

STATES RIGHTS AND NATIONAL UNITY

FELLOW AMERICANS:

NO ONE who is interested in the early beginnings of America, or who is moved by love of our country, could come into these historic and hallowed surroundings without being conscious of a deep sense of reverence. In a land which is rich in the interesting records of the past, that portion of Virginia lying between Washington and Norfolk stands out unrivaled in important events and great names. Colonial importance, Revolutionary fame, the statesmanship of the early Republic, the great struggle for the supremacy of the Union—these epoch-making stories can not be told without relating the history of this locality and recounting the eminence of its illustrious sons. Very much of this narrative centers around the venerable town of Williamsburg and the old college of William and Mary.

Within this locality are Jamestown, where the English settlements began, and Yorktown, where English dominion ended. From Petersburg to Arlington stretches a land marked by many battle fields where the shedding of fraternal blood rededicated the Constitution. Here began the first preparation within our country for the establishment of a college. But the unfortunate interruption of hostile natives deferred the completion of the project, so that this institution ranks second in age with all our other universities. Here are the three capitals of this sovereign Commonwealth. If the work which is represented by the great names which have been associated with the growth

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and strength of this region were struck from the annals of our country, the richest heritage of progress and fame that ever glorified the actions of a people would sink to comparative poverty. What a wealth of distinguished figures from the time of John Smith down to the present day! I can not relate them all, these statesmen and soldiers, these founders and benefactors, who here lived and wrought with so much of enduring glory. They are represented by such stalwart characters as Patrick Henry, George Mason, Richard Henry Lee, Thomas Jefferson, and George Washington. Later came Monroe, Marshall, Madison, Randolph, and Harrison, with a long list of associates almost equally eminent in the history of our country. All Americans. It was into this region that Abraham Lincoln made his last journey from Washington.

This richest of all our historical settings made so great an appeal to me when I was approached by your two distinguished Senators, Mr. Swanson and Mr. Glass, whom I cherish as friends, honor for their devotion to their country, and esteem for the support they have often given when we have been mutually striving for sound government, bearing the invitation of your General Assembly to participate in the observance of this day, which was supported by Col. Henry W. Anderson, a lawyer who has contributed so much of his great learning and talents to the service of his country, and emphasized by my former secretary, Mr. Slemm, for many years a prominent leader in Congress, a man whose loyalty and devotion has imposed upon me so much obligation, that it seemed almost a patriotic duty to respond.

It is difficult to determine where or when the great movements in human progress had their original inception. Our life is complex and interwoven with thousands of varying motives and cross currents. One act leads to another. Yet certain actions stand out with so much prominence

against the background of the past that we are justified in saying of them that at least there is an event which is one of the beginnings of a new epoch. In accordance with this standard, we are altogether warranted in asserting that 150 years ago, on the 15th of May, 1776, formal action was taken in this city by a patriotic band of loyal Virginians, in their public capacity as servants of the common cause of the American Colonies, which had a most direct influence in leading to the Declaration of Independence.

It is not necessary at this time to relate again the various events that preceded and caused the American Revolution. The people of this Commonwealth had been constantly alert in the assertion and maintenance of their constitutional rights against British encroachment. Under the lead of Samuel Adams, the Boston town meeting in May, 1764, adopted resolutions against the proposed stamp tax, but the first formal defiance of that act after its passage came from Virginia, when in May, 1765, Patrick Henry introduced a series of resolutions in the Assembly declaring that the only power of taxation lay in the people themselves, or in their chosen representatives.

Again, in May, 1769, the House of Burgesses, numbering among its membership Washington, Henry, and Jefferson, condemned the laws of Parliament taxing the Colonies and requested other Colonies to join them in this protest. When the governor took the disciplinary measure of adjourning them, they met at the Raleigh Tavern, where Washington prepared a resolution pledging themselves to continue the policy of non-importation, which was adopted. Also in March, 1773, the Virginia Assembly unanimously voted to establish a system of intercolonial committees of correspondence. As great an authority as John Fiske calls this "the most decided step toward revolution that had yet been taken by the Americans." This original suggestion

appears to have come from the eminent divine Jonathan Mayhew, who suggested to James Otis that the communion of churches furnished an excellent example for a communion of Colonies. Again, late in 1772, a Boston town meeting had taken the lead in adopting a committee for correspondence for the Colony of Massachusetts, and Samuel Adams wrote to Richard Henry Lee, who had already expressed the same idea, urging a like action for Virginia. But in March, 1773, this Colony had already anticipated that course and enlarged upon it by making it an inter-colonial committee. The convocation of such a body would result in the setting up of a Congress which would represent the united authority of the Colonies. Events moved rapidly, and in the closing days of 1775, incensed by his tyranny, a body of patriots, including John Marshall, drove Lord Dunmore, the governor, out of Norfolk, a place of 9,000 inhabitants, and took possession. In retaliation the governor set fire to the town by shells from the harbor on New Year's Day, and it was consumed.

Confirming my statement that it is difficult to date and locate the exact beginning of any event, we find that on the 22nd of April the people of Cumberland County adopted a resolution prepared by Carter Henry Harrison instructing their delegates to the Virginia Convention, which was to meet in this town in May, "positively to declare for an independency" and to "promote in our convention an instruction to our delegates now sitting in Continental Congress to do the same." A like sentiment was being unofficially, though publicly, expressed in other counties. On the 20th of April Lee wrote from the Congress in Philadelphia to Henry to propose in the coming convention a separation of the Colonies from Great Britain.

It was on the 6th of May, 1776, that there assembled at Williamsburg a convention which was to become historic. It was presided over by Edmund Pendleton, who had op-

posed the stamp act resolutions of Patrick Henry, but eleven years and the wanton cruelty of the royal governor had made a great change in the public opinion of the Colony, and he had become a loyal supporter of independence. He now joined with Patrick Henry and Meriwether Smith in drafting resolutions to be proposed by Thomas Nelson, which refer to our country as "America," and after setting out the grievances that it had endured and "appealing to the Searcher of Hearts for the sincerity of former declarations" and a discussion in which Mason and Madison, to be known to future fame, took part, on the 15th of May, 1776, it was

Resolved unanimously, That the delegates appointed to represent this Colony in General Congress be instructed to propose to that respectable body to declare the United Colonies free and independent States, absolved from all allegiance to, or dependence upon, the Crown or Parliament of Great Britain; and that they give the assent of this Colony to such declaration, and to whatever measures may be thought proper and necessary by the Congress for forming foreign alliances, and a confederation of the Colonies, at such time, and in the manner, as to them shall seem best: *Provided*, That the power of forming government for, and the regulation of the internal concerns of each Colony, be left to respective colonial legislatures.

Resolved unanimously, That a committee be appointed to prepare a declaration of rights, and such a plan of government as will be most likely to maintain peace and order in this Colony and secure substantial and equal liberty to the people."

The import of these resolutions was well understood in this locality. The event was marked that evening by a celebration, the ringing of bells, and the firing of guns. The British flag went down at the statehouse never to rise

again, and in its place was flown the crosses and stripes, the temporary emblem of a new government.

These resolutions coming by the action of the duly constituted representatives of the largest of the Colonies were of an importance that can not be described as anything less than decisive in the movement for independence. Other localities held the same opinions, but this action of the Old Dominion was needed to make such opinions effective. Richard Henry Lee now had the assurance of the support of his constituents. On the 7th of June he moved the Congress—

“That these United States are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; that it is expedient forthwith to take the most effectual measures for forming foreign alliances; that a plan of confederation be prepared and transmitted to the respective Colonies for their consideration and approbation.”

This motion was at once seconded by John Adams, of Massachusetts. In this great crisis the Pilgrim and the Cavalier stood side by side united in the common cause of human liberty under constitutional law.

The excellence of the official documents of the Revolutionary period has often been remarked. It was such as to draw praise from the foremost British statesmen. In that respect the Virginia resolution of May 15 left little to be desired. They are characterized by a most admirable restraint, clear and logical in their presentation of facts, and clothed in appropriate language. They have a dignity and strength that are compelling and a courage and reserve that are convincing. They were composed by no ordinary men. Such a document could only be produced by character and culture. The influences which had flowed

from the eighty-odd years of existence of William and Mary College can not be separated from the form and substance of these resolutions. Into their making went all that was best of some of her most distinguished sons.

What purpose had planted these institutions of learning in the American wilderness? What raised up Harvard, that it might become the teacher of Otis and Hancock and the Adamses? What nourished William and Mary, that it might furnish inspiration to Bland, to Wythe, to Nelson, and to Jefferson? These two seminaries had a common benefactor in the famous Robert Boyle. And when the wanton ravages of war reduced this once flourishing institution that had spoken so boldly in the cause of liberty to a state that left little but the vibrant tones of the college bell and the fervent prayers of a devout President, it was a distinguished son of Harvard, Senator Hoar, who plead her just cause with such eloquence in the Halls of Congress that a dilatory Government at last made restitution for a part of the damage done, that this seat of learning might be restored to take its active place again as a citadel of truth and liberty and righteousness. No one can contemplate these events without a deep realization that those who participated in them were guided by an inspired vision.

It has not been the experience of history that political ideals spring into full development all at once. They are the process of the discipline of a long and severe training and constant and continued study. The Virginia resolutions in the fewest possible words map out a course of action and lay down the fundamental principles by which America has since sought to guide and direct its political life. The members of the convention, however, would not have argued that they were embarking upon a new theory of political relationship with so much assurance as they would have contended that they were adapting well-established theories of constitutional law to their own condition.

They declared for complete independence. They abjured both the Crown and the Parliament of Great Britain. Much emphasis has been placed on our political independence. It has become one of our most fundamental traditions of government, and rightly so. In our domestic affairs our sovereignty rises to its most complete state. We tolerate no outside interference. But as the devout Mayhew had seen the communion of colonies in the communion of churches, so these resolutions, even though unconsciously, recognized a communion of nations when they authorized the forming of foreign alliances. They could not escape the conclusion that as the individual derives his liberty from an observance of the law, so nations derive their independence and perpetuate their sovereignty from an observance of that comity by which they are all bound. As modern developments have brought the nations closer and closer together, this conclusion has become more and more unavoidable. While the rights of the citizen have been in no wise diminished, the rights of humanity have been very greatly increased. Our country holds to political and economic independence, but it holds to cooperation and combination in the administration of justice.

The resolutions did not fail to recognize the principle of nationality. It was the "United Colonies" that they proposed should be declared independent, and it distinctly authorized "a Confederation of the Colonies." This was an early and authoritative statement of the theory that this is all one country bound up in a common interest, destined to the experience of a common fortune. It was the expression of a desire for a yet unformulated plan for a Federal Government. How great a part Virginia was to play in the final adoption of such a Government was by this action already indicated. When that great test came some years later it was the known wish of the great Washington, aided by the superb reasoning powers of Marshall,

notwithstanding the direct opposition of Henry, that caused Virginia to ratify the Federal Constitution at a time which was again decisive in the formation of the Union. For a second time the action of this great Commonwealth was the determining factor in the destiny of America.

It is impossible to lay too much emphasis upon the necessity of making all our political action of the Federal Government harmonize with the principle of national unity. For many years now this course has been greatly impeded from the fact that those who substantially think alike have so oftentimes been unable to act alike. Our country ought to be done with all sectional divisions and all actions based upon geographical lines. Washington warned us against that danger in his Farewell Address. Experience has time and again demonstrated the soundness of his advice and the breadth of his wisdom. It would be difficult to suggest anything more likely to enhance the progress of our country than united political action in all parts of the Nation in accord with the advice of Washington for the support and maintenance of those principles of sound economics and stable constitutional government in which they so substantially agree. All sections have the same community of interests, both in theory and in fact, and they ought to have a community in political action. We can not deny that we are all Americans. To attempt to proceed upon any other theory can only end in disaster. No policy can ever be a success which does not contemplate this as one country.

The principle that those who think alike ought to be able to act alike wherever they happen to live should be supplemented by another rule for the continuation of the contentment and tranquillity of our Republic. The general acceptance of our institutions proceeds on the theory that they have been adopted by the action of a majority. It is obvious that if those who hold to the same ideals of

government fail to agree the chances very strongly favor a rule by a minority. But there is another element of recent development. Direct primaries and direct elections bring to bear upon the political fortunes of public officials the greatly disproportionate influence of organized minorities. Artificial propaganda, paid agitators, selfish interests, all impinge upon members of legislative bodies to force them to represent special elements rather than the great body of their constituency. When they are successful minority rule is established, and the result is an extravagance on the part of the Government which is ruinous to the people and a multiplicity of regulations and restrictions for the conduct of all kinds of necessary business, which becomes little less than oppressive. Not only is this one country, but we must keep all its different parts in harmony by refusing to adopt legislation which is not for the general welfare.

The resolutions did not stop here. Had they done so, they would have been very far from comprehending and expressing the necessities of the American people. They went on to provide that "the regulation of the internal concerns of each colony be left to respective colonial legislatures." This was a plain declaration of the unassailable fact that the States are the sheet anchors of our institutions. If the Federal Government should go out of existence, the common run of people would not detect the difference in the affairs of their daily life for a considerable length of time. But if the authority of the States were struck down disorder approaching chaos would be upon us within twenty-four hours. No method of procedure has ever been devised by which liberty could be divorced from local self-government. No plan of centralization has ever been adopted which did not result in bureaucracy, tyranny, inflexibility, reaction, and decline. Of all forms of government, those administered by bureaus are about the least

satisfactory to an enlightened and progressive people. Being irresponsible they become autocratic, and being autocratic they resist all development. Unless bureaucracy is constantly resisted it breaks down representative government and overwhelms democracy. It is the one element in our institutions that sets up the pretense of having authority over everybody and being responsible to nobody.

While we ought to glory in the Union and remember that it is the source from which the States derive their chief title to fame, we must also recognize that the national administration is not and can not be adjusted to the needs of local government. It is too far away to be informed of local needs, too inaccessible to be responsive to local conditions. The States should not be induced by coercion or by favor to surrender the management of their own affairs. The Federal Government ought to resist the tendency to be loaded up with duties which the States should perform. It does not follow that because something ought to be done the National Government ought to do it. But, on the other hand, when the great body of public opinion of the Nation requires action the States ought to understand that unless they are responsive to such sentiment the national authority will be compelled to intervene. The doctrine of State rights is not a privilege to continue in wrong-doing but a privilege to be free from interference in well-doing. This Nation is bent on progress. It has determined on the policy of meting out justice between man and man. It has decided to extend the blessing of an enlightened humanity. Unless the States meet these requirements, the National Government reluctantly will be crowded into the position of enlarging its own authority at their expense. I want to see the policy adopted by the States of discharging their public functions so faithfully that instead of an extension on the part of the Federal Government there can be a contraction.

These principles of independence, of the integrity of the Union, and of local self-government have not diminished in their importance since they were so clearly recognized and faithfully declared in the Virginia convention of 150 years ago. We may wonder at their need of constant restatement, reiteration, and defense. But the fact is that the principles of government have the same need to be fortified, reinforced, and supported that characterize the principles of religion. After enumerating many of the spiritual ideals, the Scriptures enjoin us to "think on these things." If we are to maintain the ideals of government, it is likewise necessary that we "think on these things." It is for this purpose that educational institutions exist and important anniversaries are observed.

Each generation has its problems. The days of the Revolution had theirs, and we have ours. They were making an advance in the art of government which, while it has been broadened in its application, has not changed and does not seem likely to change from the fundamental principles which they established. We are making our advance and our contribution to the betterment of the economic condition and the broader realization of the humanities in the life of the world. They were mostly bent on seeing what they could put into the Government; we are mostly bent on seeing what we can get out of it. They broke the power of Parliament because its actions did not represent, were not benefiting the American public. They established institutions guaranteed under a reign of law where liberty and justice and the public welfare would be supreme. Amid all the contentions of the present day nothing is more important to secure the continuation of what they wrought than a constant and vigilant resistance to the domination of selfish and private interests in the affairs of government in order that liberty and justice may still be secure and the public welfare may still be supreme.