Abraham Lincoln

The Nature and Objects of Government, with Special Reference to Slavery.

FRAGMENTARY NOTES. ABOUT JULY 1, 1854.

Government is a combination of the people of a country to effect certain objects by joint effort. The best framed and best administered governments are necessarily expensive; while by errors in frame and maladministration most of them are more onerous than they need be, and some of them very oppressive. Why, then, should we have government? Why not each individual take to himself the whole fruit of his labor, without having any of it taxed away, in services, corn, or money? Why not take just so much land as he can cultivate with his own hands, without buying it of any one?

The legitimate object of government is "to do for the people what needs to be done, but which they can not, by individual effort, do at all, or do so well, for themselves." There are many such things—some of them exist independently of the injustice in the world. Making and maintaining roads, bridges, and the like; providing for the helpless young and afflicted; common schools; and disposing of deceased men's property, are instances.

But a far larger class of objects springs from the injustice of men. If one people will make war upon another, it is a necessity with that other to unite and coöperate for defense. Hence the military department. If some men will kill, or beat, or constrain others, or despoil them of property, by force, fraud, or non-compliance with contracts, it is a common object with peaceful and just men to prevent it. Hence the criminal and civil departments.

The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all, or cannot so well do, for themselves, in their separate and individual capacities. In all that the people can individually do as well for themselves, government ought not to interfere. The desirable things which the individuals of a people cannot do, or cannot well do, for themselves, fall into two classes: those which have relation to wrongs, and those which have not. Each of these branches off into an infinite variety of subdivisions.

The first—that in relation to wrongs—embraces all crimes, misdemeanors, and non-performance of contracts. The other embraces all which, in its nature, and without wrong, requires combined action, as public roads and highways, public schools, charities, pauperism, orphanage, estates of the deceased, and the machinery of government itself.

From this it appears that if all men were just, there still would be some, though not so much, need of government. (...)

Most governments have been based, practically, on the denial of the equal rights of men, as I have, in part, stated them; ours began by affirming those rights. They said, some men are too ignorant and vicious to share in government. Possibly so, said we; and, by your system, you would always keep them ignorant and vicious. We proposed to give all a chance; and we expected the weak to grow stronger, the ignorant wiser, and all better and happier together.

We made the experiment, and the fruit is before us. Look at it, think of it. Look at it in its aggregate grandeur, of extent of country, and numbers of population—of ship, and steamboat, and railroad.

Life and Works of Abraham Lincoln, Volume 3
Abraham Lincoln, ed. Marion Mills Miller

St George's Day: Britishness no longer enough

How well do the English know their national day, or celebrate it for that matter? Not much, judging by a poll commissioned by *The Daily Telegraph.*

A quarter of those surveyed did not know that today is the feast day of England's patron saint–even though the date was given in a list of options. Three per cent – that would be 1.8 million English people – thought it was 17 March, which is St. Patrick's Day. The Irish have never had much difficulty remembering their patron saint's feast day because there is a public holiday both in the Republic and in Northern Ireland. According to our YouGov poll, more than two thirds of people in England would like St George's Day to be a holiday as well.

The same proportion think we are far too shy about celebrating Englishness. While other parts of the United Kingdom proudly parade the emblems of their national identities and hold special events, just one in five English respondents said they would do something today. This is hardly surprising, perhaps, because 70 per cent of people were unaware of any event taking place in their neighbourhood. Ignorance of the occasion is particularly marked among the young. When people were asked to pick St George's Day from a list of dates, 71 per cent aged over 55 correctly identified 23 April, but just 54 per cent of 18 to 34-year-olds knew the date.

While the Scots and the Welsh have never had any compunction about parading their nationalities abroad, – not least to differentiate themselves from the English – a significant proportion of people from England tended always to describe themselves as British. Devolution and the reassertion of Scottish and Welsh identities appears to have had the same effect on the English. The survey shows that two thirds would call themselves English rather than British when overseas, a higher proportion than was the case 20 years ago.

What do the English see as their most potent national symbols, those with which they would most often be associated? Top of the list is the Monarchy. Even though it is not exclusively English, a hereditary monarchy is evidently seen to be something quintessentially English. [...]

The poll's most startling findings concern how the English would like to be governed. Around one third of those questioned wanted to see an English parliament along Scottish lines. Another 20 per cent wanted England to be an independent country. Just one third thought that England should not have its own parliament either inside or outside the UK. While these figures mean that two thirds remain in favour of the Union, they also show how important it is that politicians begin to address the lopsided nature of the devolutionary settlement.

The Conservatives have established a task force to recommend changes to the way England is governed. Its report has still to be published, but it has come down against an English parliament and in favour of a new system of debating English matters at Westminster.

Polls have consistently shown how English and Welsh voters object to the fact that Scottish MPs are allowed to vote on matters that affect only England and Wales. So far, the Government's only solution was regionalisation, but this was scuppered when a referendum in the North East rejected an assembly. But the YouGov survey shows that more than half of English voters want their own parliament in some form. The danger is that an English parliament serving 50 million people – 85 per cent of the total UK population – would soon come to rival Westminster, and eventually eclipse it. A separate English parliament would require either a full-blown federation or could break the Union.

Gordon Brown came to office seeking to emphasise Britishness as a concept that could bring the disparate peoples of the United Kingdom together. But in the years since Scotland was granted its own parliament, there has been a resurgence, rather than a diminution, of national identities within the United Kingdom.

Philip Johnston, *The Daily Telegraph,* 23 April 2008

Edmund Burke, *Reflections on the Revolution in France,* 1790

A state without the means of some change is without the means of its conservation. Without such means it might even risk the loss of that part of the constitution which it wished the most religiously to preserve. The two principles of conservation and correction operated strongly at the two critical periods of the Restoration and Revolution, when England found itself without a king. At both those periods the nation had lost the bond of union in their ancient edifice; they did not, however, dissolve the whole fabric. On the contrary, in both cases they regenerated the deficient part of the old constitution through the parts which were not impaired. They kept these old parts exactly as they were, that the part recovered might be suited to them. They acted by the ancient organized states in the shape of their old organization, and not by the organic *moleculæ* of a disbanded people. At no time, perhaps, did the sovereign legislature manifest a more tender regard to that fundamental principle of British constitutional policy, than at the time of the Revolution, when it deviated from the direct line of hereditary succession. The crown was carried somewhat out of the line in which it had before moved; but the new line was derived from the same stock. It was still a line of hereditary descent; still an hereditary descent in the same blood, though an hereditary descent qualified with Protestantism. When the legislature altered the direction, but kept the principle, they showed that they held it inviolable.

On this principle, the law of inheritance had admitted some amendment in the old time, and long before the era of the Revolution. Some time after the conquest, great questions arose upon the legal principles of hereditary descent. It became a matter of doubt, whether the heir *per capita* or the heir *per stirpes* [by branch] was to succeed; but whether the heir *per capita* gave way when the heirdom *per stirpes* took place, or the Catholic heir when the Protestants was preferred, the inheritable principle survived with a sort of immortality through all transmigrations—*multosque per annos stat fortuna domus, et avi numerantur avorum*[1]. This is the spirit of our constitution, not only in its settled course, but in all its revolutions. Whoever came in, or, however he came in, whether he obtained the crown by law, or by force, the hereditary succession was either continued or adopted.

The gentlemen of the Society for Revolutions see nothing in that of 1688 but the deviation from the constitution; and they take the deviation from the principle for the principle. They have little regard to the obvious consequences of their doctrine, though they must see, that it leaves positive authority in very few of the positive institutions of this country. When such an unwarrantable maxim is once established, that no throne is lawful but the elective, no one act of the princes who preceded this era of fictitious election can be valid. Do these theorists mean to imitate some of their predecessors, who dragged the bodies of our ancient sovereigns out of the quiet of their tombs? Do they mean to attaint and disable backwards all the kings that have reigned before the Revolution, and consequently to stain the throne of England with the blot of a continual usurpation? Do they mean to invalidate, annul, or to call into question, together with the titles of the whole line of our kings, that great body of our statute law which passed under those whom they treat as usurpers? to annul laws of inestimable value to our liberties—of as great value at least as any which have passed at or since the period of the Revolution? If kings, who did not owe their crown to the choice of their people, had no title to make laws, what will become of the statute *de tallagio non concedendo*[2]?—of the *petition of right?*—of the act of *habeas corpus?*

---

[1] [The race remains immortal,] and the fortune of the family endures through many years, and grandsires of grandsires are recorded. (Virgil)

[2] A statute made in the time of the reign of King Edward I, that no tallage [taxation] or aid shall be laid or levied by the king or his heirs in this realm without the good will and assent of the archbishops, bishops, earls, barons, knights, burgesses, and other the freemen of the commonalty of this realm.

Facebook gets Royal seal of approval as the Queen logs on

It seems the Queen's foray into the hip and happening world of social networking is proving a success. Since its launch on Monday, the Queen's Facebook page has attracted nearly 200,000 visitors, with royalists and republicans alike logging on to the site to view images, videos and news about the British monarchy. The Queen has some way to go before she matches the popularity of Lady Gaga, who became the first living person to score 10 million fans on Facebook in July, but there must be few, if any, octogenarians who can boast this kind of following.Her Facebook page provides users with information about royal events, visits and ceremonies and also features the Court Circular – the authoritative record of the previous day's official royal engagements. Users are unable to add the Queen as a "friend" but they can find out about royal events happening nearby.

Having a royal page is certainly a coup for the social networking site which has become a global phenomenon since it was started by Harvard undergraduate Mark Zuckerberg in 2004. Sophy Silver, head of communications at Facebook, is delighted the site has been so popular. "The content they're putting up is great for a Facebook page, and it's good for them to be getting the information out there. When they put photos up on the site, they become part of the social graph and that's how you get people interested."

More than 160,000 people have "liked" the monarchy page since its launch, with thousands of comments added. Alongside messages of support from monarchists, the profile has become the focus of comments from anti-royalists as well as Argentinians angry about the ongoing dispute over the Falkland Islands and Cornish nationalists, with moderators from Buckingham Palace forced to block some of the inevitable negative posts.

A Palace spokesman has defended the site, which is there to help raise the Royal Family's profile. "It's part of our ongoing strategy to adopt social networking as a way of engaging people with what the Royal Family is doing. The important thing about Facebook is its international reach, as the Queen is head of state in 16 countries." The page is a collaboration between Buckingham Palace, Clarence House and the Royal Collection and is the latest sign that the monarchy is keen to take advantage of new developments online and follows the introduction of the monarchy's Flickr account in July. It also joined Twitter last year, where it has more than 70,000 followers, and established a Royal Channel on YouTube in 2007, now featuring more than 200 videos. Prince William has already been officially featured on social networking sites, with updates about his tour of New Zealand in January posted on Facebook and Bebo by the New Zealand government.

The Queen is arguably Britain's most famous internet user and is said to email her grandchildren, although the Duke of Edinburgh is thought to be an even bigger fan of computers and the internet, using them regularly. Writer and image consultant Angela Marshall believes joining Facebook is part of an attempt to give the Queen a modern makeover. "Ever since Princess Diana's death they have tried make her image more modern because I think some people thought she was out of touch," she says. "I think the Queen is aware that she needs to keep in touch with the public, especially younger people, and one way of doing that is through things like Facebook, but perhaps she will also use it as a way of staying in touch with her grandsons."

Dr Steven Parissien, an expert on British history and the monarchy, says it not only shows that the Royal Family is keeping up with the times, but also gives ordinary people an insight into the Queen's duties. "A few years ago we would have been quite surprised by this. The two princes use social networking sites but the fact the Queen is, too, is quite refreshing. I think it's clever because it shows the amount of work she does and that it's not all about national do's and entertaining foreign dignitaries. "Perhaps the Royal Family should advertise more about what they do and show that they are value for money. In the past, I think the attitude was 'well, people know what they do,' but that's not necessarily the case, which is why this is a smart move. They don't always get things right but they have this time."

Chris Bond *The Yorkshire Post,* 10 November 2010 [http://www.yorkshirepost.co.uk/features/Facebook-gets-Royal-seal-of.6621254.jp]

TIME

Thomas Jefferson: The Patriot Act of the 18th Century

By Ishmael Reed Monday, Jul. 05, 2004

Nations sometimes lose their bearings when confronted by an enemy. In a state of crisis or even panic, they implement measures that are later viewed as regrettable. From 1798 to 1800, the French were considered terrorists, pirating ships and making things uncomfortable for the fledgling American republic. The Federalist Party led a backlash against the French, and Thomas Jefferson and his Republican Party were seen as Francophiles. The XYZ Affair--a scandal centering on the fact that some French officials demanded bribes from American diplomats--brought relations between France and the U.S. to the breaking point. The Federalist Administration of President John Adams considered such solicitations to be grave insults. There were cultural differences as well. In the view of Abigail Adams, Frenchwomen were risqué at best.

The reaction to the threat from France came in the form of the Alien and Sedition Acts, which were championed by the Federalists, passed by Congress and signed by Adams in 1798. The Alien Act required immigrants to reside in the U.S. for 14 years instead of 5 to qualify for citizenship. The act also gave the President the legal right to expel those the government considered "dangerous." The Sedition Act punished "false, scandalous and malicious" writings against the government with fines and imprisonment. Most of those arrested under the Sedition Act were Republican editors, and instead of sending boatloads of aliens back to France, it resulted in no one's deportation. In a foreshadowing of the climate that inspired today's USA Patriot Act, at the turn of the century 200 years ago, it was common practice to question the patriotism of citizens, immigrants and the political opposition.

Jefferson, who was Vice President at the time, drafted his position in secret and wrote it into the Kentucky Resolutions of 1798. James Madison, in collaboration with Jefferson, subsequently authored the Virginia Resolutions. In the second and fourth of the Kentucky Resolutions, Jefferson cited the 10th Amendment, which gives the states powers not delegated to the government by the Constitution, to declare the Alien and Sedition Acts unconstitutional. Jefferson feared that a strong central government might put an end to slavery. Jefferson's fight against the Alien and Sedition Acts is often placed in the context of free speech, but it had unintended consequences beyond that. The Kentucky Resolutions were among the first to defend states' rights, and Jefferson had even threatened secession. Similar ideas helped spark the Civil War.

After Jefferson defeated Adams and was elected President in 1800, the Alien and Sedition Acts were allowed to expire. Adams, looking to distance himself from the mess, blamed the whole idea on Alexander Hamilton--who by then had been murdered by Aaron Burr.

The expiration of the acts did not end challenges to the First Amendment or the tendency on the part of some Presidents to behave like monarchs, sometimes with the cooperation of Congress. The Espionage Act of 1917 prohibited "false statements" that might "impede military success." During World War II, FBI Director J. Edgar Hoover and President Franklin Roosevelt wanted to use sedition charges to suppress black newspapers, claiming they undermined the war effort with reports of racial dissension and demands for civil rights. It took Chief Justice Earl Warren's Supreme Court on March 9, 1964, in The New York Times Co. v. Sullivan, to finally declare unconstitutional the Sedition Act of the Adams Administration. Though the act had expired under Jefferson's Administration, the court's action buried that particular threat to free speech once and for all--or so people hoped. Writing for the majority, Justice William Brennan held that L.B. Sullivan, an Alabama official, had not been libeled in a New York Times ad that had been paid for by civil rights proponents. Brennan supported his arguments by citing Jefferson.

Reed, who writes frequently on dissent, is the author of *Another Day at the Front*

Message to the Seminoles by President Andrew Jackson, 1835

My Children—I am sorry to have heard that you have been listening to bad counsel. You know me, and you know that I would not deceive, nor advise you to do anything that was unjust or injurious. Open your ears and attend to what I shall now say to you. They are the words of a friend, and the words of truth.

The white people are settling around you. The game has disappeared from your country. Your people are poor and hungry. All this you have perceived for some time. And nearly three years ago you made an agreement with your friend, Colonel Gadsden, acting on the part of the United States, by which you agreed to cede your lands in Florida, and to remove and join your brothers, the Creeks, in the country west of the Mississippi.

You annexed a condition to this agreement, that certain chiefs named therein, in whom you placed confidence, should proceed to the western country, and examine whether it was suitable to your wants and habits, and whether the Creeks residing there were willing to permit you to unite with them as one people; and if the persons thus sent were satisfied on these heads, then the arrangement with Colonel Gadsden was to be in full force.

In conformity with these provisions, the chiefs named by you proceeded to that country, and having examined it, and having become satisfied respecting its character and the favorable disposition of the Creeks, they entered into an agreement with commissioners on the part of the United States, by which they signified their satisfaction on these subjects, and finally ratified the treaty made with Colonel Gadsden.

I now learn that you refuse to carry into effect the solemn promises thus made by you, and that you have stated to the officers of the United States that you will not remove to the Western country.

My Children, I have never deceived, nor will I ever deceive any of the red people. I tell you that you must go, and that you will go. Even if you had a right to stay, how could you live where you are now? You have sold all your country. You have not a piece as large as a blanket to sit down upon. What is to support yourselves, your women, and children? The tract you have ceded will soon be surveyed and sold, and immediately afterwards will be occupied by a white population. You will soon be in a state of starvation. You will commit depredations upon the property of our citizens. You will be resisted, punished, perhaps killed. Now is it not better peaceably to remove to a fine, fertile country, occupied by your own kindred, and where game is yet abundant? The annuities payable to you, and the other stipulations made in your favor, will make your situation comfortable, and will enable you to increase and improve. If, therefore, you had a right to stay where you now are, still every true friend would advise you to remove. But you have no right to stay, and you must go. I am desirous that you should go peaceably and voluntarily. You shall be comfortably taken care of, and kindly treated on the road, and when you arrive in your new country, provisions will be issued to you for a year, so that you can have ample time to provide for your future support.

But lest some of your rash young men should forcibly oppose your arrangements for removal, I have ordered a large military force to be sent among you. I have directed the commanding officer, and likewise the agent, your friend, Gen. Thompson, that every reasonable indulgence be held out to you. But I have also directed that one third of your people, as provided for in the treaty, be removed during the present season. If you listen to the voice of friendship and truth, you will go quietly and voluntarily. But should you listen to the bad birds that are always flying about you, and refuse to move, I have then directed the commanding officer to remove you by force. This will be done. I pray the Great Spirit, therefore, to incline you to do what is right.

Your Friend,
A. Jackson
Washington, February 16, 1835.

Pdt William McKinley

Third Annual Message to Congress, December 5, 1899

On the 10th of December, 1898, the treaty of peace between the United States and Spain was signed. It provided ... that Spain should cede to the United States the archipelago known as the Philippine Islands, that the United States should pay to Spain the sum of twenty millions of dollars, and that the civil rights and political status of the native inhabitants of the territories thus ceded to the United States should be determined by the Congress. The treaty was ratified by the Senate on the 6th of February, 1899, and by the Government of Spain on the 19th of March following. ... The islands were ceded by the Government of Spain, which had been in undisputed possession of them for centuries. They were accepted not merely by our authorized commissioners in Paris, ... but by the constitutional and well-considered action of the representatives of the people of the United States in both Houses of Congress. I had every reason to believe, and I still believe that this transfer of sovereignty was in accordance with the wishes and the aspirations of the great mass of the Filipino people.

From the earliest moment no opportunity was lost of assuring the people of the islands of our ardent desire for their welfare and of the intention of this Government to do everything possible to advance their interests. In my order of the 19th of May, 1898, the commander of the military expedition dispatched to the Philippines was instructed to declare that we came not to make war upon the people of that country, " nor upon any party or faction among them, but to protect them in their homes, in their employments, and in their personal and religious rights." That there should be no doubt as to the paramount authority there, on the 17th of August it was directed that there must be no joint occupation with the insurgents "; that the United States must preserve the peace and protect persons and property within the territory occupied by their military and naval forces; that the insurgents and all others must recognize the military occupation and authority of the United States. As early as December 4, before the cession, and in anticipation of that event, the commander in Manila was urged to restore peace and tranquillity and to undertake the establishment of a beneficent government, which should afford the fullest security for life and property.... On the 21st of January I announced my intention of dispatching to Manila a commission composed of three gentlemen of the highest character and distinction, thoroughly acquainted with the Orient, who, in association with Admiral Dewey and Major-General Otis, were instructed "to facilitate the most humane and effective extension of authority throughout the islands, and to secure with the least possible delay the benefits of a wise and generous protection of life and property to the inhabitants."...While the treaty of peace was under consideration in the Senate, these Commissioners set out on their mission of good will and liberation. ... But before their arrival at Manila the sinister ambition of a few leaders of the Filipinos had created a situation full of embarrassment for us and most grievous in its consequences to themselves. ...

It is enough to say that the claim of the rebel leader that he was promised independence by an officer of the United States in return for his assistance has no foundation in fact and is categorically denied by the very witnesses who were called to prove it. The most the insurgent leader hoped for when he came back to Manila was the liberation of the islands from the Spanish control, which they had been laboring for years without success to throw off. The prompt accomplishment of this work by the American Army and Navy gave him other ideas and ambitions, and insidious suggestions from various quarters perverted the purposes and intentions with which he had taken up arms. No sooner had our army captured Manila than the Filipino forces began to assume an attitude of suspicion and hostility which the utmost efforts of our officers and troops were unable to disarm or modify. Their kindness and forbearance were taken as a proof of cowardice. The aggressions of the Filipinos continually increased until finally, just before the time set by the Senate of the United States for a vote upon the treaty, an attack, evidently prepared in advance, was made all along the American lines, which resulted in a terribly destructive and sanguinary repulse of the insurgents.

Patrick Henry, Speech before the Virginia Ratifying Convention

June 5, 1788

Mr. Chairman,...[t]he fate of this question and of America may depend on this. Have they said, We, the states? Have they made a proposal of a compact between states? If they had, this would be a confederation. It is otherwise most clearly a consolidated government. The question turns, sir, on that poor little thing — the expression, We, the *people*, instead of the *states*, of America. I need not take much pains to show that the principles of this system are extremely pernicious, impolitic, and dangerous. Is this a monarchy, like England — a compact between prince and people, with checks on the former to secure the liberty of the latter? Is this a confederacy, like Holland — an association of a number of independent states, each of which retains its individual sovereignty? It is not a democracy, wherein the people retain all their rights securely? Had these principles been adhered to, we should not have been brought to this alarming transition, from a confederacy to a consolidated government. We have no detail of these great considerations, which, in my opinion, ought to have abounded before we should recur to a government of this kind. Here is a resolution as radical as that which separated us from Great Britain. It is radical in this transition; our rights and privileges are endangered, and the sovereignty of the states will be relinquished: and cannot we plainly see that this is actually the case? The rights of conscience, trial by jury, liberty of the press, all your immunities and franchises, all pretensions to human rights and privileges, are rendered insecure, if not lost, by this change, so loudly talked of by some, and inconsiderately by others. Is this tame relinquishment of rights worthy of freemen? Is it worthy of that manly fortitude that ought to characterize republicans? It is said eight states have adopted this plan. I declare that if twelve states and a half had adopted it, I would, with manly firmness, and in spite of an erring world, reject it. You are not to inquire how your trade may be increased, nor how you are to become a great and powerful people, but how your liberties can be secured; for liberty ought to be the direct end of your government.

Having premised these things, I shall, with the aid of my judgment and information, which, I confess, are not extensive, go into the discussion of this system more minutely. Is it necessary for your liberty that you should abandon those great rights by the adoption of this system? Is the relinquishment of the trial by jury and the liberty of the press necessary for your liberty? Will the abandonment of your most sacred rights tend to the security of your liberty? Liberty, the greatest of all earthly blessing — give us that precious jewel, and you may take every thing else! But I am fearful I have lived long enough to become an old-fashioned fellow. Perhaps an invincible attachment to the dearest rights of man may, in these refined, enlightened days, be deemed old-fashioned; if so, I am contented to be so. I say, the time has been when every pulse of my heart beat for American liberty, and which, I believe, had a counterpart in the breast of every true American; but suspicions have gone forth — suspicions of my integrity — publicly reported that my professions are not real. Twenty-three years ago was I supposed a traitor to my country? I was then said to be the bane of sedition, because I supported the rights of my country. I may be thought suspicious when I say our privileges and rights are in danger. But, sir, a number of the people of this country are weak enough to think these things are too true. I am happy to find that the gentleman on the other side declares they are groundless. But, sir, suspicion is a virtue as long as its object is the preservation of the public good, and as long as it stays within proper bounds: should it fall on me, I am contented: conscious rectitude is a powerful consolation. I trust there are many who think my professions for the public good to be real. Let your suspicion look to both sides. There are many on the other side, who possibly may have been persuaded to the necessity of these measures, which I conceive to be dangerous to your liberty. Guard with jealous attention the public liberty. Suspect every one who approaches that jewel. Unfortunately, nothing will preserve it but downright force. Whenever you give up that force, you are inevitably ruined. I am answered by gentlemen, that, though I might speak of terrors, yet the fact was, that we were surrounded by none of the dangers I apprehended. I conceive this new government to be one of those dangers: it has produced those horrors which distress many of our best citizens. We are come hither to preserve the poor commonwealth of Virginia, if it can be possibly done: something must be done to preserve your liberty and mine. The Confederation, this same despised government, merits, in my opinion, the highest encomium: it carried us through a long and dangerous war; it rendered us victorious in that bloody conflict with a powerful nation; it has secured us a territory greater than any European monarch possesses: and shall a government which has been thus strong and vigorous, be accused of imbecility, and abandoned for want of energy? Consider what you are about to do before you part with the government. Take longer time in reckoning things; revolutions like this have happened in almost every country in Europe; similar examples are to be found in ancient Greece and ancient Rome — instances of the people losing their liberty by their own carelessness and the ambition of a few. We are cautioned by the honorable gentleman, who presides, against faction and turbulence. I acknowledge that licentiousness is dangerous, and that it ought to be provided against: I acknowledge, also, the new form of government may effectually prevent it: yet there is another thing it will as effectually do — it will oppress and ruin the people.

BROWN, J., Opinion of the Court
SUPREME COURT OF THE UNITED STATES, 163 U.S. 537
Plessy v. Ferguson
ERROR TO THE SUPREME COURT OF THE STATE OF LOUISIANA
No. 210 Argued: April 18, 1896 --- Decided: May 18, 1896

... It is claimed by the plaintiff in error that, in any mixed community, the reputation of belonging to the dominant race, in this instance the white race, is property in the same sense that a right of action or of inheritance is property. Conceding this to be so for the purposes of this case, we are unable to see how this statute deprives him of, or in any way affects his right to, such property. If he be a white man and assigned to a colored coach, he may have his action for damages against the company for being deprived of his so-called property. Upon the other hand, if he be a colored man and be so assigned, he has been deprived of no property, since he is not lawfully entitled to the reputation of being a white man.

In this connection, it is also suggested by the learned counsel for the plaintiff in error that the same argument that will justify the state legislature in requiring railways to provide separate accommodations for the two races will also authorize them to require separate cars to be provided for people whose hair is of a certain color, or who are aliens, or who belong to certain nationalities, or to enact laws requiring colored people to walk upon one side of the street and white people upon the other, or requiring white men's houses to be painted white and colored men's black, or their vehicles or business signs to be of different colors, upon the theory that one side of the street is as good as the other, or that a house or vehicle of one color is as good as one of another color. The reply to all this is that every exercise of the police power must be reasonable, and extend only to such laws as are enacted in good faith for the promotion for the public good, and not for the annoyance or oppression of a particular class. ... So far, then, as a conflict with the Fourteenth Amendment is concerned, the case reduces itself to the question whether the statute of Louisiana is a reasonable regulation, and, with respect to this, there must necessarily be a large discretion on the part of the legislature. In determining the question of reasonableness, it is at liberty to act with reference to the established usages, customs, and traditions of the people, and with a view to the promotion of their comfort and the preservation of the public peace and good order. Gauged by this standard, we cannot say that a law which authorizes or even requires the separation of the two races in public conveyances is unreasonable, or more obnoxious to the Fourteenth Amendment than the acts of Congress requiring separate schools for colored children in the District of Columbia, the constitutionality of which does not seem to have been questioned, or the corresponding acts of state legislatures.

We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it. The argument necessarily assumes that if, as has been more than once the case and is not unlikely to be so again, the colored race should become the dominant power in the state legislature, and should enact a law in precisely similar terms, it would thereby relegate the white race to an inferior position. We imagine that the white race, at least, would not acquiesce in this assumption. The argument also assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the negro except by an enforced commingling of the two races. We cannot accept this proposition. If the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merits, and a voluntary consent of individuals. As was said by the Court of Appeals of New York in *People v. Gallagher,* 93 N. Y. 438, 448, this end can neither be accomplished nor promoted by laws which conflict with the general sentiment of the community upon whom they are designed to operate. When the government, therefore, has secured to each of its citizens equal rights before the law and equal opportunities for improvement and progress, it has accomplished the end for which it was organized, and performed all of the functions respecting social advantages with which it is endowed.

Legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation. If the civil and political rights of both races be equal, one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane.

It is true that the question of the proportion of colored blood necessary to constitute a colored person, as distinguished from a white person, is one upon which there is a difference of opinion in the different States, some holding that any visible admixture of black blood stamps the person as belonging to the colored race...; others that it depends upon the preponderance of blood ...; and still others that the predominance of white blood must only be in the proportion of three-fourths.... But these are questions to be determined under the laws of each State, and are not properly put in issue in this case. Under the allegations of his petition, it may undoubtedly become a question of importance whether, under the laws of Louisiana, the petitioner belongs to the white or colored race.

Saville inquiry:
Over 150 killings by soldiers during Troubles in Northern Ireland never fully investigated
Owen Bowcott, Sunday 20 June 2010

Families and friends of those who where killed on Bloody Sunday in 1972. Photograph: Paul McErlane for the *Guardian*

More than 150 killings committed by soldiers during Northern Ireland's Troubles were never fully investigated because of an informal understanding between the police and the army. The inadequacy of official examinations into fatal military shootings emerged in the wake of last week's Saville inquiry report on the "unjustifiable" deaths of 13 civilians on Bloody Sunday and in findings by the Police Service of Northern Ireland's historical enquiries team (HET).

The effect of the practice – under which soldiers who shot civilians were questioned by the army's Royal Military Police (RMP) rather than police detectives – has been highlighted by a Derry-based human rights organisation, the Pat Finucane Centre, which works closely with HET investigators. It meant, according to the centre's Paul O'Connor, that between 1970 and 1973 soldiers were unlikely to be held responsible for the consequences of their actions. During that period they shot dead more than 150 people in the province.

The agreement made in 1970 between the chief constable of the Royal Ulster Constabulary and the army in Northern Ireland was revoked in September 1973 because it was "unsatisfactory". "RMP investigations into killings then were known as tea and sandwich inquiries," O'Connor said. He claimed the RMT often did not obtain statements so soldiers who killed civilians were not cross-examined. "This was therefore a deeply flawed procedure," he added."In effect, there was no investigation. The RMP did not take weapons and examine them. Sometimes the paperwork would not even be handed over to the RUC. There were 150 people killed by the army in this period and they were never fully investigated."

This failure encouraged a culture of impunity to develop among troops who felt they were above the law, according to O'Connor.

Flaws in the agreement are acknowledged in an HET report, released this month, into the killing of William McGreanery by Grenadier Guards in Derry in September 1971 – five months before Bloody Sunday. It said the policy meant that "RUC investigators were to have gathered all relevant civilian witness and forensic evidence, and furnish it to the RMP prior to an interview being conducted with a soldier. It clearly envisaged that soldiers would face a thorough investigation, and was designed to enable the RMP to provide effective support in the difficult times that existed."

But the result, the HET said, was that "this policy was not followed; in any event it negated any possibility of independence and it is questionable whether the chief constable had the legal authority to devolve his responsibilities in this manner, notwithstanding the immensely difficult security situation that existed at the time. These arrangements meant that in practice, soldiers were not interviewed by civilian police officers at all".

The MoD has defended the practice in recent correspondence, claiming that it was "acting as the civil power bearing the lion's share of law enforcement" in Northern Ireland until police primacy was restored in 1976.

The Saville report draws attention to the same problem and the way in which RMP questioning was conducted for "managerial" purposes rather than in pursuit of independent "criminal" investigations. The report quotes a lecture given in 1973 by an unidentified RMP major to a provost marshal's study session. "Back in 1970 a decision was reached between the GOC [general officer commanding Northern Ireland] and the chief constable whereby RMP would tend to military witnesses and the RUC to civilian witnesses in the investigation of offences and incidents," it noted. "With both RMP and RUC sympathetic towards the soldier, who after all was doing an incredibly difficult job, he was highly unlikely to make a statement incriminating himself, for the RMP investigator was out for information for managerial, not criminal purposes, and, using their powers of discretion, it was equally unlikely that the RUC would prefer charges against soldiers except in the most extreme of circumstances."

Lord Saville's critical conclusions about soldiers' behaviour on Bloody Sunday will encourage relatives of those shot dead by the army on other occasions to press for the revival of police investigations.

2009-11-27

The SNP Government has set out in detail its arguments for Scottish independence, and published its plans to hold a referendum on our country's future. First Minister Alex Salmond published the Scottish Government's White Paper - Your Scotland,Your Voice - which paves the way for the people of Scotland to be given the right to choose their constitutional future in a referendum

The SNP believe that independence delivers a new 21st century partnership of equals between Scotland and England - including giving the Scottish Government Parliament the responsibilities needed to fight recession, support jobs, and maximise the opportunities that will come with recovery.

As well as setting out the case for independence in more depth and detail than ever before, the White Paper also examines the other constitutional options open to Scotland; the status quo, the proposals of the Calman Commission on Scottish Devolution, and maximum devolution including fiscal autonomy.

First Minister Alex Salmond said:

"Following a decade of devolution and the reconvening of the Scottish Parliament, there is now a clear and consistent demand for further constitutional progress for Scotland and extending the powers of the Parliament.

"The vast majority of people want to expand the responsibilities of the Parliament, so that we have more powers to do more for Scotland - the economic recovery, the right to speak up for Scotland in Europe, and the ability to remove Trident nuclear weapons from our soil.

"The National Conversation has spearheaded that process, and engaged all those who want to move Scotland forward - both in terms of more responsibilities, and a complete extension of powers with independence. It culminates in this White Paper, paving the way for a Referendum Bill early next year to give voice to the democratic demand of Scotland.

"The debate in Scottish politics is no longer between change or no change - it's about the right kind of change we seek, and the right of the people to choose their future in a free and fair referendum.

"The White Paper examines the options open to Scotland: no more powers under the status quo, a few more powers with Calman, a lot more powers through maximum devolution, and the complete extension of the powers of the Scottish Parliament with independence - the policy of the Scottish Government. This historic document sets out the case for Scottish independence with unprecedented depth and clarity.

"Popular opinion in Scotland has moved far beyond the status quo. And Calman has also been shown to fall behind the needs of the people - with the UK Government refusing to make any progress on important issues such as air weapons this side of the election, and substantial doubt as to what if anything will happen afterwards.

"This White Paper charts the route to progress for Scotland - and we are calling on people of all parties and none who want real substantive additions to the powers of the Parliament to rally to the referendum campaign. That is why we are open to including the option of such powers on the referendum ballot paper, alongside independence.

"It's time for the people to have their say on Scotland's future."
[http://www.snp.org/referendum]