THE ENEMY WITHIN

THE RECORD

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About this download

This is **The Record** — twenty documentary dossiers, each with a one-page context sheet followed by the actual scanned pages of the original document (or, where no facsimile survives, the primary source's own verified text): General Orders No. 100 (the Lieber Code), General Orders No. 120 and the Holden–Worth–Canby letters, the 1862 definition of "person," the Trading with the Enemy Act, the Emergency Banking Relief Act, the March 9, 1933 Congressional Record, Senate Document No. 43, Senate Report 93-549, House Joint Resolution 192, Executive Order 6102, the National Currency Act of 1864, the 1213 Charter of Submission, National Security Study Memorandum 200, the National Lawyers Guild HUAC report, the Grace Commission's transmittal letter, Modern Money Mechanics, the Federal Reserve Act of 1913, I Bet You Thought, the Original Thirteenth Amendment, and the Appomattox National Park Service FAQ.

Want the frameworks, quick-reference cards, and printable worksheets instead — the practical, day-to-day companion to the book? Those live in a separate companion download, **Core Exhibits**, also free at enemywithinbook.com/exhibits.

DOCUMENT D1 · THE RECORD

General Orders No. 100 — The Lieber Code (1863)

War Department, April 24, 1863. The foundation the whole cage is built on. · True copy, 53 pages; first pages reproduced here.

What you are looking at

Instructions for the Government of Armies of the United States in the Field — General Orders No. 100, prepared by Francis Lieber, approved by President Lincoln, issued by the War Department on April 24, 1863. It codified martial law, military jurisdiction, and military authority over civilians and their property.

Why it matters

The rules of war we are still under. Article 2 states that martial law, once proclaimed, continues until it is terminated by proclamation or treaty of peace. No such termination was ever issued. Every emergency structure documented in this bundle — Reconstruction, the Trading with the Enemy Act, the 1933 banking emergency, the permanent emergency of Senate Report 93-549 — is built on top of this foundation. Everything else is scaffolding; this is the ground.

What to look for on these pages

- The order's official issuance: War Department, Adjutant General's Office, April 24, 1863
- Section I on martial law — how it is proclaimed and how long it lasts
- Authority over persons and property in occupied territory

The pages that follow are the document itself. Not a summary. Not an interpretation. The record. Read it slowly.

VERIFY IT YOURSELF

- General Orders No. 100, War Department (1863) — full text at the Library of Congress and the Avalon Project (Yale Law School)
- The full 53-page true copy ships with the final bundle

INSTRUCTIONS

FOR THE

GOVERNMENT OF ARMIES

OF

THE UNITED STATES

IN THE FIELD.

LIEBER.

1898.

INSTRUCTIONS

FOR THE

GOVERNMENT OF ARMIES

OF

THE UNITED STATES

IN THE FIELD.

PREPARED BY

FRANCIS LIEBER, LL.D.

ORIGINALLY ISSUED AS GENERAL ORDERS No. 100,
ADJUTANT GENERAL'S OFFICE, 1863.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1898.

General Orders, No. 100.

WAR DEPARTMENT,
Adjutant General's Office,
Washington, April 24, 1863.

The following "Instructions for the Government of Armies of the United States in the Field," prepared by Francis Lieber, LL.D., and revised by a Board of Officers, of which Major General E. A. Hitchcock is president, having been approved by the President of the United States, he commands that they be published for the information of all concerned.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant General.

General Orders No. 120 & the Holden–Worth–Canby Letters (1868)

Second Military District, Charleston, S.C. A sitting Southern governor removed by military order — on paper. · Certified copies, North Carolina State Archives; selected pages reproduced here.

What you are looking at

Military Orders No. 120 (June 30, 1868), by which the commander of the Second Military District removed the duly elected government of North Carolina, and the correspondence between Governor Jonathan Worth, incoming W. W. Holden, and General E. R. S. Canby that carried it out.

Why it matters

This is Reconstruction in its own handwriting: civilian constitutional government displaced by military order — not by theory, not by interpretation, but by a document you can hold. Governor Worth's protest letter states plainly that he yielded to military force. The Reconstruction that never ended begins here, and these pages are the receipts.

What to look for on these pages

- The order's operative language removing the elected governor
- Worth's written protest — yielding under duress, not consent
- The military chain of command executing a civil-government change

VERIFY IT YOURSELF

- North Carolina State Archives, Governors' Papers (Worth; Holden); Second Military District records, National Archives

Head-Quarters Mil. Post of Raleigh
Raleigh N.C. June 30th 1868.

Governor Jonathan Worth
of the State of North Carolina
Raleigh N.C.

Sir:

I have the honor to officially notify you that the following order has been issued to day from the Headquarters Second Military District, Charleston S.C. that you may govern yourself accordingly.

Headquarters Second Military District
Charleston S.C. June 30th 1868.

General Orders }
No 120 }

(Extract 3)

"To facilitate the organization of the New State Governments the following appointments are made. To be Governor of North Carolina W. W. Holden Governor elect - Vice Jonathan Worth removed. - To be Lieutenant Governor of North Carolina, Tod R. Caldwell, Lieut. Governor elect, to fill an original vacancy. To take effect July first (1st) 1868, on the meeting of the General Assembly of the State of North Carolina."

(over)

STATE OF NORTH CAROLINA

EXECUTIVE DEPARTMENT,

Raleigh July 1st 1868.

Gov. W. W. Holden

Raleigh, N. C.

Sir :-

Yesterday morning I was verbally notified by Chief Justice Pearson that, in obedience to a telegram from Genl. Canby, he would to-day, at 10 O'clock A.M., administer to you the oaths required, preliminary to your entering upon the discharge of the duties of <u>Civil Governor</u> of the State; and that, thereupon, you would demand possession of my office.

I intimated to the Judge my opinion that such proceeding was premature even under the reconstruction legislation of Congress, and that I should, probably decline to surrender the office to you.

At sun-down yesterday evening, I received from Col. Williams, Commandant of this Military Post, an extract from the general orders, No. 120, of Genl. Canby, as follows :-

"Head Quarters 2nd. Military District
Charleston, S. C., June 30th 1868.

Genl. Orders }
No. 120. }

(Extract)

To facilitate the organization of the new State governments, the following appointments are made. To be Governor of North Carolina W. W. Holden, Governor elect, vice, Jonathan Worth removed. To be Lieutenant Governor of North Carolina Tod R. Caldwell, Lieutenant Governor elect, to fill an original vacancy. To take effect July 1st 1868, on the meeting of the General Assembly of North Carolina".

I do not recognize the validity of the late election under which you, and those co-operating with you, claim to be invested with the civil government of the State. You have no evidence of your election, save the certificate of a Major General of the United States Army. I regard all of you as, in effect, appointees of the Military power of the United States – and not as "deriving your powers from the consent of those you claim to govern." Knowing, however, that you are backed by Military force here, which I could not resist, if I would, I do not deem it necessary to offer a futile opposition, but vacate the office without the ceremoary of actual eviction, offering no further opposition than this my protest. I would submit to actual expulsion in order to bring before the Supreme Court of the United States the question as to the constitutionality of the legislation under which you claim to be the rightful Governor of the State, if the past action of that tribunal furnished any hope of a speedy trial. I surrender the Office to you under what I deem military duress, without stopping, as the occasion would well justify, to comment upon the singular coincidence that the present State government is surrendered, as without legality, to him whose own official sanction, but three years ago, declared it valid.

I am, Very Respectfully
Jonathan Worth
Governor of North Carolina.

The Definition of “Person” — 12 Stat. 459 (1862)

An Act of Congress defining the word the whole system runs on. · Complete, 2 pages.

What you are looking at

The 1862 statute in which Congress wrote down what "person" means in federal law — extending the word beyond living men and women to bodies politic and corporate. One word, redefined on the record.

Why it matters

Words create. Contracts bind. Whoever controls the definitions controls the document — and whoever controls the document controls the relationship. When "person" can mean a corporation, then statutes written for "persons" reach entities, statuses, and paper constructions. The book's chapters on words, oaths, and jurisdiction all trace back to moves like this one.

What to look for on these pages

- The definition clause itself — read exactly what "person" is declared to include
- The date and the Congress that passed it — wartime, 1862, the same season as the Lieber Code

The pages that follow are the document itself. Not a summary. Not an interpretation. The record. Read it slowly.

VERIFY IT YOURSELF

- 12 Stat. 459 — United States Statutes at Large, Library of Congress (memory.loc.gov / govinfo.gov) thousand dollars, twenty-five dollars. Any person or persons who make for sale photographs, ambrotypes, daguerreotypes, or pictures on glass, metal, or paper, by the action of light, shall be regarded a photographer under this act.

31. Lawyers shall pay ten dollars for each license. Every person whose business it is, for fee or reward, to prosecute or defend causes in any court of record or other judicial tribunal of the United States or of any of the States, or give advice in relation to causes or matters pending therein, shall be deemed to be a lawyer within the meaning of this act.

Lawyers.

Post, pp. 714 727.

32. Physicians, surgeons, and dentists shall pay ten dollars for each license. Every person (except apothecaries) whose business it is, for fee and reward, to prescribe remedies or perform surgical operations for the cure of any bodily disease or ailing, shall be deemed a physician, surgeon, or dentist, as the case may be, within the meaning of this act.

Physicians, surgeons, dentists.

Post, p. 727.

33. Claim agents and agents for procuring patents shall pay ten dollars for each license. Every person whose business it is to prosecute claims in any of the executive departments of the federal government, or procure patents, shall be deemed a claim or patent agent, as the case may be, under this act.

Claim and patent agents.

SEC. 65. *And be it further enacted*, That where the annual gross receipts or sales of any apothecaries, confectioners, eating-houses, tobacconists, or retail dealers, shall not exceed the sum of one thousand dollars, such apothecaries, confectioners, eating-houses, and retail dealers shall not be required to take out or pay for license, anything in this act to the contrary notwithstanding; the amount or estimated amount of such annual sales to be ascertained or estimated in such manner as the Commissioner of Internal Revenue shall prescribe, and so of all other annual sales or receipts, where the rate of the license is graduated by the amount of sales or receipts.

Certain apothecaries, &c. need not take out license.

SEC. 66. *And be it further enacted*, That nothing contained in the preceding sections of this act, laying duties on licenses, shall be construed to require a license for the sale of goods, wares, and merchandise made or produced and sold by the manufacturer or producer at the manufactory or place where the same is made or produced; to vintners who sell, at the place where the same is made, wine of their own growth; nor to apothecaries, as to wines or spirituous liquors which they use exclusively in the preparation or making up of medicines for sick, lame, or diseased persons; nor shall the provisions of paragraph number twenty-seven extend to physicians who keep on hand medicines solely for the purpose of making up their own prescriptions for their own patients.

Licenses not to be required for sale of certain articles by certain persons.

SEC. 67. *And be it further enacted*, That no license hereinbefore provided for, if granted, shall be construed to authorize the commencement or continuation of any trade, business, occupation, or employment therein mentioned, within any State or Territory of the United States in which it is or shall be specially prohibited by the laws thereof, or in violation of the laws of any State or Territory: *Provided*, Nothing in this act shall be held or construed so as to prevent the several States, within the limits thereof, from placing a duty, tax, or license, for State purposes, on any business matter or thing on which a duty, tax, or license is required to be paid by this act.

Licenses under this act not to authorize any traffic prohibited by the laws of any State.

States may tax, &c. any article taxed, &c. herein.

MANUFACTURES, ARTICLES, AND PRODUCTS.

Manufactures, articles, and products.

SPECIFIC AND AD VALOREM DUTY.

Specific and ad valorem duty.

SEC. 68. *And be it further enacted*, That on and after the first day of August, eighteen hundred and sixty-two, every individual, partnership, firm, association, or corporation, (and any word or words in this act indicating or referring to person or persons shall be taken to mean and include

Word "person" to include partnerships, corporations, &c.

partnerships, firms, associations, or corporations, when not otherwise designated or manifestly incompatible with the intent thereof,) shall comply with the following requirements, that is to say:

Before commencing manufacture, persons to furnish to assistant assessor sworn statement, &c.

First. Before commencing, or, if already commenced, before continuing, any such manufacture for which he, she, or they may be liable to be assessed, under the provisions of this act, and which shall not be differently provided for elsewhere, within thirty days after the date when this act shall take effect, he, she, or they shall furnish to the assistant assessor a statement, subscribed and sworn to, or affirmed, setting forth the place where the manufacture is to be carried on, name of the manufactured article, the proposed market for the same, whether foreign or domestic, and generally the kind and quality manufactured or proposed to be manufactured.

To make monthly returns.

Second. He shall within ten days after the first day of each and every month, after the day on which this act takes effect, as hereinbefore mentioned, or on or before a day prescribed by the Commissioner of Internal Revenue, make return of the products and sales or delivery of such manufacture in form and detail as may be required, from time to time, by the Commissioner of Internal Revenue.

Form of statements and returns.

Third. All such returns, statements, descriptions, memoranda, oaths and affirmations, shall be in form, scope, and detail as may be prescribed, from time to time, by the Commissioner of Internal Revenue.

Duties on manufactures to be paid monthly.

SEC. 69. *And be it further enacted*, That upon the amounts, quantities, and values of produce, goods, wares, merchandise, and articles manufactured and sold, or delivered, hereinafter enumerated, the manufacturer thereof, whether manufacturod for himself or for others, shall pay to the collector of internal revenue within his district, monthly, or on or before a day to be prescribed by the Commissioner of Internal Revenue, the duties on such manufactures: *Provided*, That when thread is manufactured and sold or delivered exclusively for knitted fabrics, or for weaving or spooling, as provided for in the seventy-fifth section of this act, the duties shall be assessed on the articles finished and prepared for use or consumption to the party so finishing or preparing the same, and any party so finishing or preparing any cloth or other fabrics of cotton, wool, or other materials, whether imported or otherwise, shall he considered the manufacturer thereof for the purposes of this act; and for neglect to pay such duties within ten days after demand, either personal or written, left at his, her, or their house or place of business, or manufactory, the amount of such duties may be levied upon the real and personal property of any such manufacturer. And such duties, and whatever shall be the expenses of levy, shall be a lien from the day prescribed by the Commissioner for their payment aforesaid, in favor of the United States upon the said real and personal property of such manufacturer, and such lien may be enforced by distraint, as provided in the general provisions of this act. *And provided, further*, That in all cases of goods manufactured, in whole or in part, upon commission, or where the material is furnished by one party and manufactured by another, if the manufacturer shall be required to pay under this act the tax hereby imposed, such person or persons so paying the same shall be entitled to collect the amount thereof of the owner or owners, and shall have a lien for the amount thus paid upon the manufactured goods: *And provided, further*, That the taxes on all articles manufactured and sold, in pursuance of contracts bona fide made before the passage of this act, shall be paid by the purchasers thereof, under regulations to be established by the Commissioner of Internal Revenue.

Proviso as to thread.

To whom duties are to be assessed.

Penalty for neglect to pay duties, &c.

Duties, &c. to be a lien.

Duties on goods manufactured on commission, &c.,

on articles manufactured and sold prior to the passage of this act.

Goods, &c. to be forfeited for neglect, &c. to pay duties.

SEC. 70. *And be it further enacted*, That, for neglect or refusal to pay the duties provided by this act on manufactured articles, as aforesaid, the goods, wares, and merchandise manufactured and unsold by such manufacturer, shall be forfeited to the United States, and may be sold or disposed of for the benefit of the same, in manner as shall be prescribed by

The Trading with the Enemy Act — 40 Stat. 411 (1917)

The wartime statute that later became the peacetime cage. · 17 pages; title page and Section 5(b) pages reproduced here.

What you are looking at

Public Law 65-91, October 6, 1917: wartime authority to regulate and restrict commerce with foreign enemies. As written in 1917, it applied to enemies abroad — Section 2 defines "enemy" as persons outside the United States.

Why it matters

Read Section 5(b) closely on these pages — the emergency-powers clause. In 1917 it reached foreign enemies. In March 1933 (Document D5), that same clause was amended to reach "any person within the United States." Same statute. Same powers. New target. You cannot see the weight of the 1933 amendment until you have read what the 1917 original actually said.

What to look for on these pages

- The 1917 definition of "enemy" — outside the United States
- Section 5(b) as originally written **[CHECK: confirm the reproduced page contains §5(b) — pull a different page from the 17-page scan if not]**

The pages that follow are the document itself. Not a summary. Not an interpretation. The record. Read it slowly.

VERIFY IT YOURSELF

- Pub. L. 65-91, 40 Stat. 411 (1917); codified provisions at 50 U.S.C. App. / 12 U.S.C. §95a — govinfo.gov, loc.gov

ized as authorized by existing law: *Provided*, That the pay of the grades of general and lieutenant general shall be $10,000 and $9,000 a year, respectively, with allowances appropriate to said grades as determined by the Secretary of War: *And provided*, That brigadier generals of the Army shall hereafter rank relatively with rear admirals of the lower half of the grade. And, hereafter, the chief of any existing staff corps, department, or bureau, except as is otherwise provided for the Chief of Staff, shall have the rank, pay, and allowances of major general.

Provisos. Pay and allowances.

Brigadier generals to rank with rear admirals.

Chiefs of bureaus, etc., made major generals.

Approved, October 6, 1917.

CHAP. 106.—An Act To define, regulate, and punish trading with the enemy, and for other purposes.

October 6, 1917. [H. R. 4960.]

[Public, No. 91.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Trading with the enemy Act."

Trading with the Enemy Act.

SEC. 2. That the word "enemy," as used herein, shall be deemed to mean, for the purposes of such trading and of this Act—

Terms defined. "Enemy."

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of any nation with which the United States is at war or incorporated within any country other than the United States and doing business within such territory.

Persons residing in enemy country or trading therein.

Foreign corporations included.

(*b*) The government of any nation with which the United States is at war, or any political or municipal subdivision thereof, or any officer, official, agent, or agency thereof.

Government, officials, etc.

(*c*) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "enemy."

Other designated persons.

The words "ally of enemy," as used herein, shall be deemed to mean—

"Ally of enemy."

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation which is an ally of a nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of such ally nation, or incorporated within any country other than the United States and doing business within such territory.

Persons residing, or trading, in country thereof.

Corporations.

(b) The government of any nation which is an ally of a nation with which the United States is at war, or any political or municipal subdivision of such ally nation, or any officer, official, agent, or agency thereof.

Government, officials, etc.

(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation which is an ally of a nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "ally of enemy."

Other designated persons.

or presentation or demand served or made on the alien property custodian in accordance with the law and the terms of such instrument or contract and under such rules and regulations as the President shall prescribe; and such notice and such presentation and demand shall have, in all respects, the same force and effect as if duly served or made upon the enemy or ally of enemy personally: *Provided*, That no such rule or regulation shall require that notice or presentation or demand shall be served or made in any case in which, by law or by the terms of said instrument or contract, no notice, presentation, or demand was, prior to the passage of this Act, required; and that in case where, by law or by the terms of such instrument or contract, notice is required, no longer period of notice shall be required: *Provided further*, That if, on any such disposition of property, a surplus shall remain after the satisfaction of the mortgage, pledge, lien, or other right in the nature of security, notice of that fact shall be given to the President pursuant to such rules and regulations as he may prescribe, and such surplus shall be held subject to his further order.

Effect.

Provisos.
Limitation on notice, etc., requirements.

Disposal of surplus after satisfaction, etc.

(b) That any contract entered into prior to the beginning of the war between any citizen of the United States or any corporation organized within the United States, and an enemy or ally of an enemy, the terms of which provide for the delivery, during or after any war in which a present enemy or ally of enemy nation has been or is now engaged, of anything produced, mined, or manufactured in the United States, may be abrogated by such citizen or corporation by serving thirty days' notice in writing upon the alien property custodian of his or its election to abrogate such contract.

Abrogation of contracts made prior to the war with an enemy, of American products, etc.

Notice to custodian.

(c) The running of any statute of limitations shall be suspended with reference to the rights or remedies on any contract or obligation entered into prior to the beginning of the war between parties neither of whom is an enemy or ally of enemy, and containing any promise to pay or liability for payment which is evidenced by drafts or other commercial paper drawn against or secured by funds or other property situated in an enemy or ally of enemy country, and no suit shall be maintained on any such contract or obligation in any court within the United States until after the end of the war, or until the said funds or property shall be released for the payment or satisfaction of such contract or obligation: *Provided, however*, That nothing herein contained shall be construed to prevent the suspension of the running of the statute of limitations in all other cases where such suspension would occur under existing law.

Statutes of limitation suspended as to contracts for paying notes, etc., of enemies abroad.

Proviso.
Other suspensions not affected.

SEC. 9. That any person, not an enemy, or ally of enemy, claiming any interest, right, or title in any money or other property which may have been conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder, and held by him or by the Treasurer of the United States, or to whom any debt may be owing from an enemy, or ally of enemy, whose property or any part thereof shall have been conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder, and held by him or by the Treasurer of the United States, may file with the said custodian a notice of his claim under oath and in such form and containing such particulars as the said custodian shall require; and the President, if application is made therefor by the claimant, may, with the assent of the owner of said property and of all persons claiming any right, title, or interest therein, order the payment, conveyance, transfer, assignment or delivery to said claimant of the money or other property so held by the alien property custodian or by the Treasurer of the United States or of the interest therein to which the President shall determine said claimant is entitled: *Provided*, That no such order by the President shall bar any person from the prosecution of any suit at law or in equity against the claimant to establish any right, title

Claims by other than enemies against property held by custodian.

President may order payment, conveyance, etc.

Proviso.
Rights against claimants not barred.

The Emergency Banking Relief Act — 48 Stat. 1 (March 9, 1933)

Public Law 73-1. The amendment that turned the wartime statute inward. · 9 pages; first pages reproduced here.

What you are looking at

The first act of the Hundred Days — drafted, passed, and signed in a single day, March 9, 1933, during the declared banking emergency. Title I, Section 2 amends Section 5(b) of the Trading with the Enemy Act.

Why it matters

Find the amending language on these pages and read it in the statute's own words: the emergency powers of the 1917 act extended to transactions by "any person within the United States or any place subject to the jurisdiction thereof," exercisable "during time of war *or during any other period of national emergency declared by the President*." That second clause is the hinge of the twentieth century. The emergency it was passed under was never terminated (Document D8).

What to look for on these pages

- Title I, Section 2 — the words amending TWEA §5(b)
- "any person within the United States" — the jurisdiction turn, in black letters
- The approval date: March 9, 1933

The pages that follow are the document itself. Not a summary. Not an interpretation. The record. Read it slowly.

VERIFY IT YOURSELF

- Pub. L. 73-1, 48 Stat. 1 (1933) — govinfo.gov; Statutes at Large, Library of Congress

PUBLIC LAWS OF THE SEVENTY-THIRD CONGRESS

OF THE

UNITED STATES OF AMERICA

Passed at the first session, which was begun and held at the city of Washington, in the District of Columbia, on Thursday, the ninth day of March, 1933, and was adjourned without day on Friday, the sixteenth day of June, 1933.

FRANKLIN D. ROOSEVELT, President; JOHN N. GARNER, Vice President; KEY PITTMAN, President of the Senate *pro tempore*; HENRY T. RAINEY, Speaker of the House of Representatives.

[CHAPTER 1.]

AN ACT

To provide relief in the existing national emergency in banking, and for other purposes.

March 9, 1933.
[H.R. 1491.]
[Public, No. 1.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares that a serious emergency exists and that it is imperatively necessary speedily to put into effect remedies of uniform national application.

National banking system.
Emergency declared existing.

TITLE I

SECTION 1. The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by subdivision (b) of section 5 of the Act of October 6, 1917, as amended, are hereby approved and confirmed.

Proclamations, orders, etc., issued since March 4, 1933; approval.
Post, p. 343.
Trading with the Enemy Act, amended.
Vol. 40, pp. 415, 966, amended.
Foreign exchange, export or hoarding of coin, bullion, etc.
Regulatory powers of President during national emergency.

SEC. 2. Subdivision (b) of section 5 of the Act of October 6, 1917 (40 Stat. L. 411), as amended, is hereby amended to read as follows:

"(b) During time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by banking institutions as defined by the President, and export, hoarding, melting, or earmarking of gold or silver coin or bullion or currency, by any person within the United States or any place subject to the jurisdiction thereof; and the President may require any person engaged in any transaction referred to in this subdivision to furnish under oath, complete information relative thereto, including the production of any books of account, contracts, letters or other papers, in connection therewith in the custody or control of such person, either before or after such transaction is completed. Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000, or, if a natural person, may be imprisoned

Compulsory testimony, etc.

Punishment for violation.

The Congressional Record — March 9, 1933

What Congress said out loud the day it passed a bill most members had not read. · 2 pages reproduced.

What you are looking at

Pages of the Congressional Record from the emergency session of March 9, 1933 — the debate (such as it was) surrounding the Emergency Banking Relief Act.

Why it matters

The Record preserves what the statute books do not: members acknowledging the bill was unread, the single printed copy, the speed, and the scope of what was being handed to the executive. The context of the surrender is itself on the record — in the government's own transcript.

What to look for on these pages

- Statements about the bill's availability and reading **[CHECK: Mark — confirm these two pages are the excerpt you want, or name the passages to pull from the 400–599 set]**

The pages that follow are the document itself. Not a summary. Not an interpretation. The record. Read it slowly.

VERIFY IT YOURSELF

- Congressional Record, 73rd Congress, Special Session, March 9, 1933 — govinfo.gov and Library of Congress

3

Congressional Record

SEVENTY-THIRD CONGRESS, SPECIAL SESSION OF THE SENATE

SENATE

SATURDAY, MARCH 4, 1933

JOHN NANCE GARNER, of Texas, Vice President of the United States, to whom the oath was administered at the close of the last regular session of the Seventy-second Congress, called the Senate to order at 12 o'clock meridian.

The Chaplain, Rev. ZeBarney T. Phillips, D.D., offered the following

PRAYER

Eternal God and Heavenly Father, before whose face the generations rise and pass away, who through all the ages hast led Thy children with the fire and cloud; hearken to our prayer and turn the heart of every citizen of the Republic unto Thee in this fateful hour of our own and the world's great need. Bestow Thy choicest blessings upon these Thy servants, who under Thee have been called to be President and Vice President of the United States. Give unto them the grace of true humility, the heart that knows no guile, the courage born of innocency of life, the gentle patience of the Christ, and, above all, the spirit of love that believes and hopes and endures, that they may be true leaders of Thy people.

Bless every Member of the Congress and all others in authority, that they may be a glorious company, the flower of men, to serve a model for this mighty world and to be the fair beginning of a time when, with every root of bitterness cast out, the good of all shall be the goal of each. Let Thy blessing rest upon the retiring President, Vice President, and Members of the Congress, to whom we pay our loving tribute. Bring the nations of the world, through an ever-increasing sense of fellowship, into one great family; hasten the time when war shall be no more, and may we never be content with any peace save that of Him who won His peace by making this world's ills His own, Jesus Christ our Lord. Amen.

PROCLAMATION

The VICE PRESIDENT. The clerk will read the proclamation of the President convening the Senate in extraordinary session.

The Chief Clerk (John C. Crockett) read the proclamation of the President, as follows:

CONVENING THE SENATE IN SPECIAL SESSION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas public interests require that the Senate of the United States be convened at 12 o'clock on the 4th day of March, 1933, to receive such communications as may be made by the Executive:

Now, therefore, I, Herbert Hoover, President of the United States of America, do hereby proclaim and declare that an extraordinary occasion requires the Senate of the United States to convene at the Capitol, in the city of Washington, on the 4th day of March next, at 12 o'clock noon, of which all persons who shall at that time be entitled to act as Members of that body are hereby required to take notice.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 14th day of February, in the year of our Lord nineteen hundred and thirty-three, and of the independence of the United States of America the one hundred and fifty-seventh.

HERBERT HOOVER.

By the President:

[SEAL] HENRY L. STIMSON, *Secretary of State.*

ADDRESS BY VICE PRESIDENT GARNER

The VICE PRESIDENT. Senators, this is my first and possibly it may be my last opportunity to address the Senate. I am particularly anxious to ingratiate myself into your favorable consideration. Knowing from some observation the disposition of the Senate not to discuss any matter unless it is important and under particular consideration, I deem it inappropriate to say more than that I come as your Presiding Officer to cooperate, to be helpful, to do the best I can to help you conduct the proceedings of the Senate.

In carrying out that idea which I have, I shall forego saying more than that I am happy to be over here, I am happy to meet you all, and glad of the opportunity to get better acquainted with Senators.

CREDENTIALS

Mr. McKELLAR. Mr. President, I present the credentials of the Hon. NATHAN L. BACHMAN, appointed by the Governor of Tennessee to succeed the Hon. Cordell Hull, and ask that they may be read.

The VICE PRESIDENT. The credentials will be received and read by the clerk.

The Chief Clerk read the credentials, as follows:

THE STATE OF TENNESSEE, EXECUTIVE CHAMBER.

To all who shall see these presents, greeting:

Know ye, that whereas, under chapter 8, section 3, of the first extra session of the legislature of 1913, the Governor is authorized to appoint a Senator in the Congress of the United States when vacancies occur, and whereas a vacancy has occurred caused by the resignation of Senator Cordell Hull, of Carthage, Tenn., that he might accept the appointment of Secretary of State of the United States tendered him by President-elect Franklin D. Roosevelt; and having confidence in the ability and integrity of Hon. NATHAN L. BACHMAN, of Chattanooga, Tenn.:

Now, therefore, I, Hill McAlister, Governor of the State of Tennessee, by virtue of the power and authority in me vested, do commission Hon. NATHAN L. BACHMAN to fill said office of Senator in the Congress of the United States until his successor is elected and qualified agreeably to the Constitution and laws, during the term, with all the powers, privileges, and emoluments thereunto, appertaining by law.

In testimony whereof, I, Hill McAlister, Governor as aforesaid, have hereunto set my hand and caused the great seal of the State to be affixed at the department in Nashville on this 4th day of March A.D. 1933.

HILL MCALISTER, *Governor.*

[SEAL] ERNEST N. HASTON, *Secretary of State.*

The VICE PRESIDENT. The credentials will be placed on file.

Mr. GLASS. Mr. President, I send to the desk the certificate of the Governor of Virginia attesting the appointment of Hon. HARRY F. BYRD as a Senator from the State of Virginia, and ask that they may be read and that Mr. BYRD may take the oath of office.

The VICE PRESIDENT. The certificate will be read.

The Chief Clerk read the certificate, as follows:

COMMONWEALTH OF VIRGINIA, GOVERNOR'S OFFICE.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that pursuant to the power vested in me by the Constitution of the United States and the laws of the Com-printed and delivered more than $30,000,000, running both day and night. Similar sums are now being printed and delivered daily.

EXPANSION OF CURRENCY NECESSARY

If the Republican Party had released itself from the clutches of Wall Street and expanded the currency immediately after the stock-market crash in 1929 or within a year after the crash, our people would have been saved from this awful money panic. Our President will doubtless ask amendments to this new law when conditions are more normal and when it is better understood. Under the new law the money is issued to the banks in return for Government obligations, bills of exchange, drafts, notes, trade acceptances, and banker's acceptances. The money will be worth 100 cents on the dollar, because it is backed by the credit of the Nation. It will represent a mortgage on all the homes and other property of all the people in the Nation.

NO GOLD COVERAGE

The money so issued will not have one penny of gold coverage behind it, because it is really not needed. We do not need gold to back our internal currency. We only need gold to settle our balances with foreign countries. Our people do not actually use gold as a medium of exchange; paper money is just as good and is much easier to handle. However, if gold is desired as a backing for paper money, we have a sufficient amount to permit the issuance of $5,000,000,000 more money and still have a gold reserve of 40 percent. When England paid us approximately $100,000,000 in gold last December the Treasury should have taken that gold and issued $250,000,000 in paper money, using the gold as a sufficient coverage of 40 percent, and the money should have been put into circulation by paying it to Government employees or other governmental debts. Instead, the gold was delivered to the private banks and the Government given credit for the amount. The banks used a part of it as a base to issue considerable money, which they loaned to their customers, and the remainder, which was the most of it, was sold back to England by the bankers.

DRIVE AGAINST GOLD HOARDERS

The gold that is given up by the people in the present crisis should be delivered to the Government. It should be used to issue additional money upon which the people will not have to pay interest while it is in circulation.

PRESENT SATISFACTION

Those of us who have worked for 3 years trying to get the currency expanded have the consolation of knowing that our plan has been adopted. I do not believe that the expansion is being made in a manner that will permit the most good. However, the same kind of money is being issued that we have advocated should be issued. It is sound money, although not as well secured as the money we proposed to issue.

DISTRIBUTION OF NEW MONEY

Since our leaders have endorsed the plan to issue more money, consideration should be given to plans for its distribution that will best promote the general welfare.

It could be paid to Federal employees. It could be used to retire a part of the national debt and save a considerable sum in interest each year. At the present time our entire national debt of $20,000,000,000 could be retired with new money without placing too much money in circulation and the Government saved more than $700,000,000 annually.

SAVE $700,000,000 ANNUALLY

Instead of the banks being permitted to loan $45,000,000,000 with a reserve of from one to three billion dollars to back it up, they should be denied that privilege and a much greater money reserve required of them. Then, instead of the banks having so little money to pay their depositors, they could have 40 or 50 cents in actual money to back up every dollar in deposits. We would then have safe banking, and the Government would not owe a penny of national debt. Further, our Government would be saved the $700,000,000 that is now being paid annually as interest on the national debt. That would help balance the Budget; it would take tax-exempt securities out of the way and cause more income taxes to be paid to the Government and less taxdodging by the big rich.

OPPOSITION TO CONCENTRATION OF MONEY AND CREDIT CONTROL IN THE HANDS OF A FEW GREAT INTERNATIONAL BANKING CONCERNS

Mr. LUNDEEN. Mr. Speaker, today the Chief Executive sent to this House of Representatives a banking bill for immediate enactment. The author of this bill seems to be unknown. No one has told us who drafted the bill. There appears to be a printed copy at the Speaker's desk, but no printed copies are available for the House Members. The bill has been driven through the House with cyclonic speed after 40 minutes' debate, 20 minutes for the minority and 20 minutes for the majority.

I have demanded a roll call, but have been unable to get the attention of the Chair. Others have done the same, notably Congressman SINCLAIR, of North Dakota, and Congressman BILL LEMKE, of North Dakota, as well as some of our other Farmer-Labor Members. Fifteen men were standing, demanding a roll call, but that number is not sufficient; we therefore have the spectacle of the great House of Representatives of the United States of America passing, after a 40-minute debate, a bill its Members never read and never saw, a bill whose author is unknown. The great majority of the Members have been unable to get a minute's time to discuss this bill; we have been refused a roll call; and we have been refused recognition by the Chair. I do not mean to say that the Speaker of the House of Representatives intended to ignore us, but everything was in such a turmoil and there was so much excitement that we simply were not recognized.

I want to put myself on record against a procedure of this kind and against the use of such methods in passing legislation affecting millions of lives and billions of dollars. It seems to me that under this bill thousands of small banks will be crushed and wiped out of existence, and that money and credit control will be still further concentrated in the hands of those who now hold the power.

It is safe to say that in normal times, after careful study of a printed copy and after careful debate and consideration, this bill would never have passed this House or any other House. Its passage could be accomplished only by rapid procedure, hurried and hectic debate, and a general rush for voting without roll call.

I believe in the House of Representatives. I believe in the power that was given us by the people. I believe that Congress is the greatest and most powerful body in America, and I believe that the people have vested in Congress their ultimate and final power in every great, vital question, and the Constitution bears me out in that.

I am suspicious of this railroading of bills through our House of Representatives, and I refuse to vote for a measure unseen and unknown.

I want the RECORD to show that I was, and am, against this bill and this method of procedure; and I believe no good will come out of it for America. We must not abdicate our power to exercise judgment. We must not allow ourselves to be swept off our feet by hysteria, and we must not let the power of the Executive paralyze our legislative action. If we do, it would be better for us to resign and go home—and save the people the salary they are paying us.

I look forward to that day when we shall read the bill we are considering, and see the author of the bill stand before the House and explain it; and then, after calm deliberation and sober judgment—after full and free debate—I hope to see sane and sensible legislation passed which will lift America out of this panic and disaster into which we were plunged by the World War.

RULES OF THE HOUSE

Mr. POU. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

Senate Document No. 43 — “Contracts Payable in Gold” (1933)

The page where the government says who really owns your property. · 12 pages; cover and page 9 reproduced here.

What you are looking at

Senate Document No. 43, 73rd Congress, 1st Session (1933), printed by the Government Printing Office in the season of the gold seizure and the emergency banking acts.

Why it matters

Page 9 carries the sentence this bundle exists to make you read with your own eyes: *"The ultimate ownership of all property is in the State; individual so-called 'ownership' is only by virtue of Government, i.e., law, amounting to mere user; and use must be in accordance with law, and subordinate to the necessities of the State."* Not a theory about the government's view of property — the government's view of property, in the government's print shop.

What to look for on these pages

- The document masthead: Senate Document No. 43, 73rd Congress
- Page 9, the "ultimate ownership" paragraph — read the whole paragraph, not just the famous sentence

The pages that follow are the document itself. Not a summary. Not an interpretation. The record. Read it slowly.

VERIFY IT YOURSELF

- Senate Document No. 43, 73rd Cong., 1st Sess. (1933), p. 9 — Government Printing Office; federal depository libraries

73d Congress } SENATE { Document
1st Session } { No. 43

CONTRACTS PAYABLE IN GOLD

AN ARTICLE ENTITLED
"CONTRACTS PAYABLE IN GOLD", BY GEORGE
CYRUS THORPE, SHOWING THE LEGAL
EFFECT OF AGREEMENTS TO
PAY IN GOLD

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1933

to coin money and regulate its value. The end sought to be accomplished is to maintain as "money" that which Congress expressly is empowered to coin, for that power is to "coin money" and not merely to stamp coins. The parity act became necessary in order to maintain the circulation of specie as money and in order effectively to regulate the value of coined money. The end sought to be accomplished by the parity act, therefore, is legitimate and within the scope of the Constitution. The parity act is an appropriate means plainly adapted to the end in view, i. e., to standardize money for use as a national medium of exchange. It is only by virtue of law that gold coin is money or legal tender; it is only by virtue of law that paper notes are money or legal tender; and it is only by virtue of law that either coin or paper has a declared value; and only by virtue of law can coin and paper be maintained at a parity in order to afford a proper medium of exchange. A parity law therefore is a necessary complement to the currency laws.

The ultimate ownership of all property is in the State; individual so-called "ownership" is only by virtue of Government, i. e., law, amounting to mere user; and use must be in accordance with law and subordinate to the necessities of the State. The fact that citizens, at a given time, may prefer specie to currency, or vice versa, can not prevent Congress from enacting those laws which it deems necessary to the maintenance of a proper monetary system. If the law makes specie and currency equivalent for purposes of payment, a failure to pay a given sum in specie, according to contract, cannot possibly beget an obligation to pay a greater sum in legal-tender notes, whatever premium men may choose to give for gold, when forced to obtain it for a specific purpose, or when impelled by a spirit of speculation, or by distrust of Government. (*Brown* v. *Welch*, supra.)

While the courts cannot control our citizens' preferences for one kind of money over another kind, or prevent them from giving a premium for the one or the other kind of money, when the fiscal affairs of the Government necessitate the adoption of a certain policy, expressed in constitutional legislative enactment, such as the maintenance of a monetary system consisting of specie and currency, to be acceptable interchangeably as to the value of the dollar, the courts should not give effect to a stipulation impugning the power of the legislature to make such laws, and should not apply those laws to the construction of contracts in such a way as to defeat the legitimate purposes of those laws, upon the enforcement of which the very existence of the Government may depend, or, at least, the aggregate well-being of the whole people is contemplated.

As it is not strictly correct to say that a contract is "invalid" merely because the courts will not enforce it, since enforcement may be withheld from valid promises because some provision of law prohibits enforcement, such, for example, as the statute of limitations, or the want of a legal consideration, valid contracts may be made and carried out between parties, without regard to legal limitations, so long as the jurisdiction of courts is not invoked to enforce the agreement. But when judicial enforcement is sought, the courts must find all pertinent constitutional laws tacitly written into every contract they construe.

So a contract to pay dollars tacitly includes the laws of the United States defining "dollar" and regulating the value thereof and pre-

Senate Report 93-549 — The Permanent Emergency (1973)

Congress investigates itself and writes down what it finds. · 25 pages; foreword pages reproduced here.

What you are looking at

The report of the Senate Special Committee on the Termination of the National Emergency, November 1973 — the Senate's own study of the emergency powers accumulated since 1933.

Why it matters

The foreword's opening is the single most quoted admission in this book: since March 9, 1933, the United States has been in a state of declared national emergency — with four presidential emergencies then in force and hundreds of statutes delegating extraordinary powers to the executive. This is not a claim about the system. It is the system's own audit of itself. Forty years after 1933, Congress confirmed the emergency never ended; the 1976 National Emergencies Act then formalized rather than terminated the framework.

What to look for on these pages

- The foreword's first paragraph — the "since March 9, 1933" sentence
- The committee's count of active emergencies and emergency statutes

The pages that follow are the document itself. Not a summary. Not an interpretation. The record. Read it slowly.

VERIFY IT YOURSELF

- Senate Report 93-549, 93rd Cong., 1st Sess. (1973) — govinfo.gov; Senate Special Committee on the Termination of the National Emergency

93d Congress
1st Session } Senate { **Report No. 93-549**

EMERGENCY POWERS STATUTES:

PROVISIONS OF FEDERAL LAW
NOW IN EFFECT DELEGATING TO THE
EXECUTIVE EXTRAORDINARY AUTHORITY
IN TIME OF NATIONAL EMERGENCY

REPORT
OF THE
SPECIAL COMMITTEE ON THE
TERMINATION OF THE NATIONAL EMERGENCY
UNITED STATES SENATE

NOVEMBER 19, 1973

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973
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SPECIAL COMMITTEE ON THE
TERMINATION OF THE NATIONAL EMERGENCY

FRANK CHURCH, Idaho *Co-Chairman*
PHILIP A. HART, Michigan
CLAIBORNE PELL, Rhode Island
ADLAI E. STEVENSON III, Illinois

CHARLES McC MATHIAS, Jr., Maryland
CLIFFORD P. CASE, New Jersey
JAMES B. PEARSON, Kansas
CLIFFORD P. HANSEN, Wyoming

WILLIAM G. MILLER, *Staff Director*
THOMAS A. DINE, *Professional Staff*

II

FOREWORD

Since March 9, 1933, the United States has been in a state of declared national emergency. In fact, there are now in effect four presidentially-proclaimed states of national emergency: In addition to the national emergency declared by President Roosevelt in 1933, there are also the national emergency proclaimed by President Truman on December 16, 1950, during the Korean conflict, and the states of national emergency declared by President Nixon on March 23, 1970, and August 15, 1971.

These proclamations give force to 470 provisions of Federal law. These hundreds of statutes delegate to the President extraordinary powers, ordinarily exercised by the Congress, which affect the lives of American citizens in a host of all-encompassing manners. This vast range of powers, taken together, confer enough authority to rule the country without reference to normal Constitutional processes.

Under the powers delegated by these statutes, the President may: seize property; organize and control the means of production; seize commodities; assign military forces abroad; institute martial law; seize and control all transportation and communication; regulate the operation of private enterprise; restrict travel; and, in a plethora of particular ways, control the lives of all American citizens.

With the melting of the cold war--the developing detente with the Soviet Union and China, the stable truce of over 20 years duration between North and South Korea, and the end of U.S. involvement in the war in Indochina-there is no present need for the United States Government to continue to function under emergency conditions.

The Special Committee on the Termination of the National Emergency was created[1] to examine the consequences of terminating the declared states of national emergency that now prevail; to recommend what steps the Congress should take to ensure that the termination can be accomplished without adverse effect upon the necessary tasks of governing; and, also, to recommend ways in which the United States can meet future emergency situations with speed and effectiveness but without relinquishment of congressional oversight and control.

In accordance with this mandate, the Special Committee-in conjunction with the Executive branch, expert constitutional authorities, as well as former high officials of this Government-is now engaged

Note 1: S. Res. 9, 93d Cong., 1st Sess.

in a detailed study to determine the most reasonable ways to restore normalcy to the operations of our Government.

A first and necessary step was to bring together the body of statutes, which have been passed by Congress, conferring extraordinary powers upon the Executive branch in times of national emergency.

This has been a most difficult task. Nowhere in the Government, in either the Executive or Legislative branches, did there exist a complete catalog of all emergency statutes. Many were aware that there had been a delegation of an enormous amount of power but, of how much power, no one knew. In order to correct this situation, the Special Committee staff was instructed to work with the Executive branch, the Library of Congress, and knowledgeable legal authorities to compile an authoritative list of delegated emergency powers.

This Special Committee study, which contains a list of all provisions of Federal law, except the most trivial, conferring extraordinary powers in time of national emergency, was compiled by the staff under the direction of Staff Director William G. Miller, and Mr. Thomas A. Dine; utilizing the help of the General Accounting Office, the American Law Division of the Library of Congress, the Department of Justice, the Department of Defense, and the Office of Emergency Planning.

The Special Committee is grateful for the assistance provided by Jack. Goldklang of the Office of Legal Counsel, Department of Justice; Lester S. Jayson, the director of the Congressional Research Service of the Library of Congress; Joseph E. Ross, head of the American Law Division of CRS; and especially Raymond Celada of the Ameri- can Law Division and his able assistants, Charles V. Dale and Grover S. Williams; Paul Armstrong

House Joint Resolution 192 — 48 Stat. 112 (June 5, 1933)

The resolution that closed the exit. · 3 pages, certified copy, reproduced in full.

What you are looking at

The certified National Archives copy of House Joint Resolution 192, 73rd Congress, "To assure uniform value to the coins and currencies of the United States" — passed two months after the Emergency Banking Relief Act (Document D5) and one month after Executive Order 6102's gold seizure (Document D10), and signed by President Roosevelt on June 5, 1933, at 4:40 p.m.

Why it matters

Read the operative clause in the resolution's own words: every gold-payment clause in every contract, past or future, is "declared to be against public policy," and every obligation "shall be discharged upon payment, dollar for dollar, in any coin or currency which at the time of payment is legal tender for public and private debts." Before this resolution, a creditor could still demand payment in gold — something with a value the government did not set by decree. After it, that option was gone by law. The resolution's own text runs directly against Article I, Section 10 of the Constitution: "No State shall... make any Thing but gold and silver Coin a Tender in Payment of Debts." The Federal Reserve Act of 1913 created a debt-money system with an exit still built in. This resolution closed it.

What to look for on these pages

- The National Archives certification and seal (page 1 of this reproduction)
- The "against public policy" clause and the "dollar for dollar... legal tender" clause (page 2)
- Roosevelt's signature and the approval time and date, 4:40 p.m., June 5, 1933 (page 3)

The pages that follow are the document itself. Not a summary. Not an interpretation. The record. Read it slowly.

VERIFY IT YOURSELF

- H.J. Res. 192, Pub. Res. No. 10, 73rd Cong., 1st Sess., 48 Stat. 112 (June 5, 1933) — National Archives and Records Administration; govinfo.gov Statutes at Large

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

…all to whom these presents shall come. Greeting:

…virtue of the authority vested in me by the Archivist of the United States, I certify on his behalf, … seal of the National Archives of the United States, that the attached reproduction(s) is a true and … of documents in his custody.

SIGNATURE Cynthia G. Fox	
NAME CYNTHIA G. FOX	DATE Aug 3, 2005
TITLE DEPUTY DIRECTOR, ARCHIVES TEXTUAL SERVICES DIV.	
NAME AND ADDRESS OF DEPOSITORY NATIONAL ARCHIVES AND RECORDS ADMINISTRATION 700 PENNSYLVANIA AVENUE, NW WASHINGTON, DC 20408	

NA FORM 14007 (10-86)

…nd are therefore sub… proper regulation and restriction; and …reas the existing em…cy has disclosed that provisions of …igations which purport… ive the obligee a right to require …ment in gold or a partic… kind of coin or currency of the U… d States, or in an amoun… money of the United States me… ed thereby, obstruct the po… f the Congress to regulate the … e of the money of the Unite… tes, and are inconsistent with … declared policy of the Congre… maintain at all times the eq… power of every dollar, coined … ued by the United States, … e markets and in the payment … bts. Now, therefore, be …

Resolved … he Senate and House of Repre… tives of the United State… America in Congress assembled, … (a) every provision cont… in or made with respect to any oblig… which purports to giv… obligee a right to require payment in gold or a particular kind … oin or currency, or in an amount in money of the United States … ured thereby, is declared to be against public policy; and no such … vision shall be contained in or made with respect to any obliga… n hereafter incurred. Every obligation, heretofore or hereafter in… urred, whether or not any such provision is contained therein or made with respect thereto, shall be discharged upon payment, dollar for dollar, in any coin or currency which at the time of payment is legal tender for public and private debts. Any such provision contained in any law authorizing obligations to be issued by or under authority of the United States, is hereby repealed, but the repeal of any such provision shall not invalidate any other provision or authority contained in such law.

(b) As used in this resolution, the term "obligation" means an obligation (including every obligation of and to the United States, excepting currency) payable in money of the United States; and the term "coin or currency" means coin or currency of the United

H. J. Res. 192 (PUBLIC RESOLUTION No. 10 73d CONGRESS)

Seventy-third Congress of the United States of America;

At the First Session,

Begun and held at the City of Washington on Thursday, the ninth day of March, one thousand nine hundred and thirty-three.

JOINT RESOLUTION

To assure uniform value to the coins and currencies of the United States.

Whereas the holding of or dealing in gold affect the public interest, and are therefore subject to proper regulation and restriction; and

Whereas the existing emergency has disclosed that provisions of obligations which purport to give the obligee a right to require payment in gold or a particular kind of coin or currency of the United States, or in an amount in money of the United States measured thereby, obstruct the power of the Congress to regulate the value of the money of the United States, and are inconsistent with the declared policy of the Congress to maintain at all times the equal power of every dollar, coined or issued by the United States, in the markets and in the payment of debts. Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) every provision contained in or made with respect to any obligation which purports to give the obligee a right to require payment in gold or a particular kind of coin or currency, or in an amount in money of the United States measured thereby, is declared to be against public policy; and no such provision shall be contained in or made with respect to any obligation hereafter incurred. Every obligation, heretofore or hereafter incurred, whether or not any such provision is contained therein or made with respect thereto, shall be discharged upon payment, dollar for dollar, in any coin or currency which at the time of payment is legal tender for public and private debts. Any such provision contained in any law authorizing obligations to be issued by or under authority of the United States, is hereby repealed, but the repeal of any such provision shall not invalidate any other provision or authority contained in such law.

(b) As used in this resolution, the term "obligation" means an obligation (including every obligation of and to the United States, excepting currency) payable in money of the United States; and the term "coin or currency" means coin or currency of the United

States, including Federal Reserve notes and circulating notes of Federal Reserve banks and national banking associations.

SEC. 2. The last sentence of paragraph (1) of subsection (b) of section 43 of the Act entitled "An Act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes", approved May 12, 1933, is amended to read as follows:

"All coins and currencies of the United States (including Federal Reserve notes and circulating notes of Federal Reserve banks and national banking associations) heretofore or hereafter coined or issued, shall be legal tender for all debts, public and private, public charges, taxes, duties, and dues, except that gold coins, when below the standard weight and limit of tolerance provided by law for the single piece, shall be legal tender only at valuation in proportion to their actual weight."

Henry T. Rainey

Speaker of the House of Representatives.

Jno N Garner

Vice President of the United States and
President of the Senate.

Approved
4.40 p.m
June 5 1933
Franklin D Roosevelt

Executive Order 6102 — Forbidding the Hoarding of Gold (April 5, 1933)

The government seizes the people's money. · 2 pages, period public-notice facsimile, reproduced in full.

What you are looking at

A 1933 U.S. Government Printing Office public-notice poster (GPO 1933 2-16064), reproducing Executive Order 6102 in full — the actual document the Postmaster General ordered posted "in a conspicuous place" so every American would see it. Not a modern reprint: this is the notice as the public encountered it.

Why it matters

The order required every person to deliver all gold coin, gold bullion, and gold certificates to a Federal Reserve Bank or member bank on or before May 1, 1933 — four weeks after signing. Section 9 set the penalty for refusal: a fine of up to $10,000, imprisonment for up to ten years, or both. The order cites its own authority in its first line — Section 5(b) of the Act of October 6, 1917 (the Trading with the Enemy Act, Document D4), "as amended by Section 2 of the Act of March 9, 1933" (the Emergency Banking Relief Act, Document D5). Without that amendment extending the 1917 wartime statute to reach "any person within the United States," this order would have had no domestic legal authority to stand on. Signed by Roosevelt, countersigned by Secretary of the Treasury William H. Woodin.

What to look for on these pages

- The opening line — the chain of authority back to the 1917 Act "as amended" by the March 9, 1933 Act
- The May 1, 1933 deadline and the criminal penalty in Section 9
- Roosevelt's signature and Woodin's countersignature, and the GPO print line at the foot of the page

The pages that follow are the document itself. Not a summary. Not an interpretation. The record. Read it slowly.

VERIFY IT YOURSELF

- Exec. Order No. 6102, 3 C.F.R. 1933 Comp. (April 5, 1933) — National Archives Federal Register compilation; period facsimile also at archive.org, item "pdfy-MHvlymfJYU05yELW"

POSTMASTER: PLEASE POST IN A CONSPICUOUS PLACE.—JAMES A. FARLEY, Postmaster General

UNDER EXECUTIVE ORDER OF THE PRESIDENT

issued April 5, 1933

all persons are required to deliver

ON OR BEFORE MAY 1, 1933

all GOLD COIN, GOLD BULLION, AND GOLD CERTIFICATES now owned by them to a Federal Reserve Bank, branch or agency, or to any member bank of the Federal Reserve System.

Executive Order

FORBIDDING THE HOARDING OF GOLD COIN, GOLD BULLION AND GOLD CERTIFICATES.

By virtue of the authority vested in me by Section 5(b) of the Act of October 6, 1917, as amended by Section 2 of the Act of March 9, 1933, entitled "An Act to provide relief in the existing national emergency in banking, and for other purposes", in which amendatory Act Congress declared that a serious emergency exists, I, Franklin D. Roosevelt, President of the United States of America, do declare that said national emergency still continues to exist and pursuant to said section do hereby prohibit the hoarding of gold coin, gold bullion, and gold certificates within the continental United States by individuals, partnerships, associations and corporations and hereby prescribe the following regulations for carrying out the purposes of this order:

Section 1. For the purposes of this regulation, the term "hoarding" means the withdrawal and withholding of gold coin, gold bullion or gold certificates from the recognized and customary channels of trade. The term "person" means any individual, partnership, association or corporation.

Section 2. All persons are hereby required to deliver on or before May 1, 1933, to a Federal reserve bank or a branch or agency thereof or to any member bank of the Federal Reserve System all gold coin, gold bullion and gold certificates now owned by them or coming into their ownership on or before April 28, 1933, except the following:

(a) Such amount of gold as may be required for legitimate and customary use in industry, profession or art within a reasonable time, including gold prior to refining and stocks of gold in reasonable amounts for the usual trade requirements of owners mining and refining such gold.

(b) Gold coin and gold certificates in an amount not exceeding in the aggregate $100.00 belonging to any one person; and gold coins having a recognized special value to collectors of rare and unusual coins.

(c) Gold coin and bullion earmarked or held in trust for a recognized foreign government or foreign central bank or the Bank for International Settlements.

(d) Gold coin and bullion licensed for other proper transactions (not involving hoarding) including gold coin and bullion imported for reexport or held pending action on applications for export licenses.

Section 3. Until otherwise ordered any person becoming the owner of any gold coin, gold bullion, or gold certificates after April 28, 1933, shall, within three days after receipt thereof, deliver the same in the manner prescribed in Section 2; unless such gold coin, gold bullion or gold certificates are held for any of the purposes specified in paragraphs (a), (b) or (c) of Section 2; or unless such gold coin or gold bullion is held for purposes specified in paragraph (d) of Section 2 and the person holding it is, with respect to such gold coin or bullion, a licensee or applicant for license pending action thereon.

Section 4. Upon receipt of gold coin, gold bullion or gold certificates delivered to it in accordance with Sections 2 or 3, the Federal reserve bank or member bank will pay therefor an equivalent amount of any other form of coin or currency coined or issued under the laws of the United States.

Section 5. Member banks] shall deliver all gold coin, gold bullion and gold certificates owned or received by them (other than as exempted under the provisions of Section 2) to the Federal reserve banks of their respective districts and receive credit or payment therefor.

Section 6. The Secretary of the Treasury, out of the sum made available to the President by Section 501 of the Act of March 9, 1933, will in all proper cases pay the reasonable costs of transportation of gold coin, gold bullion or gold certificates delivered to a member bank or Federal reserve bank in accordance with Sections 2, 3, or 5 hereof, including the cost of insurance, protection, and such other incidental costs as may be necessary, upon production of satisfactory evidence of such costs. Voucher forms for this purpose may be procured from Federal reserve banks.

Section 7. In cases where the delivery of gold coin, gold bullion or gold certificates by the owners thereof within the time set forth above will involve extraordinary hardship or difficulty, the Secretary of the Treasury may, in his discretion, extend the time within which such delivery must be made. Applications for such extensions must be made in writing under oath, addressed to the Secretary of the Treasury and filed with a Federal reserve bank. Each application must state the date to which the extension is desired, the amount and location of the gold coin, gold bullion and gold certificates in respect of which such application is made and the facts showing extension to be necessary to avoid extraordinary hardship or difficulty.

Section 8. The Secretary of the Treasury is hereby authorized and empowered to issue such further regulations as he may deem necessary to carry out the purposes of this order and to issue licenses thereunder, through such officers or agencies as he may designate, including licenses permitting the Federal reserve banks and member banks of the Federal Reserve System, in return for an equivalent amount of other coin, currency or credit, to deliver, earmark or hold in trust gold coin and bullion to or for persons showing the need for the same for any of the purposes specified in paragraphs (a), (c) and (d) of Section 2 of these regulations.

Section 9. Whoever willfully violates any provision of this Executive Order or of these regulations or of any rule, regulation or license issued thereunder may be fined not more than $10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in any such violation may be punished by a like fine, imprisonment, or both.

This order and these regulations may be modified or revoked at any time.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE
April 5, 1933.

For Further Information Consult Your Local Bank

GOLD CERTIFICATES may be identified by the words "GOLD CERTIFICATE" appearing thereon. The serial number and the Treasury seal on the face of a GOLD CERTIFICATE are printed in YELLOW. Be careful not to confuse GOLD CERTIFICATES with other issues which are redeemable in gold but which are not GOLD CERTIFICATES. Federal Reserve Notes and United States Notes are "redeemable in gold" but are not "GOLD CERTIFICATES" and are not required to be surrendered

Special attention is directed to the exceptions allowed under Section 2 of the Executive Order

CRIMINAL PENALTIES FOR VIOLATION OF EXECUTIVE ORDER

$10,000 fine or 10 years imprisonment, or both, as provided in Section 9 of the order

Secretary of the Treasury.

U.S. Government Printing Office: 1933 2-16064

EXECUTIVE ORDER (Enlarged for your convenience)

FORBIDDING THE HOARDING OF GOLD COIN, GOLD BULLION AND GOLD CERTIFICATES.

By virtue of the authority vested in me by Section 5 (b) of the Act of October 6, 1917, as amended by Section 2 of the Act of March 9, 1933, entitled "An act to provide relief in the existing national emergency in banking, and for other purposes", in which amendatory Act Congress declared that a serious emergency exists. I, Franklin D. Roosevelt, President of the United States of America, do declare that said national emergency still continues to exist and pursuant to said section do hereby prohibit the hoarding of gold coin, gold bullion, and gold certificates within the continental United States by individuals, partnerships, associations and corporations and hereby prescribe the following regulations for carrying out the purposes of this order:

Section 1. For the purposes of this regulation the term "hoarding" means the withdrawal and withholding of gold coin, gold bullion or gold certificates from the recognized and customary channels of trade. The term "person" means any individual, partnership, association or corporation.

Section 2. All persons are hereby required to deliver on or before May 1, 1933, to a Federal reserve bank or branch or agency thereof or to any member bank of the Federal Reserve System all gold coin, gold bullion and gold certificates now owned by them or coming into their ownership on or before April 28, 1933, except the following:

(a) Such amount of gold as may be required for legitimate and customary use in industry, profession or art within a reasonable time, including gold prior to refining and stocks of gold in reasonable amounts for the usual trade requirements of owners mining and refining such gold.

(b) Gold coin and gold certificates in an amount not exceeding in the aggregate $100.00 belonging to any one person; and gold coins having a recognized special value to collectors of rare and unusual coins.

(c) Gold coin and bullion earmarked or held in trust for a recognized foreign government or foreign central bank or the Bank for International Settlements.

(d) Gold coin and bullion licensed for other proper transactions (not involving hoarding) including gold coin and bullion imported for re-export or held pending action on application for export licenses.

Section 3. Until otherwise ordered by any person becoming the owner of any gold coin, gold bullion or gold certificates after April 28, 1933, shall, within three days after receipt thereof, deliver same in the manner prescribed in Section 2; unless such gold coin, gold bullion or gold certificates are held in any of the purposes specified in paragraph (a), (b) or (c). Section 2; or unless such gold coin, or gold bullion is held for purposes specified in paragraph (d) or Section 2 and the person holding it is, with respect to such gold coin or bullion, a licensee or applicant for license pending action thereupon.

Section 4. Upon receipt of gold coin, gold bullion or gold certificates delivered to it in accordance with Section 2 or 3, the Federal reserve bank or member bank will pay therefore an equivalent amount of any form of coin or currency coined or issued under the laws of the United States.

Section 5. Member banks shall deliver all gold coin, gold bullion and gold certificates owned or received by them (other than as exempted under the provision of Section 2) to the Federal reserve banks of their respective districts and receive credit or payment therefore.

Section 6. The Secretary of the Treasury, out of the sum made available to the President by Section 501 of the Act of March 9, 1933, will in all proper cases pay the reasonable cost of transportation of gold coin, gold bullion or gold certificates delivered to a member bank or Federal Reserve Bank in accordance with Section 2, 3, or 5 hereof, including the cost of insurance, protection, and such other incidental costs as may be necessary, upon production of satisfactory evidence of such costs. Voucher forms for this purpose may be procured from the Federal reserve banks.

Section 7. In cases where the delivery of gold coin, gold bullion or gold certificates by the owners thereof within the time set forth above will involve extraordinary hardship difficulty, the Secretary of the Treasury may, in his discretion, extend the time within which such delivery must be made. Applications for such extension must be made in writing under oath addressed to the Secretary of the Treasury and filed with a Federal reserve bank. Each application must state the date to which the extension is desired, the amount and location of the gold coin, gold bullion and gold certificates in respect of which such application is made and the facts showing extension to be necessary to avoid extraordinary hardship or difficulty.

Section 8. The Secretary of the Treasury is hereby authorized and empowered to issue such further regulations as he may deem necessary to carry out the purposes of this order and to issue licenses there under, through such offices or agencies as he may designate, including licenses permitting the Federal reserve banks and member banks of the Federal Reserve System, in return for an equivalent amount of other coin, currency or credit, to deliver, earmark or hold in trust gold coin and bullion to or for persons showing the need for the same for any of the purposes specified in Paragraphs (a), (c) and (d) of Section 2 of these regulations.

Section 9. Whoever willfully violates any provision of this Executive Order or of these regulations or of any rule, regulation or license issued there under may be fined not more than $10,000 or if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director or agency of any corporation who knowingly participates in any such violation may be punished by a like fine, imprisonment, or both.

This order and these regulations may be modified or revoked at any time.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE
April 5, 1933

The National Currency Act — 13 Stat. 99, §28 (June 3, 1864)

The law they never changed. · 21 pages; key page reproduced here.

What you are looking at

The National Currency Act of 1864 (later renamed the National Bank Act), Section 28 — the statute chartering national banks under federal law and limiting how long one may hold real estate it acquires through lending. This is the original 1864 printed page, Statutes at Large, 38th Congress, Session I, Chapter 106.

Why it matters

Read the sentence on this page in the government's own 1864 print: a national bank "shall not hold the possession of any real estate under mortgage, or hold the title and possession of any real estate purchased to secure any debts due to it for a longer period than five years." That is the whole rule. Now codified at 12 U.S.C. §29, the operative language is unchanged one hundred and sixty years later — the regulatory interpretation narrowed around the statute, but the statute itself was never amended. The Supreme Court seemed to recognize exactly this gap in *National Bank v. Matthews*, 98 U.S. 621 (1878), just fourteen years after passage, holding that a mortgage "transfers" an interest in real property to the bank. In 2019 the Office of the Comptroller of the Currency fined Citibank $30 million for violating these same holding-period requirements — over two hundred times between April 2017 and August 2019 alone.

What to look for on this page

- The tail of Section 28 — the five-year real-estate holding limit, in the statute's own 1864 words
- Section 29 beginning immediately after, in the same paragraph column — the ten-percent lending limit

The page that follows is the document itself. Not a summary. Not an interpretation. The record. Read it slowly.

VERIFY IT YOURSELF

- 13 Stat. 99, ch. 106, §28 (June 3, 1864) — Statutes at Large, Vol. 13; current codification at 12 U.S.C. §29
- *National Bank v. Matthews*, 98 U.S. 621 (1878) — courtlistener.com

Real estate.

Second. Such as shall be mortgaged to it in good faith by way of security for debts previously contracted.

Third. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

Fourth. Such as it shall purchase at sales under judgments, decrees, or mortgages held by such association, or shall purchase to secure debts due to said association.

Such associations shall not purchase or hold real estate in any other case or for any other purpose than as specified in this section. Nor shall it hold the possession of any real estate under mortgage, or hold the title and possession of any real estate purchased to secure any debts due to it for a longer period than five years.

No person, &c., to be liable to association for more than, &c.

SEC. 29. *And be it further enacted*, That the total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one tenth part of the amount of the capital stock of such association actually paid in: *Provided*, That the discount of bona fide bills of exchange drawn against actually existing values, and the discount of commercial or business paper actually owned by the person or persons, corporation, or firm negotiating the same shall not bo considered as money borrowed.

Certain discounts not to be included.

Rate of interest.

SEC. 30. *And be it further enacted*, That every association may take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidences of debt, interest at the rate allowed by the laws of the state or territory where the bank is located, and no more, except that where by the laws of any state a different rate is limited for banks of issue organized under state laws, the rate so limited shall be allowed for associations organized in any such state under this act. And when no rate is fixed by the laws of the state or territory, the bank may take, receive, reserve, or charge a rate not exceeding seven per centum, and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt has to run. And the knowingly taking, receiving, reserving, or charging a rate of interest greater than aforesaid shall be held and adjudged a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. And in case a greater rate of interest has been paid, the person or persons paying the same, or their legal representatives, may recover back, in any action of debt, twice the amonnt of the interest thus paid from the association taking or receiving the same: *Provided*, That such action is commenced within two years from the time the usurious transaction occurred. But the purchase, discount, or sale of a bona fide bill of exchange, payable at another place than the place of such purchase, discount, or sale, at not more than the current rate of exchange for sight drafts in additiou to the interest, shall not be cousidered as taking or receiving a greater rate of interest.

Penalty for taking greater interest.

Action to be commenced in two years.

Amount of money to be kept on hand.

SEC. 31. *And be it further enacted*, That every association in the cities hereinafter named shall, at all times, have on hand, in lawful money of the United States, an amount equal to at least twenty-five per centum of the aggregate amount of its notes in circulation and its deposits; and every other association shall, at all times, have on hand, in lawful money of the United States, an amonnt eqnal to at least fifteen per centum of the aggregate amount of its notes in circulation, and of its deposits. And whenever the lawful money of any association in any of the cities hereinafter named shall be below the amount of twenty-five per centum of its circulation and deposits, and whenever the lawful money of any other association shall be below fifteen per centum of its circulation and deposits, such associations shall not increase its liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividend of its profits until

Liabilities not to be increased until reserve is made good.

The 1213 Charter of Submission — King John Surrenders England to Rome

The earliest link in the chain. · No facsimile in this bundle — the charter's own words, below, quoted from the primary text.

What you are looking at

In 1208, Pope Innocent III placed England under interdict after King John refused to accept the pope's choice of Stephen Langton as Archbishop of Canterbury. John was excommunicated in November 1209. Facing a threatened French invasion and open rebellion at home, John submitted. On May 15, 1213, in the presence of the papal legate Pandulph, John swore fealty on his knees and issued a charter surrendering the kingdoms of England and Ireland to the pope, receiving them back as a papal vassal for an annual tribute of 1,000 marks. Pope Innocent III formally confirmed the arrangement in a bull dated April 21, 1214 — still held today by the British Library in its Cotton Charter collection (VIII.24), witnessed by fourteen cardinals.

The charter's own words

"By this charter attested by our golden seal we wish it to be known to you all that… we offer and freely yield to God and to SS Peter and Paul… and to the Holy Roman Church our mother, and to our lord Pope Innocent III and his Catholic successors, the whole kingdom of England and the whole kingdom of Ireland with all their rights and appurtenances for the remission of our sins and the sins of our whole family… And now, receiving back these kingdoms from God and the Roman Church, and holding them as a feudatory vassal… we have pledged and sworn our fealty henceforth to our lord aforesaid, Pope Innocent III… and we bind in perpetuity our successors and legitimate heirs that without question they must similarly render fealty and acknowledge homage to the Supreme Pontiff holding office at the time… in lieu of all service and payment which we should render for them [the fiefs], the Roman Church is to receive annually… one thousand marks sterling."

Why it matters

This is the earliest document in this bundle's chain — centuries before the Lieber Code (D1), before the colonial charters, before the Constitution. A reigning king of England, under real political duress but by his own signed and sealed charter, placed his crown in feudal vassalage to the papacy. Whatever one concludes about how far that arrangement's consequences reached or how long they lasted, the charter itself is not in dispute: it survives, it says what it says, and the pope's confirming bull survives alongside it in the British Library today.

Scope note: This exhibit reproduces only the verified text of the 1213 charter and the documented facts of its signing. It does not carry claims found on some source pages surveyed for this bundle —

such as that this charter gives the pope authority to abolish present-day U.S. law. Those claims are not supported by the historical record and are excluded here.

VERIFY IT YOURSELF

- Innocent III's confirming bull, April 21, 1214 — British Library, Cotton Charter VIII.24
- King John's charter of submission, May 15, 1213 — text widely reproduced in medieval-history sourcebooks; see also the Avalon Project (Yale Law School), avalon.law.yale.edu, for related medieval English source documents

National Security Study Memorandum 200 — The Kissinger Report (December 10, 1974)

The population-control policy the government tried to forget. · 123 pages; the key-countries page reproduced here.

What you are looking at

NSSM 200, "Implications of Worldwide Population Growth for U.S. Security and Overseas Interests" — a National Security Council study commissioned by Henry Kissinger as Secretary of State, completed December 10, 1974, and adopted as official U.S. policy by President Ford in 1975. It remained classified until 1989.

Why it matters

The report names thirteen developing nations for the most intensive tier of U.S. population-reduction assistance — India, Bangladesh, Pakistan, Nigeria, Mexico, Indonesia, Brazil, the Philippines, Thailand, Egypt, Turkey, Ethiopia, and Colombia — citing their combined share of world population growth and explicit "special U.S. political and strategic interest" in shaping it. The report's scope was these thirteen named nations; it did not name the United States as a target. What it reveals is a government willing to treat a country's family structure and birth rate as an instrument of foreign policy — and a framework this book argues later shows up, by a different route, closer to home.

What to look for on this page

- The full 13-country list, and the phrase "special U.S. political and strategic interest" describing why these particular countries were chosen — the document's own language, not a paraphrase
- The stated goal: a 2 percent growth rate declining to 1.1 percent by 2000, projected to mean 500 million fewer people by 2000 and roughly 3 billion fewer by 2050

The page that follows is the document itself. Not a summary. Not an interpretation. The record. Read it slowly.

VERIFY IT YOURSELF

- National Security Study Memorandum 200, Dec. 10, 1974, declassified 1989 — National Archives (archives.gov) and the National Security Archive, George Washington University (nsarchive.gwu.edu)

National Security Study Memorandum

NSSM 200

Implications of Worldwide Population Growth
For U.S. Security and Overseas Interests
(THE KISSINGER REPORT)

December 10, 1974

CLASSIFIED BY Harry C. Blaney, III
SUBJECT TO GENERAL DECLASSIFICATION SCHEDULE
OF EXECUTIVE ORDER 11652 AUTOMATICALLY DOWN-
GRADED AT TWO YEAR INTERVALS AND DECLASSIFIED
ON DECEMBER 31, 1980.

This document can only be declassified by the White House.

Declassified/Released on 7/3/89
under provisions of E.O. 12356
by F. Graboske, National Security Council

2000. This will require the present 2 percent growth rate to decline to 1.7 percent within a decade and to 1.1 percent by 2000 compared to the U.N medium projection, this goal would result in 500 million fewer people in 2000 and about 3 billion fewer in 2050. Attainment of this goal will require greatly intensified population programs. A basis for developing national population growth control targets to achieve this world target is contained in the World Population Plan of Action.

30. The World Population Plan of Action is not self-enforcing and will require vigorous efforts by interested countries, U.N. agencies and other international bodies to make it effective. U.S. leadership is essential. The strategy must include the following elements and actions:

(a) Concentration on key countries.
Assistance for population moderation should give primary emphasis to the largest and fastest growing developing countries where there is special U.S. political and strategic interest. Those countries are: India, Bangladesh, Pakistan, Nigeria, Mexico, Indonesia, Brazil, the Philippines, Thailand, Egypt, Turkey, Ethiopia and Columbia. Together, they account for 47 percent of the world's current population increase. (It should be recognized that at present AID bilateral assistance to some of these countries may not be acceptable.) Bilateral assistance, to the extent that funds are available, will be given to other countries, considering such factors as population growth, need for external assistance, long-term U.S. interests and willingness to engage in self help. Multilateral programs must necessarily have a wider coverage and the bilateral programs of other national donors will be shaped to their particular interests. At the same time, the U.S. will look to the multilateral agencies, especially the U.N. Fund for Population Activities which already has projects in over 80 countries to increase population assistance on a broader basis with increased U.S. contributions. This is desirable in terms of U.S. interests and necessary in political terms in the United Nations. But progress nevertheless, must be made in the key 13 and our limited resources should give major emphasis to them.

(b) Integration of population factors and population programs into country development planning. As called for the world Population Plan of Action, developing countries and those aiding them should specifically take population factors into account in national planning and include population programs in such plans.

(c) Increased assistance for family planning services, information and technology. This is a vital aspect of any world population program.
1) Family planning information and materials based on present technology should be made fully available as rapidly as possible to the 85 % of the populations in key LDCs not now reached, essentially rural poor who have the highest fertility.

DOCUMENT D14 · THE RECORD

House Report No. 3123 — The National Lawyers Guild: Legal Bulwark of the Communist Party (September 17, 1950)

A government committee makes its case, in its own words. · 52 pages; title page and Budenz-testimony page reproduced here.

What you are looking at

House Report No. 3123, 81st Congress, 2nd Session, released September 17, 1950 by the House Committee on Un-American Activities (HUAC): "Report on the National Lawyers Guild — Legal Bulwark of the Communist Party."

Why it matters

HUAC's case rests on the Guild's own founding-era associations — Communist Party publications hailing its 1937 founding, the International Labor Defense welcoming it as a "front" — and direct testimony from Louis Budenz, a former CPUSA National Committee member and Daily Worker editor who broke with the Party in 1945, describing the Guild as carrying "a complete duplicate of the Communist Party's hopes and aspirations." What happened next matters just as much, and the record deserves to stand in full: in 1953 Attorney General Herbert Brownell moved to formally list the Guild as a subversive organization; five years of litigation followed; in 1958 the Justice Department dropped the effort, citing unavailable witnesses, a decision reaffirmed in 1974 — the "subversive" designation was never sustained through the legal process. The listing attempt itself still did real damage: more than 700 Guild members resigned and membership fell roughly 80 percent from its 1947 peak by 1955. HUAC's procedures during this era — guilt by association, limited rights of response — have been thoroughly and rightly criticized by historians since. Read this document for what it documents, and for what happened after.

What to look for on this page

- The *New Masses* and International Labor Defense quotes on the Guild's 1937 founding
- Louis Budenz's 1948 testimony before HUAC: "a complete duplicate of the Communist Party's hopes and aspirations"

The page that follows is the document itself. Not a summary. Not an interpretation. The record. Read it slowly.

VERIFY IT YOURSELF

- House Report No. 3123, 81st Cong., 2d Sess. (Sept. 17, 1950), House Committee on Un-American Activities — govinfo.gov / HathiTrust

Union Calendar No. 1078

81st Congress, 2d Session - - - - - - - - House Report No. 3123

REPORT ON

THE

NATIONAL LAWYERS GUILD

Legal Bulwark of the Communist Party

SEPTEMBER 17, 1950
(Original release date)

September 21, 1950.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

Prepared and Released by the

COMMITTEE ON UN-AMERICAN ACTIVITIES, U. S. HOUSE OF REPRESENTATIVES
WASHINGTON, D. C.

of the violation of human rights as found in Soviet slave labor camps and in the series of Moscow trials, which shocked the civilized world.

The National Lawyers Guild was formally organized at a convention held in the Washington Hotel in Washington, D. C., on February 19–22, 1937. National headquarters were established in the Nation's Capital, where they remain today.

Communists publicly hailed the founding of the National Lawyers Guild. New Masses, a weekly publication of the Communist Party, featured an article entitled "Defense for the Counsel—The Need for the National Lawyers Guild" in its issue of June 14, 1938 (pp. 19–21). This article, written by Charles Recht, an attorney for the Soviet Government and a member of the guild, observed that—

> With the growth of the American Labor Party in New York, and kindred progressive movements throughout the United States, the lawyers, who in many of the smaller communities are the nerve centers of political activities, will be an invaluable aid in galvanizing the latent liberal elements of the country into a political force. The National Lawyers Guild can and will form one of the most important adjuncts to a progressive movement representing the interests of the workers and farmers.

The International Labor Defense, which was cited by former Attorney General Francis Biddle as "the legal arm of the Communist Party," also enthusiastically welcomed the new front, the National Lawyers Guild. The ILD stated in its 1936–37 yearbook that—

> The emergence of the National Lawyers Guild is regarded by the International Labor Defense as a heartening expression of the devotion of thousands of American attorneys to the American principle of democracy, and a concrete step on their part in the struggle to maintain and enlarge democratic rights (p. 64).

Earl Browder, testifying before the House Committee on Un-American Activities on September 6, 1939, in his capacity as general secretary of the Communist Party, admitted that the National Lawyers Guild was a Communist transmission belt.

This has been corroborated by Louis F. Budenz, former member of the National Committee of the Communist Party and one-time managing editor of its official newspaper, the Daily Worker. Testifying before the House Committee on Un-American Activities on April 3, 1946, Mr. Budenz described the National Lawyers Guild as a working ally of the Communist Party and stated that members of the guild would be under the influence of the party while "officers would be Communists or fellow travelers." Testifying again before the committee on July 20, 1948, Mr. Budenz said:

> In the National Lawyers Guild there is a complete duplicate of the Communist Party's hopes and aspirations in that field, although there are a number of non-Communists in the National Lawyers Guild. In fact, some of their lawyers locally are not Communists, but they play the Communist game either wittingly or unwittingly.

INTERCEDES FOR INDIVIDUAL COMMUNISTS

The National Lawyers Guild, as an organization, has intervened in the major court cases which have involved individual Communist leaders or officials of Communist-front organizations or unions. In every instance, the guild has interceded on the Communist side.

The guild submitted a brief *amicus curiae* in the case of Robert Wood, an Oklahoma Communist official who was convicted of criminal syndicalism in that State in 1940. When, in the same year, avowed Communist Ben Gold and other leaders of the Communist-controlled

- The 1958 Justice Department discontinuance of Attorney General's List proceedings against the Guild is documented in Guild and legal-history retrospectives on the episode

The Grace Commission — J. Peter Grace's Transmittal Letter to President Reagan (January 12, 1984)

Where your income tax dollar actually goes, in the Commission chairman's own words. · 16 pages; the transmittal-letter page reproduced here.

What you are looking at

In 1982, President Reagan commissioned J. Peter Grace to lead the Private Sector Survey on Cost Control (Executive Order 12369), staffed by more than two thousand private-sector volunteers who spent two years examining federal spending. This page is from a Congressional Research Service info packet reproducing the Commission's January 12, 1984 press release and Grace's own transmittal letter to President Reagan, delivered alongside the Commission's 656-page official report.

Why it matters

Read the sentence in Grace's own letter: "With two-thirds of everyone's personal income taxes wasted or not collected, 100 percent of what is collected is absorbed solely by interest on the Federal debt and by Federal Government contributions to transfer payments. In other words, all individual income tax revenues are gone before one nickel is spent on the services which taxpayers expect from their Government." This is not a critic's estimate or a think tank's projection. It is the finding of a 2,000-person, White House–commissioned survey, reported to the President by its own chairman, in writing.

What to look for on this page

- The "100 percent" sentence in Grace's transmittal letter
- The condensed version of the same finding in the accompanying press release

The page that follows is the document itself. Not a summary. Not an interpretation. The record. Read it slowly.

VERIFY IT YOURSELF

- Congressional Research Service Info Pack "Grace Commission" (IP0281G), Library of Congress, Jan. 31, 1985 — also digitized at digital.library.unt.edu

Importantly, any meaningful increases in taxes from personal income would have to come from lower and middle income families, as 90 percent of all personal taxable income is generated below the taxable income level of $35,000.

Further, there isn't much more that can be extracted from high income brackets. If the Government took 100 percent of all taxable income beyond the $75,000 tax bracket not already taxed, it would get only $17 billion, and this confiscation, which would destroy productive enterprise, would only be sufficient to run the Government for seven days.

Resistance to additional income taxes would be even more widespread if people were aware that:

- o One-third of all their taxes is consumed by waste and inefficiency in the Federal Government as we identified in our survey.

- o Another one-third of all their taxes escapes collection from others as the underground economy blossoms in direct proportion to tax increases and places even more pressure on law abiding taxpayers, promoting still more underground economy -- a vicious circle that must be broken.

- o With two-thirds of everyone's personal income taxes wasted or not collected, 100 percent of what is collected is absorbed solely by interest on the Federal debt and by Federal Government contributions to transfer payments. In other words, all individual income tax revenues are gone before one nickel is spent on the services which taxpayers expect from their Government.

Our survey studied the small as well as the major items of cost savings, items of broad national impact as well as those of a more localized nature. I believe you will be interested in a few random examples of what we found:

- o In the Northwest, the Federal Power Marketing Administration is selling subsidized power at one-third of market rates. If the Federal power were priced at market, there would be a three-year

Modern Money Mechanics — Federal Reserve Bank of Chicago (1961)

The Fed explains, in its own training booklet, how banks create money by lending. · 36 pages; the key page reproduced here.

What you are looking at

Modern Money Mechanics, written by Dorothy M. Nichols and published by the Federal Reserve Bank of Chicago beginning in 1961. The Fed distributed this booklet as a public educational text on how the U.S. banking system actually works for thirty-three years, discontinuing it in 1994.

Why it matters

This is the Federal Reserve's own explanation, written for public distribution, of a mechanic most people assume works differently: "Of course, they do not really make loans out of the money they receive as deposits. If they did this, they would be acting just like financial intermediaries and no additional money would be created. What they do when they make loans is to accept promissory notes in exchange for credits they make to the borrowers' deposit accounts." A loan is not money the bank had sitting in reserve. It is money created at the moment of lending, against your signature.

What to look for on this page

- The heading "Bank Deposits — How They Expand or Contract"
- The sentence beginning "Of course, they do not really make loans out of the money they receive as deposits"

The page that follows is the document itself. Not a summary. Not an interpretation. The record. Read it slowly.

VERIFY IT YOURSELF

- Modern Money Mechanics, Federal Reserve Bank of Chicago (1961 ed.) — Federal Reserve Bank of St. Louis FRASER archive (fraser.stlouisfed.org)

Let us assume that expansion in the money supply is desired. One way the central bank can initiate such an expansion is through purchases of securities in the open market, thus adding to the reserves of member banks. Such purchases (and sales) are called "open market operations."

How do open market purchases add to bank reserves and deposits? The Federal Reserve System, through its New York office, buys $1,000,000 of Treasury bills from a Government securities dealer in New York. The Federal Reserve Bank pays for the securities with a check issued on itself (and signed by one of its officers). The dealer deposits this check in his account with a commercial bank (**Bank A**) which sends it for collection and immediate credit to its reserve account at the Federal Reserve Bank of New York. The Federal Reserve System has added $1,000,000 of securities to its assets which it has paid for in effect by **creating** member bank reserves. On the commercial bank's books these reserves are matched by $1,000,000 of additional demand deposits (money) which did not exist before. [See illustration (1).]

How the multiple expansion process works

If the process ended here, there would be no "multiple" expansion, i.e., deposits and bank reserves have changed by the same amount. However, member banks are required to maintain reserves equal to only a fraction of their deposits. Reserves in excess of this amount may be used to increase earning assets—loans and investments. Under current regulations, banks in large cities are required to have a higher percentage of reserves against demand deposits than are banks in smaller communities, but the average for all member banks is about 15 per cent. Assuming, for simplicity, a uniform 15 per cent reserve ratio and further assuming that all commercial banks attempt to remain fully invested, we can now trace the process of **expansion** in demand deposits which can take place on the basis of the **additional** reserves provided as a result of the Federal Reserve System's purchase of securities.

The expansion process may or may not begin with Bank A, depending on what the dealer does with the money he received from the sale of securities. If he immediately writes checks for $1,000,000 and all of them are deposited in other banks, Bank A loses both deposits and reserves and shows no net change as a result of the System's open market purchase. However, other banks have received them. Most likely, part of the deposits will remain with Bank A and a part will be shifted to a number of other banks as the dealer's checks clear.

It does not really matter where this money is at any given time. The important fact is that **these deposits do not disappear.** They are in some deposit accounts at all times. All banks together have $1,000,000 of deposits and reserves that they did not have before. However, they are not required to keep $1,000,000 of reserves against the $1,000,000 of deposits. All they need to retain, under a 15 per cent reserve requirement, is $150,000. The remainder, $850,000, is "excess reserves." This amount can be loaned or invested. [See illustration (2).]

If business is active, these banks will probably have opportunities to loan the $850,000. Of course, they do not really make loans out of the money they receive as deposits. If they did this, they would be acting just like financial intermediaries and no additional money would be created. What they do when they make loans is to accept promissory notes in exchange for credits they make to the borrowers' deposit accounts. Loans (assets) and deposits (liabilities) both rise by $850,000. Reserves are unchanged by the loan transactions. But the deposit credits constitute new additions to the total deposits of the banking system. [See illustration (3).]

This is the beginning of the deposit expansion process. In the first stage of the process total loans and deposits of the commercial banks rise by an amount equal to the excess reserves existing before any loans were made

The Federal Reserve Act — 38 Stat. 251 (December 23, 1913)

The founding charter of the modern monetary system. · 26 pages; the title and enactment page reproduced here.

What you are looking at

The original 1913 printed statute, Statutes at Large, 63rd Congress, Session II, Chapter 6: "An Act To provide for the establishment of Federal reserve banks, to furnish an elastic currency, to afford means of rediscounting commercial paper, to establish a more effective supervision of banking in the United States, and for other purposes" — its own short title, declared in its first sentence: "the 'Federal Reserve Act.'"

Why it matters

Every emergency-banking chain this book traces — the 1933 Emergency Banking Act, Executive Order 6102, HJR 192 — runs through the centralized banking framework this act created in 1913. It did not emerge from ordinary legislative deliberation; it followed a secret 1910 planning meeting at Jekyll Island, Georgia, so covert that one participant later confessed to disguising his own identity to attend. This is the statute's own enactment page, in the government's original print.

What to look for on this page

- The Act's full title and its self-declared short title, "the Federal Reserve Act"
- The opening definitions section and the start of Section 2, establishing the Federal reserve districts

The page that follows is the document itself. Not a summary. Not an interpretation. The record. Read it slowly.

VERIFY IT YOURSELF

- 38 Stat. 251, ch. 6 (Dec. 23, 1913) — Statutes at Large, Vol. 38; current codification scattered through 12 U.S.C. Ch. 3

or other uses, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this Act, shall proceed in conformity with the laws of said State.

Approved, December 19, 1913.

CHAP. 5.—An Act Amending an Act entitled "An Act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved March fourth, nineteen hundred and thirteen.

December 22, 1913. [S. 2689.]

[Public, No. 42.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-six of the Act approved March fourth, nineteen hundred and thirteen, which authorizes the Secretary of the Treasury to enter into a contract or contracts for the erection of fireproof laboratories for the Bureau of Mines in the city of Pittsburgh, Pennsylvania, and so forth, is hereby amended so as to authorize the Secretary of the Treasury, in his discretion, to accept and expend, in addition to the limit of cost therein fixed, such funds as may be received by contribution from the State of Pennsylvania, or from other sources, for the purpose of enlarging, by purchase, condemnation, or otherwise, and improving the site authorized to be acquired for said Bureau of Mines, or for other work contemplated by said legislation: *Provided,* That the acceptance of such contributions and the improvements made therewith shall involve the United States in no expenditure in excess of the limit of cost heretofore fixed.

Public buildings. Bureau of Mines laboratories, Pittsburgh, Pa.

Acceptance of additional funds. Vol. 37, p. 886.

Proviso. Limit of cost.

Approved, December 22, 1913.

CHAP. 6.—An Act To provide for the establishment of Federal reserve banks, to furnish an elastic currency, to afford means of rediscounting commercial paper, to establish a more effective supervision of banking in the United States, and for other purposes.

December 23, 1913. [H. R. 7837.]

[Public, No. 43.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the short title of this Act shall be the "Federal Reserve Act."

Federal Reserve Act.

Terms construed.

Wherever the word "bank" is used in this Act, the word shall be held to include State bank, banking association, and trust company, except where national banks or Federal reserve banks are specifically referred to.

The terms "national bank" and "national banking association" used in this Act shall be held to be synonymous and interchangeable. The term "member bank" shall be held to mean any national bank, State bank, or bank or trust company which has become a member of one of the reserve banks created by this Act. The term "board" shall be held to mean Federal Reserve Board; the term "district" shall be held to mean Federal reserve district; the term "reserve bank" shall be held to mean Federal reserve bank.

FEDERAL RESERVE DISTRICTS.

Federal reserve districts.

Designation of Federal reserve cities.

SEC. 2. As soon as practicable, the Secretary of the Treasury, the Secretary of Agriculture and the Comptroller of the Currency, acting as "The Reserve Bank Organization Committee," shall designate not less than eight nor more than twelve cities to be known as Federal reserve cities, and shall divide the continental United States, excluding Alaska, into districts, each district to contain only one of such Federal reserve cities. The determination of said organization

Districts.

I Bet You Thought — Federal Reserve Bank of New York

A second Federal Reserve bank, in a second pamphlet, says the same thing. · 36 pages; the key page reproduced here.

What you are looking at

"I Bet You Thought," a public-education pamphlet published by the Federal Reserve Bank of New York — a companion, from a different Reserve Bank, to Modern Money Mechanics (D16). The title itself is the pamphlet's own admission that the public's assumptions about banking don't match how it actually works.

Why it matters

This is not the same institution repeating itself. It is a second Federal Reserve Bank, independently confirming the same mechanic in its own words: "Commercial banks create checkbook money whenever they grant a loan. Simply by adding new deposit dollars to accounts on their books in exchange for a borrower's IOU." Two of the twelve regional Federal Reserve Banks, in two separate public pamphlets, describing the identical process. That is not a fringe interpretation of how banking works — it is the system's own account of itself, told twice.

What to look for on this page

- The "checkbook money" passage describing how a loan becomes a new deposit
- The explanation of "excess reserves" as the constraint on how much new money a bank can create

The page that follows is the document itself. Not a summary. Not an interpretation. The record. Read it slowly.

VERIFY IT YOURSELF

- "I Bet You Thought," Federal Reserve Bank of New York (David H. Friedman) — Federal Reserve Bank of St. Louis FRASER archive (fraser.stlouisfed.org)

Checkbook money is "created" by currency deposits.

Commercial banks create checkbook money whenever they grant a loan, simply by adding new deposit dollars to accounts on their books in exchange for a borrower's IOU

Money creation bookkeeping isn't gimmickry Far from it Banks are creating money based on a borrower's promise to repay (the IOU), which, in turn, is often secured or backed by valuable items the borrower owns (collateral)

Someone obtaining an auto loan, for example, might use the new car as collateral A home improvement loan might be secured by the value of the house being improved. Business loans may be secured by physical assets, such as machines, factories and inventories, or may be "unsecured," backed only by the company's earnings record and expectations or general credit worthiness

Banks create money by "monetizing" the private debts of businesses and individuals That is, they create amounts of money against the value of those IOUs

To create money, however, banks must have "excess" reserves, funds exceeding those they are legally required to hold Banks belonging to the Federal Reserve System must abide by the System's requirements. Banks that aren't members are subject to the reserve requirements of the state that chartered them.

Even without legal rules, prudent banking dictates that some "required" reserves be held. Bankers know that, on any given day, they will have to pay out coin and currency to people cashing personal checks They also know that they will have to transfer reserve balances as checks drawn against accounts they hold are presented for payment by other banks. Meeting these routine transactions requires that banks hold some reserve funds.

If a bank has excess reserves, it can create an amount of money equal to that excess; it can grant a loan Borrowers write checks against their new deposits When these checks are deposited at other banks, those banks collect payment from the borrower's bank Bankers know that when other banks present borrowers' checks for payment, they will have to transfer reserves on a dollar-for-dollar basis

If a bank creates an amount greater than its excess reserves, it also would lose some required reserves and face temporary violation of requirement rules Prolonged violation of requirement rules subjects banks to penalties So they tend to match lending to excess reserves A bank short of required reserves usually will borrow from another bank Member banks can also borrow from the Federal Reserve

As newly created checkbook dollars move from bank to bank, banks gaining excess reserves can make additional loans As a group, banks are capable of creating money in a multiple way. Currently, our banking system theoretically can generate a sevenfold increase in total money creation with a given amount of excess reserves.

Money multiplication, rather than currency deposits, accounts for most of our $230 billon of checkbook money Banks hold only about $34 billion in reserves. Only $8 billion of that total is cash, the remaining reserves are deposit balances at Federal Reserve Banks. Reserves are the base on which the banking system has generated the bulk of the nation's checkbook money.

The Original Thirteenth Amendment — The Titles of Nobility Amendment (Proposed 1810)

A proposed amendment that vanished from official law books after decades in print. · The Virginia 1819 facsimile reproduced here.

What you are looking at

In 1810, Congress proposed a constitutional amendment: any citizen accepting a title of nobility from a foreign power, without the consent of Congress, would cease to be a citizen of the United States. This is a facsimile page from Virginia's 1819 Revised Code — an official state law publication, printed by the Commonwealth's own bonded printer — listing this amendment as the ratified Thirteenth Amendment of the Constitution.

Why it matters

Whether this amendment was ever validly ratified by enough states to take effect is a genuinely disputed question — every court to consider the argument that it did has rejected it, and this book does not ask you to conclude otherwise. What is not disputed is the documentary record: at least eleven states and territories published this text as the operative Thirteenth Amendment in more than twenty official law-book printings between 1819 and the late 1860s, including Colorado Territory as late as 1867 – 1868, before it disappeared from official compilations without explanation as the current Thirteenth Amendment (abolishing slavery) took that number instead. In 2023, the Montana Legislature passed House Joint Resolution 9, declaring records relating to this history "of permanent value worthy of preservation" and directing the Montana Historical Society to build a repository for them — a recent, official, and neutral acknowledgment that the question is real, whatever its answer. Read the record. Decide for yourself.

What to look for on this page

- Article 12 and Article 13 of the "Federal Constitution" as printed in Virginia's own 1819 official code
- The Library of Congress "State Department copy" provenance stamp, dated August 29, 1821

The page that follows is the document itself. Not a summary. Not an interpretation. The record. Read it slowly.

VERIFY IT YOURSELF

- Revised Code of the Laws of Virginia (1819), Vol. 1 — full digitization at HathiTrust (catalog.hathitrust.org, Record 008596026)
- Montana House Joint Resolution 9 (2023) — Montana State Legislature (bills.legmt.gov) and Montana Historical Society (mths.mt.gov)

A. D. 1788—9.
A. R. C. 13.

[* See ante, art. 2, § 1, cl. 3.]

Actual mode of electing the president and vice president of the United States.

ARTICLE 12.*

1. The electors shall meet in their respective states, and vote by ballot for president and vice president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then, from the persons having the highest number, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice president shall act as president, as in the case of the death or other constitutional disability of the president.

2. The person having the greatest number of votes as vice president, shall be the vice president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the senate shall choose the vice president: a quorum for the purpose shall consist of two thirds of the whole number of senators; and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president, shall be eligible to that of vice president of the United States.

ARTICLE 13.

Citizenship forfeited by the acceptance, from a foreign power, of any title of nobility, office, or emolument of any kind, &c. [See ante, art. 1, § 9, cl. 2.]

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

- Gideon M. Hart, "The 'Original' Thirteenth Amendment: The Misunderstood Titles of Nobility Amendment," 94 Marquette Law Review 145 (2010) — a critical legal-history treatment of the same record

No Treaty Was Signed — Appomattox Court House National Historical Park, National Park Service

The government's own park service answers the question directly. · 1 page, reproduced here in full.

What you are looking at

A Frequently Asked Questions page from Appomattox Court House National Historical Park, part of the National Park Service, U.S. Department of the Interior — the government agency responsible for the site where Lee surrendered to Grant on April 9, 1865.

Why it matters

This book argues that the Civil War ended militarily but never legally — that no treaty of peace was ever signed, and no proclamation ever specifically terminated the martial-law framework General Orders No. 100 established. Read the Park Service's own answer to "Where was the treaty signed?": "There was no treaty signed to end the Civil War. The surrender at Appomattox Court House was a military surrender of an army which was surrounded. The Confederate government never surrendered and even had it wanted to the United States government would likely not have accepted. To do so would have legally acknowledged the existence of the Confederate States of America." That is not this book's interpretation. It is the government's own historical agency, answering its own visitors' most basic question.

What to look for on this page

- The direct answer to "Where was the treaty signed?"
- The explanation of why no treaty could legally have been signed, even had one been offered

The page that follows is the document itself. Not a summary. Not an interpretation. The record. Read it slowly.

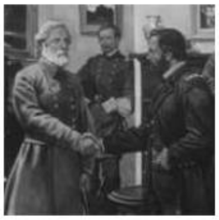
VERIFY IT YOURSELF

- Appomattox Court House National Historical Park, Frequently Asked Questions — National Park Service, nps.gov/apco/faqs.htm

National Park Service
U.S. Department of the Interior

Appomattox Court House National Historical Park

Frequently Asked Questions

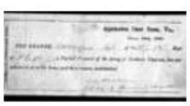


Where's the courthouse, where the surrender took place? The surrender occurred in the village of Appomattox Court House, Virginia in a private home owned by the McLean family. In Virginia many of the towns which were county seats were called "Court House". The building is spelled courthouse (one word) and the town is Court House (two words).

Where was the treaty signed? There was no treaty signed to end the Civil War. The surrender at Appomattox Court House was a military surrender of an army which was surrounded. The Confederate government never surrendered and even had it wanted to the United States government would likely not have accepted. To do so would have legally acknowledged the existence of the Confederate States of America and would have legitimized it and given it certain legal status internationally. Treaties are between two nations and the U.S. would never concede the legal existence of the Confederacy - even though it had a government, armies, taxes and all the trappings of a modern government.

What happened to Confederate President Jefferson Davis? Davis was captured by Federal troops on May 10th in Irwinville, Georgia. He was held prisoner at Fort Monroe in Virginia for approximately two years while the U.S. government tried to build a case to try him for treason. He was ultimately released without a trial. Many scholars feel that the U.S. government was concerned that if they tried Davis for treason it would lead to a case on the constitutionality of secession.

Who was present during the surrender meeting? Over the years a great deal of time and research has been done by National Park Service Curators and Historians in an attempt to accurately answer this question. In addition to who was in the room, much effort has been expended to determine how the room was furnished, how each of the officers were dressed, and etc. In 2002 a new Park Handbook was created which contains much of this information. Along with the "Handbook," the Park Service contracted with a well known Civil War Artist, Keith Rocco to create an image of the surrender meeting based upon all of the research which had been done. The handbook and the print are both available through the park bookstore (434-352-2136).



Did You Know?
On April 10, 1865 Generals Lee and Grant met a second time at Appomattox Court House, Virginia. At that second meeting General Lee requested that his men be given evidence that they were paroled prisoners - to protect them from arrest or harassment. 28,231 parole passes were issued to Confederates.

Last Updated: December 03, 2008 at 16:08 EST