ON THE 13TH AMENDMENT

Is there a stain on the record of our forefathers, a dark hour in the earliest history of the American Colonies? History shows: There was one group of people the American Colonists feared with reason-- a [well organized, massively funded] society, whose often insidious craft had claimed a multitude of victims, ever since the Middle ages in Europe.

One group of people were hated and feared from Massachusetts Bay to Virginia. The Magistrate would not burn them at the stake, although surely a great many of the colonists would have recommended such a solution. Our forefathers were baffled by them. [i.e., an unfortunate ERROR in foresight and judgment which has produced disastrous consequences for America and the rest of the world ever since that time]

Our Founding Fathers:

DID NOT effectively recognize the degree of the threat that this group of people could and DID inflict on their liberty, and DID NOT establish truly effective controls over the actions of these people.

"VERMIN." That's what the Colonist called them. Parasites who fed on human misery, spreading sorrow and confusion wherever they went. "DESTRUCTIVE." They were called.

And still they were permitted coexistence with the colonists. For a while -- anyway. Of course there were colonial laws prohibiting the practice of their infamous craft. Somehow a way was always found around all those laws.

In 1641, Massachusetts Bay colony took a novel approach to the problem. The governors attempted to starve the "devils" out of existence through economic exclusion. They were denied wages, and thereby it was hoped that they would perish.

Four years later, Virginia followed the example of Massachusetts Bay, and for a while it seemed that the dilemma had been resolved.

It had not, somehow the parasites managed to survive. [i.e., Could it be have been through the financial support and influence of international banksters?]

Many wondered, where did these Vermin come from in the first place? Of all those who sailed from England to Plymouth in 1620, not one of them were onboard. [It is possible that the international banksters had them brought to America to serve their agenda and maintain their best interests?]

In 1658, In Virginia, the final solution: Banishment; EXILE. The "treacherous ones" were cast out of the colony. At last, after decades of enduring the psychological gloom, the sun came out and the birds sang, and all was right with the world. And the elation continued for a generation.

I'm not sure why the Virginians eventually allowed the outcasts to return, but they did. In 1680, after twenty-two years, the despised ones were readmitted to the colony on the condition that they be subjected to the strictest surveillance.

How soon we forget!

For indeed over the next half century or so, the imposed restrictions were slowly, quietly swept away. And those whose treachery had been feared since the Middle ages ultimately took their place in society.

You see, the "vermin" that once infested colonial America, the parasites who prayed on the misfortunes of their neighbors until finally they were officially banished from Virginia, those dreaded, despised, outcasts, masters of confusion lawyers are. Note: Most leadership positions at all levels of government are held by LAWYERS.

- from Paul Harvey's "*The rest of the story*."

The Constitution and the Bill of Rights, and the first 50 years NOT one "lawyer" wrote any of the FAIR and constitutional legislation!

MEANING of the 13th Amendment

The "missing" 13th Amendment to the Constitution of the United States reads as follows:

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

At the first reading, the meaning of this 13th Amendment (also called the "title of nobility" Amendment) seems obscure, unimportant. The references to "nobility", "honour", "emperor", "king", and "prince" lead us to dismiss this amendment as a petty post-revolution act of spite directed against the British monarchy. But in US modern world of Lady Di and Prince Charles, anti-royalist sentiments seem so archaic and quaint, that the Amendment can be ignored.

Not so. Consider some evidence of its historical significance: First, "titles of nobility" were prohibited in both Article VI of the Articles of Confederation (1777) and in Article I, Sections 9 and 10 of the Constitution of the United States (1787); Second, although already prohibited by the Constitution, an additional "title of nobility" amendment was proposed in 1789, again in 1810, and according to Dodge, finally ratified in 1819. Clearly, the founding fathers saw such a serious threat in "titles of nobility" and "honors" that anyone receiving them would forfeit their citizenship. Since the government prohibited "titles of nobility" several times over four decades, and went through the amending process (even though "titles of nobility" were already prohibited by the Constitution), it's obvious that the Amendment carried much more significance for our founding fathers than is readily apparent today.

HISTORICAL CONTEXT

To understand the meaning of this "missing" 13th Amendment, we must understand its historical context -- the era surrounding the American Revolution. We tend to regard the

notion of "Democracy" as benign, harmless, and politically unremarkable. But at the time of the American Revolution, King George III and the other monarchies of Europe saw Democracy as an unnatural, ungodly ideological threat, every bit as dangerously radical as Communism was once regarded by modern Western nations. Just as the 1917 Communist Revolution in Russia spawned other revolutions around the world, the American Revolution provided an example and incentive for people all over the world to overthrow their European monarchies.

Even though the Treaty of Paris ended the Revolutionary War in 1783, the simple fact of our existence threatened the monarchies. The United States stood as a heroic role model for other nations that inspired them to also struggle against oppressive monarchies. The French Revolution (1789-1799) and the Polish national uprising (1794) were in part encouraged by the American Revolution. Though we stood like a beacon of hope for most of the world, the monarchies regarded the United States as a political Typhoid Mary, the principle source of radical democracy that was destroying monarchies around the world. The monarchies must have realized that if the principle source of that infection could be destroyed, the rest of the world might avoid the contagion and the monarchies would be saved.

Their survival at stake, the monarchies sought to destroy or subvert the American system of government. Knowing they couldn't destroy us militarily, they resorted to more covert methods of political subversion, employing spies and secret agents skilled in bribery and legal deception -- it was, perhaps, the first "cold war". Since governments run on money, politicians run for money, and money is the usual enticement to commit treason, much of the monarchy's counter- revolutionary efforts emanated from English banks.

HONOR

The missing Amendment is referred to as the "title of nobility" Amendment, but the second prohibition against "honour" (honor), may be more significant.

According to David Dodge, Tom Dunn, and Webster's Dictionary, the archaic definition of "honor" (as used when the 13th Amendment was ratified) meant anyone "obtaining or having an advantage or privilege over another". A contemporary example of an "honor" granted to only a few Americans is the privilege of being a judge: Lawyers can be judges and exercise the attendant privileges and powers; non-lawyers cannot.

By prohibiting "honors", the missing Amendment prohibits any advantage or privilege that would grant some citizens an unequal opportunity to achieve or exercise political power. Therefore, the second meaning (intent) of the 13th Amendment was to ensure political equality among all American citizens, by prohibiting anyone, even government officials, from claiming or exercising a special privilege or power (an "honor") over other citizens.

If this interpretation is correct, "honor" would be the key concept in the 13th Amendment. Why? Because, while "titles of nobility" may no longer apply in today's political system, the concept of "honor" remains relevant. For example, anyone who had a specific "immunity" from lawsuits which were not afforded to all citizens, would be enjoying a separate privilege, an "honor", and would therefore forfeit his right to vote or

hold public office. Think of the "immunities" from lawsuits that US judges, lawyers, politicians, and bureaucrats currently enjoy. As another example, think of all the "special interest" legislation US government passes: "special interests" are simply euphemisms for "special privileges" (honors).

WHAT IF? (Implications if Restored)

If the missing 13th Amendment were restored, "special interests" and "immunities" might be rendered unconstitutional. The prohibition against "honors" (privileges) would compel the entire government to operate under the same laws as the citizens of this nation. Without their current personal immunities (honors), US judges and I.R.S. agents would be unable to abuse common citizens without fear of legal liability. If this 13th Amendment were restored, the entire US government would have to conduct itself according to the same standards of decency, respect, law, and liability as the rest of the nation. If this Amendment and the term "honor" were applied today, US government's ability to systematically coerce and abuse the public would be all but eliminated.

Imagine! A government without special privileges or immunities. How could we describe it? It would be ... almost like ... a government ... of the people ... by the people ... for the people!

Imagine: a government ... whose members were truly accountable to the public; a government that could not systematically exploit its own people! It's unheard of ... it's never been done before. Not ever in the entire history of the world.

Bear in mind that Senator George Mitchell of Maine and the US National Archives concede this 13th Amendment was proposed by Congress in 1810. However, they explain that there were seventeen states when Congress proposed the "title of nobility" Amendment; that ratification required the support of thirteen states, but since only twelve states supported the Amendment, it was not ratified. The Government Printing Office agrees; it currently prints copies of the Constitution of the United States which include the "title of nobility" Amendment as proposed, but un-ratified.

Even if this 13th Amendment were never ratified, even if Dodge and Dunn's research or reasoning is flawed or incomplete, it would still be an extraordinary story. Can you imagine, can you understand how close the US came to having a political paradise, right here on Earth? Do you realize what an extraordinary gift our forebears tried to bequeath us? And how close we came? One vote. One state's vote.

The federal government concedes that twelve states voted to ratify this Amendment between 1810 and 1812. But they argue that ratification require thirteen states, so the Amendment lays stillborn in history, unratified for lack of a just one more state's support. One vote.

David Dodge, however, says one more state did ratify, and he claims he has the evidence to prove it.

In 1789, the House of Representatives compiled a list of possible Constitutional Amendments, some of which would ultimately become our Bill of Rights. The House proposed seventeen; the Senate reduced the list to twelve. During this process that Senator Tristrain Dalton (Mass.) proposed an Amendment seeking to prohibit and

provide a penalty for any American accepting a "title of Nobility" (RG 46 Records of the U.S. Senate). Although it wasn't passed, this was the first time a "title of nobility" amendment was proposed.

Twenty years later, in January, 1810, Senator Reed proposed another "Title of Nobility" Amendment (History of Congress, Proceedings of the Senate, p. 529-530). On April 27, 1810, the Senate voted to pass this 13th Amendment by a vote of 26 to 1; the House resolved in the affirmative 87 to 3; and the following resolve was sent to the States for ratification:

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

The Constitution requires three-quarters of the states to ratify a proposed amendment before it may be added to the Constitution. When Congress proposed the "Title of Nobility" Amendment in 1810, there were seventeen states, thirteen of which would have to ratify for the Amendment to be adopted. According to the National Archives, the following is a list of the twelve states that ratified, and their dates of ratification:

> **Maryland, Dec. 25, 1810; Kentucky, Jan. 31, 1811; Ohio, Jan. 31, 1811; Delaware, Feb. 2, 1811; Pennsylvania, Feb. 6, 1811; New Jersey, Feb. 13, 1811; Vermont, Oct. 24, 1811; Tennessee, Nov. 21, 1811; Georgia, Dec. 13, 1811; North Carolina, Dec. 23, 1811; Massachusetts, Feb. 27, 1812; New Hampshire, Dec. 10, 1812**

Before a thirteenth state could ratify, the War of 1812 broke out with England [isn't that handy] By the time the war ended in 1814, the British had burned the Capitol, the Library of Congress, and most of the records of the first 38 years of government. Whether there was a connection between the proposed "title of nobility" amendment and the War of 1812 is not known. However, the momentum to ratify the proposed Amendment was lost in the tumult of war.

Then, four years later, on December 31, 1817, the House of Representatives resolved that President Monroe inquire into the status of this Amendment. In a letter dated February 6, 1818, President Monroe reported to the House that the Secretary of State Adams had written to the governors of Virginia, South Carolina and Connecticut to tell them that the proposed Amendment had been ratified by twelve States and rejected by two (New York and Rhode Island), and asked the governors to notify him of their legislature's position. (House Document No. 76) (This, and other letters written by the President and the Secretary of State during the month of February, 1818, note only that the proposed Amendment had not yet been ratified. However, these letters would later become crucial because, in the absence of additional information they would be interpreted to mean the amendment was never ratified).

On February 28, 1818, Secretary of State Adams reported the rejection of the Amendment by South Carolina. [House Doc. No. 129]. There are no further entries

regarding the ratification of the 13th Amendment in the Journals of Congress; whether Virginia ratified is neither confirmed nor denied. Likewise, a search through the executive papers of Governor Preston of Virginia does not reveal any correspondence from Secretary of State Adams. (However, there is a journal entry in the Virginia House that the Governor presented the House with an official letter and documents from Washington within a time frame that conceivably includes receipt of Adams' letter.)

Again, no evidence of ratification; none of denial.

However, on March 10, 1819, the Virginia legislature passed Act No. 280 (Virginia Archives of Richmond, "misc.' file, p. 299 for micro-film): "Be it enacted by the General Assembly, that there shall be published an edition of the Laws of this Commonwealth in which shall be contained the following matters, that is to say: the Constitution of the united States and the amendments thereto..." This act was the specific legislated instructions on what was, by law, to be included in the re-publication (a special edition) of the Virginia Civil Code. The Virginia Legislature had already agreed that all Acts were to go into effect on the same day -- the day that the Act to re-publish the Civil Code was enacted. Therefore, the 13th Amendment's official date of ratification would be the date of re-publication of the Virginia Civil Code: March 12, 1819. The Delegates knew Virginia was the last of the 13 States that were necessary for the ratification of the 13th Amendment. They also knew there were powerful forces allied against this ratification so they took extraordinary measures to make sure that it was published in sufficient quantity (4,000 copies were ordered, almost triple their usual order), and instructed the printer to send a copy to President James Monroe as well as James Madison and Thomas Jefferson. (The printer, Thomas Ritchie, was bonded. He was required to be extremely accurate in his research and his printing, or he would forfeit his bond.)

In this fashion, Virginia announced the ratification: by publication and dissemination of the Thirteenth Amendment of the Constitution.

There is question as to whether Virginia ever formally notified the Secretary of State that they had ratified this 13th Amendment. Some have argued that because such notification was not received (or at least, not recorded), the Amendment was therefore not legally ratified. However, printing by a legislature is prima facie evidence of ratification. Further, there is no Constitutional requirement that the Secretary of State, or anyone else, be officially notified to complete the ratification process. The Constitution only requires that three- fourths of the states ratify for an Amendment to be added to the Constitution. If three-quarters of the states ratify, the Amendment is passed -- period. The Constitution is otherwise silent on what procedure should be used to announce, confirm, or communicate the ratification of amendments.

Knowing they were the last state necessary to ratify the Amendment, the Virginians had every right announce their own and the nation's ratification of the Amendment by publishing it on a special edition of the Constitution, and so they did.

Word of Virginia's 1819 ratification spread throughout the States and both Rhode Island and Kentucky published the new Amendment in 1822. Ohio first published in 1824. Maine ordered 10,000 copies of the Constitution with the 13th Amendment to be printed for use in the schools in 1825, and again in 1831 for their Census Edition. Indiana Revised Laws of 1831 published the 13th Article on

p. 20. Northwestern Territories published in 1833. Ohio published in 1831 and 1833. Then came the Wisconsin Territory in 1839; Iowa Territory in 1843; Ohio again, in 1848; Kansas Statutes in 1855; and Nebraska Territory six times in a row from 1855 to 1860.

So far, David Dodge has identified eleven different states or territories that printed the Amendment in twenty separate publications over forty-one years. And more editions including this 13th Amendment are sure to be discovered. Clearly, Dodge is onto something.

You might be able to convince some of the people, or maybe even all of them, for a little while, that this 13th Amendment was never ratified. Maybe you can show them that the **ten legislatures which ordered it published eighteen time**s we've discovered (so far) consisted of ignorant politicians who don't know their amendments from their... ahh, articles. You might even be able to convince the public that our US forefathers never meant to "outlaw" public servants who pushed people around, accepted bribes or special favors to "look the other way." Maybe. But before you do, there's an awful lot of evidence to be explained.

THE AMENDMENT DISAPPEARS

In 1829, the following note appears on p. 23, Vol. 1 of the New York Revised Statutes: "In the edition of the Laws of the U.S. before referred to, there is an amendment printed as article 13, prohibiting citizens from accepting titles of nobility or honor, or presents, offices, &c. from foreign nations. But, by a message of the president of the United States of the 4th of February, 1818, in answer to a resolution of the House of Representatives, it appears that this amendment had been ratified only by 12 states, and therefore had not been adopted. See Vol. IV of the printed papers of the 1st session of the 15th congress, No. 76." In 1854, a similar note appeared in the Oregon Statutes. Both notes refer to the Laws of the United States, 1st vol. p. 73(or 74).

It's not yet clear whether the 13th Amendment was published in Laws of the United States, 1st Vol., prematurely, by accident, in anticipation of Virginia's ratification, or as part of a plot to discredit the Amendment by making is appear that only twelve States had ratified. Whether the Laws of the United States Vol. 1 (carrying the 13th Amendment) was re-called or made-up is unknown. In fact, it's not even clear that the specified volume was actually printed -- the Law Library of the Library of Congress has no record of its existence.

However, because the noted authors reported no further references to the 13th Amendment after the Presidential letter of February, 1818, they apparently assumed the ratification process had ended in failure at that time. If so, they neglected to seek information on the Amendment after 1818, or at the state level, and therefore missed the evidence of Virginia's ratification. This opinion -- assuming that the Presidential letter of February, 1818, was the last word on the Amendment -- has persisted to this day.

In 1849, Virginia decided to revise the 1819 Civil Code of Virginia (which had contained the 13th Amendment for 30 years).

It was at that time that one of the code's revisers (a lawyer named Patton) wrote to the Secretary of the Navy, William B. Preston, asking if this Amendment had been ratified or appeared by mistake. Preston wrote to J. M. Clayton, the Secretary of State, who replied that this Amendment was not ratified by a sufficient number of States. This conclusion was based upon the information that Secretary of State John Quincy Adams had provided the House of Representatives in 1818, before Virginia's ratification in 1819. (Even today, the Congressional Research Service tells anyone asking about this 13th Amendment this same story: that only twelve states, not the requisite thirteen, had ratified.)

However, despite Clayton's opinion, the Amendment continued to be published in various states and territories for at least another eleven years (the last known publication was in the Nebraska territory in 1860)

Once again the 13th Amendment was caught in the riptides of American politics. South Carolina seceded from the Union in December of 1860, signaling the onset of the Civil War. In March, 1861, President Abraham Lincoln was inaugurated.

Later in 1861, another proposed amendment, also numbered thirteen, was signed by President Lincoln. This was the only proposed amendment that was ever signed by a president. That resolve to amend read:

> **"ARTICLE THIRTEEN, No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State." (In other words, President Lincoln had signed a resolve that would have permitted slavery, and upheld states' rights.) Only one State, Illinois, ratified this proposed amendment before the Civil War broke out in 1861.**

In the tumult of 1865, the original 13th Amendment was finally removed from the US Constitution. On January 31, another 13th Amendment (which prohibited slavery in Sect. 1, and ended states' rights in Sect. 2) was proposed. On April 9, the Civil War ended with General Lee's surrender. On April 14, President Lincoln (who, in 1861, had signed the proposed Amendment that would have allowed slavery and states rights) was assassinated. On December 6, the "new" 13th Amendment loudly prohibiting slavery (and quietly surrendering states rights to the federal government) was ratified, replacing and effectively erasing the original 13th Amendment that had prohibited "titles of nobility" and "honors."

SIGNIFICANCE OF REMOVAL

To create the present oligarchy (rule by lawyers) which the US now endures, the lawyers first had to remove the 13th "titles of nobility" Amendment that might otherwise have kept them in check. In fact, it was not until after the Civil War and after the disappearance of this 13th Amendment, that American bar associations began to appear and exercise political power.

Since the unlawful deletion of the 13th Amendment, the newly developing bar associations began working diligently to create a system wherein lawyers took on a title of privilege and nobility as "Esquires" and received the "honor" of offices and positions (like district attorney or judge) that only hold. By virtue of these titles, honors, and special privileges, lawyers have assumed political and economic advantages over the majority of U.S. citizens. Through these privileges, they have nearly established a two-tiered citizenship in this nation where a majority may vote, but only a minority (lawyers) may run for political office. This two-tiered citizenship is clearly contrary to Americans' political interests, the nation's economic welfare, and the Constitution's egalitarian spirit.

The significance of this missing 13th Amendment and its deletion from the Constitution is this: Since the amendment was never lawfully nullified, it is still in full force and effect and is the Law of the land. If public support could be awakened, this missing Amendment might provide a legal basis to challenge many existing laws and court decisions previously made by lawyers who were unconstitutionally elected or appointed to their positions of power; it might even mean the removal of lawyers from the current US government system.

At the very least, this missing 13th Amendment demonstrates that two centuries ago, lawyers were recognized as enemies of the people and nation. Some things never change.

THOSE WHO CANNOT RECALL HISTORY.... Heed warnings of Founding Fathers

In his farewell address, George Washington warned of **"... change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed."**

In 1788, Thomas Jefferson proposed that we have a Declaration of Rights similar to Virginia's. Three of his suggestions were **"freedom of commerce against monopolies, trial by jury in all cases" and "no suspensions of the habeas corpus."**

No doubt Washington's warning and Jefferson's ideas were dismissed as redundant by those who knew the law**. Who would have dreamed the US legal system would become a monopoly against freedom** when that was one of the primary causes for the rebellion against King George III?

Yet, the denial of trial by jury is now commonplace in the US courts, and habeas corpus, for crimes against the state, suspended. (By crimes against the state, I refer to "political crimes" where there is no injured party and the corpus delicti [evidence] is equally imaginary.)

The authority to create monopolies was judge-made law by Supreme Court Justice John Marshall, et al during the early 1800's**. Judges (and lawyers) granted to themselves the power to declare the acts of the People "un-Constitutional", waited until their decision was grandfathered, and then granted themselves a monopoly by creating the bar associations.**

Although Article VI of the U.S. Constitution mandates that executive orders and treaties are binding upon the states ("... and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."), the supreme Court has held that the Bill of Rights is not binding upon the states, and thereby resurrected many of the complaints enumerated in the Declaration of Independence, exactly as Thomas Jefferson foresaw in "Notes on the State of Virginia", Query 17, p. 161, 1784:

> *"Our rulers will become corrupt, our people careless... the time for fixing every essential right on a legal basis is [now] while our rulers are honest, and ourselves united. From the conclusion of this war we shall be going downhill. It will not then be necessary to resort every moment to the people for support. They will be forgotten, therefore, and their rights disregarded. They will forget themselves, but in the sole faculty of making money, and will never think of uniting to effect a due respect for their rights. The shackles, therefore, which shall not be knocked off at the conclusion of this war, will remain on us long, will be made heavier and heavier, till our rights shall revive or expire in a convulsion."*

We await the inevitable convulsion. Only two questions remain: Will we fight to revive our rights? Or will we meekly submit as our last remaining rights expire, surrendered to the courts, and perhaps to a "new world order"?

MORE EDITIONS FOUND

As we go to press, I've received information from a researcher in Indiana, and another in Dallas, who have found five more editions of statutes that include the Constitution and the missing 13th Amendment. These editions were printed by Ohio, 1819; Connecticut (one of the states that voted against ratifying the Amendment), 1835; Kansas, 1861; and the Colorado Territory, 1865 and 1867.

These finds are important because: 1) they offer independent confirmation of Dodge's claims; and 2) they extend the known dates of publication from Nebraska 1860 (Dodge's most recent find), to Colorado in 1867.

The most intriguing discovery was the 1867 Colorado Territory edition which includes both the "missing" 13th Amendment and the current 13th Amendment (freeing the slaves), on the same page. The current 13th Amendment is listed as the 14th Amendment in the 1867 Colorado edition.

This investigation has followed a labyrinthine path that started with the questions about how the US courts evolved from a temple of the Bill of Rights to the current star chamber and whether this situation had anything to do with retiring chief Justice Burger's warning that we were "about to lose our constitution". My seven year investigation has been fruitful beyond belief; the information on the missing 13th Amendment is only a "drop in the bucket" of the information I have discovered. Still, the research continues, and by definition, is never truly complete.

If you will, please check your state's archives and libraries to review any copies of the Constitution printed prior to the Civil War, or any books containing prints of the

Constitution before 1870. If you locate anything related to this project we would appreciate hearing from you so we may properly fulfill this effort of research.

Please send your comments or discoveries to:

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YES VIRGINIA, THERE IS A RATIFICATION

After examining Dodge's evidence of multiple publications of the "missing" Amendment, Sen. Mitchell and Mr. Hartgrove conceded the Amendment had been published by several states and was ratified by twelve of the seventeen states in the Union in 1810. However, because the Constitution requires that three-quarters of the states vote to ratify an Amendment. Mitchell and Hartgrove insisted that the 13th Amendment was published in error because it was passed by only twelve, not thirteen States. Dodge investigated which seventeen states were in the Union at the time the Amendment was proposed, which states had ratified, which states had rejected the amendment, and determined that the issue hung on whether one last state (Virginia) had or had not, voted to ratify.

After several years of searching the Virginia state archive, Dodge made a crucial discovery: In Spring of 1991, he found a misplaced copy of the 1819 Virginia Civil Code which included the "missing" 13th Amendment. Dodge notes that, curiously, "There is no public record that shows this book [the 1819 Virginia Civil Code] exists. It is not catalogued as a holding of the Library of Congress nor is it in the National Union Catalogue. Neither the state law library nor the law school in Portland were able to find any trace that this book exists in any of their computer programs."

(1) Dodge sent photo-copies of the 1819 Virginia Civil Code to Sen. Mitchell and Mr. Hartgrove, and explained that, "Under legislative construction, it is considered prima facie evidence that what is published as the official acts of the legislature are the official acts." By publishing the Amendment as ratified in an official publication, Virginia demonstrated: 1) that they knew they were the last state whose vote was necessary to ratify this 13th Amendment; 2) that they had voted to ratify the Amendment; and 3) that they were publishing the Amendment in a special edition of their Civil Code as an official notice to the world that the Amendment had indeed been ratified.

Dodge concluded, "Unless there is competing evidence to the contrary, it must be held that the Constitution of the United States was officially amended to exclude from its body of citizens any who accepted or claimed a title of nobility or accepted any special favors. Foremost in this category of ex-citizens are bankers and lawyers."

QUICK, MEN! …TO THE ARCHIVES!

Each of Sen. Mitchell's and Mr. Hartgrove's arguments against ratification have been overcome or badly weakened. Still, some of the evidence supporting ratification is inferential; some of the conclusions are only implied. But it's no wonder that there's such

an austere sprinkling of hard evidence surrounding this 13th Amendment: According to The Gazette (5/10/91), the Library of Congress has 349,402 un-catalogued rare books and 13.9 million un-catalogued rare manuscripts. The evidence of ratification seems tantalizingly close but remains buried in those masses of un-catalogued documents, waiting to be found. It will take some luck and some volunteers to uncover the final proof.

We have an Amendment that looks like a duck, walks like a duck, and quacks like a duck. But because we have been unable to find the eggshell from which it hatched in 1819, Sen. Mitchell and Mr. Hartgrove insist we can't ... quite ... absolutely prove it's a duck, and therefore, the government is under no obligation to concede it's a duck. Maybe so. But if we can't prove it's a duck, they can't prove it's not. If the proof of ratification is not quite conclusive, the evidence against ratification is almost nonexistent, largely a function of the government's refusal to acknowledge the proof. We are left in the peculiar position of boys facing bullies in the schoolyard. We show them proof that they should again include the "missing" 13th Amendment on the Constitution; they sneer and jeer and taunt us with cries of "make us". Perhaps we shall. The debate goes on. The mystery continues to unfold. The answer lies buried in the archives. If you are close to a state archive or large library anywhere in the USA, please search for editions of the U.S. Constitution printed between 1819 and 1870.

If you find more evidence of the "missing" 13th Amendment please contact:

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1) It's worth noting that Rick Donaldson, another researcher, uncovered certified copies of the 1865 and 1867 editions of the Colorado Civil Codes which also contain the missing Amendment. Although these editions were stored in the Colorado state archive, their existence was previously un-catalogued and unknown to the Colorado archivists.

2) This raises a fantastic possibility. If there's insufficient evidence that Virginia did ratify in 1819, there is no evidence that Virginia did not. Therefore, since there was no time limit specified when the Amendment was proposed, and since the government clearly believed only Virginia's vote remained to be counted in the ratification issue, the current state legislature of Virginia could theoretically vote to ratify the Amendment, send the necessary certificates to Washington, and thereby add the Amendment to the Constitution.

Was it ratified? There is a lot of evidence that it was. Could all of the following publications have been in error?

The following states and/or territories have published the Titles of Nobility amendment in their official publications as a ratified amendment to the Constitution of the United States:

Colorado 1861, 1862, 1864, 1865, 1866, 1867, 1868

Connecticut 1821, 1824, 1835, 1839

Dakota 1862, 1863, 1867

Florida 1823, 1825, 1838

Georgia 1819, 1822, 1837, 1846

Illinois 1823, 1825, 1827, 1833, 1839, dis. 1845

Indiana 1824, 1831, 1838

Iowa 1839, 1842, 1843

Kansas 1855, 1861, 1862, 1868

Kentucky 1822

Louisiana 1825, 1838/1838 [two separate publications]

Maine 1825, 1831

Massachusetts 1823

Michigan 1827, 1833

Mississippi 1823, 1824, 1839

Missouri 1825, 1835, 1840, 1841, 1845*

Nebraska 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1873

North Carolina 1819, 1828

Northwestern Territories 1833

Ohio 1819, 1824, 1831, 1833, 1835, 1848

Pennsylvania 1818, 1824, 1831

Rhode Island 1822

Virginia 1819

Wyoming 1869, 1876

Totals: 24 States in 78 separate official government publications. Pimsleur's, a checklist of legal publications, does not list many of the above volumes.

* This volume was published twice in 1845. The first published the "Titles of Nobility" amendment, the second was published right after Congress set the requirements for Missouri's admission as a State. The "Titles of Nobility" amendment was replaced with a notation that this amendment was printed in error in 1835.

ADDITIONAL PUBLICATIONS:

The History of the World, Samuel Maunder, Harper, New York, 1850, vol. 2, p.462. Republished by Wm. Burtis, Baltimore, 1856, vol. 2, p.462.

The Rights of an American Citizen, Benj. Oliver, Counsellor at Law, Boston, 1832, p. 89.

Laws of the United States of America, Bioren and Duane, Philadelphia & Washington, 1815, vol. 1, p.74. [See: Note]

The American Politician, M. Sears, Boston, 1842, p.27.

Constitution of the United States, C.A. Cummings, Lynn, Massachusetts, not dated, p.35.

Political Text Book Containing the Declaration of Independence, Edward Currier, Blake, Holliston, Mass. 1841, p.129.

Brief Exposition of the Constitution of the United States for the use of Common Schools, John S. Hart, A.M. (Principal of Philadelphia High School and Professor of Moral Mental and Political Science), Butler and Co., Philadelphia, 1850, p.100.

Potter's Justice, H. Potter, U.S. District Court Judge, Raleigh, North Carolina, 1828, p.404, 2nd Edition [the 1st Ed., 1816, does not have "Titles of Nobility"].

Note: Laws of the United States was published by John Duane. Without doubt, Duane was aware of Virginia's plan to ratify this amendment which targeted, amongst other things, the emolument of banking and the agents of foreign banking interests, the attorneys. Currency manipulation led to the failure of numerous banks and in turn to many a personal bankruptcy, including that of Thomas Jefferson. The allegiance of attorneys** has always been with the money state, whether pharaoh, caesar, monarch or corporate monopoly. ** See: "Acts of Virginia", Feb. 20, 1812, p.143.

The Court, in Horst v. Moses, 48 Alabama 129, 142 (1872) gave the following description of a title of nobility:

To confer a title of nobility is to nominate to an order of persons to whom privileges are granted at the expense of the rest of the people. It is not necessarily hereditary, and the objection to it rises more from the privileges supposed to be attached than to the otherwise empty title or order. These components are forbidden separately in the terms "privilege", "honor", and "emoluments", as they are collectively in the term "title of nobility". The prohibition is not affected by any consideration paid or rendered for the grant.

Bouvier's Law Dictionary, 15th Edition, Vol. 1 (1885) lists the due process amendments as 5 and 15 [15 was re-numbered to 14] on p.571.

The prohibition of titles of nobility stops the claim of eminent domain through fictions of law. Eminent domain is the legal euphemism for expropriation, and unreasonable seizure given sanction by the targets of this amendment.

For more the reader is directed to:

http://www.barefootsworld.net/real13th.html

and

http://odur.let.rug.nl/~usa/E/thirteen/disc13xx.htm

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WILLIAM CARSSOW ■ 1911-2008

Former state representative founded the State Bar of Texas

By Isadora Vail
AMERICAN-STATESMAN STAFF

William Carssow

Among family, there's a joke that former state Rep. William Carssow will know your entire background in less than five minutes.

"I think if you really had to pick out a characteristic of his, it would be his interest in people," said Katherine Patton Carssow, his wife of 65 years.

Carssow, who formed the State Bar of Texas in 1938, died at his Cedar Park ranch Wednesday at age 96.

He spent most of his life in San Antonio and, after getting his law degree at Cthumberland University in Lebanon, Tenn., was elected a state representative for Bexar County. Carssow sponsored a bill to found the State Bar and served as its first executive director.

Carssow also served as a pilot in the U.S. Army Air Corps during World War II and held the rank of captain.

He opened a bankruptcy law firm, Alvis & Carssow in Austin, with partner Gene Alvis and retired nearly 40 years later in the early 1980s.

"He had a great historical knowledge of just how the organized bar came about and a love of both the legal profession and the State Bar of Texas as an institution," said former bar President Guy Harrison.

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L.M. BOYD REVISITED

■ Nothing new about political criticism of trial lawyers. In 1641, the Massachusetts Bay colony made it illegal for anyone to earn money by representing another in court. In 1658, the Virginia Legislature passed a law to expel all lawyers.