

**HOW OUR BANKING  
SYSTEM STARTED  
HOW IT RELATES TO  
THE "MISSING"  
13TH AMENDMENT**

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## **THE MISSING 13TH AMENDMENT: "TITLES OF NOBILITY" AND "HONOR"**

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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 7 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 1993, 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Since the Amendment was never lawfully repealed, it is still the Law today.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 personal 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 di-

rected 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 "honour" 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 monarchs 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 counterrevolutionary 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 ineq-

uity 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, the 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 ongoing 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 sometimes 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. 11, 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 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 requires thirteen states, so the Amendment lays stillborn in history, unratified for lack of 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, RATIFICATION FOUND**

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 Tristram 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 microfilm): "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 there-to..." 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 13th 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 *prime 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-fourths 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 it in 1824. Main 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 it in 1833. Ohio published in 1831 and 1833. Then came the Wisconsin Territory in 1839; Iowa Territory in 1843; Ohio again, in 1848; Kansas Territory 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 ... ahh, 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 a 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. I (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. I 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 "title 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 association began working diligently to create a system wherein lawyers took an 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 lawfully ratified, 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.

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 warning 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 our 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 our 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 Sate 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 Sate 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 never think of unit-*

*ing 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 our courts evolved from a temple of the Bill of Rights to the current star chamber and whether the 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:

## **ARGUMENTS**

Imagine a nation which prohibited at least some lawyers from serving in government. Imagine a government prohibited from writing laws granting "honors" (special privileges, immunities, or advantages) to individuals, groups, or government officials. Imagine a government that could only write laws that applied to everyone, even themselves, equally.

It's never been done before. Not once.

## **PROS AND CONS** (for Ratification)

Of course, there are two sides to this issue. David Dodge, the principal researcher, argues that this 13th Amendment was ratified in 1819 and then subverted from the Constitution near the end

of the Civil War. U.S. Senator George Mitchell of Maine, and Mr. Dane Hartgrove (Acting Assistant Chief, Civil Reference Branch of the National Archives) have argued that the Amendment was never properly ratified and only published in error.

There is some agreement. Both sides agree the Amendment was proposed by Congress in 1810. Both sides also agree that the proposed Amendment required the support of at least thirteen states to be ratified. Both sides agree that between 1810 and 1812 twelve states voted to support ratification.

The pivotal issue is whether Virginia ratified or rejected the proposed Amendment. Dodge contends Virginia voted to support the Amendment in 1819, and so the Amendment was truly ratified and should still be a part of our Constitution, neither side has found absolute proof that the Virginia Legislature voted for (or against) ratification.

A series of letters exchanged in 1991 between David Dodge, Sen. Mitchell, and Mr. Hartgrove illuminate the various points of disagreement.

After Dodge's initial report of a "missing" Amendment in the 1825 Maine Civil Code, Sen. Mitchell explained that this edition was a one-time publishing error: "The Maine Legislature mistakenly printed the proposed Amendment in the Maine Constitution as having been adopted. As you know, this was a mistake, as it was not ratified." Further, "All editions of the Maine Constitution printed after 1820 [sic] exclude the proposed amendment; only the originals contain this error."

Dodge dug deeper, found other editions (there are 30, to date) of state and territorial civil codes that contained the missing Amendment, and thereby demonstrated that the Maine publication was not a "one-time" publishing error.

## **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."

Dodge sent photocopies of the 1819 Virginia Civil Code to Sen. Mitchell and Mr. Hartgrove, and explained that, "Under legislative construction, it is considered prime facie evidence that what is published as the official acts of the legislature are the official acts. " By publishing the Amend-

ment 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 have 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."

### **RATIONALES** (for Ratification)

Undeterred, Sen. Mitchell wrote that, "Article XIII did not receive the three-fourths vote required from the states within the time limit to be ratified. " (Although his language is imprecise, Sen. Mitchell seems to concede that although the Amendment has failed to satisfy the "time limit", the required three-quarters of the states did vote to ratify.)

Dodge replies: "Contrary to your assertion.... there was no time limit for amendment ratification in 1811. Any time is now established by Congress in the Resolves for proposed amendments."

In fact, ratification time limits didn't start until 1917, when Sec. 3 of the Eighteenth Amendment stated that, "This Article shall be inoperative unless it shall have been ratified within seven years from the date of submission... to the States by Congress." A similar time limit is now included on other proposed Amendments, but there was no specified time limit when the 13th Amendment was proposed in 1810 or ratified in 1819.

Sen. Mitchell remained determined to find some rationale, somewhere, that would defeat Dodge's persistence. Although Sen. Mitchell implicitly conceded that his "published by error" and "time limit" arguments were invalid, he continued to grope for reasons to dispute the ratification: regardless of whether the State of Virginia did ratify the purported Thirteenth Amendment... on March 12, 1819, this approval would not have been sufficient to amend the Constitution. In 1819, there were twenty-one states in the United States and any amendment would have required approval of sixteen states to amend the Constitution. According to your own research, Virginia would have only been the thirteenth state to approve the proposed amendment."

Dodge replies:

"Article V [amendment procedures] of the Constitution is silent on the question of whether or not the framer's meant three-fourths of the states at the time the proposed amendment is submitted to the states for ratification, or three-fourths of the states that exist at some future point in time. Since only the existing states were involved in the debate and vote of congress on the Resolve proposing an Amendment, it is reasonable that ratification be limited to those States that took an active part in the Amendment process. "

Dodge demonstrated this rationale by pointing out that,

"President Monroe had his Secretary of State ... [ask the] governors of Virginia, South Carolina, and Connecticut, in January, 1818, as to the status of the amendment in their respective states. The four new states (Louisiana, Indiana, Mississippi, and Illinois) that were added to the Union



between 1810 and 1818 were not even considered."

From a modern perspective, it seems strange that not all states would be included in the ratification process. But bear in mind that our perspective is based on life in a stable nation that's added only five new states in this century -- about one every eighteen years. However, between 1803 and 1821 (when the 13th Amendment ratification drama unfolded), they added eight states -- almost one new state every two years.

This rapid national growth undoubtedly fostered national attitudes different from our own. The government had to be filled with the euphoria of a growing Republic that expected to quickly add new states all the way to the Pacific Ocean and the Isthmus of Panama. The government would not willingly compromise or complicate that growth potential with procedural obstacles; to involve every new state in each on-going ratification could inadvertently slow the nation's growth.

For example, if a territory petitioned to join the Union, while an Amendment was being considered, its access to statehood might depend on whether the territory expected to ratify or reject a proposed amendment. If the territory was expected to ratify the proposed Amendment government, officials who favored the Amendment might try to accelerate the territory's entry into the Union. On the other hand, those opposed to the Amendment might try to slow or even deny a particular territory's statehood. These complications could unnecessarily slow the entry of new states into the nation, or restrict the nation's ability to pass new Amendments. Neither possibility could appeal to politicians.

Whatever the reason, the House of Representatives resolved to ask only Connecticut, South Carolina, and Virginia for their decision on ratifying the 13th Amendment -- they did not ask for the decisions of the four new states. Since the new states had Representatives in the House who did not protest when the resolve was passed, it's apparent that even the new states agreed that they should not be included in the ratification process.

In 1818, the President, the House of Representatives, the Secretary of State, the four "new" states, and the seventeen "old" states, all clearly believed that the support of just thirteen states was required to ratify the 13th Amendment. That being so, Virginia's vote to ratify was legally sufficient to ratify the "missing" Amendment in 1819 (and would still be so today.)

## **INSULT TO INJURY**

Apparently persuaded by Dodge's various arguments and proofs that the "missing" 13th Amendment had satisfied the Constitutional requirements for ratification, Mr. Hartgrove wrote back that Virginia had nevertheless failed to satisfy the bureaucracy's procedural requirements for ratification:

*"Under current legal provisions, the Archivist of the United States is empowered to certify that he has in his custody the correct number of state certificates of ratification of a proposed constitutional amendment to constitute its ratification by the United States of America as a whole. In the nineteenth century, that function was performed by the Secretary of State. Clearly, the Secretary of State never received a certificate of ratification of the title of nobility amendment from the Commonwealth of Virginia, which is why that amendment failed to become the Thirteenth Amendment to the United States Constitution."*

This is an extraordinary admission.

Mr. Hartgrove implicitly concedes that the 13th Amendment was ratified by Virginia and satisfied the Constitution's ratification requirements. However, Mr. Hartgrove then insists that the ratification was nevertheless justly denied because the Secretary of State was not properly notified with a "certificate of ratification". In other words, the government's last, best argument that the 13th Amendment was not ratified boils down to this:

Though the Amendment satisfied Constitutional requirement for ratification, it is nonetheless missing from our Constitution simply because a single, official sheet of paper is missing in Washington. Mr. Hartgrove implies that despite the fact that three-quarters of the States in the Union voted to ratify an Amendment, the will of the legislators and the people of this nation should be denied because somebody screwed up and lost a single "certificate of ratification". This "certificate" may be missing because either:

- 1) Virginia failed to file a proper notice; or
- 2) the notice was "lost in the mail"; or
- 3) the notice was lost, unrecorded, misplaced, or intentionally destroyed by some bureaucrat in Washington, D.C.

This final excuse insults every American's political rights, but Mr. Hartgrove nevertheless offers a glimmer of hope: If the National Archives "received a certificate of ratification of the title of nobility amendment from the Commonwealth of Virginia, we would inform Congress and await further developments." In other words, the issue of whether this 13th Amendment was ratified and is, or is not, a legitimate Amendment to the U.S. Constitution, is not merely a historical curiosity -- the ratification issue is still alive.

But most importantly, Hartgrove implies that the only remaining argument against the 13th Amendment's ratification is a procedural error involving the absence of a "certificate of ratification. "

Dodge countered Hartgrove's procedure argument by citing some of the ratification procedures recorded for other states when the 13th Amendment was being considered. He notes that according to the Journal of the House of Representatives. 17th Congress, 2nd Session, at p. 241, a "Letter" (not a "certificate of ratification") from the Governor of Ohio announcing Ohio's ratification was submitted not to the Secretary of State but rather to the House of Representatives where it "was read and ordered to lie on the table." Likewise, "The Kentucky ratification was also returned to the House, while Maryland's earlier ratification is not listed as having been returned to Congress."

The House Journal implies that since Ohio and Kentucky were not required to notify the Secretary of State of their ratification decisions, there was likewise no requirement that Virginia file a "certificate of ratification" with the Secretary of State. Again, despite arguments to the contrary, it appears that the "missing" Amendment was Constitutionally ratified and should not be denied because of some possible procedural error.