We Hold These Truths

We Hold These Truths
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Table of Contents

Introduction

We Hold These Truths gives you handy access to significant original documents and provides the opinions and ideas of others so that you can develop your own informed thinking about government. This compilation includes ancient, medieval, and America colonial documents; foundational documents of American government; letters, speeches, and opinions by political figures; and finally modern essays and commentaries on government.

We created *We Hold These Truths* for students to use in conjunction with the text *Exploring Government*. The student who is using that text will find each of these readings assigned at the end of the appropriate lesson. The order of the documents reflects the order in which they are assigned in *Exploring Government*.

Several entries are taken from *Imprimis*, the monthly speech journal published by Hillsdale College. The title is pronounced im-PRY-mis. It comes from Latin and means "in the first place." Hillsdale is a private, liberal arts college in Michigan that accepts no government money of any kind, not even federal loans and grants to students. The college decided some years ago that it did not want to deal with the strings that come with accepting federal money. Each month *Imprimis* presents the essence of a speech given at a recent Hillsdale-sponsored function. The publication is available free of charge, and it is also available on the Internet at www.imprimis.hillsdale.edu. The website has an archive of several years of *Imprimis* issues.

Hillsdale provides a valuable service with *Imprimis* by presenting thoughtful, relevant, conservative thinking; by offering the publication free; and by generously giving permission for the material to be reproduced without charge provided that the publication using it includes the appropriate credit line. The *Imprimis* material is copyrighted as of the date of original publication by Hillsdale College and is used here by permission of Hillsdale. Occasionally a speech will include a few comments that are inappropriate; but generally *Imprimis* is worth reading every month. I strongly encourage anyone who is interested in government and politics to subscribe to it or to read it online.

We have used excerpts of some documents, indicated by ellipses. Our explanations are enclosed in brackets. For the most part, we have left variations in spelling and the citations of other works as they appear in the originals.

You will probably read some documents in *We Hold These Truths* by people with whom you have strong disagreements, and you will likely read some ideas with which you disagree. Notgrass History does not endorse every idea included in this volume. The documents we have included provide good food for thought to accompany the lessons in *Exploring Government* and encourage you to firm up and clarify your own beliefs.

Soon you will be able to vote and even run for office yourself. You will influence our political process and our government. Our aim in *Exploring Government* and in this collection is to help you prepare for that right and that responsibility. We pray that you will discharge your duty in light of God's truth.

Ray Notgrass
John Notgrass
June 2016

English Bill of Rights

(1689)

When the Catholic King James II fled from England, Parliament declared that he had abdicated and offered the throne to William and Mary. The next year, the new monarchs signed a Bill of Rights, guaranteeing certain protections to individuals and ensuring that a Catholic could not assume the throne. Here are some excerpts.

This Dutch stamp from 1988 commemorates the 300th anniversary of William and Mary assuming the throne of England.

[. . . *Parliament hereby declares:*]

That the pretended power of suspending the laws or the execution of laws by regal authority without consent of Parliament is illegal;

That the pretended power of dispensing with laws or the execution of laws by regal authority, as it hath been assumed and exercised of late, is illegal;

That the commission for erecting the late Court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of like nature, are illegal and pernicious;

That levying money for or to the use of the Crown by pretence of prerogative, without grant of Parliament, for longer time, or in other manner than the same is or shall be granted, is illegal;

That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal;

That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law;

That the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law;

That election of members of Parliament ought to be free;

That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament;

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted;

That jurors ought to be duly impanelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders;

That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void;

And that for redress of all grievances, and for the amending, strengthening and preserving of the laws, Parliaments ought to be held frequently. . . .

And whereas it hath been found by experience that it is inconsistent with the safety and welfare of this Protestant kingdom to be governed by a popish prince, or by any king or queen marrying a papist, the said Lords Spiritual and Temporal and Commons do further pray that it may be enacted, that all and every person and persons that is, are or shall be reconciled to or shall hold communion with the see or Church of Rome, or shall profess the popish religion, or shall marry a papist, shall be excluded and be for ever incapable to inherit, possess or enjoy the crown and government of this realm and Ireland and the dominions thereunto belonging or any part of the same, or to have, use or exercise any regal power, authority or jurisdiction within the same. . . .

Map of London published in the Netherlands (c. 1690)

Two Treatises of Government

John Locke (1689)

John Locke originally published this work anonymously in London. A Boston printer released an abridged version in 1773. This excerpt is from Chapter IX of Book II.

Of the Ends of Political Society and Government.

Sec. 123. If man in the state of nature be so free, as has been said; if he be absolute lord of his own person and possessions, equal to the greatest, and subject to no body, why will he part with his freedom? why will he give up this empire, and subject himself to the dominion and controul of any other power? To which it is obvious to answer, that though in the state of nature he hath such a right, yet the enjoyment of it is very uncertain, and constantly exposed to the invasion of others: for all being kings as much as he, every man his equal, and the greater part no strict observers of equity and justice, the enjoyment of the property he has in this state is very unsafe, very unsecure. This makes him willing to quit a condition, which, however free, is full of fears and continual dangers: and it is not without reason, that he seeks out, and is willing to join in society with others, who are already united, or have a mind to unite, for the mutual preservation of their lives, liberties and estates, which I call by the general name, property.

Sec. 124. The great and chief end, therefore, of men's uniting into commonwealths, and putting themselves under government, is the preservation of their property. To which in the state of nature there are many things wanting. First, There wants an established, settled, known law, received and allowed by common consent to be the standard of right and wrong, and the common measure to decide all controversies between them: for though the law of nature be plain and intelligible to all rational creatures; yet men being biased by their interest, as well as ignorant for want of study of it, are not apt to allow of it as a law binding to them in the application of it to their particular cases.

Sec. 125. Secondly, In the state of nature there wants a known and indifferent judge, with authority to determine all differences according to the established law: for every one in that state being both judge and executioner of the law of nature, men being partial to themselves, passion and revenge is very apt to carry them too far, and with too much heat, in their own cases; as well as negligence, and unconcernedness, to make them too remiss in other men's.

Sec. 126. Thirdly, In the state of nature there often wants power to back and support the sentence when right, and to give it due execution. They who by any injustice offended, will seldom fail, where they are able, by force to make good their injustice; such resistance many times makes the punishment dangerous, and frequently destructive, to those who attempt it.

Sec. 127. Thus mankind, notwithstanding all the privileges of the state of nature, being but in an ill condition, while they remain in it, are quickly driven into society.

Hence it comes to pass, that we seldom find any number of men live any time together in this state. The inconveniencies that they are therein exposed to, by the irregular and uncertain exercise of the power every man has of punishing the transgressions of others, make them take sanctuary under the established laws of government, and therein seek the preservation of their property. It is this makes them so willingly give up every one his single power of punishing, to be exercised by such alone, as shall be appointed to it amongst them; and by such rules as the community, or those authorized by them to that purpose, shall agree on. And in this we have the original right and rise of both the legislative and executive power, as well as of the governments and societies themselves.

Sec. 128. For in the state of nature, to omit the liberty he has of innocent delights, a man has two powers. The first is to do whatsoever he thinks fit for the preservation of himself, and others within the permission of the law of nature: by which law, common to them all, he and all the rest of mankind are one community, make up one society, distinct from all other creatures. And were it not for the corruption and vitiousness of degenerate men, there would be no need of any other; no necessity that men should separate from this great and natural community, and by positive agreements combine into smaller and divided associations. The other power a man has in the state of nature, is the power to punish the crimes committed against that law. Both these he gives up, when he joins in a private, if I may so call it, or particular politic society, and incorporates into any commonwealth, separate from the rest of mankind.

Statue of John Locke at University College, London
Sir Richard Westmacott (English, c. 1808)

Sec. 129. The first power, viz. of doing whatsoever he thought for the preservation of himself, and the rest of mankind, he gives up to be regulated by laws made by the society, so far forth as the preservation of himself, and the rest of that society shall require; which laws of the society in many things confine the liberty he had by the law of nature.

Sec. 130. Secondly, The power of punishing he wholly gives up, and engages his natural force, (which he might before employ in the execution of the law of nature, by his own single authority, as he thought fit) to assist the executive power of the society, as the

law thereof shall require: for being now in a new state, wherein he is to enjoy many conveniencies, from the labour, assistance, and society of others in the same community, as well as protection from its whole strength; he is to part also with as much of his natural liberty, in providing for himself, as the good, prosperity, and safety of the society shall require; which is not only necessary, but just, since the other members of the society do the like.

Sec. 131. But though men, when they enter into society, give up the equality, liberty, and executive power they had in the state of nature, into the hands of the society, to be so far disposed of by the legislative, as the good of the society shall require; yet it being only with an intention in every one the better to preserve himself, his liberty and property; (for no rational creature can be supposed to change his condition with an intention to be worse) the power of the society, or legislative constituted by them, can never be supposed to extend farther, than the common good; but is obliged to secure every one's property, by providing against those three defects above mentioned, that made the state of nature so unsafe and uneasy. And so whoever has the legislative or supreme power of any commonwealth, is bound to govern by established standing laws, promulgated and known to the people, and not by extemporary decrees; by indifferent and upright judges, who are to decide controversies by those laws; and to employ the force of the community at home, only in the execution of such laws, or abroad to prevent or redress foreign injuries, and secure the community from inroads and invasion. And all this to be directed to no other end, but the peace, safety, and public good of the people.

Wesberry v. Sanders

(1964)

For many years, federal courts did not want to become involved in what they called "political questions" regarding state legislatures and Congress. The Court set aside this principle in Baker v. Carr *(1962), in which the U.S. Supreme Court ruled that the Tennessee state legislature had to reapportion its seats in keeping with population changes so as to make the legislative districts as nearly equal in population as possible. The state legislature had not redrawn its districts in some sixty years, and the state's growing urban areas were grossly underrepresented in the legislature.*

The principle used in that decision and confirmed in Wesberry v. Sanders *was "one man, one vote"; that is, the value of one person's vote should be as nearly equal as possible to every other person's vote. A failure by a state to do this prevented citizens from receiving equal protection under the law and thus violated the U.S. Constitution. This made malapportionment a constitutional issue and not simply a political question. Two years after* Baker, *the Court applied the same principle in* Wesberry, *which dealt with congressional districts in Georgia that the state legislature had not reapportioned in thirty years. Justice Hugo Black delivered the opinion of the Court. Here is an excerpt.*

Appellants are citizens and qualified voters of Fulton County, Georgia, and as such are entitled to vote in congressional elections in Georgia's Fifth Congressional District. That district, one of ten created by a 1931 Georgia statute, includes Fulton, DeKalb, and Rockdale Counties and has a population according to the 1960 census of 823,680. The average population of the ten districts is 394,312, less than half that of the Fifth. One district, the Ninth, has only 272,154 people, less than one-third as many as the Fifth. Since there is only one Congressman for each district, this inequality of population means that the Fifth District's Congressman has to represent from two to three times as many people as do Congressmen from some of the other Georgia districts.

Claiming that these population disparities deprived them and voters similarly situated of a right under the Federal Constitution to have their votes for Congressmen given the same weight as the votes of other Georgians, the appellants brought this action . . . asking that the Georgia statute be declared invalid and that the appellees, the Governor and Secretary of State of Georgia, be enjoined from conducting elections under it. The complaint alleged that appellants were deprived of the full benefit of their right to vote, in violation of (1) Art. I, 2, of the Constitution of the United States, which provides that "The House of Representatives shall be composed of Members chosen every second Year by the People of the several States . . ."; (2) the Due Process, Equal Protection, and Privileges and Immunities Clauses of the Fourteenth Amendment; and (3) that part of Section 2 of the Fourteenth Amendment which provides that "Representatives shall be apportioned among the several States according to their respective numbers . . . ."

The case was heard by a three-judge District Court, which found unanimously, from facts not disputed, that:

> It is clear by any standard . . . that the population of the Fifth District is grossly out of balance with that of the other nine congressional districts of Georgia and in fact, so much so that the removal of DeKalb and Rockdale Counties from the District, leaving only Fulton with a population of 556,326, would leave it exceeding the average by slightly more than forty per cent.

Hugo Black served as a U.S. senator from Alabama before President Franklin Roosevelt appointed him to the Supreme Court in 1937. Black served on the court until a few days before his death in 1971.

Notwithstanding these findings, a majority of the [District] Court dismissed the complaint, citing as their guide Mr. Justice Frankfurter's minority opinion in *Colegrove v. Green*, an opinion stating that challenges to apportionment of congressional districts raised only "political" questions, which were not justiciable. . . . We noted probable jurisdiction [and thus agreed to hear the case. We believe] that in debasing the weight of appellants' votes the State has abridged the right to vote for members of Congress guaranteed them by the United States Constitution, that the District Court should have entered a declaratory judgment to that effect, and that it was therefore error to dismiss this suit. The question of what relief should be given we leave for further consideration and decision by the District Court in light of existing circumstances.

Baker v. Carr considered a challenge to a 1901 Tennessee statute providing for apportionment of State Representatives and Senators under the State's constitution, which called for apportionment among counties or districts "according to the number of qualified voters in each." The complaint there charged that the State's constitutional command to apportion on the basis of the number of qualified voters had not been followed in the 1901 statute and that the districts were so discriminatorily disparate in number of qualified voters that the plaintiffs and persons similarly situated were, "by virtue of the debasement of their votes," denied the equal protection of the laws guaranteed them by the Fourteenth Amendment. The cause there of the alleged "debasement" of votes for state legislators— districts containing widely varying numbers of people—was precisely that which was alleged to debase votes for Congressmen in Colegrove v. Green and in the present case. The Court in Baker pointed out that the opinion of Mr. Justice Frankfurter in Colegrove, upon the reasoning of which the majority below leaned heavily in dismissing "for want of equity," was approved by only three of the seven Justices

sitting. After full consideration of Colegrove, the Court in Baker held (1) that the District Court had jurisdiction of the subject matter; (2) that the qualified Tennessee voters there had standing to sue; and (3) that the plaintiffs had stated a justiciable cause of action on which relief could be granted.

The reasons which led to these conclusions in Baker are equally persuasive here. . . . [N]othing in the language of [Article I of the Constitution] gives support to a construction that would immunize state congressional apportionment laws which debase a citizen's right to vote from the power of courts to protect the constitutional rights of individuals from legislative destruction. . . . The right to vote is too important in our free society to be stripped of judicial protection by such an interpretation of Article I. This dismissal can no more be justified on the ground of "want of equity" than on the ground of "nonjusticiability." We therefore hold that the District Court erred in dismissing the complaint.

This brings us to the merits. We agree with the District Court that the 1931 Georgia apportionment grossly discriminates against voters in the Fifth Congressional District. A single Congressman represents from two to three times as many Fifth District voters as are represented by each of the Congressmen from the other Georgia congressional districts. The apportionment statute thus contracts the value of some votes and expands that of others. If the Federal Constitution intends that when qualified voters elect members of Congress each vote be given as much weight as any other vote, then this statute cannot stand.

We hold that, construed in its historical context, the command of Art. I, 2, that Representatives be chosen "by the People of the several States" means that as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's. This rule is followed automatically, of course, when Representatives are chosen as a group on a statewide basis, as was a widespread practice in the first 50 years of our Nation's history. It would be extraordinary to suggest that in such statewide elections the votes of inhabitants of some parts of a State, for example, Georgia's thinly populated Ninth District, could be weighted at two or three times the value of the votes of people living in more populous parts of the State, for example, the Fifth District around Atlanta. We do not believe that the Framers of the Constitution intended to permit the same vote-diluting discrimination to be accomplished through the device of districts containing widely varied numbers of inhabitants. To say that a vote is worth more in one district than in another would not only run counter to our fundamental ideas of democratic government, it would cast aside the principle of a House of Representatives elected "by the People," a principle tenaciously fought for and established at the Constitutional Convention. The history of the Constitution, particularly that part of it relating to the adoption of Art. I, 2, reveals that those who framed the Constitution meant that, no matter what the mechanics of an election, whether statewide or by districts, it was population which was to be the basis of the House of Representatives. . . .

[*Here follows a review of the debates in the Constitutional Convention regarding the election of members to the U.S. Congress.*]

The debates at the Convention make at least one fact abundantly clear: that when the delegates agreed that the House should represent "people" they intended that in allocating Congressmen the number assigned to each State should be determined solely by the number of the State's inhabitants. The Constitution embodied Edmund Randolph's proposal for a periodic census to ensure "fair representation of the people," an idea endorsed by Mason as assuring that "numbers of inhabitants" should always be the measure of representation in the House of Representatives. . . .

It would defeat the principle solemnly embodied in the Great Compromise—equal representation in the House for equal numbers of people—for us to hold that, within the States, legislatures may draw the lines of congressional districts in such a way as to give some voters a greater voice in choosing a Congressman than others. The House of Representatives, the Convention agreed, was to represent the people as individuals, and on a basis of complete equality for each voter. The delegates were quite aware of what Madison called the "vicious representation" in Great Britain whereby "rotten boroughs" with few inhabitants were represented in Parliament on or almost on a par with cities of greater population. Wilson urged that people must be represented as individuals, so that America would escape the evils of the English system under which one man could send two members to Parliament to represent the borough of Old Sarum while London's million people sent but four. . . .

While it may not be possible to draw congressional districts with mathematical precision, that is no excuse for ignoring our Constitution's plain objective of making equal representation for equal numbers of people the fundamental goal for the House of Representatives. That is the high standard of justice and common sense which the Founders set for us.

Sticker given to voters in Georgia

Election of Hattie Caraway

(1932)

Senator Thaddeus Caraway of Arkansas died in 1931, and the governor appointed his widow, Hattie Caraway, to fill the seat. Mrs. Caraway won a special election on January 12, 1932, to finish the term. She is pictured at left in the Senate chambers that year.

Carway surprised many when she decided to run for a full six-year term. While she was working in Washington, D.C., Caraway wrote a letter to her friend Griffin Smith in Arkansas for an update on the political situation.

May 27, 1932

Hon. Griffin Smith,
Marianna, Arkansas.

Dear Mr. Smith:

I will appreciate it greatly if you will write me frankly what the political situation is there relative to the Senatorial race. In order to map out a campaign, one requires all possible data.

I have to depend upon my friends to tell me what the real situation is, and if you can give me this information at once, it will be appreciated.

Thanking you in advance for the favor, I am,

Sincerely yours,
Hattie W. Caraway

Smith replied with discouraging news, referring to some of her opponents in the Democratic primary.

June 1, 1932

Senator Hattie W. Caraway,
Washington, D.C.

Dear Mrs. Caraway:

Referring to your letter of May 27th, let me say that the political situation is in a nebulous state.

Vint Miles and Doctor Brough are making close campaigns, while our antiquated jurist-friend hangs around the lobby of the Marion Hotel and tells smutty jokes that he thinks are funny. It is an exclusive opinion.

I hear very little said, other than that Doctor Brough seems to be making considerable headway. Unless there is an expensive organization set up for you, I am frank to say that the chances of your success are negligible. I take it that what you want is a reflection of the conditions as I see them, and not as I would have them.

I have spent considerable time in Little Rock during the past two or three weeks, and think that I have gotten a cross-section of political opinion, if there is any such thing at the present time. Nobody is excited about anything except taxes, and in view of the pauperized condition of those who are victims of excessive assessments, the excitement doesn't amount to very much in a financial sense.

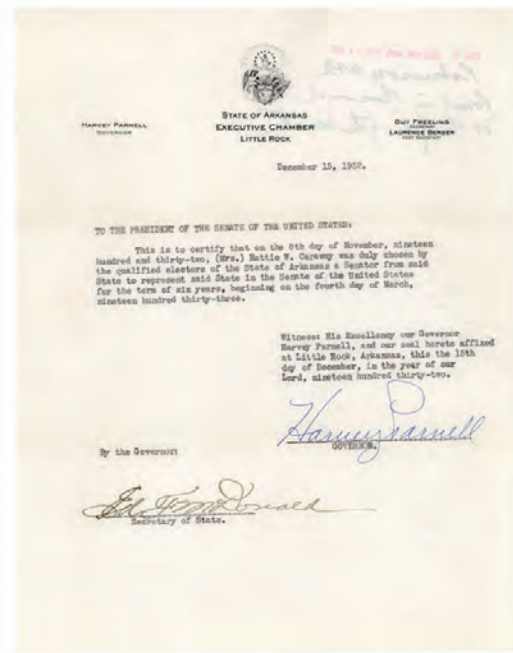
I will be tied up in Little Rock on occasional days in Futrell's headquarters for the next few weeks, but shall always have time to respond to any request from you.

Sincerely your friend,
GS:WV

With support from Louisiana Senator Huey Long, Caraway went on to win the Democratic primary and the general election. She was the first woman elected to serve in the U.S. Senate. Her election certification, signed by Arkansas Governor Harvey Parnell, is shown at right.

Senator Caraway served two full terms in the Senate. During the Great Depression, she supported Franklin Roosevelt's New Deal programs. She sided with other southern senators in opposing anti-poll tax and anti-lynching legislation. During World War II, she worked to locate military bases, war-related factories, and two Japanese internment camps in Arkansas.

Caraway lost her re-election bid in 1944. President Roosevelt appointed her to a federal commission, and she continued to work in civil service until 1950, the year of her death.



STATE OF ARKANSAS
EXECUTIVE CHAMBER
LITTLE ROCK

December 15, 1932.

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November, nineteen hundred and thirty-two, (Mrs.) Hattie W. Caraway was duly chosen by the qualified electors of the State of Arkansas a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the fourth day of March, nineteen hundred thirty-three.

Witness: His Excellency our Governor Harvey Parnell, and our seal hereto affixed at Little Rock, Arkansas, this the 15th day of December, in the year of our Lord, nineteen hundred thirty-two.

Harvey Parnell
GOVERNOR.

By the Governor

Secretary of State.

On a Visit to the Senate When He Was Twelve

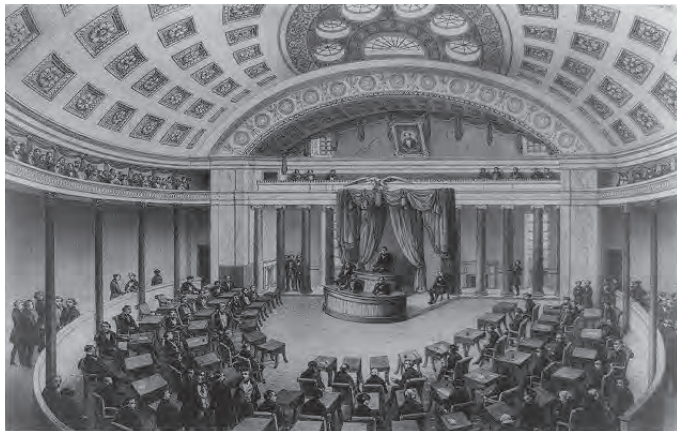
Henry Adams (1907)

Henry Adams was the great-grandson of John Adams and the grandson of John Quincy Adams. His family was prominent in Massachusetts and American government and politics for well over a century. The Education of Henry Adams *was his autobiography. It was completed in 1905 but only published after his death in 1918. Adams had a skeptical perspective about many things, including religion; but he also shared some wise insights. The following excerpt is his recollection of being taken by his father (a prominent figure in his own right) onto the floor of the U.S. Senate in 1850 when Henry was twelve years old. The book is written in the third person.*

His father took him to the Capitol and on the floor of the Senate, which then, and long afterwards, until the era of tourists, was freely open to visitors. The old Senate Chamber resembled a pleasant political club. Standing behind the Vice-President's chair, which is now the Chief Justice's, the boy was presented to some of the men whose names were great in their day, and as familiar to him as his own. Clay and Webster and Calhoun were there still, but with them a Free Soil candidate for the Vice-Presidency had little to do; what struck boys most was their type.

Senators were a species; they all wore an air, as they wore a blue dress coat or brass buttons; they were Roman. The type of Senator in 1850 was rather charming at its best, and the Senate, when in good temper, was an agreeable body, numbering only some sixty members, and affecting the airs of courtesy. Its vice was not so much a vice of manners or temper as of attitude. The statesman of all periods was apt to be pompous, but even pomposity was less offensive than familiarity--on the platform as in the pulpit--and Southern pomposity, when not arrogant, was genial and sympathetic, almost quaint and childlike in its simple-mindedness; quite a different thing from the Websterian or Conklinian pomposity of the North.

An engraving of the Senate chamber from 1850



The boy felt at ease there, more at home than he had ever felt in Boston State House, though his acquaintance with the codfish in the House of Representatives went back beyond distinct recollection. Senators spoke kindly to him, and seemed to feel so, for they had known his family socially; and, in spite of slavery, even J. Q. Adams in his later years, after he ceased to stand in the way of rivals, had few personal enemies. Decidedly the Senate, pro-slavery though it were, seemed a friendly world.

Congressional Government

Woodrow Wilson (1900)

Woodrow Wilson is the only president to have earned a Ph.D. His degree was in political science. He published his dissertation in 1885 as Congressional Government. *Wilson dedicated the book to his father, whom he called "the patient guide of his youth, the gracious companion of his manhood, his best instructor and most lenient critic." Wilson wrote this preface to the fifteenth edition of his book in 1900.*

I have been led by the publication of a French translation of this little volume to read it through very carefully, for the first time since its first appearance. The re-reading has convinced me that it ought not to go to another impression without a word or two by way of preface with regard to the changes which our singular system of Congressional government has undergone since these pages were written.

I must ask those who read them now to remember that they were written during the years 1883 and 1884, and that, inasmuch as they describe a living system, like all other living things subject to constant subtle modifications, alike of form and of function, their description of the government of the United States is not as accurate now as I believe it to have been at the time I wrote it.

This is, as might have been expected, more noticeable in matters of detail than in matters of substance. There are now, for example, not three hundred and twenty-five, but three hundred and fifty-seven members in the House of Representatives; and that number will, no doubt, be still further increased by the reapportionment which will follow the census of the present year. The number of committees in both Senate and House is constantly on the increase. It is now usually quite sixty in the House, and in the Senate more than forty. There has been a still further addition to the number of the "spending" committees in the House of Representatives, by the subdivision of the powerful Committee on Appropriations. Though the number of committees in nominal control of the finances of the country is still as large as ever, the tendency is now towards a concentration of all that is vital in the business into the hands of a few of the more prominent, which are most often mentioned in the text. The auditing committees on the several departments, for example, have now for some time exercised little more than a merely nominal oversight over executive expenditures.

Since the text was written, the Tenure of Office Act, which sought to restrict the President's removal from office, has been repealed; and even before its repeal it was, in fact, inoperative. After the time of President [Andrew] Johnson, against whom it was aimed, the party in power in Congress found little occasion to insist upon its enforcement; its constitutionality was doubtful, and it fell into the background. I did not make sufficient allowance for these facts in writing the one or two sentences of the book which refer to the Act.

Neither did I give sufficient weight, I now believe, to the powers of the Secretary of the Treasury. However minutely bound, guided, restricted by statute, his power has

proved at many a critical juncture in our financial history—notably in our recent financial history—of the utmost consequence. Several times since this book was written, the country has been witness to his decisive influence upon the money markets, in the use of his authority with regard to the bond issues of the government and his right to control the disposition of the funds of the Treasury. In these matters, however, he has exercised, not political, but business power. He has helped the markets as a banker would help them. He has altered no policy. He has merely made arrangements which would release money for use and facilitate loan and investment. The country feels safer when an experienced banker, like Mr. Gage, is at the head of the Treasury, than when an experienced politician is in charge of it.

All these, however, are matters of detail. There are matters of substance to speak of also.

It is to be doubted whether I could say quite so confidently now as I said in 1884 that the Senate of the United States faithfully represents the several elements of the nation's makeup, and furnishes us with a prudent and normally constituted moderating and revising chamber. Certainly vested interests have now got a much more formidable hold upon the Senate than they seemed to have sixteen years ago. Its political character also has undergone a noticeable change. The tendency seems to be to make of the Senate, instead of merely a smaller and more deliberate House of Representatives, a body of successful party managers. Still, these features of its life may be temporary, and may easily be exaggerated. We do not yet know either whether they will persist, or, should they persist, whither they will lead us.

A more important matter—at any rate, a thing more concrete and visible—is the gradual integration of the organization of the House of Representatives. The power of the Speaker has of late years taken on new phases. He is now, more than ever, expected to guide and control the whole course of business in the House,—if not alone, at any rate through the instrumentality of the small Committee on Rules, of which he is chairman. That committee is expected not only to reformulate and revise from time to time the permanent Rules of the House, but also to look closely to the course of its business from day to day, make its programme, and virtually control its use of its time. The committee consists of five members; but the Speaker and the two other members of the committee who represent the majority in the House determine its action; and its action is allowed to govern the House. It in effect regulates the precedence of measures. Whenever occasion requires, it determines what shall, and what shall not, be undertaken. It is like a steering ministry,—without a ministry's public responsibility, and without a ministry's right to speak for both houses. It is a private piece of party machinery within the single chamber for which it acts. The Speaker himself—not as a member of the Committee on Rules, but by the exercise of his right to "recognize" on the floor—undertakes to determine very absolutely what bills individual members shall be allowed to bring to a vote, out of the regular order fixed by the rules or arranged by the Committee on Rules.

This obviously creates, in germ at least, a recognized and sufficiently concentrated leadership within the House. The country is beginning to know that the Speaker and the

Committee on Rules must be held responsible in all ordinary seasons for the success or failure of the session, so far as the House is concerned. The congressional caucus has fallen a little into the background. It is not often necessary to call it together, except when the majority is impatient or recalcitrant under the guidance of the Committee on Rules. To this new leadership, however, as to everything else connected with committee government, the taint of privacy attaches. It is not leadership upon the open floor, avowed, defended in public debate, set before the view and criticism of the country. It integrates the House alone, not the Senate; does not unite the two houses in policy; affects only the chamber in which there is the least opportunity for debate, the least chance that responsibility may be properly and effectively lodged and avowed. It has only a very remote and partial resemblance to genuine party leadership.

Much the most important change to be noticed is the result of the war with Spain upon the lodgment and exercise of power within our federal system: the greatly increased power and opportunity for constructive statesmanship given the President, by the plunge into international politics and into the administration of distant dependencies, which has been that war's most striking and momentous consequence. When foreign affairs play a prominent part in the politics and policy of a nation, its Executive must of necessity be its guide: must utter every initial judgment, take every first step of action, supply the information upon which it is to act, suggest and in large measure control its conduct. The President of the United States is now, as of course, at the front of affairs, as no president, except Lincoln, has been since the first quarter of the nineteenth century, when the foreign relations of the new nation had first to be adjusted. There is no trouble now about getting the President's speeches printed and read, every word. Upon his choice, his character, his experience hang some of the most weighty issues of the future. The government of dependencies must be largely in his hands. Interesting things may come out of the singular change.

For one thing, new prizes in public service may attract a new order of talent. The nation may get a better civil service, because of the sheer necessity we shall be under of organizing a service capable of carrying the novel burdens we have shouldered.

It may be, too, that the new leadership of the Executive, inasmuch as it is likely to last, will have a very far-reaching effect upon our whole method of government. It may give the heads of the executive departments a new influence upon the action of Congress. It may bring about, as a consequence, an integration which will substitute statesmanship for government by mass meeting. It may put this whole volume hopelessly out of date.

Woodrow Wilson (c. 1908)

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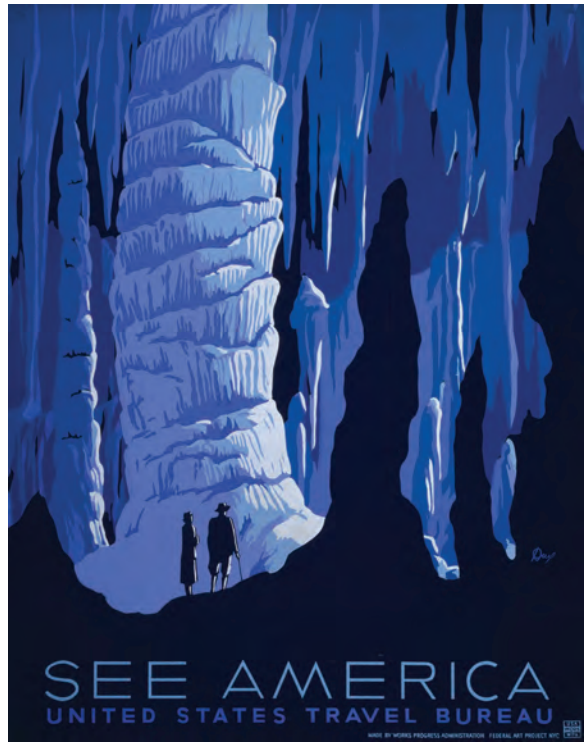

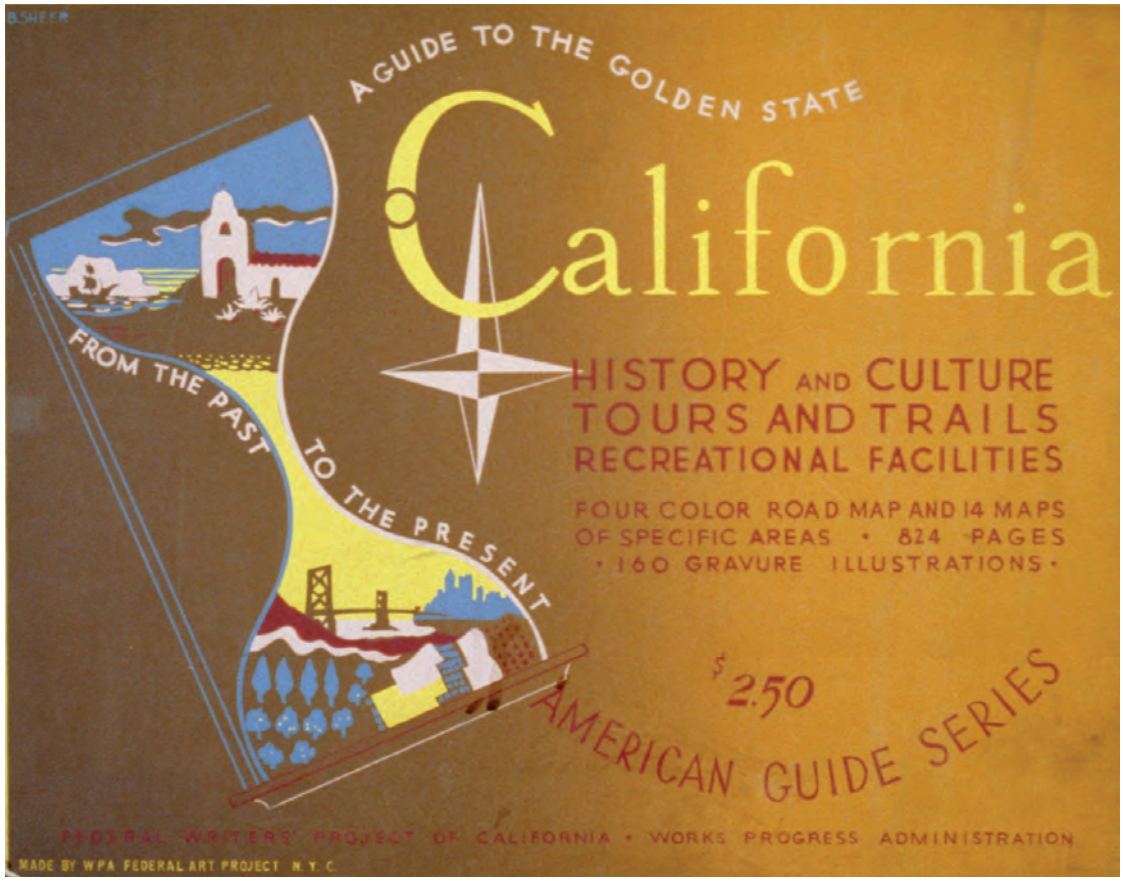
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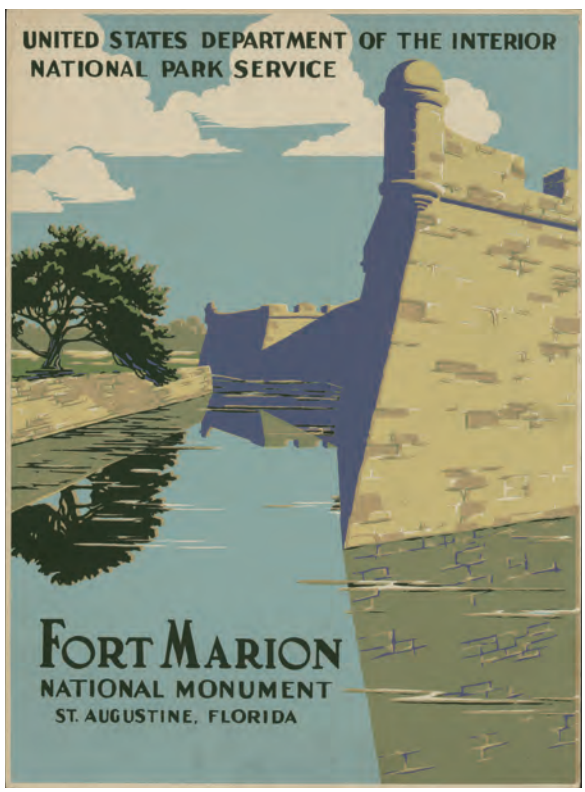
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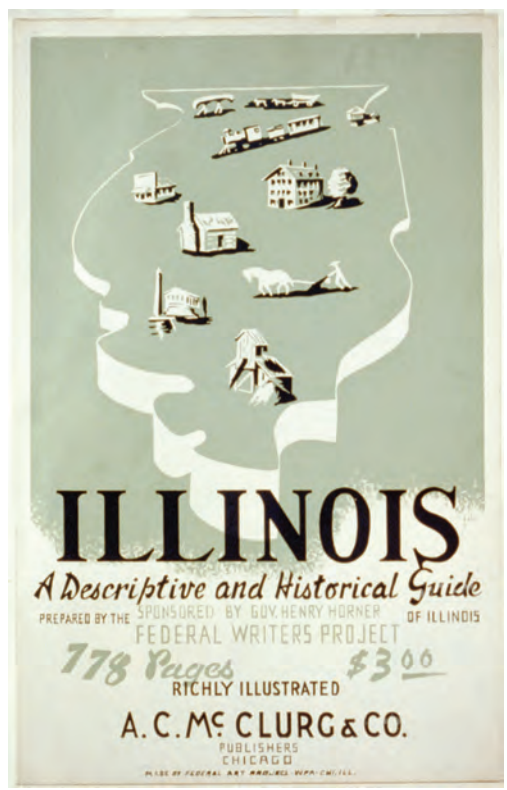
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State of the City Address

Kasim Reed (2016)

Mayor Kasim Reed

After serving in the Georgia House of Representatives and State Senate for a decade, Kasim Reed (b. 1969) was elected Mayor of Atlanta in 2009. He was re-elected in 2013. These excerpts are from remarks Mayor Reed delivered on February 4, 2016.

It is my high honor to be here, as it is every year, to reflect on and recommit ourselves to the great responsibilities we have to our citizens, to our city and to one another. It is an honor to serve today, as it is every day, as your mayor.

It was in the time of Ambassador Andrew Young, Robert Woodruff, and Reverend C.T. Vivian that Mayor Hartsfield called us "the city too busy to hate." Today that is still true—and it is also true that our city is too busy to listen to long speeches, so I promise to keep my remarks shorter than last year's.

By any measure—citizens' safety, financial strength, the rate at which we're attracting businesses—we have accomplished as much as any administration in 40 years. After every milestone, after every success, we turned to the next challenge. We've turned back into the fire and kept pushing. Because we pushed together, we've known success together.

I want to thank some of my partners in that success, many of whom are here today: the Atlanta City Council, led by President Ceasar Mitchell; Chief Judge Christopher Ward and members of the city's judiciary; the City's Consular Corps; Paul Bowers, Chairman of the Atlanta Committee for Progress; all the local elected officials with us this morning, and members of my cabinet and senior staff. Thank you for your teamwork. I cannot do this without you. I also want to thank each and every employee of the City of Atlanta. Thank you for your hard work.

I'd like to recognize my wife, Sarah-Elizabeth. My parents, Junius and Sylvia Reed. My stepmother, Dr. Rogsbert Phillips-Reed. My mother-in-law, Susan Pease Langford. And my brothers and their better halves: Charles, Carlton and Joyce, and Tracy and Crystal. My family's support makes all the difference to me.

By any measure, our city is safer. With 2,000 police officers on the street, thousands of families feel safer in their neighborhoods. Crime is down 24 percent since the start of our first term, even after a very tough summer, and I know that number will be even better before we are done.

By any measure, our city is financially stronger. In partnership with the Atlanta City Council and our employee unions, the City of Atlanta carved out a new path for pension

reform, saving the city $270 million over ten years. This reform has withstood two legal challenges and was upheld by a unanimous vote of the Georgia Supreme Court.

On my first day in office, we had just $7.4 million in the bank. Today we have $150 million.

We have balanced the budget six consecutive times without any increase in property taxes—in fact, we've kept the rate flat or rolled it back. And the major credit rating agencies have taken notice, upgrading our credit seven times in a row.

By any measure, our city is a more desirable destination, with more than 50 million visitors making us one of the four most visited cities in America, we have re-asserted our position as the dominant economy of the Southeast. Our housing market is rising again. We've created more jobs in this city's limits and attracted more companies to relocate here than at any time in the past 30 years. Unemployment in the region was 10.2 percent when we started. It is less than 5.5 percent today. And Hartsfield Jackson Airport stands alone as the busiest passenger airport in the world handling 100 million passengers last year. Thank you, Delta. And thank you Richard Anderson.

In 2015, we celebrated thirteen companies either moving their headquarters to Atlanta or making significant corporate expansions in the city. Two years ago, it was Coca-Cola that led the way, moving hundreds of tech jobs back to North Avenue and to Peachtree Street. I want to recognize the Coca-Cola Company and its Chairman and CEO, Muhtar Kent, for believing in us, because when Coca-Cola leads, others follow.

Business after business is choosing to make our hometown theirs.

As they move in, jobs continue to grow. Our development authority, Invest Atlanta, had hoped to create 6,100 jobs last year. Well, we hit that number—by July—and then we exceeded it. By the end of the year we had created more than ten thousand new jobs. In fact, over the course of my Administration, our efforts have created 23,855 new direct jobs, with a total capital investment of $3.6 billion. And last year we had $2.9 billion worth of building and new construction permits, the highest in the City's history.

Now, it's great to have companies choose the hub of the Southeast as the headquarters of their operations. But my friends, the question now is: What are we going to do with that success?

Where do we steer this momentum to make ourselves worthy of it?

How can we ensure that everyone shares in Atlanta's prosperity?

It's not enough to cut ribbons if we're not also continuing to cut crime, in every part of our city.

It's not enough to break ground on new buildings if we're not also shattering glass ceilings and breaking barriers to opportunity.

It's not enough to see companies set up shop here if we don't also set up the next generation for success.

Atlanta doesn't want just to be the place where our children grow up proud that their city has the busiest passenger airport in the world. We want that child to be proud that his city is too busy to let the block he grows up on determine whether his dreams can take flight.

We don't want to just be the place where a child grows up hoping to work at the great company in her hometown. We want that child to also dream about starting her own, at places like Switchyards and Tech Square Labs and Atlanta Tech Village.

In my view, we need to take four steps to create a more inclusive and broader city and economy.

First, we need to ensure that Atlanta prospers in the economy of the future.

Second, we need to open access to higher education.

Third, we need to keep our neighborhoods affordable and vibrant.

Fourth, we need to support our city's families. . . .

Since this city is my home, her citizens are also my family. And when I hear the story of one of our neighbors who's making it, that is what makes our accomplishments meaningful. When I meet our smart, striving and promising young Atlantans, I'm as gratified as if their successes were Maria Kristan's.

Young women like Tynesha Anderson, who grew up surrounded by crime on Campbellton Road. Her father's heart gave out when she was just 12, and her mother's path was derailed by drug abuse. But Tynesha studied, worked and saved. The Mayor's Youth Scholarship Program helped her focus on her books more than her bills. By her sophomore year, Tynesha had five scholarships offering her more than $50,000 to pay for her studies.

Today she's not only the first in her family to graduate high school—and the first in her family to graduate college—but she did it with honors.

I'm inspired by young men like Lance Bennett, who left Morehouse at the end of freshman year not knowing if he'd be able to afford to go back for his sophomore year. His parents stretched and made it possible until he, too, found the Mayor's Youth Scholarship Program. Now he's on the dean's list, in an honor society, and getting ready to graduate this spring.

If we really believe that the City of Atlanta is a special city, and a different kind of city, we need to make sure they have a fair shot and a fair shake.

All my life I've met people who just wanted a fair chance. They never begrudged other people's success. What they've always wanted is an equal opportunity, not a

First Lady Michelle Obama speaks at Booker T. Washington High School in Atlanta in 2014.

guarantee of an equal outcome. We're going to do our part to make sure they have an equal opportunity.

Because if you're willing to study, we should put a book in your hands. If you're willing to work, we'll put some work and a job in your hands, we'll put a paycheck in your hands. And if you stick with it, we will work with you to put your future back in your hands. To put a dream back in your hands. . . .

I'm also inspired by those among us who know it's never too late to learn in this life. We're familiar with the story of someone who goes to a great Atlanta university and then maybe they end up in City Hall—trust me, I'm lucky to work with a lot of them. Well, Darryl Moore did it the other way around.

He worked in the kitchen at City Hall—I would see him there all the time. He got there through the Atlanta Workforce Development Agency, which connects businesses with hard workers looking for jobs. And in the course of doing his job, Darryl realized that what he really wants is a career. Today, he is enrolled in a bachelor's degree program after earning his certification in project management from Georgia Tech.

Believe me, our city can be full of inspiring stories like Darryl's. We just have to keep helping. . . .

Today, others from around the world have taken note of our leadership. We're not just a destination for businesses from around the country—but also for immigrants from around the world, with the second fastest growing foreign born population in America. Here in the cradle of the Civil Rights movement, we have to recognize that our city's strength comes from our diversity and resist the plagues of fear and division. And act against and stand up to those who have amnesia and refuse to recall a time when "we were them."

Our Welcoming Atlanta initiative appreciates the entrepreneurial spirit many immigrants bring with them to our city. They become deeply involved in our community, investing their time, money and hopes where they live.

The excitement of the future is knowing that it looks different from the past—and that we have the power to shape it. We certainly shouldn't fear it. I believe our immigrant community is essential to building the Atlanta of the future, rooted in our unique and deep history. . . .

When we work together, we can do more. Community matters. These are the values that drive me to strengthen our neighborhoods by creating spaces where kids can keep active and healthy outside of school. We've re-opened 33 recreation centers and 16 Centers of Hope in my administration that support them academically, strengthen them physically, and help them develop character and leadership skills. Last year, we provided 65,000 hot meals that our young people might not get at home.

It's no coincidence that as the doors to these centers opened up, teen crime rates went down. The Centers of Hope aren't just serving our youngest—they're also helping save some of them.

Before we are done we'll reopen the new Martin Luther King Natatorium in the Historic Old Fourth Ward—a world-class facility that also will ensure more spaces bearing Dr.

King's name are positive places that appropriately honor his legacy. And I will make sure that the M.L. King Drive in the City of Atlanta is the best M.L. King Drive in the country. To back up my words, we are launching a $40 million effort to improve the corridor. . . .

I'm pleased to announce that within the next 120 days, the City of Atlanta will launch a Comprehensive Center for Fathers that mentors young men, helps them grow their strengths in parenting, math, reading and other life skills, offers individual counseling and support groups, father-child activities, and job services.

Our community and our country need this. One in three children in America grows up without a father in their home, and those children are four times more likely than their peers to live in poverty.

This is an investment worth making to ensure there will be more dads, like the one I'm blessed to have, who know the pride of watching promise meet achievement.

When our daughter was born, I saw firsthand how important it is for a newborn child to have a loving parent with her for the first weeks and months of her life. So as a city, we also need to bring our leave policies in line with good parenting.

That's why I was so proud to make Atlanta the first local government in Georgia to offer six weeks paid parental leave for mothers and primary caregivers. I am going to push and I hope others will encourage other governments and private businesses follow suit. Because if we want families to be proud to call Atlanta home their entire lives, we have to do right by them from the earliest days of their lives.

We can stand up for families by standing up for our women workers. This year, we will achieve our goal of making sure every woman employee of the City of Atlanta receives equal pay for equal work. It's 2016, Atlanta, and it's time.

Atlanta, our city is ascendant. But we should not be surprised. My friends, our great city was built on ashes—and not once, but twice. So imagine what we can do when we build on this success, now that the state of our city is strong again.

Every day, I draw hope from all of you.

That's why I'm as energized and optimistic today as the day you gave me the gift of the public trust and made me your mayor.

That's why, after 2,222 days in this job, I still believe in Atlanta and I believe in all of you.

Reverend C.T. Vivian said once that each great achievement demands an even greater achievement. That's why we have such great plans for this city this year, building on all that has been accomplished until now. That's why we have no plans to stop.

That's how we'll make ourselves worthy of our progress. It's what we owe our future and those who will inherit it.

Four years ago, I asked you to come with me. Today, I ask you to stay with me as we keep moving forward in this most promising journey, in this most promising moment.

I hope you're still ready to go.

I am.

Thank you, and God Bless you.

Kelo v. New London

(2005)

In 2005 the U.S. Supreme Court issued its opinion in the case of Kelo, et al. v. City of New London, et al. *regarding the application of eminent domain in a proposed economic development project in New London, Connecticut. We quote excerpts from the majority opinion and from dissents that the minority of the Court wrote. We have omitted legal footnotes and most citations of other cases to make reading easier.*

Majority Opinion by Justice John Paul Stevens

In 2000, the city of New London approved a development plan that, in the words of the Supreme Court of Connecticut, was "projected to create in excess of 1,000 jobs, to increase tax and other revenues, and to revitalize an economically distressed city, including its downtown and waterfront areas." In assembling the land needed for this project, the city's development agent has purchased property from willing sellers and proposes to use the power of eminent domain to acquire the remainder of the property from unwilling owners in exchange for just compensation. The question presented is whether the city's proposed disposition of this property qualifies as a "public use" within the meaning of the Takings Clause of the Fifth Amendment to the Constitution . . . .

Petitioner Susette Kelo has lived in the Fort Trumbull area since 1997. She has made extensive improvements to her house, which she prizes for its water view. Petitioner Wilhelmina Dery was born in her Fort Trumbull house in 1918 and has lived there her entire life. Her husband Charles (also a petitioner) has lived in the house since they married some 60 years ago. In all, the nine petitioners own 15 properties in Fort Trumbull—4 in parcel 3 of the development plan and 11 in parcel 4A. Ten of the parcels are occupied by the owner or a family member; the other five are held as investment properties. There is no allegation that any of these properties is blighted or otherwise in poor condition; rather, they were condemned only because they happen to be located in the development area. . . .

Two polar propositions are perfectly clear. On the one hand, it has long been accepted that the sovereign may not take the property of A for the sole purpose of transferring it to another private party B, even though A is paid just compensation. On the other hand, it is equally clear that a State may transfer property from one private party to another if future "use by the public" is the purpose of the taking; the condemnation of land for a railroad with common-carrier duties is a familiar example. Neither of these propositions, however, determines the disposition of this case. . . .

[T]his is not a case in which the City is planning to open the condemned land—at least not in its entirety—to use by the general public. Nor will the private lessees of the land in any sense be required to operate like common carriers, making their services available to all comers. But although such a projected use would be sufficient to satisfy the public use requirement, this "Court long ago rejected any literal requirement that condemned property be put into use for the general public." . . . [W]hen this Court began applying the

Fifth Amendment to the States at the close of the 19th century, it embraced the broader and more natural interpretation of public use as "public purpose." . . .

The disposition of this case therefore turns on the question whether the City's development plan serves a "public purpose." Without exception, our cases have defined that concept broadly, reflecting our longstanding policy of deference to legislative judgments in this field. . . .

Those who govern the City were not confronted with the need to remove blight in the Fort Trumbull area, but their determination that the area was sufficiently distressed to justify a program of economic rejuvenation is entitled to our deference. The City has carefully formulated an economic development plan that it believes will provide appreciable benefits to the community, including—but by no means limited to—new jobs and increased tax revenue. As with other exercises in urban planning and development, the City is endeavoring to coordinate a variety of commercial, residential, and recreational uses of land, with the hope that they will form a whole greater than the sum of its parts. To effectuate this plan, the City has invoked a state statute that specifically authorizes the use of eminent domain to promote economic development. Given the comprehensive character of the plan, the thorough deliberation that preceded its adoption, and the limited scope of our review, it is appropriate for us, as it was in Berman, to resolve the challenges of the individual owners, not on a piecemeal basis, but rather in light of the entire plan. Because that plan unquestionably serves a public purpose, the takings challenged here satisfy the public use requirement of the Fifth Amendment.

To avoid this result, petitioners urge us to adopt a new bright-line rule that economic development does not qualify as a public use. Putting aside the unpersuasive suggestion that the City's plan will provide only purely economic benefits, neither precedent nor

Susette Kelo stands in front of her little pink house in the Fort Trumbull neighborhood. After the Supreme Court decision, the house was dismantled and moved to another location in New London so it could be preserved. Ms. Kelo moved to another nearby town. Photo courtesy Institute for Justice, www.ij.org.

logic supports petitioners' proposal. Promoting economic development is a traditional and long accepted function of government. There is, moreover, no principled way of distinguishing economic development from the other public purposes that we have recognized. . . .

Dissenting Opinion by Justice Sandra Day O'Connor

Over two centuries ago, just after the Bill of Rights was ratified, Justice Chase wrote: "An act of the Legislature (for I cannot call it a law) contrary to the great first principles of the social compact, cannot be considered a rightful exercise of legislative authority. . . . A few instances will suffice to explain what I mean. . . . [A] law that takes property from A and gives it to B: It is against all reason and justice, for a people to entrust a Legislature with such powers; and, therefore, it cannot be presumed that they have done it." *Calder v. Bull* (1798).

Today the Court abandons this long-held, basic limitation on government power. Under the banner of economic development, all private property is now vulnerable to being taken and transferred to another private owner, so long as it might be upgraded—i.e., given to an owner who will use it in a way that the legislature deems more beneficial to the public—in the process. To reason, as the Court does, that the incidental public benefits resulting from the subsequent ordinary use of private property render economic development takings "for public use" is to wash out any distinction between private and public use of property—and thereby effectively to delete the words "for public use" from the Takings Clause of the Fifth Amendment. Accordingly I respectfully dissent. . . . Petitioners are not hold-outs; they do not seek increased compensation, and none is opposed to new development in the area. Theirs is an objection in principle: They claim that the NLDC's proposed use for their confiscated property is not a "public" one for purposes of the Fifth Amendment. While the government may take their homes to build a road or a railroad or to eliminate a property use that harms the public, say petitioners, it cannot take their property for the private use of other owners simply because the new owners may make more productive use of the property.

The Fifth Amendment to the Constitution, made applicable to the States by the Fourteenth Amendment, provides that "private property [shall not] be taken for public use, without just compensation." When interpreting the Constitution, we begin with the unremarkable presumption that every word in the document has independent meaning, "that no word was unnecessarily used, or needlessly added" *Wright v. United States* (1938). In keeping with that presumption, we have read the Fifth Amendment's language to impose two distinct conditions on the exercise of eminent domain: "the taking must be for a 'public use' and 'just compensation' must be paid to the owner" *Brown v. Legal Foundation of Wash.* (2003).

These two limitations serve to protect "the security of Property," which Alexander Hamilton described to the Philadelphia Convention as one of the "great obj[ects] of Gov[ernment]." (Records of the Federal Convention of 1787, page 302, M. Farrand ed.

1934). Together they ensure stable property ownership by providing safeguards against excessive, unpredictable, or unfair use of the government's eminent domain power—particularly against those owners who, for whatever reasons, may be unable to protect themselves in the political process against the majority's will. . . .

New London does not claim that Susette Kelo's and Wilhelmina Dery's well-maintained homes are the source of any social harm. Indeed, it could not so claim without adopting the absurd argument that any single-family home that might be razed to make way for an apartment building, or any church that might be replaced with a retail store, or any small business that might be more lucrative if it were instead part of a national franchise, is inherently harmful to society and thus within the government's power to condemn.

In moving away from our decisions sanctioning the condemnation of harmful property use, the Court today significantly expands the meaning of public use. It holds that the sovereign may take private property currently put to ordinary private use, and give it over for new, ordinary private use, so long as the new use is predicted to generate some secondary benefit for the public—such as increased tax revenue, more jobs, maybe even aesthetic pleasure. But nearly any lawful use of real private property can be said to generate some incidental benefit to the public. Thus, if predicted (or even guaranteed) positive side-effects are enough to render transfer from one private party to another constitutional, then the words "for public use" do not realistically exclude any takings, and thus do not exert any constraint on the eminent domain power. . . .

[W]ho among us can say she already makes the most productive or attractive possible use of her property? The specter of condemnation hangs over all property. Nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory.

The Court [in its majority opinion] suggests that property owners should turn to the States, who may or may not choose to impose appropriate limits on economic development takings. This is an abdication of our responsibility. States play many important functions in our system of dual sovereignty, but compensating for our refusal to enforce properly the Federal Constitution (and a provision meant to curtail state action, no less) is not among them. . . .

"[T]hat alone is a just government," wrote James Madison, "which impartially secures to every man, whatever is his own."

Dissenting Opinion by Justice Clarence Thomas

Long ago, William Blackstone wrote that "the law of the land . . . postpone[s] even public necessity to the sacred and inviolable rights of private property." The Framers embodied that principle in the Constitution, allowing the government to take property not for "public necessity," but instead for "public use." Defying this understanding, the Court replaces the Public Use Clause with a "Public Purpose" Clause, (or perhaps the "Diverse and Always Evolving Needs of Society" Clause, capitalization added), a restriction that is satisfied, the Court instructs, so long as the purpose is "legitimate"

and the means "not irrational." This deferential shift in phraseology enables the Court to hold, against all common sense, that a costly urban-renewal project whose stated purpose is a vague promise of new jobs and increased tax revenue, but which is also suspiciously agreeable to the Pfizer Corporation, is for a "public use."

I cannot agree. If such "economic development" takings are for a "public use," any taking is, and the Court has erased the Public Use Clause from our Constitution, as Justice O'Connor powerfully argues in dissent. I do not believe that this Court can eliminate liberties expressly enumerated in the Constitution and therefore join her dissenting opinion. Regrettably, however, the Court's error runs deeper than this. Today's decision is simply the latest in a string of our cases construing the Public Use Clause to be a virtual nullity, without the slightest nod to its original meaning. In my view, the Public Use Clause, originally understood, is a meaningful limit on the government's eminent domain power. Our cases have strayed from the Clause's original meaning, and I would reconsider them. . . .

The Takings Clause is a prohibition, not a grant of power: The Constitution does not expressly grant the Federal Government the power to take property for any public purpose whatsoever. Instead, the Government may take property only when necessary and proper to the exercise of an expressly enumerated power. . . . In other words, a taking is permissible under the Necessary and Proper Clause only if it serves a valid public purpose. [Justice Thomas then cited state and federal precedents that support the limited and careful application of the Takings Clause and questions the reasoning used in the earlier Supreme Court decisions.] . . .

For all these reasons, I would revisit our Public Use Clause cases and consider returning to the original meaning of the Public Use Clause: that the government may take property only if it actually uses or gives the public a legal right to use the property.

The consequences of today's decision are not difficult to predict, and promise to be harmful. So-called "urban renewal" programs provide some compensation for the properties they take, but no compensation is possible for the subjective value of these lands to the individuals displaced and the indignity inflicted by uprooting them from their homes. Allowing the government to take property solely for public purposes is bad enough, but extending the concept of public purpose to encompass any economically beneficial goal guarantees that these losses will fall disproportionately on poor communities. Those communities are not only systematically less likely to put their lands to the highest and best social use, but are also the least politically powerful. If ever there were justification for intrusive judicial review of constitutional provisions that protect "discrete and insular minorities," surely that principle would apply with great force to the powerless groups and individuals the Public Use Clause protects. The deferential standard this Court has adopted for the Public Use Clause is therefore deeply perverse. . . .

Ironically, after the Supreme Court decision, plans for development on the property taken from the New London residents fell apart. It remains unused as of 2016.

From Homeschool to County Commission

John Notgrass

Jordan Iwanyszyn, pictured on these two pages, is the oldest child of Joe and Joan Iwanyszyn. The Iwanyszyn family was part of our local homeschool group when the Notgrass family was homeschooling in the 1990s and have remained friends of our family. After graduating from homeschool, Jordan attended and graduated Tennessee Technological University. Jordan became involved in local politics and now serves on the county commission in Putnam County, Tennessee. This article is the result of an interview John Notgrass conducted with Commissioner Iwanyszyn.

Jordan Iwanyszyn's parents began homeschooling him in the third grade while their family lived in Pennsylvania. They moved to Tennessee that same year. Jordan believes that homeschooling gave him the opportunity to develop critical thinking skills and to take on some of the responsibility for his own education. He worked on improving his writing and public speaking ability. Jordan enjoyed the opportunity to learn about our country's history, but he was discouraged to compare that history with some of the things going on today.

Jordan Iwanyszyn during his campaign

Jordan's grandfather was a powerful influence on him. His grandfather gerw up in the Ukraine while it was under the control of the Soviet Union. He also saw the devastation that Naziism brought on Germany. Jordan learned from his grandfather what happens when the government has large amounts of power. This influenced Jordan's understanding of freedom and motivated him to want to help preserve that freedom.

Jordan took to heart the idea that "with knowledge comes great responsibility," and he decided that he wanted to contribute what he could. In 2010 after he graduated from homeschooling and started college, Jordan ran for the school board in Putnam County, Tennessee. Some voters did not understand or approve of a homeschool graduate serving on the school board, while others thought that Jordan would bring a different and valuable perspective to the board. He ran a competitive race and narrowly lost the election.

In 2014 Jordan ran for a seat on the Putnam County Commission. He won, joining the commission as one of two members from his district and one of 24 total in the county of about 75,000 citizens.

During Jordan's first year in office, he worked on the budget committee. Jordan was pleased that they passed a responsible budget that paid for necessary services without raising taxes. Also that year, the state of Tennessee voted on a pro-life constitutional amendment. Jordan was also pleased that the commission voted unanimously to pass a resolution expressing support for the amendment.

Running for and serving in public office has given Jordan a first-hand understanding that all politics is local. Many voters pay more attention to national elections, but local government is where many decisions are made that most directly affect our lives. Jordan likes the opportunity to have personal contact with constituents and to see ways he can serve people in the community. In addition to serving on the county commission, Jordan works at a credit union and frequently preaches at local churches. By taking what he learned as a homeschool student and putting that into practice as a young man, Jordan is setting a great example for other homeschoolers coming after him.

Jordan is sworn in as a Putnam County commissioner.

Jordan with his parents, Joe and Joan, and his wife, Rachel

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