

UNIT 4

Challenging and Defending America’s Principles

40-50-minute classes | 19-23 classes

UNIT PREVIEW

Structure

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Why Teach Challenging and Defending America’s Principles

The United States was the first country in history founded on a commitment to equality: that “all men are created equal.” Since 1776, Americans’ efforts to live and govern by this principle have resulted in the greatest degrees of freedom, prosperity, and security for the most people in human history, both for American citizens and for the peoples of the world. It is unprecedented. It is what makes America exceptional, as in, the exception. But it is also true that America has not always lived up to the great truth on which she was founded. Student should understand the various domestic challenges to America’s

principles that have arisen through its history, beginning with slavery. This unit explores those challenges and also highlights the individuals and movements that came to the defense of America's principles, pushing the country to live up to its high ideals as expressed at its founding. This is one of the dramas of American civics, and one worth considering carefully with students.

What Teachers Should Consider

The political norms and way of life which Americans today enjoy are no accident. In many respects, they may trace their origins to Declaration of Independence, the Constitution, and the ideas and actions of the American founding. What is today commonplace and taken for granted were, in 1776 and 1787, by far the exceptions—and sometimes unprecedented exception—to the normal course of politics and human life. Teacher and students alike must first acknowledge these facts and attempt to understand just how rare the American founding was.

But then teachers should appreciate the various challenges to the exceptional institutions and principles that bequeathed the kind of life Americans enjoy today. Challenges during the Revolution itself and through the fraught history of slavery in America were the main ways in which American ideals were first undermined, sometimes by the very people who had asserted them. Thus while the American founding was at the vanguard of asserting and securing the equal natural rights of all people—setting the nation on the path to establishing such equality in law—the institution of slavery became the foremost stumbling block toward achieving the fundamental human equality the Declaration of Independence had proclaimed. Indeed, the stumbling block was only overcome through a bloody civil war fought in large part over the argument of whether “all men are created equal.”

Additional challenges to the principle of equality and limited self-government would manifest themselves after the Civil War and in the century that followed. Reconstruction was only partially and temporarily successful while ongoing discrimination lasted into the latter half of the 20th century. After World War II, the Civil Rights Movement answered the challenges of segregation and intimidation and helped fulfill America's founding principle of equality before the law.

All throughout their history, Americans have repeatedly arisen to meet challenges in many ways, and especially by appealing to the principles of the American founding. Students should be aware of these, think about them, and consider their implications for their own lives as they approach the full responsibilities of an American citizen.

How Teachers Can Learn More

TEXTS

The U.S. Constitution: A Reader, ed. Hillsdale College Politics Faculty Chapters 7, 9, 10, 11
African Founders, David Hackett Fischer
No Property in Man, Sean Wilentz
The State, Woodrow Wilson

ONLINE COURSES | Online.Hillsdale.edu*Introduction to the Constitution**Constitution 101**Constitution 201**Civil Rights in American History**The U.S. Supreme Court***Primary Sources Studied in This Unit**

This unit has a larger number of primary sources than previous units. The texts, however, are each rather brief and are targeted to be illustrative of the main ideas at hand. As with other units, assigning them to students is at the discretion of the teacher, being mindful of grade level ability and pacing.

Letter to the Hebrew Congregation, George Washington
 The Virginia Statute for Religious Freedom
 Letter to the Danbury Baptist Association, Thomas Jefferson
 "Property," James Madison
 The Examination Number No. 7, Alexander Hamilton
 Statements on slavery, George Washington, John Adams, Benjamin Franklin, Alexander Hamilton, James Madison
 Notes on the State of Virginia, Query XVIII, "Manners," Thomas Jefferson
 The Declaration of Independence, Draft
 The U.S. Constitution
 The Northwest Ordinance, Article III
 "The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery?," Frederick Douglass
 Speech on the reception of abolition petitions, John C. Calhoun
 Speech on the Oregon Bill, John C. Calhoun
 Speech at Peoria, Abraham Lincoln
 Lincoln's Response in the Seventh Lincoln-Douglas Debate, Abraham Lincoln
 First inaugural address, Abraham Lincoln
 The Emancipation Proclamation, Abraham Lincoln
 Gettysburg Address, Abraham Lincoln
 Second inaugural address, Abraham Lincoln
 13th Amendment to the Constitution
 "What Is Progress?" Woodrow Wilson
 War Message to Congress, Woodrow Wilson
 "The Study of Administration," Woodrow Wilson
 Annual Message to Congress, 1944, Franklin Delano Roosevelt
 "The Inspiration of the Declaration," Calvin Coolidge
 Seneca Falls "Declaration of Sentiments and Resolutions," Elizabeth Cady Stanton
 14th Amendment to the Constitution
 15th Amendment to the Constitution
 "I Have a Dream," Martin Luther King Jr.

LESSON PLANS, ASSIGNMENTS, AND FORMATIVE QUIZ

Lesson 1 — The Exception to the Rule

4-5 classes

LESSON OBJECTIVE

Students learn about the ways in which the American founding was a momentous change in favor of equality and freedom in the history of the world and set the status of slavery on the path to extinction.

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Introduction to the Constitution

Lecture 3

Constitution 101

Lecture 6

Civil Rights in American History

Lectures 1 and 2

PRIMARY SOURCES

The following primary sources are potential readings for students. Teachers should use their discretion based on grade level ability in deciding which texts to share with students. The texts may be assigned for homework, read together in class, or simply read aloud by the teacher. Some texts include guiding reading questions to assist students in the event that the text is assigned for homework. Students should annotate the texts either in preparation for or during a seminar conversation. Teachers should not feel it necessary to assign all of the texts, especially in light of grade level considerations.

Letter to the Hebrew Congregation, George Washington

The Virginia Statute for Religious Freedom

Letter to the Danbury Baptist Association, Thomas Jefferson

“Property,” James Madison

The Examination Number No. 7, Alexander Hamilton

Statements on slavery, George Washington, John Adams, Benjamin Franklin, Alexander

Hamilton, James Madison

Notes on the State of Virginia, Query XVIII, “Manners,” Thomas Jefferson

The Declaration of Independence, Draft

The U.S. Constitution

The Northwest Ordinance, Article III

“The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery?,” Frederick Douglass

TERMS AND TOPICS

religious tolerance

equality

property rights

slavery

rule of law

abolition

consent of the governed

morality

voting

majority tyranny

suffrage

objective truth

immigration

Northwest Ordinance

QUESTIONS FOR THE AMERICAN MIND

- What was unique about America regarding religion?
- What was unique about America regarding private property?
- What was unique about America regarding immigration?
- What was unique about America regarding who makes law and who is subject to law?
- What was unique about America regarding voting?
- Which two practices began at Jamestown in 1619?
- Why did Thomas Jefferson's first draft of the Declaration of Independence include condemnations of King George for perpetuating the Atlantic slave trade? Why was this section removed?
- What was the nature of the Founders' compromise with slavery at the time of the founding for the sake of the union? Would it have been possible to abolish slavery in the southern colonies without union?
- What efforts did some founders make to abolish slavery?
- What are the three clauses related to slavery in the Constitution? Explain each.
- How was the Three-Fifth Compromise a partial victory for slaveholders and a partial victory for abolitionists?
- How did Frederick Douglass's views on the founding with respect to slavery change during his work for abolition?
- Why did the Founders expect that slavery would eventually die out?
- What were the unforeseen consequences of the cotton gin, invented in 1793, four years after the adoption of the Constitution?
- Questions from the U.S. Civics Test:
 - Question 63: There are four amendments to the U.S. Constitution about who can vote. Describe one of them.
 - Question 65: What are three rights of everyone living in the United States?
 - Question 68: How can people become United States citizens?
 - Question 75: What group of people was taken and sold as slaves?
 - Question 78: Who wrote the Declaration of Independence?
 - Question 92: Name the U.S. war between the North and the South.
 - Question 94: Abraham Lincoln is famous for many things. Name one.
 - Question 95: What did the Emancipation Proclamation do?
 - Question 96: What U.S. war ended slavery?

KEYS TO THE LESSON

We come to take quite a lot for granted about government and civil society. What is less clear to today's Americans is how the American founding, its views on civil society, and some of its practices were very much the exception to the rule at the time and in human history. In fact, many of our settled opinions today on justice had their beginnings as commonplace assumptions with the start of the American experiment in self-government.

Teachers might best plan and teach The Exception to the Rule with emphasis on the following approaches:

- Consider the many ways that the American colonists were in fact the “exception to the rule” in the world, both at the time and in history, particularly in the areas of self-government, religious tolerance, private property rights among commoners, immigration, and suffrage.
- Begin this unit by reviewing the principles advanced in the first two paragraphs of the Declaration of Independence. Review also how the Constitution seeks to achieve freedom, equality, and justice by establishing a system of limited self-government. Most of this unit should involve references back to these founding principles throughout American history, beginning with their efficacy during the founding generation itself. Students should understand the principles of the Declaration of Independence and self-government as the ways in which America was and remains most unique in human history. They form the bedrock on which rest all of America's exceptions compared to the normal affairs of mankind.
- Note the degree of religious toleration present in the colonies and at the founding. Religious faith strongly defined colonial culture, largely because so many came to America to escape the religious persecutions of the old world. From the pilgrims and the Puritans to Roman Catholics and Jews, a wide variety of denominations are found throughout colonial settlements. This diversity fostered religious liberty and toleration at the same time that it strengthened a common morality rooted in religious faith and practice, which was widespread and imbued colonial society. Read with students George Washington's letter to the Hebrew congregation at Newport, the Virginia Statute for Religious Freedom, and Thomas Jefferson's letter to the Danbury Baptists for insights into the unprecedented religious toleration present at the founding.
- Remind students that the United States was founded as a country of commoners, which was by far the exception in human history. The colonists who settled in British North America came from many nations (chiefly but not exclusively those of Europe) for many different reasons, but one thing they did not bring with them were the legal class distinctions that defined the aristocratic and monarchical nations they left behind. These individuals (except for their British governors) were largely common people who immigrated to America seeking their freedom and betterment. Prohibiting titles of nobility and class distinctions in the Constitution itself worked in tandem with the recognized importance and protection of the ability of all Americans to acquire and hold private property to better their stations in life. The rule of law, moreover, ensured that all were subject to the same law and that the law was the product of the consent of the governed. James Madison's “Property” essay outlines the kinds of property human beings have and how its protection relates to the dignity and freedom of human beings.
- Read aloud with students in class Alexander Hamilton's Examination No. 7 on the need for a citizenry that holds certain principles and habits of conduct conducive to respecting the rights of fellow citizens. In a nation as diverse as the United States and that is not bound by blood, understanding of, adherence to, and practice in these principles of self-government become all the more important. Immigration policy for Hamilton, therefore, sought to encourage as much immigration as was justly possible and good for Americans while still achieving these prerequisites to maintaining free government. In brief, an immigrant had to understand and be willing and able to practice the responsibilities of self-government, especially respect for the rule of law.
- Make sure students have a clear perspective on voting in human history. In brief, this privilege has been exceptionally rare and, therefore, the American citizen's right to vote is a remarkable achievement. The American colonies, for instance, were one of the few places in history up to that time where most ordinary male citizens of European descent were permitted to

vote. The rule in history has been that one person made the law (monarchy) or a few did so (oligarchy). That most male citizens, even though still restricted to those of European descent, were allowed to vote in the American colonies is therefore a consequential development in world history, a significant step toward universal suffrage.

- Explain to students how women, African Americans, and men who did not own property were generally, though not always, prohibited from voting. Yet even at the founding, every state north of Pennsylvania allowed free African Americans to vote. Students should appreciate the historic gains the American people made securing the right to vote for the abovementioned peoples while also recognizing that their original curtailment was more the rule than the exception in human history, not a phenomenon unique to America. What was unique to America was the right to vote at all and then the relatively rapid rate at which the right to vote was expanded.
- Explain that originally, voting was a privilege of citizenship and not a natural right. It was also a serious duty. It was meant to be carried out by people who had significant interest in protecting America, who actively informed themselves on the issues independent of what they were simply told, and who would be called to give their lives up for their country if it were threatened. Put another way, they had a high personal stake in what the country did regarding various policies, including going to war.
- Consider the year 1619 at Jamestown as an insight into colonial America:
 - On one hand, it was in 1619 that the first Africans, having been taken from a Portuguese slave ship en route to Mexico by an English privateer, landed at Jamestown.
 - On the other hand, it was also in 1619 at Jamestown that the Virginia House of Burgesses first convened, marking the beginning of representative self-government in the colonies. This self-government would flourish for over a hundred and fifty years as the British colonists of North America largely governed themselves and developed the thought, practice, and habits of a self-governing people (a phenomenon that Edmund Burke described as “salutary neglect”).
- Familiarize students with the views of the leading Founders on slavery, including by reading their own words and Thomas Jefferson’s Query XVIII in his *Notes on the State of Virginia*. Northern Founders—most of whom were strongly opposed to slavery—and even some southern Founders who believed slavery immoral were politically unable to end slavery. For instance, Gouverneur Morris repeatedly railed against slaveholders in the Constitutional Convention and Thomas Jefferson, who owned slaves himself, included a condemnation of the slave trade and referred to slaves as “men” in the draft of the Declaration of Independence, a section the slaveholding interest demanded be removed. Most anti-slavery Founders continued nevertheless in the belief that the only way that they could have any influence in order to end slavery in the southern states was through union. Without unity, the Americans would very likely have lost the Revolutionary War (giving up their independence and freedom to continued British rule that would perpetuate slavery anyways) or the southern colonies would have formed their own country, in which case those who opposed slavery would have no power to abolish slavery where it existed in the South. During the Civil War, Frederick Douglass made similar arguments for preserving the Union against fellow abolitionists who wanted to let the South secede with slavery intact.
- Consider with students the sectional nature of views on slavery during the founding. The majority of northerners and northern Founders (e.g., John Adams, Benjamin Franklin, Benjamin Rush, Gouverneur Morris, and John Jay) spoke and wrote extensively on the immorality of slavery and its need to be abolished. Some northern Founders, such as John Jay, Alexander Hamilton, and Benjamin Franklin, founded or served in abolitionist societies.

- Consider also that even among the southern Founders who supported slavery or held slaves, several leading Founders expressed regret and fear of divine retribution for slavery in America, such as Thomas Jefferson, James Madison, and George Washington. Some freed their slaves as well, such as George Washington, who by the end of his life freed the slaves in his family estate. And many, like Thomas Jefferson, nevertheless maintained that slaves were men in full possession of the natural rights of all men. Making these observations does not diminish the inhumaneness of slavery or dismiss the wrong of racism by certain colonists or other individual Americans living in other generations.
- Ask students how to judge the Founders who owned slaves and yet supported the Declaration of Independence and Constitution. Students should consider their public and private lives as well as their words and deeds. Taken altogether, students should recognize the difficulty in assigning an absolute moral judgment that a person is entirely bad or entirely good.
- Have students also consider the distinction between judging character absolutely versus judging individual actions. When they do, students will encounter figures who did both much that was good and also some that was bad, and that this contradiction runs through the heart of every person.
- Be careful with the phrase “consider the times,” as this phrase can easily give the impression that truth and morality (good and evil) are merely relative to one’s viewpoint or historical time period. Instead, help students understand that “to consider the times” in which the American colonists and Founders lived is not to excuse moral injustices or to justify relativism. We should consider the circumstances at the time and weigh them against principles that transcend time. It’s not whitewashing or rewriting history. It is recognizing the reality of history and honestly assessing how figures at the time acted within their circumstances in light of the truth.
- Provide students with a copy of the first draft of the Declaration of Independence that tracks the edits made by the Second Continental Congress. Ask students why specific changes were made. Spend time especially with the sections that addressed slavery and were removed. While these changes were insisted upon by the slaveholding interest, have students consider what it meant that Jefferson, Adams, and Franklin attempted to include such a condemnation in the first place.
- When discussing compromises between the principled claims of the Declaration and the brutal matter of slavery, be mindful of the following:
 - Slavery was one of the few matters of disagreement among the colonial revolutionaries in their otherwise generally united challenge to England. Those who opposed slavery as well as those who favored it agreed about the growing threat of British tyranny.
 - Many northern Founders and even some slaveholding Founders recognized the hypocrisy of claiming the principle of equality in spite of the continuing institution of slavery. Nevertheless, some southern Founders did not believe this phrase to be true for slaves and therefore did not believe it was hypocritical.
 - Slavery and the subsequent inequality and violations of the rights of the descendants of slaves, as well as of women and certain immigrants, are glaring ways in which the country has fallen short of its founding idea.
- Take the time to consider, read, and discuss the ways in which slavery was addressed in the Constitution. Helpful in this endeavor is reading Frederick Douglass’ “The Constitution of the United States. Is It Pro-Slavery or Anti-Slavery?” as a guide. While the Constitution did not abolish slavery, it did place new significant, national limits on it. Indeed, at the time it was adopted, the Constitution marked one of the most significant moves to restrict slavery in the world. As Frederick Douglass and Abraham Lincoln would later acknowledge, the Declaration’s

principle of equality and the Constitution's arrangements gave the Founders the belief that they had placed slavery on the path to eventual extinction.

- Clarify for students the arguments of northerners and southerners concerning the Three-Fifths Clause. The clause was not about the humanity of slaves; it was strictly about how much representation slave-owning states would receive in Congress and the Electoral College. The great hypocrisy of the slaveholders was that while they refused to call a slave a human being, they insisted that each slave be counted as a whole person for purposes of representation. In fact, it was the anti-slavery Founders who did not want slaves counted at all in the Constitution for the purposes of representation. The fact that slaves were only counted as three-fifths for the purposes of representation was a disappointment for southern states, as they had demanded they be counted as a whole person. It was a partial victory for northern opponents to slavery, as it would give the slaveholding states less influence in lawmaking than they wished. Additionally, students should understand that in the mind of those opposed to slavery, this compromise was the only politically viable route if they were to secure southern support for the Constitution, without which the country would become disunited, with the South able to perpetuate slavery indefinitely as their own country without northern abolitionists. Students need not agree with the tenets of the compromise, but they must understand it as the founders themselves understood it.
- Remind students that the slave trade was not formally limited in the states (the Continental Congress had temporarily banned the practice in 1774) until the passage of the Constitution, which allowed for it to be outlawed nationwide in 1808 (which it was) and for Congress to discourage it by imposing tariffs on the slave trade in the meantime. Students should understand that without the compromise that allowed this twenty-year delay, the power to abolish the slave trade would not have been granted by the slaveholding interest in the first place.
- Consider with students the significance of the Constitution not using the word "slave" and instead using "person." Refusing to use the word "slave" avoided giving legal legitimacy to slavery. Even Article IV, Section 2, Clause 3 emphasizes that slavery was legal based on certain state, not federal, laws. The use of the word "person" forced even slaveholders to recognize the humanity of the slave: that he or she was in fact a human person, not property. There would be no federally-recognized "property in man."
- Point out for students that clauses that were not about slavery but which slaveholding interests could use to their benefit were not therefore deliberately pro-slavery clauses. Such a logical fallacy would implicate as morally evil anything hijacked for use in committing a wrong act, for example, a road used by bank robbers in their getaway would be "pro-robbery."
- Have students consider the status of slavery over the initial decades of the country's history. At the founding, slavery was either openly condemned by northerners or defended (but seldom celebrated) by southerners. Its toleration at the time of the founding was for the sake of a unity that even many abolitionists believed was the only eventual path toward abolition. Based on the evidence at the time, many leading Founders believed slavery was naturally destined for extinction, that public opinion had steadily grown toward seeing slavery for the moral evil that it was, and that the principles of the Declaration of Independence and Revolution helped shape this public opinion and would also be the vehicle for eventual equality. The Founders also believed the Constitution restricted slavery, created a path to restricting it further (by holding the union together), and kept slavery on the path it was already travelling: to extinction. The Declaration of Independence founded the country on principles of equality that could and would be used to demand the end of slavery. The Northwest Ordinance had prohibited the expansion of slavery. The Constitution refused to give legal standing to the institution, and many states had abolished

slavery outright. Even Founders who held slaves believed the profitability of slavery was gradually but decisively waning and that slavery would die out on its own in a short period of time.

- Note for students the history-changing invention of Eli Whitney's cotton gin in 1793, four years after the adoption of the Constitution. The cotton gin would greatly increase the profitability of slavery in the cotton-growing states of the South and thereby create a significant (and regional) interest in perpetuating the institution of slavery. The new economics of slavery that would grow out of the cotton gin and the vast cotton industry questioned the assumption and changed the projection of the founding generation concerning the viability and eventual demise of slavery.
- Consider with students how America is unprecedented in the history of the world because it was founded on the principle that "all men are created equal and that they are endowed by their Creator with certain unalienable rights." Consider the view of many Founders—as well as abolitionists Abraham Lincoln and Frederick Douglass, and the meaning of the "promissory note" of Martin Luther King Jr.—that America is founded on this principle of the inherent equality of every human being based on humanity and natural rights; and that consequently, the role of the American nation and her citizens, as well as her history, has been one of trying to establish this principle in practice through a self-governing people. Almost all of the Founders recognized at the very least that the statement of the principle of equality, despite a compromise that allowed for the pre-existing institution's continuing existence, undermined the legitimacy of slavery.
- To recap what the Founders did for the cause of freedom and equality, complete the lesson by considering the Land Ordinance of 1785 and the Northwest Ordinance of 1787. These two exceptional documents capture much of what the founding accomplished to advance the principles of America, doing so in concrete and effective law, namely, promoting private land ownership, the free exercise of religion, and public education while prohibiting the expansion of slavery.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: In which ways was the American founding an exception to the rule, meaning, how were its achievements regarding self-government, religious tolerance, property ownership, voting, and restricting slavery uncommon compared to the rest of the world at the time? (1-2 paragraphs)

Lesson 2 — Abolitionism vs. Slavery

5-6 classes

LESSON OBJECTIVE

Students learn about the ways in which the status of slavery changed in the decades following the Founding and the efforts of abolitionists, Abraham Lincoln, and the Civil War to end slavery by appealing to America's founding principles.

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Introduction to the Constitution

Lecture 3

Constitution 101

Lectures 6 and 7

Civil Rights in American History

Lectures 2 and 3

PRIMARY SOURCES

The following primary sources are potential readings for students. Teachers should use their discretion based on grade level ability in deciding which texts to share with students. The texts may be assigned for homework, read together in class, or simply read aloud by the teacher. Some texts include guiding reading questions to assist students in the event that the text is assigned for homework. Students should annotate the texts either in preparation for or during a seminar conversation. Teachers should not feel it necessary to assign all of the texts, especially in light of grade level considerations.

Speech on the reception of abolition petitions, John C. Calhoun

Speech on the Oregon Bill, John C. Calhoun

Speech at Peoria, Abraham Lincoln

Lincoln's Response in the Seventh Lincoln-Douglas Debate, Abraham Lincoln

First inaugural address, Abraham Lincoln

The Emancipation Proclamation, Abraham Lincoln

Gettysburg Address, Abraham Lincoln

Second inaugural address, Abraham Lincoln

13th Amendment to the Constitution

TERMS AND TOPICS

equality

slavery

abolition

cotton gin

Missouri Compromise

positive good

sectionalism

Compromise of 1850

statesmanship

morality

Kansas-Nebraska Act

Dred Scott v. Sandford

“a house divided”

popular sovereignty

majority tyranny

objective truth

moral relativism

“don't care”

prudence
justice
Union
secession

states' rights
war powers
Emancipation Proclamation
13th Amendment

QUESTIONS FOR THE AMERICAN MIND

- What were the unforeseen consequences of the cotton gin, invented in 1793, four years after the adoption of the Constitution?
- What was the argument in the defense of slavery as a “positive good” that emerged among slavery apologists in the decades after the founding?
- How did the idea of slavery as a “positive good” challenge the Constitution’s stance on slavery and the path on which the founding generation had set slavery?
- How did John C. Calhoun reject the Founders on equality, natural rights, and the social contract?
- What did the Kansas-Nebraska Act and *Dred Scott v. Sandford* do, both in law and as a threat to public opinion on slavery at the time?
- How did Abraham Lincoln try to halt the expansion of slavery and win the moral battle against it?
- How did Abraham Lincoln and Stephen Douglas disagree on the limits of democracy and the danger of majority tyranny?
- What were Abraham Lincoln’s arguments against moral neutrality or relativism (“don’t care”) on the question of slavery?
- How was slavery the true cause of the Civil War?
- What were the arguments for and against Southern secession?
- What were the arguments for and against the Union fighting to keep the South from seceding?
- In what ways did Abraham Lincoln manifest the ideal qualities of a statesman and the virtue of prudence?
- How did Abraham Lincoln manage to accomplish his competing goals to maintain the union, preserve the Constitution and the rule of law, and end slavery?
- What did the Emancipation Proclamation do? How was Abraham Lincoln able to justify, issue, and enforce it successfully?
- How does Abraham Lincoln’s Gettysburg Address assert that freedom and self-government require devotion—and even a willingness to sacrifice for—the country and its principles of justice?
- As presented in his second inaugural address, how did Abraham Lincoln view the Civil War as a tragedy?
- Questions from the U.S. Civics Test:
 - Question 94: Abraham Lincoln is famous for many things. Name one.
 - Question 95: What did the Emancipation Proclamation do?

KEYS TO THE LESSON

Slavery was one of the most significant institutions and practices that ran contrary to the principles of the Declaration of Independence. Understanding the events that followed the founding generation is a key part to understanding American civics. On one hand, there were those who further entrenched slavery and on the other those who gave rise to a movement and series of events that would eventually abolish slavery.

Teachers might best plan and teach Abolitionism vs. Slavery with emphasis on the following approaches:

- Review from the previous lesson the status of slavery over the initial decades of the country's history, including the extent that advances were made towards equality during the founding and the history-changing invention of Eli Whitney's cotton gin in 1793, four years after the adoption of the Constitution.
- Explain to students how during the early 1800s the growth in population in the North would eventually allow northern states to restrict slavery further and perhaps even abolish it via a constitutional amendment. Southern slaveholders recognized that they had to expand the number of slave states if they were to prohibit such actions by northerners. The challenge, however, was that they needed northern states to acquiesce to such expansion. To do so, they appealed first to the argument that slavery was a positive good, as captured in the writings of John C. Calhoun. Students should read Calhoun's two speeches in order to examine his arguments and to understand how Calhoun explicitly rejected the American founding as captured in the Declaration of Independence and the Constitution. Students should work through and identify the serious faults in Calhoun's arguments, particularly in light of the previous lesson.
- Read with students parts of Lincoln's speech in Peoria in response to the Kansas-Nebraska Act. Students should understand that Lincoln saw slavery to be, above all, a moral question, and one that every American ought to take seriously as such. Lincoln also believed that moral relativism over the question of slavery, as conveyed in the idea of popular sovereignty, was antithetical to the ideas of the Declaration of Independence, and that slavery was simply a form of majority tyranny, the very danger latent in democracy that the Founders had warned against. Finally, Lincoln condemned the Kansas-Nebraska Act as achieving a complete reversal of the stance the Constitution, the Northwest Ordinance, and the founding generation had toward slavery: that it should be contained until it was abolished and by no means allowed to spread.
- Have students consider Abraham Lincoln's arguments on how Roger Taney's majority opinion in *Dred Scott v. Sandford* effectively ruled that slaves are not humans but property, and that the Constitution protects their enslavement just as it does any other property. Lincoln points out that Taney's ruling rejected the Founders' view on slavery and would lead, in tandem with Stephen Douglas's popular sovereignty, to the spread of slavery throughout the country. By extension, this reasoning would also allow for any form of majority tyranny. Put another way, Taney's argument in *Dred Scott*, the idea of "might makes right," is the same argument that animated despotic regimes like Communist Russia, Fascist Italy, or Nazi Germany.
- Help students think through Lincoln's understanding of the morality of slavery and its relationship to the founding ideas of America: that all men are created equal, have unalienable rights, and that legitimate government is based on the consent of the governed. Students should see that, although central to the Civil War, the practical question regarding the expansion of slavery ultimately turned on the moral status of slavery.
- Consider the apparently benign stance that Stephen Douglas takes in his position of popular sovereignty—that he does not care about what a group of people does regarding slavery so long as the majority opinion decides it. Students should be asked why this is problematic. Then read with students Abraham Lincoln's response to Douglas in their seventh debate in which Lincoln shows the moral hollowness of Douglas' argument.

- Have students consider the arguments by the South and by Abraham Lincoln regarding the idea of “states’ rights” and the constitutionality of secession, particularly by reading and discussing Abraham Lincoln’s first inaugural address. Students should understand that there is no such thing as a “state right,” since rights belong only to persons. States (as governments) possess powers (not rights), as outlined in their state and in the federal Constitution, which the states are to use to protect the rights and the common good of their citizens (including from encroachment by the federal government). Lincoln’s first inaugural address presents the case for how secession is unconstitutional and how he, having taken an oath in his office as president, can and must preserve the Constitution and Union.
- Explain that Abraham Lincoln’s first goal in fighting the Civil War was to preserve the Union. It is important that students understand Lincoln’s reasoning. He was against slavery and wanted it abolished, but his constitutional obligation was to preserve the Union. If he acted otherwise, he would violate the Constitution and the rule of law, becoming no better than the seceding states and forfeiting his moral authority as the defender of the rule of law. Students should also know that while Lincoln did not believe he could abolish slavery alone or that abolishing slavery was the purpose for fighting the war, he nonetheless believed, like many of the Founders, that the only way to abolish slavery would be if the Union were preserved.
- Read aloud in class the Emancipation Proclamation and teach students the technicalities Abraham Lincoln navigated in thinking of it, drawing it up, and the timing of its promulgation. He had to retain the border states, abide by the Constitution, achieve victory, and earn the support of public opinion in order for slaves to be effectively freed—and he did it all. Students should understand that Lincoln’s justification for freeing the slaves involved exercising his executive powers as commander-in-chief of the armed forces during an armed rebellion. This is why Lincoln only had the authority to apply the Emancipation Proclamation to those states in actual rebellion, why it could not be applied to slave-holding border states not in rebellion, and why he knew that after the war, an amendment to the Constitution would be necessary to bring emancipation to all the states and make it permanent.
- Have students read and hold a seminar conversation on the Gettysburg Address. It is a magnificent work of oratory, but it also gets at the heart of the American founding and the ideas that maintain the United States. It also shows the importance of defending and advancing those ideas, both in the Civil War and in our own day, as is incumbent on every American citizen.
- Read and have a seminar conversation about Abraham Lincoln’s second inaugural address. Lincoln addresses many topics within the speech, both reflecting on the war and outlining a plan for after the war. In some respects, this speech is “part two” of what Lincoln began to assert in the Gettysburg Address. One of the main ideas Lincoln suggests, however, is that the Civil War was a punishment for the whole nation. This punishment was not necessarily for the mere existence of slavery but because, unlike the founding generation, the nation had in the time since the founding not continued to work for the abolition of the evil of slavery. While no country will ever be perfect, a people should work to make sure its laws do not promote the perpetuation of a practice that violates the equal natural rights of its fellow citizens.
- While a further study of Reconstruction and civil rights will occur in Lesson 4, be sure to teach about the 13th Amendment outlawing slavery that Republicans introduced during the Civil War and the states ratified in 1865.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: Why did Abraham Lincoln and other abolitionists like Frederick Douglass believe the American founding condemned slavery? How did Lincoln and abolitionists overcome new challenges in support of slavery and against the founding in order eventually to abolish slavery? (1–2 paragraphs)

Unit 4 — Formative Quiz

Covering Lessons 1-2
10-15 minutes

DIRECTIONS: Answer each question in at least one complete sentence.

1. What was unique about America regarding private property?
2. What was unique about America regarding who makes law and who is subject to law?
3. How did Frederick Douglass's views on the founding with respect to slavery change during his work for abolition?
4. How did John C. Calhoun reject the Founders on equality, natural rights, and the social contract?
5. What did the Emancipation Proclamation do? How was Abraham Lincoln able to justify, issue, and enforce it successfully?

Lesson 3 —Progressive Government

3-4 classes

LESSON OBJECTIVE

Students learn how the Progressive movement sought to bring about progress and improvement and in the process offered a critique of some founding principles and America's constitutional order.

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Introduction to the Constitution

Lecture 12

Constitution 101

Lectures 8 and 9

Constitution 201

Lectures 1, 2, 3, 4, 6, 10

PRIMARY SOURCES

The following primary sources are potential readings for students. Teachers should use their discretion based on grade level ability in deciding which texts to share with students. The texts may be assigned for homework, read together in class, or simply read aloud by the teacher. Some texts include guiding reading questions to assist students in the event that the text is assigned for homework. Students should annotate the texts either in preparation for or during a seminar conversation. Teachers should not feel it necessary to assign all of the texts, especially in light of grade level considerations.

“What Is Progress?” Woodrow Wilson

War Message to Congress, Woodrow Wilson

“The Study of Administration,” Woodrow Wilson

Annual Message to Congress, 1944, Franklin Delano Roosevelt

“The Inspiration of the Declaration,” Calvin Coolidge

TERMS AND TOPICS

Progressivism

16th Amendment

relativism

17th Amendment

special interests

18th Amendment

monopolies

The New Deal

direct democracy

Second Bill of Rights

living Constitution

Great Society

politics

welfare

administration

libertarianism

expertise

neoconservatism

bureaucracy

Reaganism

delegation

populism

QUESTIONS FOR THE AMERICAN MIND

- How did Progressives explain their argument that human nature, truth, and politics were inevitably evolving and improving over the course of history?
- How and why did the Progressives critique the Declaration of Independence, natural rights, and social contract theory?
- What were the Progressives' conceptions of freedom, equality, and the role of government?
- Why did Progressives think about the power of special interests, monopolies, and the wealthy in politics?
- What social reforms did Progressives pursue to deal with problems of urbanization and industrialization?
- What were Progressives' goals in foreign policy? Why did they hold these views?
- In what ways did Progressives critique the Constitution as being too slow, mechanical, and at odds with itself?
- What were Progressives' early arguments for a "living Constitution"?
- Why did the Progressives critique the separation of powers and checks and balances?
- Why did Progressives believe that many of the Founders' worries over the dangers of tyranny, and majority tyranny, were outdated, and thus that limits and checks on the government's power were outdated?
- In what ways did Progressives promote direct democracy?
- What was government by expertise, and why did the Progressives think it was a good idea?
- How does the administrative bureaucracy often claim the formerly separated legislative, executive, and judicial branches all for itself?
- How has Congress delegated its legislative power to the administrative state?
- How did Progressives reimagine the presidency?
- Why did Franklin Roosevelt argue that rights are to be granted by the government according to the social conditions of the historical moment?
- How does this view of rights and their origin conform with or differ from the Founders' understanding of rights?
- What was Franklin Roosevelt's Second Bill of Rights? How did these rights differ from the Founders' original Bill of Rights?
- What were the main ideas of Lyndon Johnson's Great Society?
- What is welfare?
- For all of the following: what were their origins, how did they attempt to answer Progressivism, how are they distinct from one another, and how might the Founders respond to them?
 - libertarianism
 - neoconservatism
 - Reaganism
 - populism
- Questions from the U.S. Civics Test:
 - Question 5: How are changes made to the U.S. Constitution?
 - Question 32: Who elects U.S. senators?
 - Question 63: There are four amendments to the U.S. Constitution about who can vote. Describe one of them.

- Question 71: Why is it important to pay federal taxes?

KEYS TO THE LESSON

The industrialization and urbanization that followed the Civil War in America brought a dramatic transformation to American life, business, and politics. New ideas about the role of government in light of many of these changes were imported from German philosophers and models of government. This movement known as Progressivism asserted that the economic changes since the American founding necessitated new functions by government. Moreover, the Progressive belief that human knowledge and morality had progressed since the founding generation meant that government could take on new purposes and powers as well.

Teachers might best plan and teach Progressive Government with emphasis on the following approaches:

- Lead students through considerations of how the Progressives judged the Founders to have been too focused on the individual and the value of private property ownership. As a nation without titles of nobility and class distinctions, the founders understood the great importance of the ability of all Americans to acquire and hold private property. But that was by no means the sole or primary objective of the American founding. The Progressives, however, argued that the founding (and the Constitution in particular) was designed solely to protect private property. The great changes in industry and the accumulation of capital had since then made the founding problematic by allowing too much power to become concentrated in the hands of wealthy industrialists and large businesses. Read with students Woodrow Wilson's "What is Progress?" with these points in mind and make reference to this work throughout the lesson.
- Help students understand that the presence of large corporations may not have been an issue in and of itself so long as individuals were still free to seek their own material prosperity. The reason it was an issue for the Progressives was due to their second critique of the Founders, one that was more theoretical concerning the idea of rights. The Progressives rejected the Founders' insistence that rights were natural, that they were part of what made one human, and that they existed only at the individual level. Instead, they maintained that rights were conditioned on social circumstances and belong to groups of people, usually organized by class. The problem with the Founders' system of equal natural rights was that the equal protection of those rights now favored the wealthy and powerful. Progressives believed government should redefine rights according to class and group, and that government should not protect rights equally when it came to the wealthy and other "special interests." Indeed, since rights were not based on natural personhood, they were derived instead from some other source as determined by government. This means that the possession of rights is controlled by government: they can be given but also taken away by government. Rejecting the Founders' understanding of equal and unalienable rights grounded in human nature, the Progressive's argued for changing rights that were controlled by government.
- Review with students the American Founders' understanding of human nature. They understood human nature to be fixed and unchanging, good but also flawed and tending toward corrupting power. In response to human nature, government must guard against the opposite dangers of lawlessness and tyranny, accounting for the realities of human nature and rejecting the possibility of utopia. The Constitution, therefore, did not deny, demonize, or elevate human

nature, but rather tried to channel the powers of human beings into constructive institutions while mitigating man's baser tendencies. In brief, the Constitution was constructed on an understanding of fixed human nature born of the Founders' knowledge of history, their own experience, and their prudence.

- Share with students that while both the Founders and Progressives believed in a moral foundation to politics, Progressives critiqued the above-mentioned view of human nature and government as too pessimistic and too simplistic. Progressives instead generally believed history to be evolving and automatically moving forward. That is, when looking on the technological gains, improvements in the standard of living, and the general pace of scientific discovery, Progressives believed that human beings, even human nature itself, would also improve and would be more likely to do what is right and good automatically. At the societal level, therefore, government ought to bring about that improvement and even aim to perfect human nature. Progressives disagreed with the Founders' argument that government's primary purpose was to secure unchanging rights and maintain a framework for self-government. Instead, they held that the purpose of government was to keep up with evolving rights and constant social change, what they called "progress."
- Clarify with students that studying the philosophical, institutional, and political break that the Progressives made with the Founders does not mean that Progressives were wrong to highlight issues such as child labor, workplace and consumer safety, conservation, and monopolies, as the Founders also did. These are serious problems that ought to have been and should continue to be addressed. But students should consider the arguments surrounding the appropriate response, namely, whether it is the role of government to address these issues, or if private individuals, charities, businesses, consumers, churches, civic associations, and state and local governments are the proper entities to answer these problems, especially in light of students' understanding of both the American founding and Progressivism.
- Make sure students appreciate the shift in the purpose and operation of government under such a view: government is no longer the defender of certain fundamental rights but otherwise limited to the basic functions (lawmaking, executing law, and adjudicating law) and core responsibilities (such as maintaining courts of law and the nation's security) of government. Rather, government is to be *the* active force for change in America, bringing about personal fulfillment of individuals and progress for society. Moreover, these ends were not limited to merely domestic policies but were attainable also on the world stage in foreign affairs. Woodrow Wilson's "War Message to Congress" articulates the spirit of Progressivism in foreign policy.
- The Progressives argued that the technical and time-consuming work of actually carrying out the broad, general ideas of the law—detailing how it is to be done, implementing the laws, and making sure they are enforced to achieve their objectives—is not the work of Congress or even the President but requires a new body of experts and bureaucrats to do the real work of governing (administration) outside of and not subject to politics. Congress would *delegate* some of its lawmaking power to these bureaucrats, most of whom would exist under the executive branch and so could also execute the "laws" or regulations they make (in this example, the clean air and water experts would make the specific details of the law). The president can delegate his power to enforce it. They often also are given judicial powers, and have their own courts to adjudicate claims against their own laws and regulations. This shift of legislative, executive, and judicial powers away from the branches in which these powers had been separately vested by the people through the Constitution, and its accumulation under various departments and agencies, amounts to the second great shift in the Progressive worldview: government needed to be

rearranged through the creation of the administrative state to circumvent the processes of the Constitution and bring about “progress.”

- Ask students about the importance of this shift away from government by representatives of the people to government by bureaucratic expertise, including whether or not it stands against the principle of representative self-government on which the Founders established the United States. Other words to characterize this view is “government by bureaucracy” or “the administrative state.”
- Emphasize how the advent of the administrative state changed the Founders’ careful insistence that powers be separated and dispersed through the separation of powers, checks and balances, and federalism, not to mention government by elected representatives. All three types of government power (legislative, executive, and judicial) are instead consolidated into bureaucratic agencies that are, moreover, highly autonomous from the people. And all of this is in the name of efficiency: trusting in improved human nature and scientific expertise to achieve higher aims via government than the founding generation ever thought possible.
- Help students to understand the various changes the Progressives made to the functioning of the government. Include in this treatment the 16th, 17th, and 18th amendments, the initiative, the referendum, the recall, etc.
- Clarify for students that the chief long-term consequence of the New Deal was the expansion and formalization of the administrative state, its bureaucratic agencies and employees, and its extensive role in American life. Students should understand that Roosevelt justified such an aggressive political shift as a response to the Great Depression. By greatly expanding and centrally organizing many new aspects of government, the New Deal cemented the idea of government as expert administration. As Roosevelt said in his “Commonwealth Club Address,” the day of “enlightened administration” had arrived.
- Emphasize that Roosevelt saw the power of government not merely as a guarantor of the freedom to exercise natural rights but as actually guaranteeing economic conditions and assuring new economic rights. New entitlement programs guaranteed certain benefits to groups or segments of the population, and implied that individuals have a right to such government entitlements just as or even more important than their natural rights. Roosevelt argued (in his “Second Bill of Rights” speech) that the old rights guaranteed in the Constitution were inadequate and that America required a new economic bill of rights to guarantee employment, housing, medical care, social security, education, and even recreation. These ideas would inform future political debates over several decades.
- Note for students the effect that the New Deal had on federalism and the separation of powers. While the courts at first attempted to uphold limits on the powers of the federal government (by rejecting, for instance, attempts to delegate power to the bureaucracy), by the end of the New Deal the Supreme Court had abandoned attempts to restrict such limits, granting Congress vast authority to legislate about anything that pertained to economic activity. And in expanding its delegations of power to the bureaucracy, Congress in turn expanded the federal government’s power to regulate those activities.
- Present Lyndon Johnson’s Great Society as the third phase of Progressivism. The Great Society argued that government was not merely meant to preserve rights (as the Founders asserted), or even to achieve economic equality and fulfillment (as in early Progressivism and the New Deal). Taking Progressivism a step further, the Great Society sought to use government to achieve a kind of human fulfillment for groups of people. It sought to bring government action to areas previously not the realm of the *federal* government, such as public education.

- Conclude the lesson by surveying with students general constitutionalist interests, in the wake of the several progressive movements, to return the country to what they considered a proper respect and appreciation for the accomplishments of the American founding, its grounding in the principles of the Declaration of Independence, and its establishment of the rule of law and the forms of constitutional government. For these groups which may loosely be called the “conservative movement,” in particular was an emphasis on abiding by the Constitution as a ruling expression of the consent of the governed. This brought prominence to the appointment of judges and how they should be guided by the original meaning of the Constitution rather than reading the Constitution as a “living” document that evolves with time.
- Read with students Calvin Coolidge’s “The Inspiration of the Declaration” speech on the one hundred and fiftieth anniversary of the signing of the Declaration of Independence, and consider his description of the moral and intellectual grounding of the Declaration, in particular his statement that “If all men are created equal, that is final. If they are endowed with inalienable rights, that is final. If governments derive their just powers from the consent of the governed, that is final. No advance, no progress can be made beyond these propositions.”
- Explain to students that the general tension within conservatism tend to concern the degree to which government is used to secure, encourage, or achieve constitutional principles, economic liberty, and the common good.
- Help students understand the following general constitutionalist approaches over the last several decades. Consider with students the extent to which each constitutionalist movement claimed to adhere to all or specific parts of the American founding, particularly through appeals to the Declaration of Independence and an originalist reading of the Constitution.
 - Libertarianism views government in the most limited sense: to securing the rule of law and economic contracts while permitting most other activities, regardless of their morality, so long as they do not immediately harm another.
 - William F. Buckley was critical of the New Deal and especially its socialist tendencies, and was also an advocate of churches, private associations, and the family.
 - Neoconservatism emerged as critics of the welfare state and the liberalization of social policy and advocates of a strong American foreign policy.
 - The New Right were especially concerned about social issues arising out of government policies (particularly as driven by the Supreme Court).
 - Ronald Reagan attempted to combine free-market economic concerns, the new concerns about matters of moral conduct, and concerns about America’s national security (especially in the midst of the Cold War). This new consensus sought to decrease the size of government (especially the federal government and its role in America’s economy) and reestablish Constitutional limits (especially to revive federalism) while asserting American principles and national strength on the world stage.
 - In recent years, some constitutionalist views have begun to emphasize what they consider to be more secure borders, economic nationalism, a moral outlook reflective of the founding generation, and an American-centric foreign policy.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: What are the ways in which Progressives disagreed with the Founders? How might the Founders have replied? (1–2 paragraphs)

Lesson 4 — Civil Rights vs. Discriminatory Laws

5-6 classes

LESSON OBJECTIVE

Students learn about the various ways in which discriminatory laws were an affront to the principles of the Declaration of Independence and about the many successful efforts to change such laws.

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Civil Rights in American History
The U.S. Supreme Court

Lectures 4, 5, 7, 8, 9
 Lecture 8

PRIMARY SOURCES

The following primary sources are potential readings for students. Teachers should use their discretion based on grade level ability in deciding which texts to share with students. The texts may be assigned for homework, read together in class, or simply read aloud by the teacher. Some texts include guiding reading questions to assist students in the event that the text is assigned for homework. Students should annotate the texts either in preparation for or during a seminar conversation. Teachers should not feel it necessary to assign all of the texts, especially in light of grade level considerations.

Seneca Falls “Declaration of Sentiments and Resolutions,” Elizabeth Cady Stanton
 13th Amendment to the Constitution
 14th Amendment to the Constitution
 15th Amendment to the Constitution
 “I Have a Dream,” Martin Luther King Jr.

TERMS AND TOPICS

19th Amendment
Worcester v. Georgia
 Dawes Act
 Indian Citizenship Act
 nativism
 Chinese Exclusion Act
 melting pot
 Civil Rights Act of 1866
 13th Amendment
 14th Amendment

15th Amendment
 black codes
 Jim Crow
 segregation
 “separate but equal”
 discrimination
 civil rights
 civil rights movement
 “promissory note”
 color-blind
 Civil Rights Act of 1964

QUESTIONS FOR THE AMERICAN MIND

- How has suffrage been expanded since the founding?
- To what did Elizabeth Cady Stanton appeal in the Seneca Falls Declaration?
- Compare Andrew Johnson's Reconstruction actions and those of the Radical Republicans.
- Regarding the 13th, 14th, and 15th Amendments, what did each do?
- In which ways did former confederate states attempt to curtail the rights of freedmen during Reconstruction? How did they respond to the actions of Republicans in the north?
- What kinds of gains did African Americans attain during Reconstruction after slavery was explicitly abolished via the 13th Amendment?
- What were the immediate consequences, especially for African Americans living in the South, of the end to Reconstruction in 1877?
- What forms of discrimination were present during much of the twentieth century?
- What did *Plessy v. Ferguson* rule? To what did Justice Harlan appeal in his dissent?
- What did *Brown v. Board of Education* rule?
- How did Martin Luther King Jr. justify the civil rights movement with the Declaration of Independence and the principles of the American founding?
- What did King mean by the "promissory note"?
- In what ways and by what means did the civil rights movement seek to change laws?
- In what ways and by what means did the civil rights movement seek to change the private consciences of individuals?
- In considering the Founding and the two centuries that have passed since, how have the successes of the United States in equality, security, freedom, and prosperity compared to the successes or failures of other nations in these areas? To what extent do those countries' founding principles and governing institutions resemble or differ from America's?
- Questions from the U.S. Civics Test:
 - Question 63: There are four amendments to the U.S. Constitution about who can vote. Describe one of them.
 - Question 65: What are three rights of everyone living in the United States?
 - Question 97: What amendment gives citizenship to all persons born in the United States?
 - Question 98: When did all men get the right to vote?
 - Question 99: Name one leader of the women's rights movement in the 1800s.
 - Question 102: When did all women get the right to vote?
 - Question 112: What did the civil rights movement do?
 - Question 113: Martin Luther King Jr. Is famous for many things. Name one.

KEYS TO THE LESSON

The story of Native American and African American civil rights has been one of failure, sacrifice, and eventual triumph in American history. Reconstruction was a period in which Congress attempted to secure civil rights for African Americans in accordance with the principles on which America was founded. The fact that the division over civil rights was largely though not exclusively along geographic lines and that it came in the wake of a bitter war meant for less than ideal circumstances for achieving long-term successes. Nonetheless, slavery was explicitly abolished by the Constitution and civil rights were enacted and guaranteed, albeit only by military force. The gains witnessed for African Americans were impressive in

many respects, but racial ideologies and resentments left over from the Civil War made for a fraught effort to achieve civil rights and heal the country. It would take almost a century for the modern civil rights movement to achieve in law what the Declaration of Independence and Abraham Lincoln outlined for America, a movement led especially by Martin Luther King, Jr.

Teachers might best plan and teach Civil Rights vs. Discriminatory Laws with emphasis on the following approaches:

- Consider with students distinctions between discrimination on the part of an individual person and laws which are discriminatory. While this unit makes the personal moral appeal to each person to respect the inherent, equal human dignity of each person, its focus is on laws that were explicitly discriminatory. That is, the letter of the law favored one individual over another simply based on the shade of their skin or biological sex.
- Read with students Elizabeth Cady Stanton's 1848 Seneca Falls "Declaration of Sentiments and Resolutions." Note Stanton's appeal to the principles of the Declaration to argue for women's suffrage. The 19th Amendment secured the right to vote for women in 1920, though many states had secured women's voting rights decades earlier.
- Trace with students the history of Native Americans and U.S. citizenship. Consider the numerous instances in which Native Americans were denied their rights and the great gains they have witnessed in having those rights secured through American history, including the various laws to make Native Americans citizens and the ways in which Native Americans retain their own status as nations. Pages 106-108 of *American Government and Politics* offers a strong overview of this history.
- Have students consider the effect of Abraham Lincoln's assassination on Reconstruction and the future of America, especially as regards civil rights for African Americans. Lincoln's focus was healing the nation while simultaneously providing for the effective and long-term establishment of equal rights for African Americans.
- The transformation of a society away from decades of slavery was no small task. Reconstruction was tragically undermined and strained by the conflicts between congressional Republicans (who strongly opposed slavery), President Andrew Johnson (a pro-Union Democrat with little sympathy for former slaves), and lawmakers in the Southern states (who mostly wished to restrict the rights of the new freedmen), all of whom operated out of distrust following a painful and bloody Civil War.
- Have students read the three amendments to the Constitution related to the abolition of slavery and citizenship of freedmen. It is important to note the major and meaningful efforts northern Republicans made to guarantee the rights of African Americans.
- Teach students about both the important gains and protections Republicans won for African Americans during Reconstruction as well as the ways in which these were undermined by actions in the former Confederate states and Andrew Johnson himself. Students should gain an appreciation for the remarkable speed and degrees to which former slaves were incorporated into the civil body early in Reconstruction, including the thousands of African Americans who would hold office at the local, state, and even federal level. But they should also understand the ways that Johnson resisted equal treatment of African Americans and in doing so encouraged and allowed certain policies, like "black codes" passed by state legislatures, and movements, such as what would become the Ku Klux Klan, in the former Confederacy. In fact, many of the reversals of reconstruction began during the presidential reconstruction of Johnson, who was decidedly

against secession but by no means opposed to slavery. Congress repeatedly had to override his vetoes and enact Constitutional amendments to prevent his defense of inequalities.

- Have students learn about the ways in which many civil rights achievements were thwarted or undone both during and after Reconstruction. For instance, spend time discussing how as Southerners of European descent were refranchised, African American officials were voted out of office and how “black codes” would eventually become Jim Crow laws. Discuss how “black codes” limited freedmen’s civil rights and imposed economic restrictions, including making being unemployed illegal, prohibiting landownership, requiring long-term labor contracts, prohibiting assemblies of freedmen only, prohibiting teaching freedmen to read or write, segregating public facilities, prohibiting freedmen from serving on juries, and carrying out corporal punishments for violators, among other restrictions and injustices. Note also the use of poll taxes and literacy tests to prohibit African Americans from voting.
- Cover how northern Republicans passed and President Ulysses S. Grant signed into law the Ku Klux Klan Acts to prohibit intimidation of freedmen exercising their civil rights. Grant also empowered the president to use the armed forces against those who tried to deny freedmen equal protection under the laws. Nonetheless, such measures were usually sloppily or half-heartedly enforced.
- At the same time, note the improvements during Reconstruction in building hospitals, creating a public school system, securing civil rights in principle, and fostering community within the freedmen community, especially in marital and family stability and through vibrant churches.
- Explain that Reconstruction effectively ended with the Compromise of 1877 that settled the disputed election of 1876. With southern Democrats back in Congress, they would allow Republican Rutherford B. Hayes to be declared president in exchange for withdrawing federal troops in former confederate states. Point out that in the backdrop was both continuing Southern resistance to civil rights and a gradual waning of Northern zeal for (and political interest in) reform within the South after twelve years.
- Ask students to consider the tragic nature of Reconstruction: a time of so much hoped for and achieved in applying the principle of equal natural rights was repeatedly undermined and mismanaged, then suddenly ended for political expediency, enabling new forms of injustice in certain areas of the country, after a war to end injustice had consumed the lives of hundreds of thousands of Americans.
- Nevertheless, make sure students do not lose sight of the momentous achievements in liberty, equality, and self-government fulfilled because of the Civil War. Students should appreciate the very significant achievements of Lincoln and the Civil War while looking forward to future generations of Americans who would seek to live up to the fundamental principles of America in their own times.
- In general, canvass with students various government actions related to voter participation, such as the 15th, 19th, and 26th Amendments, Jim Crow, and poll taxes. Students should consider how each of these changes affects voting and the practice of representative self-government.
- Explain to students how the Supreme Court argued in *Plessy v. Ferguson* that segregation based on race, so long as circumstances were the same, would be considered “equal.” Students should think about Justice Harlan’s dissent, however, which appealed to the understanding of equality as found in the Declaration in order to condemn the ruling.

- Help students to understand the significance of *Brown v. Board of Education*, especially once it was gradually enforced in the years following the decision. The court arrived at a judgment that aligned with the founding understanding of equality, even though it did not cite the founding principles but instead social science. Consider whether or not basing the decision on social science instead of the founding principles left open the possibility for government discrimination in different forms going forward.
- Consider with students the goals and means of the civil rights movement in the terms in which Martin Luther King Jr. set them. He argued that the civil rights movement was meant to redeem the “promissory note” of the Declaration of Independence and Reconstruction Amendments that founded America on an idea: that since all men are created equal, justice demands that the rule of law be applied equally to all citizens. The civil rights movement, in King’s view, thus carried on the legacy of the founders, Frederick Douglass, and Abraham Lincoln. The two primary sources from King outline this view, its ties to the natural law, and its appeals to the Christian roots of such a political philosophy.
- Spend time outlining what was meant by equality during the civil rights movement, both politically and philosophically. On the civil or political side, the civil rights movement’s appeal to equality in the Declaration of Independence demanded the equal application of the rule of law and the end to laws that established and enforced segregation and discrimination. The rights of all citizens were to be protected equally instead of protecting the rights of only some and not others based on the color of their skin. This was the great achievement of the Civil Rights Act of 1964. On the philosophical or moral side, Martin Luther King, Jr. also as a pastor called for a transformation in the heart of each American. For in addition to reforms in law, a color-blind society requires that each person would decide to view all people as equals in their humanity and rights.
- Clarify with students how the civil rights movement largely focused on the government’s resolve and ability, based on the principle of equality, to enforce equal treatment as opposed to the creation of equity, that is, to enforcing an equality of results and outcomes.
- Have students discuss and compare all of these achievements in light of America’s founding principles and history. Students should be asked to compare what America has achieved, ever since her founding, to the record of mankind up to and since the Declaration of Independence and Constitution. They should see clearly the many flaws in American history, but they should also see how it has been America’s principles and Americans sacrificing for them that have carried the day. Compared to the history of the world and to other nations, these achievements should strike students as exceptional. They should be asked to ponder what has made them possible and what might be risked if we forget, or worse yet, disavow the principles and people responsible for such degrees of equality, freedom, security, and prosperity. Students need not arrive at any one view, but they should at least entertain these kinds of questions.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: Choose one of the main challenges to America’s founding principles studied in this lesson. Explain how it related to the principles of America (2-3 paragraphs).

APPENDIX A

Study Guide

Test

Writing Assignment

Study Guide — Challenging and Defending America's Principles Test

Unit 4

Test on _____

TERMS AND TOPICS

Explain each of the following and the context in which it was discussed during this unit's lessons.

religious tolerance	“don't care”	libertarianism
property rights	secession	Reaganism
rule of law	states' rights	19th Amendment
consent of the governed	Emancipation Proclamation	Dawes Act
suffrage	Progressivism	Indian Citizenship Act
immigration	special interests	13th Amendment
equality	direct democracy	14th Amendment
slavery	living Constitution	15th Amendment
abolition	politics	black codes
morality	administration	Jim Crow
majority tyranny	expertise	segregation
sectionalism	bureaucracy	“separate but equal”
statesmanship	delegation	discrimination
Kansas-Nebraska Act	16th Amendment	civil rights movement
<i>Dred Scott v. Sandford</i>	17th Amendment	“promissory note”
“a house divided”	The New Deal	color-blind
popular sovereignty	Second Bill of Rights	Civil Rights Act of 1964
moral relativism	Great Society	
	welfare	

PRIMARY SOURCES

Explain the main arguments in each of the following sources and their significance to our understanding of challenges to and defenses of America's principles.

Statements on slavery, George Washington, John Adams, Benjamin Franklin, Alexander Hamilton, James Madison
 “The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery?,” Frederick Douglass
 The Emancipation Proclamation, Abraham Lincoln
 Gettysburg Address, Abraham Lincoln
 13th Amendment to the Constitution
 “What Is Progress?” Woodrow Wilson
 Seneca Falls “Declaration of Sentiments and Resolutions,” Elizabeth Cady Stanton
 14th Amendment to the Constitution
 15th Amendment to the Constitution
 “I Have a Dream,” Martin Luther King Jr.

QUESTIONS FOR THE AMERICAN MIND

Based on notes from lessons and seminar conversations, answer each of the following.

Lesson 1 | The Founding: The Exception to the Rule

- What was unique about America regarding religion?
- What was unique about America regarding private property?
- What was unique about America regarding immigration?
- What was unique about America regarding who makes law and who is subject to law?
- What was unique about America regarding voting?
- What was the nature of the Founders' compromise with slavery at the time of the founding for the sake of the union? Would it have been possible to abolish slavery in the southern colonies without union?
- Why did many in the founding generation expect that slavery would eventually die out so long as it was not allowed to expand?
- What efforts did some founders make to abolish slavery?
- How was the Three-Fifth Compromise a partial victory for slaveholders and a partial victory for abolitionists?
- How did Frederick Douglass's views on the founding with respect to slavery change during his work for abolition?

Lesson 2 | Abolitionism vs. Slavery

- What were the unforeseen consequences of the cotton gin, invented in 1793, four years after the adoption of the Constitution?
- How did the idea of slavery as a "positive good" challenge the Constitution's stance on slavery and the path on which the founding generation had set slavery?
- How did John C. Calhoun reject the Founders on equality, natural rights, and the social contract?
- What did the Kansas-Nebraska Act and *Dred Scott v. Sandford* do, both in law and as a threat to public opinion on slavery at the time?
- How did Abraham Lincoln try to halt the expansion of slavery and win the moral battle against it?
- What were Abraham Lincoln's arguments against moral neutrality or relativism ("don't care") on the question of slavery?
- What were the arguments for and against the Union fighting to keep the South from seceding?
- In what ways did Abraham Lincoln manifest the ideal qualities of a statesman and the virtue of prudence?
- How did Abraham Lincoln manage to accomplish his competing goals to maintain the union, preserve the Constitution and the rule of law, and end slavery?
- What did the Emancipation Proclamation do? How was Abraham Lincoln able to justify, issue, and enforce it successfully?
- How does Abraham Lincoln's Gettysburg Address assert that freedom and self-government require devotion—and even a willingness to sacrifice for—the country and its principles of justice?
- As presented in his second inaugural address, how did Abraham Lincoln view the Civil War as a tragedy?

Lesson 3 | Progressive Government

- How did Progressives explain their argument that human nature, truth, and politics were inevitably evolving and improving over the course of history?
- What were the Progressives' conceptions of freedom, equality, and the role of government?
- Why did Progressives think about the power of special interests, monopolies, and the wealthy in politics?
- What were Progressives' goals in foreign policy? Why did they hold these views?
- In what ways did Progressives critique the Constitution as being too slow, mechanical, and at odds with itself?
- What were Progressives' arguments for a "living Constitution"?
- Why did the Progressives critique the separation of powers and checks and balances?
- Why did Progressives believe that many of the Founders' worries over the dangers of tyranny, and majority tyranny, were outdated, and thus that limits and checks on the government's power were outdated?
- What was government by expertise, and why did the Progressives think it was a good idea?
- How does the administrative bureaucracy often claim the formerly separated legislative, executive, and judicial branches all for itself?
- How has Congress delegated its legislative power to the administrative state?
- How did Progressives reimagine the presidency?
- Why did Franklin Roosevelt argue that rights are to be granted by the government according to the social conditions of the historical moment?
- How does this view of rights and their origin differ from the Founders' understanding of rights?
- What were the main ideas of Lyndon Johnson's Great Society?
- How did Reaganism attempt to answer Progressivism?

Lesson 4 | Civil Rights vs. Discriminatory Laws

- How has suffrage been expanded since the founding?
- To what did Elizabeth Cady Stanton appeal in the Seneca Falls Declaration?
- Regarding the 13th, 14th, and 15th Amendments, what did each do?
- What kinds of gains did African Americans attain during Reconstruction after slavery was explicitly abolished via the 13th Amendment?
- What forms of discrimination were present during much of the twentieth century?
- What did *Plessy v. Ferguson* rule? To what did Justice Harlan appeal in his dissent?
- What did *Brown v. Board of Education* rule?
- How did Martin Luther King Jr. justify the civil rights movement with the Declaration of Independence and the principles of the American founding?
- What did King mean by the "promissory note"?
- In what ways did the civil rights movement seek to change laws?
- In what ways did the civil rights movement seek to change the private consciences of individuals?

Name _____

Date _____

Test — Challenging and Defending America's Principles

Unit 4

TERMS AND TOPICS

Explain each of the following and the context in which it was discussed during this unit's lessons.

1. property rights

2. statesmanship

3. "a house divided"

4. living Constitution

5. bureaucracy

6. The New Deal

7. Reaganism

8. segregation

PRIMARY SOURCES

Explain the main arguments in each of the following sources and their significance to our understanding of the challenges to and defenses of America's principles.

9. "The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery?," Frederick Douglass

10. "I Have a Dream," Martin Luther King Jr.

QUESTIONS FOR THE AMERICAN MIND

Answer each of the following. Complete sentences are not necessary, but correct spelling and writing should be employed, and responses must fully answer each question.

11. What was the nature of the Founders' compromise with slavery at the time of the founding for the sake of the union? Would it have been possible to abolish slavery in the southern colonies without union?

12. What efforts did some founders make to abolish slavery?

13. How did Abraham Lincoln try to halt the expansion of slavery and win the moral battle against it?
14. How did Abraham Lincoln manage to accomplish his competing goals to maintain the union, preserve the Constitution and the rule of law, and end slavery?
15. What were the Progressives' conceptions of freedom, equality, and the role of government?
16. Why did Progressives believe that many of the Founders' worries over the dangers of tyranny, and majority tyranny, were outdated, and thus that limits and checks on the government's power were outdated?
17. How does the administrative bureaucracy often claim the formerly separated legislative, executive, and judicial branches all for itself?
18. What forms of discrimination were present during much of the twentieth century?
19. How did Martin Luther King Jr. justify the civil rights movement with the Declaration of Independence and the principles of the American founding?
20. In what ways and by what means did the civil rights movement seek to change the private consciences of individuals?

Writing Assignment — Challenging and Defending America's Principles

Unit 4

Due on _____

DIRECTIONS

Citing primary sources and conversations from class in your argument, write a 4–5 paragraph essay answering the question:

How have America's principles been challenged throughout its history and how have Americans appealed to the American founding in order to defend these principles against such challenges?

APPENDIX B

Primary Sources

George Washington

The Virginia General Assembly

Thomas Jefferson

James Madison

Alexander Hamilton

John Adams

Benjamin Franklin

The American People

The United States Congress

Frederick Douglass

John C. Calhoun

Abraham Lincoln

Woodrow Wilson

Franklin Delano Roosevelt

Calvin Coolidge

Elizabeth Cady Stanton

Martin Luther King Jr.

PRESIDENT GEORGE WASHINGTON

To the Hebrew Congregation in Newport

LETTER

August 18, 1790
Newport, Rhode Island

BACKGROUND

In his response to a congratulatory note sent by the congregation on the occasion of his election, George Washington expresses his gratitude and discusses religious liberty.

GUIDING QUESTIONS

1. What has "toleration" been replaced with? What is the distinction Washington makes?
2. What natural rights does Washington refer to, and how are they to be protected?

George Washington, "To the Hebrew Congregation in Newport, Rhode Island," 18 August 1790, in *The Papers of George Washington, 1748-1799*, "Presidential Series," Vol. 6, ed. W. W. Abbott et al. (Charlottesville, VA: University of Virginia Press, 1996), 284-85.

ANNOTATIONS

NOTES & QUESTIONS

Gentlemen:

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

5 The reflection on the days of difficulty and danger which are past is rendered the more sweet, from a consciousness that they are succeeded by days of uncommon prosperity and security. If we have wisdom to make the best use of the advantages with which we are now favored, we cannot fail, under the just administration of a good Government, to become a great and happy people.

10 The Citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy: a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the Government of the
15 United States, which gives to bigotry no sanction, to persecution no assistance requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support.

It would be inconsistent with the frankness of my character not to avow that I am pleased with your favorable opinion of my Administration and fervent wishes for my felicity. May
20 the Children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other Inhabitants; while every one shall sit in safety under his own vine and figtree, and there shall be none to make him afraid. May the father of all mercies scatter light and not darkness in our paths, and make us all in our several vocations useful here, and in his own due time and way everlastingly happy.

THOMAS JEFFERSON

Statute for Religious Freedom

DRAFT BILL

1777
Virginia

BACKGROUND

This 1777 draft bill was the blueprint for one eventually passed in Virginia in 1786, and was one of three actions for which Thomas Jefferson wanted credited mentioned on his tombstone, in addition to being author of the Declaration of Independence and founder of the University of Virginia.

GUIDING QUESTIONS

1. What has Almighty God given man with respect to his mind?
2. What does this statute say are the problems with compelled contributions of money to religion?
3. What particular right of man does this statute protect?

Thomas Jefferson, "A Bill for Establishing Religious Freedom," in *The Papers of Thomas Jefferson*, Vol. 2, ed. Julian P. Boyd (Princeton, NJ: Princeton University Press, 1950), 545-47.

ANNOTATIONS

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I. *Well aware that the opinions and belief of men depend not on their own will but follow involuntarily the evidence proposed to their minds; that Almighty God hath created the mind free; and manifested his supreme will that free it shall remain by making it altogether insusceptible of restraint; that all attempts to influence it by temporal punishments, or burdens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy author of our religion, who being lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do but to extend it by its influence on reason alone; that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavoring to impose them on others, hath established and maintained false religions over the greatest part of the world and through all time: That to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness and is withdrawing from the ministry those temporary rewards, which proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labors for the instruction of mankind; that our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which, in common with his fellow citizens, he has a natural right; that it tends also to corrupt the principles of that religion it is meant to encourage, by bribing, with a monopoly of worldly honors and emoluments, those who will externally profess and conform to it; that though indeed these are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way that the opinions of men are not the object of civil government, nor under its jurisdiction; that to suffer*

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the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgement, and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough
5 for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself; that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict unless by human interposition disarmed of her natural
10 weapons, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them.

II. *We the General Assembly of Virginia do enact*, that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burdened in his body or goods, nor shall otherwise suffer,
15 on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

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

PRESIDENT THOMAS JEFFERSON (DEMOCRATIC-REPUBLICAN)

To the Danbury Baptist Association

LETTER

January 1, 1802
Danbury, Connecticut

BACKGROUND

President Thomas Jefferson responds to the Danbury Baptist Association's request that as president, he aid them in overcoming laws inhibiting religious liberty in Connecticut.

GUIDING QUESTIONS

1. How does Jefferson interpret the First Amendment's Establishment and Free Exercise clauses?
2. Given the principle of federalism, what, as president, is Jefferson able to do for the Association?

Thomas Jefferson, "Replies to Public Addresses," 1 January 1802, in *The Writings of Thomas Jefferson*, Vol. 16, ed. A. A. Lipscomb and A. E. Bergh (Washington, D.C.: Thomas Jefferson Memorial Association, 1907), 281-82.

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Gentlemen:

The affectionate sentiments of esteem and approbation which you are so good as to express towards me, on behalf of the Danbury Baptist Association, give me the highest satisfaction. My duties dictate a faithful and zealous pursuit of the interests of my constituents, and in proportion as they are persuaded of my fidelity to those duties, the discharge of them be-
5 comes more and more pleasing. Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinions, I contem-
10 plate with sovereign reverence that act of the whole American people which declared that their legislature should "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus building a wall of separation between Church and State. Adhering to this expression of the supreme will of the nation in behalf of the rights of con-
science, I shall see with sincere satisfaction the progress of those sentiments which tend to restore to man all his natural rights, convinced he has no natural right in opposition to his
15 social duties.

I reciprocate your kind prayers for the protection and blessing of the common Father and Creator of man, and tender you for yourselves and your religious association, assurances of my high respect and esteem.

REP. JAMES MADISON (VA)

“Property”

ESSAY

March 27, 1792

The National Gazette | Philadelphia, Pennsylvania

BACKGROUND

James Madison included this essay as part of a series of articles he wrote for *The National Gazette* in the early years of American government under the Constitution.

GUIDING QUESTIONS

1. What are the two senses of the word "property" according to Madison?
2. In what way can man's rights, opinions, and the use of his faculties be his property?
3. According to Madison, what must a government do to secure the various senses of property?

James Madison, “Property,” 27 March 1792, in *The Papers of James Madison*, Vol. 14, ed. William T. Hutchinson, et al. (Chicago: University of Chicago Press, 1983), 266–68.

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

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

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

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

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

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

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

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

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

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

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

According to this standard of merit, the praise of affording a just securing to property, should be sparingly bestowed on a government which, however scrupulously guarding the possessions of individuals, does not protect them in the enjoyment and communication of

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their opinions, in which they have an equal, and in the estimation of some, a more valuable property.

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

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

That is not a just government, nor is property secure under it, where arbitrary restrictions, exemptions, and monopolies deny to part of its citizens that free use of their faculties, and free choice of their occupations, which not only constitute their property in the general sense of the word; but are the means of acquiring property strictly so called. What must be
20 the spirit of legislation where a manufacturer of linen cloth is forbidden to bury his own child in a linen shroud, in order to favor his neighbour who manufactures woolen cloth; where the manufacturer and wearer of woolen cloth are again forbidden the economical use of buttons of that material, in favor of the manufacturer of buttons of other materials!

A just security to property is not afforded by that government, under which unequal taxes
25 oppress one species of property and reward another species: where arbitrary taxes invade the domestic sanctuaries of the rich, and excessive taxes grind the faces of the poor; where the keenness and competitions of want are deemed an insufficient spur to labor, and taxes

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are again applied, by an unfeeling policy, as another spur; in violation of that sacred property, which Heaven, in decreeing man to earn his bread by the sweat of his brow, kindly reserved to him, in the small repose that could be spared from the supply of his necessities.

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

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

LUCIUS CRASSUS (ALEXANDER HAMILTON)

The Examination Number VII

ARTICLE

January 7, 1802

New-York Evening Post | New York City, New York

BACKGROUND

Alexander Hamilton wrote this article examining President Thomas Jefferson's message to Congress at the beginning of his presidency.

GUIDING QUESTIONS

1. According to Hamilton, what are the several principles that ought to govern immigration?

Alexander Hamilton, "The Examination Number VII," 7 January 1802, in *The Papers of Alexander Hamilton*, Vol. 25, July 1800–April 1802, ed. Harold C. Syrett (New York: Columbia University Press, 1977), 491–95.

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The next exceptionable feature in the Message, is the proposal to abolish all restriction on naturalization, arising from a previous residence. In this the President is not more at variance with the concurrent maxims of all commentators on popular governments, than he is with himself. The Notes on Virginia are in direct contradiction to the Message, and furnish us with strong reasons against the policy now recommended. The passage alluded to is here presented: Speaking of the *population* of America, Mr. Jefferson there says, "Here I will beg leave to propose a doubt. The present desire of America, is to produce rapid population, by as great *importations of foreigners* as possible. *But is this founded in good policy?*" "Are there no inconveniences to be thrown into the scale, against the advantage expected from a multiplication of numbers, by the *importation of foreigners*? It is for the happiness of those united in society, to harmonize as much as possible, in matters which they must of necessity transact together. Civil government being the sole object of forming societies, its administration must be conducted by common consent. Every species of government has its specific principles: Ours, perhaps, are more peculiar than those of any other in the universe. *It is a composition of the freest principles of the English Constitution*, with others, derived from natural right and reason. To these, nothing can be more opposed than the maxims of absolute monarchies. Yet from such, we are to expect the *greatest number of emigrants*. *They will bring with them the principles of the governments they leave, imbibed in their early youth; or if able to throw them off, it will be in exchange for an unbounded licentiousness, passing as is usual, from one extreme to another. It would be a miracle were they to stop precisely at the point of temperate liberty. Their principles with their language, they will transmit to their children.* In proportion to their numbers, *they will share with us in the legislation*. They will infuse into it their spirit, warp and bias its direction, and render it a *heterogeneous, incoherent, distracted mass*. I may appeal to experience, during the present contest, for a verification of these conjectures: but if they be not certain in event, are they not possible, are they not probable? *Is it not safer to wait with patience for the attainment of any degree of population desired or expected?* May not our government be more homogeneous, *more peaceable, more durable?* Suppose 20 millions of republican Americans, thrown all of a sudden into France, what would be the condition of that kingdom? If it would be more turbulent, less happy, less strong, we may believe that the addition of half a

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million of foreigners, to our present numbers, would produce a similar effect here.” Thus wrote Mr. Jefferson in 1781....

5 ...The impolicy of admitting foreigners to an immediate and unreserved participation in the right of suffrage, or in the sovereignty of a Republic, is as much a received axiom as any thing in the science of politics, and is verified by the experience of all ages. Among other instances, it is known, that hardly any thing contributed more to the downfall of Rome, than her precipitate communication of the privileges of citizenship to the inhabitants of Italy at large. And how terribly was Syracuse scourged by perpetual seditions, when, after the overthrow of the tyrants, a great number of foreigners were suddenly admitted to the rights of citizenship? Not only does ancient but modern, and even domestic history furnish 10 evidence of what may be expected from the dispositions of foreigners, when they get too early footing in a country. Who wields the sceptre of France, and has erected a Despotism on the ruins of a Republic? A foreigner. Who rules the councils of our own ill-fated, unhappy country? And who stimulates persecution on the heads of its citizens, for daring to maintain an opinion, and for exercising the rights of suffrage? *A foreigner!* Where is the virtuous pride that once distinguished Americans? Where the indignant spirit which in defence of principle, hazarded a revolution to attain that independence now *insidiously* attacked?

LUCIUS CRASSUS

Statements on Slavery

EXCERPTS FROM FIVE FOUNDERS

1786-1819

BACKGROUND

The following excerpts catalog views of five leading Founders on the slave trade and the institution of slavery in America during the first few decades of the country's existence.

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George Washington

Letter to Robert Morris, April 12, 1786

"...[T]here is not a man living who wishes more sincerely than I do, to see a plan adopted for the abolition of it...."

5

John Adams

Letter to Robert J. Evans, June 8, 1819

"...Every measure of prudence, therefore, ought to be assumed for the eventual total extirpation of slavery from the United States.... I have, through my whole life, held the practice of slavery in...abhorrence...."

10

George Washington, "To Robert Morris," 12 April 1786, in *The Papers of George Washington, 1748-1799*, "Confederation Series," Vol. 4, ed. W. W. Abbot, et al. (Charlottesville, VA: University of Virginia Press, 1992), 16; John Adams, "To Robert J. Evans," 8 June 1819, in *Selected Writings of John and John Quincy Adams*, ed. Adrienne Koch, et al. (New York: Knopf, 1946), 209-10; Benjamin Franklin, "An Address to the Public from the Pennsylvania Society for Promoting the Abolition of Slavery, and the Relief of Free Negroes Unlawfully Held in Bondage," 9 November 1789, in *The Works of Benjamin Franklin*, Vol. 12, ed. John Bigelow (New York: G. P. Putnam's Sons, 1904), 157-58; Alexander Hamilton, "Philo Camillus no. 2," August 1795, in *The Papers of Alexander Hamilton*, Vol. 19, ed. Harold C. Syrett (New York: Columbia University Press, 1973), 101-02; James Madison, "Speech at the Constitutional Convention," 6 June 1787, in *Records of the Federal Convention of 1787*, Vol. 1, ed. Max Farrand (New Haven, CT: Yale University Press, 1937), 135.

Benjamin Franklin

An Address to the Public from the Pennsylvania Society, November 9, 1789

"...Slavery is such an atrocious debasement of human nature, that its very extirpation, if not performed with solicitous care, may sometimes open a source of serious evils...."

5

Alexander Hamilton

Philo Camillus no. 2, August 1795

10 "...The laws of certain states which give an ownership in the service of negroes as personal property, constitute a similitude between them and other articles of personal property, and thereby subject them to the right of capture by war. But being men, by the laws of God and nature, they were capable of acquiring liberty—and when the captor in war, to whom by the capture the ownership was transferred, thought fit to give them liberty, the gift was not only valid, but irrevocable...."

15 **James Madison**

Speech at the Constitutional Convention, June 6, 1787

"...We have seen the mere distinction of color made in the most enlightened period of time, a ground of the most oppressive dominion ever exercised by man over man...."

ANONYMOUS (THOMAS JEFFERSON)

Query XVIII: Manners

CHAPTER FROM *NOTES ON THE STATE OF VIRGINIA*

May 1785
Paris, France

BACKGROUND

Thomas Jefferson responded to a series of questions posed by a French diplomat in his book *Notes on the State of Virginia*, here discussing slavery in America.

GUIDING QUESTIONS

1. How did the institution of slavery harm both the enslaved and their masters?
2. Why does Jefferson fear God's wrath?
3. What does Jefferson think of the prospects for an end to slavery?

Thomas Jefferson, "Query XVIII: Manners," from *Notes on the State of Virginia*, in *The Writings of Thomas Jefferson*, Vol. 2, ed. A.A. Lipscomb and A.E. Bergh (Washington, D.C.: Thomas Jefferson Memorial Association, 1907), 225–28.

The particular customs and manners that may happen to be received in that state?

It is difficult to determine on the standard by which the manners of a nation may be tried, whether *catholic* or *particular*. It is more difficult for a native to bring to that standard the manners of his own nation, familiarized to him by habit. There must doubtless be an un-

5 happy influence on the manners of our people produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is

10 learning to do what he sees others do. If a parent could find no motive either in his philanthropy or his self-love, for restraining the intemperance of passion towards his slave, it should always be a sufficient one that his child is present. But generally it is not sufficient. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same

15 airs in the circle of smaller slaves, gives a loose to the worst of passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his manners and morals undepraved by such circumstances. And with what execration should the statesman be loaded, who, permitting one half the citizens thus to trample on the rights of the other, transforms those

20 into despots, and these into enemies, destroys the morals of the one part, and the *amor patriae* of the other. For if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labor for another; in which he must lock up the faculties of his nature, contribute as far as depends on his individual endeavors to the evanishment of the human race, or entail his own miserable condition on the endless generations proceeding from him. With the morals of the people, their industry also is de-

25 stroyed. For in a warm climate, no man will labor for himself who can make another labor for him. This is so true, that of the proprietors of slaves a very small proportion indeed are ever seen to labor. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with His wrath? Indeed I tremble for

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my country when I reflect that God is just; that his justice cannot sleep forever; that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation is among possible events; that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest. But it is impossible to be temperate and to pursue this subject through the various considerations of policy, of morals, of history natural and civil. We must be contented to hope they will force their way into every one's mind. I think a change already perceptible, since the origin of the present revolution. The spirit of the master is abating, that of the slave rising from the dust, his condition mollifying, the way I hope preparing, under the auspices of heaven, for a total emancipation, and that this is disposed, in the order of events, to be with the consent of the masters, rather than by their extirpation.

DELEGATE THOMAS JEFFERSON (VA) OF THE SECOND CONTINENTAL CONGRESS

A Declaration

DRAFT STATEMENT

June 1776
Philadelphia, Pennsylvania

Draft of the Declaration of Independence

BACKGROUND

Thomas Jefferson drafted and the Committee of Five edited this initial version of what would become the Declaration of Independence. This draft includes the edits that the Second Continental Congress made.

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Key:

~~word~~ = language deleted by Congress from Jefferson's draft

«word» = language added by Congress to Jefferson's draft

A DECLARATION By the REPRESENTATIVES of the UNITED STATES of AMERICA,
in «GENERAL» CONGRESS ASSEMBLED

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
5 of the Earth the separate & 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 en-
dowed by their Creator with ~~inherent and~~ unalienable Rights, that among these are Life,

"The Declaration of Independence" and "Draft of the Declaration of Independence" in *The U.S. Constitution: A Reader* (Hillsdale, MI: Hillsdale College Press, 2012), 5-9, 397-98.

Liberty, & 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 abolish it, & to institute new Government, laying it's Foundation on such Principles, & organizing it's Powers in such Form, as to them shall seem most likely to effect their Safety & Happiness. Prudence indeed will dictate that Governments long established should not be changed for light & 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 & Usurpations ~~begun at a distinguished period and~~ 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, & to provide new Guards for their future Security. Such has been the patient Sufferance of these Colonies; & such is now the Necessity which constrains them to ~~expunge~~ «alter» their former Systems of Government. The History of the present King of Great-Britain is a History of ~~unremitting~~ «repeated» Injuries & Usurpations, ~~among which appears no solitary fact to contradict the uniform tenor of the rest but all have~~ «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 ~~for the truth of which we pledge a faith yet unsullied by falsehood.~~

20 He has refused his Assent to Laws, the most wholesome & necessary for the public Good.

He has dissolved Representative Houses repeatedly, & ~~continually~~ 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 meantime exposed to all the Dangers of Invasion from without, & Convulsions within.

He has endeavored to prevent the Population of these states; for that Purpose obstructing the laws for Naturalization of Foreigners; refusing to pass others to encourage their Migrations hither, & raising the Conditions of new Appropriations of Lands.

5 He has made ~~our~~ Judges dependent on his Will alone, for the Tenure of their Offices, & the Amount & payment of their Salaries.

He has erected a Multitude of new Offices ~~by a self assumed power~~ and sent hither Swarms of new Officers to harass our People and eat out their Substance.

He has kept among us in Times of Peace, Standing Armies, ~~and ships of war~~ without the consent of our Legislatures.

10 He has affected to render the Military independent of, & superior to the Civil power.

He has combined with others to subject us to a Jurisdiction foreign to our Constitution, & unacknowledged by our Laws; giving his Assent to their Acts of pretended Legislation:
For quartering large Bodies of Armed Troops among us:

15 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:

20 For abolishing the free System of English Laws in a neighboring Province, establishing therein an arbitrary Government, and enlarging it's Boundaries, so as to render it at once an Example and fit Instrument for introducing the same absolute Rule into these ~~states~~ «Colonies»:

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

For suspending our own Legislatures, & declaring themselves invested with Power to legislate for us in all Cases whatsoever.

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He has abdicated Government here by ~~withdrawing his governors, and declaring us out of his allegiance & protection~~ «declaring us out of his Protection, and Waging war against us.» He has plundered our Seas, ravaged our Coasts, burnt our towns, & destroyed the Lives of our People.

- 5 He is, at this time Transporting large Armies of foreign Mercenaries to complete the works of Death, Desolation & Tyranny, already begun with circumstances of Cruelty and Perfidy «scarcely paralleled in the most barbarous Ages, & totally» unworthy the Head of a civilized Nation. He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the Executioners of their Friends & Brethren,
- 10 or to fall themselves by their Hands. He has «excited domestic Insurrections amongst us, & has» endeavored 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, & Conditions of existence. He has incited treasonable insurrections of our fellow citizens, with the allurements of forfeiture & confiscation of our property. He has waged cruel war
- 15 against human nature itself, violating it's most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of INFIDEL powers, is the warfare of the CHRISTIAN king of Great Britain. Determined to keep open a market where MEN should be bought & sold,
- 20 he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them: thus paying off former crimes committed against the LIBERTIES of
- 25 one people, with crimes which he urges them to commit against the LIVES of another. 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 who mean to be free. Future ages will scarcely believe that the hardiness of

~~one man adventured, within the short compass of twelve years only, to lay a foundation so broad & so undisguised for tyranny over a people fostered & fixed in principles of freedom.~~

Nor have we been wanting in Attentions to our British Brethren. We have warned them from Time to Time of Attempts by their Legislature to extend a «an unwarrantable» jurisdiction over ~~these our states~~ «us». We have reminded them of the Circumstances of our
 5 Emigration & Settlement here, ~~no one of which could warrant so strange a pretension: that these were effected at the expense of our own blood & treasure, unassisted by the wealth or the strength of Great Britain: that in constituting indeed our several forms of government, we had adopted one common king, thereby laying a foundation for perpetual league & am-~~
 10 ~~ity with them: but that submission to their parliament was no part of our constitution, nor ever in idea, if history may be credited: and.~~ We have appealed to their native Justice and Magnanimity ~~as well as to~~ «, and we have conjured them by» the Ties of our common Kin-
 dred to disavow these Usurpations, which ~~were likely to~~«, would inevitably» interrupt our Connection and Correspondence. They too have been deaf to the Voice of Justice & of
 15 Consanguinity ~~, and when occasions have been given them, by the regular course of their laws, of removing from their councils the disturbers of our harmony, they have, by their free election, re-established them in power. At this very time too they are permitting their chief magistrate to send over not only soldiers of our common blood, but Scotch & foreign mercenaries to invade & destroy us. These facts have given the last stab to agonizing affec-~~
 20 ~~tion, and manly spirit bids us to renounce forever these unfeeling brethren. We must endeavor to forget our former love for them, and hold them as we hold the rest of mankind, enemies in war, in peace friends. We might have been a free and a great people together; but a communication of grandeur & of freedom it seems is below their dignity. Be it so, since they will have it. The road to happiness & to glory is open to us too. We will tread it~~
 25 ~~apart from them, and~~ «. We must therefore» acquiesce in the Necessity which denounces our eternal 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
 30 our Intentions,» do, in the name, & by the Authority of the good People of these states

~~reject and renounce all allegiance and subjection to the kings of Great Britain and all others who may hereafter claim by, through or under them; we utterly dissolve all political connection which may heretofore have subsided between us and the people or parliament of Great Britain: and finally we do assert and declare these colonies to be free and independent~~

5 ~~states;~~ «Colonies, solemnly Publish and Declare, That these United Colonies are, and are of Right 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;» & that as Free & Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce & to do all

10 other Acts & 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, & our sacred Honor.

THE U.S. CONGRESS OF THE CONFEDERATION

An Ordinance for the Government of the Territory of the United States Northwest of the River Ohio

LAW EXCERPT

July 13, 1787

Federal Hall | New York City, New York

BACKGROUND

Congress passed the Northwest Ordinance to provide the governing structure for all of the territories of the young United States, lands that would later become the states of Ohio, Indiana, Illinois, Michigan, and Wisconsin.

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Article III

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
5 never be taken from them without their consent; and in their property, rights, and liberty they never shall 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....

"The Northwest Ordinance," in *The U.S. Constitution: A Reader*, ed. Hillsdale College Politics Faculty (Hillsdale, MI: Hillsdale College Press, 2012), 121-27.

THE PEOPLE OF THE UNITED STATES OF AMERICA

The Constitution

LAW

March 4, 1789
United States of America

BACKGROUND

Delegates to the Constitutional Convention drafted and the states ratified this Constitution, forming the second national government for the United States of America.

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Preamble

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and
5 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 sec-
10 ond 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,

"The Constitution of the United States of America," in *The U.S. Constitution: A Reader* (Hillsdale, MI: Hillsdale College Press, 2012), 47-66.

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
 5 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 enu-
 10 meration shall be made, the State of New Hampshire shall be entitled to choose 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
 15 thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall choose 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.
 20 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
 25 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.

5 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.

10 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.

15 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.

20 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 choosing 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.

25 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.

10 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
15 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 encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his
20 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
25 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
 5 (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 pre-
 10 sented 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
 15 Excises, to pay the Debts and provide for the common Defense 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
 20 Indian Tribes;

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

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

25 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;

5 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;

10 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;

15 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;

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

25 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.

- 5 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.

- 10 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.

- 15 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.

- 20 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.

- 25 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 Control of the Congress.

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

Article II

10 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:

15 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.

20 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, 25 then the House of Representatives shall immediately choose 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 choose the President. But in choosing 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
5 shall choose from them by Ballot the Vice President.

The Congress may determine the Time of choosing 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
10 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,
15 Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected,
20 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
25 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.

5 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
10 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
15 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,
20 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

25 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.

5 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,
10 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
15 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.

20 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
25 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 State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

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

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

Article V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either
5 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
10 Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article VI

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

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 notwithstand-
20 ing.

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
25 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.

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

10 George Washington—

President and deputy from Virginia

Delaware

George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom

15 **Maryland**

James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll

Virginia

John Blair, James Madison, Jr.

North Carolina

20 William Blount, Richard Dobbs Spaight, Hugh Williamson

South Carolina

John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler

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Georgia

William Few, Abraham Baldwin

New Hampshire

John Langdon, Nicholas Gilman

5 **Massachusetts**

Nathaniel Gorham, Rufus King

Connecticut

William Samuel Johnson, Roger Sherman

New York

10 Alexander Hamilton

New Jersey

William Livingston, David Brearley, William Paterson, Jonathan Dayton

Pennsylvania

15 Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas FitzSimons, Jared Ingersoll, James Wilson, Gouverneur Morris

Attest William Jackson Secretary

Amendments to the Constitution of the United States of America

Amendment I

Ratified December 15, 1791

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

Amendment II

Ratified December 15, 1791

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

Amendment III

Ratified December 15, 1791

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.

15 **Amendment IV**

Ratified December 15, 1791

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

Amendment V

Ratified December 15, 1791

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
5 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.

10 Amendment VI

Ratified December 15, 1791

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 na-
15 ture 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.

Amendment VII

Ratified December 15, 1791

20 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.

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Amendment VIII

Ratified December 15, 1791

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

5 **Amendment IX**

Ratified December 15, 1791

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

Amendment X

10 Ratified December 15, 1791

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.

Amendment XI

Ratified February 7, 1795

15 The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Amendment XII

Ratified June 15, 1804

20 The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all per-

sons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists 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
 5 all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President.
 10 But in choosing 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. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the
 15 Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number
 20 shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Amendment XIII

Ratified December 6, 1865

25 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.

Amendment XIV

Ratified July 9, 1868

Section 1. 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.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

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Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Amendment XV

10 Ratified February 3, 1870

Section 1. 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.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

15 **Amendment XVI**

Ratified February 3, 1913

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.

20 **Amendment XVII**

Ratified April 8, 1913

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

- 5 This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Amendment XVIII

Ratified January 16, 1919

- 10 Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

- 15 Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XIX

- 20 Ratified August 18, 1920

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.

Amendment XX

Ratified January 23, 1933

Section 1. The terms of the President and the Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of
5 January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President
10 elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein
15 neither a President elect nor a Vice President shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons
20 from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amend-
25 ment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

Amendment XXI

Ratified December 5, 1933

Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

- 5 Section 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitu-
10 tion, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XXII

Ratified February 27, 1951

Section 1. No person shall be elected to the office of the President more than twice, and no
15 person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term
20 within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

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Amendment XXIII

Ratified March 29, 1961

Section 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

- 5 A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the
- 10 District and perform such duties as provided by the twelfth article of amendment.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXIV

Ratified January 23, 1964

- 15 Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXV

- 20 Ratified February 10, 1967

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

- Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote
- 25 of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

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Amendment XXVI

Ratified July 1, 1971

Section 1. The right of citizens of the United States, who are eighteen years of age or older,
to vote shall not be denied or abridged by the United States or by any State on account of
5 age.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXVII

Ratified May 7, 1992

No law varying the compensation for the services of the Senators and Representatives shall
10 take effect, until an election of Representatives shall have intervened.

FREDERICK DOUGLASS

The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery

SPEECH

March 26, 1860

Scottish Anti-Slavery Society | Glasgow, Scotland

BACKGROUND

Former slave and abolitionist Frederick Douglass delivered this speech before the Scottish Anti-Slavery Society responding to the question of whether the U.S. Constitution supported or opposed slavery.

GUIDING QUESTIONS

1. In which ways does Douglass disagree with other abolitionists, such as William Lloyd Garrison?
2. What evidence does Douglass cite from the founding that has formed his understanding?
3. What is Douglass' main argument against dissolving the Union over the issue of slavery?

Frederick Douglass, *Selected Speeches and Writings*, ed. Philip S. Foner (Chicago: Lawrence Hill, 1999), 188-206.

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I proceed to the discussion. And first a word about the question. Much will be gained at the outset if we fully and clearly understand the real question under discussion. Indeed, nothing is or can be understood. This are often confounded and treated as the same, for no better reason than that they resemble each other, even while they are in their nature and character totally distinct and even directly opposed to each other. This jumbling up things is a sort of dust-throwing which is often indulged in by small men who argue for victory rather than for truth.

Thus, for instance, the American Government and the American Constitution are spoken of in a manner which would naturally lead the hearer to believe that one is identical with the other; when the truth is, they are distinct in character as is a ship and a compass. The one may point right and the other steer wrong. A chart is one thing, the course of the vessel is another. The Constitution may be right, the Government is wrong. If the Government has been governed by mean, sordid, and wicked passions, it does not follow that the Constitution is mean, sordid, and wicked.

15 What, then, is the question?...

The real and exact question between myself and the class of persons represented by the speech at the City Hall may be fairly stated thus: — 1st, Does the United States Constitution guarantee to any class or description of people in that country the right to enslave, or hold as property, any other class or description of people in that country? 2nd, Is the dissolution of the union between the slave and free States required by fidelity to the slaves, or by the just demands of conscience? Or, in other words, is the refusal to exercise the elective franchise, and to hold office in America, the surest, wisest, and best way to abolish slavery in America?

To these questions the Garrisonians say Yes. They hold the Constitution to be a slaveholding instrument, and will not cast a vote or hold office, and denounce all who vote or hold office, no matter how faithfully such persons labour to promote the abolition of slavery. I, on the other hand, deny that the Constitution guarantees the right to hold property in man, and believe that the way to abolish slavery in America is to vote such men into power as

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will use their powers for the abolition of slavery. This is the issue plainly stated, and you shall judge between us.... It should also be borne in mind that the intentions of those who framed the Constitution, be they good or bad, for slavery or against slavery, are so respected so far, and so far only, as we find those intentions plainly stated in the Constitution. It would be the wildest of absurdities, and lead to endless confusion and mischiefs, if, instead of looking to the written paper itself, for its meaning, it were attempted to make us search it out, in the secret motives, and dishonest intentions, of some of the men who took part in writing it. It was what they said that was adopted by the people, not what they were ashamed or afraid to say, and really omitted to say....

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I repeat, the paper itself, and only the paper itself, with its own plainly written purposes, is the Constitution. It must stand or fall, flourish or fade, on its own individual and self-declared character and objects. Again, where would be the advantage of a written Constitution, if, instead of seeking its meaning in its words, we had to seek them in the secret intentions of individuals who may have had something to do with writing the paper?...What then? Shall we condemn the righteous law because wicked men twist it to the support of wickedness? Is that the way to deal with good and evil? Shall we blot out all distinction between them, and hand over to slavery all that slavery may claim on the score of long practice?...

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It so happens that no such words as "African slave trade," no such words as "slave insurrections," are anywhere used in that instrument.... Here then are several provisions of the Constitution to which reference has been made. I read them word for word just as they stand in the paper, called the United States Constitution, Art. I, sec. 2. "Representatives and direct taxes shall be apportioned among the several States which may be included in 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 years, and excluding Indians not taxed, three-fifths of all other persons; Art. I, sec. 9. The migration or importation of such persons as any of the States now existing shall think fit 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

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person; Art. 4, sec. 2. No person held to service or labour in one State, under the laws thereof, escaping into another shall, in consequence of any law or regulation therein, be discharged from service or labour; but shall be delivered up on claim of the party to whom such service or labour may be due; Art. I, sec. 8. To provide for calling for the militia to execute the laws of the Union, suppress insurrections, and repel invasions.” Here then, are those provisions of the Constitution, which the most extravagant defenders of slavery can claim to guarantee a right of property in man. These are the provisions which have been pressed into the service of the human fleshmongers of America. Let us look at them just as they stand, one by one. Let us grant, for the sake of the argument, that the first of these provisions, referring to the basis of representation and taxation, does refer to slaves. We are not compelled to make that admission, for it might fairly apply to aliens — persons living in the country, but not naturalized. But giving the provisions the very worse construction, what does it amount to? I answer — It is a downright disability laid upon the slaveholding States; one which deprives those States of two-fifths of their natural basis of representation. A black man in a free State is worth just two-fifths more than a black man in a slave State, as a basis of political power under the Constitution. Therefore, instead of encouraging slavery, the Constitution encourages freedom by giving an increase of “two-fifths” of political power to free over slave States. So much for the three-fifths clause; taking it at its worst, it still leans to freedom, not slavery; for, be it remembered that the Constitution nowhere forbids a coloured man to vote. I come to the next, that which it is said guaranteed the continuance of the African slave trade for twenty years. I will also take that for just what my opponent alleges it to have been, although the Constitution does not warrant any such conclusion. But, to be liberal, let us suppose it did, and what follows? Why, this — that this part of the Constitution, so far as the slave trade is concerned, became a dead letter more than 50 years ago, and now binds no man’s conscience for the continuance of any slave trade whatsoever. Mr. Thompson is just 52 years too late in dissolving the Union on account of this clause. He might as well dissolve the British Government, because Queen Elizabeth granted to Sir John Hawkins to import Africans into the West Indies 300 years ago! But there is still more to be said about this abolition of the slave trade. Men, at that time, both in England and in America, looked upon the slave trade as the life of slavery.

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The abolition of the slave trade was supposed to be the certain death of slavery. Cut off the stream, and the pond will dry up, was the common notion at the time.

Wilberforce and Clarkson, clear-sighted as they were, took this view; and the American statesmen, in providing for the abolition of the slave trade, thought they were providing for the abolition of the slavery. This view is quite consistent with the history of the times. All regarded slavery as an expiring and doomed system, destined to speedily disappear from the country. But, again, it should be remembered that this very provision, if made to refer to the African slave trade at all, makes the Constitution anti-slavery rather than for slavery; for it says to the slave States, the price you will have to pay for coming into the American Union is, that the slave trade, which you would carry on indefinitely out of the Union, shall be put an end to in twenty years if you come into the Union. Secondly, if it does apply, it expired by its own limitation more than fifty years ago. Thirdly, it is anti-slavery, because it looked to the abolition of slavery rather than to its perpetuity. Fourthly, it showed that the intentions of the framers of the Constitution were good, not bad. I think this is quite enough for this point.

I go to the “slave insurrection” clause, though, in truth, there is no such clause. The one which is called so has nothing whatever to do with slaves or slaveholders any more than your laws for suppression of popular outbreaks has to do with making slaves of you and your children. It is only a law for suppression of riots or insurrections. But I will be generous here, as well as elsewhere, and grant that it applies to slave insurrections. Let us suppose that an anti-slavery man is President of the United States (and the day that shall see this the case is not distant) and this very power of suppressing slave insurrections would put an end to slavery. The right to put down an insurrection carries with it the right to determine the means by which it shall be put down. If it should turn out that slavery is a source of insurrection, that there is no security from insurrection while slavery lasts, why, the Constitution would be best obeyed by putting an end to slavery, and an anti-slavery Congress would do the very same thing. Thus, you see, the so-called slave-holding provisions of the American Constitution, which a little while ago looked so formidable, are, after all, no defence or guarantee for slavery whatever. But there is one other provision. This is called the “Fugitive

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Slave Provision.” It is called so by those who wish to make it subserve the interest of slavery in America, and the same by those who wish to uphold the views of a party in this country.... But it may be asked — if this clause does not apply to slaves, to whom does it apply?

I answer, that when adopted, it applies to a very large class of persons — namely, redemptioners — persons who had come to America from Holland, from Ireland, and other quarters of the globe — like the Coolies to the West Indies — and had, for a consideration duly paid, become bound to “serve and labour” for the parties to whom their service and labour was due. It applies to indentured apprentices and others who have become bound for a consideration, under contract duly made, to serve and labour, to such persons this provision applies, and only to such persons. The plain reading of this provision shows that it applies, and that it can only properly and legally apply, to persons “bound to service.” Its object plainly is, to secure the fulfillment of contracts for “service and labour.” It applies to indentured apprentices, and any other persons from whom service and labour may be due. The legal condition of the slave puts him beyond the operation of this provision. He is not described in it. He is a simple article of property. He does not owe and cannot owe service. He cannot even make a contract. It is impossible for him to do so. He can no more make such a contract than a horse or an ox can make one. This provision, then, only respects persons who owe service, and they only can owe service who can receive an equivalent and make a bargain. The slave cannot do that, and is therefore exempted from the operation of this fugitive provision.... Let us look at the objects for which the Constitution was framed and adopted, and see if slavery is one of them. Here are its own objects as set forth by itself: — “We, the people of these United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States of America.” The objects here set forth are six in number: union, defence, welfare, tranquility, justice, and liberty. These are all good objects, and slavery, so far from being among them, is a foe of them all. But it has been said that Negroes are not included within the benefits sought under this declaration. This is said by the slaveholders in America — it is said by the City Hall orator — but it is not said by

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the Constitution itself. Its language is “we the people;” not we the white people, not even we the citizens, not we the privileged class, not we the high, not we the low, but we the people; not we the horses, sheep, and swine, and wheel-barrows, but we the people, we the human inhabitants; and, if Negroes are people, they are included in the benefits for which the Constitution of America was ordained and established. But how dare any man who pretends to be a friend to the Negro thus gratuitously concede away what the Negro has a right to claim under the Constitution? Why should such friends invent new arguments to increase the hopelessness of his bondage? This, I undertake to say, as the conclusion of the whole matter, that the constitutionality of slavery can be made out only by disregarding the plain and common-sense reading of the Constitution itself; by discrediting and casting away as worthless the most beneficent rules of legal interpretation; by ruling the Negro outside of these beneficent rules; by claiming that the Constitution does not mean what it says, and that it says what it does not mean; by disregarding the written Constitution, and interpreting it in the light of a secret understanding. It is in this mean, contemptible, and underhand method that the American Constitution is pressed into the service of slavery....

My argument against the dissolution of the American Union is this: It would place the slave system more exclusively under the control of the slaveholding States, and withdraw it from the power in the Northern States which is opposed to slavery. Slavery is essentially barbarous in its character. It, above all things else, dreads the presence of an advanced civilization. It flourishes best where it meets no reproving frowns, and hears no condemning voices. While in the Union it will meet with both. Its hope of life, in the last resort, is to get out of the Union. I am, therefore, for drawing the bond of the Union more completely under the power of the Free States. What they most dread, that I most desire. I have much confidence in the instincts of the slaveholders. They see that the Constitution will afford slavery no protection when it shall cease to be administered by slaveholders. They see, moreover, that if there is once a will in the people of America to abolish slavery, this is no word, no syllable in the Constitution to forbid that result. They see that the Constitution has not saved slavery in Rhode Island, in Connecticut, in New York, or Pennsylvania; that the Free States have only added three to their original number. There were twelve Slave

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States at the beginning of the Government: there are fifteen now. The dissolution of the Union would not give the North a single advantage over slavery, but would take from it many. Within the Union we have a firm basis of opposition to slavery. It is opposed to all the great objects of the Constitution. The dissolution of the Union is not only an unwise but a cowardly measure — 15 millions running away from three hundred and fifty thousand slaveholders. Mr. Garrison and his friends tell us that while in the Union we are responsible for slavery. He and they sing out “No Union with slaveholders,” and refuse to vote. I admit our responsibility for slavery while in the Union but I deny that going out of the Union would free us from that responsibility. There now clearly is no freedom from responsibility for slavery to any American citizen short to the abolition of slavery. The American people have gone quite too far in this slaveholding business now to sum up their whole business of slavery by singing out the cant phrase, “No union with slaveholders.” To desert the family hearth may place the recreant husband out of the presence of his starving children, but this does not free him from responsibility. If a man were on board of a pirate ship, and in company with others had robbed and plundered, his whole duty would not be preformed simply by taking the longboat and singing out, “No union with pirates.” His duty would be to restore the stolen property. The American people in the Northern States have helped to enslave the black people. Their duty will not have been done till they give them back their plundered rights. Reference was made at the City Hall to my having once held other opinions, and very different opinions to those I have now expressed. An old speech of mine delivered fourteen years ago was read to show — I know not what. Perhaps it was to show that I am not infallible. If so, I have to say in defence, that I never pretended to be. Although I cannot accuse myself of being remarkably unstable, I do not pretend that I have never altered my opinion both in respect to men and things. Indeed, I have been very much modified both in feeling and opinion within the last fourteen years. When I escaped from slavery, and was introduced to the Garrisonians, I adopted very many of their opinions, and defended them just as long as I deemed them true. I was young, had read but little, and naturally took some things on trust. Subsequent experience and reading have led me to examine for myself. This had brought me to other conclusions. When I was a child, I thought and spoke as a child. But the question is not as to what were my opinions fourteen

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years ago, but what they are now. If I am right now, it really does not matter what I was fourteen years ago. My position now is one of reform, not of revolution. I would act for the abolition of slavery through the Government — not over its ruins. If slaveholders have ruled the American Government for the last fifty years, let the anti-slavery men rule the nation for the next fifty years. If the South has made the Constitution bend to the purposes of slavery, let the North now make that instrument bend to the cause of freedom and justice. If 350,000 slaveholders have, by devoting their energies to that single end, been able to make slavery the vital and animating spirit of the American Confederacy for the last 72 years, now let the freemen of the North, who have the power in their own hands, and who can make the American Government just what they think fit, resolve to blot out for ever the foul and haggard crime, which is the blight and mildew, the curse and the disgrace of the whole United States.

SEN. JOHN C. CALHOUN (D-SC)

On the Reception of Abolition Petitions

SPEECH EXCERPT

February 6, 1837
U.S. Senate | Washington, D.C.

BACKGROUND

John C. Calhoun delivered this speech in the U.S. Senate in response to petitions submitted by abolitionists demanding an end to slavery in the District of Columbia and the abolition of the slave trade across state lines.

GUIDING QUESTIONS

1. What does Calhoun argue to be the effect of enslavement in America on African Americans? Why?
2. In which ways does Calhoun take exception to northern criticism of the effects of slavery on European Americans?
3. What does Calhoun mean by a “positive good”? What evidence does he claim to support his assertion?
4. How does Calhoun argue that slaves are treated better than laborers in the north?

John C. Calhoun, *Union and Liberty: The Political Philosophy of John C. Calhoun*, ed. Ross M. Lence (Indianapolis: Liberty Fund, 1992), 472-76.

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...Abolition and Union cannot co-exist. As the friend of the Union I openly proclaim it, and the sooner it is known the better. The former may now be controlled, but in a short time it will be beyond the power of man to arrest the course of events. We of the South will not, cannot, surrender our institutions. To maintain the existing relations between the two

5 races, inhabiting that section of the Union, is indispensable to the peace and happiness of both. It cannot be subverted without drenching the country in blood, and extirpating one or the other of the races. Be it good or bad, it has grown up with our society and institutions, and is so interwoven with them, that to destroy it would be to destroy us as a people. But let me not be understood as admitting, even by implication, that the existing relations be-

10 tween the two races in slaveholding States is an evil—far otherwise; I hold it to be a good, as it has thus far proved itself to be to both, and will continue to prove so if not disturbed by the fell spirit of abolition. I appeal to facts. Never before has the black race of Central Africa, from the dawn of history to the present day, attained a condition so civilized and so improved, not only physically, but morally and intellectually. It came among us in a low,

15 degraded, and savage condition, and in the course of a few generations it has grown up under the fostering care of our institutions, reviled as they have been to its present comparatively civilized condition. This, with the rapid increase of numbers, is conclusive proof of the general happiness of the race, in spite of all the exaggerated tales to the contrary. In the mean time, the white or European race has not degenerated. It has kept pace with its

20 brethren in other sections of the Union where slavery does not exist.... But I take higher ground. I hold that in the present state of civilization, where two races of different origin, and distinguished by color, and other physical differences, as well as intellectual, are brought together, the relation now existing in the slaveholding States between the two, is, instead of an evil, a good—a positive good. I feel myself called upon to speak freely upon

25 the subject where the honor and interests of those I represent are involved. I hold then that there never has yet existed a wealthy and civilized society in which one portion of the community did not, in point of fact, live on the labor of the other. Broad and general as is this assertion, it is fully borne out by history. This is not the proper occasion, but if it were, it would not be difficult to trace the various devices by which the wealth of all civilized com-

30 munities has been so unequally divided, and to show by what means so small a share has

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been allotted to those by whose labor it was produced, and so large a share given to the non-producing classes. The devices are almost innumerable, from the brute force and gross superstition of ancient times, to the subtle and artful fiscal contrivances of modern. I might well challenge a comparison between them and the more direct, simple, and patriarchal mode by which the labor of the African race is, among us, commanded by the European. I may say with truth, that in few countries so much is left to the share of the laborer, and so little exacted from him, or where there is more kind attention paid to him in sickness or infirmities of age. Compare his condition with the tenants of the poor houses in the more civilized portions of Europe—look at the sick, and the old and infirm slave, on one hand, in the midst of his family and friends, under the kind superintending care of his master and mistress, and compare it with the forlorn and wretched condition of the pauper in the poor house....

SENATOR JOHN C. CALHOUN (D-SC)

On the Oregon Bill

SPEECH EXCERPTS

June 27, 1848

U.S. Senate | Washington, D.C.

BACKGROUND

Senator John C. Calhoun gave this speech in response to the Oregon Bill, which sought to organize the new territory along anti-slavery principles.

GUIDING QUESTIONS

1. How does Calhoun portray the conflict between the North and the South?
2. How does Calhoun use the Constitution to justify his argument?
3. What theoretical proposition is the cause of the Union's destruction, according to Calhoun?
4. According to Calhoun, what is the relationship between the government and individual liberty?

John C. Calhoun, "On the Oregon Bill," 27 June 1848, in *The Works of John C. Calhoun*, Vol. 4, Ed. Richard Kenner Cralle (New York: D. Appleton & Co., 1888), 503–12.

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...Now, let me say, Senators, if our Union and system of government are doomed to perish, and we to share the fate of so many great people who have gone before us, the historian, who, in some future day, may record the events ending in so calamitous a result, will devote his first chapter to the ordinance of 1787, lauded as it and its authors have been, as the first
5 of that series which led to it. His next chapter will be devoted to the Missouri compromise, and the next to the present agitation. Whether there will be another beyond, I know not. It will depend on what we may do.

If he should possess a philosophical turn of mind, and be disposed to look to more remote and recondite causes, he will trace it to a proposition which originated in a hypothetical
10 truism, but which, as now expressed and now understood, is the most false and dangerous of all political errors. The proposition to which I allude, has become an axiom in the minds of a vast many on both sides of the Atlantic, and is repeated daily from tongue to tongue, as an established and incontrovertible truth; it is,—that “all men are born free and equal.” I am not afraid to attack error, however deeply it may be entrenched, or however widely
15 extended, whenever it becomes my duty to do so, as I believe it to be on this subject and occasion.

Taking the proposition literally (it is in that sense it is understood), there is not a word of truth in it. It begins with “all men are born,” which is utterly untrue. Men are not born. Infants are born. They grow to be men. And concludes with asserting that they are born
20 “free and equal,” which is not less false. They are not born free. While infants they are incapable of freedom, being destitute alike of the capacity of thinking and acting, without which there can be no freedom. Besides, they are necessarily born subject to their parents, and remain so among all people, savage and civilized, until the development of their intellect and physical capacity enables them to take care of themselves. They grow to all the
25 freedom of which the condition in which they were born permits, by growing to be men. Nor is it less false that they are born “equal.” They are not so in any sense in which it can be regarded; and thus, as I have asserted, there is not a word of truth in the whole proposition, as expressed and generally understood.

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If we trace it back, we shall find the proposition differently expressed in the Declaration of Independence. That asserts that “all men are created equal.” The form of expression, though less dangerous, is not less erroneous. All men are not created. According to the Bible, only two—a man and a woman—ever were—and of these one was pronounced subordinate to the other. All others have come into the world by being born, and in no sense, as I have shown, either free or equal. But this form of expression being less striking and popular, has given way to the present, and under the authority of a document put forth on so great an occasion, and leading to such important consequences, has spread far and wide, and fixed itself deeply in the public mind. It was inserted in our Declaration of Independence without any necessity. It made no necessary part of our justification in separating from the parent country, and declaring ourselves independent. Breach of our chartered privileges, and lawless encroachment on our acknowledged and well-established rights by the parent country, were the real causes,—and of themselves sufficient, without resorting to any other, to justify the step. Nor had it any weight in constructing the governments which were substituted in the place of the colonial. They were formed of the old materials and on practical and well-established principles, borrowed for the most part from our own experience and that of the country from which we sprang.

If the proposition be traced still further back, it will be found to have been adopted from certain writers in government who had attained much celebrity in the early settlement of these States, and with whose writings all the prominent actors in our revolution were familiar. Among these, Locke and Sydney were prominent. But they expressed it very differently. According to their expression, “all men in the state of nature were free and equal.” From this the others were derived; and it was this to which I referred when I called it a hypothetical truism;—to understand why, will require some explanation.

Man, for the purpose of reasoning, may be regarded in three different states: in a state of individuality; that is, living by himself apart from the rest of his species. In the social; that is, living in society, associated with others of his species. And in the political; that is, living under government. We may reason as to what would be his rights and duties in either, without taking into consideration whether he could exist in it or not. It is certain, that in

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the first, the very supposition that he lived apart and separated from all others would make him free and equal. No one in such a state could have the right to command or control another. Every man would be his own master, and might do just as he pleased. But it is equally clear, that man cannot exist in such a state; that he is by nature social, and that society is necessary, not only to the proper development of all his faculties, moral and intellectual, but to the very existence of his race. Such being the case, the state is a purely hypothetical one; and when we say all men are free and equal in it, we announce a mere hypothetical truism; that is, a truism resting on a mere supposed stake that cannot exist, and of course one of little or no practical value.

10 But to call it a state of nature was a great misnomer, and has led to dangerous errors; for that cannot justly be called a state of nature which is so opposed to the constitution of man as to be inconsistent with the existence of his race and the development of the high faculties, mental and moral, with which he is endowed by his Creator....

We now begin to experience the danger of admitting so great an error to have a place in the declaration of our independence. For a long time it lay dormant; but in the process of time it began to germinate, and produce its poisonous fruits. It had strong hold on the mind of Mr. Jefferson, the author of that document, which caused him to take an utterly false view of the subordinate relation of the black to the white race in the South; and to hold, in consequence, that the latter, though utterly unqualified to possess liberty, were as fully entitled to both liberty and equality as the former; and that to deprive them of it was unjust and immoral. To this error, his proposition to exclude slavery from the territory northwest of the Ohio may be traced,—and to that of the ordinance of 1787,—and through it the deep and dangerous agitation which now threatens to engulf, and will certainly engulf, if not speedily settled, our political institutions, and involve the country in countless woes.

ABRAHAM LINCOLN

Speech at Peoria

SPEECH EXCERPT

October 16, 1854

Lawn of the Peoria County Courthouse | Peoria, Illinois

On the Kansas-Nebraska Act

BACKGROUND

Abraham Lincoln responded to the passage of the Kansas-Nebraska Act and its principal proponent, Stephen A. Douglas, with this address at Peoria.

GUIDING QUESTIONS

1. Is Lincoln in favor or against self-governance?
2. In what way can the right of self-governance be abused according to Lincoln?
3. What principles does Lincoln take to be more essential than the right to self-governance?
4. What are the results of the violation of the Missouri Compromise both in the north and in the south?
5. How does Lincoln think the founders viewed slavery?

Abraham Lincoln, "Speech at Peoria, Illinois" (1854) in *Collected Works of Abraham Lincoln*, Vol. 2, ed. Roy P. Basler (New Brunswick, N.J: Rutgers University Press, 1953) pp. 248–283.

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I trust I understand, and truly estimate the right of self-government. My faith in the proposition that each man should do precisely as he pleases with all which is exclusively his own, lies at the foundation of the sense of justice there is in me. I extend the principles to communities of men, as well as to individuals. I so extend it, because it is politically wise, as well
5 as naturally just; politically wise, in saving us from broils about matters which do not concern us. Here, or at Washington, I would not trouble myself with the oyster laws of Virginia, or the cranberry laws of Indiana.

The doctrine of self-government is right—absolutely and eternally right—but it has no just application, as here attempted. Or perhaps I should rather say that whether it has such just
10 application depends upon whether a negro is *not* or *is* a man. If he is *not* a man, why in that case, he who *is* a man may, as a matter of self-government, do just as he pleases with him. But if the negro is a man, is it not to that extent, a total destruction of self-government, to say that he too shall not govern *himself*? When the white man governs himself that is self-government; but when he governs himself, and also governs *another* man, that is more than
15 self-government—that is despotism. If the negro is a man, why then my ancient faith teaches me that “all men are created equal;” and that there can be no moral right in connection with one man’s making a slave of another....

What I do say is, that no man is good enough to govern another man, without that other’s consent. I say this is the leading principle—the sheet anchor of American republicanism.
20 Our Declaration of Independence says:

“We hold these truths to be self evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.”
25

...I particularly object to the new position which the avowed principle of this Nebraska law gives to slavery in the body politic. I object to it because it assumes that there can be moral right in the enslaving of one man by another. I object to it as a dangerous dalliance

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for a few people—a sad evidence that, feeling prosperity we forget right—that liberty, as a principle, we have ceased to revere. I object to it because the fathers of the republic eschewed, and rejected it. The argument of “Necessity” was the only argument they ever admitted in favor of slavery; and so far, and so far only as it carried them, did they ever go.

5 They found the institution existing among us, which they could not help; and they cast blame upon the British King for having permitted its introduction. Before the constitution, they prohibited its introduction into the north-western Territory—the only country we owned, then free from it. At the framing and adoption of the constitution, they forbore to so much as mention the word “slave” or “slavery” in the whole instrument. In the provision
10 for the recovery of fugitives, the slave is spoken of as a “person held to service or labor.” In that prohibiting the abolition of the African slave trade for twenty years, that trade is spoken of as “The migration or importation of such persons as any of the States now existing, shall think proper to admit,” etc. These are the only provisions alluding to slavery. Thus, the thing is hid away, in the constitution, just as an afflicted man hides away a wen or a
15 cancer, which he dares not cut out at once, lest he bleed to death; with the promise, nevertheless, that the cutting may begin at the end of a given time. Less than this our fathers could not do; and now they would not do. Necessity drove them so far, and farther, they would not go. But this is not all. The earliest Congress, under the constitution, took the same view of slavery. They hedged and hemmed it in to the narrowest limits of necessity.

20 In 1794, they prohibited an out-going slave-trade—that is, the taking of slaves from the United States to sell.

In 1798, they prohibited the bringing of slaves from Africa, into the Mississippi Territory—this territory then comprising what are now the States of Mississippi and Alabama. This was ten years before they had the authority to do the same thing as to the States existing at
25 the adoption of the constitution.

In 1800 they prohibited American citizens from trading in slaves between foreign countries—as, for instance, from Africa to Brazil.

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In 1803 they passed a law in aid of one or two State laws, in restraint of the internal slave trade.

In 1807, in apparent hot haste, they passed the law, nearly a year in advance, to take effect the first day of 1808—the very first day the constitution would permit—prohibiting the
5 African slave trade by heavy pecuniary and corporal penalties.

In 1820, finding these provisions ineffectual, they declared the trade piracy, and annexed to it, the extreme penalty of death. While all this was passing in the general government, five or six of the original slave States had adopted systems of gradual emancipation; and by which the institution was rapidly becoming extinct within these limits.

10 Thus we see, the plain unmistakable spirit of that age, towards slavery, was hostility to the principle, and toleration, only by necessity....

Our republican robe is soiled, and trailed in the dust. Let us repurify it. Let us turn and wash it white, in the spirit, if not the blood, of the Revolution. Let us turn slavery from its claims of “moral right,” back upon its existing legal rights, and its arguments of “necessity.”

15 Let us return it to the position our fathers gave it; and there let it rest in peace. Let us re-adopt the Declaration of Independence, and with it, the practices, and policy, which harmonize with it. Let north and south—let all Americans—let all lovers of liberty everywhere—join in the great and good work. If we do this, we shall not only have saved the Union; but we shall have so saved it, as to make, and to keep it, forever worthy of the saving.

20 We shall have so saved it, that the succeeding millions of free happy people, the world over, shall rise up, and call us blessed, to the latest generations....

ABRAHAM LINCOLN (R)

Seventh Debate in the 1858 Election Campaign

DEBATE RESPONSE EXCERPTS

October 15, 1858

Outside Alton City Hall | Alton, Illinois

BACKGROUND

Incumbent senator from Illinois, Democrat Stephen Douglas, debated Abraham Lincoln, the Republican candidate, for the seventh and final time in the 1858 election campaign. The candidates were not directly running for U.S. Senate, as senators were still appointed by the state legislature at the time, but their arguments were meant to bolster votes for their respective parties in the state legislature, which would then appoint one of them as U.S. Senator. Lincoln offered this reply to Douglas's opening remarks.

GUIDING QUESTIONS

1. Why does Lincoln think that history is on his side with respect to the meaning of "equality" in the Declaration of Independence?
2. According to Lincoln, how should one interpret the language of the Constitution with regard to slavery? What is the view of the founders on slavery, according to Lincoln?
3. What is the primary dividing line between Republicans and Democrats at this time, according to Lincoln?
4. In Lincoln's view, why is the existence of the Union threatened?
5. On what grounds does Lincoln base the struggle between him and Douglas as the struggle between right and wrong?

Abraham Lincoln and Stephen Douglas, "Seventh and Last Debate with Stephen A. Douglas at Alton, Illinois," 15 October 1858, in *The Collected Works of Abraham Lincoln*, Vol. 3, ed. Roy P. Basler (New Brunswick, NJ: Rutgers University Press, 1953), 285-87, 296-97, 301-02, 304, 307-08, 312-16, 318-20, 322-23.

Abraham Lincoln's Reply to Senator Stephen Douglas

...Language is used not suggesting that slavery existed or that the black race were among us. And I understand the contemporaneous history of those times to be that covert language was used with a purpose, and that purpose was that in our Constitution, which it was hoped and is still hoped will endure forever—when it should be read by intelligent and patriotic men, after the institution of slavery had passed from among us—there should be nothing on the face of the great charter of liberty suggesting that such a thing as negro slavery had ever existed among us. This is part of the evidence that the fathers of the Government expected and intended the institution of slavery to come to an end. They expected and intended that it should be in the course of ultimate extinction. And when I say that I desire to see the further spread of it arrested I only say I desire to see that done which the fathers have first done. When I say I desire to see it placed where the public mind will rest in the belief that it is in the course of ultimate extinction, I only say I desire to see it placed where they placed it. It is not true that our fathers, as Judge Douglas assumes, made this government part slave and part free. Understand the sense in which he puts it. He assumes that slavery is a rightful thing within itself,—was introduced by the framers of the Constitution. The exact truth is, that they found the institution existing among us, and they left it as they found it. But in making the government they left this institution with many clear marks of disapprobation upon it. They found slavery among them and they left it among them because of the difficulty— the absolute impossibility of its immediate removal. And when Judge Douglas asks me why we cannot let it remain part slave and part free as the fathers of the government made, he asks a question based upon an assumption which is itself a falsehood; and I turn upon him and ask him the question, when the policy that the fathers of the government had adopted in relation to this element among us was the best policy in the world—the only wise policy—the only policy that we can ever safely continue upon—that will ever give us peace unless this dangerous element masters us all and becomes a national institution—*I turn upon him and ask him why he could not let it alone?* I turn and ask him why he was driven to the necessity of introducing a *new policy* in regard to it? He has himself said he introduced a new policy. He said so in his speech on the 22nd of March of the present year, 1858. I ask him why he could not let it remain where our

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fathers placed it? I ask too of Judge Douglas and his friends why we shall not again place this institution upon the basis on which the fathers left it? I ask you when he infers that I am in favor of setting the free and slave States at war, when the institution was placed in that attitude by those who made the constitution, *did they make any war?* If we had no war
5 out of it when thus placed, wherein is the ground of belief that we shall have war out of it if we return to that policy? Have we had any peace upon this matter springing from any other basis? I maintain that we have not. I have proposed nothing more than a return to the policy of the fathers....

The real issue in this controversy—the one pressing upon every mind—is the sentiment on
10 the part of one class that looks upon the institution of slavery *as a wrong*, and of another class that *does not* look upon it as a wrong. The sentiment that contemplates the institution of slavery in this country as a wrong is the sentiment of the Republican party. It is the sentiment around which all their actions—all their arguments circle—from which all their propositions radiate. They look upon it as being a moral, social and political wrong; and
15 while they contemplate it as such, they nevertheless have due regard for its actual existence among us, and the difficulties of getting rid of it in any satisfactory way and to all the constitutional obligations thrown about it. Yet having a due regard for these, they desire a policy in regard to it that looks to its not creating any more danger. They insist that it should as far as may be, *be treated* as a wrong, and one of the methods of treating it as a wrong is
20 to *make provision that it shall grow no larger*. They also desire a policy that looks to a peaceful end of slavery at sometime, as being wrong....

On the other hand, I have said there is a sentiment which treats it as *not* being wrong. That is the Democratic sentiment of this day.... The Democratic policy in regard to that institution will not tolerate the merest breath, the slightest hint, of the least degree of wrong about
25 it. Try it by some of Judge Douglas' arguments. He says he "don't care whether it is voted up or voted down" in the Territories. I do not care myself in dealing with that expression, whether it is intended to be expressive of his individual sentiments on the subject, or only of the national policy he desires to have established. It is alike valuable for my purpose. Any man can say that who does not see anything wrong in slavery, but no man can logically say

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it who does see a wrong in it; because no man can logically say he don't care whether a wrong is voted up or voted down. He may say he don't care whether an indifferent thing is voted up or down, but he must logically have a choice between a right thing and a wrong thing. He contends that whatever community wants slaves has a right to have them. So they

5 have if it is not a wrong. But if it is a wrong, he cannot say people have a right to do wrong. He says that upon the score of equality, slaves should be allowed to go in a new Territory, like other property. This is strictly logical if there is no difference between it and other property. If it and other property are equal, his argument is entirely logical. But if you insist that one is wrong and the other right, there is no use to institute a comparison between

10 right and wrong. You may turn over everything in the Democratic policy from beginning to end, whether in the shape it takes on the statute book, in the shape it takes in the Dred Scott decision, in the shape it takes in conversation or the shape it takes in short maxim-like arguments—it everywhere carefully excludes the idea that there is anything wrong in it.

15 That is the real issue. That is the issue that will continue in this country when these poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between these two principles—right and wrong—throughout the world. They are the two principles that have stood face to face from the beginning of time; and will ever continue to struggle. The one is the common right of humanity and the other the divine right of kings. It is the same

20 principle in whatever shape it develops itself. It is the same spirit that says, "You work and toil and earn bread, and I'll eat it." No matter in what shape it comes, whether from the mouth of a king who seeks to bestride the people of his own nation and live by the fruit of their labor, or from one race of men as an apology for enslaving another race, it is the same tyrannical principle.

PRESIDENT ABRAHAM LINCOLN (R)
First Inaugural Address

SPEECH EXCERPTS

March 4, 1861
U.S. Capitol | Washington, D.C.

BACKGROUND

Abraham Lincoln delivered this speech at his inauguration amidst declarations of secession by southern states.

GUIDING QUESTIONS

1. How does Lincoln try to assuage the fears of Southerners?
2. Why does Lincoln believe that the Union is perpetual?
3. What is "the only substantial dispute," and what are its possible resolutions as Lincoln sees them?

Abraham Lincoln, "First Inaugural Address—Final Text," March 4, 1861, in *The Collected Works of Abraham Lincoln*, Vol. 4, ed. Roy P. Basler (New Brunswick, NJ: Rutgers University Press, 1953), 262–71.

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...I take the official oath today, with no mental reservations, and with no purpose to construe the Constitution or laws, by any hypercritical rules. And while I do not choose now to specify particular acts of Congress as proper to be enforced, I do suggest, that it will be much safer for all, both in official and private stations, to conform to, and abide by, all those
5 acts which stand unrepealed, than to violate any of them, trusting to find impunity in having them held to be unconstitutional.

It is seventy-two years since the first inauguration of a President under our national Constitution. During that period fifteen different and greatly distinguished citizens, have, in
10 succession, administered the executive branch of the government. They have conducted it through many perils; and, generally, with great success. Yet, with all this scope for precedent, I now enter upon the same task for the brief constitutional term of four years, under great and peculiar difficulty. A disruption of the Federal Union heretofore only menaced, is now formidably attempted.

15 I hold, that in contemplation of universal law, and of the Constitution, the Union of these States is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper, ever had a provision in its organic law for its own termination. Continue to execute all the express provisions of
20 our national Constitution, and the Union will endure forever—it being impossible to destroy it, except by some action not provided for in the instrument itself.

Again, if the United States be not a government proper, but an association of States in the nature of contract merely, can it, as a contract, be peaceably unmade, by less than all the
25 parties who made it? One party to a contract may violate it—break it, so to speak; but does it not require all to lawfully rescind it?

Descending from these general principles, we find the proposition that, in legal contemplation, the Union is perpetual, confirmed by the history of the Union itself. The Union is
30 much older than the Constitution. It was formed in fact, by the Articles of Association in

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1774. It was matured and continued by the Declaration of Independence in 1776. It was further matured and the faith of all the then thirteen States expressly plighted and engaged that it should be perpetual, by the Articles of Confederation in 1778. And finally, in 1787, one of the declared objects for ordaining and establishing the Constitution, was "*to form a*
5 *more perfect union.*"

But if destruction of the Union, by one, or by a part only, of the States, be lawfully possible, the Union is less perfect than before the Constitution, having lost the vital element of per-
petuity.

10

It follows from these views that no State, upon its own mere motion, can lawfully get out of the Union,—that *resolves* and *ordinances* to that effect are legally void; and that acts of violence, within any State or States, against the authority of the United States, are insurrec-
tionary or revolutionary, according to circumstances.

15

I therefore consider that, in view of the Constitution and the laws, the Union is unbroken; and, to the extent of my ability, I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all the States. Doing this I deem to be only a simple duty on my part; and I shall perform it, so far as practicable, unless
20 my rightful masters, the American people, shall withhold the requisite means, or, in some authoritative manner, direct the contrary. I trust this will not be regarded as a menace, but only as the declared purpose of the Union that it *will* constitutionally defend, and maintain itself.

25

In doing this there needs to be no bloodshed or violence; and there shall be none, unless it be forced upon the national authority. The power confided to me, will be used to hold, occupy, and possess the property, and places belonging to the government, and to collect the duties and imposts; but beyond what may be necessary for these objects, there will be no invasion— no using of force against, or among the people anywhere....

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One section of our country believes slavery is *right*, and ought to be extended, while the other believes it is *wrong*, and ought not to be extended. This is the only substantial dispute. The fugitive slave clause of the Constitution, and the law for the suppression of the foreign slave trade, are each as well enforced, perhaps, as any law can ever be in a community where
5 the moral sense of the people imperfectly supports the law itself. The great body of the people abide by the dry legal obligation in both cases, and a few break over in each. This, I think, cannot be perfectly cured; and it would be worse in both cases *after* the separation of the sections, than before. The foreign slave trade, now imperfectly suppressed, would be ultimately revived without restriction, in one section; while fugitive slaves, now only partially
10 surrendered, would not be surrendered at all, by the other.

Physically speaking, we cannot separate. We cannot remove our respective sections from each other, nor build an impassable wall between them. A husband and wife may be divorced, and go out of the presence, and beyond the reach of each other; but the different
15 parts of our country cannot do this. They cannot but remain face to face; and intercourse, either amicable or hostile, must continue between them. Is it possible then to make that intercourse more advantageous, or more satisfactory, *after* separation than *before*? Can aliens make treaties easier than friends can make laws? Can treaties be more faithfully enforced between aliens, than laws can among friends? Suppose you go to war, you cannot
20 fight always; and when, after much loss on both sides, and no gain on either, you cease fighting, the identical old questions, as to terms of intercourse, are again upon you.

This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their *constitutional* right of
25 amending it, or their *revolutionary* right to dismember, or overthrow it. I can not be ignorant of the fact that many worthy, and patriotic citizens are desirous of having the national constitution amended. While I make no recommendation of amendments, I fully recognize the rightful authority of the people over the whole subject, to be exercised in either of the modes prescribed in the instrument itself; and I should, under existing circumstances, favor,
30 rather than oppose, a fair opportunity being afforded the people to act upon it....

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My countrymen, one and all, think calmly and *well*, upon this whole subject. Nothing valuable can be lost by taking time. If there be an object to *hurry* any of you, in hot haste, to a step which you would never take *deliberately*, that object will be frustrated by taking time; but no good object can be frustrated by it. Such of you as are now dissatisfied, still have the
5 old Constitution unimpaired, and, on the sensitive point, the laws of your own framing under it; while the new administration will have no immediate power, if it would, to change either. If it were admitted that you who are dissatisfied, hold the right side in the dispute, there still is no single good reason for precipitate action. Intelligence, patriotism, Christianity, and a firm reliance on Him, who has never yet forsaken this favored land, are still
10 competent to adjust, in the best way, all our present difficulty.

In *your* hands, my dissatisfied fellow countrymen, and not in *mine*, is the momentous issue of civil war. The government will not assail you. You can have no conflict, without being yourselves the aggressors. *You* have no oath registered in Heaven to destroy the govern-
15 ment, while *I* shall have the most solemn one to "preserve, protect and defend it."

I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battle-field, and patriot grave, to every living heart and
20 hearthstone, all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

PRESIDENT ABRAHAM LINCOLN (R-IL)

A Proclamation

AN ORDER

January 1, 1863
Executive Mansion | Washington, D.C.

Emancipation Proclamation

BACKGROUND

On September 22, 1862 after the Union victory in the Battle of Antietam, Abraham Lincoln announced this order concerning property in slaves in the rebelling states, which took effect January 1, 1863.

GUIDING QUESTIONS

1. Whom did the proclamation free?
2. In which places did this order apply?
3. By what authority did Lincoln issue this order?
4. What military purpose did the order serve?
5. What did Lincoln implore of slaves freed by the order?

Abraham Lincoln, "Emancipation Proclamation," January 1, 1863, in *The Collected Works of Abraham Lincoln*, Vol. 6, ed. Roy P. Basler (New Brunswick, NJ: Rutgers University Press, 1953), 28–30.

The Emancipation Proclamation
Abraham Lincoln

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By the President of the United States of America: A Proclamation.

Whereas, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

"That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

"That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be, in good faith, represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such State shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States."

Now, therefore I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief, of the Army and Navy of the United States in time of actual armed rebellion against authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do publicly proclaimed for the full period of one hundred days, from the day first above mentioned, order and designate as the States and parts of States wherein

The Emancipation Proclamation
Abraham Lincoln

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the people thereof respectively, are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana, (except the Parishes of St. Bernard, Plaquemines, Jefferson, St. Johns, St. Charles, St. James, Ascension, Assumption, Terrebonne, Lafourche, St. Mary, St. Martin, and Orleans, including the City of New Orleans) Mississippi, Alabama, Florida, Georgia, South-Carolina, North-Carolina, and Virginia, (except the forty-eight counties designated as West Virginia, and also the counties of Berkley, Accomac, Northampton, Elizabeth-City, York, Princess Ann, and Norfolk, including the cities of Norfolk 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-defense; 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.

30

The Emancipation Proclamation
Abraham Lincoln

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In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States of America the eighty-seventh.

By the President:

10 Abraham Lincoln

William H. Seward, *Secretary of State*.

PRESIDENT ABRAHAM LINCOLN (R)

On the Consecration of the Soldiers' National Cemetery

SPEECH

November 19, 1863

Soldiers' National Cemetery | Gettysburg, Pennsylvania

Gettysburg Address

BACKGROUND

Abraham Lincoln delivered these remarks at the dedication of the Union cemetery for those soldiers killed in the Battle of Gettysburg in the summer of 1863.

GUIDING QUESTIONS

1. For Lincoln, what is the central idea of the American Founding?
2. For what cause did the soldiers buried in Gettysburg give their lives?
3. What were they fighting to defend?
4. To what cause does Lincoln wish for listeners to dedicate themselves?

Abraham Lincoln, "Gettysburg Address," November 19, 1863, in *The Collected Works of Abraham Lincoln*, Vol. 7, ed. Roy P. Basler (New Brunswick, NJ: Rutgers University Press, 1953), 23.

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Four score and seven years ago our fathers brought forth, on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived, and so dedicated, can long endure. We are met on a great battle-field of that war.

5 We have come to dedicate a portion of that field, as a final resting-place for those who here gave their lives, that that nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we can not dedicate—we can not consecrate—we can not hallow—this ground. The brave men, living and dead, who struggled here, have consecrated it far
10 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—
15 that from these honored dead we take increased devotion to that cause for which they here gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

PRESIDENT ABRAHAM LINCOLN (R)
Second Inaugural Address

SPEECH

March 4, 1865
U.S. Capitol | Washington, D.C.

BACKGROUND

Having been reelected and with the end of the Civil War in sight, Abraham Lincoln delivered this speech at his inauguration to a second term as president.

GUIDING QUESTIONS

1. According to Lincoln, who caused the Civil War?
2. What role in the war does Lincoln ascribe to God?
3. How does Lincoln think the North should treat the South when the war ends?

Abraham Lincoln, "Second Inaugural Address," March 4, 1865, in *The Collected Works of Abraham Lincoln*, Vol. 8, ed. Roy P. Basler (New Brunswick, NJ: Rutgers University Press, 1953), 332–33.

Fellow Countrymen:

At this second appearing to take the oath of the presidential office, there is less occasion for an extended address than there was at the first. Then a statement, somewhat in detail, of a course to be pursued, seemed fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention, and engrosses the energies of the nation, little that is new could be presented. The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself; and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured.

On the occasion corresponding to this four years ago, all thoughts were anxiously directed to an impending civil-war. All dreaded it—all sought to avert it. While the inaugural address was being delivered from this place, devoted altogether to *saving* the Union without war, insurgent agents were in the city seeking to *destroy* it without war—seeking to dissolve the Union, and divide effects, by negotiation. Both parties deprecated war; but one of them would *make* war rather than let the nation survive; and the other would *accept* war rather than let it perish. And the war came.

One eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the Southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was, somehow, the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union, even by war; while the government claimed no right to do more than to restrict the territorial enlargement of it. Neither party expected for the war, the magnitude, or the duration, which it has already attained. Neither anticipated that the *cause* of the conflict might cease with, or even before, the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding. Both read the same Bible, and pray to the same God; and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of

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- 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
- 5 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
- 10 mighty scourge of war may speedily pass away. Yet, if God wills that it continue, until all the wealth piled by the bond-man's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash, shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord, are true and righteous altogether."
- 15 With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just, and a lasting peace, among ourselves, and with all nations.

U.S. CONGRESS AND STATES

Thirteenth Amendment to the Constitution

AMENDMENT

December 18, 1865
United States of America

BACKGROUND

The U.S. Congress passed and three-quarters of states ratified the Thirteen Amendment to the U.S. Constitution by December 6, 1865, and the amendment was acknowledged as effective by Secretary of State William Seward on December 18, 1865.

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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.

U.S. Const. amend. XIII.

GOVERNOR WOODROW WILSON (D-NJ)

What is Progress?

SPEECH

1912

BACKGROUND

Woodrow Wilson delivered versions of this speech on several occasions during his campaign for the presidency in 1912.

GUIDING QUESTIONS

1. What problems does America now face, according to Wilson?
2. What is the issue with the Founders' view of government and how they structured it?
3. How must government change, in Wilson's view?

Woodrow Wilson, "What is Progress?" in *The New Freedom* (New York: Doubleday, Page, and Company, 1913), 33-54.

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...The laws of this country have not kept up with the change of economic circumstances in this country; they have not kept up with the change of political circumstances; and therefore we are not even where we were when we started. We shall have to run, not until we are out of breath, but until we have caught up with our own conditions, before we shall be
5 where we were when we started; when we started this great experiment which has been the hope and the beacon of the world. And we should have to run twice as fast as any rational program I have seen in order to get anywhere else.

I am, therefore, forced to be a progressive, if for no other reason, because we have not kept up with our changes of conditions, either in the economic field or in the political field. We
10 have not kept up as well as other nations have. We have not kept our practices adjusted to the facts of the case, and until we do, and unless we do, the facts of the case will always have the better of the argument; because if you do not adjust your laws to the facts, so much the worse for the laws, not for the facts, because law trails along after the facts. Only that law is unsafe which runs ahead of the facts and beckons to it and makes it follow the will-o'-the-
15 wisps of imaginative projects.

Business is in a situation in America which it was never in before; it is in a situation to which we have not adjusted our laws. Our laws are still meant for business done by individuals; they have not been satisfactorily adjusted to business done by great combinations, and we have got to adjust them. I do not say we may or may not; I say we must; there is no
20 choice. If your laws do not fit your facts, the facts are not injured, the law is damaged; because the law, unless I have studied it amiss, is the expression of the facts in legal relationships. Laws have never altered the facts; laws have always necessarily expressed the facts; adjusted interests as they have arisen and have changed toward one another.

Politics in America is in a case which sadly requires attention. The system set up by our law
25 and our usage doesn't work,—or at least it can't be depended on; it is made to work only by a most unreasonable expenditure of labor and pains. The government, which was designed for the people, has got into the hands of bosses and their employers, the special interests. An invisible empire has been set up above the forms of democracy....

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But what is progress going to do with the past, and with the present? How is it going to treat them? With ignominy, or respect? Should it break with them altogether, or rise out of them, with its roots still deep in the older time? What attitude shall progressives take toward the existing order, toward those institutions of conservatism, the Constitution, the laws, and the courts?...

The makers of our Federal Constitution read Montesquieu with true scientific enthusiasm. They were scientists in their way,—the best way of their age,—those fathers of the nation. Jefferson wrote of "the laws of Nature,"—and then by way of afterthought,—"and of Nature's God." And they constructed a government as they would have constructed an or-
10 rery,—to display the laws of nature. Politics in their thought was a variety of mechanics. The Constitution was founded on the law of gravitation. The government was to exist and move by virtue of the efficacy of "checks and balances."

The trouble with the theory is that government is not a machine, but a living thing. It falls, not under the theory of the universe, but under the theory of organic life. It is accountable
15 to Darwin, not to Newton. It is modified by its environment, necessitated by its tasks, shaped to its functions by the sheer pressure of life. No living thing can have its organs offset against each other, as checks, and live. On the contrary, its life is dependent upon their quick cooperation, their ready response to the commands of instinct or intelligence, their amicable community of purpose. Government is not a body of blind forces; it is a
20 body of men, with highly differentiated functions, no doubt, in our modern day, of specialization, with a common task and purpose. Their cooperation is indispensable, their warfare fatal. There can be no successful government without the intimate, instinctive coordination of the organs of life and action. This is not theory, but fact, and displays its force as fact, whatever theories may be thrown across its track. Living political constitutions must be
25 Darwinian in structure and in practice. Society is a living organism and must obey the laws of life, not of mechanics; it must develop.

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All that progressives ask or desire is permission—in an era when "development," "evolution," is the scientific word—to interpret the Constitution according to the Darwinian principle; all they ask is recognition of the fact that a nation is a living thing and not a machine.

5 Some citizens of this country have never got beyond the Declaration of Independence, signed in Philadelphia, July 4th, 1776. Their bosoms swell against George III, but they have no consciousness of the war for freedom that is going on today.

10 The Declaration of Independence did not mention the questions of our day. It is of no consequence to us unless we can translate its general terms into examples of the present day and substitute them in some vital way for the examples it itself gives, so concrete, so intimately involved in the circumstances of the day in which it was conceived and written. It is an eminently practical document, meant for the use of practical men; not a thesis for philosophers, but a whip for tyrants; not a theory of government, but a program of action. Unless we can translate it into the questions of our own day, we are not worthy of it, we are not the sons of the sires who acted in response to its challenge.

15 What form does the contest between tyranny and freedom take today? What is the special form of tyranny we now fight? How does it endanger the rights of the people, and what do we mean to do in order to make our contest against it effectual? What are to be the items of our new declaration of independence?

20 By tyranny, as we now fight it, we mean control of the law, of legislation and adjudication, by organizations which do not represent the people, by means which are private and selfish. We mean, specifically, the conduct of our affairs and the shaping of our legislation in the interest of special bodies of capital and those who organize their use. We mean the alliance, for this purpose, of political machines with selfish business. We mean the exploitation of the people by legal and political means. We have seen many of our governments under
25 these influences cease to be representative governments, cease to be governments representative of the people, and become governments representative of special interests, controlled by machines, which in their turn are not controlled by the people....

PRESIDENT WOODROW WILSON (D)

War Message to Congress

SPEECH EXCERPTS

February 3, 1917
Congress | Washington, D.C.

BACKGROUND

President Woodrow Wilson delivered this address to Congress regarding the relationship between the United States and Germany.

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...There is one choice we cannot make, we are incapable of making: we will not choose the path of submission and suffer the most sacred rights of our Nation and our people to be ignored or violated. The wrongs against which we now array ourselves are no common wrongs; they cut to the very roots of human life.

- 5 With a profound sense of the solemn and even tragical character of the step I am taking and of the grave responsibilities which it involves, but in unhesitating obedience to what I deem my constitutional duty, I advise that the Congress declare the recent course of the Imperial German Government to be in fact nothing less than war against the government and people of the United States; that it formally accept the status of belligerent which has
- 10 thus been thrust upon it, and that it take immediate steps not only to put the country in a more thorough state of defense but also to exert all its power and employ all its resources to bring the Government of the German Empire to terms and end the war....

- We are accepting this challenge of hostile purpose because we know that in such a Govern-
- 15 ment, following such methods, we can never have a friend; and that in the presence of its organized power, always lying in wait to accomplish we know not what purpose, there can

Woodrow Wilson, "Address of the President of the United States," *Senate Documents*, Vol. 10, 65th Congress, First Session (Washington, DC: Government Printing Office, 1917), 3-8.

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be no assured security for the democratic Governments of the world. We are now about to accept gauge of battle with this natural foe to liberty and shall, if necessary, spend the whole force of the nation to check and nullify its pretensions and its power. We are glad, now that we see the facts with no veil of false pretense about them to fight thus for the ultimate peace
5 of the world and for the liberation of its peoples, the German peoples included: for the rights of nations great and small and the privilege of men everywhere to choose their way of life and of obedience. The world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty. We have no selfish ends to serve.

We desire no conquest, no dominion. We seek no indemnities for ourselves, no material
10 compensation for the sacrifices we shall freely make. We are but one of the champions of the rights of mankind. We shall be satisfied when those rights have been made as secure as the faith and the freedom of nations can make them. Just because we fight without rancor and without selfish object, seeking nothing for ourselves but what we shall wish to share with all free peoples, we shall, I feel confident, conduct our operations as belligerents with-
15 out passion and ourselves observe with proud punctilio the principles of right and of fair play we profess to be fighting for....

It is a distressing and oppressive duty, Gentlemen of the Congress, which I have performed in thus addressing you. There are, it may be many months of fiery trial and sacrifice ahead of us. It is a fearful thing to lead this great peaceful people into war, into the most terrible
20 and disastrous of all wars, civilization itself seeming to be in the balance.

But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts,—for democracy, for the right of those who submit to authority to have a voice in their own Governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring
25 peace and safety to all nations and make the world itself at last free. To such a task we can dedicate our lives and our fortunes, every thing that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to

War Message to Congress
Woodrow Wilson

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spend her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured. God helping her, she can do no other.

WOODROW WILSON

“The Study of Administration”

ESSAY EXCERPTS

November 2, 1886

Political Science Quarterly

BACKGROUND

Bryn Mawr College political science professor Woodrow Wilson wrote this essay proposing independent regulatory agencies insulated from the political process.

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5 ...The field of administration is a field of business. It is removed from the hurry and strife of politics; it at most points stands apart even from the debatable ground of constitutional study. It is a part of political life only as the methods of the counting-house are a part of the life of society; only as machinery is part of the manufactured product. But it is, at the same time, raised very far above the dull level of mere technical detail by the fact that through its greater principles it is directly connected with the lasting maxims of political wisdom, the permanent truths of political progress.

10 The object of administrative study is to rescue executive methods from the confusion and costliness of empirical experiment and set them upon foundations laid deep in stable principle....

Public administration is detailed and systematic execution of public law. Every particular application of general law is an act of administration. The assessment and raising of taxes, for instance, the hanging of a criminal, the transportation and delivery of the mails, the equipment and recruiting of the army and navy, *etc.*, are all obviously acts of administra

Woodrow Wilson, "The Study of Administration," *Political Science Quarterly* 2 (July 1887): 197-222.

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tion; but the general laws which direct these things to be done are as obviously outside of and above administration. The broad plans of governmental action are not administrative; the detailed execution of such plans is administrative....

5 Just here we manifestly emerge upon the field of that still larger question,—the proper relations between public opinion and administration.

To whom is official trustworthiness to be disclosed, and by whom is it to be rewarded? Is the official to look to the public for his need of praise and his push of promotion, or only to his superior in office? Are the people to be called in to settle administrative discipline as they are called in to settle constitutional principles? These questions evidently find their
10 root in what is undoubtedly the fundamental problem of this whole study. That problem is: What part shall public opinion take in the conduct of administration?

The right answer seems to be, that public opinion shall play the part of authoritative critic....

The problem is to make public opinion efficient without suffering it to be meddlesome.
15 Directly exercised, in the oversight of the daily details and in the choice of the daily means of government, public criticism is of course a clumsy nuisance, a rustic handling delicate machinery. But as superintending the greater forces of formative policy alike in politics and administration, public criticism is altogether safe and beneficent, altogether indispensable. Let administrative study find the best means for giving public criticism this control and for
20 shutting it out from all other interference....

PRESIDENT FRANKLIN D. ROOSEVELT (D)

Message on the State of the Union

SPEECH

January 11, 1944
Congress | Washington, D.C.

BACKGROUND

President Franklin Roosevelt outlined his second or “economic Bill of Rights” while delivering his state of the union address to Congress looking forward to post-war policies.

GUIDING QUESTIONS

1. What does Roosevelt consider our “political rights”?
2. Why are those political rights no longer adequate, according to Roosevelt?
3. How would the government go about securing things such as a right to a decent living or recreation?
4. What or who in America does Roosevelt label as Fascistic?
5. Who is the source for all these rights?

Franklin Roosevelt, “Message on the State of the Union,” 11 January 1944, in *The Public Papers and Addresses of Franklin D. Roosevelt*, Vol. 13, ed. Samuel Irving Rosenman (New York: Harper, 1950), 40-42.

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It is our duty now to begin to lay the plans and determine the strategy for the winning of a lasting peace and the establishment of an American standard of living higher than ever before known. We cannot be content, no matter how high that general standard of living may be, if some fraction of our people—whether it be one-third or one-fifth or one-tenth—
5 is ill-fed, ill-clothed, ill-housed, and insecure.

This Republic had its beginning, and grew to its present strength, under the protection of certain inalienable political rights—among them the right of free speech, free press, free worship, trial by jury, freedom from unreasonable searches and seizures. They were our rights to life and liberty.

10 As our Nation has grown in size and stature, however—as our industrial economy expanded—these political rights proved inadequate to assure us equality in the pursuit of happiness.

We have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence. "Necessitous men are not free men." People
15 who are hungry and out of a job are the stuff of which dictatorships are made.

In our day these economic truths have become accepted as self-evident. We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all—regardless of station, race, or creed.

Among these are:

20 The right to a useful and remunerative job in the industries or shops or farms or mines of the Nation;

The right to earn enough to provide adequate food and clothing and recreation;

The right of every farmer to raise and sell his products at a return which will give him and his family a decent living;

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The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;

The right of every family to a decent home;

The right to adequate medical care and the opportunity to achieve and enjoy good health;

- 5 The right to adequate protection from the economic fears of old age, sickness, accident, and unemployment;

The right to a good education.

10 All of these rights spell security. And after this war is won we must be prepared to move forward, in the implementation of these rights, to new goals of human happiness and well-being.

America's own rightful place in the world depends in large part upon how fully these and similar rights have been carried into practice for our citizens. For unless there is security here at home there cannot be lasting peace in the world.

15 One of the great American industrialists of our day—a man who has rendered yeoman service to his country in this crisis—recently emphasized the grave dangers of "rightist reaction" in this Nation. All clear-thinking businessmen share his concern. Indeed, if such reaction should develop—if history were to repeat itself and we were to return to the so-called "normalcy" of the 1920's—then it is certain that even though we shall have conquered our enemies on the battlefields abroad, we shall have yielded to the spirit of Fascism here
20 at home.

I ask the Congress to explore the means for implementing this economic bill of rights—for it is definitely the responsibility of the Congress so to do. Many of these problems are already before committees of the Congress in the form of proposed legislation. I shall from time to time communicate with the Congress with respect to these and further proposals.

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In the event that no adequate program of progress is evolved, I am certain that the Nation will be conscious of the fact.

Our fighting men abroad—and their families at home—expect such a program and have the right to insist upon it. It is to their demands that this Government should pay heed rather than the whining demands of selfish pressure groups who seek to feather their nests while young Americans are dying.

The foreign policy that we have been following—the policy that guided us at Moscow, Cairo, and Teheran—is based on the common sense principle which was best expressed by Benjamin Franklin on July 4, 1776: "We must all hang together, or assuredly we shall all hang separately."

I have often said that there are no two fronts for America in this war. There is only one front. There is one line of unity which extends from the hearts of the people at home to the men of our attacking forces in our farthest outposts. When we speak of our total effort, we speak of the factory and the field, and the mine as well as of the battleground—we speak of the soldier and the civilian, the citizen and his Government.

Each and every one of us has a solemn obligation under God to serve this Nation in its most critical hour—to keep this Nation great—to make this Nation greater in a better world.

PRESIDENT CALVIN COOLIDGE (R)

The Inspiration of the Declaration of Independence

SPEECH

July 5, 1926
Philadelphia, Pennsylvania

BACKGROUND

President Calvin Coolidge delivered this speech at Philadelphia to celebrate the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the founding of the United States.

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...There is something beyond the establishment of a new nation, great as that event would be, in the Declaration of Independence which has ever since caused it to be regarded as one of the great charters that not only was to liberate America but was everywhere to ennoble
5 humanity.

It was not because it was proposed to establish a new nation, but because it was proposed to establish a nation on new principles, that July 4, 1776, has come to be regarded as one of the greatest days in history. Great ideas do not burst upon the world unannounced. They are reached by a gradual development over a length of time usually proportionate to their
10 importance. This is especially true of the principles laid down in the Declaration of Independence. Three very definite propositions were set out in its preamble regarding the nature of mankind and therefore of government. These were the doctrine that all men are created equal, that they are endowed with certain inalienable rights, and that therefore the source of the just powers of government must be derived from the consent of the governed.

Calvin Coolidge, "The Inspiration of the Declaration," in *Foundations of the Republic: Speeches and Addresses* (New York: Scribner's Sons, 1926), 441-54.

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If no one is to be accounted as born into a superior station, if there is to be no ruling class, and if all possess rights which can neither be bartered away nor taken from them by any earthly power, it follows as a matter of course that the practical authority of the Government has to rest on the consent of the governed. While these principles were not altogether new in political action, and were very far from new in political speculation, they had never been assembled before and declared in such a combination. But remarkable as this may be, it is not the chief distinction of the Declaration of Independence. The importance of political speculation is not to be underestimated, as I shall presently disclose. Until the idea is developed and the plan made there can be no action.

10 It was the fact that our Declaration of Independence containing these immortal truths was the political action of a duly authorized and constituted representative public body in its sovereign capacity, supported by the force of general opinion and by the armies of Washington already in the field, which makes it the most important civil document in the world. It was not only the principles declared, but the fact that therewith a new nation was born
15 which was to be founded upon those principles and which from that time forth in its development has actually maintained those principles, that makes this pronouncement an incomparable event in the history of government. It was an assertion that a people had arisen determined to make every necessary sacrifice for the support of these truths and by their practical application bring the War of Independence to a successful conclusion and
20 adopt the Constitution of the United States with all that it has meant to civilization.

The idea that the people have a right to choose their own rulers was not new in political history. It was the foundation of every popular attempt to depose an undesirable king.... But we should search these charters in vain for an assertion of the doctrine of equality. This principle had not before appeared as an official political declaration of any nation. It was
25 profoundly revolutionary. It is one of the corner stones of American institutions....

Placing every man on a plane where he acknowledged no superiors, where no one possessed any right to rule over him, he must inevitably choose his own rulers through a system of self-government. This was their theory of democracy. In those days such doctrines would

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scarcely have been permitted to flourish and spread in any other country. This was the purpose which the fathers cherished. In order that they might have freedom to express these thoughts and opportunity to put them into action, whole congregations with their pastors had migrated to the colonies. These great truths were in the air that our people
5 breathed. Whatever else we may say of it, the Declaration of Independence was profoundly American.

If this apprehension of the facts be correct, and the documentary evidence would appear to verify it, then certain conclusions are bound to follow. A spring will cease to flow if its source be dried up; a tree will wither if its roots be destroyed. In its main features the Declaration of Independence is a great spiritual document. It is a declaration not of material
10 but of spiritual conceptions. Equality, liberty, popular sovereignty, the rights of man—these are not elements which we can see and touch. They are ideals. They have their source and their roots in the religious convictions. They belong to the unseen world. Unless the faith of the American people in these religious convictions is to endure, the principles of our
15 Declaration will perish. We can not continue to enjoy the result if we neglect and abandon the cause....

About the Declaration there is a finality that is exceedingly restful. It is often asserted that the world has made a great deal of progress since 1776, that we have had new thoughts and new experiences which have given us a great advance over the people of that day, and that
20 we may therefore very well discard their conclusions for something more modern. But that reasoning can not be applied to this great charter. If all men are created equal, that is final. If they are endowed with inalienable rights, that is final. If governments derive their just powers from the consent of the governed, that is final. No advance, no progress can be made beyond these propositions. If anyone wishes to deny their truth or their soundness,
25 the only direction in which he can proceed historically is not forward, but backward toward the time when there was no equality, no rights of the individual, no rule of the people. Those who wish to proceed in that direction can not lay claim to progress. They are reactionary. Their ideas are not more modern, but more ancient, than those of the Revolutionary fathers.

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In the development of its institutions America can fairly claim that it has remained true to the principles which were declared 150 years ago. In all the essentials we have achieved an equality which was never possessed by any other people. Even in the less important matter of material possessions we have secured a wider and wider distribution of wealth. The rights of the individual are held sacred and protected by constitutional guarantees, which even the Government itself is bound not to violate. If there is any one thing among us that is established beyond question, it is self-government—the right of the people to rule. If there is any failure in respect to any of these principles, it is because there is a failure on the part of individuals to observe them. We hold that the duly authorized expression of the will of the people has a divine sanction. But even in that we come back to the theory of John Wise that “Democracy is Christ’s government....” The ultimate sanction of law rests on the righteous authority of the Almighty.

On an occasion like this a great temptation exists to present evidence of the practical success of our form of democratic republic at home and the ever-broadening acceptance it is securing abroad. Although these things are well known, their frequent consideration is an encouragement and an inspiration. But it is not results and effects so much as sources and causes that I believe it is even more necessary constantly to contemplate. Ours is a government of the people. It represents their will. Its officers may sometimes go astray, but that is not a reason for criticizing the principles of our institutions. The real heart of the American Government depends upon the heart of the people. It is from that source that we must look for all genuine reform. It is to that cause that we must ascribe all our results....

No other theory is adequate to explain or comprehend the Declaration of Independence. It is the product of the spiritual insight of the people. We live in an age of science and of abounding accumulation of material things. These did not create our Declaration. Our Declaration created them. The things of the spirit come first. Unless we cling to that, all our material prosperity, overwhelming though it may appear, will turn to a barren scepter in our grasp. If we are to maintain the great heritage which has been bequeathed to us, we must be like-minded as the fathers who created it. We must not sink into a pagan materialism. We must cultivate the reverence which they had for the things that are holy. We

The Inspiration of the Declaration of Independence
Calvin Coolidge

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must follow the spiritual and moral leadership which they showed. We must keep replenished, that they may glow with a more compelling flame, the altar fires before which they worshipped.

WOMEN'S RIGHTS CONVENTION

Declarations of Sentiments and Resolutions

DECLARATION

July 19, 1848

Wesleyan Chapel | Seneca Falls, New York

BACKGROUND

Early suffragist leader Elizabeth Cady Stanton drafted this statement at the 1848 Women's Rights Convention at Seneca Falls.

GUIDING QUESTIONS

1. Who is the "he" referred to in the document?
2. What do the women demand from American society?

Elizabeth Cady Stanton, et al, eds. "Declaration of Sentiments," in *History of Women Suffrage*, Vol. 1 (Guttenberg Press, 2009), 70, <https://www.gutenberg.org/files/28020/28020-h/28020-h.htm>.

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When, in the course of human events, it becomes necessary for one portion of the family of man to assume among the people of the earth a position different from that which they have hitherto occupied, but one 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
5 causes that impel them to such a course.

We hold these truths to be self-evident: that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed. Whenever any form of gov-
10 ernment becomes destructive of these ends, it is the right of those who suffer from it to refuse allegiance to it, and to insist upon the institution of a 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
15 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 were 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 duty to throw off such government, and to provide new guards for their future security. Such has been
20 the patient sufferance of the women under this government, and such is now the necessity which constrains them to demand the equal station to which they are entitled.

The history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her. To prove this, let facts be submitted to a candid world.

25 He has never permitted her to exercise her inalienable right to the elective franchise.

He has compelled her to submit to laws, in the formation of which she had no voice.

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He has withheld from her rights which are given to the most ignorant and degraded men—both natives and foreigners.

Having deprived her of this first right of a citizen, the elective franchise, thereby leaving her without representation in the halls of legislation, he has oppressed her on all sides.

5 He has made her, if married, in the eye of the law, civilly dead.

He has taken from her all right in property, even to the wages she earns.

He has made her, morally, an irresponsible being, as she can commit many crimes with impunity, provided they be done in the presence of her husband. In the covenant of marriage, she is compelled to promise obedience to her husband, he becoming, to all intents and purposes, her master—the law giving him power to deprive her of her liberty, and to administer chastisement.

10

He has so framed the laws of divorce, as to what shall be the proper causes, and in case of separation, to whom the guardianship of the children shall be given, as to be wholly regardless of the happiness of women—the law, in all cases, going upon a false supposition of the supremacy of man, and giving all power into his hands.

15

After depriving her of all rights as a married woman, if single, and the owner of property, he has taxed her to support a government which recognizes her only when her property can be made profitable to it.

He has monopolized nearly all the profitable employments, and from those she is permitted to follow, she receives but a scanty remuneration. He closes against her all the avenues to wealth and distinction which he considers most honorable to himself. As a teacher of theology, medicine, or law, she is not known.

20

He has denied her the facilities for obtaining a thorough education, all colleges being closed against her.

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He allows her in Church, as well as State, but a subordinate position, claiming Apostolic authority for her exclusion from the ministry, and, with some exceptions, from any public participation in the affairs of the Church.

5 He has created a false public sentiment by giving to the world a different code of morals for men and women, by which moral delinquencies which exclude women from society, are not only tolerated, but deemed of little account in man.

He has usurped the prerogative of Jehovah himself, claiming it as his right to assign for her a sphere of action, when that belongs to her conscience and to her God.

10 He has endeavored, in every way that he could, to destroy her confidence in her own powers, to lessen her self-respect, and to make her willing to lead a dependent and abject life.

Now, in view of this entire disfranchisement of one-half the people of this country, their social and religious degradation—in view of the unjust laws above mentioned, and because women do feel themselves aggrieved, oppressed, and fraudulently deprived of their most sacred rights, we insist that they have immediate admission to all the rights and privileges
15 which belong to them as citizens of the United States.

In entering upon the great work before us, we anticipate no small amount of misconception, misrepresentation, and ridicule; but we shall use every instrumentality within our power to effect our object. We shall employ agents, circulate tracts, petition the State and National legislatures, and endeavor to enlist the pulpit and the press in our behalf. We hope
20 this Convention will be followed by a series of Conventions embracing every part of the country.

U.S. CONGRESS AND STATES

Fourteenth Amendment to the Constitution

AMENDMENT

July 28, 1868
United States of America

BACKGROUND

The U.S. Congress passed and three-quarters of states ratified the Fourteenth Amendment to the U.S. Constitution by July 21, 1868, and the amendment was acknowledged as effective by Secretary of State William Seward on July 28, 1868.

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Section 1. 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.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of

U.S. Const. amend. XIV.

such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

5 Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

10

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

15

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

U.S. CONGRESS AND STATES

Fifteenth Amendment to the Constitution

AMENDMENT

March 30, 1870
United States of America

BACKGROUND

The U.S. Congress passed and three-quarters of states ratified the Fifteenth Amendment to the U.S. Constitution by February 3, 1870, and the amendment was acknowledged as effective by Secretary of State Hamilton Fish on March 30, 1870.

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Section 1. 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.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

U.S. Const. amend. XV.

MARTIN LUTHER KING, JR.

At the March on Washington

SPEECH

August 28, 1963

Lincoln Memorial | Washington, D.C.

I Have a Dream Speech

BACKGROUND

Martin Luther King, Jr., delivered this address at the March on Washington from the steps of the Lincoln Memorial.

GUIDING QUESTIONS

1. What historical documents does King refer to in his speech?
2. What is the “promissory note”?
3. What is King’s dream?
4. What is the significance of King's ending the speech quoting “My Country Tis of Thee”?

Martin Luther King, Jr., “I Have A Dream,” in *I Have A Dream: Writings and Speeches that Changed the World* (San Francisco: Harper, 1986).

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I am happy to join with you today in what will go down in history as the greatest demonstration for freedom in the history of our nation.

Five score years ago, a great American, in whose symbolic shadow we stand today, signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of their captivity.

But one hundred years later, the Negro still is not free; one hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination; one hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity; one hundred years later, the Negro is still languished in the corners of American society and finds himself in exile in his own land.

So we've come here today to dramatize a shameful condition. In a sense we've come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was the promise that all men, yes, black men as well as white men, would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness.

It is obvious today that America has defaulted on this promissory note in so far as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked "insufficient funds."

But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. And so we have come to cash this check, a check that will give us upon demand the riches of freedom and the security of justice.

We have also come to this hallowed spot to remind America of the fierce urgency of now.

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This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism.

Now is the time to make real the promises of democracy; now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice; now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood; now is the time to make justice a reality for all of God's children.

It would be fatal for the nation to overlook the urgency of the moment.

This sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality. Nineteen sixty-three is not an end, but a beginning. And those who hope that the Negro needed to blow off steam and will now be content, will have a rude awakening if the nation returns to business as usual. There will be neither rest nor tranquility in America until the Negro is granted his citizenship rights. The whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice emerges.

But there is something that I must say to my people, who stand on the worn threshold which leads into the palace of justice. In the process of gaining our rightful place, we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred.

We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protests to degenerate into physical violence. Again and again we must rise to the majestic heights of meeting physical force with soul force. The marvelous new militancy, which has engulfed the Negro community, must not lead us to a distrust of all white people. For many of our white brothers, as evidenced by their presence here today, have come to realize that their destiny is tied up with our destiny. And they have come to realize that their freedom is inextricably bound to our freedom.

We cannot walk alone. And as we walk, we must make the pledge that we shall always march ahead. We cannot turn back.

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There are those who are asking the devotees of Civil Rights, “When will you be satisfied?”

We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality; we can never be satisfied as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities; we cannot be satisfied as long as the Negro’s basic mobility is from a smaller ghetto to a larger one; we can never be satisfied as long as our children are stripped of their selfhood and robbed of their dignity by signs stating “For Whites Only”; we cannot be satisfied as long as the Negro in Mississippi cannot vote, and the Negro in New York believes he has nothing for which to vote.

10 No! no, we are not satisfied, and we will not be satisfied until “justice rolls down like waters and righteousness like a mighty stream.”

I am not unmindful that some of you have come here out of great trials and tribulations. Some of you have come fresh from narrow jail cells. Some of you have come from areas where your quest for freedom left you battered by the storms of persecution and staggered by the winds of police brutality.

You have been the veterans of creative suffering.

Continue to work with the faith that unearned suffering is redemptive.

Go back to Mississippi. Go back to Alabama. Go back to South Carolina. Go back to Georgia. Go back to Louisiana. Go back to the slums and ghettos of our Northern cities, knowing that somehow this situation can and will be changed. Let us not wallow in the valley of despair.

I say to you today, my friends, so even though we face the difficulties of today and tomorrow, I still have a dream.

It is a dream deeply rooted in the American dream.

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I have a dream that one day this nation will rise up and live out the true meaning of its creed, “We hold these truths to be self-evident, that all men are created equal.”

I have a dream that one day on the red hills of Georgia, sons of former slaves and the sons of former slaveowners will be able to sit down together at the table of brotherhood.

- 5 I have a dream that one day even the state of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice.

I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

- 10 I have a dream today!

I have a dream that one day down in Alabama — with its vicious racists, with its Governor having his lips dripping with the words of interposition and nullification — one day right there in Alabama, little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers.

- 15 I have a dream today!

I have a dream that one day every valley shall be exalted, and every hill and mountain shall be made low. The rough places will be plain and the crooked places will be made straight, “and the glory of the Lord shall be revealed, and all flesh shall see it together.”

- 20 This is our hope. This is the faith that I go back to the South with. With this faith we will be able to hew out of the mountain of despair a stone of hope.

With this faith we will be able to transform the jangling discords of our nation into a beautiful symphony of brother-hood. With this faith we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.

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And this will be the day.

This will be the day when all of God's children will be able to sing with new meaning, "My country 'tis of thee, sweet land of liberty, of thee I sing. Land where my father died, land of the pilgrim's pride, from every mountainside, let freedom ring." And if America is to be a
5 great nation, this must become true.

So let freedom ring from the prodigious hilltops of New Hampshire; let freedom ring from the mighty mountains of New York; let freedom ring from the heightening Alleghenies of Pennsylvania; let freedom ring from the snow-capped Rockies of Colorado; let freedom ring from the curvaceous slopes of California.

10 But not only that.

Let freedom ring from Stone Mountain of Georgia; let freedom ring from Lookout Mountain of Tennessee; let freedom ring from every hill and mole hill of Mississippi. "From every mountainside, let freedom ring."

And when this happens, and when we allow freedom to ring, when we let it ring from every
15 village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual:

"Free at last. Free at last. Thank God Almighty, we are free at last."