

The Missing 13th Amendment

"TITLES OF NOBILITY" AND "HONOR"

TITLES OF NOBILITY" AND "HONOR"

In the winter of 1983, archival research expert David Dodge, and former Baltimore police investigator Tom Dunn, were searching for evidence of government corruption in public records stored in the Belfast Library on the coast of Maine. By chance, they discovered the library's oldest authentic copy of the Constitution of the United States (printed in 1825). Both men were stunned to see this document included a 13th Amendment that no longer appears on current copies of the Constitution. Moreover, after studying the Amendment's language and historical context, they realized the principle intent of this "missing" 13th Amendment was to prohibit lawyers from serving in government.

So began a seven year, nationwide search for the truth surrounding the most bizarre Constitutional puzzle in American history -- the unlawful removal of a ratified Amendment from the Constitution of the United States. Since 1983, Dodge and Dunn have uncovered additional copies of the Constitution with the "missing" 13th Amendment printed in at least eighteen separate publications by ten different states and territories over four decades from 1822 to 1860.

In June of this year, Dodge uncovered the evidence that this missing 13th Amendment had indeed been lawfully ratified by the state of Virginia and was therefore an authentic Amendment to the American Constitution. If the evidence is correct and no logical errors have been made, a 13th Amendment restricting lawyers from serving in government was ratified in 1819 and removed from our Constitution during the tumult of the Civil War.

Since the Amendment was never lawfully repealed, it is still the Law today. The implications are enormous.

The story of this "missing" Amendment is complex and at times confusing because the political issues and vocabulary of the American Revolution were different from our own. However, there are essentially two issues: What does the Amendment mean? and, Was the Amendment ratified? Before we consider the issue of ratification, we should first understand the Amendment's meaning and consequent current relevance.

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." [Emphasis added.]

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 our 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, Sect. 9 of the Constitution of the United States (1778); 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.

DON'T BANK ON IT

(Modern Banking System)

The essence of banking was once explained by Sir Josiah Stamp, a former president of the Bank of England:

"The modern banking system manufactures money out of nothing. The process is perhaps the most astounding piece of sleight of hand that was ever invented. Banking was conceived in inequity and born in sin... Bankers own the earth. Take it away from them but leave them the power to create money, and, with a flick of a pen, they will create enough money to buy it back again... Take this great power away from them

and all great fortunes like mine will disappear, for then this would be a better and happier world to live in... But, if you want to continue to be the slaves of bankers and pay the cost of your own slavery, then let bankers continue to create money and control credit." The last great abuse of our banking system caused the depression of the 1930's. Today's abuses may cause another. Current S&L and bank scandals illustrate the on-going relationships between banks, lawyers, politicians, and government agencies (look at the current BCCI bank scandal, involving lawyer Clark Clifford, politician Jimmy Carter, the Federal Reserve, the FDIC, and even the CIA). These scandals are the direct result of years of law-breaking by an alliance of bankers and lawyers using their influence and money to corrupt the political process and rob the public. (Think you're not being robbed? Guess who's going to pay the bill for the excesses of the S&L's, taxpayer? You are.)

The systematic robbery of productive individuals by parasitic bankers and lawyers is not a recent phenomenon. This abuse is a human tradition that predates the Bible and spread from Europe to America despite early colonial prohibitions.

When the first United States Bank was chartered by Congress in 1790, there were only three state banks in existence. At one time, banks were prohibited by law in most states because many of the early settlers were all too familiar with the practices of the European goldsmith banks.

Goldsmith banks were safe-houses used to store client's gold. In exchange for the deposited gold, customers were issued notes (paper money) which were redeemable in gold. The goldsmith bankers quickly succumbed to the temptation to issue "extra" notes, (unbacked by gold). Why? Because the "extra" notes enriched the bankers by allowing them to buy property with notes for gold that they did not own, gold that did not even exist.

Colonists knew that bankers occasionally printed too much paper money, found themselves over-leveraged, and caused a "run on the bank". If the bankers lacked sufficient gold to meet the demand, the paper money became worthless and common citizens left holding the paper were ruined. Although over-leveraged bankers were sometime hung, the bankers continued printing extra money to increase their fortunes at the expense of the productive members of society. (The practice continues to this day, and offers "sweetheart" loans to bank insiders, and even provides the foundation for deficit spending and our federal government's unbridled growth.)

PAPER MONEY

If the colonists forgot the lessons of goldsmith bankers, the American Revolution refreshed their memories. To finance the war, Congress authorized the printing of continental bills of credit in an amount not to exceed \$200,000,000. The States issued another \$200,000,000 in paper notes. Ultimately, the value of the paper money fell so low that they were soon traded on speculation from 5000 to 1000 paper bills for one coin.

It's often suggested that our Constitution's prohibition against a paper economy -- "No State shall... make any Thing but gold and silver Coin a tender in Payment of Debts" -- was a tool of the wealthy to be worked to the disadvantage of all others. But only in a "paper" economy can money reproduce itself and increase the claims of the wealthy at the expense of the productive.

"Paper money," said Pelatiah Webster, "polluted the equity of our laws, turned them into engines of oppression, corrupted the justice of our public administration, destroyed the fortunes of thousands who had

confidence in it, enervated the trade, husbandry, and manufactures of our country, and went far to destroy the morality of our people."

CONSPIRACIES

A few examples of the attempts by the monarchies and banks that almost succeeded in destroying the United States:

According to the Tennessee Laws (1715-1320, vol. II, p. 774), in the 1794 Jay Treaty, the United States agreed to pay 600,000 pounds sterling to King George III, as reparations for the American revolution. The Senate ratified the treaty in secret session and ordered that it not be published. When Benjamin Franklin's grandson published it anyway, the exposure and resulting public up-roar so angered the Congress that it passed the Alien and Sedition Acts (1798) so federal judges could prosecute editors and publishers for reporting the truth about the government.

Since we had won the Revolutionary War, why would our Senators agree to pay reparations to the loser? And why would they agree to pay 600,000 pounds sterling, eleven years after the war ended? It doesn't make sense, especially in light of Senate's secrecy and later fury over being exposed, unless we assume our Senators had been bribed to serve the British monarchy and betray the American people. That's subversion.

The United States Bank had been opposed by the Jeffersonians from the beginning, but the Federalists (the pro-monarchy party) won out in its establishment. The initial capitalization was \$10,000,000 -- 80% of which would be owned by foreign bankers. Since the bank was authorized to lend up to \$20,000,000 (double its paid in capital), it was a profitable deal for both the government and the bankers since they could lend, and collect interest on, \$10,000,000 that didn't exist.

However, the European bankers outfoxed the government and by 1796, the government owed the bank \$6,200,000 and was forced to sell its shares. (By 1802, our government owned no stock in the United States Bank.)

The sheer power of the banks and their ability to influence representative government by economic manipulation and outright bribery was exposed in 1811, when the people discovered that European banking interests owned 80% of the bank. Congress therefore refused to renew the bank's charter. This led to the withdrawal of \$7,000,000 in specie by European investors, which in turn, precipitated an economic recession, and the War of 1812.

That's destruction.

There are undoubtedly other examples of the monarchy's efforts to subvert or destroy the United States; some are common knowledge, others remain to be disclosed to the public. For example, David Dodge discovered a book called "2 VA LAW" in the Library of Congress Law Library. According to Dodge, "This is an un-catalogued book in the rare book section that reveals a plan to overthrow the constitutional government by secret agreements engineered by the lawyers. That is one of the reasons why this amendment was ratified by Virginia and the notification ~lost in the mail.' There is no public record that this book exists."

That may sound surprising, but 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." There may be secrets buried in that mass of documents even more astonishing than a missing Constitutional Amendment.

TITLES OF NOBILITY

In seeking to rule the world and destroy the United States, bankers committed many crimes. Foremost among these crimes were fraud, conversion, and plain old theft. To escape prosecution for their crimes, the bankers did the same thing any career criminal does. They hired and formed alliances with the best lawyers and judges money could buy. These alliances, originally forged in Europe (particularly in Great Britain), spread to the colonies, and later into the newly formed United States of America.

Despite their criminal foundation, these alliances generated wealth, and ultimately, respectability. Like any modern member of organized crime, English bankers and lawyers wanted to be admired as "legitimate businessmen". As their criminal fortunes grew so did their usefulness, so the British monarchy legitimized these thieves by granting them "titles of nobility".

Historically, the British peerage system referred to knights as "Squires" and to those who bore the knight's shields as "Esquires". As lances, shields, and physical violence gave way to the more civilized means of theft, the pen grew mightier (and more profitable) than the sword, and the clever wielders of those pens (bankers and lawyers) came to hold titles of nobility. The most common title was "Esquire" (used, even today, by some lawyers).

INTERNATIONAL BAR ASSOCIATION

In Colonial America, attorneys trained attorneys but most held no "title of nobility" or "honor". There was no requirement that one be a lawyer to hold the position of district attorney, attorney general, or judge; a citizen's "counsel of choice" was not restricted to a lawyer; there were no state or national bar associations. The only organization that certified lawyers was the International Bar Association (IBA), chartered by the King of England, headquartered in London, and closely associated with the international banking system. Lawyers admitted to the IBA received the rank "Esquire" -- a "title of nobility".

"Esquire" was the principle title of nobility which the 13th Amendment sought to prohibit from the United States. Why? Because the loyalty of "Esquire" lawyers was suspect. Bankers and lawyers with an "Esquire" behind their names were agents of the monarchy, members of an organization whose principle purposes were political, not economic, and regarded with the same wariness that some people today reserve for members of the KGB or the CIA.

Article 1, Sect. 9 of the Constitution sought to prohibit the International Bar Association (or any other agency that granted titles of nobility) from operating in America. But the Constitution neglected to specify a penalty, so the prohibition was ignored, and agents of the monarchy continued to infiltrate and influence the government (as in the Jay Treaty and the US Bank charter incidents). Therefore, a "title of nobility" amendment that specified a penalty (loss of citizenship) was proposed in 1789, and again in 1810. The meaning of the amendment is seen in its intent to prohibit persons having titles of nobility and loyalties foreign governments and bankers from voting, holding public office, or using their skills to subvert the government.

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 our judges, lawyers, politicians, and bureaucrats currently enjoy.

As another example, think of all the "special interest" legislation our 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), our judges and I.R.S. agents would be unable to abuse common citizens without fear of legal liability. If this 13th Amendment were restored, our entire 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, our government's ability to systematically coerce and abuse the public would be all but eliminated. Imagine. 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 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 we 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.

PARADISE LOST

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. 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.

RATIFICATION FOUND

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 to 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 times we've discovered (so far) consisted of ignorant politicians who don't know their amendments from their ... ah, articles. You might even be able to convince the public that our 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 it 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 notes 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 J.Q. 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, signalling 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 our 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 we now endure, 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 lawyers may now 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 our current government system.

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 David Dodge, POB 985, Taos, New Mexico, 87571.

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) If there's insufficient evidence that Virginia did ratify in 1819 (there is no evidence that Virginia did not), this raises a fantastic possibility. 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.

Article XIII

A few months back there was quite a lot of traffic concerning the "lost" 13th amendment. It has recently been mentioned again, so this may be a good time to bring this up. I was able to contact the researchers, David Dodge, Tom Dunn and Brian March and get a copy of the latest report on this topic. Many of you are very familiar with this story, but there is relatively new information concerning the records that exist which substantiate the validity of the claim that the "Titles of Nobility" was actually ratified. It is necessary to go through the report carefully, but it seems certain from the documents that have been found at the National Archives and elsewhere that TON was legally ratified. For those who are new to this I will re-hash the old news and weave in the new as I go along.

In 1983, two independent researchers, David Dodge and Tom Dunn, while looking for evidence of political corruption in a library in Belfast Maine, stumbled across an 1825 copy of the Maine Civil Code. In this document, as I believe is customary, the Constitution of the U.S. was printed. They noticed that Article Thirteen of the amendments was not the same Article Thirteen which is now enumerated in the Constitution. This Article Thirteen, which is known as the "Titles of Nobility" amendment, (TON) reads as follows:

Article XIII

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

The post went on to say that the researchers had carried on a written communication with Sen. George Mitchell (D. Maine) and as I recall, someone named Hargrave from the National Archives in Washington DC. It appears that the original position of Mitchell and Hargrave was that this was simply a printing error and that it had been immediately corrected upon discovery. This does not appear to be the case. Dodge and Dunn went on to find, at last count, 24 different state legislatures which printed this amendment as Article Thirteen, in 77 separate editions of their respective Civil Codes. This occurred over a period from 1818 until 1876. It has also been found in school text books and other publications from that period. At first I was very skeptical, but now I have seen 2nd generation photo copies of all of these documents. Almost every document carries a stamp from the library where it was found. In some cases where the document was hand written I have only seen a typed version, but after speaking with the researchers at length, I am sure that

these typed reproductions are faithful. In total, they present compelling evidence that the original Article Thirteen was wrongfully removed from the Constitution.

Gradually the position of Senator Mitchell and others at the National Archive changed. (Paraphrased from the letters between Dodge and Mitchell). One such position was that the article in question had been proposed in the 11th congress, 2nd session in 1810 and subsequently ratified by only 12 states before the close of 1812. As there were 17 states at the time that the Amendment was proposed it required that 13 states ratify, and this did not happen. Dodge and Dunn continued their research. They found a circular letter, dated 7, Jan. 1818, commissioned by the House of Representatives for President James Monroe and written by then Secretary of State, John Quincy Adams. It was sent to only 3 states, of the original 17, that had not yet responded, as to their disposition on the proposed Thirteenth Article. Virginia was one of those states. Dodge and Dunn now went to the Library of Congress and were allowed access to the rare book room. There they found an un-cataloged book entitled "The Revised Code of the Laws of Virginia", 1819. The amendment was there, listed as the Thirteenth Article of the U.S. Constitution. This, of course, indicated that a 13th state had indeed ratified the amendment, constituting a 3/4 majority of the states of the Union at the time the amendment was proposed... and now, the Senator's position changes once again. They responded to Dodge by saying that since there were 21 states by the time that Virginia ratified in 1818 or 1819, 13 was no longer enough to bring the amendment into law. They contended that It would have then required 16 votes to ratify, not 13.

This appears to be the current position of Senator Mitchell and the National Archives, although the Archives legal department has not yet formally responded to the question. The Constitution is ****silent**** on what is to be done concerning the addition of new states during the ratification process. Furthermore, the four new states (Louisiana, Indiana, Mississippi and Illinois) who, Senator Mitchell and the archivists, claim should have been considered in this process, all, ****without exception****, carried the "Titles of Nobility" amendment on their U.S. Constitutions for at least several years after 1818 or 1819. It would appear that those state's own legislatures considered this to be the law of the land.

There are some documents which have been uncovered that are not included in the current edition of the report. Brian March did a thorough search of the archives in the four states that were added during the ratification process. No evidence was found to indicate that the Secretary of State polled them as to their response on the amendment. **!!!THEY WERE NOT CONSIDERED!!!** and as I said earlier, all four states have been shown to have published the TON amendment. The letters from those state archives are among the documents not included in the report. I have seen copies of all the documents. These guys have done some tremendous research and documented everything very well.

Another "report to the President" of Feb 3, 1818, a time when the four states had already been admitted, also lists specifically the states that were involved in the ratification and **!!!AGAIN, THE NEW STATES ARE NOT CONSIDERED!!!** Again, this report was not available when they went to press. If you ask Brian to include some of the new material I feel certain that he will.

SUMMARY

To summarize:

- 1 The current position of those in the government is that there may have been a 13th state (Virginia) ratify the amendment. However, at the time that such ratification took place, new states had

entered the union. The required 3/4 majority was not met as determined by the addition of the new states.

- 2 Dodge, Dunn and March contend and provide documentation that supports the claim that at that time the new states were not considered in the process of ratification.
 - 1 The circular letter of Jan. 7, 1818
 - 2 The report to the president of feb. 3 1818
 - 3 Published civil codes of the four new states which clearly show that those states considered the amendment law even though they had not been asked to vote on it.
- 3 Consider the fact that the Constitution is silent on the matter of new states entering the Union during the ratification process.
- 4 Consider the fact that the Constitution is silent on the matter of time limits on the ratification process itself. Today, time limits on an amendments ratification must be stipulated at the time of the acceptance of the proposal. This was not done in the case of TON, so there was/is no time limit in effect.
- 5 I know of no legal way for an amendment to be removed from the Constitution other than congressional repeal, which requires the passage of a contrary amendment. Does anyone know of another way with precedent?