

TABLE OF CONTENTS

Chinese Exclusion Act.....	1
THE CONSTITUTION OF THE IROQUOIS NATIONS:.....	4
THE GREAT BINDING LAW, GAYANASHAGOWA.....	4
U.S. TREATY WITH THE CHEROKEES 1791	26
INDIAN REMOVAL ACT, 1830.....	31
The Man in the Arena: Citizenship in a Republic*	33
1924 IMMIGRATION ACT.....	44
Not All Caucasians Are White: The Supreme Court Rejects Citizenship for Asian Indians	49
Korematsu v. United States: The U.S. Supreme Court Upholds Internment.....	53
CITIZENSHIP TEST.....	58
Elizabeth Cady Stanton, “The Solitude of Self,” 1892.....	63
The Cherokee Constitution	68
Editorial from The Cherokee Phoenix	68
Cherokee Constitution (1827) and Married Women’s Property Act (1829)	69
Declaration of Rights for Women, 1876.....	70
DECLARATION OF SENTIMENTS, 1848	74
Treaty of Watertown, 1776.....	77
An Act to Regulate Trade and Intercourse With the Indian Tribes (1790)	79

Chinese Exclusion Act

Forty-Seventh Congress. Session I. 1882

Chapter 126.-An act to execute certain treaty stipulations relating to Chinese.

Preamble. Whereas, in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof:

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the expiration of ninety days next after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended; and during such suspension it shall not be lawful for any Chinese laborer to come, or, having so come after the expiration of said ninety days, to remain within the United States.

SEC. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land or permit to be landed, and Chinese laborer, from any foreign port of place, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every such Chinese laborer so brought, and may be also imprisoned for a term not exceeding one year.

SEC. 3. That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of this act, and who shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence hereinafter in this act required of his being one of the laborers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States by reason of being in distress or in stress of weather, or touching at any port of the United States on its voyage to any foreign port of place: Provided, That all Chinese laborers brought on such vessel shall depart with the vessel on leaving port.

SEC. 4. That for the purpose of properly identifying Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of this act, and in order to furnish them with the proper evidence of their right to go from and come to the United States of their free will and accord, as provided by the treaty between the United States and China dated November seventeenth, eighteen hundred and eighty, the collector of customs of the district from which any such Chinese laborer shall depart from the United States shall, in person or by deputy, go on board each vessel having on board any such Chinese laborer and cleared or about to sail from his district for a foreign port, and on such vessel make a list of all such Chinese laborers, which shall be entered in registry-books to be kept for that purpose, in which shall be stated the name, age, occupation, last place of residence, physical marks or peculiarities, and all facts necessary for the identification of each of such Chinese laborers, which books shall be safely kept in the custom-house; and every such Chinese laborer so departing from the United States shall be entitled to, and shall receive, free of any charge or cost upon application therefore, from the collector or his deputy, at the time such list is taken, a certificate, signed by the collector or his deputy and attested by his seal of office, in such form as the Secretary of the Treasury shall prescribe, which

certificate shall contain a statement of the name, age, occupation, last place of residence, personal description, and fact of identification of the Chinese laborer to whom the certificate is issued, corresponding with the said list and registry in all particulars. In case any Chinese laborer after having received such certificate shall leave such vessel before her departure he shall deliver his certificate to the master of the vessel, and if such Chinese laborer shall fail to return to such vessel before her departure from port the certificate shall be delivered by the master to the collector of customs for cancellation. The certificate herein provided for shall entitle the Chinese laborer to whom the same is issued to return to and re-enter the United States upon producing and delivering the same to the collector of customs of the district at which such Chinese laborer shall seek to re-enter; and upon delivery of such certificate by such Chinese laborer to the collector of customs at the time of re-entry in the United States, said collector shall cause the same to be filed in the custom house and duly canceled.

SEC. 5. That any Chinese laborer mentioned in section four of this act being in the United States, and desiring to depart from the United States by land, shall have the right to demand and receive, free of charge or cost, a certificate of identification similar to that provided for in section four of this act to be issued to such Chinese laborers as may desire to leave the United States by water; and it is hereby made the duty of the collector of customs of the district next adjoining the foreign country to which said Chinese laborer desires to go to issue such certificate, free of charge or cost, upon application by such Chinese laborer, and to enter the same upon registry-books to be kept by him for the purpose, as provided for in section four of this act.

SEC. 6. That in order to the faithful execution of articles one and two of the treaty in this act before mentioned, every Chinese person other than a laborer who may be entitled by said treaty and this act to come within the United States, and who shall be about to come to the United States, shall be identified as so entitled by the Chinese Government in each case, such identity to be evidenced by a certificate issued under the authority of said government, which certificate shall be in the English language or (if not in the English language) accompanied by a translation into English, stating such right to come, and which certificate shall state the name, title, or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, and place of residence in China of the person to whom the certificate is issued and that such person is entitled conformably to the treaty in this act mentioned to come within the United States. Such certificate shall be prima-facie evidence of the fact set forth therein, and shall be produced to the collector of customs, or his deputy, of the port in the district in the United States at which the person named therein shall arrive.

SEC. 7. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge any such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, and imprisoned in a penitentiary for a term of not more than five years.

SEC. 8. That the master of any vessel arriving in the United States from any foreign port or place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of vessel pursuant to the law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Chinese passengers, deliver and report to the collector of customs of the district in which such vessels shall have arrived a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time. Such list shall show the names of such passengers (and if accredited officers of the Chinese Government traveling on the business of that government, or their servants, with a note of such facts), and the name and other particulars, as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo. Any willful refusal or

neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of cargo.

SEC. 9. That before any Chinese passengers are landed from any such vessel, the collector, or his deputy, shall proceed to examine such passengers, comparing the certificates with the list and with the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law.

SEC. 10. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation on any district of the United States into which such vessel may enter or in which she may be found.

SEC. 11. That any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall knowingly aid or abet the same, or aid or abet the landing in the United States from any vessel of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in a sum not exceeding one thousand dollars, and imprisoned for a term not exceeding one year.

SEC. 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this act required of Chinese persons seeking to land from a vessel. And any Chinese person found unlawfully within the United States shall be caused to be removed there from to the country from whence he came, by direction of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or remain in the United States.

SEC. 13. That this act shall not apply to diplomatic and other officers of the Chinese Government traveling upon the business of that government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons.

SEC. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

SEC. 15. That the words "Chinese laborers", whenever used in this act, shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

Approved, May 6, 1882.

<http://www.mtholyoke.edu/acad/intrel/chinex.htm>

**THE CONSTITUTION OF THE IROQUOIS NATIONS:
THE GREAT BINDING LAW, GAYANASHAGOWA**

1 I am Dekanawidah and with the Five Nations' Confederate Lords I plant the Tree of Great Peace I plant it in your territory, Adodarhoh, and the Onondaga Nation, in the territory of you who are Firekeepers.

I name the tree the Tree of the Great Long Leaves Under the shade of this Tree of the Great Peace we spread the soft white feathery down of the globe thistle as seats for you, Adodarhoh, and your cousin Lords.

We place you upon those seats, spread soft with the feathery down of the globe thistle, there beneath the shade of the spreading branches of the Tree of Peace There shall you sit and watch the Council Fire of the Confederacy of the Five Nations, and all the affairs of the Five Nations shall be transacted at this place before you, Adodarhoh, and your cousin Lords, by the Confederate Lords of the Five Nations.

2 Roots have spread out from the Tree of the Great Peace, one to the north, one to the east, one to the south and one to the west The name of these roots is The Great White Roots and their nature is Peace and Strength.

If any man or any nation outside the Five Nations shall obey the laws of the Great Peace and make known their disposition to the Lords of the Confederacy, they may trace the Roots to the Tree and if their minds are clean and they are obedient and promise to obey the wishes of the Confederate Council, they shall be welcomed to take shelter beneath the Tree of the Long Leaves.

We place at the top of the Tree of the Long Leaves an Eagle who is able to see afar If he sees in the distance any evil approaching or any danger threatening he will at once warn the people of the Confederacy.

3 To you Adodarhoh, the Onondaga cousin Lords, I and the other Confederate Lords have entrusted the caretaking and the watching of the Five Nations Council Fire.

When there is any business to be transacted and the Confederate Council is not in session, a messenger shall be dispatched either to Adodarhoh, Hononwirehtonh or Skanawatih, Fire Keepers, or to their War Chiefs with a full statement of the case desired to be considered Then shall Adodarhoh call his cousin (associate) Lords together and consider whether or not the case is of sufficient importance to demand the attention of the Confederate Council If so, Adodarhoh shall dispatch messengers to summon all the Confederate Lords to assemble beneath the Tree of the Long Leaves.

When the Lords are assembled the Council Fire shall be kindled, but not with chestnut wood, and Adodarhoh shall formally open the Council

[ed note: chestnut wood throws out sparks in burning,
thereby creating a disturbance in the council]

Then shall Adodarhoh and his cousin Lords, the Fire Keepers, announce the subject for discussion.

The Smoke of the Confederate Council Fire shall ever ascend and pierce the sky so that other nations who may be allies may see the Council Fire of the Great Peace.

Adodarhoh and his cousin Lords are entrusted with the Keeping of the Council Fire.

4 You, Adodarhoh, and your thirteen cousin Lords, shall faithfully keep the space about the Council Fire clean and you shall allow neither dust nor dirt to accumulate I lay a Long Wing before you as a broom As a weapon against a crawling creature I lay a staff with you so that you may thrust it away from the Council Fire If you fail to cast it out then call the rest of the United Lords to your aid.

5 The Council of the Mohawk shall be divided into three parties as follows: Tekarihoken, Ayonhwhathah and Shadekariwade are the first party; Sharenhowaneh, Deyoenhegwenh and Oghrengrehgowah are the second party, and Dehennakrineh, Aghstawenserenthah and Shoskoharowaneh are the third party The third party is to listen only to the discussion of the first and second parties and if an error is made or the proceeding is irregular they are to call attention to it, and when the case is right and properly decided by the two parties they shall confirm the decision of the two parties and refer the case to the Seneca Lords for their decision When the Seneca Lords have decided in accord with the Mohawk Lords, the case or question shall be referred to the Cayuga and Oneida Lords on the opposite side of the house.

6 I, Dekanawidah, appoint the Mohawk Lords the heads and the leaders of the Five Nations Confederacy The Mohawk Lords are the foundation of the Great Peace and it shall, therefore, be against the Great Binding Law to pass measures in the Confederate Council after the Mohawk Lords have protested against them.

No council of the Confederate Lords shall be legal unless all the Mohawk Lords are present.

7 Whenever the Confederate Lords shall assemble for the purpose of holding a council, the Onondaga Lords shall open it by expressing their gratitude to their cousin Lords and greeting them, and they shall make an address and offer thanks to the earth where men dwell, to the streams of water, the pools, the springs and the lakes, to the maize and the fruits, to the medicinal herbs and trees, to the forest trees for their usefulness, to the animals that serve as food and give their pelts for clothing, to the great winds and the lesser winds, to the Thunderers, to the Sun, the mighty warrior, to the moon, to the messengers of the Creator who reveal his wishes and to the Great Creator who dwells in the heavens above, who gives all the things useful to men, and who is the source and the ruler of health and life.

Then shall the Onondaga Lords declare the council open.

The council shall not sit after darkness has set in.

8 The Firekeepers shall formally open and close all councils of the Confederate Lords, and they shall pass upon all matters deliberated upon by the two sides and render their decision.

Every Onondaga Lord (or his deputy) must be present at every Confederate Council and must agree with the majority without unwarrantable dissent, so that a unanimous decision may be rendered.

If Adodarhoh or any of his cousin Lords are absent from a Confederate Council, any other Firekeeper may open and close the Council, but the Firekeepers present may not give any decisions, unless the matter is of small importance.

9 All the business of the Five Nations Confederate Council shall be conducted by the two combined bodies of Confederate Lords First the question shall be passed upon by the Mohawk and Seneca Lords, then it shall be discussed and passed by the Oneida and Cayuga Lords Their decisions shall then be referred to the Onondaga Lords, (Fire Keepers) for final judgment.

The same process shall obtain when a question is brought before the council by an individual or a War Chief.

10. In all cases the procedure must be as follows: when the Mohawk and Seneca Lords have unanimously agreed upon a question, they shall report their decision to the Cayuga and Oneida Lords who shall deliberate upon the question and report a unanimous decision to the Mohawk Lords. The Mohawk Lords will then report the standing of the case to the Firekeepers, who shall render a decision as they see fit in case of a disagreement by the two bodies, or confirm the decisions of the two bodies if they are identical. The Fire Keepers shall then report their decision to the Mohawk Lords who shall announce it to the open council.

11. If through any misunderstanding or obstinacy on the part of the Fire Keepers, they render a decision at variance with that of the Two Sides, the Two Sides shall reconsider the matter and if their decisions are jointly the same as before they shall report to the Fire Keepers who are then compelled to confirm their joint decision.

12. When a case comes before the Onondaga Lords (Fire Keepers) for discussion and decision, Adodarho shall introduce the matter to his comrade Lords who shall then discuss it in their two bodies. Every Onondaga Lord except Hononwiretonh shall deliberate and he shall listen only. When a unanimous decision shall have been reached by the two bodies of Fire Keepers, Adodarho shall notify Hononwiretonh of the fact when he shall confirm it. He shall refuse to confirm a decision if it is not unanimously agreed upon by both sides of the Fire Keepers.

13. No Lord shall ask a question of the body of Confederate Lords when they are discussing a case, question or proposition. He may only deliberate in a low tone with the separate body of which he is a member.

14. When the Council of the Five Nation Lords shall convene they shall appoint a speaker for the day. He shall be a Lord of either the Mohawk, Onondaga or Seneca Nation.

The next day the Council shall appoint another speaker, but the first speaker may be reappointed if there is no objection, but a speaker's term shall not be regarded more than for the day.

15. No individual or foreign nation interested in a case, question or proposition shall have any voice in the Confederate Council except to answer a question put to him or them by the speaker for the Lords.

16. If the conditions which shall arise at any future time call for an addition to or change of this law, the case shall be carefully considered and if a new beam seems necessary or beneficial, the proposed change shall be voted upon and if adopted it shall be called, "Added to the Rafters".

Rights, Duties and Qualifications of Lords

17. A bunch of a certain number of shell (wampum) strings each two spans in length shall be given to each of the female families in which the Lordship titles are vested. The right of bestowing the title shall be hereditary in the family of the females legally possessing the bunch of shell strings and the strings shall be the token that the females of the family have the proprietary right to the Lordship title for all time to come, subject to certain restrictions hereinafter mentioned.

18 If any Confederate Lord neglects or refuses to attend the Confederate Council, the other Lords of the Nation of which he is a member shall require their War Chief to request the female sponsors of the Lord so guilty of defection to demand his attendance of the Council. If he refuses, the women holding the title shall immediately select another candidate for the title.

No Lord shall be asked more than once to attend the Confederate Council.

19 If at any time it shall be manifest that a Confederate Lord has not in mind the welfare of the people or disobeys the rules of this Great Law, the men or women of the Confederacy, or both jointly, shall come to the Council and upbraid the erring Lord through his War Chief. If the complaint of the people through the War Chief is not heeded the first time it shall be uttered again and then if no attention is given a third complaint and warning shall be given. If the Lord is contumacious the matter shall go to the council of War Chiefs. The War Chiefs shall then divest the erring Lord of his title by order of the women in whom the titleship is vested. When the Lord is deposed the women shall notify the Confederate Lords through their War Chief, and the Confederate Lords shall sanction the act. The women will then select another of their sons as a candidate and the Lords shall elect him. Then shall the chosen one be installed by the Installation Ceremony.

When a Lord is to be deposed, his War Chief shall address him as follows:

"So you, _____, disregard and set at naught the warnings of your women relatives. So you fling the warnings over your shoulder to cast them behind you.

"Behold the brightness of the Sun and in the brightness of the Sun's light I depose you of your title and remove the sacred emblem of your Lordship title. I remove from your brow the deer's antlers, which was the emblem of your position and token of your nobility. I now depose you and return the antlers to the women whose heritage they are."

The War Chief shall now address the women of the deposed Lord and say:

"Mothers, as I have now deposed your Lord, I now return to you the emblem and the title of Lordship, therefore repossess them."

Again addressing himself to the deposed Lord he shall say:

"As I have now deposed and discharged you so you are now no longer Lord. You shall now go your way alone, the rest of the people of the Confederacy will not go with you, for we know not the kind of mind that possesses you. As the Creator has nothing to do with wrong so he will not come to rescue you from the precipice of destruction in which you have cast yourself. You shall never be restored to the position which you once occupied."

Then shall the War Chief address himself to the Lords of the Nation to which the deposed Lord belongs and say:

"Know you, my Lords, that I have taken the deer's antlers from the brow of _____, the emblem of his position and token of his greatness."

The Lords of the Confederacy shall then have no other alternative than to sanction the discharge of the offending Lord.

20 If a Lord of the Confederacy of the Five Nations should commit murder the other Lords of the Nation shall assemble at the place where the corpse lies and prepare to depose the criminal Lord. If it is impossible to meet at the scene of the crime the Lords shall discuss the matter at the next Council of their Nation and request their War Chief to depose the Lord guilty of crime, to "bury" his women relatives and to transfer the Lordship title to a sister family.

The War Chief shall address the Lord guilty of murder and say:

"So you, _____ (giving his name) did kill _____ (naming the slain man), with your own hands! You have committed a grave sin in the eyes of the Creator. Behold the bright light of the Sun, and in the brightness of the Sun's light I depose you of your title and remove the horns, the sacred emblems of your Lordship title. I remove from your brow the deer's antlers, which was the emblem of your position and token of your nobility. I now depose you and expel you and you shall depart at once from the territory of the Five Nations Confederacy and nevermore return again. We, the Five Nations Confederacy, moreover, bury your women relatives because the ancient Lordship title was never intended to have any union with bloodshed. Henceforth it shall not be their heritage. By the evil deed that you have done they have forfeited it forever.."

The War Chief shall then hand the title to a sister family and he shall address it and say:

"Our mothers, _____, listen attentively while I address you on a solemn and important subject. I hereby transfer to you an ancient Lordship title for a great calamity has befallen it in the hands of the family of a former Lord. We trust that you, our mothers, will always guard it, and that you will warn your Lord always to be dutiful and to advise his people to ever live in love, peace and harmony that a great calamity may never happen again."

21 Certain physical defects in a Confederate Lord make him ineligible to sit in the Confederate Council. Such defects are infancy, idiocy, blindness, deafness, dumbness and impotency. When a Confederate Lord is restricted by any of these conditions, a deputy shall be appointed by his sponsors to act for him, but in case of extreme necessity the restricted Lord may exercise his rights.

22 If a Confederate Lord desires to resign his title he shall notify the Lords of the Nation of which he is a member of his intention. If his coactive Lords refuse to accept his resignation he may not resign his title.

A Lord in proposing to resign may recommend any proper candidate, which recommendation shall be received by the Lords, but unless confirmed and nominated by the women who hold the title the candidate so named shall not be considered.

23 Any Lord of the Five Nations Confederacy may construct shell strings (or wampum belts) of any size or length as pledges or records of matters of national or international importance.

When it is necessary to dispatch a shell string by a War Chief or other messenger as the token of a summons, the messenger shall recite the contents of the string to the party to whom it is sent. That party shall repeat the message and return the shell string and if there has been a summons he shall make ready for the journey.

Any of the people of the Five Nations may use shells (or wampum) as the record of a pledge, contract or an agreement entered into and the same shall be binding as soon as shell strings shall have been exchanged by both parties.

24 The Lords of the Confederacy of the Five Nations shall be mentors of the people for all time. The thickness of their skin shall be seven spans -- which is to say that they shall be proof against anger, offensive actions and criticism. Their hearts shall be full of peace and good will and their minds filled with a yearning for the welfare of the people of the Confederacy. With endless patience they shall carry out their duty and their firmness shall be tempered with a tenderness for their people. Neither anger nor fury shall find lodgment in their minds and all their words and actions shall be marked by calm deliberation.

25 If a Lord of the Confederacy should seek to establish any authority independent of the jurisdiction of the Confederacy of the Great Peace, which is the Five Nations, he shall be warned three times in open council, first by the women relatives, second by the men relatives and finally by the Lords of the Confederacy of the Nation to which he belongs. If the offending Lord is still obdurate he shall be dismissed by the War Chief of his nation for refusing to conform to the laws of the Great Peace. His nation shall then install the candidate nominated by the female name holders of his family.

26 It shall be the duty of all of the Five Nations Confederate Lords, from time to time as occasion demands, to act as mentors and spiritual guides of their people and remind them of their Creator's will and words. They shall say:

"Hearken, that peace may continue unto future days!

"Always listen to the words of the Great Creator, for he has spoken.

"United people, let not evil find lodging in your minds.

"For the Great Creator has spoken and the cause of Peace shall not become old.

"The cause of peace shall not die if you remember the Great Creator."

Every Confederate Lord shall speak words such as these to promote peace.

27 All Lords of the Five Nations Confederacy must be honest in all things. They must not idle or gossip, but be men possessing those honorable qualities that make true royaneh. It shall be a serious wrong for anyone to lead a Lord into trivial affairs, for the people must ever hold their Lords high in estimation out of respect to their honorable positions.

28 When a candidate Lord is to be installed he shall furnish four strings of shells (or wampum) one span in length bound together at one end. Such will constitute the evidence of his pledge to the Confederate Lords that he will live according to the constitution of the Great Peace and exercise justice in all affairs.

When the pledge is furnished the Speaker of the Council must hold the shell strings in his hand and address the opposite side of the Council Fire and he shall commence his address saying: "Now behold him. He has now become a Confederate Lord. See how splendid he looks." An address may then follow. At the end of it he shall send the bunch of shell strings to the opposite side and they shall be received as evidence of the pledge. Then shall the opposite side say:

"We now do crown you with the sacred emblem of the deer's antlers, the emblem of your Lordship. You shall now become a mentor of the people of the Five Nations. The thickness of your skin shall be seven spans -- which is to say that you shall be proof against anger, offensive actions and criticism. Your heart shall be filled with peace and good will and your mind filled with a yearning for the welfare of the people of the Confederacy. With endless patience you shall carry out your duty and your firmness shall be

tempered with tenderness for your people Neither anger nor fury shall find lodgment in your mind and all your words and actions shall be marked with calm deliberation In all of your deliberations in the Confederate Council, in your efforts at law making, in all your official acts, self interest shall be cast into oblivion Cast not over your shoulder behind you the warnings of the nephews and nieces should they chide you for any error or wrong you may do, but return to the way of the Great Law which is just and right Look and listen for the welfare of the whole people and have always in view not only the present but also the coming generations, even those whose faces are yet beneath the surface of the ground -- the unborn of the future Nation."

29 When a Lordship title is to be conferred, the candidate Lord shall furnish the cooked venison, the corn bread and the corn soup, together with other necessary things and the labor for the Conferring of Titles Festival.

30 The Lords of the Confederacy may confer the Lordship title upon a candidate whenever the Great Law is recited, if there be a candidate, for the Great Law speaks all the rules.

31 If a Lord of the Confederacy should become seriously ill and be thought near death, the women who are heirs of his title shall go to his house and lift his crown of deer antlers, the emblem of his Lordship, and place them at one side If the Creator spares him and he rises from his bed of sickness he may rise with the antlers on his brow.

The following words shall be used to temporarily remove the antlers:

"Now our comrade Lord (or our relative Lord) the time has come when we must approach you in your illness We remove for a time the deer's antlers from your brow, we remove the emblem of your Lordship title The Great Law has decreed that no Lord should end his life with the antlers on his brow We therefore lay them aside in the room If the Creator spares you and you recover from your illness you shall rise from your bed with the antlers on your brow as before and you shall resume your duties as Lord of the Confederacy and you may labor again for the Confederate people."

32 If a Lord of the Confederacy should die while the Council of the Five Nations is in session the Council shall adjourn for ten days No Confederate Council shall sit within ten days of the death of a Lord of the Confederacy.

If the Three Brothers (the Mohawk, the Onondaga and the Seneca) should lose one of their Lords by death, the Younger Brothers (the Oneida and the Cayuga) shall come to the surviving Lords of the Three Brothers on the tenth day and console them If the Younger Brothers lose one of their Lords then the Three Brothers shall come to them and console them And the consolation shall be the reading of the contents of the thirteen shell (wampum) strings of Ayonhwhathah At the termination of this rite a successor shall be appointed, to be appointed by the women heirs of the Lordship title If the women are not yet ready to place their nominee before the Lords the Speaker shall say, "Come let us go out." All shall leave the Council or the place of gathering The installation shall then wait until such a time as the women are ready The Speaker shall lead the way from the house by saying, "Let us depart to the edge of the woods and lie in waiting on our bellies."

When the women title holders shall have chosen one of their sons the Confederate Lords will assemble in two places, the Younger Brothers in one place and the Three Older Brothers in another The Lords who are to console the mourning Lords shall choose one of their number to sing the Pacification Hymn as they journey to the sorrowing Lords The singer shall lead the way and the Lords and the people shall follow When they reach the sorrowing Lords they shall hail the candidate Lord and perform the rite of Conferring the Lordship Title.

33 When a Confederate Lord dies, the surviving relatives shall immediately dispatch a messenger, a member of another clan, to the Lords in another locality. When the runner comes within hailing distance of the locality he shall utter a sad wail, thus: "Kwa-ah, Kwa-ah, Kwa-ah!" The sound shall be repeated three times and then again and again at intervals as many times as the distance may require. When the runner arrives at the settlement the people shall assemble and one must ask him the nature of his sad message. He shall then say, "Let us consider." Then he shall tell them of the death of the Lord. He shall deliver to them a string of shells (wampum) and say "Here is the testimony, you have heard the message." He may then return home.

It now becomes the duty of the Lords of the locality to send runners to other localities and each locality shall send other messengers until all Lords are notified. Runners shall travel day and night.

34 If a Lord dies and there is no candidate qualified for the office in the family of the women title holders, the Lords of the Nation shall give the title into the hands of a sister family in the clan until such a time as the original family produces a candidate, when the title shall be restored to the rightful owners.

No Lordship title may be carried into the grave. The Lords of the Confederacy may dispossess a dead Lord of his title even at the grave.

Election of Pine Tree Chiefs

35 Should any man of the Nation assist with special ability or show great interest in the affairs of the Nation, if he proves himself wise, honest and worthy of confidence, the Confederate Lords may elect him to a seat with them and he may sit in the Confederate Council. He shall be proclaimed a 'Pine Tree sprung up for the Nation' and shall be installed as such at the next assembly for the installation of Lords. Should he ever do anything contrary to the rules of the Great Peace, he may not be deposed from office -- no one shall cut him down -- but thereafter everyone shall be deaf to his voice and his advice. Should he resign his seat and title no one shall prevent him. A Pine Tree chief has no authority to name a successor nor is his title hereditary.

Names, Duties and Rights of War Chiefs

36 The title names of the Chief Confederate Lords' War Chiefs shall be:

Ayonwaehs, War Chief under Lord Takarihoken (Mohawk)

Kahonwahdironh, War Chief under Lord Odatshedeh (Oneida)

Ayendes, War Chief under Lord Adodarhoh (Onondaga)

Wenenhs, War Chief under Lord Dekanyonh (Cayuga)

Shoneradowaneh, War Chief under Lord Skanyadariyo (Seneca)

The women heirs of each head Lord's title shall be the heirs of the War Chief's title of their respective Lord.

The War Chiefs shall be selected from the eligible sons of the female families holding the head Lordship titles.

37 There shall be one War Chief for each Nation and their duties shall be to carry messages for their Lords and to take up the arms of war in case of emergency. They shall not participate in the proceedings of the Confederate Council but shall watch its progress and in case of an erroneous action by a Lord they shall receive the complaints of the people and convey the warnings of the women to him. The people who wish to convey messages to the Lords in the Confederate Council shall do so through the War Chief of their Nation. It shall ever be his duty to lay the cases, questions and propositions of the people before the Confederate Council.

38 When a War Chief dies another shall be installed by the same rite as that by which a Lord is installed.

39 If a War Chief acts contrary to instructions or against the provisions of the Laws of the Great Peace, doing so in the capacity of his office, he shall be deposed by his women relatives and by his men relatives. Either the women or the men alone or jointly may act in such a case. The women title holders shall then choose another candidate.

40 When the Lords of the Confederacy take occasion to dispatch a messenger in behalf of the Confederate Council, they shall wrap up any matter they may send and instruct the messenger to remember his errand, to turn not aside but to proceed faithfully to his destination and deliver his message according to every instruction.

41 If a message borne by a runner is the warning of an invasion he shall whoop, "Kwa-ah, Kwa-ah," twice and repeat at short intervals; then again at a longer interval.

If a human being is found dead, the finder shall not touch the body but return home immediately shouting at short intervals, "Koo-weh!"

Clans and Consanguinity

42 Among the Five Nations and their posterity there shall be the following original clans: Great Name Bearer, Ancient Name Bearer, Great Bear, Ancient Bear, Turtle, Painted Turtle, Standing Rock, Large Plover, Deer, Pigeon Hawk, Eel, Ball, Opposite-Side-of-the-Hand, and Wild Potatoes. These clans distributed through their respective Nations, shall be the sole owners and holders of the soil of the country and in them is it vested as a birthright.

43 People of the Five Nations members of a certain clan shall recognize every other member of that clan, irrespective of the Nation, as relatives. Men and women, therefore, members of the same clan are forbidden to marry.

44 The lineal descent of the people of the Five Nations shall run in the female line. Women shall be considered the progenitors of the Nation. They shall own the land and the soil. Men and women shall follow the status of the mother.

45 The women heirs of the Confederated Lordship titles shall be called Royaneh (Noble) for all time to come.

46 The women of the Forty Eight (now fifty) Royaneh families shall be the heirs of the Authorized Names for all time to come.

When an infant of the Five Nations is given an Authorized Name at the Midwinter Festival or at the Ripe Corn Festival, one in the cousinhood of which the infant is a member shall be appointed a speaker. He shall then announce to the opposite cousinhood the names of the father and the mother of the child together with the clan of the mother. Then the speaker shall announce the child's name twice. The uncle of the child shall then take the child in his arms and walking up and down the room shall sing: "My head is firm, I am of the Confederacy." As he sings the opposite cousinhood shall respond by chanting, "Hyenh, Hyenh, Hyenh, Hyenh," until the song is ended.

47 If the female heirs of a Confederate Lord's title become extinct, the title right shall be given by the Lords of the Confederacy to the sister family whom they shall elect and that family shall hold the name and transmit it to their (female) heirs, but they shall not appoint any of their sons as a candidate for a title until all the eligible men of the former family shall have died or otherwise have become ineligible.

48 If all the heirs of a Lordship title become extinct, and all the families in the clan, then the title shall be given by the Lords of the Confederacy to the family in a sister clan whom they shall elect.

49 If any of the Royaneh women, heirs of a titleship, shall willfully withhold a Lordship or other title and refuse to bestow it, or if such heirs abandon, forsake or despise their heritage, then shall such women be deemed buried and their family extinct. The titleship shall then revert to a sister family or clan upon application and complaint. The Lords of the Confederacy shall elect the family or clan which shall in future hold the title.

50 The Royaneh women of the Confederacy heirs of the Lordship titles shall elect two women of their family as cooks for the Lord when the people shall assemble at his house for business or other purposes.

It is not good nor honorable for a Confederate Lord to allow his people whom he has called to go hungry.

51 When a Lord holds a conference in his home, his wife, if she wishes, may prepare the food for the Union Lords who assemble with him. This is an honorable right which she may exercise and an expression of her esteem.

52 The Royaneh women, heirs of the Lordship titles, shall, should it be necessary, correct and admonish the holders of their titles. Those only who attend the Council may do this and those who do not shall not object to what has been said nor strive to undo the action.

53 When the Royaneh women, holders of a Lordship title, select one of their sons as a candidate, they shall select one who is trustworthy, of good character, of honest disposition, one who manages his own affairs, supports his own family, if any, and who has proven a faithful man to his Nation.

54 When a Lordship title becomes vacant through death or other cause, the Royaneh women of the clan in which the title is hereditary shall hold a council and shall choose one from among their sons to fill the office made vacant. Such a candidate shall not be the father of any Confederate Lord. If the choice is unanimous the name is referred to the men relatives of the clan. If they should disapprove it shall be their duty to select a candidate from among their own number. If then the men and women are unable to decide which of the two candidates shall be named, then the matter shall be referred to the Confederate Lords in the Clan. They shall decide which candidate shall be named. If the men and the women agree to a candidate his name shall be referred to the sister clans for confirmation. If the sister clans confirm the choice, they shall refer their action to their Confederate Lords who shall ratify the choice and present it to their cousin Lords, and if the cousin Lords confirm the name then the candidate shall be installed by the proper ceremony for the conferring of Lordship titles.

Official Symbolism

55 A large bunch of shell strings, in the making of which the Five Nations Confederate Lords have equally contributed, shall symbolize the completeness of the union and certify the pledge of the nations represented by the Confederate Lords of the Mohawk, the Oneida, the Onondaga, the Cayuga and the Seneca, that all are united and formed into one body or union called the Union of the Great Law, which they have established.

A bunch of shell strings is to be the symbol of the council fire of the Five Nations Confederacy And the Lord whom the council of Fire Keepers shall appoint to speak for them in opening the council shall hold the strands of shells in his hands when speaking When he finishes speaking he shall deposit the strings on an elevated place (or pole) so that all the assembled Lords and the people may see it and know that the council is open and in progress.

When the council adjourns the Lord who has been appointed by his comrade Lords to close it shall take the strands of shells in his hands and address the assembled Lords Thus will the council adjourn until such time and place as appointed by the council Then shall the shell strings be placed in a place for safekeeping.

Every five years the Five Nations Confederate Lords and the people shall assemble together and shall ask one another if their minds are still in the same spirit of unity for the Great Binding Law and if any of the Five Nations shall not pledge continuance and steadfastness to the pledge of unity then the Great Binding Law shall dissolve.

56 Five strings of shell tied together as one shall represent the Five Nations Each string shall represent one territory and the whole a completely united territory known as the Five Nations Confederate territory.

57 Five arrows shall be bound together very strong and each arrow shall represent one nation As the five arrows are strongly bound this shall symbolize the complete union of the nations Thus are the Five Nations united completely and enfolded together, united into one head, one body and one mind Therefore they shall labor, legislate and council together for the interest of future generations.

The Lords of the Confederacy shall eat together from one bowl the feast of cooked beaver's tail While they are eating they are to use no sharp utensils for if they should they might accidentally cut one another and bloodshed would follow All measures must be taken to prevent the spilling of blood in any way.

58 There are now the Five Nations Confederate Lords standing with joined hands in a circle This signifies and provides that should any one of the Confederate Lords leave the council and this Confederacy his crown of deer's horns, the emblem of his Lordship title, together with his birthright, shall lodge on the arms of the Union Lords whose hands are so joined He forfeits his title and the crown falls from his brow but it shall remain in the Confederacy.

A further meaning of this is that if any time any one of the Confederate Lords choose to submit to the law of a foreign people he is no longer in but out of the Confederacy, and persons of this class shall be called "They have alienated themselves." Likewise such persons who submit to laws of foreign nations shall forfeit all birthrights and claims on the Five Nations Confederacy and territory.

You, the Five Nations Confederate Lords, be firm so that if a tree falls on your joined arms it shall not separate or weaken your hold So shall the strength of the union be preserved.

59 A bunch of wampum shells on strings, three spans of the hand in length, the upper half of the bunch being white and the lower half black, and formed from equal contributions of the men of the Five Nations, shall be a token that the men have combined themselves into one head, one body and one thought, and it shall also symbolize their ratification of the peace pact of the Confederacy, whereby the Lords of the Five Nations have established the Great Peace.

The white portion of the shell strings represent the women and the black portion the men. The black portion, furthermore, is a token of power and authority vested in the men of the Five Nations.

This string of wampum vests the people with the right to correct their erring Lords. In case a part or all the Lords pursue a course not vouched for by the people and heed not the third warning of their women relatives, then the matter shall be taken to the General Council of the women of the Five Nations. If the Lords notified and warned three times fail to heed, then the case falls into the hands of the men of the Five Nations. The War Chiefs shall then, by right of such power and authority, enter the open council to warn the Lord or Lords to return from the wrong course. If the Lords heed the warning they shall say, "we will reply tomorrow." If then an answer is returned in favor of justice and in accord with this Great Law, then the Lords shall individually pledge themselves again by again furnishing the necessary shells for the pledge. Then shall the War Chief or Chiefs exhort the Lords urging them to be just and true.

Should it happen that the Lords refuse to heed the third warning, then two courses are open: either the men may decide in their council to depose the Lord or Lords or to club them to death with war clubs. Should they in their council decide to take the first course the War Chief shall address the Lord or Lords, saying: "Since you the Lords of the Five Nations have refused to return to the procedure of the Constitution, we now declare your seats vacant, we take off your horns, the token of your Lordship, and others shall be chosen and installed in your seats, therefore vacate your seats."

Should the men in their council adopt the second course, the War Chief shall order his men to enter the council, to take positions beside the Lords, sitting between them wherever possible. When this is accomplished the War Chief holding in his outstretched hand a bunch of black wampum strings shall say to the erring Lords: "So now, Lords of the Five United Nations, harken to these last words from your men. You have not heeded the warnings of the women relatives, you have not heeded the warnings of the General Council of women and you have not heeded the warnings of the men of the nations, all urging you to return to the right course of action. Since you are determined to resist and to withhold justice from your people there is only one course for us to adopt." At this point the War Chief shall let drop the bunch of black wampum and the men shall spring to their feet and club the erring Lords to death. Any erring Lord may submit before the War Chief lets fall the black wampum. Then his execution is withheld.

The black wampum here used symbolizes that the power to execute is buried but that it may be raised up again by the men. It is buried but when occasion arises they may pull it up and derive their power and authority to act as here described.

60 A broad dark belt of wampum of thirty-eight rows, having a white heart in the center, on either side of which are two white squares all connected with the heart by white rows of beads shall be the emblem of the unity of the Five Nations. [ed note: This is the Hiawatha Belt, now in the Congressional Library.]

The first of the squares on the left represents the Mohawk nation and its territory; the second square on the left and the one near the heart, represents the Oneida nation and its territory; the white heart in the middle represents the Onondaga nation and its territory, and it also means that the heart of the Five Nations is single in its loyalty to the Great Peace, that the Great Peace is lodged in the heart (meaning the Onondaga Lords), and that the Council Fire is to burn there for the Five Nations, and further, it means that

the authority is given to advance the cause of peace whereby hostile nations out of the Confederacy shall cease warfare; the white square to the right of the heart represents the Cayuga nation and its territory and the fourth and last white square represents the Seneca nation and its territory.

White shall here symbolize that no evil or jealous thoughts shall creep into the minds of the Lords while in Council under the Great Peace White, the emblem of peace, love, charity and equity surrounds and guards the Five Nations.

61 Should a great calamity threaten the generations rising and living of the Five United Nations, then he who is able to climb to the top of the Tree of the Great Long Leaves may do so When, then, he reaches the top of the tree he shall look about in all directions, and, should he see that evil things indeed are approaching, then he shall call to the people of the Five United Nations assembled beneath the Tree of the Great Long Leaves and say: "A calamity threatens your happiness."

Then shall the Lords convene in council and discuss the impending evil.

When all the truths relating to the trouble shall be fully known and found to be truths, then shall the people seek out a Tree of Ka-hon-ka-ah-go-nah, [a great swamp Elm], and when they shall find it they shall assemble their heads together and lodge for a time between its roots Then, their labors being finished, they may hope for happiness for many days after.

62 When the Confederate Council of the Five Nations declares for a reading of the belts of shell calling to mind these laws, they shall provide for the reader a specially made mat woven of the fibers of wild hemp The mat shall not be used again, for such formality is called the honoring of the importance of the law.

63 Should two sons of opposite sides of the council fire agree in a desire to hear the reciting of the laws of the Great Peace and so refresh their memories in the way ordained by the founder of the Confederacy, they shall notify Adodarho He then shall consult with five of his coactive Lords and they in turn shall consult with their eight brethren Then should they decide to accede to the request of the two sons from opposite sides of the Council Fire, Adodarho shall send messengers to notify the Chief Lords of each of the Five Nations Then they shall dispatch their War Chiefs to notify their brother and cousin Lords of the meeting and its time and place.

When all have come and have assembled, Adodarhoh, in conjunction with his cousin Lords, shall appoint one Lord who shall repeat the laws of the Great Peace Then shall they announce who they have chosen to repeat the laws of the Great Peace to the two sons Then shall the chosen one repeat the laws of the Great Peace.

64 At the ceremony of the installation of Lords if there is only one expert speaker and singer of the law and the Pacification Hymn to stand at the council fire, then when this speaker and singer has finished addressing one side of the fire he shall go to the opposite side and reply to his own speech and song He shall thus act for both sides of the fire until the entire ceremony has been completed Such a speaker and singer shall be termed the "Two Faced" because he speaks and sings for both sides of the fire.

65 I, Dekanawida, and the Union Lords, now uproot the tallest pine tree and into the cavity thereby made we cast all weapons of war Into the depths of the earth, down into the deep underneath currents of water flowing to unknown regions we cast all the weapons of strife We bury them from sight and we plant again the tree Thus shall the Great Peace be established and hostilities shall no longer be known between the Five Nations but peace to the United People.

Laws of Adoption

66 The father of a child of great comeliness, learning, ability or specially loved because of some circumstance may, at the will of the child's clan, select a name from his own (the father's) clan and bestow it by ceremony, such as is provided This naming shall be only temporary and shall be called, "A name hung about the neck."

67 Should any person, a member of the Five Nations' Confederacy, specially esteem a man or woman of another clan or of a foreign nation, he may choose a name and bestow it upon that person so esteemed The naming shall be in accord with the ceremony of bestowing names Such a name is only a temporary one and shall be called "A name hung about the neck." A short string of shells shall be delivered with the name as a record and a pledge.

68 Should any member of the Five Nations, a family or person belonging to a foreign nation submit a proposal for adoption into a clan of one of the Five Nations, he or they shall furnish a string of shells, a span in length, as a pledge to the clan into which he or they wish to be adopted The Lords of the nation shall then consider the proposal and submit a decision.

69 Any member of the Five Nations who through esteem or other feeling wishes to adopt an individual, a family or number of families may offer adoption to him or them and if accepted the matter shall be brought to the attention of the Lords for confirmation and the Lords must confirm adoption.

70 When the adoption of anyone shall have been confirmed by the Lords of the Nation, the Lords shall address the people of their nation and say: "Now you of our nation, be informed that such a person, such a family or such families have ceased forever to bear their birth nation's name and have buried it in the depths of the earth Henceforth let no one of our nation ever mention the original name or nation of their birth To do so will be to hasten the end of our peace.

Laws of Emigration

71 When any person or family belonging to the Five Nations desires to abandon their birth nation and the territory of the Five Nations, they shall inform the Lords of their nation and the Confederate Council of the Five Nations shall take cognizance of it.

72 When any person or any of the people of the Five Nations emigrate and reside in a region distant from the territory of the Five Nations Confederacy, the Lords of the Five Nations at will may send a messenger carrying a broad belt of black shells and when the messenger arrives he shall call the people together or address them personally displaying the belt of shells and they shall know that this is an order for them to return to their original homes and to their council fires.

Rights of Foreign Nations

73 The soil of the earth from one end of the land to the other is the property of the people who inhabit it By birthright the Ongwehonweh (Original beings) are the owners of the soil which they own and occupy and none other may hold it The same law has been held from the oldest times.

The Great Creator has made us of the one blood and of the same soil he made us and as only different tongues constitute different nations he established different hunting grounds and territories and made boundary lines between them.

74 When any alien nation or individual is admitted into the Five Nations the admission shall be understood only to be a temporary one Should the person or nation create loss, do wrong or cause suffering of any kind to endanger the peace of the Confederacy, the Confederate Lords shall order one of their war chiefs to reprimand him or them and if a similar offence is again committed the offending party or parties shall be expelled from the territory of the Five United Nations.

75 When a member of an alien nation comes to the territory of the Five Nations and seeks refuge and permanent residence, the Lords of the Nation to which he comes shall extend hospitality and make him a member of the nation Then shall he be accorded equal rights and privileges in all matters except as after mentioned.

76 No body of alien people who have been adopted temporarily shall have a vote in the council of the Lords of the Confederacy, for only they who have been invested with Lordship titles may vote in the Council Aliens have nothing by blood to make claim to a vote and should they have it, not knowing all the traditions of the Confederacy, might go against its Great Peace In this manner the Great Peace would be endangered and perhaps be destroyed.

77 When the Lords of the Confederacy decide to admit a foreign nation and an adoption is made, the Lords shall inform the adopted nation that its admission is only temporary They shall also say to the nation that it must never try to control, to interfere with or to injure the Five Nations nor disregard the Great Peace or any of its rules or customs That in no way should they cause disturbance or injury Then should the adopted nation disregard these injunctions, their adoption shall be annuled and they shall be expelled.

The expulsion shall be in the following manner: The council shall appoint one of their War Chiefs to convey the message of annulment and he shall say, "You (naming the nation) listen to me while I speak I am here to inform you again of the will of the Five Nations' Council It was clearly made known to you at a former time Now the Lords of the Five Nations have decided to expel you and cast you out We disown you now and annul your adoption Therefore you must look for a path in which to go and lead away all your people It was you, not we, who committed wrong and caused this sentence of annulment So then go your way and depart from the territory of the Five Nations and from the Confederacy."

78 Whenever a foreign nation enters the Confederacy or accepts the Great Peace, the Five Nations and the foreign nation shall enter into an agreement and compact by which the foreign nation shall endeavor to persuade other nations to accept the Great Peace.

Rights and Powers of War

79 Skanawatih shall be vested with a double office, duty and with double authority One-half of his being shall hold the Lordship title and the other half shall hold the title of War Chief In the event of war he shall notify the five War Chiefs of the Confederacy and command them to prepare for war and have their men ready at the appointed time and place for engagement with the enemy of the Great Peace.

80 When the Confederate Council of the Five Nations has for its object the establishment of the Great Peace among the people of an outside nation and that nation refuses to accept the Great Peace, then by

such refusal they bring a declaration of war upon themselves from the Five Nations. Then shall the Five Nations seek to establish the Great Peace by a conquest of the rebellious nation.

81 When the men of the Five Nations, now called forth to become warriors, are ready for battle with an obstinate opposing nation that has refused to accept the Great Peace, then one of the five War Chiefs shall be chosen by the warriors of the Five Nations to lead the army into battle. It shall be the duty of the War Chief so chosen to come before his warriors and address them. His aim shall be to impress upon them the necessity of good behavior and strict obedience to all the commands of the War Chiefs. He shall deliver an oration exhorting them with great zeal to be brave and courageous and never to be guilty of cowardice. At the conclusion of his oration he shall march forward and commence the War Song and he shall sing:

Now I am greatly surprised

And, therefore I shall use it --

The power of my War Song.

I am of the Five Nations

And I shall make supplication

To the Almighty Creator.

He has furnished this army.

My warriors shall be mighty

In the strength of the Creator.

Between him and my song they are

For it was he who gave the song

This war song that I sing!

82 When the warriors of the Five Nations are on an expedition against an enemy, the War Chief shall sing the War Song as he approaches the country of the enemy and not cease until his scouts have reported that the army is near the enemies' lines when the War Chief shall approach with great caution and prepare for the attack.

83 When peace shall have been established by the termination of the war against a foreign nation, then the War Chief shall cause all the weapons of war to be taken from the nation. Then shall the Great Peace be established and that nation shall observe all the rules of the Great Peace for all time to come.

84 Whenever a foreign nation is conquered or has by their own will accepted the Great Peace their own system of internal government may continue, but they must cease all warfare against other nations.

85 Whenever a war against a foreign nation is pushed until that nation is about exterminated because of its refusal to accept the Great Peace and if that nation shall by its obstinacy become exterminated, all their rights, property and territory shall become the property of the Five Nations.

86 Whenever a foreign nation is conquered and the survivors are brought into the territory of the Five Nations' Confederacy and placed under the Great Peace the two shall be known as the Conqueror and the Conquered A symbolic relationship shall be devised and be placed in some symbolic position The conquered nation shall have no voice in the councils of the Confederacy in the body of the Lords.

87 When the War of the Five Nations on a foreign rebellious nation is ended, peace shall be restored to that nation by a withdrawal of all their weapons of war by the War Chief of the Five Nations When all the terms of peace shall have been agreed upon a state of friendship shall be established.

88 When the proposition to establish the Great Peace is made to a foreign nation it shall be done in mutual council The foreign nation is to be persuaded by reason and urged to come into the Great Peace If the Five Nations fail to obtain the consent of the nation at the first council a second council shall be held and upon a second failure a third council shall be held and this third council shall end the peaceful methods of persuasion At the third council the War Chief of the Five nations shall address the Chief of the foreign nation and request him three times to accept the Great Peace If refusal steadfastly follows the War Chief shall let the bunch of white lake shells drop from his outstretched hand to the ground and shall bound quickly forward and club the offending chief to death War shall thereby be declared and the War Chief shall have his warriors at his back to meet any emergency War must continue until the contest is won by the Five Nations.

89 When the Lords of the Five Nations propose to meet in conference with a foreign nation with proposals for an acceptance of the Great Peace, a large band of warriors shall conceal themselves in a secure place safe from the espionage of the foreign nation but as near at hand as possible Two warriors shall accompany the Union Lord who carries the proposals and these warriors shall be especially cunning Should the Lord be attacked, these warriors shall hasten back to the army of warriors with the news of the calamity which fell through the treachery of the foreign nation.

90 When the Five Nations' Council declares war any Lord of the Confederacy may enlist with the warriors by temporarily renouncing his sacred Lordship title which he holds through the election of his women relatives The title then reverts to them and they may bestow it upon another temporarily until the war is over when the Lord, if living, may resume his title and seat in the Council.

91 A certain wampum belt of black beads shall be the emblem of the authority of the Five War Chiefs to take up the weapons of war and with their men to resist invasion This shall be called a war in defense of the territory.

Treason or Secession of a Nation

92 If a nation, part of a nation, or more than one nation within the Five Nations should in any way endeavor to destroy the Great Peace by neglect or violating its laws and resolve to dissolve the Confederacy, such a nation or such nations shall be deemed guilty of treason and called enemies of the Confederacy and the Great Peace.

It shall then be the duty of the Lords of the Confederacy who remain faithful to resolve to warn the offending people They shall be warned once and if a second warning is necessary they shall be driven from the territory of the Confederacy by the War Chiefs and his men.

Rights of the People of the Five Nations

93 Whenever a specially important matter or a great emergency is presented before the Confederate Council and the nature of the matter affects the entire body of the Five Nations, threatening their utter ruin, then the Lords of the Confederacy must submit the matter to the decision of their people and the decision of the people shall affect the decision of the Confederate Council. This decision shall be a confirmation of the voice of the people.

94 The men of every clan of the Five Nations shall have a Council Fire ever burning in readiness for a council of the clan. When it seems necessary for a council to be held to discuss the welfare of the clans, then the men may gather about the fire. This council shall have the same rights as the council of the women.

95 The women of every clan of the Five Nations shall have a Council Fire ever burning in readiness for a council of the clan. When in their opinion it seems necessary for the interest of the people they shall hold a council and their decisions and recommendations shall be introduced before the Council of the Lords by the War Chief for its consideration.

96 All the Clan council fires of a nation or of the Five Nations may unite into one general council fire, or delegates from all the council fires may be appointed to unite in a general council for discussing the interests of the people. The people shall have the right to make appointments and to delegate their power to others of their number. When their council shall have come to a conclusion on any matter, their decision shall be reported to the Council of the Nation or to the Confederate Council (as the case may require) by the War Chief or the War Chiefs.

97 Before the real people united their nations, each nation had its council fires. Before the Great Peace their councils were held. The five Council Fires shall continue to burn as before and they are not quenched. The Lords of each nation in future shall settle their nation's affairs at this council fire governed always by the laws and rules of the council of the Confederacy and by the Great Peace.

98 If either a nephew or a niece see an irregularity in the performance of the functions of the Great Peace and its laws, in the Confederate Council or in the conferring of Lordship titles in an improper way, through their War Chief they may demand that such actions become subject to correction and that the matter conform to the ways prescribed by the laws of the Great Peace.

Religious Ceremonies Protected

99 The rites and festivals of each nation shall remain undisturbed and shall continue as before because they were given by the people of old times as useful and necessary for the good of men.

100 It shall be the duty of the Lords of each brotherhood to confer at the approach of the time of the Midwinter Thanksgiving and to notify their people of the approaching festival. They shall hold a council over the matter and arrange its details and begin the Thanksgiving five days after the moon of Dis-ko-nah is new. The people shall assemble at the appointed place and the nephews shall notify the people of the time and place. From the beginning to the end the Lords shall preside over the Thanksgiving and address the people from time to time.

101 It shall be the duty of the appointed managers of the Thanksgiving festivals to do all that is needed for carrying out the duties of the occasions.

The recognized festivals of Thanksgiving shall be the Midwinter Thanksgiving, the Maple or Sugar-making Thanksgiving, the Raspberry Thanksgiving, the Strawberry Thanksgiving, the Cornplanting Thanksgiving, the Corn Hoeing Thanksgiving, the Little Festival of Green Corn, the Great Festival of Ripe Corn and the complete Thanksgiving for the Harvest.

Each nation's festivals shall be held in their Long Houses.

102 When the Thanksgiving for the Green Corn comes the special managers, both the men and women, shall give it careful attention and do their duties properly.

103 When the Ripe Corn Thanksgiving is celebrated the Lords of the Nation must give it the same attention as they give to the Midwinter Thanksgiving.

104 Whenever any man proves himself by his good life and his knowledge of good things, naturally fitted as a teacher of good things, he shall be recognized by the Lords as a teacher of peace and religion and the people shall hear him.

The Installation Song

105 The song used in installing the new Lord of the Confederacy shall be sung by Adodarhoh and it shall be:

"Haii, haii Agwah wi-yoh

" " A-kon-he-watha

" " Ska-we-ye-se-go-wah

" " Yon-gwa-wih

" " Ya-kon-he-wa-tha

Haii, haii It is good indeed

" " (That) a broom, --

" " A great wing,

" " It is given me

" " For a sweeping instrument."

106 Whenever a person properly entitled desires to learn the Pacification Song he is privileged to do so but he must prepare a feast at which his teachers may sit with him and sing The feast is provided that no misfortune may befall them for singing the song on an occasion when no chief is installed.

Protection of the House

107 A certain sign shall be known to all the people of the Five Nations which shall denote that the owner or occupant of a house is absent. A stick or pole in a slanting or leaning position shall indicate this and be the sign. Every person not entitled to enter the house by right of living within it upon seeing such a sign shall not approach the house either by day or by night but shall keep as far away as his business will permit.

Funeral Addresses

108 At the funeral of a Lord of the Confederacy, say: Now we become reconciled as you start away. You were once a Lord of the Five Nations' Confederacy and the United People trusted you. Now we release you for it is true that it is no longer possible for us to walk about together on the earth. Now, therefore, we lay it (the body) here. Here we lay it away. Now then we say to you, 'Persevere onward to the place where the Creator dwells in peace. Let not the things of the earth hinder you. Let nothing that transpired while yet you lived hinder you. In hunting you once took delight; in the game of Lacrosse you once took delight and in the feasts and pleasant occasions your mind was amused, but now do not allow thoughts of these things to give you trouble. Let not your relatives hinder you and also let not your friends and associates trouble your mind. Regard none of these things.'

"Now then, in turn, you here present who were related to this man and you who were his friends and associates, behold the path that is yours also! Soon we ourselves will be left in that place. For this reason hold yourselves in restraint as you go from place to place. In your actions and in your conversation do no idle thing. Speak not idle talk neither gossip. Be careful of this and speak not and do not give way to evil behavior. One year is the time that you must abstain from unseemly levity but if you can not do this for ceremony, ten days is the time to regard these things for respect."

109 At the funeral of a War Chief, say:

"Now we become reconciled as you start away. You were once a War Chief of the Five Nations' Confederacy and the United People trusted you as their guard from the enemy." (The remainder is the same as the address at the funeral of a Lord).

110 At the funeral of a Warrior, say:

"Now we become reconciled as you start away. Once you were a devoted provider and protector of your family and you were ever ready to take part in battles for the Five Nations' Confederacy. The United People trusted you." (The remainder is the same as the address at the funeral of a Lord).

111 At the funeral of a young man, say:

"Now we become reconciled as you start away. In the beginning of your career you are taken away and the flower of your life is withered away." (The remainder is the same as the address at the funeral of a Lord).

112 At the funeral of a chief woman, say:

"Now we become reconciled as you start away. You were once a chief woman in the Five Nations' Confederacy. You once were a mother of the nations. Now we release you for it is true that it is no longer possible for us to walk about together on the earth. Now, therefore, we lay it (the body) here. Here we lay

it away Now then we say to you, 'Persevere onward to the place where the Creator dwells in peace Let not the things of the earth hinder you Let nothing that transpired while you lived hinder you Looking after your family was a sacred duty and you were faithful You were one of the many joint heirs of the Lordship titles Feastings were yours and you had pleasant occasions. . ." (The remainder is the same as the address at the funeral of a Lord).

113 At the funeral of a woman of the people, say:

"Now we become reconciled as you start away You were once a woman in the flower of life and the bloom is now withered away You once held a sacred position as a mother of the nation. (Etc.) Looking after your family was a sacred duty and you were faithful Feastings . . . (etc.)" (The remainder is the same as the address at the funeral of a Lord).

114 At the funeral of an infant or young woman, say:

"Now we become reconciled as you start away You were a tender bud and gladdened our hearts for only a few days Now the bloom has withered away . . . (etc.) Let none of the things that transpired on earth hinder you Let nothing that happened while you lived hinder you." (The remainder is the same as the address at the funeral of a Lord).

[Editors note: the above ellipses and 'etc.' remarks are transcribed directly from the text I copied.]

115 When an infant dies within three days, mourning shall continue only five days Then shall you gather the little boys and girls at the house of mourning and at the funeral feast a speaker shall address the children and bid them be happy once more, though by a death, gloom has been cast over them Then shall the black clouds roll away and the sky shall show blue once more Then shall the children be again in sunshine.

116 When a dead person is brought to the burial place, the speaker on the opposite side of the Council Fire shall bid the bereaved family cheer their minds once again and rekindle their hearth fires in peace, to put their house in order and once again be in brightness for darkness has covered them He shall say that the black clouds shall roll away and that the bright blue sky is visible once more Therefore shall they be in peace in the sunshine again.

117 Three strings of shell one span in length shall be employed in addressing the assemblage at the burial of the dead The speaker shall say:

"Hearken you who are here, this body is to be covered Assemble in this place again ten days hence for it is the decree of the Creator that mourning shall cease when ten days have expired Then shall a feast be made."

Then at the expiration of ten days the speaker shall say: "Continue to listen you who are here The ten days of mourning have expired and your minds must now be freed of sorrow as before the loss of a relative The relatives have decided to make a little compensation to those who have assisted at the funeral It is a mere expression of thanks This is to the one who did the cooking while the body was lying in the house Let her come forward and receive this gift and be dismissed from the task." In substance this shall be repeated for every one who assisted in any way until all have been remembered.

Prepared by Gerald Murphy (The Cleveland Free-Net - aa300) Distributed by the Cybercasting Services Division of the National Public Telecomputing Network (NPTN).

Permission is hereby granted to download, reprint, and/or otherwise redistribute this file, provided appropriate point of origin credit is given to the preparer(s) and the National Public Telecomputing Network.

<http://www.victoria.tc.ca/history/etext/iroquois-constitution.html>

U.S. TREATY WITH THE CHEROKEES 1791

A Treaty of Peace and; Friendship made and concluded between the President of the United States of America, on the Part and Behalf of the said States, and the undersigned Chiefs and Warriors, of the Cherokee Nation of Indians, on the part aide Behalf of the said Nation.

The parties being desirous of establishing permanent peace and friendship between the United States and the said Cherokee Nation, and the citizens and members thereof, and to remove the causes of war, by ascertaining their limits and making other necessary, just and friendly arrangements: The President of the United States, by William Blount, Governor of the territory of the United States of America, south of the river Ohio, and Superintendant of Indian affairs for the southern district, who is vested with full powers for these purposes, by and with-the advice and consent of the Senate of the United States. And the Cherokee Nation, by the undersigned Chiefs and Warriors representing the said nation, have agreed to the following articles, namely:

ARTICLE I.

There shall be perpetual peace and friendship between all the citizens of the United States of America, and all the individuals composing the whole Cherokee nation of Indians.

ARTICLE II.

The undersigned Chiefs and Warriors, for themselves and all parts of the Cherokee nation do acknowledge themselves and the said Cherokee nation, to be under the protection of the said United States of America, and of no other sovereign whosoever; and they also stipulate that the said Cherokee nation will not hold any treaty with any foreign power, individual state, or with individuals of any state.

ARTICLE III.

The Cherokee nation shall deliver to the Governor of the territory of the United States of America, south of the river Ohio, on or before the first day of April next, at this place, all persons who are now prisoners, captured by them from any part of the United States: And the United States shall on or before the same day, and at the same place, restore to the Cherokees, all the prisoners now in captivity, which the citizens of the United States have captured from them.

ARTICLE IV.

The boundary between the citizens of the United States and the Cherokee nation, is and shall be as follows: Beginning at the top of the Currahee mountain, where the Creek line passes it; thence a direct line to Tugelo river; thence northeast to the Occunna mountain, and over the same along the South-Carolina Indian boundary to the North-Carolina boundary; thence north to a point from which a line is to be extended to the river Clinch, that shall pass the Holston at the ridge which divides the waters running into Little River from those running into the Tennessee; thence up the river Clinch to Campbell's line, and along the same to the top of Cumberland mountain; thence a direct line to the Cumberland river where the Kentucky road crosses it; thence down the Cumberland river to a point from which a south west line will strike the ridge which divides the waters of Cumberland from those of Duck river, forty miles above Nashville; thence down the said ridge to a point from whence a south west line will strike the mouth of Duck river.

And in order to preclude forever all disputes relative to the said boundary, the same shall be ascertained, and marked plainly by three persons appointed on the part of the United States, and three Cherokees on the part of their nation.

And in order to extinguish forever all claims of the Cherokee nation, or any part thereof, to any of the land lying to the right of the line above described. beginning as aforesaid at the Currahee mountain, it is hereby agreed, that in addition to the consideration heretofore made for the said land, the United States will cause certain valuable goods, to be immediately delivered to the undersigned Chiefs and Warriors, for the use of their nation; and the said United States will also cause the sum of one thousand dollars to be paid annually to the said Cherokee nation. And the undersigned Chiefs and Warriors, do hereby for themselves and the whole Cherokee nation, their heirs and descendants, for the considerations above-mentioned, release, quit-claim, relinquish and cede, all the land to the right of the line described, and beginning as aforesaid.

ARTICLE V.

It is stipulated and agreed, that the citizens and inhabitants of the United States, shall have a free and unmolested use of a road from Washington district to Mero district, and of the navigation of the Tennessee river.

ARTICLE VI.

It is agreed on the part of the Cherokees, that the United States shall have the sole and exclusive right of regulating their trade.

ARTICLE VII.

The United States solemnly guarantee to the Cherokee nation, all their lands not hereby ceded.

ARTICLE VIII.

If any citizen of the United States, or other person not being an Indian, shall settle on any of the Cherokees' lands, such person shall forfeit the protection of the United States, and the Cherokees may punish him or not, as they please.

ARTICLE IX.

No citizen or inhabitant of the United States, shall attempt to hunt or destroy the game on the lands of the Cherokees; nor shall any citizen or inhabitant go into the Cherokee country, without a passport first obtained from the Governor of some one of the United States, or territorial districts, or such other person as the President of the United States may from time to time authorize to grant the same.

ARTICLE X.

If any Cherokee Indian or Indians, or person residing among them, or who shall take refuge in their nation, shall steal a horse from, or commit a robbery or murder, or other capital crime, on any citizens or inhabitants of the United States, the Cherokee nation shall be bound to deliver him or them up, to be punished according to the laws of the United States.

ARTICLE XI.

If any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, shall go into any town, settlement or territory belonging to the Cherokees, and shall there commit any crime upon, or trespass against the person or property of any peaceable and friendly Indian or Indians, which if committed within the jurisdiction of any state, or within the jurisdiction of either of the said districts, against a citizen or white inhabitant thereof, would be punishable by the laws of such state or district, such offender or offenders, shall be subject to the same punishment, and shall be proceeded against in the same manner as if the offence had been committed within the jurisdiction of the state or district to which he or they may belong against a citizen or white inhabitant thereof.

ARTICLE XII.

In case of violence on the persons or property of the individuals of either party, neither retaliation or reprisal shall be committed by the other, until satisfaction shall have been demanded of the party of which the aggressor is and shall have been refused.

ARTICLE XIII.

The Cherokees shall give notice to the citizens of the United States, of any designs which they may know, or suspect to be formed in any neighboring tribe, or by any person whatever, against the peace and interest of the United States.

ARTICLE XIV.

That the Cherokee nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters, the United States will from time to time furnish gratuitously the said nation with useful implements of husbandry, and further to assist the said nation in so desirable a pursuit, and at the same time to establish a certain mode of communication, the United States will send such, and so many persons to reside in said nation as they may judge proper, not exceeding four in number, who shall qualify themselves to act as interpreters. These persons shall have lands assigned by the Cherokees for cultivation for themselves and their successors in office; but they shall be precluded exercising any kind of traffic.

ARTICLE XV.

All animosities for past grievances shall henceforth cease, and the contracting parties will carry the foregoing treaty into full execution with all good faith and sincerity.

ARTICLE XVI.

This treaty shall take effect and be obligatory on the contracting parties as soon as the same shall have been ratified by the President of the United States, with the advice and consent of the Senate of the United States. In witness of all and every thing herein determined between the

United States of America and the whole Cherokee nation, the parties have hereunto set their hands and seals, at the treaty ground on the bank of the Holston, near the mouth of the French Broad, within the

United States, this second day of July, in the year of our Lord one thousand seven hundred and ninety-one.

William Blount, governor in and over the territory of the United States of America south of the river
Ohio, and superintendent of Indian Affairs for the southern district,
Chuleoah, or the Boots, his x mark,
Squollecuttah, or Hanging Maw, his x mark,
Oecunna, or the Badger, his x mark,
Enoleh, or Black Fox, his x mark,
Nontuaka, or the Northward, his x mark,
Tekakiska, his x mark
Chutloh, or King Fisher, his x mark,
Tuckaseh, or Terrapin, his x mark,
Kateh, his x mark
Kunnochattutloh, or the Crane, his x mark
Canquillehanah, or the Thigh, his x mark,
Chesquotteleneh, or Yellow Bird, his x mark,
Chickasawtehe, or Chickasaw Killer, his x mark,
Tuskegatehe, Tuskega Killer, his x mark,
Kulsatehe, his x mark,
Tinkshalene, his x mark
Sawntteh, or Slave Catcher, his x mark,
Auknah, his x mark
Oosenaleh, his x mark
Kenotetah, or Rising Fawn, his x mark,
Kanetetoka, or Standing Turkey, his x mark.
Yonewatleh, or Bear at Home, his x mark,
Long Will, his x mark
Kunoskeskie, or John Watts, his x mark,
Nenetooyah, or Bloody Fellow, his x mark,
Chuquilatague, or Double Head his x mark,
Koolaquah, or Big Acorn, his x mark
Too wayelloh, or Bold Hunter, his x mark
Jahleoonoyehka, or Middle Striker, his x mark,
Kinnesah, or Cabin, his x mark,
Tullotehe, or Two Killer, his x mark
Kaalouske, or Stopt Still, his x mark
Kulsatche, his x mark,
Auquotague, the Little Turkey's Son, his x mark,
Talohteske, or Upsetter, his x mark,
Cheakoneske, or Otter Lifter, his x mark
Keshukaune, or She Reigns, his x mark,
Toonaunailoh, his x mark,
Teesteke, or Common Disturber his x mark,
Robin McClemore
Skyuka
John Thompson, Interpreter.
James Cery, Interpreter.

Done in presence of-

Dan'l Smith, Secretary Territory United States south of the river Ohio
Thomas Kennedy, of Kentucky.
Jas. Robertson, of Mero District

Claiborne Watkins, of Virginia.
Jno. McWhitney, of Georgia.
Fauche, of Georgia.
Titus Ogden, North Carolina.
Jno. Chisolm, Washington District.
Robert King.
Thomas Gegg.

Additional Article To the Treaty made between the United States and the Cherokees on the second day of July, one thousand seven hundred and ninety-one.

IT is hereby mutually agreed between Henry Knox, Secretary of War, duly authorized thereto in behalf of the United States, on the one part, and the undersigned chiefs and warriors, in behalf of them selves and the Cherokee nation, on the other part, that the following article shall be added to and considered as part of the treaty made between the United States and the said Cherokee nation on the second day of July, one thousand seven hundred and ninety-one; to wit:

The sum to be paid annually by the United States to the Cherokee nation of Indians, in consideration of the relinquishment of land, as stated in the treaty made with them on the second day of July, one thousand seven hundred and ninety-one, shall be one thousand five hundred dollars instead of one thousand dollars, mentioned in the said treaty.

In testimony whereof, the said Henry Knox, Secretary of War, and the said chiefs and warriors of the Cherokee nation, have hereunto set their hands and seals, in the city of Philadelphia, this seventeenth day of February, in the year of our Lord, one thousand seven hundred and ninety-two.

H. Knox, Secretary of War,
Iskagua, or Clear Sky, his x mark (formerly Nenetooyah, or Bloody Fellow),
Nontuaka, or the Northward, his x mark,
Chutloh, or King Fisher, his x mark,
Katigolah, or the Prince, his x mark,
Teesteke, or Common Disturber, his x mark,
Suaka, or George Miller, his x mark,

In presence of-
Thomas Grooter.
Jno. Stagg, Jr.
Leonard D. Shaw
James Cery, sworn intrepreter to the Cherokee Nation.

<http://www.yale.edu/lawweb/avalon/ntreaty/chr1791.htm>

INDIAN REMOVAL ACT, 1830

An Act to provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal west of the river Mississippi.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States, west of the river Mississippi, not included in any state or organized territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there; and to cause each of said districts to be so described by natural or artificial marks, as to be easily distinguished from every other.

And be it further enacted, That it shall and may be lawful for the President to exchange any or all of such districts, so to be laid off and described, with any tribe or nation of Indians now residing within the limits of any of the states or territories, and with which the United States have existing treaties, for the whole or any part or portion of the territory claimed and occupied by such tribe or nation, within the bounds of any one or more of the states or territories, where the land claimed and occupied by the Indians, is owned by the United States, or the United States are bound to the state within which it lies to extinguish the Indian claim thereto.

And be it further enacted, That in the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them; and if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: Provided always, That such lands shall revert to the United States, if the Indians become extinct, or abandon the same.

And be it further enacted, That if, upon any of the lands now occupied by the Indians, and to be exchanged for, there should be such improvements as add value to the land claimed by any individual or individuals of such tribes or nations, it shall and may be lawful for the President to cause such value to be ascertained by appraisement or otherwise, and to cause such ascertained value to be paid to the person or persons rightfully claiming such improvements. And upon the payment of such valuation, the improvements so valued and paid for, shall pass to the United States, and possession shall not afterwards be permitted to any of the same tribe.

And be it further enacted, That upon the making of any such exchange as is contemplated by this act, it shall and may be lawful for the President to cause such aid and assistance to be furnished to the emigrants as may be necessary and proper to enable them to remove to, and settle in, the country for which they may have exchanged; and also, to give them such aid and assistance as may be necessary for their support and subsistence for the first year after their removal.

And be it further enacted, That it shall and may be lawful for the President to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

And be it further enacted, That it shall and may be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove, as contemplated by this act, that he is now authorized to have over them at their present places of residence:

Provided, That nothing in this act contained shall be construed as authorizing or directing the violation of any existing treaty between the United States and any of the Indian tribes.

And be it further enacted, That for the purpose of giving effect to the Provisions of this act, the sum of five hundred thousand dollars is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated.

[<http://www.mtholyoke.edu/acad/intrel/removal.htm>]

The Man in the Arena: Citizenship in a Republic*
by Theodore Roosevelt

*Address delivered at the Sorbonne, Paris, April 23, 1910.

Strange and impressive associations rise in the mind of a man from the New World who speaks before this august body in this ancient institution of learning. Before his eyes pass the shadows of mighty kings and war-like nobles, of great masters of law and theology; through the shining dust of the dead centuries he sees crowded figures that tell of the power and learning and splendor of times gone by; and he sees also the innumerable host of humble students to whom clerkship meant emancipation, to whom it was well-nigh the only outlet from the dark thralldom of the Middle Ages.

This was the most famous university of mediaeval Europe at a time when no one dreamed that there was a New World to discover. Its services to the cause of human knowledge already stretched far back into the remote past at a time when my forefathers, three centuries ago, were among the sparse bands of traders, ploughmen, wood-choppers, and fisher folk who, in hard struggle with the iron unfriendliness of the Indian-haunted land, were laying the foundations of what has now become the giant republic of the West. To conquer a continent, to tame the shaggy roughness of wild nature, means grim warfare; and the generations engaged in it cannot keep, still less add to, the stores of garnered wisdom which were once theirs, and which are still in the hands of their brethren who dwell in the old land. To conquer the wilderness means to wrest victory from the same hostile forces with which mankind struggled on the immemorial infancy of our race. The primeval conditions must be met by the primeval qualities which are incompatible with the retention of much that has been painfully acquired by humanity as through the ages it has striven upward toward civilization. In conditions so primitive there can be but a primitive culture. At first only the rudest school can be established, for no others would meet the needs of the hard-driven, sinewy folk who thrust forward the frontier in the teeth of savage men and savage nature; and many years elapse before any of these schools can develop into seats of higher learning and broader culture.

The pioneer days pass; the stump-dotted clearings expand into vast stretches of fertile farm land; the stockade clusters of log cabins change into towns; the hunters of game, the fellers of trees, the rude frontier traders and tillers of the soil, the men who wander all their lives long through the wilderness as the heralds and harbingers of an oncoming civilization, themselves vanish before the civilization for which they have prepared the way. The children of their successors and sup planters, and then their children and their children and children's children, change and develop with extraordinary rapidity. The conditions accentuate vices and virtues, energy and ruthlessness, all the good qualities and all the defects of an intense individualism, self-reliant, self-centered, far more conscious of its rights than of its duties, and blind to its own shortcomings. To the hard materialism of the frontier days succeeds the hard materialism of an industrialism even more intense and absorbing than that of the older nations; although these themselves have likewise already entered on the age of a complex and predominantly industrial civilization.

As the country grows, its people, who have won success in so many lines, turn back to try to recover the possessions of the mind and the spirit, which perforce their fathers threw aside in order better to wage the first rough battles for the continent their children inherit. The leaders of thought and of action grope their way forward to a new life, realizing, sometimes dimly, sometimes clear-sightedly, that the life of material gain, whether for a nation or an individual, is of value only as a foundation, only as there is added to it the uplift that comes from devotion to loftier ideals. The new life thus sought can in part be developed afresh from what is roundabout in the New World; but it can developed in full only by freely drawing upon the treasure-houses of the Old World, upon the treasures stored in the ancient abodes of wisdom and learning, such as this is where I speak to-day. It is a mistake for any nation to merely copy another; but it is even a greater mistake, it is a proof of weakness in any nation, not to be anxious to learn from one another and

willing and able to adapt that learning to the new national conditions and make it fruitful and productive therein. It is for us of the New World to sit at the feet of Gamaliel of the Old; then, if we have the right stuff in us, we can show that Paul in his turn can become a teacher as well as a scholar.

To-day I shall speak to you on the subject of individual citizenship, the one subject of vital importance to you, my hearers, and to me and my countrymen, because you and we a great citizens of great democratic republics. A democratic republic such as ours - an effort to realize its full sense government by, of, and for the people - represents the most gigantic of all possible social experiments, the one fraught with great responsibilities alike for good and evil. The success or republics like yours and like ours means the glory, and our failure of despair, of mankind; and for you and for us the question of the quality of the individual citizen is supreme. Under other forms of government, under the rule of one man or very few men, the quality of the leaders is all-important. If, under such governments, the quality of the rulers is high enough, then the nations for generations lead a brilliant career, and add substantially to the sum of world achievement, no matter how low the quality of average citizen; because the average citizen is an almost negligible quantity in working out the final results of that type of national greatness.

But with you and us the case is different. With you here, and with us in my own home, in the long run, success or failure will be conditioned upon the way in which the average man, the average woman, does his or her duty, first in the ordinary, every-day affairs of life, and next in those great occasional crises which call for heroic virtues. The average citizen must be a good citizen if our republics are to succeed. The stream will not permanently rise higher than the main source; and the main source of national power and national greatness is found in the average citizenship of the nation. Therefore it behooves us to do our best to see that the standard of the average citizen is kept high; and the average cannot be kept high unless the standard of the leaders is very much higher.

It is well if a large proportion of the leaders in any republic, in any democracy, are, as a matter of course, drawn from the classes represented in this audience to-day; but only provided that those classes possess the gifts of sympathy with plain people and of devotion to great ideals. You and those like you have received special advantages; you have all of you had the opportunity for mental training; many of you have had leisure; most of you have had a chance for enjoyment of life far greater than comes to the majority of your fellows. To you and your kind much has been given, and from you much should be expected. Yet there are certain failings against which it is especially incumbent that both men of trained and cultivated intellect, and men of inherited wealth and position should especially guard themselves, because to these failings they are especially liable; and if yielded to, their - your - chances of useful service are at an end.

Let the man of learning, the man of lettered leisure, beware of that queer and cheap temptation to pose to himself and to others as a cynic, as the man who has outgrown emotions and beliefs, the man to whom good and evil are as one. The poorest way to face life is to face it with a sneer. There are many men who feel a kind of twister pride in cynicism; there are many who confine themselves to criticism of the way others do what they themselves dare not even attempt. There is no more unhealthy being, no man less worthy of respect, than he who either really holds, or feigns to hold, an attitude of sneering disbelief toward all that is great and lofty, whether in achievement or in that noble effort which, even if it fails, comes to second achievement. A cynical habit of thought and speech, a readiness to criticise work which the critic himself never tries to perform, an intellectual aloofness which will not accept contact with life's realities - all these are marks, not as the possessor would fain to think, of superiority but of weakness. They mark the men unfit to bear their part painfully in the stern strife of living, who seek, in the affection of contempt for the achievements of others, to hide from others and from themselves in their own weakness. The rôle is easy; there is none easier, save only the rôle of the man who sneers alike at both criticism and performance.

It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat. Shame on the man of cultivated taste who permits refinement to develop into fastidiousness that unfits him for doing the rough work of a workaday world. Among the free peoples who govern themselves there is but a small field of usefulness open for the men of cloistered life who shrink from contact with their fellows. Still less room is there for those who deride of slight what is done by those who actually bear the brunt of the day; nor yet for those others who always profess that they would like to take action, if only the conditions of life were not exactly what they actually are. The man who does nothing cuts the same sordid figure in the pages of history, whether he be a cynic, or fop, or voluptuary. There is little use for the being whose tepid soul knows nothing of great and generous emotion, of the high pride, the stern belief, the lofty enthusiasm, of the men who quell the storm and ride the thunder. Well for these men if they succeed; well also, though not so well, if they fail, given only that they have nobly ventured, and have put forth all their heart and strength. It is war-worn Hotspur, spent with hard fighting, he of the many errors and valiant end, over whose memory we love to linger, not over the memory of the young lord who "but for the vile guns would have been a valiant soldier."

France has taught many lessons to other nations: surely one of the most important lesson is the lesson her whole history teaches, that a high artistic and literary development is compatible with notable leadership in arms and statecraft. The brilliant gallantry of the French soldier has for many centuries been proverbial; and during these same centuries at every court in Europe the "freemasons of fashion" have treated the French tongue as their common speech; while every artist and man of letters, and every man of science able to appreciate that marvelous instrument of precision, French prose, had turned toward France for aid and inspiration. How long the leadership in arms and letters has lasted is curiously illustrated by the fact that the earliest masterpiece in a modern tongue is the splendid French epic which tells of Roland's doom and the vengeance of Charlemagne when the lords of the Frankish hosts were stricken at Roncevaux.

Let those who have, let those who have not, strive to attain, a high standard of cultivation and scholarship. Yet let us remember that these stand second to certain other things. There is need of a sound body, and even more of a sound mind. But above mind and above body stands character - the sum of those qualities which we mean when we speak of a man's force and courage, of his good faith and sense of honor. I believe in exercise for the body, always provided that we keep in mind that physical development is a means and not an end. I believe, of course, in giving to all the people a good education. But the education must contain much besides book-learning in order to be really good. We must ever remember that no keenness and subtleness of intellect, no polish, no cleverness, in any way make up for the lack of the great solid qualities. Self restraint, self mastery, common sense, the power of accepting individual responsibility and yet of acting in conjunction with others, courage and resolution - these are the qualities which mark a masterful people. Without them no people can control itself, or save itself from being controlled from the outside. I speak to brilliant assemblage; I speak in a great university which represents the flower of the highest intellectual development; I pay all homage to intellect and to elaborate and specialized training of the intellect; and yet I know I shall have the assent of all of you present when I add that more important still are the commonplace, every-day qualities and virtues.

Such ordinary, every-day qualities include the will and the power to work, to fight at need, and to have plenty of healthy children. The need that the average man shall work is so obvious as hardly to warrant insistence. There are a few people in every country so born that they can lead lives of leisure. These fill a

useful function if they make it evident that leisure does not mean idleness; for some of the most valuable work needed by civilization is essentially non-remunerative in its character, and of course the people who do this work should in large part be drawn from those to whom remuneration is an object of indifference. But the average man must earn his own livelihood. He should be trained to do so, and he should be trained to feel that he occupies a contemptible position if he does not do so; that he is not an object of envy if he is idle, at whichever end of the social scale he stands, but an object of contempt, an object of derision.

In the next place, the good man should be both a strong and a brave man; that is, he should be able to fight, he should be able to serve his country as a soldier, if the need arises. There are well-meaning philosophers who declaim against the unrighteousness of war. They are right only if they lay all their emphasis upon the unrighteousness. War is a dreadful thing, and unjust war is a crime against humanity. But it is such a crime because it is unjust, not because it is a war. The choice must ever be in favor of righteousness, and this is whether the alternative be peace or whether the alternative be war. The question must not be merely, Is there to be peace or war? The question must be, Is it right to prevail? Are the great laws of righteousness once more to be fulfilled? And the answer from a strong and virile people must be "Yes," whatever the cost. Every honorable effort should always be made to avoid war, just as every honorable effort should always be made by the individual in private life to keep out of a brawl, to keep out of trouble; but no self-respecting individual, no self-respecting nation, can or ought to submit to wrong.

Finally, even more important than ability to work, even more important than ability to fight at need, is it to remember that chief of blessings for any nations is that it shall leave its seed to inherit the land. It was the crown of blessings in Biblical times and it is the crown of blessings now. The greatest of all curses in is the curse of sterility, and the severest of all condemnations should be that visited upon willful sterility. The first essential in any civilization is that the man and woman shall be father and mother of healthy children, so that the race shall increase and not decrease. If that is not so, if through no fault of the society there is failure to increase, it is a great misfortune. If the failure is due to the deliberate and wilful fault, then it is not merely a misfortune, it is one of those crimes of ease and self-indulgence, of shrinking from pain and effort and risk, which in the long run Nature punishes more heavily than any other. If we of the great republics, if we, the free people who claim to have emancipated ourselves from the thralldom of wrong and error, bring down on our heads the curse that comes upon the willfully barren, then it will be an idle waste of breath to prattle of our achievements, to boast of all that we have done. No refinement of life, no delicacy of taste, no material progress, no sordid heaping up riches, no sensuous development of art and literature, can in any way compensate for the loss of the great fundamental virtues; and of these great fundamental virtues the greatest is the race's power to perpetuate the race.

Character must show itself in the man's performance both of the duty he owes himself and of the duty he owes the state. The man's foremost duty is owed to himself and his family; and he can do this duty only by earning money, by providing what is essential to material well-being; it is only after this has been done that he can hope to build a higher superstructure on the solid material foundation; it is only after this has been done that he can help in his movements for the general well-being. He must pull his own weight first, and only after this can his surplus strength be of use to the general public. It is not good to excite that bitter laughter which expresses contempt; and contempt is what we feel for the being whose enthusiasm to benefit mankind is such that he is a burden to those nearest him; who wishes to do great things for humanity in the abstract, but who cannot keep his wife in comfort or educate his children.

Nevertheless, while laying all stress on this point, while not merely acknowledging but insisting upon the fact that there must be a basis of material well-being for the individual as for the nation, let us with equal emphasis insist that this material well-being represents nothing but the foundation, and that the foundation, though indispensable, is worthless unless upon it is raised the superstructure of a higher life.

That is why I decline to recognize the mere multimillionaire, the man of mere wealth, as an asset of value to any country; and especially as not an asset to my own country. If he has earned or uses his wealth in a way that makes him a real benefit, of real use - and such is often the case - why, then he does become an asset of real worth. But it is the way in which it has been earned or used, and not the mere fact of wealth, that entitles him to the credit. There is need in business, as in most other forms of human activity, of the great guiding intelligences. Their places cannot be supplied by any number of lesser intelligences. It is a good thing that they should have ample recognition, ample reward. But we must not transfer our admiration to the reward instead of to the deed rewarded; and if what should be the reward exists without the service having been rendered, then admiration will only come from those who are mean of soul. The truth is that, after a certain measure of tangible material success or reward has been achieved, the question of increasing it becomes of constantly less importance compared to the other things that can be done in life. It is a bad thing for a nation to raise and to admire a false standard of success; and there can be no falser standard than that set by the deification of material well-being in and for itself. But the man who, having far surpassed the limits of providing for the wants; both of the body and mind, of himself and of those depending upon him, then piles up a great fortune, for the acquisition or retention of which he returns no corresponding benefit to the nation as a whole, should himself be made to feel that, so far from being desirable, he is an unworthy, citizen of the community: that he is to be neither admired nor envied; that his right-thinking fellow countrymen put him low in the scale of citizenship, and leave him to be consoled by the admiration of those whose level of purpose is even lower than his own.

My position as regards the moneyed interests can be put in a few words. In every civilized society property rights must be carefully safeguarded; ordinarily, and in the great majority of cases, human rights and property rights are fundamentally and in the long run identical; but when it clearly appears that there is a real conflict between them, human rights must have the upper hand, for property belongs to man and not man to property.

In fact, it is essential to good citizenship clearly to understand that there are certain qualities which we in a democracy are prone to admire in and of themselves, which ought by rights to be judged admirable or the reverse solely from the standpoint of the use made of them. Foremost among these I should include two very distinct gifts - the gift of money-making and the gift of oratory. Money-making, the money touch I have spoken of above. It is a quality which in a moderate degree is essential. It may be useful when developed to a very great degree, but only if accompanied and controlled by other qualities; and without such control the possessor tends to develop into one of the least attractive types produced by a modern industrial democracy. So it is with the orator. It is highly desirable that a leader of opinion in democracy should be able to state his views clearly and convincingly. But all that the oratory can do of value to the community is enable the man thus to explain himself; if it enables the orator to put false values on things, it merely makes him power for mischief. Some excellent public servants have not that gift at all, and must merely rely on their deeds to speak for them; and unless oratory does represent genuine conviction based on good common sense and able to be translated into efficient performance, then the better the oratory the greater the damage to the public it deceives. Indeed, it is a sign of marked political weakness in any commonwealth if the people tend to be carried away by mere oratory, if they tend to value words in and for themselves, as divorced from the deeds for which they are supposed to stand. The phrase-maker, the phrase-monger, the ready talker, however great his power, whose speech does not make for courage, sobriety, and right understanding, is simply a noxious element in the body politic, and it speaks ill for the public if he has influence over them. To admire the gift of oratory without regard to the moral quality behind the gift is to do wrong to the republic.

Of course all that I say of the orator applies with even greater force to the orator's latter-day and more influential brother, the journalist. The power of the journalist is great, but he is entitled neither to respect nor admiration because of that power unless it is used aright. He can do, and often does, great good. He can do, and he often does, infinite mischief. All journalists, all writers, for the very reason that they

appreciate the vast possibilities of their profession, should bear testimony against those who deeply discredit it. Offenses against taste and morals, which are bad enough in a private citizen, are infinitely worse if made into instruments for debauching the community through a newspaper. Mendacity, slander, sensationalism, inanity, vapid triviality, all are potent factors for the debauchery of the public mind and conscience. The excuse advanced for vicious writing, that the public demands it and that demand must be supplied, can no more be admitted than if it were advanced by purveyors of food who sell poisonous adulterations.

In short, the good citizen in a republic must realize that he ought to possess two sets of qualities, and that neither avails without the other. He must have those qualities which make for efficiency; and that he also must have those qualities which direct the efficiency into channels for the public good. He is useless if he is inefficient. There is nothing to be done with that type of citizen of whom all that can be said is that he is harmless. Virtue which is dependant upon a sluggish circulation is not impressive. There is little place in active life for the timid good man. The man who is saved by weakness from robust wickedness is likewise rendered immune from robust virtues. The good citizen in a republic must first of all be able to hold his own. He is no good citizen unless he has the ability which will make him work hard and which at need will make him fight hard. The good citizen is not a good citizen unless he is an efficient citizen.

But if a man's efficiency is not guided and regulated by a moral sense, then the more efficient he is the worse he is, the more dangerous to the body politic. Courage, intellect, all the masterful qualities, serve but to make a man more evil if they are merely used for that man's own advancement, with brutal indifference to the rights of others. It speaks ill for the community if the community worships these qualities and treats their possessors as heroes regardless of whether the qualities are used rightly or wrongly. It makes no difference as to the precise way in which this sinister efficiency is shown. It makes no difference whether such a man's force and ability betray themselves in a career of money-maker or politician, soldier or orator, journalist or popular leader. If the man works for evil, then the more successful he is the more he should be despised and condemned by all upright and far-seeing men. To judge a man merely by success is an abhorrent wrong; and if the people at large habitually so judge men, if they grow to condone wickedness because the wicked man triumphs, they show their inability to understand that in the last analysis free institutions rest upon the character of citizenship, and that by such admiration of evil they prove themselves unfit for liberty.

The homely virtues of the household, the ordinary workaday virtues which make the woman a good housewife and housemother, which make the man a hard worker, a good husband and father, a good soldier at need, stand at the bottom of character. But of course many other must be added thereto if a state is to be not only free but great. Good citizenship is not good citizenship if only exhibited in the home. There remains the duties of the individual in relation to the State, and these duties are none too easy under the conditions which exist where the effort is made to carry on the free government in a complex industrial civilization. Perhaps the most important thing the ordinary citizen, and, above all, the leader of ordinary citizens, has to remember in political life is that he must not be a sheer doctrinaire. The closest philosopher, the refined and cultured individual who from his library tells how men ought to be governed under ideal conditions, is of no use in actual governmental work; and the one-sided fanatic, and still more the mob-leader, and the insincere man who to achieve power promises what by no possibility can be performed, are not merely useless but noxious.

The citizen must have high ideals, and yet he must be able to achieve them in practical fashion. No permanent good comes from aspirations so lofty that they have grown fantastic and have become impossible and indeed undesirable to realize. The impractical visionary is far less often the guide and precursor than he is the embittered foe of the real reformer, of the man who, with stumblings and shortcoming, yet does in some shape, in practical fashion, give effect to the hopes and desires of those who strive for better things. Woe to the empty phrase-maker, to the empty idealist, who, instead of

making ready the ground for the man of action, turns against him when he appears and hampers him when he does work! Moreover, the preacher of ideals must remember how sorry and contemptible is the figure which he will cut, how great the damage that he will do, if he does not himself, in his own life, strive measurably to realize the ideals that he preaches for others. Let him remember also that the worth of the ideal must be largely determined by the success with which it can in practice be realized. We should abhor the so-called "practical" men whose practicality assumes the shape of that peculiar baseness which finds its expression in disbelief in morality and decency, in disregard of high standards of living and conduct. Such a creature is the worst enemy of the body of politic. But only less desirable as a citizen is his nominal opponent and real ally, the man of fantastic vision who makes the impossible better forever the enemy of the possible good.

We can just as little afford to follow the doctrinaires of an extreme individualism as the doctrinaires of an extreme socialism. Individual initiative, so far from being discouraged, should be stimulated; and yet we should remember that, as society develops and grows more complex, we continually find that things which once it was desirable to leave to individual initiative can, under changed conditions, be performed with better results by common effort. It is quite impossible, and equally undesirable, to draw in theory a hard-and-fast line which shall always divide the two sets of cases. This every one who is not cursed with the pride of the closet philosopher will see, if he will only take the trouble to think about some of our closet phenomena. For instance, when people live on isolated farms or in little hamlets, each house can be left to attend to its own drainage and water-supply; but the mere multiplication of families in a given area produces new problems which, because they differ in size, are found to differ not only in degree, but in kind from the old; and the questions of drainage and water-supply have to be considered from the common standpoint. It is not a matter for abstract dogmatizing to decide when this point is reached; it is a matter to be tested by practical experiment. Much of the discussion about socialism and individualism is entirely pointless, because of the failure to agree on terminology. It is not good to be a slave of names. I am a strong individualist by personal habit, inheritance, and conviction; but it is a mere matter of common sense to recognize that the State, the community, the citizens acting together, can do a number of things better than if they were left to individual action. The individualism which finds its expression in the abuse of physical force is checked very early in the growth of civilization, and we of to-day should in our turn strive to shackle or destroy that individualism which triumphs by greed and cunning, which exploits the weak by craft instead of ruling them by brutality. We ought to go with any man in the effort to bring about justice and the equality of opportunity, to turn the tool-user more and more into the tool-owner, to shift burdens so that they can be more equitably borne. The deadening effect on any race of the adoption of a logical and extreme socialistic system could not be overstated; it would spell sheer destruction; it would produce grosser wrong and outrage, fouler immortality, than any existing system. But this does not mean that we may not with great advantage adopt certain of the principles professed by some given set of men who happen to call themselves Socialists; to be afraid to do so would be to make a mark of weakness on our part.

But we should not take part in acting a lie any more than in telling a lie. We should not say that men are equal where they are not equal, nor proceed upon the assumption that there is an equality where it does not exist; but we should strive to bring about a measurable equality, at least to the extent of preventing the inequality which is due to force or fraud. Abraham Lincoln, a man of the plain people, blood of their blood, and bone of their bone, who all his life toiled and wrought and suffered for them, at the end died for them, who always strove to represent them, who would never tell an untruth to or for them, spoke of the doctrine of equality with his usual mixture of idealism and sound common sense. He said (I omit what was of merely local significance):

"I think the authors of the Declaration of Independence intended to include all men, but they did not mean to declare all men equal in all respects. They did not mean to say all men were equal in color, size, intellect, moral development or social capacity. They defined with tolerable distinctness in what they did

consider all men created equal-equal in certain inalienable rights, among which are life, liberty and pursuit of happiness. This they said, and this they meant. They did not mean to assert the obvious untruth that all were actually enjoying that equality, or yet that they were about to confer it immediately upon them. They meant to set up a standard maxim for free society which should be familiar to all - constantly looked to, constantly labored for, and, even though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence, and augmenting the happiness and value of life to all people, everywhere."

We are bound in honor to refuse to listen to those men who would make us desist from the effort to do away with the inequality which means injustice; the inequality of right, opportunity, of privilege. We are bound in honor to strive to bring ever nearer the day when, as far as humanly possible, we shall be able to realize the ideal that each man shall have an equal opportunity to show the stuff that is in him by the way in which he renders service. There should, so far as possible, be equal of opportunity to render service; but just so long as there is inequality of service there should and must be inequality of reward. We may be sorry for the general, the painter, the artists, the worker in any profession or of any kind, whose misfortune rather than whose fault it is that he does his work ill. But the reward must go to the man who does his work well; for any other course is to create a new kind of privilege, the privilege of folly and weakness; and special privilege is injustice, whatever form it takes.

To say that the thriftless, the lazy, the vicious, the incapable, ought to have reward given to those who are far-sighted, capable, and upright, is to say what is not true and cannot be true. Let us try to level up, but let us beware of the evil of leveling down. If a man stumbles, it is a good thing to help him to his feet. Every one of us needs a helping hand now and then. But if a man lies down, it is a waste of time to try and carry him; and it is a very bad thing for every one if we make men feel that the same reward will come to those who shirk their work and those who do it.

Let us, then, take into account the actual facts of life, and not be misled into following any proposal for achieving the millennium, for recreating the golden age, until we have subjected it to hardheaded examination. On the other hand, it is foolish to reject a proposal merely because it is advanced by visionaries. If a given scheme is proposed, look at it on its merits, and, in considering it, disregard formulas. It does not matter in the least who proposes it, or why. If it seems good, try it. If it proves good, accept it; otherwise reject it. There are plenty of good men calling themselves Socialists with whom, up to a certain point, it is quite possible to work. If the next step is one which both we and they wish to take, why of course take it, without any regard to the fact that our views as to the tenth step may differ. But, on the other hand, keep clearly in mind that, though it has been worth while to take one step, this does not in the least mean that it may not be highly disadvantageous to take the next. It is just as foolish to refuse all progress because people demanding it desire at some points to go to absurd extremes, as it would be to go to these absurd extremes simply because some of the measures advocated by the extremists were wise.

The good citizen will demand liberty for himself, and as a matter of pride he will see to it that others receive liberty which he thus claims as his own. Probably the best test of true love of liberty in any country in the way in which minorities are treated in that country. Not only should there be complete liberty in matters of religion and opinion, but complete liberty for each man to lead his life as he desires, provided only that in so he does not wrong his neighbor. Persecution is bad because it is persecution, and without reference to which side happens at the most to be the persecutor and which the persecuted. Class hatred is bad in just the same way, and without regard to the individual who, at a given time, substitutes loyalty to a class for loyalty to a nation, or substitutes hatred of men because they happen to come in a certain social category, for judgment awarded them according to their conduct. Remember always that the same measure of condemnation should be extended to the arrogance which would look down upon or crush any man because he is poor and to envy and hatred which would destroy a man because he is wealthy. The overbearing brutality of the man of wealth or power, and the envious and hateful malice

directed against wealth or power, are really at root merely different manifestations of the same quality, merely two sides of the same shield. The man who, if born to wealth and power, exploits and ruins his less fortunate brethren is at heart the same as the greedy and violent demagogue who excites those who have not property to plunder those who have. The gravest wrong upon his country is inflicted by that man, whatever his station, who seeks to make his countrymen divide primarily in the line that separates class from class, occupation from occupation, men of more wealth from men of less wealth, instead of remembering that the only safe standard is that which judges each man on his worth as a man, whether he be rich or whether he be poor, without regard to his profession or to his station in life. Such is the only true democratic test, the only test that can with propriety be applied in a republic. There have been many republics in the past, both in what we call antiquity and in what we call the Middle Ages. They fell, and the prime factor in their fall was the fact that the parties tended to divide along the wealth that separates wealth from poverty. It made no difference which side was successful; it made no difference whether the republic fell under the rule of an oligarchy or the rule of a mob. In either case, when once loyalty to a class had been substituted for loyalty to the republic, the end of the republic was at hand. There is no greater need to-day than the need to keep ever in mind the fact that the cleavage between right and wrong, between good citizenship and bad citizenship, runs at right angles to, and not parallel with, the lines of cleavage between class and class, between occupation and occupation. Ruin looks us in the face if we judge a man by his position instead of judging him by his conduct in that position.

In a republic, to be successful we must learn to combine intensity of conviction with a broad tolerance of difference of conviction. Wide differences of opinion in matters of religious, political, and social belief must exist if conscience and intellect alike are not to be stunted, if there is to be room for healthy growth. Bitter internecine hatreds, based on such differences, are signs, not of earnestness of belief, but of that fanaticism which, whether religious or antireligious, democratic or antidemocratic, it itself but a manifestation of the gloomy bigotry which has been the chief factor in the downfall of so many, many nations.

Of one man in especial, beyond any one else, the citizens of a republic should beware, and that is of the man who appeals to them to support him on the ground that he is hostile to other citizens of the republic, that he will secure for those who elect him, in one shape or another, profit at the expense of other citizens of the republic. It makes no difference whether he appeals to class hatred or class interest, to religious or antireligious prejudice. The man who makes such an appeal should always be presumed to make it for the sake of furthering his own interest. The very last thing an intelligent and self-respecting member of a democratic community should do is to reward any public man because that public man says that he will get the private citizen something to which this private citizen is not entitled, or will gratify some emotion or animosity which this private citizen ought not to possess. Let me illustrate this by one anecdote from my own experience. A number of years ago I was engaged in cattle-ranching on the great plains of the western United States. There were no fences. The cattle wandered free, the ownership of each one was determined by the brand; the calves were branded with the brand of the cows they followed. If on a round-up an animal was passed by, the following year it would appear as an unbranded yearling, and was then called a maverick. By the custom of the country these mavericks were branded with the brand of the man on whose range they were found. One day I was riding the range with a newly hired cowboy, and we came upon a maverick. We roped and threw it; then we built a fire, took out a cinch-ring, heated it in the fire; and then the cowboy started to put on the brand. I said to him, "It So-and-so's brand," naming the man on whose range we happened to be. He answered: "That's all right, boss; I know my business." In another moment I said to him: "Hold on, you are putting on my brand!" To which he answered: "That's all right; I always put on the boss's brand." I answered: "Oh, very well. Now you go straight back to the ranch and get whatever is owing to you; I don't need you any longer." He jumped up and said: "Why, what's the matter? I was putting on your brand." And I answered: "Yes, my friend, and if you will steal for me then you will steal from me."

Now, the same principle which applies in private life applies also in public life. If a public man tries to get your vote by saying that he will do something wrong in your interest, you can be absolutely certain that if ever it becomes worth his while he will do something wrong against your interest.

So much for the citizenship to the individual in his relations to his family, to his neighbor, to the State. There remain duties of citizenship which the State, the aggregation of all the individuals, owes in connection with other States, with other nations. Let me say at once that I am no advocate of a foolish cosmopolitanism. I believe that a man must be a good patriot before he can be, and as the only possible way of being, a good citizen of the world. Experience teaches us that the average man who protests that his international feeling swamps his national feeling, that he does not care for his country because he cares so much for mankind, in actual practice proves himself the foe of mankind; that the man who says that he does not care to be a citizen of any one country, because he is the citizen of the world, is in fact usually and exceedingly undesirable citizen of whatever corner of the world he happens at the moment to be in. In the dim future all moral needs and moral standards may change; but at present, if a man can view his own country and all others countries from the same level with tepid indifference, it is wise to distrust him, just as it is wise to distrust the man who can take the same dispassionate view of his wife and mother. However broad and deep a man's sympathies, however intense his activities, he need have no fear that they will be cramped by love of his native land.

Now, this does not mean in the least that a man should not wish to good outside of his native land. On the contrary, just as I think that the man who loves his family is more apt to be a good neighbor than the man who does not, so I think that the most useful member of the family of nations is normally a strongly patriotic nation. So far from patriotism being inconsistent with a proper regard for the rights of other nations, I hold that the true patriot, who is as jealous of the national honor as a gentleman of his own honor, will be careful to see that the nations neither inflicts nor suffers wrong, just as a gentleman scorns equally to wrong others or to suffer others to wrong him. I do not for one moment admit that a man should act deceitfully as a public servant in his dealing with other nations, any more than he should act deceitfully in his dealings as a private citizen with other private citizens. I do not for one moment admit that a nation should treat other nations in a different spirit from that in which an honorable man would treat other men.

In practically applying this principle to the two sets of cases there is, of course, a great practical difference to be taken into account. We speak of international law; but international law is something wholly different from private or municipal law, and the capital difference is that there is a sanction for the one and no sanction for the other; that there is an outside force which compels individuals to obey the one, while there is no such outside force to compel obedience as regards to the other. International law will, I believe, as the generations pass, grow stronger and stronger until in some way or other there develops the power to make it respected. But as yet it is only in the first formative period. As yet, as a rule, each nation is of necessity to judge for itself in matters of vital importance between it and its neighbors, and actions must be of necessity, where this is the case, be different from what they are where, as among private citizens, there is an outside force whose action is all-powerful and must be invoked in any crisis of importance. It is the duty of wise statesman, gifted with the power of looking ahead, to try to encourage and build up every movement which will substitute or tend to substitute some other agency for force in the settlement of international disputes. It is the duty of every honest statesman to try to guide the nation so that it shall not wrong any other nation. But as yet the great civilized peoples, if they are to be true to themselves and to the cause of humanity and civilization, must keep in mind that in the last resort they must possess both the will and the power to resent wrong-doings from others. The men who sanely believe in a lofty morality preach righteousness; but they do not preach weakness, whether among private citizens or among nations. We believe that our ideals should be so high, but not so high as to make it impossible measurably to realize them. We sincerely and earnestly believe in peace; but if peace and

justice conflict, we scorn the man who would not stand for justice though the whole world came in arms against him.

And now, my hosts, a word in parting. You and I belong to the only two republics among the great powers of the world. The ancient friendship between France and the United States has been, on the whole, a sincere and disinterested friendship. A calamity to you would be a sorrow to us. But it would be more than that. In the seething turmoil of the history of humanity certain nations stand out as possessing a peculiar power or charm, some special gift of beauty or wisdom or strength, which puts them among the immortals, which makes them rank forever with the leaders of mankind. France is one of these nations. For her to sink would be a loss to all the world. There are certain lessons of brilliance and of generous gallantry that she can teach better than any of her sister nations. When the French peasantry sang of Malbrook, it was to tell how the soul of this warrior-foe took flight upward through the laurels he had won. Nearly seven centuries ago, Froisart, writing of the time of dire disaster, said that the realm of France was never so stricken that there were not left men who would valiantly fight for it. You have had a great past. I believe you will have a great future. Long may you carry yourselves proudly as citizens of a nation which bears a leading part in the teaching and uplifting of mankind.

[<http://www.theodoreroosevelt.org/research/speech%20arena.htm>]

1924 IMMIGRATION ACT

"An act to limit the migration of aliens into the United States..." (approved May 26, 1924). The Statutes at Large of the United States of America, from December, 1923 to March, 1925. Vol. XLII, Part 1, pp. 153-169 (Washington, D.C.: Government Printing Office, 1925.)

SIXTY EIGHTH CONGRESS. SESS.I. Ch. 185, 190. 1924.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Immigration Act of 1924"

Sec. 2. (a) A consular officer upon the application of any immigrant (as defined in section 3) may (under the conditions hereinafter prescribed and subject to the limitations prescribed in this Act or regulations made thereunder as to the number of immigration visas which may be issued by such officer) issue to such immigrant an immigration visa which shall consist of one copy of the application provided for in section 7, visaed by such consular officer. Such visa shall specify (1) the nationality of the immigrant; (2) whether he is a quota immigrant (as defined in section 5) or a non-quota immigrant (as defined in section 4); (3) the date on which the validity of the immigration visa shall expire; and such additional information necessary to the proper enforcement of the immigration laws and the naturalization laws as may be by regulations prescribed.

b. The immigrant shall furnish two copies of his photograph to the consular officer. One copy shall be permanently attached by the consular officer to the immigration visa and the other copy shall be disposed of as may be by regulations prescribed. c. The validity of an immigration visa shall expire at the end of such period, specified in the immigration visa, not exceeding four months, as shall be by regulations prescribed. In the case of a immigrant arriving in the United States by water, or arriving by water in foreign contiguous territory on a continuous voyage to the United States, if the vessel, before the expiration of the validity of his immigration visa, departed from the last port outside the United States and outside foreign contiguous territory at which the immigrant embarked, and if the immigrant proceeds on a continuous voyage to the United States, then, regardless of the time of his arrival in the United States, the validity of his immigration visa shall not be considered to have expired.

(d) If an immigrant is required by any law, or regulations or orders made pursuant to law, to secure the visa of his passport by a consular officer before being permitted to enter the United States, such immigrant shall not be required to secure any other visa of his passport than the immigration visa issued under this Act, but a record of the number and date of his immigration visa shall be noted on his passport without charge therefore. This subdivision shall not apply to an immigrant who is relieved, under subdivision (b) of section 13, from obtaining an immigration visa.

(e) The manifest or list of passengers required by the immigration laws shall contain a place for entering thereon the date, place of issuance, and number of the immigration visa of each immigrant. The immigrant shall surrender his immigration visa to the immigration officer at the port of inspection, who shall at the time of inspection indorse on the immigration visa the date, the port of entry, and the name of the vessel, if any, on which the immigrant arrived. The immigration visa shall be transmitted forthwith by the immigration officer in charge at the port of inspection to the Department of Labor under regulations prescribed by the Secretary of Labor.

(f) No immigration visa shall be issued to an immigrant if it appears to the consular officer, from statements in the application, or in the papers submitted therewith, that the immigrant is inadmissible to the United States under the immigration laws, nor shall such immigration visa be issued if the application

fails to comply with the provisions of this Act, nor shall such immigration visa be issued if the consular officer knows or has reason to believe that the immigrant is inadmissible to the United States under the immigration laws.

(g) Nothing in this Act shall be construed to entitle an immigrant, to whom an immigration visa has been issued, to enter the United States, if, upon arrival in the United States, he is found to be inadmissible to the United States under the immigration laws. The substance of this subdivision shall be printed conspicuously upon every immigration visa.

(h) A fee of \$9 shall be charged for the issuance of each immigration visa, which shall be covered into the Treasury as miscellaneous receipts.

DEFINITION OF IMMIGRANT.

SEC. 3. When used in this Act the term "immigrant" means an alien departing from any place outside the United States destined for the United States, except (1) a government official, his family, attendants, servants, and employees, (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure, (3) an alien in continuous transit through the United States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, and (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation.

NON-QUOTA IMMIGRANTS.

SEC. 4. When used in this Act the term "non-quota immigrant" means-

(a) An immigrant who is the unmarried child under 18 years of age, or the wife, of a citizen of the United States who resides therein at the time of the filing of a petition under section 9;

(b) An immigrant previously lawfully admitted to the United States, who is returning from a temporary visit abroad;

(c) An immigrant who was born in the Dominion of Canada, Newfoundland, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him;

(d) An immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination, or professor of a college, academy, seminary, or university; and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him; or

(e) An immigrant who is a bona fide student at least 15 years of age and who seeks to enter the United States solely for the purpose of study at an accredited school, college, academy, seminary, or university, particularly designated by him and approved by, the Secretary of labor, which shall have agreed to report to the Secretary of Labor the termination of attendance of each immigrant student, and if any such institution of learning fails to make such reports promptly the approval shall be withdrawn.

EXCLUSION FROM UNITED STATES.

SEC. 13. (a) No immigrant shall be admitted to the United States unless he (1) has an unexpired immigration visa or was born subsequent to the issuance of the immigration visa of the accompanying parent, (2) is of the nationality specified in the visa in the immigration visa, (3) is a non-quota immigrant if specified in the visa in the immigration visa as such, and (4) is otherwise admissible under the immigration laws.

(b) In such classes of cases and under such conditions as may be by regulations prescribed immigrants who have been legally admitted to the United States and who depart therefrom temporarily may be admitted to the United States without being required to obtain an immigration visa.

(c) No alien ineligible to citizenship shall be admitted to the United States unless such alien (1) is admissible as a non-quota immigrant under the provisions of subdivision (b), (d), or (e) of section 4, or (2) is the wife, or the unmarried child under 18 years of age, of an immigrant admissible under such subdivision (d), and is accompanying or following to join him, or (3) is not an immigrant as defined in section 3.

(d) The Secretary of Labor may admit to the United States any otherwise admissible immigrant not admissible under clause (2) or (3) of subdivision (a) of this section, if satisfied that such inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable diligence by, such immigrant prior to the departure of the vessel from the last port outside the United States and outside foreign contiguous territory or, in the case of an immigrant coming from foreign contiguous territory, prior to the application of the immigrant for admission.

(e) No quota immigrant shall be admitted under subdivision (d) if the entire number of immigration visas which may be issued to quota immigrants of the same nationality for the fiscal year already been issued. If such entire number of immigration visas has not been issued, then the Secretary of State, upon the admission of a quota immigrant under subdivision (d), shall reduce by one the number of immigration visas which may be issued to quota immigrants of the same nationality during the fiscal year in which such immigrant is admitted; but if the Secretary of State finds that it will not be practicable to make such reduction before the end of such fiscal year, then such immigrant shall not be admitted.

(f) Nothing in this section shall authorize the remission or refunding of a fine, liability to which has accrued under section 16.

DEPORTATION

SEC. 14. Any alien who at any time after entering the United States is found to have been at the time of entry not entitled under this Act to enter the United States, or to have remained therein for a longer time than permitted under this Act or regulations made thereunder, shall be taken into custody and deported in the same manner as provided for in sections 19 and 20 of the Immigration Act of 1917: Provided, That the Secretary of Labor may, under such conditions and restrictions as to support and care as he may deem necessary, permit permanently to remain in the United States, any alien child who, when under sixteen years of age was heretofore temporarily admitted to the United States and who is now within the United States and either of whose parents is a citizen of the United States.

MAINTENANCE OF EXEMPT STATUS.

SEC. 15. The admission to the United States of an alien excepted from the class of immigrants by clause (2), (3), (4), (5), or (6) of section 3, or declared to be a non-quota immigrant by subdivision (e) of section

4, shall be for such time as may be by regulations prescribed, and under such conditions as may be by regulations prescribed (including, when deemed necessary for the classes mentioned in clauses (2), (3), (4), or (6) of section 3, the giving of bond with sufficient surety, in such sum and containing such conditions as may be by regulations prescribed) to insure that, at the expiration of such time or upon failure to maintain the status under which he was admitted, he will depart from the United States.

SEC 28. As used in this Act-

(a) The term "United States," when used in a geographical sense, means the States, the Territories of Alaska and Hawaii, the District of Columbia, Porto Rico, and the Virgin Islands; and the term "continental United States " means the States and the District of Columbia;

(b) The term "alien" includes any individual not a native-born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States not taxed, nor citizens of the islands under the jurisdiction of the United States; (c) The term "ineligible to citizenship," when used in reference to any individual, includes an individual who is debarred from becoming a citizen of the United States under section 2169 of the Revised Statutes, or under section 14 of the Act entitled "An Act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, or under section 1996, 1997, or 1998 of the Revised Statutes, as amended, or under section 2 of the Act entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, as amended, or under law amendatory of, supplementary to, or in substitution for, any of such sections;

(d) The term "immigration visa" means an immigration visa issued by a consular officer under the provisions of this Act;

(e) The term "consular officer" means any consular or diplomatic officer of the United States designated, under regulations prescribed under this Act, for the purpose of issuing immigration visas under this Act. In case of the Canal Zone and the insular possessions of the United States the term "consular officer" (except as used in section 24) means an officer designated by the President, or by his authority, for the purpose of issuing immigration visas under this Act; (f) The term "Immigration Act of 1917" means the Act of February 5, 1917, entitled "An Act to regulate the immigration of aliens to, and the residence of aliens in, the United States";

(g) The term "immigration laws" includes such Act, this Act, and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, or expulsion of aliens;

(h) The term "person" includes individuals, partnerships, corporations, and associations;

(i) The term "Commissioner General" means the Commissioner General of Immigration;

(j) The term "application for admission" has reference to the application for admission to the United States and not to the application for the issuance of the immigration visa;

(k) The term " permit " means a permit issued under section 10;

(l) The term "unmarried," when used in reference to any as of any time, means an individual who at such time is not married, whether or not previously married;

(m) The terms "child," "father," and "mother," do not include child or parent by adoption unless the adoption took place before January 1, 1924;

(n) The terms "wife" and "husband" do not include a wife husband by reason of a proxy or picture marriage.

[<http://www.washington.edu/uwired/outreach/cspn/curaaw/aawdoc02.html>]

Not All Caucasians Are White: The Supreme Court Rejects Citizenship for Asian Indians

In its decision in the case of *U.S. v. Bhagat Singh Thind* (1923), the Supreme Court deemed Asian Indians ineligible for citizenship because U.S. law allowed only free whites to become naturalized citizens. The court conceded that Indians were “Caucasians” and that anthropologists considered them to be of the same race as white Americans, but argued that “the average man knows perfectly well that there are unmistakable and profound differences.” The *Thind* decision also led to successful efforts to denaturalize some who had previously become citizens. This represented a particular threat in California, where a 1913 law prohibited aliens ineligible for citizenship from owning or leasing land. Only in 1946 did Congress, which was beginning to recognize that India would soon be independent and a major world power, pass a new law that allowed Indians to become citizens and also established a small immigration quota. But major immigration to the United States from South Asia did not begin until after immigration laws were sharply revised in 1965.

Mr. Justice Sutherland delivered the opinion of the Court.

This cause is here upon a certificate from the Circuit Court of Appeals, requesting the instruction of this Court in respect of the following questions:

“1. Is a high caste Hindu of full Indian blood, born at Amrit Sar, Punjab, India, a white person within the meaning of section 2169, Revised Statutes?”

“2. Does the act of February 5, 1917, (39 Stat. L. 875, section 3) disqualify from naturalization as citizens those Hindus, now barred by that act, who had lawfully entered the United States prior to the passage of said act?”

The appellee was granted a certificate of citizenship by the District Court of the United States for the District of Oregon, over the objection of the naturalization examiner for the United States. A bill in equity was then filed by the United States, seeking a cancellation of the certificate on the ground that the appellee was not a white person and therefore not lawfully entitled to naturalization. The District Court, on motion, dismissed the bill . . . and an appeal was taken to the Circuit Court of Appeals. No question is made in respect of the individual qualifications of the appellee. The sole question is whether he falls within the class designated by Congress as eligible.

Section 2169, Revised Statutes, provides that the provisions of the Naturalization Act “shall apply to aliens, being free white persons, and to aliens of African nativity and to persons of African descent.”

If the applicant is a white person within the meaning of this section he is entitled to naturalization; otherwise not. In *Ozawa v. United States*, 260 U.S. 178, we had occasion to consider the application of these words to the case of a cultivated Japanese and were constrained to hold that he was not within their meaning. As there pointed out, the provision is not that any particular class of persons shall be excluded, but it is, in effect, that only white persons shall be included within the privilege of the statute. “The intention was to confer the privilege of citizenship upon that class of persons whom the fathers knew as white, and to deny it to all who could not be so classified. It is not enough to say that the framers did not have in mind the brown or yellow races of Asia. It is necessary to go farther and be able to say that had these particular races been suggested the language of the act would have been so varied as to include them within its privileges,” . . . Following a long line of decisions of the lower federal courts, we held that the words imported a racial and not an individual test and were meant to indicate only persons of what is popularly known as the Caucasian race. But, as there pointed out, the conclusion that the phrase “white

persons” and the word “Caucasian” are synonymous does not end the matter. It enabled us to dispose of the problem as it was there presented, since the applicant for citizenship clearly fell outside the zone of debatable ground on the negative side; but the decision still left the question to be dealt with, in doubtful and different cases, by the “process of judicial inclusion and exclusion.” Mere ability on the part of an applicant for naturalization to establish a line of descent from a Caucasian ancestor will not ipso facto and necessarily conclude the inquiry. “Caucasian” is a conventional word of much flexibility, as a study of the literature dealing with racial questions will disclose, and while it and the words “white persons” are treated as synonymous for the purposes of that case, they are not of identical meaning. . . .

In the endeavor to ascertain the meaning of the statute we must not fail to keep in mind that it does not employ the word “Caucasian” but the words “white persons,” and these are words of common speech and not of scientific origin. The word “Caucasian” not only was not employed in the law but was probably wholly unfamiliar to the original framers of the statute in 1790. When we employ it we do so as an aid to the ascertainment of the legislative intent and not as an invariable substitute for the statutory words. Indeed, as used in the science of ethnology, the connotation of the word is by no means clear and the use of it in its scientific sense as an equivalent for the words of the statute, other considerations aside, would simply mean the substitution of one perplexity for another. But in this country, during the last half century especially, the word by common usage has acquired a popular meaning, not clearly defined to be sure, but sufficiently so to enable us to say that its popular as distinguished from its scientific application is of appreciably narrower scope. It is in the popular sense of the word, therefore, that we employ it as an aid to the construction of the statute, for it would be obviously illogical to convert words of common speech used in a statute into words of scientific terminology when neither the latter nor the science for whose purposes they were coined was within the contemplation of the framers of the statute or of the people for whom it was framed. The words of the statute are to be interpreted in accordance with the understanding of the common man from whose vocabulary they were taken. . . .

They imply, as we have said, a racial test; but the term “race” is one which, for the practical purposes of the statute, must be applied to a group of living persons now possessing in common the requisite characteristics, not to groups of persons who are supposed to be or really are descended from some remote, common ancestor, but who, whether they both resemble him to a greater or less extent, have, at any rate, ceased altogether to resemble one another. It may be true that the blond Scandinavian and the brown Hindu have a common ancestor in the dim reaches of antiquity, but the average man knows perfectly well that there are unmistakable and profound differences between them today; and it is not impossible, if that common ancestor could be materialized in the flesh, we should discover that he was himself sufficiently differentiated from both of his descendants to preclude his racial classification with either. The question for determination is not, therefore, whether by the speculative processes of ethnological reasoning we may present a probability to the scientific mind that they have the same origin, but whether we can satisfy the common understanding that they are now the same or sufficiently the same to justify the interpreters of a statute—written in the words of common speech, for common understanding, by unscientific men—in classifying them together in the statutory category as white persons. In 1790 the Adamite theory of creation—which gave a common ancestor to all mankind—was generally accepted, and it is not at all probable that it was intended by the legislators of that day to submit the question of the application of the words “white persons” to the mere test of an indefinitely remote common ancestry, without regard to the extent of the subsequent divergence of the various branches from such common ancestry or from one another.

The eligibility of this applicant for citizenship is based on the sole fact that he is of high caste Hindu stock, born in Punjab, one of the extreme northwestern districts of India, and classified by certain scientific authorities as of the Caucasian or Aryan race. The Aryan theory as a racial basis seems to be discredited by most, if not all, modern writers on the subject of ethnology. A review of their contentions would serve no useful purpose. . . .

The term “Aryan” has to do with linguistic and not at all with physical characteristics, and it would seem reasonably clear that mere resemblance in language, indicating a common linguistic root buried in remotely ancient soil, is altogether inadequate to prove common racial origin. There is, and can be, no assurance that the so-called Aryan language was not spoken by a variety of races living in proximity to one another. Our own history has witnessed the adoption of the English tongue by millions of Negroes, whose descendants can never be classified racially with the descendants of white persons notwithstanding both may speak a common root language.

The word “Caucasian” is in scarcely better repute. It is at best a conventional term, with an altogether fortuitous origin, which, under scientific manipulation, has come to include far more than the unscientific mind suspects. According to Keane, for example, . . . It includes not only the Hindu but some of the Polynesians, (that is the Maori, Tahitians, Samoans, Hawaiians and others), the Hamites of Africa, upon the ground of the Caucasian cast of their features, though in color they range from brown to black. We venture to think that the average well informed white American would learn with some degree of astonishment that the race to which he belongs is made up of such heterogeneous elements.

The various authorities are in irreconcilable disagreement as to what constitutes a proper racial division. For instance, Blumenbach has five races; Keane following Linnaeus, four; Deniker, twenty-nine. The explanation probably is that “the innumerable varieties of mankind run into one another by insensible degrees,” and to arrange them in sharply bounded divisions is an undertaking of such uncertainty that common agreement is practically impossible.

It may be, therefore, that a given group cannot be properly assigned to any of the enumerated grand racial divisions. The type may have been so changed by intermixture of blood as to justify an intermediate classification. Something very like this has actually taken place in India. Thus, in Hindustan and Berar there was such an intermixture of the “Aryan” invader with the dark-skinned Dravidian.

In the Punjab and Rajputana, while the invaders seem to have met with more success in the effort to preserve their racial purity, intermarriages did occur producing an intermingling of the two and destroying to a greater or less degree the purity of the “Aryan” blood. The rules of caste, while calculated to prevent this intermixture, seem not to have been entirely successful.

It does not seem necessary to pursue the matter of scientific classification further. We are unable to agree with the District Court, or with other lower federal courts in the conclusion that a native Hindu is eligible for naturalization under. . . . The words of familiar speech, which were used by the original framers of the law, were intended to include only the type of man whom they knew as white. The immigration of that day was almost exclusively from the British Isles and Northwestern Europe, whence they and their forbears had come. When they extended the privilege of American citizenship to “any alien, being a free white person,” it was these immigrants—bone of their bone and flesh of their flesh—and their kind whom they must have had affirmatively in mind. The succeeding years brought immigrants from Eastern, Southern and Middle Europe, among them the Slavs and the dark-eyed, swarthy people of Alpine and Mediterranean stock, and these were received as unquestionably akin to those already here and readily amalgamated with them. It was the descendants of these, and other immigrants of like origin, who constituted the white population of the country when § 2169, reënacting the naturalization test of 1790, was adopted; and there is no reason to doubt, with like intent and meaning.

What, if any, people of primarily Asiatic stock come within the words of the section we do not deem it necessary now to decide. There is much in the origin and historic development of the statute to suggest that no Asiatic whatever was included. The debates in Congress, during the consideration of the subject in 1870 and 1875, are persuasively of this character. In 1873, for example, the words “free white persons” were unintentionally omitted from the compilation of the Revised Statutes. This omission was supplied in

1875 by the act to correct errors and supply omissions. . . . When this act was under consideration by Congress efforts were made to strike out the words quoted, and it was insisted upon the one hand and conceded upon the other, that the effect of their retention was to exclude Asiatics generally from citizenship. While what was said upon that occasion, to be sure, furnishes no basis for judicial construction of the statute, it is, nevertheless, an important historic incident, which may not be altogether ignored in the search for the true meaning of words which are themselves historic. That question, however, may well be left for final determination until the details have been more completely disclosed by the consideration of particular cases, as they from time to time arise. The words of the statute, it must be conceded, do not readily yield to exact interpretation, and it is probably better to leave them as they are than to risk undue extension or undue limitation of their meaning by any general paraphrase at this time.

What we now hold is that the words “free white persons” are words of common speech, to be interpreted in accordance with the understanding of the common man, synonymous with the word “Caucasian” only as that word is popularly understood. As so understood and used, whatever may be the speculations of the ethnologist, it does not include the body of people to whom the appellee belongs. It is a matter of familiar observation and knowledge that the physical group characteristics of the Hindus render them readily distinguishable from the various groups of persons in this country commonly recognized as white. The children of English, French, German, Italian, Scandinavian, and other European parentage, quickly merge into the mass of our population and lose the distinctive hallmarks of their European origin. On the other hand, it cannot be doubted that the children born in this country of Hindu parents would retain indefinitely the clear evidence of their ancestry. It is very far from our thought to suggest the slightest question of racial superiority or inferiority. What we suggest is merely racial difference, and it is of such character and extent that the great body of our people instinctively recognize it and reject the thought of assimilation.

It is not without significance in this connection that Congress, by the Act of February 5, 1917 . . . has now excluded from admission into this country all natives of Asia within designated limits of latitude and longitude, including the whole of India. This not only constitutes conclusive evidence of the congressional attitude of opposition to Asiatic immigration generally, but is persuasive of a similar attitude toward Asiatic naturalization as well, since it is not likely that Congress would be willing to accept as citizens a class of persons whom it rejects as immigrants.

It follows that a negative answer must be given to the first question, which disposes of the case and renders an answer to the second question unnecessary, and it will be so certified.

Source: *United States v. Bhagat Singh Thind*, Certificate From The Circuit Court Of Appeals For The Ninth Circuit., No. 202. Argued January 11, 12, 1923.—Decided February 19, 1923, *United States Reports*, v. 261, The Supreme Court, October Term, 1922, 204–215.

[<http://historymatters.gmu.edu/d/5076/>]

Korematsu v. United States: The U.S. Supreme Court Upholds Internment

America fought World War II to preserve freedom and democracy, yet that same war featured the greatest suppression of civil liberties in the nation's history. In an atmosphere of hysteria, President Roosevelt, encouraged by officials at all levels of the federal government, authorized the internment of tens of thousands of American citizens of Japanese ancestry and resident aliens from Japan. One of the most important of the legal challenges to the internment policy was *Korematsu v. United States*, a case brought by Fred T. Korematsu, a Nisei (an American-born person whose parents were born in Japan). Korematsu had been arrested by the FBI for failing to report for relocation and was convicted in federal court in September 1942. The U.S. Supreme Court, in a sharply divided 6–3 decision, upheld Korematsu's conviction in late 1944. The majority opinion, written by Justice Hugo Black, rejected the plaintiff's discrimination argument and upheld the government's right to relocate citizens in the face of wartime emergency.

Mr. Justice Black delivered the opinion of the Court.

The petitioner, an American citizen of Japanese descent, was convicted in a federal district court for remaining in San Leandro, California, a "Military Area", contrary to Civilian Exclusion Order No. 34 of the Commanding General of the Western Command, U.S. Army, which directed that after May 9, 1942, all persons of Japanese ancestry should be excluded from that area. No question was raised as to petitioner's loyalty to the United States. . . .

It should be noted, to begin with, that all legal restrictions which curtail the civil rights of a single racial group are immediately suspect. That is not to say that all such restrictions are unconstitutional. It is to say that courts must subject them to the most rigid scrutiny. Pressing public necessity may sometimes justify the existence of such restrictions; racial antagonism never can. . . .

Executive Order No. 9066, 7 Fed. Reg. 1407 . . . issued after we were at war with Japan, declared that "the successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises, and national-defense utilities. . . ."

One of the series of orders and proclamations, a curfew order, which like the exclusion order here was promulgated pursuant to Executive Order 9066, subjected all persons of Japanese ancestry in prescribed West Coast military areas to remain in their residences from 8 p.m. to 6 a.m. As is the case with the exclusion order here, that prior curfew order was designed as a "protection against espionage and against sabotage." In *Kiyoshi Hirabayashi v. United States*, we sustained a conviction obtained for violation of the curfew order. The *Hirabayashi* conviction and this one thus rest on the same 1942 Congressional Act, [56 stat. 173, 18 U.S.C.A. §97 (a)], and the same basic executive and military orders, all of which orders were aimed at the twin dangers of espionage and sabotage. . . .

Here, as in the *Hirabayashi* case, we cannot reject as unfounded the judgment of the military authorities and of Congress that there were disloyal members of that population, whose number and strength could not be precisely and quickly ascertained. We cannot say that the war-making branches of the Government did not have ground for believing that in a critical hour such persons could not readily be isolated and separately dealt with, and constituted a menace to the national defense and safety, which demanded that prompt and adequate measures be taken to guard against it."

Like curfew, exclusion of those of Japanese origin was deemed necessary because of the presence of an unascertained number of disloyal members of the group, most of whom we have no doubt were loyal to this country. It was because we could not reject the finding of the military authorities that it was impossible to bring about an immediate segregation of the disloyal from the loyal that we sustained the validity of the curfew order as applying to the whole group. In the instant case, temporary exclusion of the entire group was rested by the military on the same ground. . . .

We uphold the exclusion order as of the time it was made and when the petitioner violated it. Compulsory exclusion of large groups of citizens from their homes, except under circumstances of dire emergency and peril, is inconsistent with our basic governmental institutions. But when under conditions of modern warfare our shores are threatened by hostile forces, the power to protect must be commensurate with the threatened danger.

[The Executive orders issued contained three separate provisions.] These separate requirements were that those of Japanese ancestry (1) depart from the area; (2) report to and temporarily remain in an assembly center; (3) go under military control to a relocation center there to remain for an indeterminate period until released conditionally or unconditionally by the military authorities. Each of these requirements, it will be noted, imposed distinct duties in connection with the separate steps in a complete evacuation program. . . .

Since the petitioner has not been convicted of failing to report or to remain in an assembly or relocation center, we cannot in this case determine the validity of those separate provisions of the order. It is sufficient here for us to pass upon the order which petitioner violated. . . .

Korematsu was not excluded from the Military Area because of hostility to him or his race. He was excluded because we are at war with the Japanese Empire, because the properly constituted military authorities feared an invasion of our West Coast and felt constrained to take proper security measures, because they decided that the military urgency of the situation demanded that all citizens of Japanese ancestry be segregated from the West Coast temporarily, and finally, because Congress, reposing its confidence in this time of war in our military leaders—as inevitably it must—determined that they should have the power to do just this. There was evidence of disloyalty on the part of some, the military authorities considered that the need for action was great, and time was short. We cannot—by availing ourselves of the calm perspective of hindsight—now say that at that time these actions were unjustified.

Affirmed.

Mr. Justice Frankfurter, concurring.

According to my reading of Civilian Exclusion Order No. 34, it was an offense for Korematsu to be found in Military Area No. 1, the territory wherein he was previously living, except within the bounds of the established Assembly Center of that area. . . .

The provisions of the Constitution which confer on the Congress and the President powers to enable this country to wage war are as much part of the Constitution as provisions looking to a nation at peace. . . .

And being an exercise of the war power explicitly granted by the Constitution for safeguarding the national life by prosecuting war effectively, I find nothing in the Constitution which denies to Congress the power to enforce such a valid military order by making its violation an offense triable in the civil courts. To find that the Constitution does not forbid the military measures now complained of does not carry with it approval of that which Congress and the Executive did. That is their business, not ours.

Mr. Justice Roberts, dissenting.

I dissent, because I think the indisputable facts exhibit a clear violation of Constitutional rights.

This is not a case of keeping people off the streets at night as was *Kiyoshi Hirabayashi v. United States*, nor a case of temporary exclusion of a citizen from an area for his own safety or that of the community, nor a case of offering him an opportunity to go temporarily out of an area where his presence might cause danger to himself or to his fellows. On the contrary, it is the case of convicting a citizen as a punishment for not submitting to imprisonment in a concentration camp, based on his ancestry, and solely because of his ancestry, without evidence or inquiry concerning his loyalty and good disposition towards the United States. . . .

The petitioner, a resident of San Leandro, Alameda County, California, is a native of the United States of Japanese ancestry who, according to the uncontradicted evidence, is a loyal citizen of the nation. . . .

The predicament in which the petitioner thus found himself was this: He was forbidden, by Military Order, to leave the zone in which he lived; he was forbidden, by Military Order, after a date fixed, to be found within that zone unless he were in an Assembly Center located in that zone. . . .

The petitioner, prior to his arrest, was faced with two diametrically contradictory orders given sanction by the Act of Congress of March 21, 1942. The earlier of those orders made him a criminal if he left the zone in which he resided; the later made him a criminal if he did not leave.

I had supposed that if a citizen was constrained by two laws, or two orders having the force of law, and obedience to one would violate the other, to punish him for violation of either would deny him due process of law. And I had supposed that under these circumstances a conviction for violating one of the orders could not stand. . . .

I would reverse the judgment of conviction.

Mr. Justice Murphy, dissenting.

This exclusion of "all persons of Japanese ancestry, both alien and non-alien," from the Pacific Coast area on a plea of military necessity in the absence of martial law ought not to be approved. Such exclusion goes over "the very brink of constitutional power" and falls into the ugly abyss of racism.

In dealing with matters relating to the prosecution and progress of a war, we must accord great respect and consideration to the judgments of the military authorities who are on the scene and who have full knowledge of the military facts. . . .

At the same time, however, it is essential that there be definite limits to military discretion, especially where martial law has not been declared. . . . "What are the allowable limits of military discretion, and whether or not they have been overstepped in a particular case, are judicial questions."

The judicial test of whether the Government, on a plea of military necessity, can validly deprive an individual of any of his constitutional rights is whether the deprivation is reasonably related to a public danger that is so "immediate, imminent, and impending" as not to admit of delay and not to permit the intervention of ordinary constitutional processes to alleviate the danger. Civilian Exclusion Order No. 34, banishing from a prescribed area of the Pacific Coast "all persons of Japanese ancestry, both alien and non-alien," clearly does not meet that test. Being an obvious racial discrimination, the order deprives all those within its scope of the equal protection of the laws as guaranteed by the Fifth Amendment. It further

deprives these individuals of their constitutional rights to live and work where they will, to establish a home where they choose and to move about freely. In excommunicating them without benefit of hearings, this order also deprives them of all their constitutional rights to procedural due process. Yet no reasonable relation to an “immediate, imminent, and impending” public danger is evident to support this racial restriction which is one of the most sweeping and complete deprivations of constitutional rights in the history of this nation in the absence of martial law. . . .

That this forced exclusion was the result in good measure of this erroneous assumption of racial guilt rather than bona fide military necessity is evidenced by the Commanding General’s Final Report on the evacuation from the Pacific Coast area. In it he refers to all individuals of Japanese descent as “subversive,” as belonging to “an enemy race” whose “racial strains are undiluted,” and as constituting “over 112,000 potential enemies at large today” along the Pacific Coast. In support of this blanket condemnation of all persons of Japanese descent, however, no reliable evidence is cited to show that such individuals were generally disloyal, or had generally so conducted themselves in this area as to constitute a special menace to defense installations or war industries, or had otherwise by their behavior furnished reasonable ground for their exclusion as a group.

Justification for the exclusion is sought, instead, mainly upon questionable racial and sociological grounds not ordinarily within the realm of expert military judgment, supplemented by certain semi-military conclusions drawn from an unwarranted use of circumstantial evidence. . . .

The main reasons relied upon by those responsible for the forced evacuation, therefore, do not prove a reasonable relation between the group characteristics of Japanese Americans and the dangers of invasion, sabotage and espionage. . . . A military judgment based upon . . . racial and sociological considerations is not entitled to the great weight ordinarily given the judgments based upon strictly military considerations. Especially is this so when every charge relative to race, religion, culture, geographical location, and legal and economic status has been substantially discredited by independent studies made by experts in these matters.

No adequate reason is given for the failure to treat these Japanese Americans on an individual basis by holding investigations and hearings to separate the loyal from the disloyal, as was done in the case of persons of German and Italian ancestry. . . . And the fact that conditions were not such as to warrant a declaration of martial law adds strength to the belief that the factors of time and military necessity were not as urgent as they have been represented to be. . . .

It seems incredible that under these circumstances it would have been impossible to hold loyalty hearings for the mere 112,000 persons involved—or at least for the 70,000 American citizens—especially when a large part of this number represented children and elderly men and women. Any inconvenience that may have accompanied an attempt to conform to procedural due process cannot be said to justify violations of constitutional rights of individuals.

I dissent, therefore, from this legalization of racism. Racial discrimination in any form and in any degree has no justifiable part whatever in our democratic way of life. . . .

Mr. Justice Jackson, dissenting. . . .

Much is said of the danger to liberty from the Army program for deporting and detaining these citizens of Japanese extraction. But a judicial construction of the due process clause that will sustain this order is a far more subtle blow to liberty than the promulgation of the order itself. A military order, however unconstitutional, is not apt to last longer than the military emergency. Even during that period a succeeding commander may revoke it all. But once a judicial opinion rationalizes such an order to show

that it conforms to the Constitution, or rather rationalizes the Constitution to show that the Constitution sanctions such an order, the Court for all time has validated the principle of racial discrimination in criminal procedure and of transplanting American citizens. . . . A military commander may overstep the bounds of constitutionality, and it is an incident. But if we review and approve, that passing incident becomes the doctrine of the Constitution. There it has a generative power of its own, and all that it creates will be in its own image. Nothing better illustrates this danger than does the Court's opinion in this case. . . .

I should hold that a civil court cannot be made to enforce an order which violates constitutional limitations even if it is a reasonable exercise of military authority. The courts can exercise only the judicial power, can apply only law, and must abide by the Constitution, or they cease to be civil courts and become instruments of military policy.

I do not suggest that the courts should have attempted to interfere with the Army in carrying out its task. But I do not think they may be asked to execute a military expedient that has no place in law under the Constitution. I would reverse the judgment and discharge the prisoner.

Source: *Toyosaburo Korematsu v. United States*, 323 U.S. 214 (1944).

[<http://historymatters.gmu.edu/d/5151/>]



CITIZENSHIP TEST

The following 100 questions and answers are those used in the U.S. citizenship exams. The INS computer randomly selects a group of around a dozen of the

1. What are the colors of the flag? *Red, White & Blue*
2. How many stars are there in our flag? *50 stars*
3. What color are the stars on our flag? *White*
4. What do the stars on the flag mean? *The 50 States*
5. How many stripes are there in the flag? *13 stripes*
6. What color are the stripes? *Red & White*
7. What do the stripes on the flag mean? *The 13 Original Colonies*
8. How many states are there in the Union (United States)? *50 States*
9. What is the 4th of July? *Independence Day*
10. What is the date of Independence Day? *4th of July*
11. Independence from whom? *England*
12. What country did we fight during the Revolutionary War? *England*
13. Who was the first president of the United States? *George Washington*
14. Who is the president of the United States today? *George W. Bush*
15. Who is the vice-president of the United States? *Dick Cheney*
16. Who elects the president of the United States? *He is elected by the electoral college*
17. Who becomes president of the United States if the president should die? *The Vice President*
18. For how long do we elect the president? *4 years*
19. What is the Constitution? *The Supreme Law of the Land*
20. Can the Constitution be changed? *Yes*
21. What do we call a change to the Constitution? *Amendments*
22. How many changes or amendments are there to the Constitution? *27 Times*
23. How many branches are there in our government? *Three branches*

24. What are the three branches of our government? *Legislative: Congress (makes the laws); Executive: President (Enforces the laws); Judicial: U.S. Court (Interprets the laws)*
25. What is the legislative branch of our government? *Congress*
26. Who makes the laws in the United States? *Congress*
27. What is Congress? *The Senate and House of Representatives*
28. What are the duties of Congress? *To make Laws*
29. Who elects Congress? *The people*
30. How many Senators are there in Congress? *100 - 2 for each State*
31. Can you name the two senators from your state? [*▶▶Find your state here*](#)
32. For how long do we elect each senator? *6 years*
33. How many representatives are there in Congress? *435 Representatives*
34. For how long do we elect the representatives? *2 Years*
35. What is the executive branch of our government? *The President, Cabinet and Department under the Cabinet Members.*
36. What is the judicial branch of our government? *Supreme Court*
37. What are the duties of the Supreme Court? *To Interpret Laws*
38. What is the supreme law of the United States. *The Constitution*
39. What is the Bill of Rights? *First 10 Amendments of the Constitution*
40. What is the capital of your state? [*▶▶Find your state here*](#)
41. Who is the current governor of your state? [*▶▶Find your state here*](#)
42. Who becomes president of the United States if the president and the vice-president should die? *Speaker of the House of Representatives*
43. Who is the chief justice of the Supreme Court? *William Renhquist.*
44. Can you name the thirteen original states? *Connecticut, New Hampshire, New York, New Jersey, Massachusetts, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia, Rhode Island and Maryland.*
45. Who said "Give me liberty or give me death? *Patrick Henry*
46. Which countries were our principal allies during World War II? *England & Russia*

47. What is the 49th State of the Union (United States)? *Hawaii*
48. How many terms can a president serve? *2 terms*
49. Who was Martin Luther King, Jr.? *Leader of the Civil Rights*
50. Who is the head of your local government? *The Mayor. Obtain this information yourself*
51. According to the Constitution, a person must meet certain requirements in order to be eligible to become president. Name one of these requirements. *Natural born in the USA and at least 35 years old.*
52. Why are there 100 senators in the Senate? *2 for each State*
53. Who selects the Supreme Court justices? *Appointed by the President*
54. How many Supreme Court justices are there? *9 Judges*
55. Why did the Pilgrims come to America? *Religious Freedom*
56. What is the head executive of a state government called? *Governor*
57. What is the head executive of a city government called? *Mayor*
58. What holiday was celebrated for the first time by the American Colonists? *Thanksgiving*
59. Who was the main writer of the Declaration of Independence? *Thomas Jefferson*
60. When was the Declaration of Independence adopted? *July 4, 1776*
61. What is the basic belief of the Declaration of Independence? *All men are created equal*
62. What is the national anthem of the United States? *The Star Spangled Banner*
63. Who wrote the "Star Spangled Banner"? *Francis Scott Key*
64. Where does freedom of speech come from? *The Bill of Rights*
65. What is the minimum voting age in the United States? *18 years*
66. Who signs bills into law? *The President*
67. What is the highest court in the United States? *The Supreme Court*
68. Who was president during the Civil War? *Abraham Lincoln*
69. What did the Emancipation Proclamation do? *Freed the slaves*
70. What special group advises the president? *The Cabinet*
71. Which President is called the "Father of our country"? *George Washington*

72. What is the 50th State of the Union (United States)? *Alaska*
73. Who helped the Pilgrims in America? *American Indians*
74. What is the name of the ship that brought the Pilgrims to America? *The Mayflower*
75. What were the 13 original states of the U.S. called? *Colonies*
76. Name 3 rights or freedoms guaranteed by the Bill of Rights? *Freedom of Speech, Press, Religion*
77. Who has the power to declare war? *Congress*
78. Name one amendment which guarantees or addresses voting rights? *#15 - Negro Suffrage*
79. Which president freed the slaves? *Abraham Lincoln*
80. In what year was the Constitution written? *1787*
81. What are the first 10 amendments to the Constitution called? *Bill of Rights*
82. Name one purpose of the United Nations. *To maintain International Peace & Security*
83. Where does Congress meet? *Washington, D.C.*
84. Whose rights are guaranteed by the Constitution and the Bill of Rights? *It's citizens*
85. What is the introduction to the Constitution called? *Preamble*
86. Name one benefit of being a citizen of the United States. *Obtain a federal job and travel with a USA passport*
87. What is the most important right granted to U.S. citizens? *The right to vote*
88. What is the White House? *The President's official home*
89. Where is the White House located? *1600 Pennsylvania Ave., Washington, D.C.*
90. What is the name of the President's official home? *The White House*
91. Name one right guaranteed by the first amendment. *Freedom of Speech*
92. Who is the Commander in Chief of the U.S. military? *The President*
93. Which president was the first Commander in Chief of the U.S. Military. *George Washington*
94. In what month do we vote for the President? *November*
95. In what month is the new president inaugurated? *January*
96. How many times may a Senator be re-elected? *No limit*

97. How many times may a Congressman be re-elected? *No Limit*
98. What are the 2 major political parties in the U.S. today? *Democrat & Republican Parties*
99. How many states are there in the U.S.A.? *50 States*
100. What countries were our enemies during WWII? *Germany, Italy and Japan*

[<http://www.eldirectoriohispanousa.com/examen/exam.htm>]

Elizabeth Cady Stanton, “The Solitude of Self,” 1892

The struggle for woman suffrage lasted almost a century. The 1848 Woman’s Rights Convention at Seneca Falls, New York, initiated public discussion of votes for women, and serious campaigning began with the founding in 1869 of two original (and competing) suffrage organizations—the National Woman Suffrage Association and the American Woman Suffrage Association. The two groups joined forces in 1890 to form the National American Woman Suffrage Association (NAWSA). NAWSA campaigned diligently for the vote in a variety of ways but did not achieve success until the ratification of the Nineteenth Amendment to the U.S. Constitution in 1920. Elizabeth Cady Stanton served for twenty years as the president of the National Woman Suffrage Association and as the first president of NAWSA. In 1892, she resigned at age 77. Her resignation speech, “The Solitude of Self,” eloquently articulated the arguments for the equality of women that she had spent her adult life promoting.

The point I wish plainly to bring before you on this occasion is the individuality of each human soul; our Protestant idea, the right of individual conscience and judgment; our republican idea, individual citizenship. In discussing the rights of woman, we are to consider, first, what belongs to her as an individual, in a world of her own, the arbiter of her own destiny, an imaginary Robinson Crusoe, with her woman, Friday, on a solitary island. Her rights under such circumstances are to use all her faculties for her own safety and happiness.

Secondly, if we consider her as a citizen, as a member of a great nation, she must have the same rights as all others members, according to the fundamental principles of our Government.

Thirdly, viewed as a woman, an equal factor in civilization, her rights and duties are still the same—individual happiness and development.

Fourthly, it is only the incidental relations of life, such as mother, wife, sister, daughter, which may involve some special duties and training. . . .

The strongest reason for giving woman all the opportunities for higher education, for the full development of her faculties, her forces of mind and body; for giving her the most enlarged freedom of thought and action; a complete emancipation from all forms of bondage, of custom, dependence, superstition; from all the crippling influences of fear—is the solitude and personal responsibility of her own individual life. The strongest reason why we ask for woman a voice in the government under which she lives; in the religion she is asked to believe; equality in social life, where she is the chief factor; a place in the trades and professions, where she may earn her bread, is because of her birthright to self-sovereignty; because, as an individual, she must rely on herself. No matter how much women prefer to lean, to be protected and supported, nor how much men desire to have them do so, they must make the voyage of life alone, and for safety in an emergency, they must know something of the laws of navigation. To guide our own craft, we must be captain, pilot, engineer; with chart and compass to stand at the wheel; to watch the winds and waves, and know when to take in the sail, and to read the signs in the firmament over all. It matters not whether the solitary voyager is man or woman; nature, having endowed them equally, leaves them to their own skill and judgment in the hour of danger, and, if not equal to the occasion, alike they perish.

To appreciate the importance of fitting every human soul for independent action, think for a moment of the immeasurable solitude of self. We come into the world alone, unlike all who have gone before us, we leave it alone, under circumstances peculiar to ourselves. No mortal ever has been, no mortal ever will be like the soul just launched on the sea of life. There can never again be just such a combination of prenatal influences; never again just such environments as make up the infancy, youth and manhood of this one.

Nature never repeats herself, and the possibilities of one human soul will never be found in another. No one has ever found two blades of ribbon grass alike, and no one will ever find two human beings alike. Seeing, then, what must be the infinite diversity in human character, we can in a measure appreciate the loss to a nation when any class of the people is uneducated and unrepresented in the government.

We ask for the complete development of every individual, first, for his own benefit and happiness. In fitting out an army, we give each soldier his own knapsack, arms, powder, his blanket, cup, knife, fork and spoon. We provide alike for all their individual necessities; then each man bears his own burden.

Again, we ask complete individual development for the general good; for the consensus of the competent on the whole round of human interests, on all questions of national life; and here each man must bear his share of the general burden. It is sad to see how soon friendless children are left to bear their own burdens, before they can analyze their feelings; before they can even tell their joys and sorrows, they are thrown on their own resources. The great lesson that nature seems to teach us at all ages in self-dependence, self-protection, self-support. . . .

In youth our most bitter disappointments, our brightest hopes and ambitions, are known only to ourselves. Even our friendship and love we never fully share with another; there is something of every passion, in every situation, we conceal. Even so in our triumphs and our defeats. . . .

We ask no sympathy from others in the anxiety and agony of a broken friendship or shattered love. When death sunders our nearest ties, alone we sit in the shadow of our affliction. Alike amid the greatest triumphs and darkest tragedies of life, we walk alone. On the divine heights of human attainment, eulogized and worshipped as a hero or saint, we stand alone. In ignorance, poverty and vice, as a pauper or criminal, alone we starve or steal; alone we suffer the sneers and rebuffs of our fellows; alone we are hunted and hounded through dark courts and alleys, in by-ways and high-ways; alone we stand in the judgment seat; alone in the prison cell we lament our crimes and misfortunes; alone we expiate them on the gallows. In hours like these we realize the awful solitude of individual life, its pains, its penalties, its responsibilities, hours in which the youngest and most helpless are thrown on their own resources for guidance and consolation. Seeing, then, that life must ever be a march and a battle that each soldier must be equipped for his own protection, it is the height of cruelty to rob the individual of a single natural right.

To throw obstacles in the way of a complete education is like putting out the eyes; to deny the rights of property is like cutting off the hands. To refuse political equality is to rob the ostracized of all self-respect; of credit in the market place; of recompense in the world of work, of a voice in choosing those who make and administer the law, a choice in the jury before whom they are tried, and in the judge who decides their punishment. Think of . . . woman's position! Robbed of her natural rights, handicapped by law and custom at every turn, yet compelled to fight her own battles, and in the emergencies of life to fall back on herself for protection. . . .

The young wife and mother, at the head of some establishment, with a kind husband to shield her from the adverse winds of life, with wealth, fortune and position, has a certain harbor of safety, secure against the ordinary ills of life. But to manage a household, have a desirable influence in society, keep her friends and the affections of her husband, train her children and servants well, she must have rare common sense, wisdom, diplomacy, and a knowledge of human nature. To do all this, she needs the cardinal virtues and the strong points of character that the most successful statesman possesses. An uneducated woman trained to dependence, with no resources in herself, must make a failure of any position in life. But society says women do not need a knowledge of the world, the liberal training that experience in public life must give, all the advantages of collegiate education; but when for the lack of all this, the woman's happiness is wrecked, alone she bears her humiliation; and the solitude of the weak and the ignorant is indeed pitiable. In the wild chase for the prizes of life, they are ground to powder.

In age, when the pleasures of youth are passed, children grown up, married and gone, the hurry and bustle of life in a measure over, when the hands are weary of active service, when the old arm chair and the fireside are the chosen resorts, then men and women alike must fall back on their own resources. If they cannot find companionship in books, if they have no interest in the vital questions of the hour, no interest in watching the consummation of reforms with which they might have been identified, they soon pass into their dotage. The more fully the faculties of the mind are developed and kept in use, the longer the period of vigor and active interest in all around us continues. If, from a life-long participation in public affairs, a woman feels responsible for the laws regulating our system of education, the discipline of our jails and prisons, the sanitary condition of our private homes, public buildings and thoroughfares, an interest in commerce, finance, our foreign relations, in any or all these questions, her solitude will at least be respectable, and she will not be driven to gossip or scandal for entertainment.

The chief reason for opening to every soul the doors to the whole round of human duties and pleasures is the individual development thus attained, the resources thus provided under all circumstances to mitigate the solitude that at times must come to everyone. . . .

Inasmuch, then, as woman shares equally the joys and sorrows of time and eternity, is it not the height of presumption in man to propose to represent her at the ballot box and the throne of grace, to do her voting in the state, her praying in the church, and to assume the position of high priest at the family altar?

Nothing strengthens the judgment and quickens the conscience like individual responsibility. Nothing adds such dignity to character as the recognition of one's self-sovereignty; the right to an equal place, everywhere conceded—a place earned by personal merit, not an artificial attainment by inheritance, wealth, family and position. Conceding, then, that the responsibilities of life rest equally on man and woman, that their destiny is the same, they need the same preparation for time and eternity. The talk of sheltering woman from the fierce storms of life is the sheerest mockery, for they beat on her from every point of the compass, just as they do on man, and with more fatal results, for he has been trained to protect himself, to resist, and to conquer. Such are the facts in human experience, the responsibilities of individual sovereignty. Rich and poor, intelligent and ignorant, wise and foolish, virtuous and vicious, man and woman; it is ever the same, each soul must depend wholly on itself.

Whatever the theories may be of woman's dependence on man, in the supreme moments of her life, he cannot bear her burdens. Alone she goes to the gates of death to give life to every man that is born into the world; no one can share her fears, no one can mitigate her pangs; and if her sorrow is greater than she can bear, alone she passes beyond the gates into the vast unknown.

From the mountain-tops of Judea long ago, a heavenly voice bade his disciples, "Bear ye one another's burdens"; but humanity has not yet risen to that point of self-sacrifice; and if ever so willing, how few the burdens are that one soul can bear for another! . . .

So it ever must be in the conflicting scenes of life, in the long, weary march, each one walks alone. We may have many friends, love, kindness, sympathy and charity, to smooth our pathway in everyday life, but in the tragedies and triumphs of human experience, each mortal stands alone.

But when all artificial trammels are removed, and women are recognized as individuals, responsible for their own environments, thoroughly educated for all positions in life they may be called to fill; with all the resources in themselves that liberal thought and broad culture can give; guided by their own conscience and judgment, trained to self-protection, by a healthy development of the muscular system, and skill in the use of weapons and defence; and stimulated to self-support by a knowledge of the business world and the pleasure that pecuniary independence must ever give; when women are trained in this way, they will in a measure be fitted for those hours of solitude that come alike to all, whether

prepared or otherwise. As in our extremity we must depend on ourselves, the dictates of wisdom point to complete individual development.

In talking of education, how shallow the argument that each class must be educated for the special work it proposes to do, and that all those faculties not needed in this special work must lie dormant and utterly wither for want of use, when, perhaps, these will be the very faculties needed in life's greatest emergencies! Some say, "Where is the use of drilling girls in the languages, the sciences, in law, medicine, theology. As wives, mothers, housekeepers, cooks, they need a different curriculum from boys who are to fill all positions. The chief cooks in our great hotels and ocean steamers are men. In our large cities, men run the bakeries; they make our bread, cake and pies. They manage the laundries; they are now considered our best milliners and dressmakers. Because some men fill these departments of usefulness, shall we regulate the curriculum in Harvard and Yale to their present necessities? If not, why this talk in our best colleges of a curriculum for girls who are crowding into the trades and professions, teachers in all our public schools, rapidly filling many lucrative and honorable positions in life?". . .

Women are already the equals of men in the whole realm of thought, in art, science, literature and government. . . . The poetry and novels of the century are theirs, and they have touched the keynote of reform, in religion, politics and social life. They fill the editor's and professor's chair, plead at the bar of justice, walk the wards of the hospital, speak from the pulpit and the platform. Such is the type of womanhood that an enlightened public sentiment welcomes to-day, and such the triumph of the facts of life over the false theories of the past.

Is it, then, consistent to hold the developed woman of this day within the same narrow political limits as the dame with the spinning wheel and knitting needle occupied in the past? No, no! Machinery has taken the labors of woman as well as man on its tireless shoulders; the loom and the spinning wheel are but dreams of the past; the pen, the brush, the easel, the chisel, have taken their places, while the hopes and ambitions of women are essentially changed.

We see reason sufficient in the outer conditions of human beings for individual liberty and development, but when we consider the self-dependence of every human soul, we see the need of courage, judgment and the exercise of every faculty of mind and body, strengthened and developed by use, in woman as well as man.

Whatever may be said of man's protecting power in ordinary conditions, amid all the terrible disasters by land and sea, in the supreme moments of danger, alone woman must ever meet the horrors of the situation. The Angel of Death even makes no royal pathway for her. Man's love and sympathy enter only into the sunshine of our lives. In that solemn solitude of self, that links us with the immeasurable and the eternal, each soul lives alone forever. A recent writer says: "I remember once, in crossing the Atlantic, to have gone upon the deck of the ship at midnight, when a dense black cloud enveloped the sky, and the great deep was roaring madly under the lashes of demoniac winds. My feeling was not of danger or fear (which is a base surrender of the immortal soul) but of utter desolation and loneliness; a little speck of life shut in by a tremendous darkness. . . ."

And yet, there is a solitude which each and every one of us has always carried with him, more inaccessible than the ice-cold mountains, more profound than the midnight sea; the solitude of self. Our inner being which we call ourself, no eye nor touch of man or angel has ever pierced. It is more hidden than the caves of the gnome; the sacred adytum of the oracle; the hidden chamber of Eleusinian mystery, for to it only omniscience is permitted to enter.

Such is individual life. Who, I ask you, can take, dare take on himself the rights, the duties, the responsibilities of another human soul?

Source: Elizabeth Cady Stanton, "The Solitude of Self" *The Woman's Column*, January 1882, 2–3.
Reprinted in Ellen Carol DuBois, ed., *Elizabeth Cady Stanton and Susan B. Anthony: Correspondence, Writings, and Speeches* (New York, 1981).

[<http://historymatters.gmu.edu/d/5315/>]

The Cherokee Constitution
Editorial from The Cherokee Phoenix

NEW ECHOTA
Wednesday May 14, 1828

It has been frequently said, that the treatment of the United States Commissioners of late, in this Nation, has been disrespectful and contemptuous. We have always thought this an unwarrantable charge, originating from no other cause, but from the very fact of the failure of these Commissioners to attain their objects. From the correspondence, a part of which we publish today, our readers will judge whether the authorities of the Nation have treated the United States Commissioners with any degree of disrespect. We are sure it is far from the wish of our Citizens to be disrespectful.

The Cherokee Constitution has produced a very mistaking idea in the minds of many persons, especially such as endeavor to take every advantage of the Indians.- To say that the Cherokees have declared themselves independent of the United States and violated, in their constitution, their connection with the General Government, would be doing them very great injustice: for the thought of such independence has never entered into their minds, as we already have had occasion to declare; and we hope a word to the wise and candid will be sufficient. This constitution was adopted for the good of the Cherokee People, as their condition made it evident that they could not improve otherwise in legislation. It did not originate in any desire of such independence as our treaties with the United States would warrant. We do not claim rights which do not belong to us, much less are we so blinded as to suppose, that we can within ourselves change our relation with the General Government. Rights, however, we have, secured to us by treaties, and will the people of this enlightened land, emphatically called the land of freedom, deprive us of these few rights?

CHEROKEE PHOENIX
Wednesday May 14, 1828
Volume 1 No. 12
Page 2 Col. 5b and Page 3 Co. 1

<http://www.wcu.edu/library/CherokeePhoenix/Vol1/no12/pg2col5bpg3col1.htm>

Cherokee Constitution (1827) and Married Women's Property Act (1829)

(1) CONSTITUTION OF THE CHEROKEE NATION, formed by a Convention of Delegates from the several districts, at New Echota, *July, 1827*

WE, THE REPRESENTATIVES of the people of the Cherokee Nation, in Convention assembled, in order to establish justice, ensure tranquility, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty; acknowledging with humility and gratitude the goodness of the sovereign Ruler of the Universe, in offering us an opportunity so favorable to the design, and imploring His aid and direction in its accomplishment, do ordain and establish this Constitution for the Government of the Cherokee Nation.

ARTICLE III.

Sec. 4 -- No person shall be eligible to a seat in the General Council, but a free Cherokee male citizen, who shall have attained to the age of twenty-five years. The descendants of Cherokee men by all free women, except the African race, whose parents may have been living together as man and wife, according to the customs and laws of this Nation, shall be entitled to all the rights and privileges of this Nation, as well as the posterity of Cherokee women by all free men. No person who is of negro or mulatto parentage, either by the father or mother side, shall be eligible to hold any office of profit, honor or trust under this Government.

(2) Law Regarding Married Women's Property, 1829

Whereas, It has long been an established custom in this Nation and admitted by the courts as law, yet never committed to writing, that the property of Cherokee women after their marriage cannot be disposed of by their husbands, or levied upon by an officer to satisfy a debt of the husband's contracting, contrary to her will and consent, and disposable only at her option -- therefore,

Resolved by the National Committee and Council, in General Council Convened, That the property of Cherokee, and other women, citizens of this Nation, after their marriage shall not be taken or disposed of in any manner contrary to her consent, for the purpose of satisfying a debt contracted by her husband, nor shall the property of the husband be liable to seizure, or otherwise to satisfy the debts contracted by the wife.

November 2d, 1829

Source: LAWS OF THE CHEROKEE NATION, from a facsimile of the 1852 edition, produced by Legal Classics Library, a Division of Gryphon Editions, of New York, New York.

<http://cwlyphoenix.hypermart.net/laws.htm>

Declaration of Rights for Women, 1876

The following document was read by Susan B. Anthony on July 4, 1876, in front of Independence Hall "under the shadow of Washington's statue, back of them the old bell that proclaimed 'liberty to all the land, and all the inhabitants thereof.'" A footnote in the source states (in part) that "During the reading of the declaration to an immense concourse of people, Mrs. [Jocelyn] Gage stood beside Miss Anthony, and held an umbrella over her head, to shelter her friend from the intense heat of the noonday sun; and thus in the same hour, on opposite sides of old Independence Hall, did the men and women express their opinions on the great principles proclaimed on the natal day of the republic. . ."

The source for the following speech is History of Woman Suffrage, Elizabeth C. Stanton et al., eds., Vol. III, New York, 1887, pp. 31-34.

While the nation is buoyant with patriotism, and all hearts are attuned to praise, it is with sorrow we come to strike the one discordant note, on this one-hundredth anniversary of our country's birth. When subjects of kings, emperors, and czars, from the old world join in our national jubilee, shall the women of the republic refuse to lay their hands with benedictions on the nation's head? Surveying America's exposition, surpassing in magnificence those of London, Paris, and Vienna, shall we not rejoice at the success of the youngest rival among the nations of the earth? May not our hearts, in unison with all, swell with pride at our great achievements as a people; our free speech, free press, free schools, free church, and the rapid progress we have made in material wealth, trade, commerce and the inventive arts? And we do rejoice in the success, thus far, of our experiment of self-government. Our faith is firm and unwavering in the broad principles of human rights proclaimed in 1776, not only as abstract truths, but as the corner stones of a republic. Yet we cannot forget, even in this glad hour, that while all men of every race, and clime, and condition, have been invested with the full rights of citizenship under our hospitable flag, all women still suffer the degradation of disfranchisement.

The history of our country the past hundred years has been a series of assumptions and usurpations of power over woman, in direct opposition to the principles of just government, acknowledged by the United States as its foundation, which are:

*First--*The natural rights of each individual.

*Second--*The equality of these rights.

*Third--*That rights not delegated are retained by the individual.

*Fourth--*That no person can exercise the rights of others without delegated authority.

*Fifth--*That the non-use of rights does not destroy them.

And for the violation of these fundamental principles of our government, we arraign our rulers on this Fourth day of July, 1876,--and these are our articles of impeachment:

Bills of attainder have been passed by the introduction of the word "male" into all the State constitutions, denying to women the right of suffrage, and thereby making sex a crime--an exercise of power clearly forbidden in article I, sections 9, 10, of the United States constitution.

The writ of habeas corpus, the only protection against *lettres de cachet* and all forms of unjust imprisonment, which the constitution declares "shall not be suspended, except when in cases of rebellion or invasion the public safety demands it," is held inoperative in every State of the Union, in case of a married woman against her husband--the marital rights of the husband being in all cases primary, and the rights of the wife secondary.

The right of trial by a jury of one's peers was so jealously guarded that States refused to ratify the original constitution until it was guaranteed by the sixth amendment. And yet the women of this nation have never

been allowed a jury of their peers--being tried in all cases by men, native and foreign, educated and ignorant, virtuous and vicious. Young girls have been arraigned in our courts for the crime of infanticide; tried, convicted, hanged--victims, perchance, of judge, jurors, advocates--while no woman's voice could be heard in their defense. And not only are women denied a jury of their peers, but in some cases, jury trial altogether. During the war, a woman was tried and hanged by military law, in defiance of the fifth amendment, which specifically declares: "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 . . . of persons in actual service in time of war." During the last presidential campaign, a woman arrested for voting, was denied the protection of a jury, tried, convicted, and sentenced to a fine and costs of prosecution, by the absolute power of a judge of the Supreme Court of the United States.

Taxation without representation, the immediate cause of the rebellion of the colonies against Great Britain, is one of the grievous wrongs the women of this country have suffered during the century. Deploring war, with all the demoralization that follows in its train, we have been taxed to support standing armies, with their waste of life and wealth. Believing in temperance, we have been taxed to support the vice, crime and pauperism of the liquor traffic. While we suffer its wrongs and abuses infinitely more than man, we have no power to protect our sons against this giant evil. During the temperance crusade, mothers were arrested, fined, imprisoned, for even praying and singing in the streets, while men blockade the sidewalks with impunity, even on Sunday, with their military parades and political processions. Believing in honesty, we are taxed to support a dangerous army of civilians, buying and selling the offices of government and sacrificing the best interests of the people. And, moreover, we are taxed to support the very legislators and judges who make laws, and render decisions adverse to woman. And for refusing to pay such unjust taxation, the houses, lands, bonds, and stock of women have been seized and sold within the present year, thus proving Lord Coke's assertion, that "The very act of taxing a man's property without his consent is, in effect, disfranchising him of every civil right."

Unequal codes for men and women. Held by law a perpetual minor, deemed incapable of self-protection, even in the industries of the world, woman is denied equality of rights. The fact of sex, not the quantity or quality of work, in most cases, decides the pay and position; and because of this injustice thousands of fatherless girls are compelled to choose between a life of shame and starvation. Laws catering to man's vices have created two codes of morals in which penalties are graded according to the political status of the offender. Under such laws, women are fined and imprisoned if found alone in the streets, or in public places of resort, at certain hours. Under the pretense of regulating public morals, police officers seizing the occupants of disreputable houses, march the women in platoons to prison, while the men, partners in their guilt, go free. While making a show of virtue in forbidding the importation of Chinese women on the Pacific coast for immoral purposes, our rulers, in many States, and even under the shadow of the national capitol, are now proposing to legalize the sale of American womanhood for the same vile purposes.

Special legislation for woman has placed us in a most anomalous position. Women invested with the rights of citizens in one section--voters, jurors, office-holders--crossing an imaginary line, are subjects in the next. In some States, a married woman may hold property and transact business in her own name; in others, her earnings belong to her husband. In some States, a woman may testify against her husband, sue and be sued in the courts; in others, she has no redress in case of damage to person, property, or character. In case of divorce on account of adultery in the husband, the innocent wife is held to possess no right to children or property, unless by special decree of the court. But in no State of the Union has the wife the right to her own person, or to any part of the joint earnings of the co-partnership during the life of her husband. In some States women may enter the law schools and practice in the courts; in others they are forbidden. In some universities girls enjoy equal educational advantages with boys, while many of the proudest institutions in the land deny them admittance, though the sons of China, Japan and Africa are welcomed there. But the privileges already granted in the several States are by no means secure. The right of suffrage once exercised by women in certain States and territories has been denied by subsequent

legislation. A bill is now pending in congress to disfranchise the women of Utah, thus interfering to deprive United States citizens of the same rights which the Supreme Court has declared the national government powerless to protect anywhere. Laws passed after years of untiring effort, guaranteeing married women certain rights of property, and mothers the custody of their children, have been repealed in States where we supposed all was safe. Thus have our most sacred rights been made the football of legislative caprice, proving that a power which grants as a privilege what by nature is a right, may withhold the same as a penalty when deeming it necessary for its own perpetuation.

Representation of woman has had no place in the nation's thought. Since the incorporation of the thirteen original States, twenty-four have been admitted to the Union, not one of which has recognized woman's right of self-government. On this birthday of our national liberties, July Fourth, 1876, Colorado, like all her elder sisters, comes into the Union with the invidious word "male" in her constitution.

Universal manhood suffrage, by establishing an aristocracy of sex, imposes upon the women of this nation a more absolute and cruel despotism than monarchy; in that, woman finds a political master in her father, husband, brother, son. The aristocracies of the old world are based upon birth, wealth, refinement, education, nobility, brave deeds of chivalry; in this nation, on sex alone; exalting brute force above moral power, vice above virtue, ignorance above education, and the son above the mother who bore him.

The judiciary above the nation has proved itself but the echo of the party in power, by upholding and enforcing laws that are opposed to the spirit and letter of the constitution. When the slave power was dominant, the Supreme Court decided that a black man was not a citizen, because he had not the right to vote; and when the constitution was so amended as to make all persons citizens, the same high tribunal decided that a woman, though a citizen, had not the right to vote. Such vacillating interpretations of constitutional law unsettle our faith in judicial authority, and undermine the liberties of the whole people.

These articles of impeachment against our rulers we now submit to the impartial judgment of the people. To all these wrongs and oppressions woman has not submitted in silence and resignation. From the beginning of the century, when Abigail Adams, the wife of one president and mother of another, said, "We will not hold ourselves bound to obey laws in which we have no voice or representation," until now, woman's discontent has been steadily increasing, culminating nearly thirty years ago in a simultaneous movement among the women of the nation, demanding the right of suffrage. In making our just demands, a higher motive than the pride of sex inspires us; we feel that national safety and stability depend on the complete recognition of the broad principles of our government. Woman's degraded, helpless position is the weak point in our institutions to-day; a disturbing force everywhere, severing family ties, filling our asylums with the deaf, the dumb, the blind; our prisons with criminals, our cities with drunkenness and prostitution; our homes with disease and death. It was the boast of the founders of the republic, that the rights for which they contended were the rights of human nature. If these rights are ignored in the case of one-half the people, the nation is surely preparing for its downfall. Governments try themselves. The recognition of a governing and a governed class is incompatible with the first principles of freedom. Woman has not been a heedless spectator of the events of this century, nor a dull listener to the grand arguments for the equal rights of humanity. From the earliest history of our country woman has shown equal devotion with man to the cause of freedom, and has stood firmly by his side in its defense. Together, they have made this country what it is. Woman's wealth, thought and labor have cemented the stones of every monument man has reared to liberty.

And now, at the close of a hundred years, as the hour-hand of the great clock that marks the centuries points to 1876, we declare our faith in the principles of self-government; our full equality with man in natural rights; that woman was made first for her own happiness, with the absolute right to herself--to all the opportunities and advantages life affords for her complete development; and we deny that dogma of the centuries, incorporated in the codes of all nations--that woman was made for man--her best interests,

in all cases, to be sacrificed to his will. We ask of our rulers, at this hour, no special favors, no special privileges, no special legislation. We ask justice, we ask equality, we ask that all the civil and political rights that belong to citizens of the United States, be guaranteed to us and our daughters forever.

<http://search.eb.com/women/pri/Q00169.html>

DECLARATION OF SENTIMENTS, 1848

When, in the course of human events, it becomes necessary for one portion of the family of man to assume among the people of the earth a position different from that which they have hitherto occupied, but one to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes that impel them to such a course.

We hold these truths to be self-evident: that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed. Whenever any form of government becomes destructive of these ends, it is the right of those who suffer from it to refuse allegiance to it, and to insist upon the institution of a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience has shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they were accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their duty to throw off such government and to provide new guards for their future security. Such has been the patient sufferance of the women under this government, and such is now the necessity which constrains them to demand the equal station to which they are entitled.

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

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

He has compelled her to submit to laws in the formation of which she had no voice. He has withheld from her rights which are given to the most ignorant and degraded men, both natives and foreigners.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLUTIONS

Whereas, the great precept of nature is conceded to be that "man shall pursue his own true and substantial happiness." Blackstone in his *Commentaries* remarks that this law of nature, being coeval with mankind and dictated by God himself, is, of course, superior in obligation to any other. It is binding over all the globe, in all countries and at all times; no human laws are of any validity if contrary to this, and such of them as are valid derive all their force, and all their validity, and all their authority, mediately and immediately, from this original; therefore,

Resolved, That such laws as conflict, in any way, with the true and substantial happiness of woman, are contrary to the great precept of nature and of no validity, for this is "superior in obligation to any other."

Resolved, that all laws which prevent woman from occupying such a station in society as her conscience shall dictate, or which place her in a position inferior to that of man, are contrary to the great precept of nature and therefore of no force or authority.

Resolved, that woman is man's equal, was intended to be so by the Creator, and the highest good of the race demands that she should be recognized as such.

Resolved, that the women of this country ought to be enlightened in regard to the laws under which they live, that they may no longer publish their degradation by declaring themselves satisfied with their present position, nor their ignorance, by asserting that they have all the rights they want.

Resolved, that inasmuch as man, while claiming for himself intellectual superiority, does accord to woman moral superiority, it is preeminently his duty to encourage her to speak and teach, as she has an opportunity, in all religious assemblies.

Resolved, that the same amount of virtue, delicacy, and refinement of behavior that is required of woman in the social state should also be required of man, and the same transgressions should be visited with equal severity on both man and woman.

Resolved, that the objection of indelicacy and impropriety, which is so often brought against woman when she addresses a public audience, comes with a very ill grace from those who encourage, by their attendance, her appearance on stage, in the concert, or in feats of the circus.

Resolved, that woman has too long rested satisfied in the circumscribed limits which corrupt customs and a perverted application of the Scriptures have marked out for her, and that it is time she should move in the enlarged sphere which her great Creator has assigned her.

Resolved, that it is the duty of the women of this country to secure to themselves their sacred right to the elective franchise.

Resolved, that the equality of human rights results necessarily from the fact of the identity of the race in capabilities and responsibilities.

Resolved, that the speedy success of our cause depends upon the zealous and untiring efforts of both men and women for the overthrow of the monopoly of the pulpit, and for the securing to woman an equal participation with men in the various trades, professions, and commerce.

Resolved, therefore, that, being invested by the Creator with the same capabilities and the same consciousness of responsibility for their exercise, it is demonstrably the right and duty of woman, equally with man, to promote every righteous cause by every righteous means; and especially in regard to the great subjects of morals and religion, it is self-evidently her right to participate with her brother in teaching them, both in private and in public, by writing and by speaking, by any instrumentalities proper to be used, and in any assemblies proper to be held; and this being a self-evident truth growing out of the divinely implanted principles of human nature, any custom or authority adverse to it, whether modern or wearing the hoary sanction of antiquity, is to be regarded as a self-evident falsehood, and at war with mankind.

Source: *History of Woman Suffrage*, Elizabeth C. Stanton et al., eds., Vol. I, New York, 1881, pp. 70-73.

<http://search.eb.com/women/pri/Q00172.html>

Treaty of Watertown, 1776

A Treaty of Alliance and Friendship entered into and concluded by and between the Governors of the State of Massachusetts Bay, and the Delegates of the St. John's and Mi'kmaq Tribes of Indians.

Whereas the United States of America in General Congress assembled have in the name, and by the authority of the good people of these Colonies, solemnly published and declared that these United Colonies are, and of right ought to be free and Independent states; that they are absolved from all allegiance to the British crown: and that all political connection between them, and the State of Great Britain is and ought to be dissolved: and that as free and independent states they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do.

We, the Governor of the State of Massachusetts Bay do by virtue hereof, and by the powers vested in us, enter into and conclude the following Treaty of Friendship and Alliance, viz:

1st. We, the Governor, of the said State of Massachusetts Bay in behalf of said States, and the other United States of America on the one part, and Ambrose Var, Newell Wallis, and Francis Delegates of the St. Peter Andre and Sabbath Netobcobwit, Delegates of the Mi'kmaq Tribes of Indians, inhabiting within the Province of Nova Scotia for themselves, and in behalf of the said tribes on the other part, do solemnly agree that the people of the said State of Massachusetts Bay and of the other United States of America, and of the said Tribes of Indians shall henceforth be at peace with each Other and be considered as friends and brothers united and allied together for their mutual defense, safety and happiness.

2nd. That each party to this Treaty shall and will consider the enemies of the other as enemies to themselves, and do hereby solemnly promise and engage to, and with each other, that when called upon for that purpose, they shall, and will to the utmost of their abilities, aid and assist each other against their public enemies; and particularly, that the people of the said Tribe of Indians shall and will afford, and give to the people of the said State of Massachusetts Bay and the people of the other United States of America during their present war with the king of Britain, all the aid and assistance within their power. And that they the people of said Tribes of Indians shall not, and will not directly or indirectly give any aid, or assistance to the troops or subjects of the said King of Great Britain, or others adhering to him or hold any correspondence or carry on any commerce with them during the present war.

3rd. That if any robbery or outrage happens to be committed by any of the subjects of said State of Massachusetts Bay, or of any other of the United States of America upon any of the people of said Tribes, the said State shall upon proper application being made, cause satisfaction and restitution speedily to be made to the part injured.

4th. That if any robbery or outrage happens to be committed by any of the said tribes of Indians upon any of the subjects of said State or of any other of the United States of America. the Tribe to which the offender or offenders shall belong, shall upon proper application being made, cause satisfaction and restitution speedily to be made to the party injured.

5th. That in the case any misunderstanding, quarrel, or injury shall happen between the said State of Massachusetts, say, or of any other of the United States of America and the said Tribes of Indians, or either of them, no private revenge shall be taken, but a peaceable application shall be made for redress.

6th. That the said Tribes of Indians shall and will furnish and supply 600 strong men out of the said Tribes, or as many as may be, who shall without delay proceed from their several homes up to the town of

Boston within this State, and from thence shall march to join the Army of the United States of America now at New York under the immediate command of his Excellency General Washington, there to take his orders.

7th. That each of the Indians who shall by their respective Tribes be appointed to join the Army of the United States of America shall bring with him a good gun and shall be allowed one dollar for the use of it and in case the gun shall be lost in the service, shall be paid the value of it, And the pay of each man shall begin from the time they sail from Machais for Boston, and they shall be supplied with provisions, and a vessel or vessels for their passage up to Boston. Each private man shall receive the like pay as is given to our own private men. The Indians shall be formed into Companies when they arrive at Boston, and shall engage, or enlist for so long a time as General Washington shall want them, not exceeding the term of three years, unless General Washington and they shall agree for a longer time. And as Joseph Denaquara, Peter Andte, and Sabbath Netocabwit have manfully and generously offered to enter immediately into the war, they shall be sent as soon as may be to General Washington to join the Army and shall be considered as entering into our pay at the time of arrival at New York.

8th. The Delegates above named, who may return to their homes, do promise and engage, to use their utmost influence with the Passamaquoddy, and other neighboring Tribes of Indians to persuade theirs to furnish and supply for the said service as many strong men of their respective Tribes as possible, and that they come along with those of the Tribes of St. John's and Mi'kmaq, And the said Governor of the said State of Massachusetts Bay do hereby engage to give to such of the Passamaquoddy or other neighboring Indians, who shall enter into the service for the United States of America, the same pay and encouragement, in every particular, as is above agreed to be given to the St. John's or Micmack Indians, and to consider them as our friends and brothers.

9th. That the said State Of Massachusetts Bay shall and will furnish their truck master at Machias as soon as may be, with proper articles for the purpose of supplying the Indians of said tribes with the necessities and conveniences of life.

10th. And the said Delegates do hereby annul and make void all former treaties by them or by others in behalf of their respective Tribes Made with any other power, State or person so far forth as the same shall be repugnant to any of the articles contained in the Treaty.

In faith and testimony whereof we the said Governors of the said State of Massachusetts Bay have signed these presents, and caused the Seal of said State to be hereunto affixed. and the said Ambrose Var, Newell Wallis and Francis, Delegates of the St. John's Tribe, Joseph Denaquara, Charles, Mattaltu Ontrane, hereunto put their marks, and seals in the Council Chamber at Watertown in the State aforesaid, the nineteenth day July in the year of our Lord one thousand and seven hundred and seventy six.
<http://www.watertowntreaty.org/treatytext.htm>

An Act to Regulate Trade and Intercourse With the Indian Tribes (1790)

SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person shall be permitted to carry on any trade or intercourse with the Indian tribes, without a license for that purpose under the hand and seal of the superintendent of the department, or of such other person as the President of the United States shall appoint for that purpose; which superintendent, or other person so appointed, shall, on application, issue such license to any proper person, who shall enter into bond with one or more sureties, approved of by the superintendent, or person issuing such license, or by the President of the United States, in the penal sum of one thousand dollars, payable to the President of the United States for the time being, for the use of the United States, conditioned for the true and faithful observance of such rules, regulations and restrictions, as now are, or hereafter shall be made for the government of trade and intercourse with the Indian tribes. The said superintendents, and persons by them licensed as aforesaid, shall be governed in all things touching the said trade and intercourse, by such rules and regulations as the President shall prescribe. And no other person shall be permitted to carry on any trade or intercourse with the Indians without such license as aforesaid. No license shall be granted for a longer term than two years. Provided nevertheless, That the President may make such order respecting the tribes surrounded in their settlements by the citizens of the United States, as to secure an intercourse without license, if he may deem it proper.

SEC. 2. And be it further enacted, That the superintendent, or person issuing such license, shall have full power and authority to recall all such licenses as he may have issued, if the person so licensed shall transgress any of the regulations or restrictions provided for the government of trade and intercourse with the Indian tribes, and shall put in suit such bonds as he may have taken, immediately on the breach of any condition in said bond: Provided always, That if it shall appear on trial, that the person from whom such license shall have been recalled, has not offended against any of the provisions of this act, or the regulations prescribed for the trade and intercourse with the Indian tribes, he shall be entitled to receive a new license.

SEC. 3. And be it further enacted, That every person who shall attempt to trade with the Indian tribes, or to be found in the Indian country with such merchandise in his possession as are usually vended to the Indians, without a license first had and obtained, as in this act prescribed, and being thereof convicted in any court proper to try the same, shall forfeit all the merchandise so offered for sale to the Indian tribes, or so found in the Indian country, which forfeiture shall be one half to the benefit of the person prosecuting, and the other half to the benefit of the United States.

SEC. 4. And be it enacted and declared, That no sale of lands made by any Indians, or any nation or tribe of Indians the United States, shall be valid to any person or persons, or to any state, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States.

SEC. 5. And be it further enacted, That if any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, shall go into any town, settlement or territory belonging to any nation or tribe of Indians, and shall there commit any crime upon, or trespass against, the person or property of any peaceable and friendly Indian or Indians, which, if committed within the jurisdiction of any state, or within the jurisdiction of either of the said districts, against a citizen or white inhabitant thereof, would be punishable by the laws of such state or district, such offender or offenders shall be subject to the same punishment, and shall be proceeded against in the same manner as if the offence had been committed within the jurisdiction of the state or district to which he or they may belong, against a citizen or white inhabitant thereof.

SEC. 6. And be it further enacted, That for any of the crimes or offences aforesaid, the like proceedings shad be had for apprehending, imprisoning or bailing the offender, as the case may be, and for recognizing the witnesses for their appearance to testify in the case, and where the offender shall be committed, or the witnesses shall be in a district other than that in which the offence is to be tried, for the removal of the offender and the witnesses or either of them, as the case may be, to the district in which the trial is to be had, as by the act to establish the judicial courts of the United States, are directed for any crimes or offenses against the United States.

SEC. 7. And be it further enacted, That this act shall be in force for the term of two years, and from thence to the end of the next session of Congress, and no longer.

APPROVED, July 22, 1790.

http://www.uoregon.edu/~mjdennis/courses/hist469_trade.htm