

Bill as  
Introduced

HB 638 - AS INTRODUCED

2013 SESSION

13-0796  
09/01

HOUSE BILL

**638**

AN ACT recognizing the original Thirteenth Amendment to the United States Constitution.

SPONSORS: Rep. Tremblay, Rock 4; Rep. Baldasaro, Rock 5; Rep. Christiansen, Hills 37

COMMITTEE: State-Federal Relations and Veterans Affairs

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ANALYSIS

This bill recognizes the original Thirteenth Amendment to the United States Constitution.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT recognizing the original Thirteenth Amendment to the United States Constitution.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 Preamble and Statement of Intent. The general court hereby finds that:

2 I. In 1810, a proposed amendment to the United States Constitution, which prohibited titles  
3 of nobility and which later became known as the original Thirteenth Amendment, was introduced,  
4 passed both houses of Congress, and was sent to the states for ratification. On December 9, 1812,  
5 shortly after ratification by Virginia, New Hampshire became the thirteenth state to ratify the  
6 amendment. The amendment was therefore ratified by the requisite number of states and became  
7 Article XIII of the United States Constitution.

8 II. During the War Between the States, otherwise known as the Civil War, the country was  
9 under martial law, and all executive orders made by President Lincoln were, in effect, law. After the  
10 war, laws made during that period were to be abated; yet, vestiges of martial law remained and  
11 presidents continued to write executive orders.

12 III. The District of Columbia Organic Act of 1871, otherwise known as the Act of 1871,  
13 created a corporation in the District of Columbia called the United States of America. The act  
14 revoked prior legislation relative to the district's municipal charter and, most egregiously, led to  
15 adoption of a fraudulent constitution in which the original Thirteenth Amendment was omitted.

16 IV. Today, what appears to the public as the United States Constitution is not the complete  
17 document, as it was never lawfully amended to remove the Thirteenth Amendment. Instead, the  
18 document presented as the United States Constitution is merely a mission statement for the  
19 corporation unlawfully established in the Act of 1871.

20 V. The purpose of this act is to recognize that the original Thirteenth Amendment, which  
21 prohibits titles of nobility, is properly included in the United States Constitution and is the law  
22 of the land. The act is also intended to end the infiltration of the Bar Association and the  
23 judicial branch into the executive and legislative branches of government and the unlawful  
24 usurpation of the people's right, guaranteed by the New Hampshire constitution, to elect county  
25 attorneys who are not members of the bar. This unlawful usurpation gives the judicial branch  
26 control over all government and the people in the grand juries. As long as the original  
27 Thirteenth Amendment is concealed from the people, there shall never be justice or a legitimate  
28 constitutional form of government.

29 2 New Chapter; Thirteenth Amendment. Amend RSA by inserting after chapter 1-A the  
30 following new chapter:

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CHAPTER 1-B

ORIGINAL THIRTEENTH AMENDMENT

1-B:1 Original Thirteenth Amendment. The following shall be recognized as the original Thirteenth Amendment to the United States Constitution:

Article XIII

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any Emperor, King, Prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them or either of them.

3 Effective Date. This act shall take effect 60 days after its passage.

# Amendments



Amendment to HB 638

*Not adopted*

1 Amend the bill by replacing all after the enacting clause with the following:

2  
3 1 Preamble. The authentic, organic Constitution established in 1789 was unlawfully  
4 abandoned after the War Between The States, otherwise known as the "Civil War." The District  
5 of Columbia Organic (charter) Act (policy) of 1871, otherwise known as the "Act of 1871," created  
6 a CORPORATION, in the District of Columbia, called "UNITED STATES." During the War  
7 Between The States, the country was under Lincoln's Conscription Act (Martial Law). During  
8 this time, all Executive Orders made by the president were in effect, law. After emergence from  
9 such Martial Law, all "laws" made during that period are abated (no longer in effect). Even to  
10 this day, we are still under this perpetual state of Martial Law and the presidents are still  
11 writing executive orders. Since then, every president has declared war on something. The  
12 Government for the District of Columbia, was already "created into a government" and so formed  
13 as a municipal incorporation by Congress 70 years prior to 1871 in 1801 under the District of  
14 Columbia Acts. Since this was already in existence, Congress still under Martial Law, which  
15 never ended, perpetrated fraud as it created the Act of 1871. Today, what appears to the public as  
16 the "Constitution of the United States" is not at all the Constitution. No one lawfully, by  
17 constitutional process, ever amended the Constitution to remove the 13th Amendment. Instead, the  
18 original document was vandalized. The authentic Article 13, also known as the 13th Amendment,  
19 was unlawfully deleted. Therefore the document we see today is merely a mission statement for the  
20 unlawful corporation set up in the District of Columbia. The authentic 13th Amendment to our  
21 Constitution has been unlawfully and illegally removed from publication.

22 2 Intent. The intent of this Bill is to demonstrate the fact that Article 13, as amended to the  
23 Constitution of the United States of America, which prohibits Titles of Nobility, is the Law. Also,  
24 the intent is to end the tyranny in our New Hampshire Republic, resulting from the infiltration  
25 of the BAR Association and the Judicial Branch into the Executive and Legislative Branches and  
26 the unlawful usurpation of the people's right, guaranteed by the New Hampshire Constitution,  
27 to elect County Attorneys, who are not members of the BAR. This unlawful usurpation gives the  
28 Judicial Branch control over all government and the people in the Grand Juries. As long as the  
29 Law, Article 13, is concealed from the people, there shall never be justice, or a constitutional  
30 form of government. No man, person, agent, individual, political body, or corporation, has the  
31 lawful authority to prevent the passage of this Bill. To do so would be a willful and deliberate act  
32 of high treason. Article XIII is already Law.



1        3 Publication.

2            I. New Hampshire shall publicize and post the actual law of New Hampshire and the  
3 United States in its books for all to see. Article XIII was in fact ratified by the 12th State,  
4 Virginia. New Hampshire was the 13th State to ratify it on December 9, 1812, therefore meeting  
5 the required majority of the United States, prohibiting Titles of Nobility, Titles of Honor, and  
6 Titles of Emolument in government. This was posted by Congress of the United States of  
7 America in the Constitution of the United States of America, as Article XIII.

8            II. The missing 13th Amendment to the Organic Constitution reads as follows:

9        "ARTICLE XIII. If any citizen of the United States shall accept, claim, receive, or retain, any  
10 title of nobility or honor, or shall, without the consent of Congress, accept and retain any present,  
11 pension, office or emolument of any kind whatever, from any emperor, king, prince, or foreign  
12 power, such person shall cease to be a citizen of the United States, and shall be incapable of holding  
13 any office of trust or profit under them, or either of them."

14        4 Effective Date. This act shall take effect 60 days after its passage.

# Speakers





# Hearing Minutes

HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

PUBLIC HEARING ON HB 638

**BILL TITLE:** recognizing the original Thirteenth Amendment to the United States Constitution.

**DATE:** February 28, 2013

**LOB ROOM:** 203      **Time Public Hearing Called to Order:** 11:25 a.m.

**Time Adjourned:** 1:02 p.m.

(please circle if present)

**Committee Members:** Reps. Theberge, C. Sweeney, Spainhower, Carey, McCloskey, Menear, Palangas, Garrity, Massimilla, Timothy Smith, Baldasaro, Rideout, Notter, Christiansen, Todd Smith, Rollins, Priestly and Lundgren.

**Bill Sponsors:** Rep. Tremblay, Rock 4; Rep. Baldasaro, Rock 5; Rep. Christiansen, Hills 37

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Present: McCloskey, Menear, Masamilla, Rollins, Priestly, (Tim)Smith, Theberge, Sweeney, Baldasaro, Notter, Carey, Christiansen, (Todd)Smith, Lungren

Rep. Tremblay (prime sponsor) presented HB638 and testified in favor offering both extensive written and oral testimony. She explained that amendment 13 refers to "titles of nobility" and was part of the original US constitution but was removed later for some unknown reason. She presented documents that show the amendment passed the NH House in 1818. She went on to discuss Black History Month, slavery, Frederick Douglass, President Woodrow Wilson and Hitler.

Rep. Theberge noted that lines 22-28 involve ending the infiltration of the Bar Association. Rep. Tremblay explained that the Bar Association is a British entity, not American. She knows people who have left NH because of the NH Bar Association. Rep. Christiansen explains the Bar became a public corporation in the late 1800s. The NH Bar is a registered nonprofit and not part of government.

Rep. Theberge then noted that line 26 infers that we do not have a constitutional form of government without the 13th amendment. Rep. Carey asked about the impact acknowledging amendment 13 as written might have on pensions where it refers pensions received from foreign entities would cause a loss of citizenship and so many Americans have pension funds that are invested in foreign corporations and foreign government bonds. Rep. Tremblay believes this bill is more concerned with campaign money being distributed by foreign governments to US candidates. Rep. Masamilla asked about pensions recieved by people who once lived in other countries but came here and became citizens. Rep. Theberge concurred that his own family members would fit that situation. Rep. Tremblay reiterated that the 13th amendment does not want people receiving money from foreign governments. Rep. Carey asked what impact this legislation might have in today's economy with so

many investments in foreign corporations. Rep. Rideout believes the definition of pension might have changed since the amendment was written.

Rep. Masamilla asked if the point of this legislation is to acknowledge the 13th amendment. Rep. Tremblay says it is.

Rep. Tim Horrigan testifies in opposition to HB638

Rep. Tim Horrigan believes the 13th amendment has not yet been ratified. The 13th amendment would have been the 28th amendment if it had passed. Rep. Tim Horrigan presented written and oral testimony. He believes we were the 12th state to ratify, 18 states existed at that time so the amendment would have needed to be ratified by 14 states to pass. Rep. Theberge asked if Rep. Tim Horrigan could live with this bill as an acknowledgement of the existence of the 13th amendment if the reference to the bar association was removed. Rep. Tim Horrigan sees parts of this bill as being totally erroneous so would not agree with all of the issues, but is "OK" with acknowledging the existence of the 13th amendment. Rep. Tim Horrigan points out that no states have ratified this amendment since 1812.

Gus Breton testifies in support of HB638

Gus Breton provides written and oral testimony and certified copies of documents showing the existence of the 13th amendment. Virginia may have ratified in 1810 but the records burned in a fire. Gus Breton refers to law books from 1789-1815 that refer to a 13th amendment. Gus Breton feels the 13th amendment was created to "put teeth" into punishing people for receiving titles of nobility, but agrees with Rep. Horrigan regarding the Bar Association. The 13th amendment is concerned with foreign corporations putting money into campaigns according to Gus Breton. He references article 5 of the US constitution. He believes there were enough states to ratify without Virginia. He comments that NH ratified the 13th amendment on Dec. 9, 1812. Rep. Carey ask how the 13th amendment got overlooked. Gus Breton explained that it disappeared during the Civil War and South Carolina tabled it. Rep. Rideout asked if this was an effort to supplant the current 13th amendment regarding slavery. Gus Breton says it is not. Rep. Masamilla asked if there are any other states bringing this forward. Gus Breton responded that CA and FL have movements. Rep. Theberge asked if the interest was in straightening out history and Rep. Masmilla asked if NH has looked at this before. Gus Breton responded he likes to investigate conspiracy theories- KN, MO, OH, IA have statute books with references to the 13th amendment.

David Johnson testifies in support of HB638 and provides a book along with his testimony

David Johnson represents he has the answers to all of the committee's questions. He believes what is missing in this discussion is the public trust. Since Roosevelt we have been operating under bankruptcy because of the Bar Association. He believes the 13th amendment is not missing, but a part of the original constitution. The constitution is a contract that has changed over time. Our 20 year charter with the banks ran out in 1812. Martial Law was enacted. Lincoln wrote the first executive order under martial law. David Johnson believes we are still under martial rule. We are still "underlings of a corporation." All states that wanted to return to a constitutional form of government were overthrown at gunpoint. The 14th amendment overthrew the 13th amendment. There was a corporate charter that was created by the Bar Association. All oaths of office have been transferred to the UN according to David Johnson. As proof of martial law David Johnson says all presidents reinstate executive orders. He discussed repatriation versus expatriation. David Johnson questions the definition of "person" in legislation and says all laws and crimes are commercial. He says the Office of Legislative Services changes legislation to benefit the Bar Association. The county attorney is a member of the Bar Association. David Johnson further states that people are under the control of the bar association. When one is represented by an attorney one is a "ward of the court." People are leaving the US by the thousands because of this. David Johnson believes the 13th amendment disappeared after the war between the states. Bankers are now running the country and

the Federal Reserve is a foreign corporation. David Johnson requests the committee not make this a partisan issue and pass this legislation.

Rep. Masamilla asks if two thirds of the states will be needed to ratify this and David Johnson responds that it has already been ratified. The only question is VA and VA doesn't really matter according to David Johnson. He is against the Hartley act and against the Bar Association. David Johnson says the US constitution does not reference the bar.

Hearing closed at 12:58pm and reopened at 12:59 pm to hear comments from Rep. Christiansen regarding the charter of the NH Bar Association.

Hearing closed again at 1:02 pm

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lorne Carey".

Rep. Lorne Carey  
Acting Clerk

**Maffucci, Dianna**


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**From:** Theberge, Robert  
**Sent:** Wednesday, March 06, 2013 8:02 AM  
**To:** Maffucci, Dianna  
**Subject:** FW: HB638

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**From:** Theberge, Robert  
**Sent:** Wednesday, March 06, 2013 6:47 AM  
**To:** Theberge, Robert  
**Subject:** FW: HB638

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**From:** myflower tds.net [myflower@tds.net]  
**Sent:** Tuesday, March 05, 2013 8:31 PM  
**To:** Theberge, Robert  
**Subject:** HB638

Dear Robert,  
Please share copies with Dianna

HB638 - 13th Amendment  
Hearing opened at 11:25 am by Chair Theberge

Present: McCloskey, Menear, Masamilla, Rollins, Priestly, (Tim)Smith, Theberge, Sweeney, Baldasaro, Notter, Carey, Christiansen, (Todd)Smith, Lungren

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Respectfully submitted  
Rep. Lorrie Carey  
Acting Clerk  
State and Federal Relations and Veterans Affairs



**Lorrie J. Carey**  
***Marshall's Florist***  
Phone: (603) 796-2272  
Fax: (603) 796-2279



# Testimony

REYNOLDS, FOXSIR, JR

True Copy Attest 02/27/2012

THE

*A. J. Foxsir*

Secretary of State

**PUBLIC LAWS**

OF THE

**State of Rhode-Island**

AND

**PROVIDENCE PLANTATIONS,**

AS REVISED BY A COMMITTEE, AND FINALLY ENACTED BY  
THE HONORABLE GENERAL ASSEMBLY, AT THEIR  
SESSION IN JANUARY, 1822.

**To which are prefixed**

THE CHARTER, DECLARATION OF INDEPENDENCE, ARTICLES OF  
CONFEDERATION, CONSTITUTION OF THE UNITED  
STATES, AND PRESIDENT WASHINGTON'S  
ADDRESS OF SEPTEMBER, 1796.

**PUBLISHED BY AUTHORITY.**

*342 01  
P. 5-*

*Ignorantia legis neminem excusat.*

IGNORANCE OF THE LAW IS NO EXCUSE FOR ITS VIOLATION.

PROVIDENCE :

PRINTED AND PUBLISHED BY MILLER & HUTCHENS.

.....

1822.

# CONSTITUTION OF THE UNITED STATES.

We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

## ARTICLE 1.

### SECTION 1.

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.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New-Hampshire shall be entitled to 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.

NORTH-CAROLINA.

William Blount,

Richard Dobbs Spaight,

Hugh Williamson.

SOUTH-CAROLINA.

John Rutledge,

*Attest,*

Charles Cotesworth Pinckney,

Charles Pinckney,

Pierce Butler.

GEORGIA.

William Few,

Abraham Baldwin.

WILLIAM JACKSON, *Secretary.*

## AMENDMENTS TO THE CONSTITUTION.

## ARTICLE 1.

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 the redress of grievances.

## ARTICLE 2.

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.

## ARTICLE 3.

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.

## ARTICLE 4.

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.

## ARTICLE 5.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the

## ARTICLE 13.

If any citizen of the United States shall accept, claim, receive or retain, any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

[*Note.*—The eleventh article of the amendments to the constitution was proposed at the second session of the third Congress; the twelfth article, at the first session of the eighth Congress; and the 13th article, at the second session of the eleventh Congress.]

## PRESIDENT WASHINGTON'S ADDRESS

*Of September, 1796.*

TO THE PEOPLE OF THE UNITED STATES.

*Friends and Fellow-Citizens,*

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

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

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been an uniform sacrifice of inclination to the opinion of duty, and to



# STATE OF CONNECTICUT

## CONNECTICUT STATE LIBRARY

231 Capitol Avenue • Hartford, Connecticut 06106-1537



COUNTY OF HARTFORD )  
( ss.  
STATE OF CONNECTICUT )

I hereby certify that the following documents,

Statute Laws of the State of Connecticut as Revised and Enacted  
by the General Assembly in May 1821, page 18 (1824).

Statutes of the State of Connecticut, Compiled in Obedience to a  
Resolve of the General Assembly, passed May, 1838, Article XIII  
(1839).

to which these are attached are true copies of records turned  
over to me and on deposit in the State Library in accordance with  
the provisions of Section 11-4c of the General Statutes, Revision  
of 1958, Revised to January 1, 2012.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the  
seal of the State Library at Hartford, this May 30, 2012.



Kendall F. Wiggin  
State Librarian

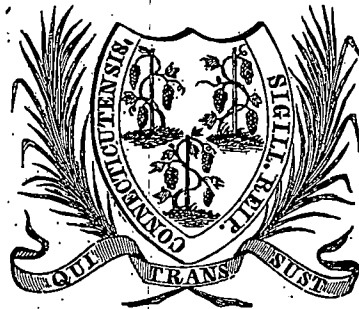
Stephen T. Mirsky  
Law/Legislative Reference  
Connecticut State Library

THE PUBLIC  
STATUTE LAWS  
OF THE  
STATE OF CONNECTICUT,

COMPILED IN OBEEDIENCE TO A RESOLVE OF THE GENERAL ASSEMBLY, PASSED  
MAY, EIGHTEEN HUNDRED AND THIRTY-EIGHT.

TO WHICH IS PREFIXED

THE DECLARATION OF INDEPENDENCE,  
CONSTITUTION OF THE UNITED STATES,  
AND CONSTITUTION OF THE STATE OF CONNECTICUT.



PUBLISHED BY AUTHORITY OF THE STATE.

HARTFORD:  
JOHN L. BOSWELL, PUBLISHER.  
1839.

Low RA  
KFC  
3630  
1838  
A24  
1839

## ARTICLE XII.

1. 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 persons 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 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. 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 a choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death, or other constitutional disability, of the president.

2. 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 shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president, shall be eligible to that of vice-president of the United States.

## ARTICLE XIII.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

Citizenship forfeited by the acceptance, from a foreign power, of any title of nobility, office or emolument of any kind, &c.

## CONSTITUTION OF CONNECTICUT.\*

## PREAMBLE.

THE people of Connecticut, acknowledging, with gratitude, the good providence of God, in having permitted them to enjoy a free government, do, in order more effectually to define, secure, and perpetuate the liberties, rights and privileges, which they have derived from their ancestors, hereby, after a careful consideration and revision, ordain and establish the following Constitution, and form of civil government.

## ARTICLE I.

## DECLARATION OF RIGHTS.

That the great and essential principles of liberty and free government may be recognized and established,

## WE DECLARE,

SECT. 1. That all men, when they form a social compact, are equal in rights; and that no man, or set of men, are entitled to exclusive public emoluments, or privileges, from the community.†

Equality of rights.

SECT. 2. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that they

Source of political power.



THE PUBLIC

# STATUTE LAWS

OF THE

## STATE OF CONNECTICUT,

AS REVISED AND ENACTED BY THE

### GENERAL ASSEMBLY,

IN MAY 1821:

TO WHICH ARE PREFIXED  
THE DECLARATION OF INDEPENDENCE, THE CONSTITUTION OF THE  
UNITED STATES, AND THE CONSTITUTION OF CONNECTICUT.

ARRANGED AND PUBLISHED UNDER THE  
AUTHORITY OF THE GENERAL ASSEMBLY.

HARTFORD.

S. G. GOODRICH, & HUNTINGTON & HOPKINS.

1821.

FEB 27 1933

same offence twice, &c.

prived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE 6.

Assurance of speedy and public trial by jury, &c. in criminal prosecutions.

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

ARTICLE 7.

Right of trial by jury in suits at common law, above the value of 20 dollars, &c.

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.

ARTICLE 8.

Excessive bail and unjust and cruel punishments, prohibited.

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

ARTICLE 9.

Rights enumerated, not to disparage those retained.

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

ARTICLE 10.

Powers not delegated, &c. are reserved to the states or people.

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.

ARTICLE 11.

Restriction of judicial powers. [See ante, art. 3, sec. 2, clause 1.)

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.

ARTICLE 12.

Actual mode of electing the president and vice-president of the United States.

1. 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 the person voted for as vice-president; make distinct lists of all persons voted for, and of all persons voted for as vice-president, and of the number of votes for each, which they shall sign and certify, and transmit sealed to the government of the United States, directed to the president of the senate, the president of the senate in the presence of the senate and house of representatives; all the certificates and the votes shall be opened, 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 no person have such majority, then from among the persons having the highest numbers, not exceeding three, the house of representatives shall choose immediately, by ballot, 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 two-thirds of the whole number of members; and no state shall have less than one vote. And if the house of representatives shall not choose a president, whenever the right of choice shall devolve on them, before the fourth day of March, then the vice-president shall act as president, in case of the death, or other constitutional disability, of the president.

2. The person having the greatest number of votes 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 of the 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 no person shall be eligible to that office, who shall not have been chosen by a majority of the whole number of electors.

3. But no person constitutionally ineligible to that office of president, shall be eligible to that office of vice-president of the United States.

ARTICLE 13.

If any citizen of the United States shall receive, or retain any title of nobility or honor, without the consent of congress, accept present pension, office, or emolument of any kind, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office, trust, or profit under them, or either of them.

property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE 6.

In all criminal prosecutions, the accused shall enjoy the right of a public trial, by an impartial jury of the district wherein the crime shall have been committed, and to be informed of the charges against him; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE 7.

In suits at law where the value in controversy shall exceed the sum of five dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be re-examined in any court of the United States, except as to matters of procedure in the rules of the common law.

ARTICLE 8.

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

ARTICLE 9.

The privilege of the writ of habeas corpus shall not be suspended, unless when in rebellion or insurrection, or in cases of impeachment, or to enforce the laws of the United States, or to disprove others retained in custody.

ARTICLE 10.

All legislative Powers herein granted shall be vested in a Congress of the United States, by Senators and Representatives, or by a majority of the whole number, which shall be assembled in one or more States, or in the City of New York, or in such place as they may by law determine.

ARTICLE 11.

The United States shall not be bound by any treaty, which shall be in violation of the laws or the Constitution, or which shall be in violation of the rights of any citizen of the United States, or which shall be in violation of the rights of any citizens or subjects of any State.

ARTICLE 12.

In their respective states, the electors in each state shall have the qualifications requisite for electors in that state; and vice-president, one inhabitant of the same state as the president, 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 persons 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 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. 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 vice-president shall act as president, as in the case of the death, or other constitutional disability, of the president.

2. 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 shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president, shall be eligible to that of vice-president of the United States.

ARTICLE 13.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

Citizenship forfeited by the acceptance, from a foreign power, of any title of nobility, office or emolument of any kind, &c.

## Testimony against HB 638

### *"AN ACT recognizing the original Thirteenth Amendment to the United States Constitution."*

Rep. Timothy Horrigan (Strafford 6); February 28, 2013

HB 638 does not replace the current 13<sup>th</sup> amendment to the constitution, which was passed in 1864 and ratified in 1865. I am confident that the sponsors of this bill do not support restoring the institution of slavery. That said, I still oppose this rather unusual bill.

"The Original Thirteenth Amendment" would in fact be the 28<sup>th</sup> Amendment if it ever were to be ratified. It has not yet been ratified. For whatever reason, some law books were published in the 19<sup>th</sup> century which showed the proposed "Titles of Nobility Amendment" as "Amendment XIII." These books are simply erroneous, and there are many other 19<sup>th</sup> century law books which show the United States Constitution with only 12 amendments.

The Title of Nobility Amendment was passed by the U.S. House on April 27, 1810 and the Senate on May 1, 1810. The enabling resolution did not specify an end date for the ratification process. Then, as now, Article I Section 9 stated:

- **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.**

The amendment would have replacement that provision with a much harsher one:

- **If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honour, or shall without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.**

Legend has it that this amendment was inspired by the fact that Emperor of France Napoleon Bonaparte's brother had married an American woman named Betsy Patterson. She was often referred to as "The Duchess of Baltimore."

HB 639 states that New Hampshire was the 13th state to ratify the amendment, on December 9, 1812. The date is correct, however, New Hampshire was in fact only the 12th state. At the time Congress passed the amendment, there were 17 states, so 13 states would have been

needed to ratify. By the time New Hampshire had voted, Louisiana had been admitted as the 18th state, so 14 states were needed to ratify. No state has ratified this amendment since then.

State	Date	Rank	Total States	Needed
Maryland	Dec 25, 1810	1	17	13
Kentucky	Jan 31, 1811	2	17	13
Ohio	Jan 31, 1811	3	17	13
Delaware	Feb 2, 1811	4	17	13
Pennsylvania	Feb 6, 1811	5	17	13
New Jersey	Feb 13, 1811	6	17	13
Vermont	Oct 24, 1811	7	17	13
Tennessee	Nov 21, 1811	8	17	13
North Carolina	Dec 23, 1811	9	17	13
Georgia	Dec 31, 1811	10	17	13
Massachusetts	Feb 27, 1812	11	17	13
New Hampshire	Dec 9, 1812	12	18	14

In the past few decades, a theory has developed that this amendment would take away the citizenship of any lawyer who joined any state or federal Bar Association, including the New Hampshire Bar Association. Supposedly, members of the New Hampshire Bar Association hold knighthoods under the Queen (or King, as the case may be) of England, and hence hold an office of nobility. The truth is, even in England barristers are not considered knights, and knighthoods are not considered to be offices of nobility. More to the point, the New Hampshire Bar Association is an entirely American institution which shares only one word of its name with England's Bar Council.

The bill makes reference to the "District of Columbia Organic Act of 1871." This law dealt solely with the administration of the District of Columbia. It merely abolished the former cities of Washington and Georgetown, as well as the County of Washington. This Act of Congress did not remove anything from the Constitution, nor did it (or could it) transform our republic into a corporation.

## **Article Five of the United States Constitution**

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

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legally valid<sup>28</sup> but was suppressed as part of a "conspiracy" of government officials who were in "favor [of] British over American principles. . . ."<sup>29</sup> Just who these conspirators were is never revealed. As demonstrated above, however, such a claim is without merit, based on ignorance of—or a decision to ignore—the 1818 findings of the Secretary of State that the state of South Carolina had not passed the amendment and thus it was never ratified by the requisite three-fifths majority of the states.

### Summary

The story of the Phantom Thirteenth Amendment is a case of anticipation. A good-faith attempt to avoid confusion had the unfortunate result of producing an "official" bibliographic error. Subsequently the error was compounded when it was included in the writing and teaching of American legal and political history. Besides highlighting the importance of the amending process, the case should also remind us that we cannot always assume that what is published is true or necessarily accurate, even if it is "official."

The case also reveals the lengths to which some elements of the Far Right will go in their determination to push their government conspiracy theories—clear back to nearly the beginnings of the American Republic. Finally, and fortunately for General Schwarzkopf, it is important to note that the granting of titles of nobility by foreign governments to American citizens, though rare, is not illegal except in the situations explicitly prohibited by Article I, Section 9 of the Constitution (i.e., "without the consent of Congress").

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28. Gary Hunt, "Titles of Nobility" Original Thirteenth Amendment Found Ratified—Law of the Land Since 1812! (n.d.) (unpublished pamphlet privately circulated, on file with author).

29. *Id.* at [7-8].



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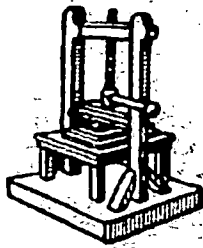
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THE PROPOSED AMENDMENTS  
TO THE CONSTITUTION  
OF THE UNITED STATES

During the First Century of its History

*Vanderburg*  
Herman Ames



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NEW YORK

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Subsequently there were three attempts, when the amendments were being considered in the Senate, to add an additional paragraph containing sentiments similar to the preamble quoted from Mr. Madison, all of which, however, proved unsuccessful. That the social-compact theory was popular in that day is shown by one of these resolutions,<sup>1</sup> which opens with the declaration that "there are certain natural rights, of which men, when they form a social compact, can not deprive or divest their posterity, among which are the enjoyment of life and liberty," etc. Another declares that magistrates are the trustees and agents of the people, and are therefore "at all times amenable to them."<sup>2</sup> The third asserts that the Government ought to be instituted for the common benefit and protection and security of the people, and that "the doctrine of nonresistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind."<sup>3</sup>

Two further attempts were made in the Senate to add a further guaranty of individual liberty.<sup>4</sup> One of these proposed amendments declared that "every freeman restrained of his liberty is entitled to a remedy, to inquire into the lawfulness thereof, and to remove the same, if unlawful, and that such remedy ought not to be denied or delayed." The other proposition was similar, only still more explicit. Both were rejected.

#### 99. TITLES OF NOBILITY.

The provisions of the Constitution forbidding any person holding office under the United States Government, without the consent of Congress, from accepting any present or title from any king, prince, or foreign State did not seem sufficiently stringent to some of the State conventions.<sup>5</sup> The ratifying conventions of Massachusetts, New Hampshire, New York, and, later, Rhode Island,<sup>6</sup> proposed amendments either forbidding Congress from ever granting its consent, or for the accomplishment of the same end proposed eliminating the clause "without the consent of Congress." A similar change was proposed in the Senate and twice in the House of the First Congress, during the discussion of the subject of amending the Constitution, but failed to meet the approval of either

<sup>1</sup> App. No. 267.

<sup>2</sup> App. No. 268.

<sup>3</sup> App. No. 269.

<sup>4</sup> App. Nos. 272, 273.

<sup>5</sup> Const., Art. 1, sec. 9, cl. 8.

<sup>6</sup> App. Nos. 9, 22, 75, 118.

branch.<sup>1</sup> No further amendments on this subject were presented until 1810. Early in that year Senator Reed of Maryland introduced an amendment relative to the acceptance of titles of nobility by American citizens.<sup>2</sup>

The resolutions were referred to a select committee of three, and twice afterwards recommended to a larger committee, who finally reported them in a modified form. Several amendments were presented during the debate, one of which was accepted. It was in these words: "If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them or either of them."<sup>3</sup> Thus amended, the article passed the Senate by a vote of 19 yeas to 5 nays. The amendment was immediately considered in the House and passed by that body on the 1st day of May, only three votes being cast against it.

Unfortunately, the Annals of Congress and contemporary newspapers do not give any of the debate upon this interesting proposition. The only light thrown upon the subject by the Annals is the remark of Mr. Macon, who said "he considered the vote on this question as deciding whether or not we were to have members of the Legion of Honor in this country."<sup>4</sup> What event connected with our diplomatic or political history suggested the need of such an amendment is not now apparent.<sup>5</sup>

<sup>1</sup> App., Nos. 203, 240, 263.

<sup>2</sup> App., No. 290.

<sup>3</sup> App., No. 399.

<sup>4</sup> Annals of Congress, Eleventh Congress, second session, p. 2050. The files of four of the leading papers of the time have been examined without any additional light being thrown on the question.

<sup>5</sup> It is possible that the presence of Jerome Bonaparte in this country a few years previous, and his marriage to a Maryland lady, may have suggested this measure. An article in Niles' Register (vol. LXXII, p. 168), written many years after this event, refers to an amendment having been adopted to prevent any but a native-born citizen from being President of the United States. This is of course a mistake, as the Constitution in its original form contained such a provision: but it may be possible that the circumstances referred to by the writer in Niles relate to the passage of this amendment through Congress in regard to titles of nobility. The article referred to maintains that at the time Jerome Bonaparte was in this country the Federalist party, as a political trick, affecting to apprehend that Jerome might find his way to the Presidency through "French influence," proposed the amendment. They thought the Democratic party would oppose it as unnecessary, which would thus appear to the public as a further proof of their subservience to French influence. "The Democrats, to avoid this imputation, concluded to carry the amendment. 'It can do no harm' was what reconciled it to all."

Possibly there was no particular event which suggested it, but it probably was only another means of expressing that animosity against foreigners and everything foreign, which manifested itself in various ways in the trying period just previous to the war of 1812.<sup>1</sup> That the amendment was in the line of popular sentiment may be inferred, otherwise we can not account for the nearly unanimous vote it received in Congress and the favorable reception it met with from the States.<sup>2</sup>

The amendment lacked only the vote of one State of being adopted.<sup>3</sup> It received the ratification of twelve States, and was passed by the Senate of South Carolina. It was generally supposed that the amendment had been concurred in by the requisite majority of the States. In the official edition of the Constitution of the United States, prepared for the use of the members of the House of Representatives of the Fifteenth Congress, the article appears as the thirteenth amendment to the Constitution.<sup>4</sup> This led to a resolution of inquiry,<sup>5</sup> as a result of which it was discovered that the house of representatives of South Carolina had not confirmed the action of the senate, and so the amendment had not been adopted.<sup>6</sup> However, the general public continued to think that this

<sup>1</sup> I am indebted to Professor McMaster for this suggestion. Good examples of the anti-foreign spirit may be seen in the laws enacted at this time by some of the States. In Kentucky a bill prohibiting the citation of the decision of any British court or any British treatise on law was proposed. With difficulty Henry Clay succeeded in obtaining an amendment limiting the restriction to such decisions as had been rendered, and to such works as had been written, since July 4, 1776. In this form it passed. In Pennsylvania a similar bill was introduced in 1809, and passed in 1810, and remained on the statute books for a generation. Schurz, *Life of Henry Clay*, i, pp. 49-50; McMaster, iii, pp. 417-418. For other attacks on the system of English common law, see McMaster, iii, p. 512. Another manifestation of the same spirit was the action of the House of Representatives of the Commonwealth of Pennsylvania. February 10, 1814, by a vote of 47 to 38 the House passed the following resolution: "Resolved, That this House dispense with the use of the Mace." *Journal of the 24th House of Representatives of Pennsylvania*, (1813-14) pp. 283, 292, 309.

<sup>2</sup> It passed both branches of the Legislature of Pennsylvania unanimously. *Journal of Senate of Penn.* (1810-11) p. 180; *Journal of House of Representatives* pp. 290, 291.

<sup>3</sup> See list given after App., No. 399.

<sup>4</sup> Also given in Vol. 1, p. 75 of "The Laws of the United States of America." Phila. and Washington, 1815.

<sup>5</sup> *Annals of Congress*, Fifteenth Congress, first session, p. 530; *Niles' Register*, Vol. xiv, p. 150.

<sup>6</sup> App., No. 399. Certified copy of the proceedings of the State legislature of South Carolina in Bureau of Rolls and Library, Department of State. The minutes of the House of Representatives of South Carolina do not state the reasons for their opposition. Thus four States rejected it, viz. New York, Connecticut, Rhode Island, and South Carolina. Virginia does not appear from the records in the State Department to have taken any action.

amendment had been adopted,<sup>1</sup> and this misconception was perpetuated for over a third of a century in editions of the Constitution and school histories.<sup>2</sup>

100. DUELING.

Another attempt to regulate the behavior of American citizens by constitutional amendment arose out of the growth of public sentiment inimical to the practice of dueling; the first was presented in 1828, by Mr. Long of North Carolina, and was intended to prevent the practice of duelling.<sup>3</sup> Ten years later two other resolutions were introduced. The reason for their presentation at this time is apparent. On the 24th of February, 1838, Jonathan Cilley, a member of Congress from Maine, was killed in a duel with William J. Graves of Kentucky, also a member of Congress. On the 5th of March, Mr. Morgan of Virginia introduced the first of these resolutions, restricting all who should be connected with a duel, even including the seconds or the bearer of the challenge, from holding office.<sup>4</sup> The attempt to expel Graves from the House took place in the following December. Mr. Cushman of New Hampshire, a Northern man, offered a similar amendment.<sup>5</sup> This was the last attempt to amend the Constitution in this particular.

101. POOR RELIEF.

The disposition to make the Constitution a code of laws reached the fullest expression in an amendment to invest the central Government with the power and duty of legislating for the care of the poor. This suggested a radical departure from the system then in use and since followed. This amendment was proposed by the convention which ratified the Constitution in Rhode Island in 1790. It provided "that Congress should have power to establish a uniform rule of inhabitancy and settlement of the poor of the different States throughout the United States."<sup>6</sup>

<sup>1</sup> Illustration, see Niles' Register, Vol. XX, pp. 191, 255.

<sup>2</sup> Illustrative of this, the following: "A History of the United States," by B. J. Olney, A. M., New Haven, 1836. "Constitution of the United States of America," Printed by Francis Hart & Co., 63 Cortland street, New York. (No date.) "A History of the United States," by John Frost, Philadelphia, 1842. In "History of the United States," by Emma Willard, New York, 1823, it appears as the xv amendment. The first twelve sent out by the First Congress all being given as if ratified.

<sup>3</sup> App., No. 587.

<sup>4</sup> App., No. 685.

<sup>5</sup> App., No. 687.

<sup>6</sup> App., No. 122.



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#### APPENDIX A.

*A CALENDAR OF AMENDMENTS PROPOSED TO THE CONSTITUTION OF THE UNITED STATES, FROM THE DATE OF ITS RATIFICATION TO MARCH 4, 1899.*

The endeavor has been made to make this list of proposed amendments as complete as possible, and it is believed that all the most important resolutions have been included, but owing to the poor indexing of the early volumes of the journals and debates, it is probable that some propositions have been overlooked. Amendments recommended by State legislatures have been found in several cases not recorded in the journals. It is likely that there are other such cases. The system of numbering employed does not always indicate a separate resolution, for often one resolution relates to several different subjects, hence it has been found convenient to separate an amendment into its distinct subjects, and number accordingly. Since this calendar was first compiled several additional propositions, as well as the text of other proposed amendments, not given in the official records of Congress, have been found through the examination of the original printed resolutions on file in the Senate document room at Washington. Likewise various resolutions from the legislatures of different States have been found in the Massachusetts Archives in the Statehouse, Boston, and also recorded in the journals of the senate and house of representatives of the Commonwealth of Pennsylvania for the earlier years of the century. Without changing the original numbers, these have been inserted in their proper chronological order, by making use of alphabetical suffixes, as 319*a*, 971*b*, etc.

In cases where the text of the proposed amendment is not given in the journals or Record, the files of the original printed resolutions, covering the last thirty-five years of the period, may be consulted in the Senate document room.

#### EXPLANATION OF SIGNS.

A single star (\*) placed before the number of an amendment indicates that the resolution passed one House of Congress.

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PROPOSED AMENDMENTS TO THE CONSTITUTION. 307

A double star (\*\*), both Houses of Congress, and a triple star (\*\*\*) , that the amendment was ratified by the States. A number in a bracket following the number of an amendment signifies that the resolution was proposed as an amendment or a substitute to the resolution the number of which is in the brackets. The sign (°) before a page number indicates that on that page will be found the text of the proposed amendment.

EXPLANATION OF ABBREVIATIONS.

The letters S. J. and H. J. refer to the Senate and House journals, respectively. Annals, to the Annals of Congress; Globe, to the Congressional Globe; Com. indicates committee; H. R. and S. R. indicate House resolutions and Senate resolutions.

In references to the journals and debates, etc., sess. stands for session, and Cong. for Congress.

CALENDAR OF AMENDMENTS.

1. 1. Division: Reservation of nondelegated powers.
2. 2. Legislative: Apportionment of Representatives.
3. 3. Legislative: Restriction on Federal control over election of Senators and Representatives.
4. 4. Finance: Restriction upon the levying of direct taxes.
5. 5. Commerce: Commercial monopolies prohibited.
6. 6. Personal Relations: Indictment by grand jury.
7. 7. Judiciary: Jurisdiction of Federal courts.
8. 8. Personal Relations: Trial by jury in civil action.
9. 9. Personal Relations: Titles of nobility.  
1788, Feb. 6. Proposed by the Massachusetts convention at the time of the ratification of the Constitution. Elliot's Debates, 1, pp. 322-323.
10. 1. Legislative: Restriction on Federal control over election of Senators and Representatives.
11. 2. Division: Reservation of nondelegated powers.
12. 3. Finance: Restriction upon the levying of direct taxes.
13. 4. Personal Relations: Oath.  
1788, May 23. Proposed by the South Carolina convention at the time of the ratification of the Constitution. Elliot's Debates, 1, p. 333.
14. 1. Division: Reservation of nondelegated powers.
15. 2. Legislative: Apportionment of Representatives.
16. 3. Legislative: Restriction on Federal control over election of Senators and Representatives.
17. 4. Finance: Restriction upon the levying of direct taxes.
18. 5. Commerce: Commercial monopolies prohibited.
19. 6. Personal Relations: Indictment by grand jury.
20. 7. Judiciary: Jurisdiction of Federal courts.
21. 8. Personal Relations: Trial by jury in civil cases.
22. 9. Personal Relations: Titles of nobility.

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PROPOSED AMENDMENTS TO THE CONSTITUTION. 315

202. Territorial: Legislation of Federal districts.  
1789, Aug. 18. By Mr. Tucker of South Carolina, to add to art. 1, sec. 8, clause 17; referred to Com. of the Whole; negatived. H. J., p. \*104; Annals, p. \*782.
203. Personal Relations: Titles of nobility, presents, etc., prohibited.  
1789, Aug. 18. By Mr. Tucker of South Carolina, to amend art. 1, sec. 9, clause 7; referred to Com. of the Whole. H. J., p. \*104; Annals, p. \*782.
204. Finance: Duties on imports and exports.  
1789, Aug. 18. By Mr. Tucker of South Carolina, to amend art. 1, sec. 10, clause 2; referred to Com. of the Whole. H. J., p. \*104; Annals, p. \*782.
205. Executive: Term of office of President.  
1789, Aug. 18. By Mr. Tucker of South Carolina, to add to art. 2, sec. 1, clause 5; referred to Com. of the Whole; negatived. H. J., p. \*104. Annals, p. \*782.
206. Executive: Military power of the President.  
1789, Aug. 18. By Mr. Tucker of South Carolina, to add to art. 2, sec. 2, clause 1; referred to Com. of the Whole; negatived. H. J., p. \*104; Annals, p. \*782.
207. Executive: Powers of the President, to suspend.  
1789, Aug. 18. By Mr. Tucker of South Carolina, to add to art. 2, sec. 2, clause 3; referred to Com. of the Whole; negatived. H. J., p. \*104; Annals, p. \*782.
208. Judiciary: Courts of admiralty.  
1789, Aug. 18. By Mr. Tucker of South Carolina, to amend art. 3, sec. 1; motion to refer to Com. of the Whole negatived. H. J., p. \*104; Annals, p. \*782.
209. Judiciary: Jurisdiction of Supreme Court.  
1789, Aug. 18. By Mr. Tucker of South Carolina, to amend art. 3, sec. 2, clause 1; referred to Com. of the Whole; negatived. H. J., p. \*104; Annals, p. \*782.
210. Legislative, Executive, Judiciary: Oath of office.  
1789, Aug. 18. By Mr. Tucker of South Carolina, to amend art. 6, clause 3; referred to Com. of the Whole, negatived. H. J., p. \*104; Annals, p. \*782.
- 211 [156]. Personal Relations: Freedom of religion.  
1789, Aug. 20. By Mr. Ames of Massachusetts, to amend fourth amendment of com. report; passed. Annals, p. \*766.
- 212 [160]. Personal Relations: Right to bear arms.  
1789, Aug. 20. Sixth amendment of report of com. amended; passed. Annals, p. 767.
- 213 [169]. Personal Relations: Trial by jury.  
1789, Aug. 21. By Mr. Gerry of Massachusetts, to amend fourth proposition, second clause, of com. report; negatived. Annals, p. \*787.
- 214 [169]. Personal Relations: Criminal trials.  
1789, Aug. 21. By Mr. Gerry of Massachusetts, to amend fourth proposition, second clause, of com. report; passed. Annals, p. 767.
- \*215 [149]. Legislative: Apportionment of Representatives.  
1789, Aug. 21. Art. 1 of the report to the House; passed by House. H. J., p. \*107; Annals, p. \*773. See Nos. 242, 243 for amendment in Senate and amendment of conference com.
- \*216 [154]. Legislative: Compensation of members of Congress.  
1789, Aug. 21. Art. 2 of the report to the House; passed by House. H. J., p. 107; Annals, pp. \*724-729. See No. 243 for amendment in Senate.
- \*217 [156] [211]. Personal Relations: Freedom of religion and right of conscience.  
1789, Aug. 21. Art. 3 of the report to the House; passed by House. H. J., p. \*107. See No. 217 for amendment in Senate and of conference com.

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PROPOSED AMENDMENTS TO THE CONSTITUTION. 317

- \*233 [231]. Division: Nondelegated powers reserved.  
1789, Aug. 21. By Mr. Sherman of Connecticut, to amend art. 17; passed the House. Annals, p. 9768. See No. 265.
234. Legislative: Election of Senators and Representatives.  
1789, Aug. 21. By Mr. Burke of South Carolina, to add an amendment: neg-  
ative (23 to 24). H. J., p. 9109; Annals, pp. 768-773.
- 235 [234]. Legislative: Election of Senators and Representatives.  
1789, Aug. 21. By Mr. Selgwick of Massachusetts, to amend Mr. Burke's  
amendment; negative. Annals, pp. 9770-772.
236. Finance: Requisitions.  
1789, Aug. 21. By Mr. Tucker of South Carolina, to add an amendment;  
negative (9 to 39). H. J., p. 9110; Annals, pp. 773-777.
237. Judiciary: Inferior courts: Courts of admiralty.  
1789, Aug. 21. By Mr. Tucker of South Carolina, in the House, to amend  
art. 1, sec. 3, clause 9; negative. H. J., p. 9111; Annals, p. 778.
238. Legislative, Executive, Judiciary: Oath of office.  
1789, Aug. 22. By Mr. Tucker of South Carolina, in the House, to amend  
art. 6, sec. 3; negative. H. J., p. 9111; Annals, p. 778.
239. Commerce: Commercial monopolies.  
1789, Aug. 22. By Mr. Gerry of Massachusetts, to amend; negative. H. J.,  
p. 9111; Annals, p. 778.
240. Personal Relations: Titles of nobility.  
1789, Aug. 22. By Mr. Gerry of Massachusetts, to amend; negative. H. J.,  
p. 9111; Annals, p. 778.
- 241 [215]. Legislative: Apportionment of Representatives.  
1789, Sept. 2. Motion to amend art. 1 in the Senate; negative (12 to 6).  
S. J., p. 9115; Annals, p. 74.
- \*242 [215]. Legislative: Apportionment of Representatives.  
1789, Sept. 2. Motion to amend art. 1; passed. S. J., p. 9115; Annals, pp. 74-75.  
See No. 295 for further amendment.
- \*\*243 [216]. Legislative: Compensation of members.  
1789, Sept. 3. Motion to amend art. 2; passed. S. J., pp. 9116, 131.  
Ratified by the legislatures of the following States: Maryland, Dec. 19, 1789.  
S. J., p. 106, 1st Cong., 2d sess. North Carolina, Dec. 22, 1789. S. J., p. 103, 1st  
Cong., 2d sess. South Carolina, Jan. 19, 1790. S. J., p. 50, 1st Cong., 2d sess.  
Delaware, Jan. 28, 1790. S. J., p. 35, 1st Cong., 2d sess. Vermont, Nov. 3, 1791.  
S. J., p. 68, 2d Cong., 1st sess. Virginia, Dec. 15, 1791. S. J., p. 69, 2d Cong., 1st  
sess.  
Rejected by New Jersey, Nov. 20, 1789. S. J., p. 100, 1st Cong., 2d sess. New  
Hampshire, Jan. 25, 1790. S. J., p. 105, 1st Cong., 2d sess. Pennsylvania, March  
10, 1790. S. J., p. 39, 1st Cong., 2d sess. New York, March 27, 1790. S. J., p. 53,  
1st Cong., 2d sess. Rhode Island, June 15, 1790. S. J., p. 110, 1st Cong., 2d sess.  
The journals give no record of the action of the legislatures of Massachu-  
setts, Connecticut, and Georgia. For copies of the resolutions of ratifi-  
cation passed by the legislatures of the States, see Documentary History of  
the Constitution of the United States, Vol. II, pp. 325-390, in Bulletin of the  
Bureau of Rolls and Library of the Department of State, No. 7.
- 244 [217]. Personal Relations: Freedom of religion and right of con-  
science.  
1789, Sept. 3. Motion to amend art. 3; negative; reconsidered and passed;  
motion to strike out art. 3; negative. S. J., p. 9116. See Nos. 247, 248.
- 245 [217]. Personal Relations: Freedom of religion, etc.  
1789, Sept. 3. Motion to amend art. 3; negative. S. J., p. 9116.

- 246 [217]. Personal Relations: Freedom of religion, etc.  
1789, Sept. 3. Motion to amend art. 3; negatived. S. J., p. °117.
- 247 [217]. Personal Relations: Freedom of religion.  
1789, Sept. 3. Motion to amend art. 3; passed. S. J., p. °117. See No. 288 for further amendment. *Ibid.*, p. 120.
- 248 [218]. Personal Relations: Freedom of speech and press, etc.  
1789, Sept. 3. Motion to amend art. 4; negatived, 14 to 2. S. J., p. °117.
- 249 [218]. Personal Relations: Freedom of speech and press, etc.  
1789, Sept. 3. Motion to amend art. 4; negatived. S. J., p. °117.
- 250 [218]. Personal Relations: Freedom of speech and press, etc.  
1789, Sept. 3. Motion to amend art. 4; negatived. S. J., p. °117.
- 251 [218]. Personal Relations: Freedom of speech and press, etc.  
1789, Sept. 4. Motion to amend art. 4; passed. S. J., p. 118. Sept. 9, stricken out. S. J., p. °120.
- 252 [219]. Personal Relations: Standing army.  
1789, Sept. 4. Motion to add to art. 5 an amendment as above; negatived, 9 to 6. S. J., p. °118.
- 253 [219]. Personal Relations: Right to keep and bear arms.  
1789, Sept. 4. Motion to amend art. 5; passed. S. J., p. °119. See Nos. 290, 291 for further amendment.
- \*254 [223]. Personal Relations: Trial for crime: Freedom from second trial.  
1789, Sept. 4. Motion to amend art. 8; passed. S. J., p. °119. See No. 297 for further amendment.
- 255 [224]. Personal Relations: Indictment by grand jury.  
1789, Sept. 4. Motion to amend art. 10 as above; passed. S. J., p. °119. Sept. 9, art. 10 stricken out.
- 256 [225]. Judiciary: Extent of jurisdiction.  
1789, Sept. 4. Motion to insert in place of art. 11; negatived. S. J., p. °119.
- 257 [225]. Personal Relations: Appeal to higher court.  
1789, Sept. 4. Motion to amend art. 11; passed. S. J., p. °119. Sept. 9, art. 11 stricken out. *Ibid.*, p. 130.
- 258 [226]. Personal Relations: Trial by jury in suits at common law.  
1789, Sept. 7. Motion to amend art. 12, passed. S. J., p. °121; *Annals* p. °76. See No. 293 for further amendment.
259. Finance: Requisitions instead of direct taxes.  
1789, Sept. 7. Motion to add an amendment as above; negatived. S. J., p. °121; *Annals* p. °76.
260. Legislative: Elections of Senators and Representatives.  
1789, Sept. 7. Motion to add an amendment as above; negatived. S. J., p. °122.
261. Legislative, Executive, Judiciary: Oath of office.  
1789, Sept. 7. Motion to add an amendment to amendment, art. 6, sec. 3; negatived. S. J., p. °122; *Annals* p. °76.
262. Commerce: Commercial monopolies.  
1789, Sept. 7. Motion to add an amendment as above; negatived. S. J., p. °122.
263. Personal Relations: Titles of nobility.  
1789, Sept. 7. Motion to add an amendment as above; negatived. S. J., p. °122.
264. Legislative: A debtor of the United States excluded from Congress.  
1789, Sept. 7. Motion to add an amendment as above; negatived. S. J., p. °122.

PROPOSED AMENDMENTS TO THE CONSTITUTION. 329

- 395. Executive: Article 6: Appointing power limited.
- 396. Executive: Article 7: Power to fill vacancies and make removals.  
1808, April 12. 10th Cong., 1st sess. By Mr. Hillhouse of Connecticut; read. S. J., p. 273; Annals, pp. 356-358; speech in full in American Register (1809), Chap. II.
- 397. Judiciary: Impartial tribunal to determine disputes between the General and State governments.  
1809, June 1. 11th Cong., 1st sess. American State Papers, Vol. II, No. 265, pp. 2-7. Niles' Reg. XLIII, Suppl. p. 24. Passed by the legislature of Pennsylvania Apr. 3. Jour. of House of Representatives of Pennsylvania (1808-09) pp. 615-629, 632-637, 780-783, 843, 910. Jour. of Senate of Pennsylvania (1808-09) pp. 268 et seq.  
1809, Annals, pp. 253-257; 2266. American Register (1809), pp. 150-175. Disapproved by the legislature of Massachusetts. Resolves of Massachusetts, Vol. XII, p. 365. For resolutions of disapproval from the legislatures of eight other States, see ante p. 181, note 3.
- 397a. Commerce: Limit duration of embargo.  
1809, June 19. Resolution of the legislature of Massachusetts. Resolves of Massachusetts, Vol. XII (p. 356), pp. 476-477; Massachusetts Senate Journal, Vol. XXX, p. 88; Honso Journal, Vol. XXX, p. 123. Disapproved by the legislature of Delaware (December, 1809) and the legislature of Maryland (January-February, 1810). Massachusetts Archives, Legislative Doc., 6818, 6821. Disapproved of also by the legislatures of Vermont, New Hampshire, New Jersey, Pennsylvania, North Carolina, and Tennessee. Journal of Senate of Pennsylvania (1809-10) pp. 88-89, 168-169; Ibid. (1810-11) pp. 37-41; Ibid. (1811-12) pp. 95-96. Ante p. 234, note 4.
- 397b. Commerce: Limit duration of embargo.  
1809. Resolution of the general assembly of Connecticut approving the resolution of the legislature of Massachusetts. American Register, 1809, p. 181.
- 398. Judiciary: Composition, term, removal.  
1809, Dec. 4. 11th Cong., 2d sess. By Mr. Pope of Kentucky; read twice; to com. S. J., pp. 22, 23, 24, 29; Annals, pp. 490, 493.
- \*\*399. Personal Relations: Titles of nobility.  
1810, Jan. 18-Apr. 27. 11th Cong., 2d sess. By Mr. Reed of Maryland; read twice; to select com. of three; reported with amendment; considered; recommitted to a select com. of five; reported with amendment; recommitted; reported further amended; considered; amendment by Mr. Reed and Mr. Lloyd; considered; amendment to last report passed (28 to 1). Mr. Pope's amendment rejected (12 to 14). Further amended; read third time, and passed (19 to 5).  
Apr. 27-May 1. Received in the House; read; to Com. of the Whole; considered in Com. of the Whole; reported; read third time; passed (67 to 3). S. J., pp. 281, 286, 292, 297, 301, 117, 124, 127, 140, 248, 265, 299, 335, 360, 381, 382, 383, 372, 380, 385, 386; H. J., pp. 609, 611, 645, 646; Annals, pp. 530, 547, 549, 571, 572, 576, 635, 671, 672, 1997, 2008, 2050.  
Ratified by the legislatures of the following States: Maryland, Dec. 25, 1810; Kentucky, Jan. 31, 1811; Ohio, Jan. 31, 1811; Delaware, Feb. 2, 1811; Pennsylvania, Feb. 5, 1811; New Jersey, Feb. 13, 1811; Vermont, Oct. 21, 1811; Tennessee, Nov. 21, 1811; Georgia, Dec. 13, 1811; North Carolina, Dec. 21, 1811; Massachusetts, Feb. 27, 1812; New Hampshire, Dec. 10, 1812; total 12. Rejected by New York, March 12, 1811 (by the Senate); Connecticut, May session, 1813; South Carolina, approved by the Senate, Nov. 23, 1811; postponed by the House, Dec. 21, 1811; reconsidered; committee reported unfavorably; not considered, Dec. 7, 1813; Rhode Island, Sept. 15, 1814; total 4.  
Virginia action is not recorded in journals or Department of State. Annals of Congress, 15th Cong. 1st sess. pp. 530, 555, 1054; H. J., 95, 221, 222. Letter of

- \*\*399. Personal Relations: Titles of nobility—Continued.**  
 John Q. Adams, Secretary of State, Report Book (Dec. 1817, July 1821), pp. 14-15; Bureau of Rolls and Library, Department of State. For reprints of the certified copies of the action of the various State legislatures, in Bureau of Rolls and Library, Department of State, see Documentary History of the Constitution of the United States, Vol. 11, pp. 452-515: (Bulletin of the Bureau of Rolls and Library of the Department of State, No. 7.)
- 400. Executive offices: Senators and Representatives excluded from civil office.**  
 1810, May 1. 11th Cong., 2d sess. By Mr. Macon of North Carolina; read; tabled. H. J., pp. 639, 640; Annals, p. 202.
- 401. Executive offices: Senators and Representatives excluded from civil office.**  
 1810, Dec. 10. 11th Cong., 3d sess. By Mr. Macon of North Carolina; read; to Com. of the Whole; considered; to select com.; reported; considered in Com. of the Whole; attempt to amend; reported to House in an amended form. Mr. Hubbard's amendment failed; House concur with Com. of the Whole (71 to 40); Speaker declared question lost; appeal taken, but Chair sustained and amendment failed. H. J., pp. 23, 28, 61, 69, 181-185, 210, 211, 212, 213, 214, 215, 217, 218, 219; Annals, pp. 236, 458, 841, 897, 905.
- 402. Judiciary: Removal of judges.**  
 1811, Jan. 29. 11th Cong., 3d sess. By Mr. Wright of Maryland; motion to consider lost. H. J., pp. 189, 190; Annals, pp. 830, 857.
- 403. Executive: Appointments to civil office of relatives of Senators or Representatives prohibited.**  
 1811, Jan. 30. 11th Cong., 3d sess. By Mr. Quincy of Massachusetts; referred to Com. of the Whole; attempt to amend in Com. of the Whole by Mr. Wright. H. J., pp. 181-185.
- 404. Finance: Duties on exports.**  
 1812, Mar. 12. 12th Cong., 1st sess. By Mr. Mitchell of New York; read. H. J., p. 483; Annals, p. 1201.
- 405. Judiciary: Removal of judges.**  
 1812, Apr. 13. 12th Cong., 1st sess. By Mr. McKim of Maryland; read and tabled. H. J., p. 587; Annals, p. 1317.
- 405a. Legislative: Term of Senator four years.**  
 1812. Resolution of the legislature of Tennessee. Niles' Register (Dec. 5, 1812), Vol. III, p. 224; Vol. VI, p. 18.
- 406. Legislative: Election of Representatives by districts.**
- 407. Executive: Choice of: Election of electors by districts.**  
 1813, Jan. 18. 12th Cong., 2d sess. By Mr. Pickens of North Carolina; committed to Com. of the Whole. H. J., pp. 183, 184; Annals, p. 648.
- 408. Legislative: Election of Representatives by districts.**  
 1813, Jan. 20. 12th Cong., 2d sess. By Mr. Turner of North Carolina, from the legislature of North Carolina; read twice; to select com. S. J., pp. 917-178, 180; Annals, pp. 657, 66.
- \*409. Executive: Choice of: Election of electors by districts.**  
 1813, Jan. 20-Feb. 17. 12th Cong., 2d sess. By Mr. Turner of North Carolina, from the legislature of North Carolina; read twice; to select com.; report; amendments made; considered in Com. of the Whole, and agreed to as amended by com.; Mr. German's amendment lost; read third time; passed Senate (22 to 9).  
 Feb. 18. Received in the House; read twice; to Com. of the Whole. S. J., pp. 912-128, 130, 189, 212, 213, 217, 219, 221, 221, 223, 227, 228, 229; H. J., pp. 319, 327; Annals, pp. 657-58, 77, 80, 91, 1080, 1082.

Frederick Douglass stood up to speak in favor of women's right to vote.

In 1848, Douglass was the only African American to attend the first women's rights convention, the Seneca Falls Convention.<sup>[31][32]</sup> Elizabeth Cady Stanton asked the assembly to pass a resolution asking for women's suffrage.<sup>[33]</sup> Many of those present opposed the idea, including influential Quakers James and Lucretia Mott.<sup>[34]</sup> Douglass stood and spoke eloquently in favor; he said that he could not accept the right to vote as a black man if women could not also claim that right. He suggested that the world would be a better place if women were involved in the political sphere.

"In this denial of the right to participate in government, not merely the degradation of woman and the perpetuation of a great injustice happens, but the maiming and repudiation of one-half of the moral and intellectual power of the government of the world."<sup>[34]</sup>

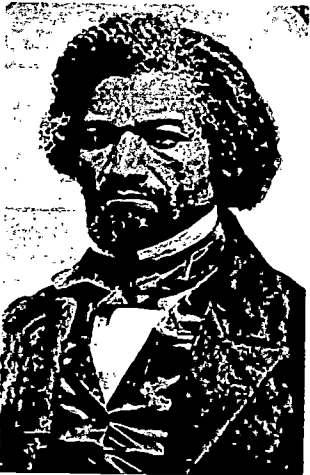
Douglass' powerful words rang true with enough attendees that the resolution passed.<sup>[34][35]</sup>

### *Douglass refines his ideology*

*In 1851, Douglass merged the North Star with Gerrit Smith's Liberty Party Paper to form Frederick Douglass' Paper, which was published until 1860. Douglass came to agree with Smith and Lysander Spooner that the United States Constitution was an anti-slavery document.*

*This reversed his earlier agreement with William Lloyd Garrison that it was pro-slavery. Garrison had publicly expressed his opinion by burning copies of the document. Further contributing to their growing separation, Garrison was worried that the North Star competed with his own National Anti-Slavery Standard and Marius Robinson's Anti-Slavery Bugle. Douglass' change of position on the Constitution was one of the most notable incidents of the division in the abolitionist movement after the publication of Spooner's book The Unconstitutionality of Slavery in 1846. This shift in opinion, and other political differences, created a rift between Douglass and Garrison. Douglass further angered Garrison by saying that the Constitution could and should be used as an instrument in the fight against slavery.*

On July 5, 1852, Douglass delivered an address to the Ladies of the Rochester Anti-Slavery Sewing Society, which eventually became known as "What to the slave is the 4th of July?" It was a blistering attack on the hypocrisy of the United States in general and the Christian church in particular.<sup>[36]</sup>



53  
Frederick Douglass in 1856

Douglass believed that education was the key for African Americans to improve their lives. For this reason, he was an early advocate for desegregation of schools. In the 1850s, he was especially outspoken in New York. The facilities and instruction for African-American children were vastly inferior. Douglass criticized the situation and called for



court action to open all schools to all children. He stated that inclusion within the educational system was a more pressing need for African Americans than political issues such as suffrage.

Douglass was acquainted with the radical abolitionist John Brown, but disapproved of Brown's plan to start an armed slave rebellion in the South. Brown visited Douglass' home two months before he led the raid on the federal armory in Harpers Ferry. After the raid, Douglass fled for a time to Canada, fearing guilt by association and arrest as a co-conspirator. Douglass believed that the attack on federal property would enrage the American public. Douglass later shared a stage at a speaking engagement in Harpers Ferry with Andrew Hunter, the prosecutor who successfully convicted Brown.

In March 1860, Douglass' youngest daughter Annie died in Rochester, New York, while he was still in England. Douglass returned from England the following month. He took a route through Canada to avoid detection.

## Civil War years

### Before the Civil War

By the time of the Civil War, Douglass was one of the most famous black men in the country, known for his orations on the condition of the black race and on other issues such as women's rights. His eloquence gathered crowds at every location. His reception by leaders in England and Ireland added to his stature.

### Fight for emancipation and suffrage

Douglass, circa 1860s

Douglass and the abolitionists argued that because the aim of the Civil War was to end slavery, African Americans should be allowed to engage in the fight for their freedom. Douglass publicized this view in his newspapers and several speeches. Douglass conferred with President Abraham Lincoln in 1863 on the treatment of black soldiers, and with President Andrew Johnson on the subject of black suffrage.

President Lincoln's Emancipation Proclamation, which took effect on January 1, 1863, declared the freedom of all slaves in Confederate-held territory.<sup>[37]</sup> (Slaves in Union-held areas and Northern states would become freed with the adoption of the 13th Amendment on December 6, 1865.) Douglass described the spirit of those awaiting the proclamation: "We were waiting and listening as for a bolt from the sky ... we were watching ... by the dim light of the stars for the dawn of a new day ... we were longing for the answer to the agonizing prayers of centuries."<sup>[38]</sup>

During the U.S. Presidential Election of 1864, Douglass supported John C. Frémont. Douglass was disappointed that President Lincoln did not publicly endorse suffrage for black freedmen. Douglass believed that since African American men were fighting in the American Civil War, they deserved the right to vote.<sup>[39]</sup>

With the North no longer obliged to return slaves to their owners in the South, Douglass fought for equality for his people. He made plans with Lincoln to move the liberated slaves out of the South. During the war, Douglass helped the Union by serving as a recruiter for the 54th Massachusetts Regiment. His son Frederick Douglass Jr. also served as a recruiter and his other son, Lewis Douglass, fought for the 54th Massachusetts Regiment at the Battle of Fort Wagner.

***Slavery everywhere in the United States was outlawed by the post-war (1865) ratification of the 13th Amendment. The 14th Amendment provided for citizenship and equal protection under the law. The 15th Amendment protected all citizens from being discriminated against in voting because of race. Douglass' support for the 15th Amendment, which failed to give women the vote, led to a temporary estrangement between him and the women's rights movement.<sup>[40]</sup>***

**Complete Document**

**Can Be Viewed**

**In Bill Folder**

SETTING THE RECORD STRAIGHT:

*American History*  
in **BLACK**  
& **WHITE**



DAVID BARTON

SETTING THE RECORD STRAIGHT:

*American History*  
**in BLACK**  
**& WHITE**

DAVID BARTON



[www.wallbuilders.com](http://www.wallbuilders.com)  
Aledo, Texas

*Setting the Record Straight: American History in Black & White*  
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## Foreword

African Americans originally came to America unwillingly, having been stolen and sold by Muslim slave-catchers in Africa to Dutch traders journeying to America in 1619. Yet they have withstood those dark beginnings to become the fiber in the fabric of American society. As President William Howard Taft admiringly noted: "Their ancestors came here years ago against their will; and [now] this is their only country and their only flag. They have shown themselves anxious to live for it, and to die for it."

The story of African Americans is not unlike that of God's chosen people, the Jews. Originally prospering in their homeland, they were taken to a foreign land where for centuries they lived in slavery until God delivered them and established them in a new land. Overcoming their tragic beginnings, African Americans have triumphed and prospered – or, in the words of Joseph, whose brethren sold him into slavery: "You intended evil against me, but God turned it for good."

James A. Garfield, America's 20<sup>th</sup> President, personally witnessed the final chapter in the deliverance of African Americans from slavery in America. He fought to abolish slavery as a Union General during the Civil War and afterwards as a Member of Congress; voted for the abolition of slavery and led in the passage of almost two dozen civil rights bills. Garfield fought side by side with African Americans during the Civil War; and after the War, he worked side by side with America's first African American congressmen to pass those early civil rights bills. President Garfield proudly declared of African Americans: "With unquestioning devotion to the Union – with a patience and gentleness not born of fear – they have followed the light as God gave them to see the light."

The four-century-long story of African American political history truly is an incredible story but much of the early history is now unknown. That is, while most today know about the last fifty years (i.e., the Rev. Dr. Martin Luther King, Jr., W. E. B. Dubois, and Malcolm X), few know much about the extraordinary heroes from the first three-and-a-half centuries of that history. For example, who today knows the amazing story of the Rev. Hiram Rhodes Revels, the first black U. S. Senator? Or that of Joseph Hayne Rainey, who overcame slavery to become the first African American elected to the U. S. Congress and to serve as Speaker of the U. S. House? Or of John Rock, the first African American admitted to the U. S. Supreme Court Bar? The reintroduction of this history is long overdue.

In speaking of these accomplishments, President John F. Kennedy once observed: "I am certain that it was no easy task to compress into a single volume the American Negro's century-long struggle to win the full promise of our Constitution and Bill of Rights." Such was the case with this work; indeed, it was "no easy task to compress into a single volume" the stories of so many notable heroes, but I have tried.

In the preparation of this work, I have been asked by African American and Anglos alike why I, as an Anglo, would care about the story of African American political history? The answer is simple: it is because I am an American. Period. The story of African American history is part of American history; I am an American, therefore it is part of my history. Furthermore, I am inspired by all stories of sacrifice, courage, and patriotism – regardless of the skin color of the hero. The stories of African American heroes such as Richard Allen, Henry Highland Garnet, and John Roy Lynch are as thrilling to me as are the stories of all other American heroes from Lewis & Clark to Helen Keller to Alvin York.

I hope that you will be as inspired in reading this work as I have been in preparing it.

(I owe a deep debt of thanks to all of those who contributed to this project: Susan Weddington, who first brought to my attention the remarkable history of African Americans in the 1860s and thus launched me on this inquiry; Cheryl, my wife, who has faithfully supported me through thousands of hours of researching, writing, and documenting this work; Nathan Lehman and the research staff who dug through the mountains of dusty archives to resurrect so much of this remarkable but forgotten story; and to God Almighty, for creating us in such a way that we look to, learn from, and are inspired by historical heroes.)

David Barton  
December, 2004

## Setting the Record Straight: American History in Black & White

### *A Primer on African American Political History*

African American history – so much of it is truly unknown today. For example, few know of James Armistead – a black patriot and spy who helped make possible the 1781 Yorktown victory during the American Revolution that established America as an independent nation.<sup>1</sup>

Or Peter Salem – a black patriot who was a hero of the 1775 Battle of Bunker Hill; he also fought as one of the legendary Minutemen and was a soldier at the Battles of Saratoga and Stony Point.<sup>2</sup> In fact, a monument was erected to his memory in Massachusetts to commemorate his life and deeds.<sup>3</sup>

And in the famous picture of the 1776 crossing of the Delaware on Christmas night, two men depicted at the front of the boat include Prince Whipple and Oliver Cromwell – two black patriots who served with George Washington and other American generals during the Revolution.<sup>4</sup>



PETER SALEM AT BUNKER HILL



PRINCE WHIPPLE & OLIVER CROMWELL

Few Americans are aware that many of the soldiers who fought during the American Revolution were black – and unlike the later segregated regiments in the Civil War, many of the units in the American Revolution were fully integrated, with black patriots fighting and dying side by side with their white fellow comrades and soldiers.<sup>5</sup>

While this part of our history is unknown today, Americans knew this information in previous generations because of black historians



Rev. Richard Allen



Rev. Henry Garnet



Rev. Hiram Revels



Joseph Rainey

*Setting the Record Straight* reintroduces this generation to the forgotten heroes and untold stories from our rich African American political history:

- The Rev. Richard Allen, the founder of America's first black denomination
- The Rev. Henry Highland Garnet, the first African American to deliver a sermon in Congress
- The Rev. Hiram Rhodes Revels, the first black U. S. Senator
- Joseph Hayne Rainey, the first African American elected to the U. S. Congress
- Jefferson Franklin Long, the first African American to give a speech in the U. S. House
- John Rock, the first African American admitted to the U. S. Supreme Court Bar
- John Roy Lynch, the first African American to preside over a national political convention
- The Rev. Frederick Douglass, the first African American to be appointed to office in four different presidential administrations

These heroes – and many others – are presented in this inspiring documentary of African American political history.



Jefferson Long



John Rock



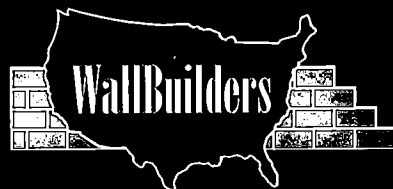
John Lynch



Frederick Douglass



**David Barton** is the founder of WallBuilders, an organization dedicated to presenting America's forgotten history and heroes, with an emphasis on our moral, religious and constitutional heritage. David is an author of numerous best-selling works and a national award-winning historian who brings a fresh and accurate perspective to history.



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# Voting Sheets



HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

EXECUTIVE SESSION on HB 638

**BILL TITLE:** recognizing the original Thirteenth Amendment to the United States Constitution.

**DATE:** March 7, 2013

**LOB ROOM:** 203

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Tim Smith

Seconded by Rep. Sweeney

Vote: 10-5 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: No**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Stephen J. Shurtliff, Clerk

HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

EXECUTIVE SESSION on HB 638

BILL TITLE: recognizing the original Thirteenth Amendment to the United States Constitution.

DATE: 3-7-13

LOB ROOM: 203

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Smith, Tim*

Seconded by Rep. *Sweeney*

Vote: *10-5* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: ~~14-0~~ (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Dale Spainhower, Clerk

*Shurtliff* *West* *Shurtliff*

*Regular Calendar*



2013 SESSION

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

Bill #: HB 638 Title: recognizing original Thirteenth Amendment to the U.S. Constitution  
PH Date: 3 1 1 13 Exec Session Date: 3 1 7 13  
Motion: I + L Amendment #: \_\_\_\_\_

MEMBER

YEAS

NAYS

Theberge, Robert L, Chairman	10	
Sweeney, Cynthia P, V Chairman	1	
Garrity, Patrick F <i>Richardson</i>	2	
Spainhower, Dale S, Clerk <i>Shurtleff</i>	3	
Palangas, Eric <i>Roger</i>	4	
Carey, Lorrie J <i>MS</i>		
Massimilla, Linda	5	
McCloskey, David	6	
Meneer, H. Robert	7	
Smith, Timothy J	8	
Baldasaro, Alfred P,		1
Priestley, Anne K	9	
Christiansen, Lars T	-	
Smith, Todd P		2
Lundgren, David C		-
Notter, Jeanine M		3
Rideout, Leon H		4
Rollins, Skip		5
<b>TOTAL VOTE:</b>	<b>10</b>	<b>5</b>

# Committee Report

**REGULAR CALENDAR**

**March 7, 2013**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on STATE-FEDERAL  
RELATIONS AND VETERANS AFFAIRS to which was  
referred HB638,**

**AN ACT recognizing the original Thirteenth  
Amendment to the United States Constitution. Having  
considered the same, report the same with the following  
Resolution: RESOLVED, That it is INEXPEDIENT TO  
LEGISLATE.**

**Rep. Timothy J Smith**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee:	<b>STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS</b>
Bill Number:	<b>HB638</b>
Title:	<b>recognizing the original Thirteenth Amendment to the United States Constitution.</b>
Date:	<b>March 7, 2013</b>
Consent Calendar:	<b>NO</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

**STATEMENT OF INTENT**

From a historical perspective the history of the Thirteenth Amendment is quite interesting. However, this bill contains a widely debunked conspiracy theory which has already been found without merit by the U.S. Federal Courts.

Vote 10-5

Rep. Timothy J Smith  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

REGULAR CALENDAR

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

**HB638**, recognizing the original Thirteenth Amendment to the United States Constitution.  
**INEXPEDIENT TO LEGISLATE.**

Rep. Timothy J Smith for the **Majority** of STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS. From a historical perspective the history of the Thirteenth Amendment is quite interesting. However, this bill contains a widely debunked conspiracy theory which has already been found without merit by the U.S. Federal Courts. **Vote 10-5.**

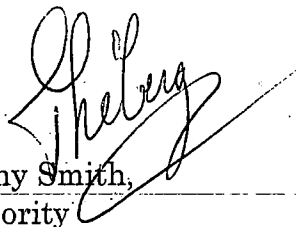
Original: House Clerk  
Cc: Committee Bill File

Blurb MAJORITY REPORT

HB 638 recognizing the original Thirteenth Amendment to the United States Constitution.

ITL 10-5 RC

From a historical perspective the history of the Thirteenth Amendment is quite interesting. However, this bill contains a widely debunked conspiracy theory which has already been found without merit by the U.S. Federal Courts.



Rep. Timothy Smith,  
For the majority



COMMITTEE REPORT

COMMITTEE: State - Federal Relations & Veterans Affairs

BILL NUMBER: HB 638

TITLE: recognizing the original 13th Amendment to the U.S. Constitution

DATE: 3-7-13 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No. \_\_\_\_\_

STATEMENT OF INTENT:

Statement will be enacted (S)

COMMITTEE VOTE: 10-5

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Tim Smith 5472  
For the Committee

HB 638

## Maffucci, Dianna

---

**From:** Theberge, Robert  
**Sent:** Thursday, March 07, 2013 11:38 AM  
**To:** Maffucci, Dianna  
**Subject:** FW: Blurb / HB638

Dianna:

The blurb should read:

Rep. Timothy Smith for the Majority.

From a historical perspective the history of the Thirteenth Amendment is quite interesting.

However, this bill contains a widely debunked conspiracy theory which has already been found without merit by the U.S. Federal Courts.

Representative Timothy Smith  
Manchester, NH  
tim.smith@leg.state.nh.us

**REGULAR CALENDAR**

**March 7, 2013**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on STATE-FEDERAL  
RELATIONS AND VETERANS AFFAIRS to which was  
referred HB638,**

**AN ACT recognizing the original Thirteenth  
Amendment to the United States Constitution. Having  
considered the same, and being unable to agree with  
the Majority, report with the recommendation that the  
bill OUGHT TO PASS.**

**Rep. Leon H Rideout**

**FOR THE MINORITY OF THE COMMITTEE**

**MINORITY  
COMMITTEE REPORT**

Committee: **STATE-FEDERAL RELATIONS AND  
VETERANS AFFAIRS**

Bill Number: **HB638**

Title: **recognizing the original Thirteenth  
Amendment to the United States Constitution.**

Date: **March 7, 2013**

Consent Calendar: **NO**

Recommendation: **OUGHT TO PASS**

**STATEMENT OF INTENT**

The minority felt that this bill should be retained for further study. The committee members were given a large quantity of information, and many people that had come to testify could not due to the fact that the committee was running very late. Secretary of State Gardner was also unable to testify due to the late schedule.

Rep. Leon H Rideout  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

REGULAR CALENDAR

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

**HB638**, recognizing the original Thirteenth Amendment to the United States Constitution.  
**OUGHT TO PASS.**

Rep. Leon H Rideout for the **Minority** of STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS. The minority felt that this bill should be retained for further study. The committee members were given a large quantity of information, and many people that had come to testify could not due to the fact that the committee was running very late. Secretary of State Gardner was also unable to testify due to the late schedule.

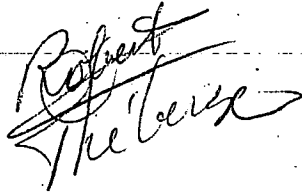
Blurb MINORITY REPORT

HB 638 recognizing the original Thirteenth Amendment to the United States Constitution.

OTP

The minority felt that this bill should be retained for further study. The committee members were given a large quantity of information, and many people that had come to testify could not due to the fact that the committee was running very late. Secretary of State Gardner was also unable to testify due to the late schedule.

Rep. Leon Rideout,  
For the minority

A handwritten signature in cursive script, appearing to read "Robert The Case", written over a horizontal dashed line.

MINORITY REPORT

COMMITTEE: Federal Relations / VETERANS AFFAIRS

BILL NUMBER: HB 639

TITLE: \_\_\_\_\_

DATE: 3-7-13 CONSENT CALENDAR: YES  NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
\_\_\_\_\_

STATEMENT OF INTENT:

~~It is~~ The minority felt that this bill should be retained for further study. The committee members were given a large quantity of information and ~~the~~ many people that had come to testify could<sup>not</sup> due to the fact the committee was running very late. Sec. of State Gardner was also unable to testify due to the late schedule.

COMMITTEE VOTE: 10-5

• Copy to Committee Bill File

RESPECTFULLY SUBMITTED,

Rep. Leon R. Rineout  
For the Minority