a failure to comply substantially with any provision required by section 1002 (a) be included in the plan; the Board shall notify such State agency that further payments will not be made to the State until the Board is satisfied that such prohibited requirement is no longer so imposed, and that there is no longer any such failure to comply. Until it is satisfied it shall make no further certification to the Secretary of the Treasury with respect to such State.

#### ADMINISTRATION

SEC. 1005. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1936 the sum of \$30,000, for all necessary expenses of the Board in administering the provisions of this title.

#### DEFINITION

SEC. 1006. When used in this title the term aid to the blind means money payments to blind individuals.

### **TITLE XI**

#### **GENERAL PROVISIONS**

#### DEFINITIONS

SECTION 1101. (a) When used in this Act—

(1) The term State (except when used in section 531) includes Alaska, Hawaii, and the District of Columbia.

(2) The term United States when used in a geographical sense means the States, Alaska, Hawaii, and the District of Columbia.

(3) The term person means an individual, a trust or estate, a partnership, or a corporation.

(4) The term corporation includes associations, joint-stock companies, and insurance companies.

(5) The term shareholder includes a member in an association, joint-stock company, or insurance company.

(6) The term employee includes an officer of a corporation.

(b) The terms includes and including when used in a definition contained in this Act shall not be deemed to exclude other things otherwise within the

meaning of the term defined.

(c) Whenever under this Act or any Act of Congress, or under the law of any State, an employer is required or permitted to deduct any amount from the remuneration of an employee and to pay the amount deducted to the United States, a State, or any political subdivision thereof, then for the purposes of this Act the amount so deducted shall be considered to have been paid to the employee at the time of such deduction.

(d) Nothing in this Act shall be construed as authorizing any Federal official, agent, or representative, in carrying out any of the provisions of this Act, to take charge of any child over the objection of either of the parents of such child, or of the person standing in loco parentis to such child.

#### RULES AND REGULATIONS

SEC. 1102. The Secretary of the Treasury, the Secretary of Labor, and the Social Security Board respectively, shall make and publish such rules and regulations, not inconsistent with this Act, as may be necessary to the efficient administration of the functions with which each is charged under this Act.

#### SEPARABILITY

SEC. 1103. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

#### RESERVATION OF POWER

SEC. 1104. The right to alter, amend, or repeal any provision of this Act is hereby reserved to the Congress.

#### SHORT TITLE

SEC. 1105. This Act may be cited as the Social Security Act.

Approved, August 14, 1935.

**ALBERT EINSTEIN'S LETTER TO PRESIDENT  
FRANKLIN D. ROOSEVELT ABOUT THE  
ATOMIC BOMB (1939)**

*On August 2, 1939, physicist Albert Einstein sent a letter to President Franklin D. Roosevelt warning of a new and dangerous weapon, the atomic bomb. Einstein's letter was the result of a meeting that included several well-known scientists, some of whom had fled Nazi Germany and feared that the Germans were close to creating an atomic bomb themselves. In response, Roosevelt called for action on the part of the U.S. government and created what became known as the Manhattan Project, a top-secret military operation that built the world's first nuclear weapons. America's two atomic bombs were used against Japan in 1945, prompting a surrender and an end to World War II. Einstein never worked on the development of the atomic bomb; the U.S. government refused him the needed security clearance because his politics skewed too leftist.*

sir:

Some recent work by E. Fermi and L. Szilard, which has been communicated to me in manuscript, leads me to expect that the element uranium may be turned into a new and important source of energy in the immediate future. Certain aspects of the situation which has arisen seem to call for watchfulness and, if necessary, quick action on the part of the administration. I believe therefore that it is my duty to bring to your attention the following facts and recommendations:

In the course of the last four months it has been made probable—through the work of Joliot [Jean Frédéric Joliot-Curie] in France as well as Fermi and Szilard in America—that it may become possible to set up a nuclear chain reaction in a large mass of uranium, by which vast amounts of power and large quantities of new radium like elements would be generated. Now it appears almost certain that this could be achieved in the immediate future.

This new phenomenon would also lead to the construction of bombs, and it is conceivable—though much less certain—that extremely powerful bombs of a new type may thus be constructed. A single bomb of this type, carried by boat and exploded in a port, might very well destroy the whole port together with some of the surrounding territory. However, such bombs might very well prove to be too heavy for transportation by air.

The United States has only very poor ores of uranium in moderate quantities. There is some good ore in Canada and the former Czechoslovakia, while the most important source of uranium is Belgian Congo.

In view of this situation you may think it desirable to have some permanent contact maintained between the Administration and the group of physicists working on chain reactions in America. One possible way of achieving this might be for you to entrust with this task a person who has your confidence and who could perhaps serve in an unofficial capacity. His task might comprise the following:

- a) To approach Government Departments, keep them informed of the further development, and out forward recommendations for Government action, giving particular attention to the problem of uranium ore for the United States;
- b) To speed up the experimental work, which is at present being carried on within the limits of the budgets of University laboratories, by providing funds, if such funds be required, through his contacts with private persons who are willing to make a contribution for this cause, and perhaps also by obtaining the co-operation of industrial laboratories which have the necessary equipment.

I understand that Germany has actually stopped the sale of uranium from the Czechoslovakian mines, which she has taken over. That she should have taken such early action might perhaps be understood on the ground that the

son of the German Under-Secretary of State, von Weizsäcker, is attached to the Kaiser Wilhelm Institute in Berlin where some of the American work on uranium is now being repeated.

Yours very truly,  
Albert Einstein



**FRANKLIN D. ROOSEVELT'S STATE OF THE UNION ADDRESS (JANUARY 6, 1941)**

Mr. President, Mr. Speaker, Members of the Seventy-seventh Congress:

I address you, the Members of the Seventy-seventh Congress, at a moment unprecedented in the history of the Union. I use the word "unprecedented," because at no previous time has American security been as seriously threatened from without as it is today.

Since the permanent formation of our Government under the Constitution, in 1789, most of the periods of crisis in our history have related to our domestic affairs. Fortunately, only one of these—the four-year War Between the States—ever threatened our national unity. Today, thank God, one hundred and thirty million Americans, in forty-eight States, have forgotten points of the compass in our national unity.

It is true that prior to 1914 the United States often had been disturbed by events in other Continents. We had even engaged in two wars with European nations and in a number of undeclared wars in the West Indies, in the Mediterranean and in the Pacific for the maintenance of American rights and for the principles of peaceful commerce. But in no case had a serious threat been raised against our national safety or our continued independence.

What I seek to convey is the historic truth that the United States as a nation has at all times maintained clear, definite opposition, to any attempt to lock us in behind an ancient Chinese wall while the procession of civilization went past. Today, thinking of our children and of their children, we oppose enforced isolation for ourselves or for any other part of the Americas.

That determination of ours, extending over all these years, was proved, for example, during the quarter century of wars following the French Revolution. While the Napoleonic struggles did threaten interests of the United States

because of the French foothold in the West Indies and in Louisiana, and while we engaged in the War of 1812 to vindicate our right to peaceful trade, it is nevertheless clear that neither France nor Great Britain, nor any other nation, was aiming at domination of the whole world.

In like fashion from 1815 to 1914—ninety-nine years—no single war in Europe or in Asia constituted a real threat against our future or against the future of any other American nation.

Except in the Maximilian interlude in Mexico, no foreign power sought to establish itself in this Hemisphere; and the strength of the British fleet in the Atlantic has been a friendly strength. It is still a friendly strength.

Even when the World War broke out in 1914, it seemed to contain only small threat of danger to our own American future. But, as time went on, the American people began to visualize what the downfall of democratic nations might mean to our own democracy.

We need not overemphasize imperfections in the Peace of Versailles. We need not harp on failure of the democracies to deal with problems of world reconstruction. We should remember that the Peace of 1919 was far less unjust than the kind of “pacification” which began even before Munich, and which is being carried on under the new order of tyranny that seeks to spread over every continent today. The American people have unalterably set their faces against that tyranny.

Every realist knows that the democratic way of life is at this moment being directly assailed in every part of the world—assailed either by arms, or by secret spreading of poisonous propaganda by those who seek to destroy unity and promote discord in nations that are still at peace.

During sixteen long months this assault has blotted out the whole pattern of democratic life in an appalling number of independent nations, great and

small. The assailants are still on the march, threatening other nations, great and small.

Therefore, as your President, performing my constitutional duty to “give to the Congress information of the state of the Union,” I find it, unhappily, necessary to report that the future and the safety of our country and of our democracy are overwhelmingly involved in events far beyond our borders.

Armed defense of democratic existence is now being gallantly waged in four continents. If that defense fails, all the population and all the resources of Europe, Asia, Africa and Australasia will be dominated by the conquerors. Let us remember that the total of those populations and their resources in those four continents greatly exceeds the sum total of the population and the resources of the whole of the Western Hemisphere—many times over.

In times like these it is immature—and incidentally, untrue—for anybody to brag that an unprepared America, single-handed, and with one hand tied behind its back, can hold off the whole world.

No realistic American can expect from a dictator’s peace international generosity, or return of true independence, or world disarmament, or freedom of expression, or freedom of religion—or even good business.

Such a peace would bring no security for us or for our neighbors. Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety.

As a nation, we may take pride in the fact that we are softhearted; but we cannot afford to be soft-headed.

We must always be wary of those who with sounding brass and a tinkling cymbal preach the “ism” of appeasement.

We must especially beware of that small group of selfish men who would clip

the wings of the American eagle in order to feather their own nests.

I have recently pointed out how quickly the tempo of modern warfare could bring into our very midst the physical attack which we must eventually expect if the dictator nations win this war.

There is much loose talk of our immunity from immediate and direct invasion from across the seas. Obviously, as long as the British Navy retains its power, no such danger exists. Even if there were no British Navy, it is not probable that any enemy would be stupid enough to attack us by landing troops in the United States from across thousands of miles of ocean, until it had acquired strategic bases from which to operate.

But we learn much from the lessons of the past years in Europe—particularly the lesson of Norway, whose essential seaports were captured by treachery and surprise built up over a series of years.

The first phase of the invasion of this Hemisphere would not be the landing of regular troops. The necessary strategic points would be occupied by secret agents and their dupes—and great numbers of them are already here, and in Latin America.

As long as the aggressor nations maintain the offensive, they—not we—will choose the time and the place and the method of their attack.

That is why the future of all the American Republics is today in serious danger.

That is why this Annual Message to the Congress is unique in our history.

That is why every member of the Executive Branch of the Government and every member of the Congress faces great responsibility and great accountability.

The need of the moment is that our actions and our policy should be devoted primarily—almost exclusively—to meeting this foreign peril. For all our domestic problems are now a part of the great emergency.

Just as our national policy in internal affairs has been based upon a decent respect for the rights and the dignity of all our fellow men within our gates, so our national policy in foreign affairs has been based on a decent respect for the rights and dignity of all nations, large and small. And the justice of morality must and will win in the end.

Our national policy is this:

First, by an impressive expression of the public will and without regard to partisanship, we are committed to all-inclusive national defense.

Second, by an impressive expression of the public will and without regard to partisanship, we are committed to full support of all those resolute peoples, everywhere, who are resisting aggression and are thereby keeping war away from our Hemisphere. By this support, we express our determination that the democratic cause shall prevail; and we strengthen the defense and the security of our own nation.

Third, by an impressive expression of the public will and without regard to partisanship, we are committed to the proposition that principles of morality and considerations for our own security will never permit us to acquiesce in a peace dictated by aggressors and sponsored by appeasers. We know that enduring peace cannot be bought at the cost of other people's freedom.

In the recent national election there was no substantial difference between the two great parties in respect to that national policy. No issue was fought out on this line before the American electorate. Today it is abundantly evident that American citizens everywhere are demanding and supporting speedy and complete action in recognition of obvious danger.

Therefore, the immediate need is a swift and driving increase in our armament production.

Leaders of industry and labor have responded to our summons. Goals of speed have been set. In some cases these goals are being reached ahead of time; in some cases we are on schedule; in other cases there are slight but not serious delays; and in some cases—and I am sorry to say very important cases—we are all concerned by the slowness of the accomplishment of our plans.

The Army and Navy, however, have made substantial progress during the past year. Actual experience is improving and speeding up our methods of production with every passing day. And today's best is not good enough for tomorrow.

I am not satisfied with the progress thus far made. The men in charge of the program represent the best in training, in ability, and in patriotism. They are not satisfied with the progress thus far made. None of us will be satisfied until the job is done.

No matter whether the original goal was set too high or too low, our objective is quicker and better results. To give you two illustrations:

We are behind schedule in turning out finished airplanes; we are working day and night to solve the innumerable problems and to catch up.

We are ahead of schedule in building warships but we are working to get even further ahead of that schedule.

To change a whole nation from a basis of peacetime production of implements of peace to a basis of wartime production of implements of war is no small task. And the greatest difficulty comes at the beginning of the program, when new tools, new plant facilities, new assembly lines, and new ship ways must first be constructed before the actual materiel begins to flow

steadily and speedily from them.

The Congress, of course, must rightly keep itself informed at all times of the progress of the program. However, there is certain information, as the Congress itself will readily recognize, which, in the interests of our own security and those of the nations that we are supporting, must of needs be kept in confidence.

New circumstances are constantly begetting new needs for our safety. I shall ask this Congress for greatly increased new appropriations and authorizations to carry on what we have begun.

I also ask this Congress for authority and for funds sufficient to manufacture additional munitions and war supplies of many kinds, to be turned over to those nations which are now in actual war with aggressor nations.

Our most useful and immediate role is to act as an arsenal for them as well as for ourselves. They do not need manpower, but they do need billions of dollars worth of the weapons of defense.

The time is near when they will not be able to pay for them all in ready cash. We cannot, and we will not, tell them that they must surrender, merely because of present inability to pay for the weapons which we know they must have.

I do not recommend that we make them a loan of dollars with which to pay for these weapons—a loan to be repaid in dollars.

I recommend that we make it possible for those nations to continue to obtain war materials in the United States, fitting their orders into our own program. Nearly all their materiel would, if the time ever came, be useful for our own defense.

Taking counsel of expert military and naval authorities, considering what is

best for our own security, we are free to decide how much should be kept here and how much should be sent abroad to our friends who by their determined and heroic resistance are giving us time in which to make ready our own defense.

For what we send abroad, we shall be repaid within a reasonable time following the close of hostilities, in similar materials, or, at our option, in other goods of many kinds, which they can produce and which we need.

Let us say to the democracies: "We Americans are vitally concerned in your defense of freedom. We are putting forth our energies, our resources and our organizing powers to give you the strength to regain and maintain a free world. We shall send you, in ever-increasing numbers, ships, planes, tanks, guns. This is our purpose and our pledge."

In fulfillment of this purpose we will not be intimidated by the threats of dictators that they will regard as a breach of international law or as an act of war our aid to the democracies which dare to resist their aggression. Such aid is not an act of war, even if a dictator should unilaterally proclaim it so to be.

When the dictators, if the dictators, are ready to make war upon us, they will not wait for an act of war on our part. They did not wait for Norway or Belgium or the Netherlands to commit an act of war.

Their only interest is in a new one-way international law, which lacks mutuality in its observance, and, therefore, becomes an instrument of oppression.

The happiness of future generations of Americans may well depend upon how effective and how immediate we can make our aid felt. No one can tell the exact character of the emergency situations that we may be called upon to meet. The Nation's hands must not be tied when the Nation's life is in danger.



We must all prepare to make the sacrifices that the emergency—almost as serious as war itself—demands. Whatever stands in the way of speed and efficiency in defense preparations must give way to the national need.

A free nation has the right to expect full cooperation from all groups. A free nation has the right to look to the leaders of business, of labor, and of agriculture to take the lead in stimulating effort, not among other groups but within their own group.

The best way of dealing with the few slackers or trouble-makers in our midst is, first, to shame them by patriotic example, and, if that fails, to use the sovereignty of Government to save Government.

As men do not live by bread alone, they do not fight by armaments alone. Those who man our defenses, and those behind them who build our defenses, must have the stamina and the courage which come from unshakable belief in the manner of life which they are defending. The mighty action that we are calling for cannot be based on a disregard of all things worth fighting for.

The Nation takes great satisfaction and much strength from the things which have been done to make its people conscious of their individual stake in the preservation of democratic life in America. Those things have toughened the fiber of our people, have renewed their faith and strengthened their devotion to the institutions we make ready to protect.

Certainly this is no time for any of us to stop thinking about the social and economic problems which are the root cause of the social revolution which is today a supreme factor in the world.

For there is nothing mysterious about the foundations of a healthy and strong democracy. The basic things expected by our people of their political and economic systems are simple. They are:

Equality of opportunity for youth and for others.

Jobs for those who can work.

Security for those who need it.

The ending of special privilege for the few.

The preservation of civil liberties for all.

The enjoyment of the fruits of scientific progress in a wider and constantly rising standard of living.

These are the simple, basic things that must never be lost sight of in the turmoil and unbelievable complexity of our modern world. The inner and abiding strength of our economic and political systems is dependent upon the degree to which they fulfill these expectations.

Many subjects connected with our social economy call for immediate improvement.

As examples:

We should bring more citizens under the coverage of old-age pensions and unemployment insurance.

We should widen the opportunities for adequate medical care.

We should plan a better system by which persons deserving or needing gainful employment may obtain it.

I have called for personal sacrifice. I am assured of the willingness of almost all Americans to respond to that call.

A part of the sacrifice means the payment of more money in taxes. In my Budget Message I shall recommend that a greater portion of this great defense program be paid for from taxation than we are paying today. No person should try, or be allowed, to get rich out of this program; and the principle of tax payments in accordance with ability to pay should be constantly before our eyes to guide our legislation.

If the Congress maintains these principles, the voters, putting patriotism ahead of pocketbooks, will give you their applause.

In the future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms.

The first is freedom of speech and expression—everywhere in the world.

The second is freedom of every person to worship God in his own way—everywhere in the world.

The third is freedom from want—which, translated into world terms, means economic understandings which will secure to every nation a healthy peacetime life for its inhabitants—everywhere in the world.

The fourth is freedom from fear—which, translated into world terms, means a world-wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor—anywhere in the world.

That is no vision of a distant millennium. It is a definite basis for a kind of world attainable in our own time and generation. That kind of world is the very antithesis of the so-called new order of tyranny which the dictators seek to create with the crash of a bomb.

To that new order we oppose the greater conception—the moral order. A good society is able to face schemes of world domination and foreign

revolutions alike without fear.

Since the beginning of our American history, we have been engaged in change—in a perpetual peaceful revolution—a revolution which goes on steadily, quietly adjusting itself to changing conditions—without the concentration camp or the quick-lime in the ditch. The world order which we seek is the cooperation of free countries, working together in a friendly, civilized society.

This nation has placed its destiny in the hands and heads and hearts of its millions of free men and women; and its faith in freedom under the guidance of God. Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain those rights or keep them. Our strength is our unity of purpose. To that high concept there can be no end save victory.

**EXECUTIVE ORDER 9066:**  
**THE RELOCATION OF THE JAPANESE (1942)**

*Amid the hysteria over a possible Japanese attack on the continental United States during World War II, President Franklin D. Roosevelt issued Executive Order 9066 in 1942, authorizing the forced relocation of thousands of people of Japanese descent (mostly U.S. citizens) from the western United States. More than 120,000 people were moved into government-run internment camps and kept there until 1944, when Roosevelt rescinded the order. In 1982 a government committee ruled that the internment of the Japanese during World War II had been unnecessary and based on both racism and hysteria. In 1988 President Ronald Reagan issued a public apology on behalf of the country, and the next year, President George H. W. Bush authorized that the United States pay reparations to former internees.*

**EXECUTIVE ORDER**  
**AUTHORIZING THE SECRETARY OF WAR**  
**TO PRESCRIBE MILITARY AREAS**

whereas the successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises, and national-defense utilities as defined in Section 4, Act of April 20, 1918, 40 Stat. 533, as amended by the Act of November 30, 1940, 54 Stat. 1220, and the Act of August 21, 1941, 55 Stat. 655 (U.S.C., Title 50, Sec. 104);

Now, therefore, by virtue of the authority vested in me as President of the United States, and Commander in Chief of the Army and Navy, I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military

Commander may determine, from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion. The Secretary of War is hereby authorized to provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary, in the judgment of the Secretary of War or the said Military Commander, and until other arrangements are made, to accomplish the purpose of this order. The designation of military areas in any region or locality shall supersede designations of prohibited and restricted areas by the Attorney General under the Proclamations of December 7 and 8, 1941, and shall supersede the responsibility and authority of the Attorney General under the said Proclamations in respect of such prohibited and restricted areas.

I hereby further authorize and direct the Secretary of War and the said Military Commanders to take such other steps as he or the appropriate Military Commander may deem advisable to enforce compliance with the restrictions applicable to each Military area hereinabove authorized to be designated, including the use of Federal troops and other Federal Agencies, with authority to accept assistance of state and local agencies.

I hereby further authorize and direct all Executive Departments, independent establishments and other Federal Agencies, to assist the Secretary of War or the said Military Commanders in carrying out this Executive Order, including the furnishing of medical aid, hospitalization, food, clothing, transportation, use of land, shelter, and other supplies, equipment, utilities, facilities, and services.

This order shall not be construed as modifying or limiting in any way the authority heretofore granted under Executive Order No. 8972, dated December 12, 1941, nor shall it be construed as limiting or modifying the duty and responsibility of the Federal Bureau of Investigation, with respect to

the investigation of alleged acts of sabotage or the duty and responsibility of the Attorney General and the Department of Justice under the Proclamations of December 7 and 8, 1941, prescribing regulations for the conduct and control of alien enemies, except as such duty and responsibility is superseded by the designation of military areas hereunder.

F RANKLIN D. R OOSEVELT  
T HE W HITE H OUSE,  
F EBRUARY 19, 1942.

## FRANKLIN D. ROOSEVELT'S SPEECH UPON SIGNING THE G.I. BILL OF RIGHTS (1944)

*Best known as the G.I. Bill, the Servicemen's Readjustment Act of 1944 authorized millions of dollars in benefits to American soldiers returning from World War II. Grants for college tuition, low-interest mortgages, small-business loans, and job training were just some of the benefits included in the act. By 1956 more than 7.5 million people had used the G.I. Bill, and it continues to assist veterans today.*

This bill, which I have signed today, substantially carries out most of the recommendations made by me in a speech on July 28, 1943, and more specifically in messages to the Congress dated October 27, 1943, and November 23, 1943:

It gives servicemen and women the opportunity of resuming their education or technical training after discharge, or of taking a refresher or retrainer course, not only without tuition charge up to \$500 per school year, but with the right to receive a monthly living allowance while pursuing their studies.

It makes provision for the guarantee by the Federal Government of not to exceed 50 percent of certain loans made to veterans for the purchase or construction of homes, farms, and business properties.

It provides for reasonable unemployment allowances payable each week up to a maximum period of one year, to those veterans who are unable to find a job.

It establishes improved machinery for effective job counseling for veterans and for finding jobs for returning soldiers and sailors.

It authorizes the construction of all necessary additional hospital facilities.

It strengthens the authority of the Veterans Administration to enable it to discharge its existing and added responsibilities with promptness and



efficiency.

With the signing of this bill a well-rounded program of special veterans' benefits is nearly completed. It gives emphatic notice to the men and women in our armed forces that the American people do not intend to let them down.

By prior legislation, the Federal Government has already provided for the armed forces of this war: adequate dependency allowances; mustering-out pay; generous hospitalization, medical care, and vocational rehabilitation and training; liberal pensions in case of death or disability in military service; substantial war risk life insurance, and guaranty of premiums on commercial policies during service; protection of civil rights and suspension of enforcement of certain civil liabilities during service; emergency maternal care for wives of enlisted men; and reemployment rights for returning veterans.

This bill therefore and the former legislation provide the special benefits which are due to the members of our armed forces—for they “have been compelled to make greater economic sacrifice and every other kind of sacrifice than the rest of us, and are entitled to definite action to help take care of their special problems.” While further study and experience may suggest some changes and improvements, the Congress is to be congratulated on the prompt action it has taken.

## THE UNITED NATIONS

### CHARTER (1945)

*After the horror and devastation of World War II, fifty-one countries around the world joined the United Nations to promote international cooperation and prevent a similar global conflict in the future. Today the UN has 193 members.*

we the people of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom, and *for these ends* to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples, *have resolved to combine our efforts to accomplish these aims*. Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

## CHAPTER I

### PURPOSES AND PRINCIPLES

#### ARTICLE 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

## **ARTICLE 2**

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to a of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

## CHAPTER II MEMBERSHIP

### ARTICLE 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of 1 January 1942, sign the present Charter and ratify it in accordance with Article 110.

### ARTICLE 4

1. Membership in the United Nations is open to all other peace-loving states

which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

## **ARTICLE 5**

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

## **ARTICLE 6**

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

## **CHAPTER III ORGANS**

## **ARTICLE 7**

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

## **ARTICLE 8**

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

## **CHAPTER IV THE GENERAL ASSEMBLY**

### **COMPOSITION**

## **ARTICLE 9**

1. The General Assembly shall consist of all the Members of the United Nations.
2. Each Member shall have not more than five representatives in the General Assembly.

### **FUNCTIONS AND POWERS**

## **ARTICLE 10**

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

## **ARTICLE 11**

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may

make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

## **ARTICLE 12**

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

## **ARTICLE 13**

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

- a. promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;
- b. promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions and powers of the General with respect to matters mentioned in paragraph 1) above are set forth in Chapters IX and X.

## **ARTICLE 14**

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

## **ARTICLE 15**

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other



organs of the United Nations.

## **ARTICLE 16**

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

## **ARTICLE 17**

1. The General Assembly shall consider and approve the budget of the Organization.
2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.
3. The Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

## **VOTING**

## **ARTICLE 18**

1. Each member of the General Assembly shall have one vote.
2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in

accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

## **A R T I C L E 19**

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the of the Member.

## **P R O C E D U R E**

## **A R T I C L E 20**

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

## **A R T I C L E 21**

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

## **A R T I C L E 22**

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

## CHAPTER V THE SECURITY COUNCIL

### COMPOSITION

#### **ARTICLE 23**

1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

### FUNCTIONS AND POWERS

#### **ARTICLE 24**

1. In order to ensure prompt and effective action by the United Nations, its

Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

## **ARTICLE 25**

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

## **ARTICLE 26**

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

## **VOTING**

## **ARTICLE 27**

1. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be made by

an affirmative vote of nine members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

## PROCEDURE

### **ARTICLE 28**

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at times at the seat of the Organization.

2. The Security Council shall hold meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

### **ARTICLE 29**

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

### **ARTICLE 30**

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

### **ARTICLE 31**

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

### **ARTICLE 32**

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

## **CHAPTER VI PACIFIC SETTLEMENT OF DISPUTES**

### **ARTICLE 33**

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

### **ARTICLE 34**

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

## **ARTICLE 35**

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.
2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.
3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

## **ARTICLE 36**

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.
2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.
3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

## **ARTICLE 37**

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

## **ARTICLE 38**

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

## **CHAPTER VII**

### **ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION**

## **ARTICLE 39**

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 4 and 42, to maintain or restore international peace and security.

## **ARTICLE 40**

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

## **ARTICLE 41**



The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

#### **ARTICLE 42**

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

#### **ARTICLE 43**

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.
2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.
3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in

accordance with their respective constitutional processes.

#### **ARTICLE 44**

When Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

#### **ARTICLE 45**

In order to enable the Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Committee.

#### **ARTICLE 46**

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

#### **ARTICLE 47**

1. There shall be established a Military Staff Committee to advise and assist the Security Council on questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee consist of the Chiefs of Staff of the

permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish sub-committees.

#### **ARTICLE 48**

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

#### **ARTICLE 49**

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

#### **ARTICLE 50**

If preventive or enforcement measures against any state are taken by the

Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

## **ARTICLE 51**

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

## **CHAPTER VIII REGIONAL ARRANGEMENTS**

### **ARTICLE 52**

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way the application of Articles 34 and 35.

### **A RTICLE 53**

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

### **A RTICLE 54**

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

## **CHAPTER IX**

### **INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION**

### **A RTICLE 55**

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

#### **ARTICLE 56**

All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

#### **ARTICLE 57**

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.
2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

#### **ARTICLE 58**

The Organization shall make recommendations for the co-ordination of the

policies and activities of the specialized agencies.

## **ARTICLE 59**

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

## **ARTICLE 60**

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

## **CHAPTER X**

### **THE ECONOMIC AND SOCIAL COUNCIL**

#### **COMPOSITION**

## **ARTICLE 61**

1. The Economic and Social Council shall consist of fifty-four Members of the United Nations elected by the General Assembly.
2. Subject to the provisions of paragraph 3, eighteen members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.
3. At the first election after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine

members so elected shall expire at the end of one year, and of nine other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

## FUNCTIONS AND POWERS

### ARTICLE 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

### ARTICLE 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may co-ordinate the activities of the specialized agencies through



consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

#### **ARTICLE 64**

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

#### **ARTICLE 65**

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

#### **ARTICLE 66**

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

## VOTING

### **ARTICLE 67**

1. Each member of the Economic and Social Council shall have one vote.
2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

## PROCEDURE

### **ARTICLE 68**

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

### **ARTICLE 69**

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

### **ARTICLE 70**

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

### **ARTICLE 71**

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with

matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

## **ARTICLE 72**

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

## **CHAPTER XI**

### **DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES**

## **ARTICLE 73**

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each

territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

## **ARTICLE 74**

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

## **CHAPTER XII INTERNATIONAL TRUSTEESHIP SYSTEM**

### **ARTICLE 75**

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

## **ARTICLE 76**

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

## **ARTICLE 77**

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

- a. territories now held under mandate;
- b. territories which may be detached from enemy states as a result of the Second World War; and

c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

## **ARTICLE 78**

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

## **ARTICLE 79**

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

## **ARTICLE 80**

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as

provided for in Article 77.

## **A RTICLE 81**

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

## **A RTICLE 82**

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

## **A RTICLE 83**

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.
2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.
3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

## **A RTICLE 84**

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory.

## **ARTICLE 85**

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

## **CHAPTER XIII**

### **THE TRUSTEESHIP COUNCIL**

#### **COMPOSITION**

## **ARTICLE 86**

1. The Trusteeship Council shall consist of the following Members of the United Nations:

- a. those Members administering trust territories;
- b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and
- c. as many other Members elected for three-year terms by the General



Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

## FUNCTIONS AND POWERS

### ARTICLE 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- a. consider reports submitted by the administering authority;
- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

### ARTICLE 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

## VOTING

## **A RTICLE 89**

1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

## **PROCEDURE**

## **A RTICLE 90**

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

## **A RTICLE 91**

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

## **CHAPTER XIV**

### **THE INTERNATIONAL COURT OF JUSTICE**

## **A RTICLE 92**

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

## **ARTICLE 93**

1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.
2. A state which is not of the United Nations may become a party to the Statute of the International Court of Justice on to be determined in each case by the General Assembly upon the recommendation of the Security Council.

## **ARTICLE 94**

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.
2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

## **ARTICLE 95**

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

## **ARTICLE 96**

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.
2. Other organs of the United Nations and specialized agencies, which may at

any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

## CHAPTER XV THE SECRETARIAT

### ARTICLE 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

### ARTICLE 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

### ARTICLE 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

### ARTICLE 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible

only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

## **ARTICLE 101**

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

## **CHAPTER XVI MISCELLANEOUS PROVISIONS**

### **ARTICLE 102**

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph I of this Article may invoke that treaty or agreement before any organ of the United Nations.

## **A R T I C L E 103**

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

## **A R T I C L E 104**

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

## **A R T I C L E 105**

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.
2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization.
3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

## **CHAPTER XVII**

### **TRANSITIONAL SECURITY ARRANGEMENTS**

## **A R T I C L E 106**

Pending the coming into force of such special agreements referred to in

Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, 30 October 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

#### **ARTICLE 107**

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

### **CHAPTER XVIII AMENDMENTS**

#### **ARTICLE 108**

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

#### **ARTICLE 109**

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the

United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

## CHAPTER XIX RATIFICATION AND SIGNATURE

### ARTICLE 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to



all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

## **ARTICLE 111**

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

## PRESIDENT HARRY S. TRUMAN INTRODUCES THE TRUMAN DOCTRINE

(1947)

*At the end of World War II, many countries were left economically and politically devastated. The United States found itself in a “cold war” with its former ally, the Soviet Union. The Americans wanted to promote democracy around the world, whereas the Soviets wanted to expand communism. Two of the first countries that seemed susceptible to Soviet expansion were Greece and Turkey, impoverished nations with unstable governments. In March 1947, President Harry Truman addressed Congress and urged support for sending financial aid to Greece and Turkey to help them rebuild and establish democratic governments. This approach—supporting countries that resisted the spread of communism—became known as the Truman Doctrine, and it laid the foundation for the United States’ position throughout the Cold War.*

MR. President, Mr. Speaker, Members of the Congress of the United States:

The gravity of the situation which confronts the world today necessitates my appearance before a joint session of the Congress. The foreign policy and the national security of this country are involved.

One aspect of the present situation, which I wish to present to you at this time for your consideration and decision, concerns Greece and Turkey.

The United States has received from the Greek Government an urgent appeal for financial and economic assistance. Preliminary reports from the American Economic Mission now in Greece and reports from the American Ambassador in Greece corroborate the statement of the Greek Government that assistance is imperative if Greece is to survive as a free nation.

I do not believe that the American people and the Congress wish to turn a

deaf ear to the appeal of the Greek Government.

Greece is not a rich country. Lack of sufficient natural resources has always forced the Greek people to work hard to make both ends meet. Since 1940, this industrious and peace loving country has suffered invasion, four years of cruel enemy occupation, and bitter internal strife.

When forces of liberation entered Greece they found that the retreating Germans had destroyed virtually all the railways, roads, port facilities, communications, and merchant marine. More than a thousand villages had been burned. Eighty-five per cent of the children were tubercular. Livestock, poultry, and draft animals had almost disappeared. Inflation had wiped out practically all savings.

As a result of these tragic conditions, a militant minority, exploiting human want and misery, was able to create political chaos which, until now, has made economic recovery impossible.

Greece is today without funds to finance the importation of those goods which are essential to bare subsistence. Under these circumstances the people of Greece cannot make progress in solving their problems of reconstruction. Greece is in desperate need of financial and economic assistance to enable it to resume purchases of food, clothing, fuel and seeds. These are indispensable for the subsistence of its people and are obtainable only from abroad. Greece must have help to import the goods necessary to restore internal order and security, so essential for economic and political recovery.

The Greek Government has also asked for the assistance of experienced American administrators, economists and technicians to insure that the financial and other aid given to Greece shall be used effectively in creating a stable and self-sustaining economy and in improving its public administration.

The very existence of the Greek state is today threatened by the terrorist activities of several thousand armed men, led by Communists, who defy the government's authority at a number of points, particularly along the northern boundaries. A Commission appointed by the United Nations security Council is at present investigating disturbed conditions in northern Greece and alleged border violations along the frontier between Greece on the one hand and Albania, Bulgaria, and Yugoslavia on the other.

Meanwhile, the Greek Government is unable to cope with the situation. The Greek army is small and poorly equipped. It needs supplies and equipment if it is to restore the authority of the government throughout Greek territory. Greece must have assistance if it is to become a self-supporting and self-respecting democracy.

The United States must supply that assistance. We have already extended to Greece certain types of relief and economic aid but these are inadequate.

There is no other country to which democratic Greece can turn.

No other nation is willing and able to provide the necessary support for a democratic Greek government.

The British Government, which has been helping Greece, can give no further financial or economic aid after March 31. Great Britain finds itself under the necessity of reducing or liquidating its commitments in several parts of the world, including Greece.

We have considered how the United Nations might assist in this crisis. But the situation is an urgent one requiring immediate action and the United Nations and its related organizations are not in a position to extend help of the kind that is required.

It is important to note that the Greek Government has asked for our aid in

utilizing effectively the financial and other assistance we may give to Greece, and in improving its public administration. It is of the utmost importance that we supervise the use of any funds made available to Greece; in such a manner that each dollar spent will count toward making Greece self-supporting, and will help to build an economy in which a healthy democracy can flourish.

No government is perfect. One of the chief virtues of a democracy, however, is that its defects are always visible and under democratic processes can be pointed out and corrected. The Government of Greece is not perfect. Nevertheless it represents eighty-five per cent of the members of the Greek Parliament who were chosen in an election last year. Foreign observers, including 692 Americans, considered this election to be a fair expression of the views of the Greek people.

The Greek Government has been operating in an atmosphere of chaos and extremism. It has made mistakes. The extension of aid by this country does not mean that the United States condones everything that the Greek Government has done or will do. We have condemned in the past, and we condemn now, extremist measures of the right or the left. We have in the past advised tolerance, and we advise tolerance now.

Greece's neighbor, Turkey, also deserves our attention.

The future of Turkey as an independent and economically sound state is clearly no less important to the freedom-loving peoples of the world than the future of Greece. The circumstances in which Turkey finds itself today are considerably different from those of Greece. Turkey has been spared the disasters that have beset Greece. And during the war, the United States and Great Britain furnished Turkey with material aid.

Nevertheless, Turkey now needs our support.

Since the war Turkey has sought financial assistance from Great Britain and

the United States for the purpose of effecting that modernization necessary for the maintenance of its national integrity.

That integrity is essential to the preservation of order in the Middle East.

The British government has informed us that, owing to its own difficulties can no longer extend financial or economic aid to Turkey.

As in the case of Greece, if Turkey is to have the assistance it needs, the United States must supply it. We are the only country able to provide that help.

I am fully aware of the broad implications involved if the United States extends assistance to Greece and Turkey, and I shall discuss these implications with you at this time.

One of the primary objectives of the foreign policy of the United States is the creation of conditions in which we and other nations will be able to work out a way of life free from coercion. This was a fundamental issue in the war with Germany and Japan. Our victory was won over countries which sought to impose their will, and their way of life, upon other nations.

To ensure the peaceful development of nations, free from coercion, the United States has taken a leading part in establishing the United Nations. The United Nations is designed to make possible lasting freedom and independence for all its members. We shall not realize our objectives, however, unless we are willing to help free peoples to maintain their free institutions and their national integrity against aggressive movements that seek to impose upon them totalitarian regimes. This is no more than a frank recognition that totalitarian regimes imposed on free peoples, by direct or indirect aggression, undermine the foundations of international peace and hence the security of the United States.

The peoples of a number of countries of the world have recently had totalitarian regimes forced upon them against their will. The Government of the United States has made frequent protests against coercion and intimidation, in violation of the Yalta agreement, in Poland, Rumania, and Bulgaria. I must also state that in a number of other countries there have been similar developments.

At the present moment in world history nearly every nation must choose between alternative ways of life. The choice is too often not a free one.

One way of life is based upon the will of the majority, and is distinguished by free institutions, representative government, free elections, guarantees of individual liberty, freedom of speech and religion, and freedom from political oppression.

The second way of life is based upon the will of a minority forcibly imposed upon the majority. It relies upon terror and oppression, a controlled press and radio; fixed elections, and the suppression of personal freedoms.

I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures.

I believe that we must assist free peoples to work out their own destinies in their own way.

I believe that our help should be primarily through economic and financial aid which is essential to economic stability and orderly political processes.

The world is not static, and the status quo is not sacred. But we cannot allow changes in the status quo in violation of the Charter of the United Nations by such methods as coercion, or by such subterfuges as political infiltration. In helping free and independent nations to maintain their freedom, the United

States will be giving effect to the principles of the Charter of the United Nations.

It is necessary only to glance at a map to realize that the survival and integrity of the Greek nation are of grave importance in a much wider situation. If Greece should fall under the control of an armed minority, the effect upon its neighbor, Turkey, would be immediate and serious. Confusion and disorder might well spread throughout the entire Middle East.

Moreover, the disappearance of Greece as an independent state would have a profound effect upon those countries in Europe whose peoples are struggling against great difficulties to maintain their freedoms and their independence while they repair the damages of war.

It would be an unspeakable tragedy if these countries, which have struggled so long against overwhelming odds, should lose that victory for which they sacrificed so much. Collapse of free institutions and loss of independence would be disastrous not only for them but for the world. Discouragement and possibly failure would quickly be the lot of neighboring peoples striving to maintain their freedom and independence.

Should we fail to aid Greece and Turkey in this fateful hour, the effect will be far reaching to the West as well as to the East.

We must take immediate and resolute action.

I therefore ask the Congress to provide authority for assistance to Greece and Turkey in the amount of \$400,000,000 for the period ending June 30, 1948. In requesting these funds, I have taken into consideration the maximum amount of relief assistance which would be furnished to Greece out of the \$350,000,000 which I recently requested that the Congress authorize for the prevention of starvation and suffering in countries devastated by the war.



In addition to funds, I ask the Congress to authorize the detail of American civilian and military personnel to Greece and Turkey, at the request of those countries, to assist in the tasks of reconstruction, and for the purpose of supervising the use of such financial and material assistance as may be furnished. I recommend that authority also be provided for the instruction and training of selected Greek and Turkish personnel.

Finally, I ask that the Congress provide authority which will permit the speediest and most effective use, in terms of needed commodities, supplies, and equipment, of such funds as may be authorized.

If further funds, or further authority, should be needed for purposes indicated in this message, I shall not hesitate to bring the situation before the Congress. On this subject the Executive and Legislative branches of the Government must work together.

This is a serious course upon which we embark.

I would not recommend it except that the alternative is much more serious. The United States contributed \$341,000,000,000 toward winning World War II. This is an investment in world freedom and world peace.

The assistance that I am recommending for Greece and Turkey amounts to little more than 1 tenth of 1 per cent of this investment. It is only common sense that we should safeguard this investment and make sure that it was not in vain.

The seeds of totalitarian regimes are nurtured by misery and want. They spread and grow in the evil soil of poverty and strife. They reach their full growth when the hope of a people for a better life has died. We must keep that hope alive.

The free peoples of the world look to us for support in maintaining their

freedoms.

If we falter in our leadership, we may endanger the peace of the world—and we shall surely endanger the welfare of our own nation.

Great responsibilities have been placed upon us by the swift movement of events.

I am confident that the Congress will face these responsibilities squarely.

## THE MARS HALL PLAN SPEECH (1947)

*In June 1947, Secretary of State George Marshall gave a speech at Harvard University in which he introduced the Marshall Plan. Officially called the Economic Cooperation Act, it was the U.S. program of sending financial aid to Europe to help countries rebuild after World War II.*

MR. President, Dr. Conant, members of the board of overseers, ladies and gentlemen, I'm profoundly grateful and touched by the distinction and honor and great compliment accorded me by the authorities of Harvard this morning. I'm overwhelmed, as a matter of fact, and I'm rather fearful of my inability to maintain such a high rating as you've been generous enough to accord to me. In these historic and lovely surroundings, this perfect day, and this very wonderful assembly, it is a tremendously impressive thing to an individual in my position.

I need not tell you gentlemen that the world situation is very serious. That must be apparent to all intelligent people. I think one difficulty is that the problem is one of such enormous complexity that the very mass of facts presented to the public by press and radio make it exceedingly difficult for the man in the street to reach a clear appraisalment of the situation.

Furthermore, the people of this country are distant from the troubled areas of the earth and it is hard for them to comprehend the plight and consequent reactions of the long-suffering peoples, and the effect of those reactions on their governments in connection with our efforts to promote peace in the world.

In considering the requirements for the rehabilitation of Europe the physical loss of life, the visible destruction of cities, factories, mines and railroads was correctly estimated, but it has become obvious during recent months that this visible destruction was probably less serious than the dislocation of the entire fabric of European economy. For the past ten years conditions have been highly abnormal. The feverish preparation for war and the more feverish

maintenance of the war effort engulfed all aspects of national economies. Machinery has fallen into disrepair or is entirely obsolete. Under the arbitrary and destructive Nazi rule, virtually every possible enterprise was geared into the German war machine. Longstanding commercial ties, private institutions, banks, insurance companies and shipping companies disappeared, through loss of capital, absorption through nationalization or by simple destruction. In many countries, confidence in the local currency has been severely shaken. The breakdown of the business structure of Europe during the war was complete. Recovery has been seriously retarded by the fact that two years after the close of hostilities a peace settlement with Germany and Austria has not been agreed upon. But even given a more prompt solution of these difficult problems, the rehabilitation of the economic structure of Europe quite evidently will require a much longer time and greater effort than had been foreseen.

There is a phase of this matter which is both interesting and serious. The farmer has always produced the foodstuffs to exchange with the city dweller for the other necessities of life. This division of labor is the basis of modern civilization. At the present time it is threatened with breakdown. The town and city industries are not producing adequate goods to exchange with the food-producing farmer. Raw materials and fuel are in short supply. Machinery is lacking or worn out. The farmer of the peasant cannot find the goods for sale which he desires to purchase. So the sale of his farm produce for money which he cannot use seems to him an unprofitable transaction. He, therefore, has withdrawn many fields from crop cultivation and is using them for grazing. He feeds more grain to stock and finds for himself and his family an ample supply of food, however short he may be on clothing and the other ordinary gadgets of civilization. Meanwhile people in the cities are short of food and fuel. So the governments are forced to use their foreign money and credits to procure these necessities abroad. This process exhausts funds which are urgently needed for reconstruction. This a very serious situation is rapidly developing which bodes no good for the world. The modern system of the division of labor upon which the exchange of products is based is in

danger of breaking down.

The truth of the matter is that Europe's requirements for the next three or four years of foreign food and other essential products—principally from America—are so much greater than her present ability to pay that she must have substantial additional help, or face economic, social and political deterioration of a very grave character.

The remedy lies in breaking the vicious circle and restoring the confidence of the European people in the economic future of their own countries and of Europe as a whole. The manufacturer and the farmer throughout wide areas must be able and willing to exchange their products for currencies the continuing value of which is not open to question.

Aside from the demoralizing effect on the world at large and the possibilities of disturbances arising as a result of the desperation of the people concerned, the consequences to the economy of the United States should be apparent to all. It is logical that the United States should do whatever it is able to do to assist in the return of normal economic health in the world, without which there can be no political stability and no assured peace. Our policy is directed not against any country or doctrine but against hunger, poverty, desperation and chaos. Its purpose should be the revival of a working economy in the world so as to permit the emergence of political and social conditions in which free institutions can exist. Such assistance, I am convinced, must not be on a piece-meal basis as various crises develop. Any assistance that this Government may render in the future should provide a cure rather than a mere palliative. Any government that is willing to assist in the task of recovery will find full cooperation, I am sure, on the part of the United States Government. Any government which maneuvers to block the recovery of other countries cannot expect help from us. Furthermore, governments, political parties or groups which seek to perpetuate human misery in order to profit therefrom politically or otherwise will encounter the opposition of the United States.

It is already evident that, before the United States Government can proceed much further in its efforts to alleviate the situation and help start the European world on its way to recovery, there must be some agreement among the countries of Europe as to the requirements of the situation and the part those countries themselves will take in order to give proper effect to whatever action might be undertaken by this Government. It would be neither fitting nor efficacious for this Government to undertake to draw up unilaterally a program designed to place Europe on its feet economically. This is the business of the Europeans. The initiative, I think, must come from Europe. The role of this country should consist of friendly aid in the drafting of a European program and of later support of such a program so far as it may be practical for us to do so. The program should be a joint one, agreed to by a number, if not all European nations.

An essential part of any successful action on the part of the United States is an understanding on the part of the people of America of the character of the problem and the remedies to be applied. Political passion and prejudice should have no part. With foresight, and a willingness on the part of our people to face up to the vast responsibility which history has clearly placed upon our country, the difficulties I have outlined can and will be overcome.

I am sorry that on occasion I have said something publicly in regard to our international situation; I've been forced by the necessities of the case to enter into rather technical discussions. But to my mind, it is of vast importance that our people reach some general understanding of what the complications really are, rather than react from a passion or a prejudice or an emotion of the moment. As I said more formally a moment ago, we are remote from the scene of these troubles. It is virtually impossible at this distance merely by reading, or listening, or even seeing photographs or motion pictures, to grasp at all the real significance of the situation. And yet the whole world of the future hangs on a proper judgment. It hangs, I think, to a large extent on the realization of the American people, of just what are the various dominant factors. What are the reactions of the people? What are the justifications of those reactions?

What are the sufferings? What is needed? What can best be done? What must be done? Thank you very much.

HARRY S. TRUMAN'S  
INAUGURAL ADDRESS  
(J ANUARY 20, 1949)

Mr. Vice President, Mr. Chief Justice, and fellow citizens, I accept with humility the honor which the American people have conferred upon me. I accept it with a deep resolve to do all that I can for the welfare of this Nation and for the peace of the world.

In performing the duties of my office, I need the help and prayers of every one of you. I ask for your encouragement and your support. The tasks we face are difficult, and we can accomplish them only if we work together.

Each period of our national history has had its special challenges. Those that confront us now are as momentous as any in the past. Today marks the beginning not only of a new administration, but of a period that will be eventful, perhaps decisive, for us and for the world.

It may be our lot to experience, and in large measure to bring about, a major turning point in the long history of the human race. The first half of this century has been marked by unprecedented and brutal attacks on the rights of man, and by the two most frightful wars in history. The supreme need of our time is for men to learn to live together in peace and harmony.

The peoples of the earth face the future with grave uncertainty, composed almost equally of great hopes and great fears. In this time of doubt, they look to the United States as never before for good will, strength, and wise leadership.

It is fitting, therefore, that we take this occasion to proclaim to the world the essential principles of the faith by which we live, and to declare our aims to all peoples.



The American people stand firm in the faith which has inspired this Nation from the beginning. We believe that all men have a right to equal justice under law and equal opportunity to share in the common good. We believe that all men have the right to freedom of thought and expression. We believe that all men are created equal because they are created in the image of God.

From this faith we will not be moved.

The American people desire, and are determined to work for, a world in which all nations and all peoples are free to govern themselves as they see fit, and to achieve a decent and satisfying life. Above all else, our people desire, and are determined to work for, peace on earth—a just and lasting peace—based on genuine agreement freely arrived at by equals.

In the pursuit of these aims, the United States and other like-minded nations find themselves directly opposed by a regime with contrary aims and a totally different concept of life.

That regime adheres to a false philosophy which purports to offer freedom, security, and greater opportunity to mankind. Misled by this philosophy, many peoples have sacrificed their liberties only to learn to their sorrow that deceit and mockery, poverty and tyranny, are their reward.

That false philosophy is communism.

Communism is based on the belief that man is so weak and inadequate that he is unable to govern himself, and therefore requires the rule of strong masters.

Democracy is based on the conviction that man has the moral and intellectual capacity, as well as the inalienable right, to govern himself with reason and justice.

Communism subjects the individual to arrest without lawful cause,

punishment without trial, and forced labor as the chattel of the state. It decrees what information he shall receive, what art he shall produce, what leaders he shall follow, and what thoughts he shall think.

Democracy maintains that government is established for the benefit of the individual, and is charged with the responsibility of protecting the rights of the individual and his freedom in the exercise of his abilities.

Communism maintains that social wrongs can be corrected only by violence.

Democracy has proved that social justice can be achieved through peaceful change.

Communism holds that the world is so deeply divided into opposing classes that war is inevitable.

Democracy holds that free nations can settle differences justly and maintain lasting peace.

These differences between communism and democracy do not concern the United States alone. People everywhere are coming to realize that what is involved is material well-being, human dignity, and the right to believe in and worship God.

I state these differences, not to draw issues of belief as such, but because the actions resulting from the Communist philosophy are a threat to the efforts of free nations to bring about world recovery and lasting peace.

Since the end of hostilities, the United States has invested its substance and its energy in a great constructive effort to restore peace, stability, and freedom to the world.

We have sought no territory and we have imposed our will on none. We have asked for no privileges we would not extend to others.

We have constantly and vigorously supported the United Nations and related agencies as a means of applying democratic principles to international relations. We have consistently advocated and relied upon peaceful settlement of disputes among nations.

We have made every effort to secure agreement on effective international control of our most powerful weapon, and we have worked steadily for the limitation and control of all armaments.

We have encouraged, by precept and example, the expansion of world trade on a sound and fair basis.

Almost a year ago, in company with 16 free nations of Europe, we launched the greatest cooperative economic program in history. The purpose of that unprecedented effort is to invigorate and strengthen democracy in Europe, so that the free people of that continent can resume their rightful place in the forefront of civilization and can contribute once more to the security and welfare of the world.

Our efforts have brought new hope to all mankind. We have beaten back despair and defeatism. We have saved a number of countries from losing their liberty. Hundreds of millions of people all over the world now agree with us, that we need not have war—that we can have peace.

The initiative is ours.

We are moving on with other nations to build an even stronger structure of international order and justice. We shall have as our partners countries which, no longer solely concerned with the problem of national survival, are now working to improve the standards of living of all their people. We are ready to undertake new projects to strengthen the free world.

In the coming years, our program for peace and freedom will emphasize four

major courses of action.

First, we will continue to give unfaltering support to the United Nations and related agencies, and we will continue to search for ways to strengthen their authority and increase their effectiveness. We believe that the United Nations will be strengthened by the new nations which are being formed in lands now advancing toward self-government under democratic principles.

Second, we will continue our programs for world economic recovery.

This means, first of all, that we must keep our full weight behind the European recovery program. We are confident of the success of this major venture in world recovery. We believe that our partners in this effort will achieve the status of self-supporting nations once again.

In addition, we must carry out our plans for reducing the barriers to world trade and increasing its volume. Economic recovery and peace itself depend on increased world trade.

Third, we will strengthen freedom-loving nations against the dangers of aggression.

We are now working out with a number of countries a joint agreement designed to strengthen the security of the North Atlantic area. Such an agreement would take the form of a collective defense arrangement within the terms of the United Nations Charter.

We have already established such a defense pact for the Western Hemisphere by the treaty of Rio de Janeiro.

The primary purpose of these agreements is to provide unmistakable proof of the joint determination of the free countries to resist armed attack from any quarter. Each country participating in these arrangements must contribute all it can to the common defense.

If we can make it sufficiently clear, in advance, that any armed attack affecting our national security would be met with overwhelming force, the armed attack might never occur.

I hope soon to send to the Senate a treaty respecting the North Atlantic security plan.

In addition, we will provide military advice and equipment to free nations which will cooperate with us in the maintenance of peace and security.

Fourth, we must embark on a bold new program for making the benefits of our scientific advances and industrial progress available for the improvement and growth of underdeveloped areas.

More than half the people of the world are living in conditions approaching misery. Their food is inadequate. They are victims of disease. Their economic life is primitive and stagnant. Their poverty is a handicap and a threat both to them and to more prosperous areas.

For the first time in history, humanity possesses the knowledge and the skill to relieve the suffering of these people.

The United States is pre-eminent among nations in the development of industrial and scientific techniques. The material resources which we can afford to use for the assistance of other peoples are limited. But our imponderable resources in technical knowledge are constantly growing and are inexhaustible.

I believe that we should make available to peace-loving peoples the benefits of our store of technical knowledge in order to help them realize their aspirations for a better life. And, in cooperation with other nations, we should foster capital investment in areas needing development.

Our aim should be to help the free peoples of the world, through their own

efforts, to produce more food, more clothing, more materials for housing, and more mechanical power to lighten their burdens.

We invite other countries to pool their technological resources in this undertaking. Their contributions will be warmly welcomed. This should be a cooperative enterprise in which all nations work together through the United Nations and its specialized agencies wherever practicable. It must be a worldwide effort for the achievement of peace, plenty, and freedom.

With the cooperation of business, private capital, agriculture, and labor in this country, this program can greatly increase the industrial activity in other nations and can raise substantially their standards of living.

Such new economic developments must be devised and controlled to benefit the peoples of the areas in which they are established. Guarantees to the investor must be balanced by guarantees in the interest of the people whose resources and whose labor go into these developments.

The old imperialism—exploitation for foreign profit—has no place in our plans. What we envisage is a program of development based on the concepts of democratic fair-dealing.

All countries, including our own, will greatly benefit from a constructive program for the better use of the world's human and natural resources. Experience shows that our commerce with other countries expands as they progress industrially and economically.

Greater production is the key to prosperity and peace. And the key to greater production is a wider and more vigorous application of modern scientific and technical knowledge.

Only by helping the least fortunate of its members to help themselves can the human family achieve the decent, satisfying life that is the right of all people.

Democracy alone can supply the vitalizing force to stir the peoples of the world into triumphant action, not only against their human oppressors, but also against their ancient enemies—hunger, misery, and despair.

On the basis of these four major courses of action we hope to help create the conditions that will lead eventually to personal freedom and happiness for all mankind.

If we are to be successful in carrying out these policies, it is clear that we must have continued prosperity in this country and we must keep ourselves strong.

Slowly but surely we are weaving a world fabric of international security and growing prosperity.

We are aided by all who wish to live in freedom from fear—even by those who live today in fear under their own governments.

We are aided by all who want relief from the lies of propaganda—who desire truth and sincerity.

We are aided by all who desire self-government and a voice in deciding their own affairs.

We are aided by all who long for economic security—for the security and abundance that men in free societies can enjoy.

We are aided by all who desire freedom of speech, freedom of religion, and freedom to live their own lives for useful ends.

Our allies are the millions who hunger and thirst after righteousness.

In due time, as our stability becomes manifest, as more and more nations come to know the benefits of democracy and to participate in growing

abundance, I believe that those countries which now oppose us will abandon their delusions and join with the free nations of the world in a just settlement of international differences.

Events have brought our American democracy to new influence and new responsibilities. They will test our courage, our devotion to duty, and our concept of liberty.

But I say to all men, what we have achieved in liberty, we will surpass in greater liberty.

Steadfast in our faith in the Almighty, we will advance toward a world where man's freedom is secure.

To that end we will devote our strength, our resources, and our firmness of resolve. With God's help, the future of mankind will be assured in a world of justice, harmony, and peace.



## THE NORTH ATLANTIC TREATY (1949)

*Drafted in Washington, D.C., the North Atlantic Treaty established the North Atlantic Treaty Organization (NATO), a peacetime military alliance that initially included twelve countries: the United States, Canada, and ten western European nations. NATO's goals included rebuilding western Europe after World War II, protecting western Europe from another attack or invasion, and guarding against the spread of communism. Today, NATO includes twenty-eight nations and is the world's largest and most successful peacetime military alliance.*

The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments.

They are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area.

They are resolved to unite their efforts for collective defence and for the preservation of peace and security. They therefore agree to this North Atlantic Treaty:

### **ARTICLE 1**

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

## **A R T I C L E 2**

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.

## **A R T I C L E 3**

In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

## **A R T I C L E 4**

The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.

## **A R T I C L E 5**

The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

#### **ARTICLE 6 \***

For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack:

- on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France †, on the territory of or on the Islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;
- on the forces, vessels, or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.

#### **ARTICLE 7**

This Treaty does not affect, and shall not be interpreted as affecting in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.

#### **ARTICLE 8**

Each Party declares that none of the international engagements now in force between it and any other of the Parties or any third State is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.

## **A R T I C L E 9**

The Parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The Council shall be so organised as to be able to meet promptly at any time. The Council shall set up such subsidiary bodies as may be necessary; in particular it shall establish immediately a defence committee which shall recommend measures for the implementation of Articles 3 and 5.

## **A R T I C L E 10**

The Parties may, by unanimous agreement, invite any other European State in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty. Any State so invited may become a Party to the Treaty by depositing its instrument of accession with the Government of the United States of America. The Government of the United States of America will inform each of the Parties of the deposit of each such instrument of accession.

## **A R T I C L E 11**

This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which will notify all the other signatories of each deposit. The Treaty shall enter into force between the States which have ratified it as soon as the ratifications of the majority of the signatories, including the ratifications of Belgium, Canada, France, Luxembourg, the Netherlands, the United Kingdom and the United States, have been deposited and shall come into effect with respect to other States on the date of the deposit of their ratifications. \*

## **A R T I C L E 12**

After the Treaty has been in force for ten years, or at any time thereafter, the Parties shall, if any of them so requests, consult together for the purpose of reviewing the Treaty, having regard for the factors then affecting peace and security in the North Atlantic area, including the development of universal as well as regional arrangements under the Charter of the United Nations for the maintenance of international peace and security.

### **ARTICLE 13**

After the Treaty has been in force for twenty years, any Party may cease to be a Party one year after its notice of denunciation has been given to the Government of the United States of America, which will inform the Governments of the other Parties of the deposit of each notice of denunciation.

### **ARTICLE 14**

This Treaty, of which the English and French texts are equally authentic, shall be deposited in the archives of the Government of the United States of America. Duly certified copies will be transmitted by that Government to the Governments of other signatories.

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*\* The definition of the territories to which Article 5 applies was revised by Article 2 of the Protocol to the North Atlantic Treaty on the accession of Greece and Turkey signed on October 22, 1951.*

*† On January 16, 1963, the North Atlantic Council noted that insofar as the former Algerian Departments of France were concerned, the relevant clauses of this Treaty had become inapplicable as from July 3, 1962 .*

*\* The Treaty came into force on August 24, 1949, after the deposition of the ratifications of all signatory states .*

## **BROWN V. BOARD OF EDUCATION (1954)**

*Despite winning emancipation after the Civil War, African Americans in the United States continued to face discrimination. An 1896 Supreme Court decision in Plessy v. Ferguson made the discrimination legal. After Homer Plessy, an African American man, was arrested for riding in a whites-only train car in New Orleans, he appealed all the way to the Supreme Court, arguing that segregating black passengers violated the 14th Amendment. In an 8–1 decision, the court ruled against Plessy, saying that as long as “equal” accommodations were provided, “separate” facilities were lawful. This led to a rash of new laws in the South segregating African Americans and whites in everything from restaurants to buses to schools. The laws, called Jim Crow laws, remained in place well into the twentieth century. But in the 1950s, another case made it to the Supreme Court. The child named in the lawsuit, eight-year-old Linda Brown, represented five African American families whose children were forced to endure unsafe and substandard conditions at segregated black schools. This time, the court, led by Justice Earl Warren, rendered a unanimous decision that struck down the concept of “separate but equal” and ultimately led to the integration of America’s public schools.*

### **SUPREME COURT OF THE UNITED STATES**

Brown v. Board of Education, 347 U.S. 483 (1954) (USSC+)

Argued December 9, 1952

Reargued December 8, 1953

Decided May 17, 1954

**APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS \***

## S YLLABUS

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.

## O PINION

*Mr. Chief Justice Earl 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.<sup>1</sup> 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. In the Delaware case, the Supreme Court of Delaware adhered to that doctrine, but ordered that the plaintiffs be admitted to the white schools because of their superiority to the Negro schools.

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. Because of the obvious importance of the question presented, the Court took jurisdiction.<sup>2</sup> Argument was heard in the 1952 Term, and reargument was heard this Term on certain questions propounded by the Court.<sup>3</sup>

Reargument was largely devoted to the circumstances surrounding the adoption of the Fourteenth Amendment in 1868. It covered exhaustively consideration of the Amendment in Congress, ratification by the states, then-existing practices in racial segregation, and the views of proponents and opponents of the Amendment. This discussion and our own investigation convince us that, although these sources cast some light, it is not enough to



resolve the problem with which we are faced. At best, they are inconclusive. The most avid proponents of the post-War Amendments undoubtedly intended them to remove all legal distinctions among “all persons born or naturalized in the United States.” Their opponents, just as certainly, were antagonistic to both the letter and the spirit of the Amendments and wished them to have the most limited effect. What others in Congress and the state legislatures had in mind cannot be determined with any degree of certainty.

An additional reason for the inconclusive nature of the Amendment’s history with respect to segregated schools is the status of public education at that time.<sup>4</sup> In the South, the movement toward free common schools, supported by general taxation, had not yet taken hold. Education of white children was largely in the hands of private groups. Education of Negroes was almost nonexistent, and practically all of the race were illiterate. In fact, any education of Negroes was forbidden by law in some states. Today, in contrast, many Negroes have achieved outstanding success in the arts and sciences, as well as in the business and professional world. It is true that public school education at the time of the Amendment had advanced further in the North, but the effect of the Amendment on Northern States was generally ignored in the congressional debates. Even in the North, the conditions of public education did not approximate those existing today. The curriculum was usually rudimentary; ungraded schools were common in rural areas; the school term was but three months a year in many states, and compulsory school attendance was virtually unknown. As a consequence, it is not surprising that there should be so little in the history of the Fourteenth Amendment relating to its intended effect on public education.

In the first cases in this Court construing the Fourteenth Amendment, decided shortly after its adoption, the Court interpreted it as proscribing all state-imposed discriminations against the Negro race.<sup>5</sup> The doctrine of “separate but equal” did not make its appearance in this Court until 1896 in the case of *Plessy v. Ferguson*, *supra*, involving not education but transportation.<sup>6</sup>

American courts have since labored with the doctrine for over half a century. In this Court, there have been six cases involving the “separate but equal” doctrine in the field of public education.<sup>7</sup> In *Cumming v. County Board of Education*, 175 U.S. 528, and *Gong Lum v. Rice*, 275 U.S. 78, the validity of the doctrine itself was not challenged.<sup>8</sup> In more recent cases, all on the graduate school level, inequality was found in that specific benefits enjoyed by white students were denied to Negro students of the same educational qualifications. *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337; *Sipuel v. Oklahoma*, 332 U.S. 631; *Sweatt v. Painter*, 339 U.S. 629; *McLaurin v. Oklahoma State Regents*, 339 U.S. 637. In none of these cases was it necessary to reexamine the doctrine to grant relief to the Negro plaintiff. And in *Sweatt v. Painter*, *supra*, the Court expressly reserved decision on the question whether *Plessy v. Ferguson* should be held inapplicable to public education.

In the instant cases, that question is directly presented. Here, unlike *Sweatt v. Painter*, 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.<sup>9</sup> 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.<sup>10</sup>

Whatever may have been the extent of psychological knowledge at the time of *Plessy v. Ferguson*, this finding is amply supported by modern authority.<sup>11</sup> 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.<sup>12</sup>

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, and the parties are requested to present further argument on Questions 4 and 5 previously propounded by the Court for the reargument this Term.<sup>13</sup> The Attorney General of the United States is again invited to

participate. The Attorneys General of the states requiring or permitting segregation in public education will also be permitted to appear as amici curiae upon request to do so by September 15, 1954, and submission of briefs by October 1, 1954. <sup>14</sup>

It is so ordered.

[F OOTNOTE 1]

In the Kansas case, *Brown v. Board of Education*, the plaintiffs are Negro children of elementary school age residing in Topeka. They brought this action in the United States District Court for the District of Kansas to enjoin enforcement of a Kansas statute which permits, but does not require, cities of more than 15,000 population to maintain separate school facilities for Negro and white students. Kan.Gen.Stat. § 72-1724 (1949). Pursuant to that authority, the Topeka Board of Education elected to establish segregated elementary schools. Other public schools in the community, however, are operated on a nonsegregated basis. The three-judge District Court, convened under 28 U.S.C. §§ 2281 and 2284, found that segregation in public education has a detrimental effect upon Negro children, but denied relief on the ground that the Negro and white schools were substantially equal with respect to buildings, transportation, curricula, and educational qualifications of teachers. 98 F.Supp. 797. The case is here on direct appeal under 28 U.S.C. § 1253.

In the South Carolina case, *Briggs v. Elliott*, the plaintiffs are Negro children of both elementary and high school age residing in Clarendon County. They brought this action in the United States District Court for the Eastern District of South Carolina to enjoin enforcement of provisions in the state constitution and statutory code which require the segregation of Negroes and whites in public schools. S.C.Const., Art. XI, § 7; S.C.Code § 5377 (1942). The three-judge District Court, convened under 28 U.S.C. §§ 2281 and 2284, denied the requested relief. The court found that the Negro schools were

inferior to the white schools, and ordered the defendants to begin immediately to equalize the facilities. But the court sustained the validity of the contested provisions and denied the plaintiffs admission to the white schools during the equalization program. 98 F.Supp. 529. This Court vacated the District Court's judgment and remanded the case for the purpose of obtaining the court's views on a report filed by the defendants concerning the progress made in the equalization program. 342 U.S. 350. On remand, the District Court found that substantial equality had been achieved except for buildings and that the defendants were proceeding to rectify this inequality as well. 103 F.Supp. 920. The case is again here on direct appeal under 28 U.S.C. § 1253.

In the Virginia case, *Davis v. County School Board*, the plaintiffs are Negro children of high school age residing in Prince Edward County. They brought this action in the United States District Court for the Eastern District of Virginia to enjoin enforcement of provisions in the state constitution and statutory code which require the segregation of Negroes and whites in public schools. Va.Const., § 140; Va.Code § 22-221 (1950). The three-judge District Court, convened under 28 U.S.C. §§ 2281 and 2284, denied the requested relief. The court found the Negro school inferior in physical plant, curricula, and transportation, and ordered the defendants forthwith to provide substantially equal curricula and transportation and to "proceed with all reasonable diligence and dispatch to remove" the inequality in physical plant. But, as in the South Carolina case, the court sustained the validity of the contested provisions and denied the plaintiffs admission to the white schools during the equalization program. 103 F.Supp. 337. The case is here on direct appeal under 28 U.S.C. § 1253.

In the Delaware case, *Gebhart v. Belton*, the plaintiffs are Negro children of both elementary and high school age residing in New Castle County. They brought this action in the Delaware Court of Chancery to enjoin enforcement of provisions in the state constitution and statutory code which require the segregation of Negroes and whites in public schools. Del.Const., Art. X, § 2;

Del.Rev.Code § 2631 (1935). The Chancellor gave judgment for the plaintiffs and ordered their immediate admission to schools previously attended only by white children, on the ground that the Negro schools were inferior with respect to teacher training, pupil-teacher ratio, extracurricular activities, physical plant, and time and distance involved in travel. 87 A.2d 862. The Chancellor also found that segregation itself results in an inferior education for Negro children (see note 10, *infra*), but did not rest his decision on that ground. *Id.* at 865. The Chancellor's decree was affirmed by the Supreme Court of Delaware, which intimated, however, that the defendants might be able to obtain a modification of the decree after equalization of the Negro and white schools had been accomplished. 91 A.2d 137, 152. The defendants, contending only that the Delaware courts had erred in ordering the immediate admission of the Negro plaintiffs to the white schools, applied to this Court for certiorari. The writ was granted, 344 U.S. 891. The plaintiffs, who were successful below, did not submit a cross-petition.

[F OOTNOTE 2]

344 U.S. 1, 141, 891.

[F OOTNOTE 3]

345 U.S. 972. The Attorney General of the United States participated both Terms as *amicus curiae*.

[F OOTNOTE 4]

For a general study of the development of public education prior to the Amendment, see Butts and Cremin, *A History of Education in American Culture* (1953), Pts. I, II; Cubberley, *Public Education in the United States* (1934 ed.), cc. II-XII. School practices current at the time of the adoption of the Fourteenth Amendment are described in Butts and Cremin, *supra*, at 269-275; Cubberley, *supra*, at 288-339, 408-431; Knight, *Public Education in the*

South (1922), cc. VIII, IX. See also H. Ex.Doc. No. 315, 41st Cong., 2d Sess. (1871). Although the demand for free public schools followed substantially the same pattern in both the North and the South, the development in the South did not begin to gain momentum until about 1850, some twenty years after that in the North. The reasons for the somewhat slower development in the South (e.g., the rural character of the South and the different regional attitudes toward state assistance) are well explained in Cubberley, *supra*, at 408-423. In the country as a whole, but particularly in the South, the War virtually stopped all progress in public education. *Id.* at 427-428. The low status of Negro education in all sections of the country, both before and immediately after the War, is described in Beale, *A History of Freedom of Teaching in American Schools* (1941), 112-132, 175-195. Compulsory school attendance laws were not generally adopted until after the ratification of the Fourteenth Amendment, and it was not until 1918 that such laws were in force in all the states. Cubberley, *supra*, at 563-565.

[FOOTNOTE 5]

*Slaughter-House Cases*, 16 Wall. 36, 67-72 (1873); *Strauder v. West Virginia*, 100 U.S. 303, 307-308 (1880): It ordains that no State shall deprive any person of life, liberty, or property, without due process of law, or deny to any person within its jurisdiction the equal protection of the laws. What is this but declaring 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? The words of the amendment, it is true, are prohibitory, but they contain a necessary implication of a positive immunity, or right, most valuable to the colored race—the right to exemption from unfriendly legislation against them distinctively as colored—exemption from legal discriminations, implying inferiority in civil society, lessening the security of their enjoyment of the rights which others enjoy, and discriminations which are steps towards



reducing them to the condition of a subject race. See also *Virginia v. Rives*, 100 U.S. 313, 318 (1880); *Ex parte Virginia*, 100 U.S. 339, 344-345 (1880).

[F OOTNOTE 6]

The doctrine apparently originated in *Roberts v. City of Boston*, 59 Mass.198, 206 (1850), upholding school segregation against attack as being violative of a state constitutional guarantee of equality. Segregation in Boston public schools was eliminated in 1855. Mass.Acts 1855, c. 256. But elsewhere in the North, segregation in public education has persisted in some communities until recent years. It is apparent that such segregation has long been a nationwide problem, not merely one of sectional concern.

[F OOTNOTE 7]

See also *Berea College v. Kentucky*, 211 U.S. 45 (1908).

[F OOTNOTE 8]

In the *Cummin* case, Negro taxpayers sought an injunction requiring the defendant school board to discontinue the operation of a high school for white children until the board resumed operation of a high school for Negro children. Similarly, in the *Gong Lum* case, the plaintiff, a child of Chinese descent, contended only that state authorities had misapplied the doctrine by classifying him with Negro children and requiring him to attend a Negro school.

[F OOTNOTE 9]

In the *Kansas* case, the court below found substantial equality as to all such factors. 98 F.Supp. 797, 798. In the *South Carolina* case, the court below found that the defendants were proceeding “promptly and in good faith to comply with the court’s decree.” 103 F.Supp. 920, 921. In the *Virginia* case, the court below noted that the equalization program was already “afoot and

progressing” (103 F.Supp. 337, 341); since then, we have been advised, in the Virginia Attorney General’s brief on reargument, that the program has now been completed. In the Delaware case, the court below similarly noted that the state’s equalization program was well under way. 91 A.2d 137, 149.

[F OOTNOTE 10]

A similar finding was made in the Delaware case: I conclude from the testimony that, in our Delaware society, State-imposed segregation in education itself results in the Negro children, as a class, receiving educational opportunities which are substantially inferior to those available to white children otherwise similarly situated.<sup>87</sup> A.2d 862, 865.

[F OOTNOTE 11]

K.B. Clark, Effect of Prejudice and Discrimination on Personality Development (Mid-century White House Conference on Children and Youth, 1950); Witmer and Kotinsky, Personality in the Making (1952), c. VI; Deutscher and Chein, The Psychological Effects of Enforced Segregation A Survey of Social Science Opinion, 26 J.Psychol. 259 (1948); Chein, What are the Psychological Effects of Segregation Under Conditions of Equal Facilities?, 3 Int.J.Opinion and Attitude Res. 229 (1949); Brameld, Educational Costs, in Discrimination and National Welfare (MacIver, ed., 1949), 44-48; Frazier, The Negro in the United States (1949), 674-681. And see generally Myrdal, An American Dilemma (1944).

[F OOTNOTE 12]

See *Bolling v. Sharpe*, post, p. 497, concerning the Due Process Clause of the Fifth Amendment.

[F OOTNOTE 13]

4. Assuming it is decided that segregation in public schools violates the

## Fourteenth Amendment

(a) would a decree necessarily follow providing that, within the limits set by normal geographic school districting, Negro children should forthwith be admitted to schools of their choice, or

(b) may this Court, in the exercise of its equity powers, permit an effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinctions?

5. On the assumption on which questions 4(a) and (b) are based, and assuming further that this Court will exercise its equity powers to the end described in question 4(b),

(a) should this Court formulate detailed decrees in these cases;

(b) if so, what specific issues should the decrees reach;

(c) should this Court appoint a special master to hear evidence with a view to recommending specific terms for such decrees;

(d) should this Court remand to the courts of first instance with directions to frame decrees in these cases and, if so, what general directions should the decrees of this Court include and what procedures should the courts of first instance follow in arriving at the specific terms of more detailed decrees?

[FOOTNOTE 14]

See Rule 42, Revised Rules of this Court (effective July 1, 1954).

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*\* Together with No. 2 , Briggs et al. v. Elliott et al., on appeal from the United States District Court for the Eastern District of South Carolina,*

*argued December 9–10, 1952, reargued December 7–8, 1953; No. 4, Davis et al. v. County School Board of Prince Edward County, Virginia, et al., on appeal from the United States District Court for the Eastern District of Virginia, argued December 10, 1952, reargued December 7–8, 1953, and No. 10, Gebhart et al. v. Belton et al., on certiorari to the Supreme Court of Delaware, argued December 11, 1952, reargued December 9, 1953.*

## SENATE RESOLUTION 301: CENSURE OF SENATOR JOSEPH MCCARTHY

(1954)

*The Cold War was in full swing by the early 1950s, and many in the United States feared the influx of communist sympathizers in all walks of American life. This fear—called the Red Scare—dominated politics at the time, and no one better represented the hysteria than Wisconsin senator Joseph McCarthy. In 1950 McCarthy announced that he had a list of 205 members of the U.S. State Department who were working with the Communist Party. Despite the fact that a Senate panel found no evidence of subversive activity, McCarthy spent the next four years accusing various government employees of being communist sympathizers. It wasn't until 1953, when McCarthy accused the U.S. Army of being overrun by communists, that the media and government really began to condemn McCarthy's crusade. Finally, in 1954, the U.S. Senate issued an official document of censure.*

resolved, that the Senator from Wisconsin, Mr. McCarthy, failed to cooperate with the Subcommittee on Privileges and Elections of the Senate Committee on Rules and Administration in clearing up matters referred to that subcommittee which concerned his conduct as a Senator and affected the honor of the Senate and, instead, repeatedly abused the subcommittee and its members who were trying to carry out assigned duties, thereby obstructing the constitutional processes of the Senate, and that this conduct of the Senator from Wisconsin, Mr. McCarthy, is contrary to senatorial traditions and is hereby condemned.

SEC. 2. The Senator from Wisconsin, Mr. McCarthy, in writing to the chairman of the Select Committee to Study Censure Charges (Mr. Watkins) after the Select Committee had issued its report and before the report was presented to the Senate charging three members of the Select Committee with “deliberate deception” and “fraud” for failure to disqualify themselves; in stating to the press on November 4, 1954, that the special Senate session that

was to begin November 8, 1954, was a “lynch-party”; in repeatedly describing this special Senate session as a “lynch bee” in a nationwide television and radio show on November 7, 1954; in stating to the public press on November 13, 1954, that the chairman of the Select Committee (Mr. Watkins) was guilty of “the most unusual, most cowardly things I’ve ever heard of” and stating further: “I expected he would be afraid to answer the questions, but didn’t think he’d be stupid enough to make a public statement”; and in characterizing the said committee as the “unwitting handmaiden,” “involuntary agent” and “attorneys-in-fact” of the Communist Party and in charging that the said committee in writing its report “imitated Communist methods—that it distorted, misrepresented, and omitted in its effort to manufacture a plausible rationalization” in support of its recommendations to the Senate, which characterizations and charges were contained in a statement released to the press and inserted in the Congressional Record of November 10, 1954, acted contrary to senatorial ethics and tended to bring the Senate into dishonor and disrepute, to obstruct the constitutional processes of the Senate, and to impair its dignity; and such conduct is hereby condemned.

## DWIGHT D. EISENHOWER'S FAREWELL ADDRESS

(J ANUARY 17, 1961)

my fellow Americans:

Three days from now, after half a century in the service of our country, I shall lay down the responsibilities of office as, in traditional and solemn ceremony, the authority of the Presidency is vested in my successor.

This evening I come to you with a message of leave-taking and farewell, and to share a few final thoughts with you, my countrymen.

Like every other citizen, I wish the new President, and all who will labor with him, Godspeed. I pray that the coming years will be blessed with peace and prosperity for all.

Our people expect their President and the Congress to find essential agreement on issues of great moment, the wise resolution of which will better shape the future of the Nation.

My own relations with the Congress, which began on a remote and tenuous basis when, long ago, a member of the Senate appointed me to West Point, have since ranged to the intimate during the war and immediate post-war period, and, finally, to the mutually interdependent during these past eight years.

In this final relationship, the Congress and the Administration have, on most vital issues, cooperated well, to serve the national good rather than mere partisanship, and so have assured that the business of the Nation should go forward. So, my official relationship with the Congress ends in a feeling, on my part, of gratitude that we have been able to do so much together.

II

We now stand ten years past the midpoint of a century that has witnessed four major wars among great nations. Three of these involved our own country. Despite these holocausts, America is today the strongest, the most influential and most productive nation in the world. Understandably proud of this pre-eminence, we yet realize that America's leadership and prestige depend, not merely upon our unmatched material progress, riches and military strength, but on how we use our power in the interests of world peace and human betterment.

### III

Throughout America's adventure in free government, our basic purposes have been to keep the peace; to foster progress in human achievement, and to enhance liberty, dignity and integrity among people and among nations. To strive for less would be unworthy of a free and religious people. Any failure traceable to arrogance, or our lack of comprehension or readiness to sacrifice would inflict upon us grievous hurt both at home and abroad.

Progress toward these noble goals is persistently threatened by the conflict now engulfing the world. It commands our whole attention, absorbs our very beings. We face a hostile ideology—global in scope, atheistic in character, ruthless in purpose, and insidious in method. Unhappily, the danger it poses promises to be of indefinite duration. To meet it successfully, there is called for, not so much the emotional and transitory sacrifices of crisis, but rather those which enable us to carry forward steadily, surely, and without complaint the burdens of a prolonged and complex struggle—with liberty at stake. Only thus shall we remain, despite every provocation, on our charted course toward permanent peace and human betterment.

Crises there will continue to be. In meeting them, whether foreign or domestic, great or small, there is a recurring temptation to feel that some spectacular and costly action could become the miraculous solution to all current difficulties. A huge increase in newer elements of our defense;



development of unrealistic programs to cure every ill in agriculture; a dramatic expansion in basic and applied research—these and many other possibilities, each possibly promising in itself, may be suggested as the only way to the road we which to travel.

But each proposal must be weighed in the light of a broader consideration: the need to maintain balance in and among national programs, balance between the private and the public economy, balance between cost and hoped for advantage, balance between the clearly necessary and the comfortably desirable, balance between our essential requirements as a nation and the duties imposed by the nation upon the individual, balance between action of the moment and the national welfare of the future. Good judgment seeks balance and progress; lack of it eventually finds imbalance and frustration.

The record of many decades stands as proof that our people and their government have, in the main, understood these truths and have responded to them well, in the face of stress and threat. But threats, new in kind or degree, constantly arise. I mention two only.

#### IV

A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction.

Our military organization today bears little relation to that known by any of my predecessors in peace time, or indeed by the fighting men of World War II or Korea.

Until the latest of our world conflicts, the United States had no armaments industry. American makers of plowshares could, with time and as required, make swords as well. But now we can no longer risk emergency improvisation of national defense; we have been compelled to create a

permanent armaments industry of vast proportions. Added to this, three and a half million men and women are directly engaged in the defense establishment. We annually spend on military security more than the net income of all United States corporations.

This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence—economic, political, even spiritual—is felt in every city, every state house, every office of the Federal government. We recognize the imperative need for this development. Yet we must not fail to comprehend its grave implications. Our toil, resources and livelihood are all involved; so is the very structure of our society.

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military—industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.

Akin to, and largely responsible for the sweeping changes in our industrial-military posture, has been the technological revolution during recent decades.

In this revolution, research has become central; it also becomes more formalized, complex, and costly. A steadily increasing share is conducted for, by, or at the direction of, the Federal government.

Today, the solitary inventor, tinkering in his shop, has been over, shadowed by task forces of scientists in laboratories and testing fields. In the same

fashion, the free university, historically the fountainhead of free ideas and scientific discovery, has experienced a revolution in the conduct of research. Partly because of the huge costs involved, a government contract becomes virtually a substitute for intellectual curiosity. For every old blackboard there are now hundreds of new electronic computers.

The prospect of domination of the nation's scholars by Federal employment, project allocations, and the power of money is ever present and is gravely to be regarded.

Yet, in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite.

It is the task of statesmanship to mold, to balance, and to integrate these and other forces, new and old, within the principles of our democratic system—ever aiming toward the supreme goals of our free society.

## V

Another factor in maintaining balance involves the element of time. As we peer into society's future, we—you and I, and our government—must avoid the impulse to live only for today, plundering, for our own ease and convenience, the precious resources of tomorrow. We cannot mortgage the material assets of our grandchildren without risking the loss also of their political and spiritual heritage. We want democracy to survive for all generations to come, not to become the insolvent phantom of tomorrow.

## VI

Down the long lane of the history yet to be written America knows that this world of ours, ever growing smaller, must avoid becoming a community of dreadful fear and hate, and be, instead, a proud confederation of mutual trust

and respect.

Such a confederation must be one of equals. The weakest must come to the conference table with the same confidence as do we, protected as we are by our moral, economic, and military strength. That table, though scarred by many past frustrations, cannot be abandoned for the certain agony of the battlefield.

Disarmament, with mutual honor and confidence, is a continuing imperative. Together we must learn how to compose differences, not with arms, but with intellect and decent purpose. Because this need is so sharp and apparent I confess that I lay down my official responsibilities in this field with a definite sense of disappointment. As one who has witnessed the horror and the lingering sadness of war—as one who knows that another war could utterly destroy this civilization which has been so slowly and painfully built over thousands of years—I wish I could say tonight that a lasting peace is in sight.

Happily, I can say that war has been avoided. Steady progress toward our ultimate goal has been made. But, so much remains to be done. As a private citizen, I shall never cease to do what little I can to help the world advance along that road.

## VII

So—in this my last good night to you as your President—I thank you for the many opportunities you have given me for public service in war and peace. I trust that in that service you find something worthy; as for the rest of it, I know you will find ways to improve performance in the future.

You and I—my fellow citizens—need to be strong in our faith that all nations, under God, will reach the goal of peace with justice. May we be ever unswerving in devotion to principle, confident but humble with power, diligent in pursuit of the Nation's great goals.

To all the peoples of the world, I once more give expression to America's prayerful and continuing aspiration:

We pray that peoples of all faiths, all races, all nations, may have their great human needs satisfied; that those now denied opportunity shall come to enjoy it to the full; that all who yearn for freedom may experience its spiritual blessings; that those who have freedom will understand, also, its heavy responsibilities; that all who are insensitive to the needs of others will learn charity; that the scourges of poverty, disease and ignorance will be made to disappear from the earth, and that, in the goodness of time, all peoples will come to live together in a peace guaranteed by the binding force of mutual respect and love.

## JOHN F. KENNEDY'S INAUGURAL ADDRESS

(J ANUARY 20, 1961)

vice President Johnson, Mr. Speaker, Mr. Chief Justice, President Eisenhower, Vice President Nixon, President Truman, reverend clergy, fellow citizens, we observe today not a victory of party, but a celebration of freedom—symbolizing an end, as well as a beginning—signifying renewal, as well as change. For I have sworn before you and Almighty God the same solemn oath our forebears prescribed nearly a century and three quarters ago.

The world is very different now. For man holds in his mortal hands the power to abolish all forms of human poverty and all forms of human life. And yet the same revolutionary beliefs for which our forebears fought are still at issue around the globe—the belief that the rights of man come not from the generosity of the state, but from the hand of God.

We dare not forget today that we are the heirs of that first revolution. Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans—born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage—and unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed, and to which we are committed today at home and around the world.

Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty.

This much we pledge—and more.

To those old allies whose cultural and spiritual origins we share, we pledge the loyalty of faithful friends. United, there is little we cannot do in a host of

cooperative ventures. Divided, there is little we can do—for we dare not meet a powerful challenge at odds and split asunder.

To those new States whom we welcome to the ranks of the free, we pledge our word that one form of colonial control shall not have passed away merely to be replaced by a far more iron tyranny. We shall not always expect to find them supporting our view. But we shall always hope to find them strongly supporting their own freedom—and to remember that, in the past, those who foolishly sought power by riding the back of the tiger ended up inside.

To those peoples in the huts and villages across the globe struggling to break the bonds of mass misery, we pledge our best efforts to help them help themselves, for whatever period is required—not because the Communists may be doing it, not because we seek their votes, but because it is right. If a free society cannot help the many who are poor, it cannot save the few who are rich.

To our sister republics south of our border, we offer a special pledge—to convert our good words into good deeds—in a new alliance for progress—to assist free men and free governments in casting off the chains of poverty. But this peaceful revolution of hope cannot become the prey of hostile powers. Let all our neighbors know that we shall join with them to oppose aggression or subversion anywhere in the Americas. And let every other power know that this Hemisphere intends to remain the master of its own house.

To that world assembly of sovereign states, the United Nations, our last best hope in an age where the instruments of war have far outpaced the instruments of peace, we renew our pledge of support—to prevent it from becoming merely a forum for invective—to strengthen its shield of the new and the weak—and to enlarge the area in which its writ may run.

Finally, to those nations who would make themselves our adversary, we offer not a pledge but a request: that both sides begin anew the quest for peace,

before the dark powers of destruction unleashed by science engulf all humanity in planned or accidental self-destruction.

We dare not tempt them with weakness. For only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed.

But neither can two great and powerful groups of nations take comfort from our present course—both sides overburdened by the cost of modern weapons, both rightly alarmed by the steady spread of the deadly atom, yet both racing to alter that uncertain balance of terror that stays the hand of mankind's final war.

So let us begin anew—remembering on both sides that civility is not a sign of weakness, and sincerity is always subject to proof. Let us never negotiate out of fear. But let us never fear to negotiate.

Let both sides explore what problems unite us instead of belaboring those problems which divide us.

Let both sides, for the first time, formulate serious and precise proposals for the inspection and control of arms—and bring the absolute power to destroy other nations under the absolute control of all nations.

Let both sides seek to invoke the wonders of science instead of its terrors. Together let us explore the stars, conquer the deserts, eradicate disease, tap the ocean depths, and encourage the arts and commerce.

Let both sides unite to heed in all corners of the earth the command of Isaiah—to “undo the heavy burdens . . . and to let the oppressed go free.”

And if a beachhead of cooperation may push back the jungle of suspicion, let both sides join in creating a new endeavor, not a new balance of power, but a new world of law, where the strong are just and the weak secure and the



peace preserved.

All this will not be finished in the first 100 days. Nor will it be finished in the first 1,000 days, nor in the life of this Administration, nor even perhaps in our lifetime on this planet. But let us begin.

In your hands, my fellow citizens, more than in mine, will rest the final success or failure of our course. Since this country was founded, each generation of Americans has been summoned to give testimony to its national loyalty. The graves of young Americans who answered the call to service surround the globe.

Now the trumpet summons us again—not as a call to bear arms, though arms we need; not as a call to battle, though embattled we are—but a call to bear the burden of a long twilight struggle, year in and year out, “rejoicing in hope, patient in tribulation”—a struggle against the common enemies of man: tyranny, poverty, disease, and war itself.

Can we forge against these enemies a grand and global alliance, North and South, East and West, that can assure a more fruitful life for all mankind? Will you join in that historic effort?

In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility—I welcome it. I do not believe that any of us would exchange places with any other people or any other generation. The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire can truly light the world.

And so, my fellow Americans: ask not what your country can do for you—ask what you can do for your country.

My fellow citizens of the world: ask not what America will do for you, but

what together we can do for the freedom of man.

Finally, whether you are citizens of America or citizens of the world, ask of us the same high standards of strength and sacrifice which we ask of you. With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own.

## **THE LIMITED NUCLEAR TEST**

### **BAN TREATY (1963)**

*After the United States used atomic bombs during World War II, the Soviet Union ramped up its nuclear weapons program, exploding its first atomic bomb in 1949. Other countries around the world, including Great Britain, also began to create and test their own nuclear weapons. All this led to an arms race between the East and West, but as scientists became concerned about the effects that nuclear weapons testing had on air, soil, and water supplies, calls began to impose limits. In 1963, after much negotiation, the United States, the Soviet Union, and Great Britain signed the first international treaty aimed at limiting nuclear weapons testing.*

TREATY banning nuclear weapon tests in the atmosphere, in outer space and under water. The Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, hereinafter referred to as the “Original Parties,”

Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons,

Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man’s environment by radioactive substances,

Have agreed as follows:

### **ARTICLE I**

1. Each of the Parties to this Treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control:

(a) in the atmosphere; beyond its limits, including outer space; or under water, including territorial waters or high seas; or

(b) in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted. It is understood in this connection that the provisions of this subparagraph are without prejudice to the conclusion of a Treaty resulting in the permanent banning of all nuclear test explosions, including all such explosions underground, the conclusion of which, as the Parties have stated in the Preamble to this Treaty, they seek to achieve.

2. Each of the Parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the environments described, or have the effect referred to, in paragraph 1 of this Article.

## **ARTICLE II**

1. Any Party may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to this Treaty. Thereafter, if requested to do so by one-third or more of the Parties, the Depositary Governments shall convene a conference, to which they shall invite all the Parties, to consider such amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to this Treaty, including the votes of all of the Original Parties. The amendment shall enter into force for all Parties upon the deposit

of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all of the Original Parties.

### **ARTICLE III**

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Original Parties—the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics—which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by all the Original Parties and the deposit of their instruments of ratification.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession to this Treaty, the date of its entry into force, and the date of receipt of any requests for conferences or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

### **ARTICLE IV**

This Treaty shall be of unlimited duration.

Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty three months in advance.

#### **ARTICLE V**

This Treaty, of which the English and Russian texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

## THE CIVIL RIGHTS ACT (1964)

*In June 1963, President John F. Kennedy proposed that the United States adopt a sweeping civil rights law that would prohibit segregation in all public places and of all public facilities, would prohibit restrictions to voting rights, and would prohibit employment discrimination based on race, color, sex, religion, or national origin. After Kennedy's assassination in 1963, President Lyndon B. Johnson continued to fight for the legislation. He faced much opposition in Congress, including a Senate filibuster, but the Civil Rights Act finally became law on July 2, 1964.*

an act

To enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Act of 1964".

### **TITLE I VOTING RIGHTS**

SEC. 101. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and as further amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), is further amended as follows:

(a) Insert “1” after “(a)” in subsection (a) and add at the end of subsection (a) the following new paragraphs:

“(2) No person acting under color of law shall—

“(A) in determining whether any individual is qualified under State law or laws to vote in any Federal election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote;

“(B) deny the right of any individual to vote in any Federal election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election; or

“(C) employ any literacy test as a qualification for voting in any Federal election unless (i) such test is administered to each individual and is conducted wholly in writing, and (ii) a certified copy of the test and of the answers given by the individual is furnished to him within twenty-five days of the submission of his request made within the period of time during which records and papers are required to be retained and preserved pursuant to title III of the Civil Rights Act of 1960 (42 U.S.C. 1974–74e; 74 Stat. 88):  
*Provided, however,* That the Attorney General may enter into agreements with appropriate State or local authorities that preparation, conduct, and maintenance of such tests in accordance with the provisions of applicable State or local law, including such special provisions as are necessary in the preparation, conduct, and maintenance of such tests for persons who are blind or otherwise physically handicapped, meet the purposes of this subparagraph and constitute compliance therewith.



“(3) For purposes of this subsection—

“(A) the term ‘vote’ shall have the same meaning as in subsection (e) of this section;

“(B) the phrase ‘literacy test’ includes any test of the ability to read, write, understand, or interpret any matter.”

(b) Insert immediately following the period at the end of the first sentence of subsection (c) the following new sentence: “If in any such proceeding literacy is a relevant fact there shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any Federal election.”

(c) Add the following subsection “(f)” and designate the present subsection “(f)” as subsection “(g)”: “(f) When used in subsection (a) or (c) of this section, the words ‘Federal election’ shall mean any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives.”

(d) Add the following subsection “(h)”:

“(h) In any proceeding instituted by the United States in any district court of the United States under this section in which the Attorney General requests a finding of a pattern or practice of discrimination pursuant to subsection (e) of this section the Attorney General, at the time he files the complaint, or any defendant in the proceeding, within twenty days after service upon him of the complaint, may file with the clerk of such court a request that a court of three

judges be convened to hear and determine the entire case. A copy of the request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief justice of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

An appeal from the final judgment of such court will lie to the Supreme Court.

“In any proceeding brought under subsection (c) of this section to enforce subsection (b) of this section, or in the event neither the Attorney General nor any defendant files a request for a three-judge court in any proceeding authorized by this subsection, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or, in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

“It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.”

## **T I T L E  I I**

## **I NJUNCTIVE R ELIEF A GAINST D ISCRIMINATION IN P LACES OF P UBLIC A CCOMMODATION**

**S EC. 201. (a)** All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, and privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

**(b)** Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

**(1)** any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

**(2)** any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;

**(3)** any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; and

**(4)** any establishment **(A)(i)** which is physically located within the premises of any establishment otherwise covered by this subsection, or **(ii)** within the premises of which is physically located any such covered establishment, and **(B)** which holds itself out as serving patrons of such covered establishment.

**(c)** The operations of an establishment affect commerce within the meaning of

this title if (1) it is one of the establishments described in paragraph (1) of subsection (b); (2) in the case of an establishment described in paragraph (2) of subsection (b), it serves or offers to serve interstate travelers or a substantial portion of the food which it serves, or gasoline or other products which it sells, has moved in commerce; (3) in the case of an establishment described in paragraph (3) of subsection (b), it customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which move in commerce; and (4) in the case of an establishment described in paragraph (4) of subsection (b), it is physically located within the premises of, or there is physically located within its premises, an establishment the operations of which affect commerce within the meaning of this subsection. For purposes of this section, “commerce” means travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country.

(d) Discrimination or segregation by an establishment is supported by State action within the meaning of this title if such discrimination or segregation (1) is carried on under color of any law, statute, ordinance, or regulation; or (2) is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or (3) is required by action of the State or political subdivision thereof.

(e) The provisions of this title shall not apply to a private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (b).

SEC. 202. All persons shall be entitled to be free, at any establishment or place, from discrimination or segregation of any kind on the ground of race, color, religion, or national origin, if such discrimination or segregation is or

purports to be required by any law, statute, ordinance, regulation, rule, or order of a State or any agency or political subdivision thereof.

SEC. 203. No person shall (a) withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive, any person of any right or privilege secured by section 201 or 202, or (b) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by section 201 or 202, or (c) punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by section 201 or 202.

SEC. 204. (a) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 203, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the person aggrieved and, upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the civil action without the payment of fees, costs, or security.

(b) In any action commenced pursuant to this title, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs, and the United States shall be liable for costs the same as a private person.

(c) In the case of an alleged act or practice prohibited by this title which occurs in a State, or political subdivision of a State, which has a State or local law prohibiting such act or practice and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice

thereof, no civil action may be brought under subsection (a) before the expiration of thirty days after written notice of such alleged act or practice has been given to the appropriate State or local authority by registered mail or in person, provided that the court may stay proceedings in such civil action pending the termination of State or local enforcement proceedings.

(d) In the case of an alleged act or practice prohibited by this title which occurs in a State, or political subdivision of a State, which has no State or local law prohibiting such act or practice, a civil action may be brought under subsection (a): *Provided*, That the court may refer the matter to the Community Relations Service established by title X of this Act for as long as the court believes there is a reasonable possibility of obtaining voluntary compliance, but for not more than sixty days: *Provided further*, That upon expiration of such sixty-day period, the court may extend such period for an additional period, not to exceed a cumulative total of one hundred and twenty days, if it believes there then exists a reasonable possibility of securing voluntary compliance.

SEC. 205. The Service is authorized to make a full investigation of any complaint referred to it by the court under section 204(d) and may hold such hearings with respect thereto as may be necessary. The Service shall conduct any hearings with respect to any such complaint in executive session, and shall not release any testimony given therein except by agreement of all parties involved in the complaint with the permission of the court, and the Service shall endeavor to bring about a voluntary settlement between the parties.

SEC. 206. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this title, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a

complaint (1) signed by him (or in his absence the Acting Attorney General), (2) setting forth facts pertaining to such pattern or practice, and (3) requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights herein described.

(b) In any such proceeding the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

SEC. 207. (a) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title and shall exercise the same without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

(b) The remedies provided in this title shall be the exclusive means of enforcing the rights based on this title, but nothing in this title shall preclude any individual or any State or local agency from asserting any right based on any other Federal or State law not inconsistent with this title, including any statute or ordinance requiring nondiscrimination in public establishments or accommodations, or from pursuing any remedy, civil or criminal, which may be available for the vindication or enforcement of such right.

### **TITLE III**

#### **DESEGREGATION OF PUBLIC FACILITIES**

SEC. 301. (a) Whenever the Attorney General receives a complaint in writing signed by an individual to the effect that he is being deprived of or threatened with the loss of his right to the equal protection of the laws, on account of his race, color, religion, or national origin, by being denied equal utilization of any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof, other than a public school or public college as defined in section 401 of title IV hereof, and the Attorney General believes the complaint is meritorious and certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly progress of desegregation in public facilities, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such



parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.

(b) The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the personal safety, employment, or economic standing of such person or persons, their families, or their property.

SEC. 302. In any action or proceeding under this title the United States shall be liable for costs, including a reasonable attorney's fee, the same as a private person.

SEC. 303. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in any facility covered by this title.

SEC. 304. A complaint as used in this title is a writing or document within the meaning of section 1001, title 18, United States Code.

## **TITLE IV**

### **DESEGREGATION OF PUBLIC EDUCATION**

#### DEFINITIONS

SEC. 401. As used in this title—

(a) "Commissioner" means the Commissioner of Education.

(b) “Desegregation” means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but “desegregation” shall not mean the assignment of students to public schools in order to overcome racial imbalance.

(c) “Public school” means any elementary or secondary educational institution, and “public college” means any institution of higher education or any technical or vocational school above the secondary school level, provided that such public school or public college is operated by a State, subdivision of a State, or governmental agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source.

(d) “School board” means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of students to or within such system.

#### SURVEY AND REPORT OF EDUCATIONAL OPPORTUNITIES

SEC. 402. The Commissioner shall conduct a survey and make a report to the President and the Congress, within two years of the enactment of this title, concerning the lack of availability of equal educational opportunities for individuals by reason of race, color, religion, or national origin in public educational institutions at all levels in the United States, its territories and possessions, and the District of Columbia.

#### TECHNICAL ASSISTANCE

SEC. 403. The Commissioner is authorized, upon the application of any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools, to render technical assistance to such applicant in the preparation, adoption, and implementation of plans for the desegregation of public schools. Such technical assistance may, among other activities, include making available to

such agencies information regarding effective methods of coping with special educational problems occasioned by desegregation, and making available to such agencies personnel of the Office of Education or other persons specially equipped to advise and assist them in coping with such problems.

#### TRAINING INSTITUTES

SEC. 404. The Commissioner is authorized to arrange, through grants or contracts, with institutions of higher education for the operation of short-term or regular session institutes for special training designed to improve the ability of teachers, supervisors, counselors, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation. Individuals who attend such an institute on a full-time basis may be paid stipends for the period of their attendance at such institute in amounts specified by the Commissioner in regulations, including allowances for travel to attend such institute.

#### GRANTS

SEC. 405. (a) The Commissioner is authorized, upon application of a school board, to make grants to such board to pay, in whole or in part, the cost of—

(1) giving to teachers and other school personnel inservice training in dealing with problems incident to desegregation, and

(2) employing specialists to advise in problems incident to desegregation.

(b) In determining whether to make a grant, and in fixing the amount thereof and the terms and conditions on which it will be made, the Commissioner shall take into consideration the amount available for grants under this section and the other applications which are pending before him; the financial condition of the applicant and the other resources available to it; the nature, extent, and gravity of its problems incident to desegregation; and such other factors as he finds relevant.

## PAYMENTS

SEC. 406. Payments pursuant to a grant or contract under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine.

## SUITS BY THE ATTORNEY GENERAL

SEC. 407. (a) Whenever the Attorney General receives a complaint in writing

—  
(1) signed by a parent or group of parents to the effect that his or their minor children, as members of a class of persons similarly situated, are being deprived by a school board of the equal protection of the laws, or

(2) signed by an individual, or his parent, to the effect that he has been denied admission to or not permitted to continue in attendance at a public college by reason of race, color, religion, or national origin, and the Attorney General believes the complaint is meritorious and certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly achievement of desegregation in public education, the Attorney General is authorized, after giving notice of such complaint to the appropriate school board or college authority and after certifying that he is satisfied that such board or authority has had a reasonable time to adjust the conditions alleged in such complaint, to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section, provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one

school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.

(b) The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the personal safety, employment, or economic standing of such person or persons, their families, or their property.

(c) The term “parent” as used in this section includes any person standing in loco parentis. A “complaint” as used in this section is a writing or document within the meaning of section 1001, title 18, United States Code.

SEC. 408. In any action or proceeding under this title the United States shall be liable for costs the same as a private person.

SEC. 409. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in public education.

SEC. 410. Nothing in this title shall prohibit classification and assignment for reasons other than race, color, religion, or national origin.

## **TITLE V**

### **COMMISSION ON CIVIL RIGHTS**

SEC. 501. Section 102 of the Civil Rights Act of 1957 (42 U.S.C. 1975a; 71

Stat. 634) is amended to read as follows:

#### **RULES OF PROCEDURE OF THE COMMISSION HEARINGS**

“S EC. 102. (a) At least thirty days prior to the commencement of any hearing, the Commission shall cause to be published in the Federal Register notice of the date on which such hearing is to commence, the place at which it is to be held and the subject of the hearing. The Chairman, or one designated by him to act as Chairman at a hearing of the Commission, shall announce in an opening statement the subject of the hearing.

“(b) A copy of the Commission’s rules shall be made available to any witness before the Commission, and a witness compelled to appear before the Commission or required to produce written or other matter shall be served with a copy of the Commission’s rules at the time of service of the subpoena.

“(c) Any person compelled to appear in person before the Commission shall be accorded the right to be accompanied and advised by counsel, who shall have the right to subject his client to reasonable examination, and to make objections on the record and to argue briefly the basis for such objections. The Commission shall proceed with reasonable dispatch to conclude any hearing in which it is engaged. Due regard shall be had for the convenience and necessity of witnesses.

“(d) The Chairman or Acting Chairman may punish breaches of order and decorum by censure and exclusion from the hearings.

“(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony or summary of such evidence or testimony in executive session. The Commission shall afford any person defamed, degraded, or incriminated by such evidence or testimony an opportunity to appear and be heard in executive session, with a reasonable number of additional witnesses

requested by him, before deciding to use such evidence or testimony. In the event the Commission determines to release or use such evidence or testimony in such manner as to reveal publicly the identity of the person defamed, degraded, or incriminated, such evidence or testimony, prior to such public release or use, shall be given at a public session, and the Commission shall afford such person an opportunity to appear as a voluntary witness or to file a sworn statement in his behalf and to submit brief and pertinent sworn statements of others. The Commission shall receive and dispose of requests from such person to subpoena additional witnesses.

“(f) Except as provided in sections 102 and 105 (f) of this Act, the Chairman shall receive and the Commission shall dispose of requests to subpoena additional witnesses.

“(g) No evidence or testimony or summary of evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission such evidence or testimony taken in executive session shall be fined not more than \$1,000, or imprisoned for not more than one year.

“(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission shall determine the pertinency of testimony and evidence adduced at its hearings.

“(i) Every person who submits data or evidence shall be entitled to retain or, on payment of lawfully prescribed costs, procure a copy or transcript thereof, except that a witness in a hearing held in executive session may for good cause be limited to inspection of the official transcript of his testimony. Transcript copies of public sessions may be obtained by the public upon the payment of the cost thereof. An accurate transcript shall be made of the testimony of all witnesses at all hearings, either public or executive sessions,

of the Commission or of any subcommittee thereof.

“(j) A witness attending any session of the Commission shall receive \$6 for each day’s attendance and for the time necessarily occupied in going to and returning from the same, and 10 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of \$10 per day for expenses of subsistence including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpoena issued on behalf of the Commission or any subcommittee thereof.

“(k) The Commission shall not issue any subpoena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpoenaed at a hearing to be held outside of the State wherein the witness is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process except that, in any event, the Commission may issue subpoenas for the attendance and testimony of witnesses and the production of written or other matter at a hearing held within fifty miles of the place where the witness is found or resides or is domiciled or transacts business or has appointed an agent for receipt of service of process.

“(l) The Commission shall separately state and currently publish in the Federal Register (1) descriptions of its central and field organization including the established places at which, and methods whereby, the public may secure information or make requests; (2) statements of the general course and method by which its functions are channeled and determined, and (3) rules adopted as authorized by law. No person shall in any manner be subject to or required to resort to rules, organization, or procedure not so published.”

SEC. 502. Section 103(a) of the Civil Rights Act of 1957 (42 U.S.C.



1975b(a); 71 Stat. 634) is amended to read as follows:

“S EC. 103. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of \$75 per day for each day spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C 73b-2; 60 Stat. 808).”

S EC. 503. Section 103(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975(b); 71 Stat. 634) is amended to read as follows:

“(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with the provisions of the Travel Expenses Act of 1949, as amended (5 U.S.C. 835–42; 63 Stat. 166).”

S EC. 504. (a) Section 104(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(a); 71 Stat. 635), as amended, is further amended to read as follows:

#### **DUTIES OF THE COMMISSION**

“S EC. 104. (a) The Commission shall—

“(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

“(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion or national origin or in the administration of justice;

“(3) appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion or national origin or in the administration of justice;

“(4) serve as a national clearinghouse for information in respect to denials of equal protection of the laws because of race, color, religion or national origin, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, and transportation, or in the administration of justice;

“(5) investigate allegations, made in writing and under oath or affirmation, that citizens of the United States are unlawfully being accorded or denied the right to vote, or to have their votes properly counted, in any election of presidential electors, Members of the United States Senate, or of the House of Representatives, as a result of any patterns or practice of fraud or discrimination in the conduct of such election; and

“(6) Nothing in this or any other Act shall be construed as authorizing the Commission, its Advisory Committees, or any person under its supervision or control to inquire into or investigate any membership practices or internal operations of any fraternal organization, any college or university fraternity or sorority, any private club or any religious organization.”

(b) Section 104(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(b); 71 Stat. 635), as amended, is further amended by striking out the present subsection “(b)” and by substituting therefor:

“(b) The Commission shall submit interim reports to the President and to the

Congress at such times as the Commission, the Congress or the President shall deem desirable, and shall submit to the President and to the Congress a final report of its activities, findings, and recommendations not later than January 31, 1968.”

S EC. 505. Section 105(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975d(a); 71 Stat. 636) is amended by striking out in the last sentence thereof “\$50 per diem” and inserting in lieu thereof “\$75 per diem.”

S EC. 506. Section 105(f) and section 105(g) of the Civil Rights Act of 1957 (42 U.S.C. 1975d (f) and (g); 71 Stat. 636) are amended to read as follows:

“(f) The Commission, or on the authorization of the Commission any subcommittee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpoenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in section 102 (j) and (k) of this Act, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman. The holding of hearings by the Commission, or the appointment of a subcommittee to hold hearings pursuant to this subparagraph, must be approved by a majority of the Commission, or by a majority of the members present at a meeting at which at least a quorum of four members is present.

“(g) In case of contumacy or refusal to obey a subpoena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of

service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce pertinent, relevant and nonprivileged evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.”

SEC. 507. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. 1975d; 71 Stat. 636), as amended by section 401 of the Civil Rights Act of 1960 (42 U.S.C. 1975d(h); 74 Stat. 89), is further amended by adding a new subsection at the end to read as follows:

“(i) The Commission shall have the power to make such rules and regulations as are necessary to carry out the purposes of this Act.”

## **TITLE VI**

### **NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS**

SEC. 601. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

SEC. 602. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance

with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such non-compliance has been so found, or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

SEC. 603. Any department or agency action taken pursuant to section 602 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 602, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with section 10 of the Administrative Procedure Act, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that section.

SEC. 604. Nothing contained in this title shall be construed to authorize

action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

SEC. 605. Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

## **TITLE VII**

### **EQUAL EMPLOYMENT OPPORTUNITY**

#### **DEFINITIONS**

SEC. 701. For the purposes of this title—

(a) The term “person” includes one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers.

(b) The term “employer” means a person engaged in an industry affecting commerce who has twenty-five or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include (1) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or a State or political subdivision thereof, (2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954: *Provided*, That during the first year after the effective date prescribed in subsection (a) of section 716, persons having fewer than one hundred employees (and their agents) shall not be considered employers, and, during the second year after such date, persons having fewer than seventy-five

employees (and their agents) shall not be considered employers, and, during the third year after such date, persons having fewer than fifty employees (and their agents) shall not be considered employers: *Provided further*, That it shall be the policy of the United States to insure equal employment opportunities for Federal employees without discrimination because of race, color, religion, sex or national origin and the President shall utilize his existing authority to effectuate this policy.

(c) The term “employment agency” means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person; but shall not include an agency of the United States, or an agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance.

(d) The term “labor organization” means a labor organization engaged in an industry affecting commerce, and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

(e) A labor organization shall be deemed to be engaged in an industry affecting commerce if (1) it maintains or operates a hiring hall or hiring office which procures employees for an employer or procures for employees opportunities to work for an employer, or (2) the number of its members (or, where it is a labor organization composed of other labor organizations or their representatives, if the aggregate number of the members of such other

labor organization) is (A) one hundred or more during the first year after the effective date prescribed in subsection (a) of section 716, (B) seventy-five or more during the second year after such date or fifty or more during the third year, or (C) twenty-five or more thereafter, and such labor organization—

(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended;

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection.

(f) The term “employee” means an individual employed by an employer.

(g) The term “commerce” means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a



possession of the United States; or between points in the same State but through a point outside thereof.

(h) The term “industry affecting commerce” means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry “affecting commerce” within the meaning of the Labor-Management Reporting and Disclosure Act of 1959.

(i) The term “State” includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, The Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act.

#### EXEMPTION

SEC. 702. This title shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, or society of its religious activities or to an educational institution with respect to the employment of individuals to perform work connected with the educational activities of such institution.

#### **DISCRIMINATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN**

SEC. 703. (a) It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

(b) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.

(c) It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin;

(2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) Notwithstanding any other provision of this title, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, and (2) it shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

(f) As used in this title, the phrase “unlawful employment practice” shall not be deemed to include any action or measure taken by an employer, labor organization, joint labor-management committee, or employment agency with respect to an individual who is a member of the Communist Party of the United States or of any other organization required to register as a Communist-action or Communist-front organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950.

(g) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to fail or refuse to hire and employ any individual for any position, for an employer to discharge any individual from any position, or for an employment agency to fail or refuse to

refer any individual for employment in any position, or for a labor organization to fail or refuse to refer any individual for employment in any position, if—

(1) the occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any Executive order of the President; and

(2) such individual has not fulfilled or has ceased to fulfill that requirement.

(h) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, or national origin, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion, sex or national origin. It shall not be an unlawful employment practice under this title for any employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 6(d) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(d)).

(i) Nothing contained in this title shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced

employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a reservation.

(j) Nothing contained in this title shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

#### **OTHER UNLAWFUL EMPLOYMENT PRACTICES**

SEC. 704. (a) It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this title, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title.

(b) It shall be an unlawful employment practice for an employer, labor organization, or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an

employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, or national origin when religion, sex, or national origin is a bona fide occupational qualification for employment.

#### **EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

SEC. 705. (a) There is hereby created a Commission to be known as the Equal Employment Opportunity Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party, who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, beginning from the date of enactment of this title, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the civil service laws, such officers, agents, attorneys, and employees as it deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining

members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(e) The Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2201-2209), is further amended—

(1) by adding to section 105 thereof (5 U.S.C. 2204) the following clause:

“(32) Chairman, Equal Employment Opportunity Commission”; and

(2) by adding to clause (45) of section 106(a) thereof (5 U.S.C. 2205(a)) the following: “Equal Employment Opportunity Commission (4).”

(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers at any other place. The Commission may establish such regional or State offices as it deems necessary to accomplish the purpose of this title.

(g) The Commission shall have power—

(1) to cooperate with and, with their consent, utilize regional, State, local, and other agencies, both public and private, and individuals;

(2) to pay to witnesses whose depositions are taken or who are summoned

before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(3) to furnish to persons subject to this title such technical assistance as they may request to further their compliance with this title or an order issued thereunder;

(4) upon the request of (i) any employer, whose employees or some of them, or (ii) any labor organization, whose members or some of them, refuse or threaten to refuse to cooperate in effectuating the provisions of this title, to assist in such effectuation by conciliation or such other remedial action as is provided by this title;

(5) to make such technical studies as are appropriate to effectuate the purposes and policies of this title and to make the results of such studies available to the public;

(6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under section 706, or for the institution of a civil action by the Attorney General under section 707, and to advise, consult, and assist the Attorney General on such matters.

(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court.

(i) The Commission shall, in any of its educational or promotional activities, cooperate with other departments and agencies in the performance of such educational and promotional activities.

(j) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of section 9 of the Act of August 2, 1939, as amended (the Hatch Act), notwithstanding any exemption contained in such section.



## PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

SEC. 706. (a) Whenever it is charged in writing under oath by a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this title has occurred (and such charge sets forth the facts upon which it is based) that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the Commission shall furnish such employer, employment agency, or labor organization (hereinafter referred to as the "respondent") with a copy of such charge and shall make an investigation of such charge, provided that such charge shall not be made public by the Commission. If the Commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the Commission without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the Commission, who shall make public in any manner whatever any information in violation of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(b) In the case of an alleged unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no charge may be filed under subsection (a) by the person aggrieved before the expiration of sixty days after proceedings have been commenced under the State or local law, unless such proceedings have been earlier terminated, provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such

State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by registered mail to the appropriate State or local authority.

(c) In the case of any charge filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State, which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days (provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective day of such State or local law), unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

(d) A charge under subsection (a) shall be filed within ninety days after the alleged unlawful employment practice occurred, except that in the case of an unlawful employment practice with respect to which the person aggrieved has followed the procedure set out in subsection (b), such charge shall be filed by the person aggrieved within two hundred and ten days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local, law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

(e) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) (except that in either case such period may be extended to not more than sixty

days upon a determination by the Commission that further efforts to secure voluntary compliance are warranted), the Commission has been unable to obtain voluntary compliance with this title, the Commission shall so notify the person aggrieved and a civil action may, within thirty days thereafter, be brought against the respondent named in the charge (1) by the person claiming to be aggrieved, or (2) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (b) or the efforts of the Commission to obtain voluntary compliance.

(f) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title. Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the plaintiff would have worked but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28 of the United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought.

(g) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice). Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex or national origin or in violation of section 704(a).

(h) The provisions of the Act entitled “An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes,” approved March 23, 1932 (29 U.S.C. 101–115),—shall not apply with respect to civil actions brought under this section.

(i) In any case in which an employer, employment agency, or labor organization fails to comply with an order of a court issued in a civil action brought under subsection (e), the Commission may commence proceedings to compel compliance with such order.

(j) Any civil action brought under subsection (e) and any proceedings brought under subsection (i) shall be subject to appeal as provided in sections 1291 and 1292, title 28, United States Code.

(k) In any action or proceeding under this title the court, in its discretion, may allow the prevailing party, other than the Commission or the United States, a

reasonable attorney's fee as part of the costs, and the Commission and the United States shall be liable for costs the same as a private person.

SEC. 707. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this title, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint (1) signed by him (or in his absence the Acting Attorney General), (2) setting forth facts pertaining to such pattern or practice, and (3) requesting such relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights herein described.

(b) The district courts of the United States shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section, and in any such proceeding the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from

the final judgment of such court will lie to the Supreme Court.

In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

#### **EFFECT ON STATE LAWS**

S EC. 708. Nothing in this title shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful employment practice under this title.

#### **INVESTIGATIONS, INSPECTIONS, RECORDS, STATE AGENCIES**

S EC. 709. (a) In connection with any investigation of a charge filed under section 706, the Commission or its designated representative shall at all reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to unlawful employment practices covered by this title and is relevant to the charge under investigation.

(b) The Commission may cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist the Commission in carrying out this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements and under which no person may bring a civil action under section 706 in any cases or class of cases so specified, or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this title.

(c) Except as provided in subsection (d), every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom, as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and shall furnish to the Commission, upon request, a detailed description of the manner in which persons are selected to

participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may (1) apply to the Commission for an exemption from the application of such regulation or order, or (2) bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief.

(d) The provisions of subsection (c) shall not apply to any employer, employment agency, labor organization, or joint labor-management committee with respect to matters occurring in any State or political subdivision thereof which has a fair employment practice law during any period in which such employer, employment agency, labor organization, or joint labor-management committee is subject to such law, except that the Commission may require such notations on records which such employer, employment agency, labor organization, or joint labor-management committee keeps or is required to keep as are necessary because of differences in coverage or methods of enforcement between the State or local law and the provisions of this title. Where an employer is required by Executive Order 10925, issued March 6, 1961, or by any other Executive order prescribing fair employment practices for Government contractors and subcontractors, or by rules or regulations issued thereunder, to file reports relating to his employment practices with any Federal agency or committee, and he is substantially in compliance with such requirements, the Commission shall not require him to file additional reports pursuant to subsection (c) of this section.

(e) It shall be unlawful for any officer or employee of the Commission to make public in any manner whatever any information obtained by the Commission pursuant to its authority under this section prior to the



institution of any proceeding under this title involving such information. Any officer or employee of the Commission who shall make public in any manner whatever any information in violation of this subsection shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$1,000, or imprisoned not more than one year.

## **INVESTIGATORY POWERS**

SEC. 710. (a) For the purposes of any investigation of a charge filed under the authority contained in section 706, the Commission shall have authority to examine witnesses under oath and to require the production of documentary evidence relevant or material to the charge under investigation.

(b) If the respondent named in a charge filed under section 706 fails or refuses to comply with a demand of the Commission for permission to examine or to copy evidence in conformity with the provisions of section 709(a), or if any person required to comply with the provisions of section 709 (c) or (d) fails or refuses to do so, or if any person fails or refuses to comply with a demand by the Commission to give testimony under oath, the United States district court for the district in which such person is found, resides, or transacts business, shall, upon application of the Commission, have jurisdiction to issue to such person an order requiring him to comply with the provisions of section 709 (c) or (d) or to comply with the demand of the Commission, but the attendance of a witness may not be required outside the State where he is found, resides, or transacts business and the production of evidence may not be required outside the State where such evidence is kept.

(c) Within twenty days after the service upon any person charged under section 706 of a demand by the Commission for the production of documentary evidence or for permission to examine or to copy evidence in conformity with the provisions of section 709(a), such person may file in the district court of the United States for the judicial district in which he resides, is found, or transacts business, and serve upon the Commission a petition for

an order of such court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this title or with the limitations generally applicable to compulsory process or upon any constitutional or other legal right or privilege of such person. No objection which is not raised by such a petition may be urged in the defense to a proceeding initiated by the Commission under subsection (b) for enforcement of such a demand unless such proceeding is commenced by the Commission prior to the expiration of the twenty-day period, or unless the court determines that the defendant could not reasonably have been aware of the availability of such ground of objection.

(d) In any proceeding brought by the Commission under subsection (b), except as provided in subsection (c) of this section, the defendant may petition the court for an order modifying or setting aside the demand of the Commission.

#### **NOTICES TO BE POSTED**

SEC. 711. (a) Every employer, employment agency, and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted a notice to be prepared or approved by the Commission setting forth excerpts from or, summaries of, the pertinent provisions of this title and information pertinent to the filing of a complaint.

(b) A willful violation of this section shall be punishable by a fine of not more than \$100 for each separate offense.

#### **VETERANS' PREFERENCE**

SEC. 712. Nothing contained in this title shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or preference for veterans.

#### **RULES AND REGULATIONS**

SEC. 713. (a) The Commission shall have authority from time to time to issue, amend, or rescind suitable procedural regulations to carry out the provisions of this title. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

(b) In any action or proceeding based on any alleged unlawful employment practice, no person shall be subject to any liability or punishment for or on account of (1) the commission by such person of an unlawful employment practice if he pleads and proves that the act or omission complained of was in good faith, in conformity with, and in reliance on any written interpretation or opinion of the Commission, or (2) the failure of such person to publish and file any information required by any provision of this title if he pleads and proves that he failed to publish and file such information in good faith, in conformity with the instructions of the Commission issued under this title regarding the filing of such information. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that (A) after such act or omission, such interpretation or opinion is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect, or (B) after publishing or filing the description and annual reports, such publication or filing is determined by judicial authority not to be in conformity with the requirements of this title.

#### **FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES**

SEC. 714. The provisions of section 111, title 18, United States Code, shall apply to officers, agents, and employees of the Commission in the performance of their official duties.

## **SPECIAL STUDY BY SECRETARY OF LABOR**

SEC. 715. The Secretary of Labor shall make a full and complete study of the factors which might tend to result in discrimination in employment because of age and of the consequences of such discrimination on the economy and individuals affected. The Secretary of Labor shall make a report to the Congress not later than June 30, 1965, containing the results of such study and shall include in such report such recommendations for legislation to prevent arbitrary discrimination in employment because of age as he determines advisable.

## **EFFECTIVE DATE**

SEC. 716. (a) This title shall become effective one year after the date of its enactment.

(b) Notwithstanding subsection (a), sections of this title other than sections 703, 704, 706, and 707 shall become effective immediately.

(c) The President shall, as soon as feasible after the enactment of this title, convene one or more conferences for the purpose of enabling the leaders of groups whose members will be affected by this title to become familiar with the rights afforded and obligations imposed by its provisions, and for the purpose of making plans which will result in the fair and effective administration of this title when all of its provisions become effective. The President shall invite the participation in such conference or conferences of (1) the members of the President's Committee on Equal Employment Opportunity, (2) the members of the Commission on Civil Rights, (3) representatives of State and local agencies engaged in furthering equal employment opportunity, (4) representatives of private agencies engaged in furthering equal employment opportunity, and (5) representatives of employers, labor organizations, and employment agencies who will be subject to this title.

## **TITLE VIII**

### **REGISTRATION AND VOTING STATISTICS**

SEC. 801. The Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. Such a survey and compilation shall, to the extent recommended by the Commission on Civil Rights, only include a count of persons of voting age by race, color, and national origin, and determination of the extent to which such persons are registered to vote, and have voted in any statewide primary or general election in which the Members of the United States House of Representatives are nominated or elected, since January 1, 1960. Such information shall also be collected and compiled in connection with the Nineteenth Decennial Census, and at such other times as the Congress may prescribe. The provisions of section 9 and chapter 7 of title 13, United States Code, shall apply to any survey, collection, or compilation of registration and voting statistics carried out under this title: *Provided, however,* That no person shall be compelled to disclose his race, color, national origin, or questioned about his political party affiliation, how he voted, or the reasons therefore, nor shall any penalty be imposed for his failure or refusal to make such disclosure. Every person interrogated orally, by written survey or questionnaire or by any other means with respect to such information shall be fully advised with respect to his right to fail or refuse to furnish such information.

## **TITLE IX**

### **INTERVENTION AND PROCEDURE AFTER REMOVAL IN CIVIL RIGHTS CASES**

SEC. 901. Title 28 of the United States Code, section 1447(d), is amended to read as follows:

“An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case

to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise.”

SEC. 902. Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws under the fourteenth amendment to the Constitution on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action upon timely application if the Attorney General certifies that the case is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.

## **TITLE X**

### **ESTABLISHMENT OF COMMUNITY RELATIONS SERVICE**

SEC. 1001. (a) There is hereby established in and as a part of the Department of Commerce a Community Relations Service (hereinafter referred to as the “Service”), which shall be headed by a Director who shall be appointed by the President with the advice and consent of the Senate for a term of four years. The Director is authorized to appoint, subject to the civil service laws and regulations, such other personnel as may be necessary to enable the Service to carry out its functions and duties, and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Director is further authorized to procure services as authorized by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55(a)), but at rates for individuals not in excess of \$75 per diem.

(b) Section 106(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(a)), is further amended by adding the following clause thereto:

“(52) Director, Community Relations Service.”

SEC. 1002. It shall be the function of the Service to provide assistance to

communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin which impair the rights of persons in such communities under the Constitution or laws of the United States or which affect or may affect interstate commerce. The Service may offer its services in cases of such disputes, disagreements, or difficulties whenever, in its judgment, peaceful relations among the citizens of the community involved are threatened thereby, and it may offer its services either upon its own motion or upon the request of an appropriate State or local official or other interested person.

SEC. 1003. (a) The Service shall, whenever possible, in performing its functions, seek and utilize the cooperation of appropriate State or local, public, or private agencies.

(b) The activities of all officers and employees of the Service in providing conciliation assistance shall be conducted in confidence and without publicity, and the Service shall hold confidential any information acquired in the regular performance of its duties upon the understanding that it would be so held. No officer or employee of the Service shall engage in the performance of investigative or prosecuting functions of any department or agency in any litigation arising out of a dispute in which he acted on behalf of the Service. Any officer or other employee of the Service, who shall make public in any manner whatever any information in violation of this subsection, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or imprisoned not more than one year.

SEC. 1004. Subject to the provisions of sections 205 and 1003(b), the Director shall, on or before January 31 of each year, submit to the Congress a report of the activities of the Service during the preceding fiscal year.

## **TITLE XI**

### **MISCELLANEOUS**

SEC. 1101. In any proceeding for criminal contempt arising under title II, III, IV, V, VI, or VII of this Act, the accused, upon demand therefor, shall be entitled to a trial by jury, which shall conform as near as may be to the practice in criminal cases. Upon conviction, the accused shall not be fined more than \$1,000 or imprisoned for more than six months.

This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court. No person shall be convicted of criminal contempt hereunder unless the act or omission constituting such contempt shall have been intentional, as required in other cases of criminal contempt.

Nor shall anything herein be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

SEC. 1102. No person should be put twice in jeopardy under the laws of the United States for the same act or omission. For this reason, an acquittal or conviction in a prosecution for a specific crime under the laws of the United States shall bar a proceeding for criminal contempt, which is based upon the same act or omission and which arises under the provisions of this Act; and an acquittal or conviction in a proceeding for criminal contempt, which arises under the provisions of this Act, shall bar a prosecution for a specific crime under the laws of the United States based upon the same act or omission.

SEC. 1103. Nothing in this Act shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General or of the United States or any agency or officer thereof under existing law to institute



or intervene in any action or proceeding.

SEC. 1104. Nothing contained in any title of this Act shall be construed as indicating an intent on the part of Congress to occupy the field in which any such title operates to the exclusion of State laws on the same subject matter, nor shall any provision of this Act be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this Act, or any provision thereof.

SEC. 1105. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 1106. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

## RONALD REAGAN: “A TIME FOR CHOOSING” (1964)

*During the last weeks of the 1964 presidential campaign, an actor and motivational speaker named Ronald Reagan gave an impassioned speech on behalf of Republican candidate Barry Goldwater in which he laid out his belief in limited government. In November, Goldwater lost the presidency to incumbent Lyndon B. Johnson, but the speech thrust Reagan onto the national political stage. Two years later, he was elected governor of California, and in 1981, he was inaugurated as the fortieth president of the United States.*

Thank you. 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 words and discuss 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 out of every dollar earned in this country is the tax collector's share, and yet our government continues to spend 17 million dollars a day more than the government takes in. We haven't balanced our budget 28 out of the last 34 years. We've 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 of the world. We have 15 billion dollars in

gold in our treasury; we don't own an ounce. Foreign dollar claims are 27.3 billion dollars. And we've 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're at war with the most dangerous enemy that has ever faced mankind in his long climb from the swamp to the stars, and it's been said if we lose that war, and in so doing 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." And in that sentence he told us the entire story. If we lose freedom here, there's 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 the sovereign people, is still the newest and the 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 capitol can plan our lives for us better than we can plan them ourselves.

You and I are told increasingly we have to choose between a left or right. Well I'd like to suggest there is no such thing as a left or right. There's only an up or down: [up] man's old—old-aged dream, the ultimate in individual freedom consistent with law and order, or down to the ant heap of 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've been a little more explicit in the past and among themselves; and all of the things 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 our acceptance of a not undemocratic socialism." Another voice says, "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 Fulbright has said at Stanford University that the Constitution is outmoded. He referred to the President as "our moral teacher and our leader," and he says he is "hobbled in his task by the restrictions of 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 men and women 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 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 percent of the farm surplus. Three-fourths of farming is out on the free market and has known a 21 percent increase in the per capita consumption of all its produce. You see, that one-fourth of farming—that's regulated and controlled by the federal government. In the last three years we've spent \$43 in the feed grain program for every dollar 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'll find out that we've had a decline of 5 million in the farm population under these government programs. He'll 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'll find that they've 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's been an increase in the Department of Agriculture employees. There's 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 how—who are farmers to know

what's 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 a few government planners decide it should be. In a program that takes from 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's now going to start building public housing units in the thousands, where heretofore we've only built them in the hundreds. But FHA [Federal Housing Authority] and the Veterans Administration tell us they have 120,000 housing units they've taken back through mortgage foreclosure. For three decades, we've 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've 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 dollars on deposit in personal savings in their banks. And 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 the fat man got that way by taking advantage of the thin one. So they're 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 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're told that 9.3 million families in this country are poverty-stricken on the basis of earning less than 3,000 dollars a year. Welfare spending [is] 10 times greater than in the dark depths of the Depression. We're spending 45 billion dollars on welfare. Now do a little arithmetic, and you'll find that if we divided the 45 billion dollars up equally among those 9 million poor families, we'd be able to give each family 4,600 dollars a year. And this added to their present income should eliminate poverty. Direct aid to the poor, however, is only running only about 600 dollars per family. It would seem that someplace there must be some overhead.

Now—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 dollars to the 45 billion we're 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 there is one part of the new program that isn't duplicated. This is the youth feature. We're now going to solve the dropout problem, juvenile delinquency, by reinstituting something like the old CCC camps [Civilian Conservation Corps], and we're going to put our young people in these camps. But again we do some arithmetic, and we find that we're going to spend each year just on room and board for each young person we help \$4,700 a year. We can send them to Harvard for \$2,700! 'Course, don't get me wrong. I'm not suggesting 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'd 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 dollars a month. She wanted a divorce to get an 80 dollar raise.

She's eligible for 330 dollars a month in the Aid to Dependent Children Program. She got the idea from two women in her neighborhood who'd already done that very thing.

Yet anytime you and I question the schemes of the do-gooders, we're denounced as being against their humanitarian goals. They say we're always "against" things—we're never "for" anything.

Well, the trouble with our liberal friends is not that they're ignorant; it's just that they know so much that isn't so.

Now—we're for a provision that destitution should not follow unemployment by reason of old age, and to that end we've accepted Social Security as a step toward meeting the problem.

But we're 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 people who depend on them for a livelihood. They've called it "insurance" to us in a hundred million pieces of literature. But then they appeared before the Supreme Court and they testified 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 dollars 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're 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 dollars a month at age 65. The government



promises 127. He could live it up until he's 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 they can get them when they're 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 provision for the non-earning years? Should we not 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 this program, which we cannot do? I think we're 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're against forcing all citizens, regardless of need, into a compulsory government program, especially when we have such examples, as was announced last week, when France admitted that their Medicare program is 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're for an international organization, where the nations of the world can seek peace. But I think we're 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 nations that represent less than 10 percent of the world's population. I think we're 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 the Soviet colonies in the satellite nations.

I think we're for aiding our allies by sharing of our material blessings with those nations which share in our fundamental beliefs, but we're against doling out money government to government, creating bureaucracy, if not socialism, all over the world. We set out to help 19 countries. We're helping 107. We've spent 146 billion dollars. With that money, we bought a 2 million dollar yacht for Haile Selassie. We bought dress suits for Greek undertakers, extra wives for Kenya[n] 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 dollars worth of our gold, and all 52 are receiving foreign aid from this country.

No government ever voluntarily reduces itself in size. So, governments' 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—federal employees number two and a half million; and federal, state, and local, one out of six of the nation's work force employed by 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 at auction to enforce the payment of that fine. In Chico County, Arkansas, James Wier over-planted his rice allotment. The government obtained a 17,000 dollar judgment. And a U.S. marshal sold his 960-acre farm at auction. The government said it was necessary as a warning to others to make the system work.

Last February 19th at the University of Minnesota, Norman Thomas, six-

times 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.

But 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, because 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 til 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 to the—or the title to your business or property if the government holds the power of life and death over that business or property? And 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, unalienable 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’re 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’ve 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've never known a man in my life I believed 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 monthly checks for life to an employee who was ill and couldn't work. He provides nursing care for the children of mothers who work in the stores. When Mexico was ravaged by the floods in 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. And 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 a fellow named Barry Goldwater sitting in his plane. Every day in those weeks before Christmas, all day long, he'd load up the plane, fly it to Arizona, fly them to their homes, 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 on 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 the other problems I've discussed academic, unless we realize we're in a war that must be won.

Those who would trade our freedom for the soup kitchen of the welfare state have told us they have a utopian solution of peace without victory. They call their policy “accommodation.” And they say if we’ll only avoid any direct confrontation with the enemy, he’ll 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 on 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 human beings now enslaved behind the Iron Curtain, “Give up your dreams of freedom because to save our own skins, we’re 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.” Now let’s set the record straight. There’s no argument over the choice between peace and war, but there’s only one guaranteed way you can have peace—and you can have it in the next second—surrender.

Admittedly, there’s a risk in any course we follow other than this, but every lesson of 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 or 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’re retreating under the pressure of the Cold War, and someday when the time comes to deliver the final ultimatum, our surrender will be voluntary, because by that time we will have been weakened from within spiritually, morally, and economically. He believes this because from our side he’s heard voices pleading for “peace at any price” or “better Red than dead,” or as one

commentator put it, he'd 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." And this—this is the meaning in the phrase of Barry Goldwater's "peace through strength." Winston Churchill said, "The destiny of man is not measured by material computations. When great forces are on the move in the world, we learn we're spirits—not animals." And he said, "There's 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'll preserve for our children this, the last best hope of man on earth, or we'll 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.

## LYNDON B. JOHNSON'S SPECIAL MESSAGE TO CONGRESS: THE AMERICAN PROMISE

(1965)

*President Lyndon B. Johnson addressed Congress on March 15, 1965, to urge the legislature to pass the Voting Rights Act, which he calls a “civil rights bill.” Johnson was successful—Congress passed the Voting Rights Act in August of that year.*

I speak tonight for the dignity of man and the destiny of democracy.

I urge every member of both parties, Americans of all religions and of all colors, from every section of this country, to join me in that cause.

At times history and fate meet at a single time in a single place to shape a turning point in man’s unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Alabama.

There, long-suffering men and women peacefully protested the denial of their rights as Americans. Many were brutally assaulted. One good man, a man of God, was killed.

There is no cause for pride in what has happened in Selma. There is no cause for self-satisfaction in the long denial of equal rights of millions of Americans. But there is cause for hope and for faith in our democracy in what is happening here tonight.

For the cries of pain and the hymns and protests of oppressed people have summoned into convocation all the majesty of this great Government—the Government of the greatest Nation on earth.

Our mission is at once the oldest and the most basic of this country: to right wrong, to do justice, to serve man.

In our time we have come to live with moments of great crisis. Our lives have been marked with debate about great issues; issues of war and peace, issues of prosperity and depression. But rarely in any time does an issue lay bare the secret heart of America itself. Rarely are we met with a challenge, not to our growth or abundance, our welfare or our security, but rather to the values and the purposes and the meaning of our beloved Nation.

The issue of equal rights for American Negroes is such an issue. And should we defeat every enemy, should we double our wealth and conquer the stars, and still be unequal to this issue, then we will have failed as a people and as a nation.

For with a country as with a person, “What is a man profited, if he shall gain the whole world, and lose his own soul?”

There is no Negro problem. There is no Southern problem. There is no Northern problem. There is only an American problem. And we are met here tonight as Americans—not as Democrats or Republicans—we are met here as Americans to solve that problem.

This was the first nation in the history of the world to be founded with a purpose. The great phrases of that purpose still sound in every American heart, North and South: “All men are created equal”—“government by consent of the governed”—“give me liberty or give me death.” Well, those are not just clever words, or those are not just empty theories. In their name Americans have fought and died for two centuries, and tonight around the world they stand there as guardians of our liberty, risking their lives.

Those words are a promise to every citizen that he shall share in the dignity of man. This dignity cannot be found in a man’s possessions; it cannot be found in his power, or in his position. It really rests on his right to be treated as a man equal in opportunity to all others. It says that he shall share in freedom, he shall choose his leaders, educate his children, and provide for his



family according to his ability and his merits as a human being.

To apply any other test—to deny a man his hopes because of his color or race, his religion or the place of his birth—is not only to do injustice, it is to deny America and to dishonor the dead who gave their lives for American freedom.

## THE RIGHT TO VOTE

Our fathers believed that if this noble view of the rights of man was to flourish, it must be rooted in democracy. The most basic right of all was the right to choose your own leaders. The history of this country, in large measure, is the history of the expansion of that right to all of our people.

Many of the issues of civil rights are very complex and most difficult. But about this there can and should be no argument. Every American citizen must have an equal right to vote. There is no reason which can excuse the denial of that right. There is no duty which weighs more heavily on us than the duty we have to ensure that right.

Yet the harsh fact is that in many places in this country men and women are kept from voting simply because they are Negroes.

Every device of which human ingenuity is capable has been used to deny this right. The Negro citizen may go to register only to be told that the day is wrong, or the hour is late, or the official in charge is absent. And if he persists, and if he manages to present himself to the registrar, he may be disqualified because he did not spell out his middle name or because he abbreviated a word on the application.

And if he manages to fill out an application he is given a test. The registrar is the sole judge of whether he passes this test. He may be asked to recite the entire Constitution, or explain the most complex provisions of State law. And

even a college degree cannot be used to prove that he can read and write.

For the fact is that the only way to pass these barriers is to show a white skin.

Experience has clearly shown that the existing process of law cannot overcome systematic and ingenious discrimination. No law that we now have on the books—and I have helped to put three of them there—can ensure the right to vote when local officials are determined to deny it.

In such a case our duty must be clear to all of us. The Constitution says that no person shall be kept from voting because of his race or his color. We have all sworn an oath before God to support and to defend that Constitution. We must now act in obedience to that oath.

#### G U A R A N T E E I N G T H E R I G H T T O V O T E

Wednesday I will send to Congress a law designed to eliminate illegal barriers to the right to vote.

The broad principles of that bill will be in the hands of the Democratic and Republican leaders tomorrow. After they have reviewed it, it will come here formally as a bill. I am grateful for this opportunity to come here tonight at the invitation of the leadership to reason with my friends, to give them my views, and to visit with my former colleagues.

I have had prepared a more comprehensive analysis of the legislation which I had intended to transmit to the clerk tomorrow but which I will submit to the clerks tonight. But I want to really discuss with you now briefly the main proposals of this legislation,

This bill will strike down restrictions to voting in all elections—Federal, State, and local—which have been used to deny Negroes the right to vote.

This bill will establish a simple, uniform standard which cannot be used,

however ingenious the effort, to flout our Constitution.

It will provide for citizens to be registered by officials of the United States Government if the State officials refuse to register them.

It will eliminate tedious, unnecessary lawsuits which delay the right to vote.

Finally, this legislation will ensure that properly registered individuals are not prohibited from voting.

I will welcome the suggestions from all of the Members of Congress—I have no doubt that I will get some—on ways and means to strengthen this law and to make it effective. But experience has plainly shown that this is the only path to carry out the command of the Constitution.

To those who seek to avoid action by their National Government in their own communities; who want to and who seek to maintain purely local control over elections, the answer is simple:

Open your polling places to all your people.

Allow men and women to register and vote whatever the color of their skin.

Extend the rights of citizenship to every citizen of this land.

#### THE NEED FOR ACTION

There is no constitutional issue here. The command of the Constitution is plain.

There is no moral issue. It is wrong—deadly wrong—to deny any of your fellow Americans the right to vote in this country.

There is no issue of States rights or national rights. There is only the struggle

for human rights.

I have not the slightest doubt what will be your answer.

The last time a President sent a civil rights bill to the Congress it contained a provision to protect voting rights in Federal elections. That civil rights bill was passed after eight long months of debate. And when that bill came to my desk from the Congress for my signature, the heart of the voting provision had been eliminated.

This time, on this issue, there must be no delay, no hesitation and no compromise with our purpose.

We cannot, we must not, refuse to protect the right of every American to vote in every election that he may desire to participate in. And we ought not and we cannot and we must not wait another eight months before we get a bill. We have already waited a hundred years and more, and the time for waiting is gone.

So I ask you to join me in working long hours—nights and weekends, if necessary—to pass this bill. And I don't make that request lightly. For from the window where I sit with the problems of our country I recognize that outside this chamber is the outraged conscience of a nation, the grave concern of many nations, and the harsh judgment of history on our acts.

W E S H A L L O V E R C O M E

But even if we pass this bill, the battle will not be over. What happened in Selma is part of a far larger movement which reaches into every section and State of America. It is the effort of American Negroes to secure for themselves the full blessings of American life.

Their cause must be our cause too. Because it is not just Negroes, but really it is all of us, who must overcome the crippling legacy of bigotry and injustice.

And we shall overcome.

As a man whose roots go deeply into Southern soil I know how agonizing racial feelings are. I know how difficult it is to reshape the attitudes and the structure of our society.

But a century has passed, more than a hundred years, since the Negro was freed. And he is not fully free tonight.

It was more than a hundred years ago that Abraham Lincoln, a great President of another party, signed the Emancipation Proclamation, but emancipation is a proclamation and not a fact.

A century has passed, more than a hundred years, since equality was promised. And yet the Negro is not equal.

A century has passed since the day of promise. And the promise is unkept.

The time of justice has now come. I tell you that I believe sincerely that no force can hold it back. It is right in the eyes of man and God that it should come. And when it does, I think that day will brighten the lives of every American.

For Negroes are not the only victims. How many white children have gone uneducated, how many white families have lived in stark poverty, how many white lives have been scarred by fear, because we have wasted our energy and our substance to maintain the barriers of hatred and terror?

So I say to all of you here, and to all in the Nation tonight, that those who appeal to you to hold on to the past do so at the cost of denying you your future.

This great, rich, restless country can offer opportunity and education and hope to all: black and white, North and South, sharecropper and city dweller.

These are the enemies: poverty, ignorance, disease. They are the enemies and not our fellow man, not our neighbor. And these enemies too, poverty, disease and ignorance, we shall overcome.

#### A N A M E R I C A N P R O B L E M

Now let none of us in any sections look with prideful righteousness on the troubles in another section, or on the problems of our neighbors. There is really no part of America where the promise of equality has been fully kept. In Buffalo as well as in Birmingham, in Philadelphia as well as in Selma, Americans are struggling for the fruits of freedom.

This is one Nation. What happens in Selma or in Cincinnati is a matter of legitimate concern to every American. But let each of us look within our own hearts and our own communities, and let each of us put our shoulder to the wheel to root out injustice wherever it exists.

As we meet here in this peaceful, historic chamber tonight, men from the South, some of whom were at Iwo Jima, men from the North who have carried Old Glory to far corners of the world and brought it back without a stain on it, men from the East and from the West, are all fighting together without regard to religion, or color, or region, in Vietnam. Men from every region fought for us across the world twenty years ago.

And in these common dangers and these common sacrifices the South made its contribution of honor and gallantry no less than any other region of the great Republic—and in some instances, a great many of them, more.

And I have not the slightest doubt that good men from everywhere in this country, from the Great Lakes to the Gulf of Mexico, from the Golden Gate to the harbors along the Atlantic, will rally together now in this cause to vindicate the freedom of all Americans. For all of us owe this duty; and I believe that all of us will respond to it.

Your President makes that request of every American.

## PROGRESS THROUGH THE DEMOCRATIC PROCESS

The real hero of this struggle is the American Negro. His actions and protests, his courage to risk safety and even to risk his life, have awakened the conscience of this Nation. His demonstrations have been designed to call attention to injustice, designed to provoke change, designed to stir reform.

He has called upon us to make good the promise of America. And who among us can say that we would have made the same progress were it not for his persistent bravery, and his faith in American democracy.

For at the real heart of battle for equality is a deep-seated belief in the democratic process. Equality depends not on the force of arms or tear gas but upon the force of moral right; not on recourse to violence but on respect for law and order.

There have been many pressures upon your President and there will be others as the days come and go. But I pledge you tonight that we intend to fight this battle where it should be fought: in the courts, and in the Congress, and in the hearts of men.

We must preserve the right of free speech and the right of free assembly. But the right of free speech does not carry with it, as has been said, the right to holler fire in a crowded theater. We must preserve the right to free assembly, but free assembly does not carry with it the right to block public thoroughfares to traffic.

We do have a right to protest, and a right to march under conditions that do not infringe the constitutional rights of our neighbors. And I intend to protect all those rights as long as I am permitted to serve in this office.

We will guard against violence, knowing it strikes from our hands the very

weapons which we seek—progress, obedience to law, and belief in American values.

In Selma as elsewhere we seek and pray for peace. We seek order. We seek unity. But we will not accept the peace of stifled rights, or the order imposed by fear, or the unity that stifles protest. For peace cannot be purchased at the cost of liberty.

In Selma tonight, as in every—and we had a good day there—as in every city, we are working for just and peaceful settlement. We must all remember that after this speech I am making tonight, after the police and the FBI and the Marshals have all gone, and after you have promptly passed this bill, the people of Selma and the other cities of the Nation must still live and work together. And when the attention of the Nation has gone elsewhere they must try to heal the wounds and to build a new community.

This cannot be easily done on a battleground of violence, as the history of the South itself shows. It is in recognition of this that men of both races have shown such an outstandingly impressive responsibility in recent days—last Tuesday, again today,

#### R I G H T S M U S T B E O P P O R T U N I T I E S

The bill that I am presenting to you will be known as a civil rights bill. But, in a larger sense, most of the program I am recommending is a civil rights program. Its object is to open the city of hope to all people of all races.

Because all Americans just must have the right to vote. And we are going to give them that right.

All Americans must have the privileges of citizenship regardless of race. And they are going to have those privileges of citizenship regardless of race.

But I would like to caution you and remind you that to exercise these



privileges takes much more than just legal right. It requires a trained mind and a healthy body. It requires a decent home, and the chance to find a job, and the opportunity to escape from the clutches of poverty.

Of course, people cannot contribute to the Nation if they are never taught to read or write, if their bodies are stunted from hunger, if their sickness goes untended, if their life is spent in hopeless poverty just drawing a welfare check.

So we want to open the gates to opportunity. But we are also going to give all our people, black and white, the help that they need to walk through those gates.

#### THE PURPOSE OF THIS GOVERNMENT

My first job after college was as a teacher in Cotulla, Texas, in a small Mexican-American school. Few of them could speak English, and I couldn't speak much Spanish. My students were poor and they often came to class without breakfast, hungry. They knew even in their youth the pain of prejudice. They never seemed to know why people disliked them. But they knew it was so, because I saw it in their eyes. I often walked home late in the afternoon, after the classes were finished, wishing there was more that I could do. But all I knew was to teach them the little that I knew, hoping that it might help them against the hardships that lay ahead.

Somehow you never forget what poverty and hatred can do when you see its scars on the hopeful face of a young child.

I never thought then, in 1928, that I would be standing here in 1965. It never even occurred to me in my fondest dreams that I might have the chance to help the sons and daughters of those students and to help people like them all over this country.

But now I do have that chance—and I'll let you in on a secret—I mean to use it. And I hope that you will use it with me.

This is the richest and most powerful country which ever occupied the globe. The might of past empires is little compared to ours. But I do not want to be the President who built empires, or sought grandeur, or extended dominion.

I want to be the President who educated young children to the wonders of their world. I want to be the President who helped to feed the hungry and to prepare them to be taxpayers instead of taxeaters.

I want to be the President who helped the poor to find their own way and who protected the right of every citizen to vote in every election.

I want to be the President who helped to end hatred among his fellow men and who promoted love among the people of all races and all regions and all parties.

I want to be the President who helped to end war among the brothers of this earth.

And so at the request of your beloved Speaker and the Senator from Montana; the majority leader, the Senator from Illinois; the minority leader, Mr. McCulloch, and other Members of both parties, I came here tonight—not as President Roosevelt came down one time in person to veto a bonus bill, not as President Truman came down one time to urge the passage of a railroad bill—but I came down here to ask you to share this task with me and to share it with the people that we both work for. I want this to be the Congress, Republicans and Democrats alike, which did all these things for all these people.

Beyond this great chamber, out yonder in fifty states, are the people that we serve. Who can tell what deep and unspoken hopes are in their hearts tonight

as they sit there and listen. We all can guess, from our own lives, how difficult they often find their own pursuit of happiness, how many problems each little family has. They look most of all to themselves for their futures. But I think that they also look to each of us.

Above the pyramid on the great seal of the United States it says—in Latin —“God has favored our undertaking.”

God will not favor everything that we do. It is rather our duty to divine His will. But I cannot help believing that He truly understands and that He really favors the undertaking that we begin here tonight.

## RONALD REAGAN'S FIRST INAUGURAL ADDRESS

(J ANUARY 20, 1981)

senator Hatfield, Mr. Chief Justice, Mr. President, Vice President Bush, Vice President Mondale, Senator Baker, Speaker O'Neill, Reverend Moomaw, and my fellow citizens: To a few of us here today, this is a solemn and most momentous occasion; and yet, in the history of our Nation, it is a commonplace occurrence. The orderly transfer of authority as called for in the Constitution routinely takes place as it has for almost two centuries and few of us stop to think how unique we really are. In the eyes of many in the world, this every-four-year ceremony we accept as normal is nothing less than a miracle.

Mr. President, I want our fellow citizens to know how much you did to carry on this tradition. By your gracious cooperation in the transition process, you have shown a watching world that we are a united people pledged to maintaining a political system which guarantees individual liberty to a greater degree than any other, and I thank you and your people for all your help in maintaining the continuity which is the bulwark of our Republic.

The business of our nation goes forward. These United States are confronted with an economic affliction of great proportions. We suffer from the longest and one of the worst sustained inflations in our national history. It distorts our economic decisions, penalizes thrift, and crushes the struggling young and the fixed-income elderly alike. It threatens to shatter the lives of millions of our people.

Idle industries have cast workers into unemployment, causing human misery and personal indignity. Those who do work are denied a fair return for their labor by a tax system which penalizes successful achievement and keeps us from maintaining full productivity.

But great as our tax burden is, it has not kept pace with public spending. For decades, we have piled deficit upon deficit, mortgaging our future and our children's future for the temporary convenience of the present. To continue this long trend is to guarantee tremendous social, cultural, political, and economic upheavals.

You and I, as individuals, can, by borrowing, live beyond our means, but for only a limited period of time. Why, then, should we think that collectively, as a nation, we are not bound by that same limitation?

We must act today in order to preserve tomorrow. And let there be no misunderstanding—we are going to begin to act, beginning today.

The economic ills we suffer have come upon us over several decades. They will not go away in days, weeks, or months, but they will go away. They will go away because we, as Americans, have the capacity now, as we have had in the past, to do whatever needs to be done to preserve this last and greatest bastion of freedom.

In this present crisis, government is not the solution to our problem.

From time to time, we have been tempted to believe that society has become too complex to be managed by self-rule, that government by an elite group is superior to government for, by, and of the people. But if no one among us is capable of governing himself, then who among us has the capacity to govern someone else? All of us together, in and out of government, must bear the burden. The solutions we seek must be equitable, with no one group singled out to pay a higher price.

We hear much of special interest groups. Our concern must be for a special interest group that has been too long neglected. It knows no sectional boundaries or ethnic and racial divisions, and it crosses political party lines. It is made up of men and women who raise our food, patrol our streets, man

our mines and our factories, teach our children, keep our homes, and heal us when we are sick—professionals, industrialists, shopkeepers, clerks, cabbies, and truck drivers. They are, in short, “We the people,” this breed called Americans.

Well, this administration’s objective will be a healthy, vigorous, growing economy that provides equal opportunity for all Americans, with no barriers born of bigotry or discrimination. Putting America back to work means putting all Americans back to work. Ending inflation means freeing all Americans from the terror of runaway living costs. All must share in the productive work of this “new beginning” and all must share in the bounty of a revived economy. With the idealism and fair play which are the core of our system and our strength, we can have a strong and prosperous America at peace with itself and the world.

So, as we begin, let us take inventory. We are a nation that has a government—not the other way around. And this makes us special among the nations of the Earth. Our Government has no power except that granted it by the people. It is time to check and reverse the growth of government which shows signs of having grown beyond the consent of the governed.

It is my intention to curb the size and influence of the Federal establishment and to demand recognition of the distinction between the powers granted to the Federal Government and those reserved to the States or to the people. All of us need to be reminded that the Federal Government did not create the States; the States created the Federal Government.

Now, so there will be no misunderstanding, it is not my intention to do away with government. It is, rather, to make it work—work with us, not over us; to stand by our side, not ride on our back. Government can and must provide opportunity, not smother it; foster productivity, not stifle it.

If we look to the answer as to why, for so many years, we achieved so much,

prospered as no other people on Earth, it was because here, in this land, we unleashed the energy and individual genius of man to a greater extent than has ever been done before. Freedom and the dignity of the individual have been more available and assured here than in any other place on Earth. The price for this freedom at times has been high, but we have never been unwilling to pay that price.

It is no coincidence that our present troubles parallel and are proportionate to the intervention and intrusion in our lives that result from unnecessary and excessive growth of government. It is time for us to realize that we are too great a nation to limit ourselves to small dreams. We are not, as some would have us believe, doomed to an inevitable decline. I do not believe in a fate that will fall on us no matter what we do. I do believe in a fate that will fall on us if we do nothing. So, with all the creative energy at our command, let us begin an era of national renewal. Let us renew our determination, our courage, and our strength. And let us renew our faith and our hope.

We have every right to dream heroic dreams. Those who say that we are in a time when there are no heroes just don't know where to look. You can see heroes every day going in and out of factory gates. Others, a handful in number, produce enough food to feed all of us and then the world beyond. You meet heroes across a counter—and they are on both sides of that counter. There are entrepreneurs with faith in themselves and faith in an idea who create new jobs, new wealth and opportunity. They are individuals and families whose taxes support the Government and whose voluntary gifts support church, charity, culture, art, and education. Their patriotism is quiet but deep. Their values sustain our national life.

I have used the words “they” and “their” in speaking of these heroes. I could say “you” and “your” because I am addressing the heroes of whom I speak—you, the citizens of this blessed land. Your dreams, your hopes, your goals are going to be the dreams, the hopes, and the goals of this administration, so help me God.

We shall reflect the compassion that is so much a part of your makeup. How can we love our country and not love our countrymen, and loving them, reach out a hand when they fall, heal them when they are sick, and provide opportunities to make them self-sufficient so they will be equal in fact and not just in theory?

Can we solve the problems confronting us? Well, the answer is an unequivocal and emphatic “yes.” To paraphrase Winston Churchill, I did not take the oath I have just taken with the intention of presiding over the dissolution of the world’s strongest economy.

In the days ahead I will propose removing the roadblocks that have slowed our economy and reduced productivity. Steps will be taken aimed at restoring the balance between the various levels of government. Progress may be slow—measured in inches and feet, not miles—but we will progress. Is it time to reawaken this industrial giant, to get government back within its means, and to lighten our punitive tax burden. And these will be our first priorities, and on these principles, there will be no compromise.

On the eve of our struggle for independence a man who might have been one of the greatest among the Founding Fathers, Dr. Joseph Warren, President of the Massachusetts Congress, said to his fellow Americans, “Our country is in danger, but not to be despaired of . . . On you depend the fortunes of America. You are to decide the important questions upon which rests the happiness and the liberty of millions yet unborn. Act worthy of yourselves.”

Well, I believe we, the Americans of today, are ready to act worthy of ourselves, ready to do what must be done to ensure happiness and liberty for ourselves, our children and our children’s children.

And as we renew ourselves here in our own land, we will be seen as having greater strength throughout the world. We will again be the exemplar of freedom and a beacon of hope for those who do not now have freedom.



To those neighbors and allies who share our freedom, we will strengthen our historic ties and assure them of our support and firm commitment. We will match loyalty with loyalty. We will strive for mutually beneficial relations. We will not use our friendship to impose on their sovereignty, for our own sovereignty is not for sale.

As for the enemies of freedom, those who are potential adversaries, they will be reminded that peace is the highest aspiration of the American people. We will negotiate for it, sacrifice for it; we will not surrender for it—now or ever.

Our forbearance should never be misunderstood. Our reluctance for conflict should not be misjudged as a failure of will. When action is required to preserve our national security, we will act. We will maintain sufficient strength to prevail if need be, knowing that if we do so we have the best chance of never having to use that strength.

Above all, we must realize that no arsenal, or no weapon in the arsenals of the world, is so formidable as the will and moral courage of free men and women. It is a weapon our adversaries in today's world do not have. It is a weapon that we as Americans do have. Let that be understood by those who practice terrorism and prey upon their neighbors.

I am told that tens of thousands of prayer meetings are being held on this day, and for that I am deeply grateful. We are a nation under God, and I believe God intended for us to be free. It would be fitting and good, I think, if on each Inauguration Day in future years it should be declared a day of prayer.

This is the first time in history that this ceremony has been held, as you have been told, on this West Front of the Capitol. Standing here, one faces a magnificent vista, opening up on this city's special beauty and history. At the end of this open mall are those shrines to the giants on whose shoulders we stand.

Directly in front of me, the monument to a monumental man: George Washington, Father of our country. A man of humility who came to greatness reluctantly. He led America out of revolutionary victory into infant nationhood. Off to one side, the stately memorial to Thomas Jefferson. The Declaration of Independence flames with his eloquence.

And then beyond the Reflecting Pool the dignified columns of the Lincoln Memorial. Whoever would understand in his heart the meaning of America will find it in the life of Abraham Lincoln.

Beyond those monuments to heroism is the Potomac River, and on the far shore the sloping hills of Arlington National Cemetery with its row on row of simple white markers bearing crosses or Stars of David. They add up to only a tiny fraction of the price that has been paid for our freedom.

Each one of those markers is a monument to the kinds of hero I spoke of earlier. Their lives ended in places called Belleau Wood, The Argonne, Omaha Beach, Salerno and halfway around the world on Guadalcanal, Tarawa, Pork Chop Hill, the Chosin Reservoir, and in a hundred rice paddies and jungles of a place called Vietnam.

Under one such marker lies a young man—Martin Treptow—who left his job in a small town barber shop in 1917 to go to France with the famed Rainbow Division. There, on the western front, he was killed trying to carry a message between battalions under heavy artillery fire.

We are told that on his body was found a diary. On the flyleaf under the heading, “My Pledge,” he had written these words: “America must win this war. Therefore, I will work, I will save, I will sacrifice, I will endure, I will fight cheerfully and do my utmost, as if the issue of the whole struggle depended on me alone.”

The crisis we are facing today does not require of us the kind of sacrifice that

Martin Treptow and so many thousands of others were called upon to make. It does require, however, our best effort, and our willingness to believe in ourselves and to believe in our capacity to perform great deeds; to believe that together, with God's help, we can and will resolve the problems which now confront us.

And, after all, why shouldn't we believe that? We are Americans. God bless you, and thank you.

**GERALDINE FERRARO**  
**ACCEPTS THE VICE PRESIDENTIAL**  
**NOMINATION (1984)**

*In July 1984, Geraldine Ferraro, a congressional representative from New York, became the first female vice-presidential candidate from a major American political party. However, she and her running mate, Walter Mondale, lost to Ronald Reagan in the general election later that year.*

Ladies and gentlemen of the convention: My name is Geraldine Ferraro. I stand before you to proclaim tonight: America is the land where dreams can come true for all of us.

As I stand before the American people and think of the honor this great convention has bestowed upon me, I recall the words of Dr. Martin Luther King Jr., who made America stronger by making America more free. He said: "Occasionally in life there are moments which cannot be completely explained by words. Their meaning can only be articulated by the inaudible language of the heart."

Tonight is such a moment for me.

My heart is filled with pride.

My fellow citizens, I proudly accept your nomination for vice president of the United States.

And I am proud to run with a man who will be one of the great presidents of this century, Walter F. Mondale.

Tonight, the daughter of a woman whose highest goal was a future for her children talks to our nation's oldest party about a future for us all.

Tonight, the daughter of working Americans tells all Americans that the

future is within our reach—if we’re willing to reach for it.

Tonight, the daughter of an immigrant from Italy has been chosen to run for [vice] president in the new land my father came to love.

Our faith that we can shape a better future is what the American dream is all about. The promise of our country is that the rules are fair. If you work hard and play by the rules, you can earn your share of America’s blessings. Those are the beliefs I learned from my parents. And those are the values I taught my students as a teacher in the public schools of New York City.

At night, I went to law school. I became an assistant district attorney, and I put my share of criminals behind bars. I believe: If you obey the law, you should be protected. But if you break the law, you must pay for your crime.

When I first ran for Congress, all the political experts said a Democrat could not win my home district in Queens. I put my faith in the people and the values that we shared. Together, we proved the political experts wrong.

In this campaign, Fritz Mondale and I have put our faith in the people. And we are going to prove the experts wrong again. We are going to win. We are going to win because Americans across this country believe in the same basic dream.

Last week, I visited Elmore, Minnesota, the small town where Fritz Mondale was raised. And soon Fritz and Joan will visit our family in Queens. Nine hundred people live in Elmore. In Queens, there are 2,000 people on one block. You would think we would be different, but we’re not. Children walk to school in Elmore past grain elevators; in Queens, they pass by subway stops. But, no matter where they live, their future depends on education, and their parents are willing to do their part to make those schools as good as they can be.

In Elmore, there are family farms; in Queens, small businesses. But the men and women who run them all take pride in supporting their families through hard work and initiative.

On the Fourth of July in Elmore, they hang flags out on Main Street; in Queens, they fly them over Grand Avenue. But all of us love our country, and stand ready to defend the freedom that it represents.

Americans want to live by the same set of rules. But under this administration, the rules are rigged against too many of our people. It isn't right that every year, the share of taxes paid by individual citizens is going up, while the share paid by large corporations is getting smaller and smaller. The rules say: Everyone in our society should contribute their fair share.

It isn't right that this year Ronald Reagan will hand the American people a bill for interest on the national debt larger than the entire cost of the federal government under John F. Kennedy. Our parents left us a growing economy. The rules say: We must not leave our kids a mountain of debt.

It isn't right that a woman should get paid 59 cents on the dollar for the same work as a man. If you play by the rules, you deserve a fair day's pay for a fair day's work.

It isn't right that—that if trends continue—by the year 2000, nearly all of the poor people in America will be women and children. The rules of a decent society say, when you distribute sacrifice in times of austerity, you don't put women and children first.

It isn't right that young people today fear they won't get the Social Security they paid for, and that older Americans fear that they will lose what they have already earned. Social Security is a contract between the last generation and the next, and the rules say: You don't break contracts. We're going to keep faith with older Americans.

We hammered out a fair compromise in the Congress to save Social Security. Every group sacrificed to keep the system sound. It is time Ronald Reagan stopped scaring our senior citizens.

It isn't right that young couples question whether to bring children into a world of 50,000 nuclear warheads. That isn't the vision for which Americans have struggled for more than two centuries. And our future doesn't have to be that way.

Change is in the air, just as surely as when John Kennedy beckoned America to a new frontier, when Sally Ride rocketed into space, and when Reverend Jesse Jackson ran for the office of president of the United States. By choosing a woman to run for our nation's second-highest office, you sent a powerful signal to all Americans. There are no doors we cannot unlock. We will place no limits on achievement. If we can do this, we can do anything.

Tonight, we reclaim our dream. We're going to make the rules of American life work fairly for all Americans again. To an administration that would have us debate all over again whether the Voting Rights Act should be renewed and whether segregated schools should be tax exempt, we say, Mr. President: Those debates are over.

On the issue of civil rights, voting rights, and affirmative action for minorities, we must not go backwards. We must—and we will—move forward to open the doors of opportunity.

To those who understand that our country cannot prosper unless we draw on the talents of all Americans, we say: We will pass the Equal Rights Amendment. The issue is not what America can do for women, but what women can do for America.

To the Americans who will lead our country into the 21st century, we say: We will not have a Supreme Court that turns the clock back to the 19th

century.

To those concerned about the strength of American family values, as I am, I say: We are going to restore those values—love, caring, partnership—by including, and not excluding, those whose beliefs differ from our own. Because our own faith is strong, we will fight to preserve the freedom of faith for others.

To those working Americans who fear that banks, utilities, and large special interests have a lock on the White House, we say: Join us; let's elect a people's president; and let's have government by and for the American people again.

To an administration that would savage student loans and education at the dawn of a new technological age, we say: You fit the classic definition of a cynic; you know the price of everything, but the value of nothing.

To our students and their parents, we say: We will insist on the highest standards of excellence because the jobs of the future require skilled minds.

To young Americans who may be called to our country's service, we say: We know your generation will proudly answer our country's call, as each generation before you. This past year, we remembered the bravery and sacrifice of Americans at Normandy. And we finally paid tribute—as we should have done years ago—to that unknown soldier who represents all the brave young Americans who died in Vietnam.

Let no one doubt, we will defend America's security and the cause of freedom around the world. But we want a president who tells us what America is fighting for, not just what we are fighting against.

We want a president who will defend human rights—not just where it is convenient—but wherever freedom is at risk—from Chile to Afghanistan,



from Poland to South Africa.

To those who have watched this administration's confusion in the Middle East, as it has tilted first toward one and then another of Israel's longtime enemies and wonder, "Will America stand by her friends and sister democracy?" We say: America knows who her friends are in the Middle East and around the world. America will stand with Israel always.

Finally, we want a president who will keep America strong, but use that strength to keep America and the world at peace. A nuclear freeze is not a slogan: It is a tool for survival in the nuclear age. If we leave our children nothing else, let us leave them this earth as we found it—whole and green and full of life.

I know in my heart that Walter Mondale will be that president.

A wise man once said, "Every one of us is given the gift of life, and what a strange gift it is. If it is preserved jealously and selfishly, it impoverishes and saddens. But if it is spent for others, it enriches and beautifies." My fellow Americans: We can debate policies and programs. But in the end what separates the two parties in this election campaign is whether we use the gift of life—for others or only ourselves.

Tonight, my husband, John, and our three children are in this hall with me. To my daughters, Donna and Laura, and my son, John Jr., I say: My mother did not break faith with me ... and I will not break faith with you.

To all the children of America, I say: The generation before ours kept faith with us, and like them, we will pass on to you a stronger, more just America.

Thank you.

## RONALD REAGAN'S REMARKS ON EAST- WEST RELATIONS AT THE BRANDENBURG GATE IN WEST BERLIN (1987)

*In one of the most famous speeches in American history, President Ronald Reagan challenged Soviet leader Mikhail Gorbachev to “tear down this wall,” referring to the cement barrier that had separated East (communist) and West (democratic) Berlin since 1961. The speech didn’t get much of a reaction at the time, but two years later, as reforms spread throughout the Soviet Union and Eastern Europe, the speech took on new importance. Demolition on the Berlin Wall began in November 1989.*

Thank you very much. Chancellor Kohl, Governing Mayor Diepgen, ladies and gentlemen: Twenty four years ago, President John F. Kennedy visited Berlin, speaking to the people of this city and the world at the city hall. Well, since then two other presidents have come, each in his turn, to Berlin. And today I, myself, make my second visit to your city.

We come to Berlin, we American Presidents, because it’s our duty to speak, in this place, of freedom. But I must confess, we’re drawn here by other things as well: by the feeling of history in this city, more than 500 years older than our own nation; by the beauty of the Grunewald and the Tiergarten; most of all, by your courage and determination. Perhaps the composer, Paul Lincke, understood something about American presidents. You see, like so many presidents before me, I come here today because wherever I go, whatever I do: *Ich hab noch einen Koffer in Berlin.* \*

Our gathering today is being broadcast throughout Western Europe and North America. I understand that it is being seen and heard as well in the East. To those listening throughout Eastern Europe, I extend my warmest greetings and the good will of the American people. To those listening in East Berlin, a special word: Although I cannot be with you, I address my remarks to you just as surely as to those standing here before me. For I join

you, as I join your fellow countrymen in the West, in this firm, this unalterable belief: *Es gibt nur ein Berlin.* †

Behind me stands a wall that encircles the free sectors of this city, part of a vast system of barriers that divides the entire continent of Europe. From the Baltic, south, those barriers cut across Germany in a gash of barbed wire, concrete, dog runs, and guard towers. Farther south, there may be no visible, no obvious wall. But there remain armed guards and checkpoints all the same—still a restriction on the right to travel, still an instrument to impose upon ordinary men and women the will of a totalitarian state. Yet it is here in Berlin where the wall emerges most clearly; here, cutting across your city, where the news photo and the television screen have imprinted this brutal division of a continent upon the mind of the world. Standing before the Brandenburg Gate, every man is a German, separated from his fellow men. Every man is a Berliner, forced to look upon a scar.

President von Weizsacker has said: “The German question is open as long as the Brandenburg Gate is closed.” Today I say: As long as this gate is closed, as long as this scar of a wall is permitted to stand, it is not the German question alone that remains open, but the question of freedom for all mankind. Yet I do not come here to lament. For I find in Berlin a message of hope, even in the shadow of this wall, a message of triumph.

In this season of spring in 1945, the people of Berlin emerged from their air-raid shelters to find devastation. Thousands of miles away, the people of the United States reached out to help. And in 1947 Secretary of State—as you’ve been told—George Marshall announced the creation of what would become known as the Marshall plan. Speaking precisely 40 years ago this month, he said: “Our policy is directed not against any country or doctrine, but against hunger, poverty, desperation, and chaos.”

In the Reichstag a few moments ago, I saw a display commemorating this 40th anniversary of the Marshall plan. I was struck by the sign on a burnt-out,

guttled structure that was being rebuilt. I understand that Berliners of my own generation can remember seeing signs like it dotted throughout the Western sectors of the city. The sign read simply: “The Marshall plan is helping here to strengthen the free world.” A strong, free world in the West, that dream became real. Japan rose from ruin to become an economic giant. Italy, France, Belgium—virtually every nation in Western Europe saw political and economic rebirth; the European Community was founded.

In West Germany and here in Berlin, there took place an economic miracle, the *Wirtschaftswunder*. Adenauer, Erhard, Reuter, and other leaders understood the practical importance of liberty—that just as truth can flourish only when the journalist is given freedom of speech, so prosperity can come about only when the farmer and businessman enjoy economic freedom. The German leaders reduced tariffs, expanded free trade, lowered taxes. From 1950 to 1960 alone, the standard of living in West Germany and Berlin doubled.

Where four decades ago there was rubble, today in West Berlin there is the greatest industrial output of any city in Germany—busy office blocks, fine homes and apartments, proud avenues, and the spreading lawns of parkland. Where a city’s culture seemed to have been destroyed, today there are two great universities, orchestras and an opera, countless theaters, and museums. Where there was want, today there’s abundance—food, clothing, automobiles—the wonderful goods of the *Ku’damm*. From devastation, from utter ruin, you Berliners have, in freedom, rebuilt a city that once again ranks as one of the greatest on Earth. The Soviets may have had other plans. But, my friends, there were a few things the Soviets didn’t count on: *Berliner herz, Berliner humor, ja, und Berliner schnauze.* \*

In the 1950s, Khrushchev predicted: “We will bury you.” But in the West today, we see a free world that has achieved a level of prosperity and well-being unprecedented in all human history. In the Communist world, we see failure, technological backwardness, declining standards of health, even want

of the most basic kind—too little food. Even today, the Soviet Union still cannot feed itself. After these four decades, then, there stands before the entire world one great and inescapable conclusion: Freedom leads to prosperity. Freedom replaces the ancient hatreds among the nations with comity and peace. Freedom is the victor.

And now the Soviets themselves may, in a limited way, be coming to understand the importance of freedom. We hear much from Moscow about a new policy of reform and openness. Some political prisoners have been released. Certain foreign news broadcasts are no longer being jammed. Some economic enterprises have been permitted to operate with greater freedom from state control. Are these the beginnings of profound changes in the Soviet state? Or are they token gestures, intended to raise false hopes in the West, or to strengthen the Soviet system without changing it? We welcome change and openness; for we believe that freedom and security go together, that the advance of human liberty can only strengthen the cause of world peace.

There is one sign the Soviets can make that would be unmistakable, that would advance dramatically the cause of freedom and peace. General Secretary Gorbachev, if you seek peace, if you seek prosperity for the Soviet Union and Eastern Europe, if you seek liberalization: Come here to this gate! Mr. Gorbachev, open this gate! Mr. Gorbachev, tear down this wall!

I understand the fear of war and the pain of division that afflict this continent—and I pledge to you my country's efforts to help overcome these burdens. To be sure, we in the West must resist Soviet expansion. So we must maintain defenses of unassailable strength. Yet we seek peace; so we must strive to reduce arms on both sides. Beginning 10 years ago, the Soviets challenged the Western alliance with a grave new threat, hundreds of new and more deadly SS-20 nuclear missiles, capable of striking every capital in Europe. The Western alliance responded by committing itself to a counter-deployment unless the Soviets agreed to negotiate a better solution; namely,

the elimination of such weapons on both sides. For many months, the Soviets refused to bargain in earnestness. As the alliance, in turn, prepared to go forward with its counter-deployment, there were difficult days—days of protests like those during my 1982 visit to this city—and the Soviets later walked away from the table.

But through it all, the alliance held firm. And I invite those who protested then—I invite those who protest today—to mark this fact: Because we remained strong, the Soviets came back to the table. And because we remained strong, today we have within reach the possibility, not merely of limiting the growth of arms, but of eliminating, for the first time, an entire class of nuclear weapons from the face of the Earth. As I speak, NATO ministers are meeting in Iceland to review the progress of our proposals for eliminating these weapons. At the talks in Geneva, we have also proposed deep cuts in strategic offensive weapons. And the Western allies have likewise made far-reaching proposals to reduce the danger of conventional war and to place a total ban on chemical weapons.

While we pursue these arms reductions, I pledge to you that we will maintain the capacity to deter Soviet aggression at any level at which it might occur. And in cooperation with many of our allies, the United States is pursuing the Strategic Defense Initiative—research to base deterrence not on the threat of offensive retaliation, but on defenses that truly defend; on systems, in short, that will not target populations, but shield them. By these means we seek to increase the safety of Europe and all the world. But we must remember a crucial fact: East and West do not mistrust each other because we are armed; we are armed because we mistrust each other. And our differences are not about weapons but about liberty. When President Kennedy spoke at the City Hall those 24 years ago, freedom was encircled, Berlin was under siege. And today, despite all the pressures upon this city, Berlin stands secure in its liberty. And freedom itself is transforming the globe.

In the Philippines, in South and Central America, democracy has been given a

rebirth. Throughout the Pacific, free markets are working miracle after miracle of economic growth. In the industrialized nations, a technological revolution is taking place—a revolution marked by rapid, dramatic advances in computers and telecommunications.

In Europe, only one nation and those it controls refuse to join the community of freedom. Yet in this age of redoubled economic growth, of information and innovation, the Soviet Union faces a choice: It must make fundamental changes, or it will become obsolete. Today thus represents a moment of hope. We in the West stand ready to cooperate with the East to promote true openness, to break down barriers that separate people, to create a safer, freer world.

And surely there is no better place than Berlin, the meeting place of East and West, to make a start. Free people of Berlin: Today, as in the past, the United States stands for the strict observance and full implementation of all parts of the Four Power Agreement of 1971. Let us use this occasion, the 750th anniversary of this city, to usher in a new era, to seek a still fuller, richer life for the Berlin of the future. Together, let us maintain and develop the ties between the Federal Republic and the Western sectors of Berlin, which is permitted by the 1971 agreement.

And I invite Mr. Gorbachev: Let us work to bring the Eastern and Western parts of the city closer together, so that all the inhabitants of all Berlin can enjoy the benefits that come with life in one of the great cities of the world. To open Berlin still further to all Europe, East and West, let us expand the vital air access to this city, finding ways of making commercial air service to Berlin more convenient, more comfortable, and more economical. We look to the day when West Berlin can become one of the chief aviation hubs in all central Europe.

With our French and British partners, the United States is prepared to help bring international meetings to Berlin. It would be only fitting for Berlin to

serve as the site of United Nations meetings, or world conferences on human rights and arms control or other issues that call for international cooperation. There is no better way to establish hope for the future than to enlighten young minds, and we would be honored to sponsor summer youth exchanges, cultural events, and other programs for young Berliners from the East. Our French and British friends, I'm certain, will do the same. And it's my hope that an authority can be found in East Berlin to sponsor visits from young people of the Western sectors.

One final proposal, one close to my heart:

Sport represents a source of enjoyment and ennoblement, and you many have noted that the Republic of Korea—South Korea—has offered to permit certain events of the 1988 Olympics to take place in the North. International sports competitions of all kinds could take place in both parts of this city. And what better way to demonstrate to the world the openness of this city than to offer in some future year to hold the Olympic games here in Berlin, East and West?

In these four decades, as I have said, you Berliners have built a great city. You've done so in spite of threats—the Soviet attempts to impose the East-mark, the blockade. Today the city thrives in spite of the challenges implicit in the very presence of this wall. What keeps you here? Certainly there's a great deal to be said for your fortitude, for your defiant courage. But I believe there's something deeper, something that involves Berlin's whole look and feel and way of life—not mere sentiment. No one could live long in Berlin without being completely disabused of illusions. Something instead, that has seen the difficulties of life in Berlin but chose to accept them, that continues to build this good and proud city in contrast to a surrounding totalitarian presence that refuses to release human energies or aspirations. Something that speaks with a powerful voice of affirmation, that says yes to this city, yes to the future, yes to freedom. In a word, I would submit that what keeps you in Berlin is love—love both profound and abiding.



Perhaps this gets to the root of the matter, to the most fundamental distinction of all between East and West. The totalitarian world produces backwardness because it does such violence to the spirit, thwarting the human impulse to create, to enjoy, to worship. The totalitarian world finds even symbols of love and of worship an affront. Years ago, before the East Germans began rebuilding their churches, they erected a secular structure: the television tower at Alexander Platz. Virtually ever since, the authorities have been working to correct what they view as the tower's one major flaw, treating the glass sphere at the top with paints and chemicals of every kind. Yet even today when the Sun strikes that sphere—that sphere that towers over all Berlin—the light makes the sign of the cross. There in Berlin, like the city itself, symbols of love, symbols of worship, cannot be suppressed.

As I looked out a moment ago from the Reichstag, that embodiment of German unity, I noticed words crudely spray-painted upon the wall, perhaps by a young Berliner, “This wall will fall. Beliefs become reality.” Yes, across Europe, this wall will fall. For it cannot withstand faith; it cannot withstand truth. The wall cannot withstand freedom.

And I would like, before I close, to say one word. I have read, and I have been questioned since I've been here about certain demonstrations against my coming. And I would like to say just one thing, and to those who demonstrate so. I wonder if they have ever asked themselves that if they should have the kind of government they apparently seek, no one would ever be able to do what they're doing again.

Thank you and God bless you all.

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*\* I still have a suitcase in Berlin .*

*† There is only one Berlin .*

\* *Berliner hearts, Berliner humor, and yes, a Berliner schnauze .*

## BILL CLINTON ANNOUNCES THE MILITARY POLICY “DO N’T ASK, DON’T TELL” (1993)

*Before 1993, homosexuals were not allowed to serve in the U.S. armed forces. President Bill Clinton campaigned on a promise to lift the ban. He was unsuccessful, but settled for a compromise: the policy of “don’t ask, don’t tell,” which said that military personnel could not be asked to disclose their sexual preference. The law stood until 2010, when Congress passed and President Barack Obama signed a repeal. Today, gay men and women can serve openly in the U.S. military.*

Thank you very much. Secretary Aspin, General Powell, members of the Joint Chiefs, Admiral Kime; to our host, Admiral Smith, ladies and gentlemen.

I have come here today to discuss a difficult challenge and one which has received an enormous amount of publicity and public and private debate over the last several months—our nation’s policy toward homosexuals in the military.

I believe the policy I am announcing today represents a real step forward. But I know it will raise concerns in some of your minds. So I wanted you to hear my thinking and my decision directly and in person, because I respect you and because you are among the elite who will lead our Armed Forces into the next century, and because you will have to put this policy into effect and I expect your help in doing it.

The policy I am announcing today is, in my judgment, the right thing to do and the best way to do it. It is right because it provides greater protection to those who happen to be homosexual and want to serve their country honorably in uniform, obeying all the military’s rules against sexual misconduct.

It is the best way to proceed because it provides a sensible balance between

the rights of the individual and the needs of our military to remain the world's number one fighting force. As President of all the American people, I am pledged to protect and to promote individual rights. As Commander in Chief, I am pledged to protect and advance our security. In this policy, I believe we have come close to meeting both objectives.

Let me start with this clear fact: Our military is one of our greatest accomplishments and our most valuable assets. It is the world's most effective and powerful fighting force, bar none. I have seen proof of this fact almost every day since I became President. I saw it last week when I visited Camp Casey along the DMZ in Korea. I witnessed it at our military academies at Annapolis and West Point when I visited there. And I certainly relied on it three weeks ago when I ordered an attack on Iraq after that country's leadership attempted to assassinate President Bush.

We owe a great deal to the men and women who protect us through their service, their sacrifice and their dedication. And we owe it to our own security to listen hard to them and act carefully as we consider any changes in the military. A force ready to fight must maintain the highest priority under all circumstances.

Let me review the events which bring us here today. Before I ran for President, this issue was already upon us. Some of the members of the military returning from the Gulf War announced their homosexuality in order to protest the ban. The military's policy has been questioned in college ROTC programs. Legal challenges have been filed in court, including one that has since succeeded. In 1991, the Secretary of Defense Dick Cheney was asked about reports that the Defense Department spent an alleged \$500 million to separate and replace about 17,000 homosexuals from the military service during the 1980s, in spite of the findings of a government report saying there was no reason to believe that they could not serve effectively and with distinction.

Shortly thereafter, while giving a speech at the Kennedy School of Government at Harvard, I was asked by one of the students what I thought of this report and what I thought of lifting the ban. This question had never before been presented to me, and I had never had the opportunity to discuss it with anyone. I stated then what I still believe: that I thought there ought to be a presumption that people who wish to do so should be able to serve their country if they are willing to conform to the high standards of the military, and that the emphasis should be always on people's conduct, not their status.

For me, and this is very important, this issue has never been one of group rights, but rather of individual ones—of the individual opportunity to serve and the individual responsibility to conform to the highest standards of military conduct. For people who are willing to play by the rules, able to serve, and make a contribution, I believe then and I believe now we should give them the chance to do so.

The central facts of this issue are not much in dispute. First, notwithstanding the ban, there have been and are homosexuals in the military service who serve with distinction. I have had the privilege of meeting some of these men and women, and I have been deeply impressed by their devotion to duty and to country.

Second, there is no study showing them to be less capable or more prone to misconduct than heterosexual soldiers. Indeed, all the information we have indicates that they are not less capable or more prone to misbehavior.

Third, misconduct is already covered by the laws and rules which also cover activities that are improper by heterosexual members of the military.

Fourth, the ban has been lifted in other nations and in police and fire departments in our country with no discernible negative impact on unit cohesion or capacity to do the job, though there is, admittedly, no absolute analogy to the situation we face and no study bearing on this specific issue.

Fifth, even if the ban were lifted entirely, the experience of other nations and police and fire departments in the United States indicates that most homosexuals would probably not declare their sexual orientation openly, thereby, making an already hard life even more difficult in some circumstances.

But as the sociologist, Charles Moskos, noted after spending many years studying the American military, the issue may be tougher to resolve here in the United States than in Canada, Australia, and in some other nations because of the presence in our country of both vocal gay rights groups and equally vocal anti-gay rights groups, including some religious groups who believe that lifting the ban amounts to endorsing a lifestyle they strongly disapprove of.

Clearly, the American people are deeply divided on this issue, with most military people opposed to lifting the ban because of the feared impact on unit cohesion, rooted in disapproval of homosexual lifestyles, and the fear of invasion of privacy of heterosexual soldiers who must live and work in close quarters with homosexual military people.

However, those who have studied this issue extensively have discovered an interesting fact. People in this country who are aware of having known homosexuals are far more likely to support lifting the ban. In other words, they are likely to see this issue in terms of individual conduct and individual capacity instead of the claims of a group with which they do not agree; and also to be able to imagine how this ban could be lifted without a destructive impact on group cohesion and morale.

Shortly after I took office and reaffirmed my position, the foes of lifting the ban in the Congress moved to enshrine the ban in law. I asked that congressional action be delayed for six months while the Secretary of Defense worked with the Joint Chiefs to come up with a proposal for changing our current policy. I then met with the Joint Chiefs to hear their

concerns and asked them to try to work through the issue with Secretary Aspin. I wanted to handle the matter in this way on grounds of both principle and practicality.

As a matter of principle, it is my duty as Commander in Chief to uphold the high standards of combat readiness and unit cohesion of the world's finest fighting force, while doing my duty as President to protect the rights of individual Americans and to put to use the abilities of all the American people. And I was determined to serve this principle as fully as possible through practical action, knowing this fact about our system of government: While the Commander in Chief and the Secretary of Defense can change military personnel policies, Congress can reverse those changes by law in ways that are difficult, if not impossible, to veto.

For months now, the Secretary of Defense and the service chiefs have worked through this issue in a highly charged, deeply emotional environment, struggling to come to terms with the competing consideration and pressures and, frankly, to work through their own ideas and deep feelings.

During this time many dedicated Americans have come forward to state their own views on this issues. Most, but not all, of the military testimony has been against lifting the ban. But support for changing the policy has come from distinguished combat veterans including Senators Bob Kerrey, Chuck Robb, and John Kerry in the United States Congress. It has come from Lawrence Korb, who enforced the gay ban during the Reagan administration; and from former Senator Barry Goldwater, a distinguished veteran, former Chairman of the Senate Arms Services Committee, founder of the Arizona National Guard, and patron saint of the conservative wing of the Republican Party.

Senator Goldwater's statement, published in *The Washington Post* recently, made it crystal clear that when this matter is viewed as an issue of individual opportunity and responsibility rather than one of alleged group rights, this is

not a call for cultural license, but rather a reaffirmation of the American value of extending opportunity to responsible individuals and of limiting the role of government over citizens, private lives.

On the other hand, those who oppose lifting the ban are clearly focused not on the conduct of individual gay service members, but on how nongay service members feel about gays in general and, in particular, those in the military service.

These past few days I have been in contact with the Secretary of Defense as he has worked through the final stages of this policy with the Joint Chiefs. We now have a policy that is a substantial advance over the one in place when I took office. I have ordered Secretary Aspin to issue a directive consisting of these essential elements:

One, servicemen and women will be judged based on their conduct, not their sexual orientation.

Two, therefore, the practice, now six months old, of not asking about sexual orientation in the enlistment procedure will continue.

Three, an open statement by a service member that he or she is a homosexual will create a rebuttable presumption that he or she intends to engage prohibited conduct, but the service member will be given an opportunity to refute that presumption; in other words, to demonstrate that he or she intends to live by the rules of conduct that apply in the military service.

And four, all provisions of the Uniform Military Justice will be enforced in an even-handed manner as regards both heterosexuals and homosexuals. And, thanks to the policy provisions agreed by the Joint Chiefs, there will be a decent regard to the legitimate privacy and associational rights of all service members.



Just as is the case under current policy, unacceptable conduct, either heterosexual or homosexual, will be unacceptable 24 hours a day, seven days a week, from the time a recruit joins the service until the day he or she is discharged. Now, as in the past, every member of our military will be required to comply with the Uniform Code of Military Justice, which is federal law and military regulations, at all times and in all places.

Let me say a few words now about this policy. It is not a perfect solution. It is not identical with some of my own goals. And it certainly will not please everyone, perhaps not anyone, and clearly not those who hold the most adamant opinions on either side of this issue.

But those who wish to ignore the issue must understand that it is already tearing at the cohesion of the military, and it is today being considered by the federal courts in ways that may not be to the liking of those who oppose any change. And those who want the ban to be lifted completely on both status and conduct must understand that such action would have faced certain and decisive reversal by the Congress and the cause for which many have fought for years would be delayed probably for years.

Thus, on grounds of both principle and practicality, this is a major step forward. It is, in my judgment, consistent with my responsibilities as President and Commander in Chief to meet the need to change current policy. It is an honorable compromise that advances the cause of people who are called to serve our country by their patriotism, the cause of our national security and our national interest in resolving an issue that has divided our military and our nation and diverted our attention from other matters for too long.

The time has come for us to move forward. As your Commander in Chief, I charge all of you to carry out this policy with fairness, with balance and with due regard for the privacy of individuals. We must and will protect unit cohesion and troop morale. We must and will continue to have the best

fighting force in the world. But this is an end to witch hunts that spend millions of taxpayer dollars to ferret out individuals who have served their country well. Improper conduct, on or off base, should remain grounds for discharge. But we will proceed with an even hand against everyone regardless of sexual orientation.

Such controversies as this have divided us before. But our nation and our military have always risen to the challenge before. That was true of racial integration of the military and changes in the role of women in the military. Each of these was an issue because it was an issue for society, as well as for the military. And in each case our military was a leader in figuring out how to respond most effectively.

In the early 1970s, when President Nixon decided to transform our military into an all-volunteer force, many argued that it could not work. They said it would ruin our forces. But the leaders of our military not only made it work, they used the concept of an all-volunteer force to build the very finest fighting force our nation and the world have ever known.

Ultimately, the success of this policy will depend in large measure on the commitment it receives from the leaders of the military services.

I very much respect and commend the Joint Chiefs for the good-faith effort they have made through this whole endeavor. And I thank General Powell, the Joint Chiefs, and the Commandant of the Coast Guard for joining me here today and for their support of this policy.

I would also like to thank those who lobbied aggressively in behalf of changing the policy, including Congressman Barney Frank, Congressman Gary Studds, and the Campaign for Military Service, who worked with us and who clearly will not agree with every aspect of the policy announced today, but who should take some solace in knowing that their efforts have helped to produce a strong advance for the cause they seek to serve.

I must now look to General Powell, to the Joint Chiefs, to all the other leaders in our military to carry out this policy through effective training and leadership. Every officer will be expected to exert the necessary effort to make this policy work. That has been the key every time the military has successfully addressed a new challenge, and it will be key in this effort, too.

Our military is a conservative institution, and I say that in the very best sense, for its purpose is to conserve the fighting spirit of our troops; to conserve the resources and the capacity of our troops; to conserve the military lessons acquired during our nation's existence; to conserve our very security; and yes, to conserve the liberties of the American people. Because it is a conservative institution, it is right for the military to be wary of sudden changes. Because it is an institution that embodies the best of America and must reflect the society in which it operates, it is also right for the military to make changes when the time for change is at hand.

I strongly believe that our military, like our society, needs the talents of every person who wants to make a contribution and who is ready to live by the rules. That is the heart of the policy that I have announced today. I hope in your heart you will find the will and the desire to support it and to lead our military in incorporating it into our nation's great asset and the world's best fighting force.

Thank you very much.

**GEORGE W. BUSH ADDRESSES**  
**THE NATION AFTER THE**  
**SEPTEMBER 11 ATTACKS (2001)**

good evening. Today, our fellow citizens, our way of life, our very freedom came under attack in a series of deliberate and deadly terrorist acts. The victims were in airplanes, or in their offices; secretaries, businessmen and women, military and federal workers; moms and dads, friends and neighbors. Thousands of lives were suddenly ended by evil, despicable acts of terror.

The pictures of airplanes flying into buildings, fires burning, huge structures collapsing, have filled us with disbelief, terrible sadness, and a quiet, unyielding anger. These acts of mass murder were intended to frighten our nation into chaos and retreat. But they have failed; our country is strong.

A great people has been moved to defend a great nation. Terrorist attacks can shake the foundations of our biggest buildings, but they cannot touch the foundation of America. These acts shattered steel, but they cannot dent the steel of American resolve.

America was targeted for attack because we're the brightest beacon for freedom and opportunity in the world. And no one will keep that light from shining.

Today, our nation saw evil, the very worst of human nature. And we responded with the best of America—with the daring of our rescue workers, with the caring for strangers and neighbors who came to give blood and help in any way they could.

Immediately following the first attack, I implemented our government's emergency response plans. Our military is powerful, and it's prepared. Our emergency teams are working in New York City and Washington, D.C. to help with local rescue efforts.

Our first priority is to get help to those who have been injured, and to take every precaution to protect our citizens at home and around the world from further attacks.

The functions of our government continue without interruption. Federal agencies in Washington which had to be evacuated today are reopening for essential personnel tonight, and will be open for business tomorrow. Our financial institutions remain strong, and the American economy will be open for business, as well.

The search is underway for those who are behind these evil acts. I've directed the full resources of our intelligence and law enforcement communities to find those responsible and to bring them to justice. We will make no distinction between the terrorists who committed these acts and those who harbor them.

I appreciate so very much the members of Congress who have joined me in strongly condemning these attacks. And on behalf of the American people, I thank the many world leaders who have called to offer their condolences and assistance.

America and our friends and allies join with all those who want peace and security in the world, and we stand together to win the war against terrorism. Tonight, I ask for your prayers for all those who grieve, for the children whose worlds have been shattered, for all whose sense of safety and security has been threatened. And I pray they will be comforted by a power greater than any of us, spoken through the ages in Psalm 23: "Even though I walk through the valley of the shadow of death, I fear no evil, for You are with me."

This is a day when all Americans from every walk of life unite in our resolve for justice and peace. America has stood down enemies before, and we will do so this time. None of us will ever forget this day. Yet, we go forward to

defend freedom and all that is good and just in our world.

Thank you. Good night, and God bless America.

## BARACK OBAMA'S FIRST INAUGURAL ADDRESS

(J ANUARY 20, 2009)

my fellow citizens:

I stand here today humbled by the task before us, grateful for the trust you have bestowed, mindful of the sacrifices borne by our ancestors. I thank President Bush for his service to our nation, as well as the generosity and cooperation he has shown throughout this transition.

Forty-four Americans have now taken the presidential oath. The words have been spoken during rising tides of prosperity and the still waters of peace. Yet, every so often the oath is taken amidst gathering clouds and raging storms. At these moments, America has carried on not simply because of the skill or vision of those in high office, but because we the people have remained faithful to the ideals of our forebears, and true to our founding documents.

So it has been. So it must be with this generation of Americans.

That we are in the midst of crisis is now well understood. Our nation is at war, against a far-reaching network of violence and hatred. Our economy is badly weakened, a consequence of greed and irresponsibility on the part of some, but also our collective failure to make hard choices and prepare the nation for a new age. Homes have been lost; jobs shed; businesses shuttered. Our health care is too costly; our schools fail too many; and each day brings further evidence that the ways we use energy strengthen our adversaries and threaten our planet.

These are the indicators of crisis, subject to data and statistics. Less measurable but no less profound is a sapping of confidence across our land—a nagging fear that America's decline is inevitable, and that the next

generation must lower its sights.

Today I say to you that the challenges we face are real. They are serious and they are many. They will not be met easily or in a short span of time. But know this, America—they will be met.

On this day, we gather because we have chosen hope over fear, unity of purpose over conflict and discord.

On this day, we come to proclaim an end to the petty grievances and false promises, the recriminations and worn-out dogmas, that for far too long have strangled our politics.

We remain a young nation, but in the words of scripture, the time has come to set aside childish things. The time has come to reaffirm our enduring spirit; to choose our better history; to carry forward that precious gift, that noble idea, passed on from generation to generation: the God-given promise that all are equal, all are free and all deserve a chance to pursue their full measure of happiness.

In reaffirming the greatness of our nation, we understand that greatness is never a given. It must be earned. Our journey has never been one of shortcuts or settling for less. It has not been the path for the faint-hearted—for those who prefer leisure over work, or seek only the pleasures of riches and fame. Rather, it has been the risk-takers, the doers, the makers of things—some celebrated but more often men and women obscure in their labor, who have carried us up the long, rugged path towards prosperity and freedom.

For us, they packed up their few worldly possessions and traveled across oceans in search of a new life.

For us, they toiled in sweatshops and settled the West; endured the lash of the whip and plowed the hard earth.



For us, they fought and died, in places like Concord and Gettysburg; Normandy and Khe Sahn.

Time and again these men and women struggled and sacrificed and worked till their hands were raw so that we might live a better life. They saw America as bigger than the sum of our individual ambitions; greater than all the differences of birth or wealth or faction.

This is the journey we continue today. We remain the most prosperous, powerful nation on Earth. Our workers are no less productive than when this crisis began. Our minds are no less inventive, our goods and services no less needed than they were last week or last month or last year. Our capacity remains undiminished. But our time of standing pat, of protecting narrow interests and putting off unpleasant decisions—that time has surely passed. Starting today, we must pick ourselves up, dust ourselves off, and begin again the work of remaking America.

For everywhere we look, there is work to be done. The state of the economy calls for action, bold and swift, and we will act—not only to create new jobs, but to lay a new foundation for growth. We will build the roads and bridges, the electric grids and digital lines that feed our commerce and bind us together. We will restore science to its rightful place, and wield technology's wonders to raise health care's quality and lower its cost. We will harness the sun and the winds and the soil to fuel our cars and run our factories. And we will transform our schools and colleges and universities to meet the demands of a new age. All this we can do. And all this we will do.

Now, there are some who question the scale of our ambitions—who suggest that our system cannot tolerate too many big plans. Their memories are short. For they have forgotten what this country has already done; what free men and women can achieve when imagination is joined to common purpose, and necessity to courage.

What the cynics fail to understand is that the ground has shifted beneath them—that the stale political arguments that have consumed us for so long no longer apply. The question we ask today is not whether our government is too big or too small, but whether it works—whether it helps families find jobs at a decent wage, care they can afford, a retirement that is dignified. Where the answer is yes, we intend to move forward. Where the answer is no, programs will end. And those of us who manage the public’s dollars will be held to account—to spend wisely, reform bad habits, and do our business in the light of day—because only then can we restore the vital trust between a people and their government.

Nor is the question before us whether the market is a force for good or ill. Its power to generate wealth and expand freedom is unmatched, but this crisis has reminded us that without a watchful eye, the market can spin out of control—and that a nation cannot prosper long when it favors only the prosperous. The success of our economy has always depended not just on the size of our gross domestic product, but on the reach of our prosperity; on our ability to extend opportunity to every willing heart—not out of charity, but because it is the surest route to our common good.

As for our common defense, we reject as false the choice between our safety and our ideals. Our founding fathers, faced with perils we can scarcely imagine, drafted a charter to assure the rule of law and the rights of man, a charter expanded by the blood of generations. Those ideals still light the world, and we will not give them up for expedience’s sake. And so to all other peoples and governments who are watching today, from the grandest capitals to the small village where my father was born: know that America is a friend of each nation and every man, woman, and child who seeks a future of peace and dignity, and that we are ready to lead once more.

Recall that earlier generations faced down fascism and communism not just with missiles and tanks, but with sturdy alliances and enduring convictions. They understood that our power alone cannot protect us, nor does it entitle us

to do as we please. Instead, they knew that our power grows through its prudent use; our security emanates from the justness of our cause, the force of our example, the tempering qualities of humility and restraint.

We are the keepers of this legacy. Guided by these principles once more, we can meet those new threats that demand even greater effort—even greater cooperation and understanding between nations. We will begin to responsibly leave Iraq to its people, and forge a hard-earned peace in Afghanistan. With old friends and former foes, we will work tirelessly to lessen the nuclear threat, and roll back the specter of a warming planet. We will not apologize for our way of life, nor will we waver in its defense, and for those who seek to advance their aims by inducing terror and slaughtering innocents, we say to you now that our spirit is stronger and cannot be broken; you cannot outlast us, and we will defeat you.

For we know that our patchwork heritage is a strength, not a weakness. We are a nation of Christians and Muslims, Jews and Hindus—and non-believers. We are shaped by every language and culture, drawn from every end of this Earth; and because we have tasted the bitter swill of civil war and segregation, and emerged from that dark chapter stronger and more united, we cannot help but believe that the old hatreds shall someday pass; that the lines of tribe shall soon dissolve; that as the world grows smaller, our common humanity shall reveal itself; and that America must play its role in ushering in a new era of peace.

To the Muslim world, we seek a new way forward, based on mutual interest and mutual respect. To those leaders around the globe who seek to sow conflict, or blame their society's ills on the West—know that your people will judge you on what you can build, not what you destroy. To those who cling to power through corruption and deceit and the silencing of dissent, know that you are on the wrong side of history; but that we will extend a hand if you are willing to unclench your fist.

To the people of poor nations, we pledge to work alongside you to make your farms flourish and let clean waters flow; to nourish starved bodies and feed hungry minds. And to those nations like ours that enjoy relative plenty, we say we can no longer afford indifference to suffering outside our borders; nor can we consume the world's resources without regard to effect. For the world has changed, and we must change with it.

As we consider the road that unfolds before us, we remember with humble gratitude those brave Americans who, at this very hour, patrol far off deserts and distant mountains. They have something to tell us today, just as the fallen heroes who lie in Arlington whisper through the ages. We honor them not only because they are guardians of our liberty, but because they embody the spirit of service; a willingness to find meaning in something greater than themselves. And yet, at this moment—a moment that will define a generation—it is precisely this spirit that must inhabit us all.

For as much as government can do and must do, it is ultimately the faith and determination of the American people upon which this nation relies. It is the kindness to take in a stranger when the levees break, the selflessness of workers who would rather cut their hours than see a friend lose their job which sees us through our darkest hours. It is the firefighter's courage to storm a stairway filled with smoke, but also a parent's willingness to nurture a child, that finally decides our fate.

Our challenges may be new. The instruments with which we meet them may be new. But those values upon which our success depends—hard work and honesty, courage and fair play, tolerance and curiosity, loyalty and patriotism—these things are old. These things are true. They have been the quiet force of progress throughout our history. What is demanded then is a return to these truths. What is required of us now is a new era of responsibility—a recognition, on the part of every American, that we have duties to ourselves, our nation, and the world, duties that we do not grudgingly accept but rather seize gladly, firm in the knowledge that there is nothing so satisfying to the

spirit, so defining of our character, than giving our all to a difficult task.

This is the price and the promise of citizenship.

This is the source of our confidence—the knowledge that God calls on us to shape an uncertain destiny.

This is the meaning of our liberty and our creed—why men and women and children of every race and every faith can join in celebration across this magnificent mall, and why a man whose father less than sixty years ago might not have been served at a local restaurant can now stand before you to take a most sacred oath.

So let us mark this day with remembrance, of who we are and how far we have traveled. In the year of America's birth, in the coldest of months, a small band of patriots huddled by dying campfires on the shores of an icy river. The capital was abandoned. The enemy was advancing. The snow was stained with blood. At a moment when the outcome of our revolution was most in doubt, the father of our nation ordered these words be read to the people:

“Let it be told to the future world ... that in the depth of winter, when nothing but hope and virtue could survive ... that the city and the country, alarmed at one common danger, came forth to meet (it).”

America, in the face of our common dangers, in this winter of our hardship, let us remember these timeless words. With hope and virtue, let us brave once more the icy currents, and endure what storms may come. Let it be said by our children's children that when we were tested we refused to let this journey end, that we did not turn back nor did we falter; and with eyes fixed on the horizon and God's grace upon us, we carried forth that great gift of freedom and delivered it safely to future generations.

## **BARACK OBAMA ANNOUNCES THE DEATH OF OSAMA BIN LADEN (2011)**

good evening. Tonight, I can report to the American people and to the world that the United States has conducted an operation that killed Osama bin Laden, the leader of al Qaeda, and a terrorist who's responsible for the murder of thousands of innocent men, women, and children.

It was nearly ten years ago that a bright September day was darkened by the worst attack on the American people in our history. The images of 9/11 are seared into our national memory—hijacked planes cutting through a cloudless September sky; the Twin Towers collapsing to the ground; black smoke billowing up from the Pentagon; the wreckage of Flight 93 in Shanksville, Pennsylvania, where the actions of heroic citizens saved even more heartbreak and destruction.

And yet we know that the worst images are those that were unseen to the world. The empty seat at the dinner table. Children who were forced to grow up without their mother or their father. Parents who would never know the feeling of their child's embrace. Nearly 3,000 citizens taken from us, leaving a gaping hole in our hearts.

On September 11, 2001, in our time of grief, the American people came together. We offered our neighbors a hand, and we offered the wounded our blood. We reaffirmed our ties to each other, and our love of community and country. On that day, no matter where we came from, what God we prayed to, or what race or ethnicity we were, we were united as one American family.

We were also united in our resolve to protect our nation and to bring those who committed this vicious attack to justice. We quickly learned that the 9/11 attacks were carried out by al Qaeda—an organization headed by Osama bin Laden, which had openly declared war on the United States and was committed to killing innocents in our country and around the globe. And so

we went to war against al Qaeda to protect our citizens, our friends, and our allies.

Over the last ten years, thanks to the tireless and heroic work of our military and our counterterrorism professionals, we've made great strides in that effort. We've disrupted terrorist attacks and strengthened our homeland defense. In Afghanistan, we removed the Taliban government, which had given bin Laden and al Qaeda safe haven and support. And around the globe, we worked with our friends and allies to capture or kill scores of al Qaeda terrorists, including several who were a part of the 9/11 plot.

Yet Osama bin Laden avoided capture and escaped across the Afghan border into Pakistan. Meanwhile, al Qaeda continued to operate from along that border and operate through its affiliates across the world.

And so shortly after taking office, I directed Leon Panetta, the director of the CIA, to make the killing or capture of bin Laden the top priority of our war against al Qaeda, even as we continued our broader efforts to disrupt, dismantle, and defeat his network.

Then, last August, after years of painstaking work by our intelligence community, I was briefed on a possible lead to bin Laden. It was far from certain, and it took many months to run this thread to ground. I met repeatedly with my national security team as we developed more information about the possibility that we had located bin Laden hiding within a compound deep inside of Pakistan. And finally, last week, I determined that we had enough intelligence to take action, and authorized an operation to get Osama bin Laden and bring him to justice.

Today, at my direction, the United States launched a targeted operation against that compound in Abbottabad, Pakistan. A small team of Americans carried out the operation with extraordinary courage and capability. No Americans were harmed. They took care to avoid civilian casualties. After a

firefight, they killed Osama bin Laden and took custody of his body.

For over two decades, bin Laden has been al Qaeda's leader and symbol, and has continued to plot attacks against our country and our friends and allies. The death of bin Laden marks the most significant achievement to date in our nation's effort to defeat al Qaeda.

Yet his death does not mark the end of our effort. There's no doubt that al Qaeda will continue to pursue attacks against us. We must—and we will—remain vigilant at home and abroad.

As we do, we must also reaffirm that the United States is not—and never will be—at war with Islam. I've made clear, just as President Bush did shortly after 9/11, that our war is not against Islam. Bin Laden was not a Muslim leader; he was a mass murderer of Muslims. Indeed, al Qaeda has slaughtered scores of Muslims in many countries, including our own. So his demise should be welcomed by all who believe in peace and human dignity.

Over the years, I've repeatedly made clear that we would take action within Pakistan if we knew where bin Laden was. That is what we've done. But it's important to note that our counterterrorism cooperation with Pakistan helped lead us to bin Laden and the compound where he was hiding. Indeed, bin Laden had declared war against Pakistan as well, and ordered attacks against the Pakistani people.

Tonight, I called President Zardari, and my team has also spoken with their Pakistani counterparts. They agree that this is a good and historic day for both of our nations. And going forward, it is essential that Pakistan continue to join us in the fight against al Qaeda and its affiliates.

The American people did not choose this fight. It came to our shores, and started with the senseless slaughter of our citizens. After nearly 10 years of service, struggle, and sacrifice, we know well the costs of war. These efforts



weigh on me every time I, as Commander-in-Chief, have to sign a letter to a family that has lost a loved one, or look into the eyes of a service member who's been gravely wounded.

So Americans understand the costs of war. Yet as a country, we will never tolerate our security being threatened, nor stand idly by when our people have been killed. We will be relentless in defense of our citizens and our friends and allies. We will be true to the values that make us who we are. And on nights like this one, we can say to those families who have lost loved ones to al Qaeda's terror: Justice has been done.

Tonight, we give thanks to the countless intelligence and counterterrorism professionals who've worked tirelessly to achieve this outcome. The American people do not see their work, nor know their names. But tonight, they feel the satisfaction of their work and the result of their pursuit of justice.

We give thanks for the men who carried out this operation, for they exemplify the professionalism, patriotism, and unparalleled courage of those who serve our country. And they are part of a generation that has borne the heaviest share of the burden since that September day.

Finally, let me say to the families who lost loved ones on 9/11 that we have never forgotten your loss, nor wavered in our commitment to see that we do whatever it takes to prevent another attack on our shores.

And tonight, let us think back to the sense of unity that prevailed on 9/11. I know that it has, at times, frayed. Yet today's achievement is a testament to the greatness of our country and the determination of the American people.

The cause of securing our country is not complete. But tonight, we are once again reminded that America can do whatever we set our mind to. That is the story of our history, whether it's the pursuit of prosperity for our people, or

the struggle for equality for all our citizens; our commitment to stand up for our values abroad, and our sacrifices to make the world a safer place.

Let us remember that we can do these things not just because of wealth or power, but because of who we are: one nation, under God, indivisible, with liberty and justice for all.

Thank you. May God bless you. And may God bless the United States of America.

**HILLARY CLINTON ACCEPTS THE  
DEMOCRATIC PRESIDENTIAL  
NOMINATION (2016)**

*In July 2016, Hillary Clinton became the first woman to accept the nomination of a major political party for president of the United States. She spoke at the Democratic National Convention in Philadelphia.*

Thank you all very, very much! Thank you for that amazing welcome!

Thank you all for the great convention that we've had.

And Chelsea, thank you. I am so proud to be your mother and so proud of the woman you've become. Thank you for bringing Mark into our family and Charlotte and Aidan into the world.

And Bill, that conversation we started in the law library 45 years ago ... it is still going strong.

You know, that conversation has lasted through good times that filled us with joy and hard times that tested us. And I've even gotten a few words in along the way.

On Tuesday night I was so happy to see that my "explainer in chief" is still on the job.

I'm also grateful to the rest of my family and to the friends of a lifetime.

To all of you whose hard work brought us here tonight and to those of you who joined this campaign this week, thank you. What a remarkable week it's been!

We heard the man from Hope, Bill Clinton, and the man of hope, Barack Obama. America is stronger because of President Obama's leadership. And

I'm better because of his friendship.

We heard from our terrific vice president, the one and only Joe Biden.

He spoke from his big heart about our party's commitment to working people as only he can do.

And first lady Michelle Obama reminded us that our children are watching. And the president we elect is going to be their president, too.

And for those of you out there who are just getting to know Tim Kaine you will soon understand why the people of Virginia keep promoting him from city council and mayor to governor and now senator. And he will make our whole country proud as our vice president.

And I want to thank Bernie Sanders.

Bernie, your campaign inspired millions of Americans, particularly the young people who threw their hearts and souls into our primary.

You've put economic and social justice issues front and center where they belong.

And to all of your supporters here and around the country, I want you to know I've heard you. Your cause is our cause.

Our country needs your ideas, energy and passion. That is the only way we can turn our progressive platform into real change for America. We wrote it together, now let's go out and make it happen together!

My friends, we've come to Philadelphia, the birthplace of our nation, because what happened in this city 240 years ago still has something to teach us today. We all know the story, but we usually focus on how it turned out and not enough on how close that story came to never being written at all.

When representatives from 13 unruly colonies met just down the road from here, some wanted to stick with the king and some wanted to stick it to the king.

The Revolution hung in the balance, and somehow they began listening to each other, compromising, finding common purpose. And by the time they left Philadelphia, they had begun to see themselves as one nation. That's what made it possible to stand up to a king. That took courage, they had courage. Our Founders embraced the enduring truth that we are stronger together.

Now America is once again at a moment of reckoning. Powerful forces are threatening to pull us apart. Bonds of trust and respect are fraying. And just as with our Founders, there are no guarantees. It truly is up to us. We have to decide whether we will all work together so we can all rise together.

Our country's motto is *E Pluribus Unum*, out of many we are one. Will we stay true to that motto?

Well, we heard Donald Trump's answer last week at his convention. He wants to divide us from the rest of the world and from each other. He's betting that the perils of today's world will blind us to its unlimited promise. He's taken the Republican Party a long way, from morning in America to midnight in America.

He wants us to fear the future and fear each other. Well, you know, a great Democratic President Franklin Delano Roosevelt came up with the perfect rebuke to Trump more than 80 years ago during a much more perilous time: The only thing we have to fear is fear itself!

Now, we are clear-eyed about what our country is up against. But we are not afraid. We will rise to the challenge just as we always have. We will not build a wall; instead, we will build an economy where everyone who wants a good

job can get one. And we'll build a path to citizenship for millions of immigrants who are already contributing to our economy.

We will not ban a religion. We will work with all Americans and our allies to fight and defeat terrorism.

Yet, we know there is a lot to do. Too many people haven't had a pay raise since the crash. There's too much inequality, too little social mobility, too much paralysis in Washington.

Too many threats at home and abroad. But just look for a minute at the strengths we bring as Americans to meet these challenges.

We have the most dynamic and diverse people in the world.

We have the most tolerant and generous young people we've ever had.

We have the most powerful military, the most innovative entrepreneurs, the most enduring values, freedom and equality, justice and opportunity, we should be so proud that those words are associated with us.

I have to tell you, as your secretary of state I went to 112 countries. When people hear those words, they hear America!

So don't let anyone tell you that our country is weak. We're not. Don't let anyone tell you we don't have what it takes. We do. And most of all, don't believe anyone who says I alone can fix it.

Yes, those were actually Donald Trump's words in Cleveland. And they should set off alarm bells for all of us. Really? I alone can fix it? Isn't he forgetting troops on the front lines, police officers and firefighters who run toward danger, doctors and nurses who care for us, teachers who change lives, entrepreneurs who see possibilities in every problem, mothers who lost children to violence and are building a movement to keep other kids safe?

He's forgetting every last one of us.

Americans don't say "I alone can fix it." We say "we'll fix it together!"

And remember, remember, our Founders fought a Revolution and wrote a Constitution so America would never be a nation where one person had all the power.

Two hundred forty years later, we still put our faith in each other. Look at what happened in Dallas after the assassinations of five brave police officers. Police Chief David Brown asked the community to support his force, maybe even join them. And you know how the community responded? Nearly 500 people applied in just 12 days.

That's how Americans answer when the call for help goes out.

Twenty years ago I wrote a book called *It Takes a Village*. And a lot of people looked at the title and asked, what the heck do you mean by that? This is what I mean. None of us can raise a family, build a business, heal a community or lift a country totally alone.

America needs every one of us to lend our energy, our talents, our ambition to making our nation better and stronger. I believe that with all my heart. That's why "stronger together" is not just a lesson from our history, it's not just a slogan for our campaign, it's a guiding principle for the country we've always been and the future we're going to build, a country where the economy works for everyone, not just those at the top.

Where you can get a good job and send your kids to a good school, no matter what ZIP code you live in. A country where all our children can dream and those dreams are within reach, where families are strong, communities are safe and, yes, where love trumps hate.

That's the country we're fighting for. That's the future we're working toward.

And so, my friends, it is with humility, determination and boundless confidence in America's promise that I accept your nomination for president of the United States!

Now, sometimes—sometimes—the people at this podium are new to the national stage. As you know, I'm not one of those people. I've been your first lady, served eight years as a senator from the great state of New York, then I represented all of you as secretary of state.

But my job titles only tell you what I've done. They don't tell you why. The truth is, through all these years of public service, the service part has always come easier to me than the public part.

I get it that some people just don't know what to make of me.

So let me tell you. The family I'm from, well, no one had their name on big buildings. My family were builders of a different kind, builders in the way most American families are. They used whatever tools they had, whatever God gave them and whatever life in America provided and built better lives and better futures for their kids.

My grandfather worked in the same Scranton lace mill for 50 years.

Because he believed that if he gave everything he had, his children would have a better life than he did. And he was right. My dad, Hugh, made it to college, he played football at Penn State and enlisted in the Navy after Pearl Harbor. When the war was over, he started his own small business printing fabric for draperies. I remember watching him stand for hours over silkscreens. He wanted to give my brothers and me opportunities he never had, and he did.

My mother, Dorothy, was abandoned by her parents as a young girl. She ended up on her own at 14 working as a housemaid. She was saved by the



kindness of others. Her first-grade teacher saw she had nothing to eat at lunch, and brought extra food to share the entire year.

The lessons she passed on to me years later stuck with me. No one gets through life alone. We have to look out for each other and lift each other up. And she made sure I learned the words from our Methodist faith: Do all the good you can for all the people you can in all the ways you can as long as ever you can.

So I went to work for the Children's Defense Fund, going door-to-door in New Bedford, Massachusetts, on behalf of children with disabilities who were denied the chance to go to school. I remember meeting a young girl in a wheelchair on the small back porch of her house. She told me how badly she wanted to go to school. It just didn't seem possible in those days. And I couldn't stop thinking of my mother and what she'd gone through as a child.

It became clear to me that simply caring is not enough. To drive real progress, you have to change both hearts and laws. You need both understanding and action.

So we gathered facts, we built a coalition and our work helped convince Congress to ensure access to education for all students with disabilities. It's a big idea, isn't it? Every kid with a disability has the right to go to school.

But how? How do you make an idea like that real? You do it step by step, year by year, sometimes even door by door. My heart just swelled when I saw Anastasia Somoza representing millions of young people on this stage.

Because we changed our law to make sure she got an education. So it's true. I sweat the details of policy, whether we're talking about the exact level of lead in the drinking water in Flint, Michigan, the number of mental health facilities in Iowa or the cost of your prescription drugs.

Because it's not just a detail if it's your kid, if it's your family. It's a big deal. And it should be a big deal to you president, too.

After the four days of this convention, you've seen some of the people who have inspired me, people who let me into their lives and became a part of mine, people like Ryan Moore and Lauren Manning. They told their stories Tuesday night.

I first met Ryan as a seven-year-old. He was wearing a full-body brace that must have weighed 40 pounds because I leaned over to lift him up. Children like Ryan kept me going when our plan for universal health care failed and kept me working with leaders of both parties to help create the Children's Health Insurance Program that covers eight million kids in our country.

Lauren Manning, who stood here with such grace and power, was gravely injured on 9/11. It was the thought of her and Debbie St. John who you saw in the movie and John Dolan and Joe Sweeney and all the victims and survivors that kept me working as hard as I could in the Senate on behalf of 9/11 families and our first responders who got sick from their time at ground zero.

I was thinking of Lauren, Debbie and all the others 10 years later in the White House Situation Room when President Obama made the courageous decision that finally brought Osama bin Laden to justice.

And in this campaign, I've met many more people who motivate me to keep fighting for change. And with your help, I will carry all of your voices and stories with me to the White House.

And you heard from Republicans and independents who are supporting our campaign. Well, I will be a president for Democrats, Republicans, independents, for the struggling, the striving, the successful, for all those who vote for me and for those who don't. For all Americans together!

Tonight we've reached a milestone in our nation's march toward a more perfect union. The first time that a major party has nominated a woman for president!

Standing here as my mother's daughter and my daughter's mother, I'm so happy this day has come. I'm happy for grandmothers and little girls and everyone in between. I'm happy for boys and men. Because when any barrier falls in America, it clears the way for everyone.

After all, when there are no ceilings, the sky's the limit!

So let's keep going. Let's keep going until every one of the 161 million women and girls across America has the opportunity she deserves to have!

But even more important than the history we make tonight is the history we will write together in the years ahead.

Let's begin with what we're going to do to help working people in our country get ahead and stay ahead.

Now, I don't think President Obama and Vice President Biden get the credit they deserve for saving us from the worst economic crisis of our lifetimes.

Our economy is so much stronger than when they took office. Nearly 15 million new private sector jobs, 20 million more Americans with health insurance, and an auto industry that just had its best year ever.

Now, that's real progress, but none of us can be satisfied with the status quo, not by a long shot. We're still facing deep-seated problems that developed long before the recession and have stayed with us through the recovery.

I've gone around the country talking to working families and I've heard from many who feel like the economy sure isn't working for them. Some of you are frustrated, even furious. And you know what? You're right. It's not yet

working the way it should. Americans are willing to work and work hard, but right now an awful lot of people feel there is less and less respect for the work they do and less respect for them, period.

Democrats, we are the party of working people.

But we haven't done a good enough job showing we get what you're going through, and we're going to do something to help. So tonight I want to tell you how we will empower Americans to live better lives.

My primary mission as president will be to create more opportunity and more good jobs with rising wages right here in the United States.

From my first day in office to my last, especially in places that for too long have been left out and left behind, from our inner cities to our small towns, from Indian country to coal country, from communities ravaged by addiction, to regions hollowed out by plant closures.

And here's what I believe. I believe America thrives when the middle class thrives. I believe our economy isn't working the way it should because our democracy isn't working the way it should.

That's why we need to appoint Supreme Court justices who will get money out of politics and expand voting rights, not restrict them.

And if necessary, we will pass a constitutional amendment to overturn Citizens United!

I believe American corporations that have gotten so much from our country should be just as patriotic in return. Many of them are, but too many aren't. It's wrong to take tax breaks with one hand and give out pink slips with the other.

And I believe Wall Street can never, ever be allowed to wreck Main Street

again.

And I believe in science!

I believe climate change is real and that we can save our planet while creating millions of good-paying, clean-energy jobs.

I believe that when we have millions of hardworking immigrants contributing to our economy, it would be self-defeating and inhumane to try to kick them out.

Comprehensive immigration reform will grow our economy and keep families together. And it's the right thing to do.

So whatever party you belong to or if you belong to no party at all, if you share these beliefs, this is your campaign.

If you believe that companies should share profits, not pad executive bonuses, join us!

If you believe the minimum wage should be a living wage and no one working full time should have to raise their children in poverty, join us!

If you believe that every man, woman and child in America has the right to affordable health care, join us!

If you believe that we should say no to unfair trade deals, that we should stand up to China, that we should support our steelworkers and autoworkers and home-grown manufacturers, then join us!

If you believe we should expand Social Security and protect a woman's right to make her own health care decisions, then join us!

And yes, yes, if you believe that your working mother, wife, sister or daughter

deserves equal pay, join us!

That's how we're going to make sure this economy works for everyone, not just those at the top.

Now, you didn't hear any of this, did you, from Donald Trump at his convention? He spoke for 70-odd minutes—and I do mean odd—and he offered zero solutions. But we already know he doesn't believe these things. No wonder he doesn't like talking about his plans. You might have noticed I love talking about mine.

In my first 100 days, we will work with both parties to pass the biggest investment in new, good-paying jobs since World War II. Jobs in manufacturing, clean energy, technology and innovation, small business and infrastructure. If we invest in infrastructure now, we'll not only create jobs today, but lay the foundation for the jobs of the future. And we will also transform the way we prepare our young people for those jobs.

Bernie Sanders and I will work together to make college tuition free for the middle class and debt free for all.

We will also liberate millions of people who already have student debt.

It's just not right that Donald Trump can ignore his debts and students and families can't refinance their debts.

And something we don't say often enough, sure, college is crucial, but a four-year degree should not be the only path to a good job.

We will help more people learn a skill or practice a trade and make a good living doing it.

We will give small businesses, like my dad's, a boost, make it easier to get credit. Way too many dreams die in the parking lots of banks. In America, if

you can dream it you should be able to build it.

And we will help you balance family and work. And you know what? If fighting for affordable child care and paid family leave is playing the woman card, then deal me in!

Now, here's the other thing.

Now, we're not only going to make all of these investments, we're going to pay for every single one of them. And here's how: Wall Street, corporations and the super rich are going to start paying their fair share of taxes.

This is not because we resent success. But when more than 90 percent of the gains have gone to the top 1 percent, that's where the money is. And we are going to follow the money.

And if companies take tax breaks and then ship jobs overseas, we'll make them pay us back and we'll put that money to work where it belongs, creating jobs here at home.

Now, I imagine that some of you are sitting at home thinking, well, that all sounds pretty good, but how are you going to get it done? How are you going to break through the gridlock in Washington?

Well, look at my record. I've worked across the aisle to pass laws and treaties and to launch new programs that help millions of people. And if you give me the chance, that's exactly what I'll do as president.

But then I also imagine people are thinking out there, but Trump, he's a businessman, he must know something about the economy.

Well, let's take a closer look, shall we? In Atlantic City, 60 miles from here, you will find contractors and small businesses who lost everything because Donald Trump refused to pay his bills.

Now, remember what the president said last night: Don't boo; vote!

But think of this. People who did the work and needed the money, not because he couldn't pay them, but because he wouldn't pay them. He just stiffed them. And you know that sales pitch he's making to be president, put your faith in him and you'll win big? That's the same sales pitch he made to all those small businesses. Then Trump walked away and left working people holding the bag.

He also talks a big game about putting America first. Well, please explain what part of "America first" leads him to make Trump ties in China, not Colorado, Trump suits in Mexico, not Michigan, Trump furniture in Turkey, not Ohio, Trump picture frames in India, not Wisconsin?

Donald Trump says he wants to make America great again. Well, he could start by actually making things in America again.

Now, the choice we face in this election is just as stark when it comes to our national security.

You know, anyone—anyone—reading the news can see the threats and turbulence we face, from Baghdad to Kabul to Nice and Paris and Brussels, from San Bernardino to Orlando. We're dealing with determined enemies that must be defeated.

So it's no wonder that people are anxious and looking for reassurance, looking for steady leadership, wanting a leader who understands we are stronger when we work with our allies around the world and care for our veterans here at home.

Keeping our nation safe and honoring the people who do that work will be my highest priority. I'm proud that we've put a lid on Iran's nuclear program without firing a single shot.



Now we have to enforce it. And we must keep supporting Israel's security.

I'm proud that we shaped a global climate agreement. Now we have to hold every country accountable to their commitments, including ourselves.

And I'm proud to stand by our allies in NATO against any threat they face, including from Russia.

I've laid out my strategy for defeating ISIS. We will strike their sanctuaries from the air and support local forces taking them out on the ground. We will surge our intelligence so we detect and prevent attacks before they happen. We will disrupt their efforts online to reach and radicalize young people in our country.

It won't be easy or quick, but make no mistake we will prevail.

Now, Donald Trump, Donald Trump says, and this is a quote, "I know more about ISIS than the generals do." No, Donald, you don't.

He thinks he knows more than our military because he claimed our armed forces are a disaster.

Well, I've had the privilege to work closely with our troops and our veterans for many years, including as a senator on the Armed Services Committee, and I know how wrong he is. Our military is a national treasure. We entrust our commander in chief to make the hardest decisions our nation faces, decisions about war and peace, life and death. A president should respect the men and women who risk their lives to serve our country ... including Captain Khan and the sons of Tim Kaine and Mike Pence, both Marines.

So just ask yourself, do you really think Donald Trump has the temperament to be commander in chief? Donald Trump can't even handle the rough and tumble of a presidential campaign. He loses his cool at the slightest provocation, when he's gotten a tough question from a reporter, when he's

challenged in a debate, when he sees a protester at a rally. Imagine, if you dare, imagine, imagine him in the Oval Office facing a real crisis.

A man you can bait with a tweet is not a man we can trust with nuclear weapons!

I can't put it any better than Jackie Kennedy did after the Cuban Missile Crisis. She said that what worried President Kennedy during that very dangerous time was that a war might be started not by big men with self-control and restraint, but by little men, the ones moved by fear and pride.

America's strength doesn't come from lashing out. It relies on smarts, judgment, cool resolve and the precise and strategic application of power. And that's the kind of commander in chief I pledge to be.

And if we're serious about keeping our country safe, we also can't afford to have a president who's in the pocket of the gun lobby.

I'm not here to repeal the Second Amendment. I'm not here to take away your guns. I just don't want you to be shot by someone who shouldn't have a gun in the first place.

We will work tirelessly with responsible gun owners to pass common sense reforms and keep guns out of the hands of criminals, terrorists and all others who would do us harm.

You know, for decades people have said this issue was too hard to solve and the politics too hot to touch. But I ask you, how can we just stand by and do nothing? You heard, you saw family members of people killed by gun violence, on this stage. You heard, you saw family members of police officers killed in the line of duty because they were outgunned by criminals.

I refuse to believe we can't find common ground here. We have to heal the divides in our country, not just on guns, but on race, immigration and more.

And that starts with listening, listening to each other, trying as best we can to walk in each other's shoes. So let's put ourselves in the shoes of young black and Latino men and women who face the effects of systemic racism and are made to feel like their lives are disposable!

Let's put ourselves in the shoes of police officers kissing their kids and spouses good-bye every day, heading off to do a dangerous and necessary job. We will reform our criminal justice system from end to end and rebuild trust between law enforcement and the communities they serve.

And we will defend all our rights, civil rights, human rights and voting rights, women's rights and workers' rights, LGBT rights and the rights of people with disabilities.

And we will stand up against mean and divisive rhetoric wherever it comes from. You know, for the past year many people made the mistake of laughing off Donald Trump's comments, excusing him as an entertainer just putting on a show.

They thought he couldn't possibly mean all the horrible things he says. Like when he called women pigs, or said that an American judge couldn't be fair because of his Mexican heritage, or when he mocks and mimics a reporter with a disability or insults prisoners of war, like John McCain, a hero and a patriot who deserves our respect.

Now, at first, at first, I admit, I couldn't believe he meant it either. It was just too hard to fathom that someone who wants to lead our nation could say those things, could be like that. But here's the sad truth: There is no other Donald Trump, this is it.

And in the end, it comes down to what Donald Trump doesn't get: America is great because America is good!

So enough with the bigotry and the bombast. Donald Trump's not offering real change, he's offering empty promises. And what are we offering? A bold agenda to improve the lives of people across our country to keep you safe, to get you good jobs, to get your kids the opportunities they deserve.

The choice is clear, my friends. Every generation of Americans has come together to make our country freer, fairer and stronger. None of us ever have or can do it alone. I know that at a time when so much seems to be pulling us apart, it can be hard to imagine how we'll ever pull together. But I'm here to tell you tonight progress is possible. I know because I've seen it in the lives of people across America who get knocked down and get right back up.

And I know it from my own life. More than a few times I've had to pick myself up and get back in the game.

Like so much else in my life, I got this from my mother, too. She never let me back down from any challenge. When I tried to hide from a neighborhood bully, she literally blocked the door, go back out there, she said. And she was right.

You have to stand up to bullies. You have to keep working to make things better, even when the odds are long and the opposition is fierce.

We lost our mother a few years ago, but I miss her every day. And I still hear her voice urging me to keep working, keep fighting for right no matter what. That's what we need to do together as a nation.

And though we may not live to see the glory, as the song from the musical "Hamilton" goes, let us gladly join the fight, let our legacy be about planting seeds in a garden you never get to see. That's why we're here, not just in this hall, but on this earth. The Founders showed us that and so have many others since. They were drawn together by love of country and the selfless passion to build something better for all who follow.

That is the story of America. And we begin a new chapter tonight.

Yes, the world is watching what we do. Yes, America's destiny is ours to choose. So let's be stronger together, my fellow Americans!

Let's look to the future with courage and confidence. Let's build a better tomorrow for our beloved children and our beloved country. And when we do, America will be greater than ever!

Thank you, and may God bless you and the United States of America.