

Senate

Joint Resolution No 1.

State of New Jersey.

Joint Resolution withdrawing the consent of this state to the proposed amendments to the Constitution of the United States, entitled Article XIV and rescinding the Joint Resolution approved September Eleventh Anno Domini Eighteen hundred and Sixty Six, whereby it was resolved that said proposed amendments was ratified by.

Apr 3, 1868

the Legislature of this state.

The Legislature of the State of New Jersey having seriously and deliberately considered the present situation of the United States, do declare and make known; That the basis of all government is the consent of the governed, and all constitutions are contracts between the parties found thereby; that until any proposition to alter the fundamental law, to which all the states have consented, has been ratified by such number of the States, as by the Federal Constitution, makes it binding upon all, any one that has

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assented is at liberty to with-
draw that assent, and it be-
comes its duty to do so, when,
upon mature consideration, such
withdrawal seems to be neces-
sary to the safety and happiness
of all; prudence dictates that
a consent once given, should
not be recalled for light and
transient causes; but the right
is a natural right, the exercise
of which is accompanied with
its injustice to any of the parties;
it has therefore been universally
recognized as inhering in every
party, and has ever been left
unimpaired by any positive regu-
lation.

The said proposed amendment,

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not having yet received the assent
of the three-fourths of the states,
which is necessary to make it
valid, the natural and consti-
tutional right, of this state to
withdraw its assent, is undeniable.

With these impressions
and with a solemn appeal to
the Searcher of all Hearts, for
the rectitude of our intentions and
under the conviction that the origin
and objects of said proposed amend-
ments were unseemly and unjust,
and that the necessary result of
its adoption, must be the dis-
turbance of the harmony, if not
the destruction of our system of self-
government, and that it is our
duty to ourselves and our sister

states to expose the same, do;
further declare, That, it being ne-
cessary, by the Constitution, that
every amendment to the same
should be proposed by two-thirds
of both houses of Congress, the
authors of said proposition, for
the purpose of securing the assent
of the requisite majority, de-
termined to and did exclude,
from the said two houses, Eighty
representatives from eleven states
of the Union, upon the pretence
that there were no such states in
the Union; but finding that two-
thirds of the remainder of the said
houses, could not be brought to
assent to the said proposition, they
deliberately formed and carried

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out the design of mutilating the integrity of the United States' Senate, and without any pretext or justification, other than the possession of the power, without the right, and in palpable violation of the Constitution, Ejected a member of their own body representing this state, and thus practically denied to New Jersey its Equal suffrage in the Senate, and thereby nominally secured the vote of two-thirds of the said houses.

The object of dismembering the highest representative assembly in the nation and humiliating a State of the Union, faithful at all times to all its obligations, and the object of said amendment, were

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1 1 1 .
One :- to place new and unheard
of powers in the hands of a faction,
that it might absorb to itself all
executive, judicial and legislative
power, necessary to secure for itself
immunity for the unconstitutional
acts it had already committed,
and those it has since inflicted on
a too patient people. ~ ~ ~

The subsequent usurpations
of these once national assemblies,
in passing pretended laws for the
Establishment in ten states, of martial
law, which is nothing but the will
of the military commander, and
therefore inconsistent with the
very nature of all law, for the
purpose of reducing to slavery
men of their own race in those

States, or compelling them, contrary to their own convictions, to exercise the elective franchise in obedience to the dictation of a faction in those Assemblies: the attempt to commit to one man, arbitrary and uncontrollable powers, which they have found necessary to exercise, to force the people of those states into compliance with their will; the authority given to the Secretary of War to use the name of the President, to countermand the President's orders, and to certify military orders to be by direction of the President, when they are notoriously known to be contrary to the President's direction; thus keeping up the forms of the Constitution

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to which the people are accustomed, but practically deposing the President from his office of Commander-in-Chief, and suppressing one of the great departments of the government, that of the Executive; the attempt to withdraw from the Supreme judicial tribunal of the nation, the jurisdiction to examine and decide upon, the conformity of their pretended laws to the Constitution, which was the chief function of that august tribunal, as organized by the Fathers of the Republic; all, are but amplified explanations of the power they hoped to acquire by the adoption of the said amendment.

To conceal from the people the immense alterations of the

fundamental law, they intended to accomplish by the said amendment, they gilded the same with propositions of justice, drawn from the State Constitutions; but like all the essays of unlawful power to commend its designs to popular favor, it is marked by the most absurd and incoherent provisions.

It proposes to make it a part of the Constitution of the United States, that naturalized citizens of the United States shall be citizens of the United States, as if that were not so, without such absurd declaration.

It lodges with the legislative branch of the government, the power of pardon, which properly be-

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longs, by our system, to the Executive.

It denounces and inflicts punishment for past offences, by constitutional provision, and thus would make the whole people of this great nation, in their most solemn and sovereign act, guilty of violating a cardinal principle of American liberty; that no punishment can be inflicted for any offence, unless it is provided by law, before the commission of the offence. —————

It usurps the power of punishment, which, in any coherent system of government, belongs to the Judiciary, and commits it to the people in their sovereign capacity. —————

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12.
It degrades the nation, by pro-
claiming to the world that no
confidence can be placed in
its honesty or morality.

It appeals to the fears of the
public creditors, by publishing a
libel on the American people and
fixing it forever in the national Con-
stitution, as a stigma upon the
present generation, that there must
be constitutional guards, against
a repudiation of the public debt,
as if it were possible that a people,
who were so corrupt as to disregard
such an obligation, would be
bound by any contract constitutional
or otherwise.

It imposes new prohibitions
upon the power of the state to pass

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laws, and interdicts the execution of such parts of the Common law, as the national Judiciary may esteem inconsistent with the vague provisions of the said amendment, made vague for the purpose of facilitating encroachments upon the lives, liberties and property of the people. —

It enlarges the Judicial power of the United States, so as to bring every law passed by the state, and every principle of the Common law, relating to life, liberty or property, within the jurisdiction of the federal tribunals, and charges those tribunals with duties, to the due performance of which, they, from their nature and organization and their distance from the people, are unequal —

It makes a new apportionment of representation in the national councils, for no other reason than thereby to secure to a faction, a sufficient number of the votes of a servile and ignorant race, to outweigh the intelligent voices of their own.

It sets up a standard of suffrage dependent entirely upon citizenship, majority, inhabitancy and manhood, and any interference whatever by the state, imposing any other reasonable qualifications, as time of inhabitancy, causes a reduction of the State's representation.

But the demand of the supporters of this amendment in this state, that Congress should

compel the people of New Jersey to
 adopt what is called "impartial
 suffrage," makes it apparent,
 that this section was intended
 to transfer to Congress the whole
 control of the right of suffrage in
 the state, and to deprive the state
 of a free representation, by destroying
 the power of regulating suffrage
 within its own limits, a power
 which they have never been willing
 to surrender to the general gov-
 ernment, and which was reserved
 to the states as the fundamental
 principle on which the Constitution
 itself was constructed, the prin-
 ciple of self government, —

This section, as well as
 all others of the amendment,

is couched in ambiguous, vague and obscure language, the uniform resort of those who seek to encroach upon public liberty; strictly construed it dispenses entirely with a House of Representatives, unless the States shall abrogate every qualification, and especially that of time of inhabitancy, without which the right of suffrage is worthless.

This Legislature, feeling conscious of the support of the largest majority of the people, that has ever given expression to the public will, declare, that the said proposed amendment, being designed to confer, or to compel the states to confer, the sovereign right of the electors

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franchise upon a race which has never given the slightest evidence, at any time, or in any quarter of the Globe, of its capacity for self-government, and erect an impracticable standard of suffrage, which will render the right valueless to any portion of the people, was intended to overthrow the system of self government, under which the people of the United States have, for eighty years, enjoyed their liberties, and is unfit from its origin, its objects and its matter to be incorporated with the fundamental law of a free people's. Therefore,

1. Be it Resolved by the Senate and General Assembly of the State of

New Jersey, that the Joint Resolution approved September Eleventh, Anna Domini Eighteen hundred and Sixty Six, relative to amending the Constitution of the United States, which is in the following words, to wit:

Joint Resolution ratifying the Amendment of the Constitution of the United States

1. Be it Resolved by the Senate and
General Assembly of the State of New
Jersey, That the amendments to the Constitution of the United States proposed at the first session of the thirtieth Congress, by a resolution of the Senate and House of Representatives of the United States of America in Congress assembled, to the several

" state legislatures, be and the same is
" hereby ratified upon the part of this
" legislature, and made a part of
" the Constitution of the United States
" of America, said amendment,
" being in following words, to wit:

" Article XIV

" Section 1. All persons born or natural-
" ized in the United States, and subject
" to the jurisdiction thereof, are citizens
" of the United States, and of the
" state wherein they reside. No state
" shall make or enforce any law,
" which shall abridge the privileges
" or immunities of citizens of the
" United States, nor shall any state
" deprive any person of life, liberty
" or property, without due process
" of law, nor deny to any person

" within its jurisdiction the Equal
" protection of the laws. _____

" Section 2. Representatives shall be
" apportioned among the several
" states according to their respective
" numbers, counting the whole number
" of persons in each state, excluding
" Indians not taxed. But when the
" right to vote at any election for
" the choice of electors for President,
" and Vice President of the United
" States, Representatives in Congress,
" the executive and judicial officers
" of a state, or the members of the
" legislature thereof, is denied to any
" of the male inhabitants of such state,
" being twenty-one years of age and
" citizens of the United States,
" or in any way abridges, except

for participation in rebellion or
other crime, the basis of representa-
tion therein shall be reduced in
the proportion which the number
of such male citizens shall bear
to the whole number of male citizens
twenty-one years of age in such state.

Section 3. No person shall be a
Senator or Representative in Congress,
or elector of President or Vice President,
or hold any office, civil or military,
under the United States, or under
any state who, having previously taken
an oath as a member of Congress,
or as an officer of the United States,
or as a member of any state legis-
lature or as an executive or judicial
officer of any state to support the con-
stitution of the United States, shall have

engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But

Congress may, by a vote of two-thirds of each house, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for the payments of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States, nor any state, shall assume or pay any debt, or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall

" be held illegal and void.
 " Section 5, The Congress shall have
 " power to enforce, by appropriate
 " legislation, the provisions of this
 " article."

be and the same is hereby rescinded,
 and the consent, on behalf of the
 State of New Jersey to ratify the
 proposed fourteenth amendment,
 to the Constitution of the United
 States is hereby withdrawn.

2. And be it resolved, that
 copies of the foregoing preamble
 and resolution, certified to by
 the President of the Senate and
 Speaker of the General Assembly,
 be forwarded to The President of
 the United States, The Secretary of
 State of the United States, to each

of our Senators and Representatives
in Congress and to the Governors of
the respective states. —

3. And be it resolved, that these
Resolutions shall take effect,
immediately —

In Senate.

February 19th 1868.

This Joint Resolution

having been three

times read and

compared in the

Senate,

Resolved that the

same do pass

By order of the

Senate

J. Little

President of

the Senate

House of Assembly

February 20th 1868.

This Joint Res-

olution having been

three times read and

compared in the

House of Assembly

Resolved

that the same do

pass.

By order of

the House of Assembly

W. O. Evans

Speaker of

House of Assembly.