The Center of Statesmanship, Law, and Liberty at RIT Presents:

 6th Annual AP Day

Thursday March 16th & Friday March 17th 2023:

**“Rights & Responsibilities in a Democratic Republic”**

**Section 1:**

**Dr. Joseph Fornieri “The First Amendment: The Preferred Freedom”**

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* Abrams v. United States, 1919 (Dissent) p. 4-5
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**Section 2:**

**Dr. Sean Sutton "The Federalist Papers: Publius’ Political Thought"**

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**Section 3:**

**Dr. Elizabeth Spalding "Truman and the Cold War"**

* Longhand Draft Letter from President Truman to Secretary of State J. Byrnes, January 5, 1946 p. 30-31
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**Schenck v. United States March 3, 1919**

 *Remarkably, Schenck v. United States was the Supreme Court’s first major effort to interpret the First Amendment. Prior to this, Congress and state legislators had broad discretion to regulate speech without judicial interference. Charles Schenck was the general secretary of the Socialist Party in Philadelphia. During World War I, he and the other defendants mailed 15,000 leaflets criticizing the draft as a violation of the Thirteenth Amendment’s prohibition against “involuntary servitude.” A portion of the leaflet reads as follows: “A conscript is little better than a convict. He is deprived of his liberty and of his right to think and act as a free man. A conscripted citizen is forced to surrender his right as a citizen and become a subject. He is forced into involuntary servitude. He is deprived of the protection given him by the Constitution of the United States.” Schenck was convicted by a federal court under the Espionage Act, a federal law passed by Congress and the Wilson administration upon America’s entry into World War I. The Espionage Act sought to quell resistance to the draft by making it a crime “to obstruct the recruiting and enlistment service of the United States.” Schenck appealed to the Supreme Court, claiming that the act violated his right to free speech under the First Amendment. Writing for the Court, Justice Oliver Wendell Holmes famously explained that the First Amendment is not absolute. Even “[t]he most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic.” The case is further noteworthy because it marks the first appearance of Justice Holmes’ “clear and present danger” test, which emphasizes context and circumstances of the speech as the decisive factor in determining whether or not it is protected or punishable. According to this test: “The character of every act depends upon the circumstances in which it is done.” Because Schenck’s speech occurred during wartime, it constituted a clear and present danger to national security. Had he said the same thing during peacetime, the case might have been decided differently. In two companion cases handed down a week later, Frohwerk v. United States, and Debs v. United States, Holmes likewise upheld convictions under the Espionage Act. However, in the subsequent cases of Abrams v. United States (1919, Document 2) and Gitlow v. New York (1925, Document 3), 4 Schenck v. United States he dissented, using the clear and present danger test to protect free speech. These later cases would begin the Court’s increasing concern with the First Amendment. In the decades that followed, free speech would be elevated to a preferred place in our constitutional scheme. Source: 249 U.S. 47, https://www.law.cornell.edu/supremecourt/text/249/47.*

MR. JUSTICE HOLMES delivered the opinion of the court. This is an indictment in three counts. The first charges a conspiracy to violate the Espionage Act of June 15, 1917, by causing and attempting to cause insubordination, etc., in the military and naval forces of the United States, and to obstruct the recruiting and enlistment service of the United States, when the United States was at war with the German Empire, to wit, that the defendants willfully conspired to have printed and circulated to men who had been called and accepted for military service under the act of May 18, 1917, a document set forth and alleged to be calculated to cause such insubordination and obstruction. . . . The document in question, upon its first printed side, recited the first section of the Thirteenth Amendment, said that the idea embodied in it was violated by the Conscription Act, and that a conscript is little better than a convict. In impassioned language, it intimated that conscription was despotism in its worst form, and a monstrous wrong against humanity in the interest of Wall Street’s chosen few. It said “Do not submit to intimidation,” but in form, at least, confined itself to peaceful measures such as a petition for the repeal of the act. The other and later printed side of the sheet was headed “Assert Your Rights.” It stated reasons for alleging that anyone violated the Constitution when he refused to recognize “your right to assert your opposition to the draft,” and went on: “If you do not assert and support your rights, you are helping to deny or disparage rights which it is the solemn duty of all citizens and residents of the United States to retain.” It described the arguments on the other side as coming from cunning politicians and a mercenary capitalist press, and even silent consent to the conscription law as helping to support an infamous conspiracy. It denied the power to send our citizens away to foreign shores to shoot up the people of other lands, and added that words could not express the condemnation such cold-blooded ruthlessness deserves, etc., etc., winding up, “You must do your share to maintain, support, and uphold the rights of the people of this country.” Of Schenck v. United States 5 course, the document would not have been sent unless it had been intended to have some effect, and we do not see what effect it could be expected to have upon persons subject to the draft except to influence them to obstruct the carrying of it out. The defendants do not deny that the jury might find against them on this point. . . . . . .We admit that, in many places and in ordinary times, the defendants, in saying all that was said in the circular, would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it is done. The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic. It does not even protect a man from an injunction against uttering words that may have all the effect of force. The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree. When a nation is at war, many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight, and that no Court could regard them as protected by any constitutional right. . . . Judgments affirmed.

**Abrams v. United States November 10, 1919**

  *Jacob Abrams was one of five defendants in the case. All the defendants were well-educated, Russian Jewish immigrants seeking asylum from the czar’s anti-Semitic policies. All were fervent socialists and anarchists, including Mollie Steimer who called for the abolition of all authority and private property. Objecting to the Wilson administration’s expeditionary force to Russia in 1918, they printed and distributed several thousand leaflets in both English and Yiddish calling for a general strike throughout the country and the cessation of weapons production. Some of these leaflets were thrown from the top of a building where they fell on the street for passersby to pick up. While the Wilson administration claimed that the expeditionary force was sent to secure the Eastern Front against Germany, the defendants denounced it as an imperialist effort to interfere with the Russian Revolution. They were prosecuted under the Sedition Act of 1918, an amendment to the Espionage Act that extended punishment not only to the obstruction of the draft, but more broadly to any speech that forcefully criticized the war effort. Troublingly similar to the repressive Sedition Act of 1798, the 1918 amendment made it a crime to “utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States.” Surprisingly, Justice Holmes, who sustained convictions in the recently decided cases of Schenck (Document 1), Frohwerk, and Debs, dissented in Abrams. He was joined by Justice Brandeis. Henceforth, the two would establish themselves as “the Great Dissenters” for their eloquent defense of free speech. Holmes insisted that his reasoning in Abrams was consistent with Schenck. However, scholars believe that he modified his position given his correspondence with colleagues and intellectuals at the time. Holmes’ dissent in Abrams is famous for its eloquent use of “the marketplace of ideas” metaphor, which has since dominated the Court’s understanding of the First Amendment.*

MR. JUSTICE HOLMES dissenting. . . .I never have seen any reason to doubt that the questions of law that alone were before this Court in the cases of Schenck, Frohwerk, and Debs were rightly decided. I do not doubt for a moment that, by the same reasoning that would justify punishing persuasion to murder, the United States constitutionally may punish speech that produces or is intended to produce a clear and imminent danger that it will bring about forthwith certain substantive evils that the United States constitutionally may seek to prevent. The power undoubtedly is greater in time of war than in time of peace, because war opens dangers that do not exist at other times. But, as against dangers peculiar to war, as against others, the principle of the right to free speech is always the same. It is only the present danger of 12 Abrams v. United States immediate evil or an intent to bring it about that warrants Congress in setting a limit to the expression of opinion where private rights are not concerned. Congress certainly cannot forbid all effort to change the mind of the country. Now nobody can suppose that the surreptitious publishing of a silly leaflet by an unknown man, without more, would present any immediate danger that its opinions would hinder the success of the government arms or have any appreciable tendency to do so. . . . Persecution for the expression of opinions seems to me perfectly logical. If you have no doubt of your premises or your power, and want a certain result with all your heart, you naturally express your wishes in law, and sweep away all opposition. To allow opposition by speech seems to indicate that you think the speech impotent, as when a man says that he has squared the circle, or that you do not care wholeheartedly for the result, or that you doubt either your power or your premises. But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. That, at any rate, is the theory of our Constitution. It is an experiment, as all life is an experiment. Every year, if not every day, we have to wager our salvation upon some prophecy based upon imperfect knowledge. While that experiment is part of our system, I think that we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death, unless they so imminently threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country. I wholly disagree with the argument of the government that the First Amendment left the common law as to seditious libel in force.3 History seems to me against the notion. I had conceived that the United States, through many years, had shown its repentance for the Sedition Act of 1798, by repaying fines that it imposed. Only the emergency that makes it immediately dangerous to leave the correction of evil counsels to time warrants making any exception to the sweeping command, “Congress shall make no law. . . abridging the freedom of speech.” 3The common law of seditious libel punished any defamatory statements about the British Crown or government, even if what critics said was true. Holmes argued that the American Founders rejected this repressive doctrine in support of broader protection of free speech. Abrams v. United States 13 Of course, I am speaking only of expressions of opinion and exhortations, which were all that were uttered here, but I regret that I cannot put into more impressive words my belief that, in their conviction upon this indictment, the defendants were deprived of their rights under the Constitution of the United States

**Gitlow v. New York June 8, 1925**

 *This case took place during the first Red Scare. In the aftermath of the Russian Revolution and World War I, a series of bombings, strikes, and riots shook the United States. In 1920, four thousand suspected radicals were arrested, three thousand of whom were deported. In an effort to combat revolutionary and anarchist threats during this time, states passed criminal anarchy and syndicalism laws. These laws punished individuals or groups who advocated for or organized violent overthrow of government. Around the same time, New York established an investigative commission known as the Lusk Committee that raided, arrested, and seized materials of suspected Communists and Socialists, including the defendant in this case, Benjamin Gitlow, publisher of the “Left Wing Manifesto.” Gitlow was represented by Clarence Darrow, the famous defense attorney in the Scopes Monkey Trial the same year. Gitlow v. New York is significant for a number of reasons. It was the first case that incorporated the First Amendment—that is, made it applicable to state and local government through the liberty provision of the due process clause of the Fourteenth Amendment. For the first time federal courts were authorized to review state laws if they violated free speech. Prior to this, there could be no appeal from a state to a federal court. Justice Sanford’s opinion combines two important First Amendment tests: the bad tendency test and the ad hoc self-restraintist balancing test. Borrowed from the common law of seditious libel, the bad tendency test was an extremely restrictive standard. It is encapsulated by Sanford’s statement that “the immediate danger is none the less real and substantial because the effect of a given utterance cannot be accurately foreseen. . . . A single revolutionary spark may kindle a fire that, smoldering for a time, may burst into a sweeping and destructive conflagration.” Under the bad tendency test, speech may be barred if it vaguely and remotely “tends” to threaten public order. Authorities are given broad discretion and wide latitude to restrict speech as they see fit. In contrast to the preferred freedoms doctrine, the ad hoc self-restraintist balancing test tilts the scale of justice in favor of the state government’s interest under its police powers. The burden is therefore on the dissenter to show that the state acted unreasonably or arbitrarily in carrying out its authority. Provided the state acted reasonably, Gitlow v. New York 15 a low threshold to meet, the Supreme Court will defer to elected officials and will not second-guess the decisions of state legislatures. Although the First Amendment was incorporated in this case, the Court nonetheless determined that New York’s enactment of the criminal anarchy law was a reasonable exercise of its police power to maintain public safety and order. Gitlow is further noteworthy for Justice Holmes’ dissenting opinion that “every idea is an incitement.” This provocative statement highlights the difficulty of neatly separating protected speech from illegal advocacy, since action is often implicit to speech.*

JUSTICE HOLMES, dissenting. MR. JUSTICE BRANDEIS and I are of opinion that this judgment should be reversed. The general principle of free speech, it seems to me, must be taken to be included in the Fourteenth Amendment, in view of the scope that has been given to the word “liberty” as there used, although perhaps it may be accepted with a somewhat larger latitude of interpretation than is allowed to Congress by the sweeping language that governs or ought to govern the laws of the United States. If I am right, then I think that the criterion sanctioned by the full Court in Schenck v. United States, applies.. . . . .If what I think the correct test is applied, it is manifest that there was no present danger of an attempt to overthrow the government by force on the part of the admittedly small minority who shared the defendant’s views. It is said that this manifesto was more than a theory, that it was an incitement. Every idea is an incitement. It offers itself for belief, and, if believed, it is acted on unless some other belief outweighs it or some failure of energy stifles the movement at its birth. The only difference between the expression of an opinion and an incitement in the narrower sense is the speaker’s enthusiasm for the result. Eloquence may set fire to reason. But whatever may be thought of the redundant discourse before us, it had no chance of starting a Gitlow v. New York 19 present conflagration. If, in the long run, the beliefs expressed in proletarian dictatorship are destined to be accepted by the dominant forces of the community, the only meaning of free speech is that they should be given their chance and have their way. If the publication of this document had been laid as an attempt to induce an uprising against government at once, and not at some indefinite time in the future, it would have presented a different question. The object would have been one with which the law might deal, subject to the doubt whether there was any danger that the publication could produce any result, or in other words, whether it was not futile and too remote from possible consequences. But the indictment alleges the publication, and nothing more.

**Whitney v. California May 16, 1927**

 *A renowned activist in radical and reform movements of the time, Charlotte Anita Whitney was a California heiress, a founder of the Communist Labor Party of California, and the niece of a former Supreme Court justice. While serving as a delegate at a socialist convention, she voted against a radical platform that called for a workers’ revolution. Nonetheless, she was prosecuted under a California criminal syndicalism law (see below) for her association with the socialists. Whitney was defended by the newly created American Civil Liberties Union, an organization that would go on to champion First Amendment causes over the next century. Using a combination of the bad tendency and ad hoc self-restraintist balancing tests, Justice Edward Terry Sanford (1865–1930) sustained her conviction in a unanimous decision. In his famous concurring opinion, Justice Louis Brandeis (1856–1941) penned one of the most profound defenses of free speech ever given. Elucidating the Founders’ lofty intent, he described free speech as both an indispensable means to democratic governance and a noble end in itself, as integral to human flourishing and self-realization (see Editor’s Introduction). He further argued that the clear and present danger test should have controlled the case instead of the more repressive bad tendency test. Finally, he emphasized that speech should be restrained only in the case of an “emergency” when an “immediate” check on “serious violence” is required. Some question why Brandeis and Justice Oliver Wendell Holmes (1841–1935) concurred since their opinion reads more like a dissent. In any event, the governor of California pardoned Whitney a month after her trial. Because it was discredited by subsequent precedents, Whitney v. California was overturned by the Supreme Court in Brandenburg v. Ohio (1969, Document 12). Source: 274 U.S. 357,* [*https://www.law.cornell.edu/supremecourt/text/274/357. Whitney v. California 21*](https://www.law.cornell.edu/supremecourt/text/274/357.%20Whitney%20v.%20California%2021)

MR. JUSTICE SANFORD delivered the opinion of the Court. . . .[T]he plaintiff in error1 was charged, in five counts, with violations of the Criminal Syndicalism Act of that state. She was tried, convicted on the first count, and sentenced to imprisonment. The judgment was affirmed by the District Court of Appeal. Her petition to have the case heard by the Supreme Court was denied. And the case was brought here on a writ of error2 which was allowed by the presiding justice of the Court of Appeal, the highest court of the state in which a decision could be had. . . . The pertinent provisions of the Criminal Syndicalism Act are: “Section 1. The term ‘criminal syndicalism’ as used in this act is hereby defined as any doctrine or precept advocating, teaching or aiding and abetting the commission of crime, sabotage (which word is hereby defined as meaning willful and malicious physical damage or injury to physical property), or unlawful acts of force and violence or unlawful methods of terrorism as a means of accomplishing a change in industrial ownership or control, or effecting any political change.” “Sec. 2. Any person who: . . . 4. Organizes or assists in organizing, or is or knowingly becomes a member of, any organization, society, group or assemblage of persons organized or assembled to advocate, teach or aid and abet criminal syndicalism” “Is guilty of a felony and punishable by imprisonment.”. . . We proceed to the determination, upon the merits, of the constitutional question considered and passed upon by the Court of Appeal. . . . That the freedom of speech which is secured by the Constitution does not confer an absolute right to speak, without responsibility, whatever one may choose, or an unrestricted and unbridled license giving immunity for every possible use of language and preventing the punishment of those who abuse this freedom, and that a state in the exercise of its police power may punish those who abuse this freedom by utterances inimical to the public welfare, tending to incite to crime, disturb the public peace, or endanger the foundations of organized government and threaten its overthrow by unlawful means, is not open to question. By enacting the provisions of the Syndicalism Act, the state has declared, through its legislative body, that to knowingly be or become a member of 1The party who appeals a decision of a lower court. 2A writ that directs an inferior court to remit the record of a legal action to a higher court so the court may correct an error of law in a case, if it exists. 22 Whitney v. California or assist in organizing an association to advocate, teach, or aid and abet the commission of crimes or unlawful acts of force, violence, or terrorism as a means of accomplishing industrial or political changes involves such danger to the public peace and the security of the state that these acts should be penalized in the exercise of its police power. That determination must be given great weight. Every presumption is to be indulged in favor of the validity of the statute and it may not be declared unconstitutional unless it is an arbitrary or unreasonable attempt to exercise the authority vested in the state in the public interest. The essence of the offense denounced by the act is the combining with others in an association for the accomplishment of the desired ends through the advocacy and use of criminal and unlawful methods. It partakes of the nature of a criminal conspiracy. That such united and joint action involves even greater danger to the public peace and security than the isolated utterances and acts of individuals is clear. We cannot hold that, as here applied, the act is an unreasonable or arbitrary exercise of the police power of the state, unwarrantably infringing any right of free speech, assembly, or association, or that those persons are protected from punishment by the due process clause who abuse such rights by joining and furthering an organization thus menacing the peace and welfare of the state. We find no repugnancy in the Syndicalism Act as applied in this case to either the due process or equal protection clauses of the Fourteenth Amendment on any of the grounds upon which its validity has been here challenged. Court of Appeal Affirmed. MR. JUSTICE BRANDEIS, concurring. Miss Whitney was convicted of the felony of assisting in organizing, in the year 1919, the Communist Labor Party of California, of being a member of it, and of assembling with it. These acts are held to constitute a crime because the party was formed to teach criminal syndicalism. The statute which made these acts a crime restricted the right of free speech and of assembly theretofore existing. The claim is that the statute, as applied, denied to Miss Whitney the liberty guaranteed by the Fourteenth Amendment. The felony which the statute created is a crime very unlike the old felony of conspiracy or the old misdemeanor of unlawful assembly. The mere act of assisting in forming a society for teaching syndicalism, of becoming a member of it, or of assembling with others for that purpose, is given the dynamic quality of crime. There is guilt although the society may not contemplate Whitney v. California 23 immediate promulgation of the doctrine. Thus, the accused is to be punished not for contempt, incitement, or conspiracy, but for a step in preparation, which, if it threatens the public order at all, does so only remotely. The novelty in the prohibition introduced is that the statute aims not at the practice of criminal syndicalism, nor even directly at the preaching of it, but at association with those who propose to preach it. Despite arguments to the contrary which had seemed to me persuasive, it is settled that the due process clause of the Fourteenth Amendment applies to matters of substantive law as well as to matters of procedure. Thus, all fundamental rights comprised within the term “liberty” are protected by the federal Constitution from invasion by the states. The right of free speech, the right to teach, and the right of assembly are, of course, fundamental rights. These may not be denied or abridged. But, although the rights of free speech and assembly are fundamental, they are not, in their nature, absolute. Their exercise is subject to restriction if the particular restriction proposed is required in order to protect the state from destruction or from serious injury, political, economic, or moral. That the necessity which is essential to a valid restriction does not exist unless speech would produce, or is intended to produce, a clear and imminent danger of some substantive evil which the state constitutionally may seek to prevent has been settled. It is said to be the function of the legislature to determine whether, at a particular time and under the particular circumstances, the formation of, or assembly with, a society organized to advocate criminal syndicalism constitutes a clear and present danger of substantive evil, and that, by enacting the law here in question, the legislature of California determined that question in the affirmative. . . . This Court has not yet fixed the standard by which to determine when a danger shall be deemed clear; how remote the danger may be and yet be deemed present, and what degree of evil shall be deemed sufficiently substantial to justify resort to abridgement of free speech and assembly as the means of protection. To reach sound conclusions on these matters, we must bear in mind why a state is, ordinarily, denied the power to prohibit dissemination of social, economic, and political doctrine which a vast majority of its citizens believes to be false and fraught with evil consequence. Those who won our independence believed that the final end of the state was to make men free to develop their faculties, and that, in its government, the deliberative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the secret of happiness, and courage to be the secret of liberty. They believed that freedom to 24 Whitney v. California think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that, without free speech and assembly, discussion would be futile; that, with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty, and that this should be a fundamental principle of the American government. They recognized the risks to which all human institutions are subject. But they knew that order cannot be secured merely through fear of punishment for its infraction; that it is hazardous to discourage thought, hope, and imagination; that fear breeds repression; that repression breeds hate; that hate menaces stable government; that the path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies, and that the fitting remedy for evil counsels is good ones. Believing in the power of reason as applied through public discussion, they eschewed silence coerced by law—the argument of force in its worst form. Recognizing the occasional tyrannies of governing majorities, they amended the Constitution so that free speech and assembly should be guaranteed. Fear of serious injury cannot alone justify suppression of free speech and assembly. Men feared witches and burnt women. It is the function of speech to free men from the bondage of irrational fears. To justify suppression of free speech, there must be reasonable ground to fear that serious evil will result if free speech is practiced. There must be reasonable ground to believe that the danger apprehended is imminent. There must be reasonable ground to believe that the evil to be prevented is a serious one. Every denunciation of existing law tends in some measure to increase the probability that there will be violation of it. Condonation of a breach enhances the probability. Expressions of approval add to the probability. Propagation of the criminal state of mind by teaching syndicalism increases it. Advocacy of law-breaking heightens it still further. But even advocacy of violation, however reprehensible morally, is not a justification for denying free speech where the advocacy falls short of incitement and there is nothing to indicate that the advocacy would be immediately acted on. The wide difference between advocacy and incitement, between preparation and attempt, between assembling and conspiracy, must be borne in mind. In order to support a finding of clear and present danger, it must be shown either that immediate serious violence was to be expected or was advocated, or that the past conduct furnished reason to believe that such advocacy was then contemplated. Those who won our independence by revolution were not cowards. They did not fear political change. They did not exalt order at the cost of liberty. Whitney v. California 25 To courageous, self-reliant men, with confidence in the power of free and fearless reasoning applied through the processes of popular government, no danger flowing from speech can be deemed clear and present unless the incidence of the evil apprehended is so imminent that it may befall before there is opportunity for full discussion. If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence. Only an emergency can justify repression. Such must be the rule if authority is to be reconciled with freedom. Such, in my opinion, is the command of the Constitution. It is therefore always open to Americans to challenge a law abridging free speech and assembly by showing that there was no emergency justifying it. Moreover, even imminent danger cannot justify resort to prohibition of these functions essential to effective democracy unless the evil apprehended is relatively serious. Prohibition of free speech and assembly is a measure so stringent that it would be inappropriate as the means for averting a relatively trivial harm to society. A police measure may be unconstitutional merely because the remedy, although effective as means of protection, is unduly harsh or oppressive. Thus, a state might, in the exercise of its police power, make any trespass upon the land of another a crime, regardless of the results or of the intent or purpose of the trespasser. It might, also, punish an attempt, a conspiracy, or an incitement to commit the trespass. But it is hardly conceivable that this Court would hold constitutional a statute which punished as a felony the mere voluntary assembly with a society formed to teach that pedestrians had the moral right to cross unenclosed, unposted wastelands and to advocate their doing so, even if there was imminent danger that advocacy would lead to a trespass. The fact that speech is likely to result in some violence or in destruction of property is not enough to justify its suppression. There must be the probability of serious injury to the state. Among free men, the deterrents ordinarily to be applied to prevent crime are education and punishment for violations of the law, not abridgment of the rights of free speech and assembly. MR. JUSTICE HOLMES joins in this opinion

**Brandenburg v. Ohio June 9, 1969**

 *Clarence Brandenburg was the leader of an Ohio chapter of the Ku Klux Klan, a white supremacist group opposed to the civil rights movement. In the summer of 1964, he invited a Cincinnati reporter to film a membership rally. The televised film captured gun-toting, hooded figures burning a cross. Using racial epithets. Brandenburg stated: “We’re not a revengent organization, but if our president, our Congress, our Supreme Court continues to suppress the white, Caucasian race, it’s possible that there might have to be some revengeance taken (sic).” Given these remarks and others, Brandenburg was convicted under an Ohio criminal syndicalism law. Upon appeal, the Supreme Court ruled in his favor through a per curiam opinion. “Per curiam,” which is Latin for “by the Court,” is an unsigned, often short, collective statement. The Court referenced the two precedents of Yates v. United States (1957) and Noto v. United States (1961), which narrowed the Smith Act (see Dennis v. United States, 1951, Document 7) by distinguishing between “advocacy of ideas” and “advocacy of action.” Brandenburg may be seen as the culmination and refinement of the Supreme Court’s developing jurisprudence on the clear and present danger standard first announced in Schenck v. United States (1919, Document 1). Distilling earlier precedents into a new formula, the Court articulated the “imminent lawless action” standard. In other words, speech is protected until the very point at which it directly incites and is likely to produce imminent lawless action under the circumstances. Since Brandenburg’s conditional language (“might have to be taken”) fell short of an immediate call for violence—that is, a direct incitement—it was protected under the First Amendment. In reversing Brandenburg’s conviction, the Supreme Court not only struck down the Ohio criminal syndicalism statute, it also overturned Whitney v. California (1927, Document 4), given the similarities between the two laws. Brandenburg v. Ohio remains the controlling precedent in regard to illegal advocacy. Its “imminent lawless action” test sets a highly protective standard for speech right up to the very brink of lawless danger. Source: 395 U.S. 444,* [*https://www.law.cornell.edu/supremecourt/text/395/444. Brandenburg v. Ohio 81*](https://www.law.cornell.edu/supremecourt/text/395/444.%20Brandenburg%20v.%20Ohio%2081)

 PER CURIAM. The appellant,1 a leader of a Ku Klux Klan group, was convicted under the Ohio criminal syndicalism statute for “advocat[ing]. . . the duty, necessity, or propriety of crime, sabotage, violence, or unlawful methods of terrorism as a means of accomplishing industrial or political reform” and for “voluntarily assembl[ing] with any society, group, or assemblage of persons formed to teach or advocate the doctrines of criminal syndicalism” (Ohio Rev.Code Ann. § 2923.13). He was fined $1,000 and sentenced to one to ten years’ imprisonment. The appellant challenged the constitutionality of the criminal syndicalism statute under the First and Fourteenth Amendments to the United States Constitution. . . . The record shows that. . .the appellant telephoned an announcer-reporter on the staff of a Cincinnati television station and invited him to come to a Ku Klux Klan “rally” to be held at a farm in Hamilton County. With the cooperation of the organizers, the reporter and a cameraman attended the meeting and filmed the events. Portions of the films were later broadcast on the local station and on a national network. The prosecution’s case rested on the films and on testimony identifying the appellant as the person who communicated with the reporter and who spoke at the rally. The state also introduced into evidence several articles appearing in the films, including a pistol, a rifle, a shotgun, ammunition, a Bible, and a red hood worn by the speaker in the films. One film showed twelve hooded figures, some of whom carried firearms. They were gathered around a large wooden cross, which they burned. No one was present other than the participants and the newsmen who made the film. Most of the words uttered during the scene were incomprehensible when the film was projected, but scattered phrases could be understood that were derogatory of Negroes and, in one instance, of Jews. Another scene on the same film showed the appellant, in Klan regalia, making a speech. The speech, in full, was as follows: This is an organizers’ meeting. We have had quite a few members here today which are—we have hundreds, hundreds of members throughout the state of Ohio. I can quote from a newspaper clipping from the 1A person, in this case Clarence Brandenburg, who is applying to a higher court to reverse the decision of a lower court. 82 Brandenburg v. Ohio Columbus, Ohio, Dispatch, five weeks ago Sunday morning. The Klan has more members in the state of Ohio than does any other organization. We’re not a revengent organization, but if our president, our Congress, our Supreme Court continues to suppress the white, Caucasian race, it’s possible that there might have to be some revengeance taken. We are marching on Congress July the Fourth, four hundred thousand strong. From there, we are dividing into two groups, one group to march on St. Augustine, Florida, the other group to march into Mississippi. Thank you. The second film showed six hooded figures, one of whom, later identified as the appellant, repeated a speech very similar to that recorded on the first film. The reference to the possibility of “revengeance” was omitted, and one sentence was added: “Personally, I believe the nigger should be returned to Africa, the Jew returned to Israel.” Though some of the figures in the films carried weapons, the speaker did not. The Ohio Criminal Syndicalism Statute was enacted in 1919. From 1917 to 1920, identical or quite similar laws were adopted by twenty states and two territories. In 1927, this Court sustained the constitutionality of California’s Criminal Syndicalism Act, the text of which is quite similar to that of the laws of Ohio (Whitney v. California, 1927).2. . . But Whitney has been thoroughly discredited by later decisions. See Dennis v. United States (1951).3 These later decisions have fashioned the principle that the constitutional guarantees of free speech and free press do not permit a state to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action. As we said in Noto v. United States (1961), “the mere abstract teaching . . . of the moral propriety or even moral necessity for a resort to force and violence is not the same as preparing a group for violent action and steeling it to such action.” A statute which fails to draw this distinction impermissibly intrudes upon the freedoms guaranteed by the First and Fourteenth Amendments. It sweeps within its condemnation speech which our Constitution has immunized from governmental control. Cf. Yates v. United States (1957), De Jonge v. Oregon (1937), Stromberg v. California (1931). Measured by this test, Ohio’s Criminal Syndicalism Act cannot be sustained. The act punishes persons who “advocate or teach the duty, necessity, 2Document 4. 3Document 7. Brandenburg v. Ohio 83 or propriety” of violence “as a means of accomplishing industrial or political reform”; or who publish or circulate or display any book or paper containing such advocacy; or who “justify” the commission of violent acts “with intent to exemplify, spread, or advocate the propriety of the doctrines of criminal syndicalism”; or who “voluntarily assemble” with a group formed “to teach or advocate the doctrines of criminal syndicalism.” Neither the indictment nor the trial judge’s instructions to the jury in any way refined the statute’s bald definition of the crime in terms of mere advocacy not distinguished from incitement to imminent lawless action. Accordingly, we are here confronted with a statute which, by its own words and as applied, purports to punish mere advocacy and to forbid, on pain of criminal punishment, assembly with others merely to advocate the described type of action. Such a statute falls within the condemnation of the First and Fourteenth Amendments. The contrary teaching of Whitney v. California, supra, cannot be supported, and that decision is therefore overruled. Reversed.

# The Federalist No. 9

 November 21, 1787

*To the People of the State of New-York.*

A Firm Union will be of the utmost moment to the peace and liberty of the States as a barrier against domestic faction and insurrection. It is impossible to read the history of the petty Republics of Greece and Italy, without feeling sensations of horror and disgust at the distractions with which they were continually agitated, and at the rapid succession of revolutions, by which they were kept in a state of perpetual vibration,[2](https://founders.archives.gov/documents/Hamilton/01-04-02-0162#ARHN-01-04-02-0162-fn-0002) between the extremes of tyranny and anarchy. If they exhibit occasional calms, these only serve as short-lived contrasts to the furious storms that are to succeed. If now and then intervals of felicity open themselves to view, we behold them with a mixture of regret arising from the reflection that the pleasing scenes before us are soon to be overwhelmed by the tempestuous waves of sedition and party-rage. If momentary rays of glory break forth from the gloom, while they dazzle us with a transient and fleeting brilliancy, they at the same time admonish us to lament that the vices of government should pervert the direction and tarnish the lustre of those bright talents and exalted indowments, for which the favoured soils, that produced them, have been so justly celebrated.

From the disorders that disfigure the annals of those republics, the advocates of despotism have drawn arguments, not only against the forms of republican government, but against the very principles of civil liberty. They have decried all free government, as inconsistent with the order of society, and have indulged themselves in malicious exultation over its friends and partizans. Happily for mankind, stupendous fabrics reared on the basis of liberty, which have flourished for ages, have in a few glorious instances refuted their gloomy sophisms. And, I trust, America will be the broad and solid foundation of other edifices not less magnificent, which will be equally permanent monuments of their errors.[3](https://founders.archives.gov/documents/Hamilton/01-04-02-0162#ARHN-01-04-02-0162-fn-0003)

But it is not to be denied that the portraits, they have sketched of republican government, were too just copies of the originals from which they were taken. If it had been found impracticable, to have devised models of a more perfect structure, the enlightened friends to[4](https://founders.archives.gov/documents/Hamilton/01-04-02-0162#ARHN-01-04-02-0162-fn-0004) liberty would have been obliged to abandon the cause of that species of government as indefensible. The science of politics, however, like most other sciences has received great improvement. The efficacy of various principles is now well understood, which were either not known at all, or imperfectly known to the ancients. The regular distribution of power into distinct departments—the introduction of legislative[5](https://founders.archives.gov/documents/Hamilton/01-04-02-0162#ARHN-01-04-02-0162-fn-0005) ballances and checks—the institution of courts composed of judges, holding their offices during good behaviour—the representation of the people in the legislature by deputies of their own election—these are either wholly new discoveries or have made their principal progress towards perfection in modern times. They are means, and powerful means, by which the excellencies of republican government may be retained and its imperfections lessened or avoided. To this catalogue of circumstances, that tend to the amelioration of popular systems of civil government, I shall venture, however novel it may appear to some, to add one more on a principle, which has been made the foundation of an objection to the New Constitution, I mean the ENLARGEMENT of the ORBIT within which such systems are to revolve either in respect to the dimensions of a single State, or to the consolidation of several smaller States into one great confederacy. The latter is that which immediately concerns the object under consideration. It will however be of use to examine the principle in its application to a single State which shall be attended to in another place.[6](https://founders.archives.gov/documents/Hamilton/01-04-02-0162#ARHN-01-04-02-0162-fn-0006)

The utility of a confederacy, as well to suppress faction and to guard the internal tranquillity of States, as to increase their external force and security, is in reality not a new idea. It has been practiced upon in different countries and ages, and has received the sanction of the most applauded[7](https://founders.archives.gov/documents/Hamilton/01-04-02-0162#ARHN-01-04-02-0162-fn-0007) writers, on the subjects of politics. The opponents of the PLAN proposed have with great assiduity cited and circulated the observations of Montesquieu on the necessity of a contracted territory for a republican government.[8](https://founders.archives.gov/documents/Hamilton/01-04-02-0162#ARHN-01-04-02-0162-fn-0008) But they seem not to have been apprised of the sentiments of that great man expressed in another part of his work, nor to have adverted to the consequences of the principle to which they subscribe, with such ready acquiescence.

When Montesquieu recommends a small extent for republics, the standards he had in view were of dimensions, far short of the limits of almost every one of these States. Neither Virginia, Massachusetts, Pennsylvania, New-York, North-Carolina, nor Georgia, can by any means be compared with the models, from which he reasoned and to which the terms of his description apply. If we therefore take[9](https://founders.archives.gov/documents/Hamilton/01-04-02-0162#ARHN-01-04-02-0162-fn-0009) his ideas on this point, as the criterion of truth, we shall be driven to the alternative, either of taking refuge at once in the arms of monarchy, or of splitting ourselves into an infinity of little jealous, clashing, tumultuous commonwealths, the wretched nurseries of unceasing discord and the miserable objects of universal pity or contempt. Some of the writers, who have come forward on the other side of the question, seem to have been aware of the dilemma; and have even been bold enough to hint at the division of the larger States, as a desirable thing. Such an infatuated policy, such a desperate expedient, might, by the multiplication of petty offices, answer the views of men, who possess not qualifications to extend their influence beyond the narrow circles of personal intrigue, but it could never promote the greatness or happiness of the people of America.

Referring the examination of the principle itself to another place,[10](https://founders.archives.gov/documents/Hamilton/01-04-02-0162#ARHN-01-04-02-0162-fn-0010) as has been already mentioned, it will be sufficient to remark here, that in the sense of the author who has[11](https://founders.archives.gov/documents/Hamilton/01-04-02-0162#ARHN-01-04-02-0162-fn-0011) been most emphatically quoted upon the occasion, it would only dictate a reduction of the SIZE of the more considerable MEMBERS of the Union; but would not militate against their being all comprehended in one Confederate Government. And this is the true question, in the discussion of which we are at present interested.

So far are the suggestions of Montesquieu from standing in opposition to a general Union of the States, that he explicitly treats of a CONFEDERATE REPUBLIC as the expedient for extending the sphere of popular government and reconciling the advantages of monarchy with those of republicanism.

“It is very probable (says he)[\*](https://founders.archives.gov/documents/Hamilton/01-04-02-0162#ARHN-01-04-02-0162-an-0015) that mankind would have been obliged, at length, to live constantly under the government of a SINGLE PERSON, had they not contrived a kind of constitution, that has all the internal advantages of a republican, together with the external force of a monarchical government. I mean a CONFEDERATE REPUBLIC.

“This form of Government is a Convention, by which several smaller *States* agree to become members of a larger *one*, which they intend to form. It is a kind of assemblage of societies, that constitute a new one, capable of encreasing by means of new associations, till they arrive to such a degree of power as to be able to provide for the security of the united body.

“A republic of this kind, able to withstand an external force, may support itself without any internal corruption. The form of this society prevents all manner of inconveniencies.

“If a single member should attempt to usurp the supreme authority, he could not be supposed to have an equal authority and credit, in all the confederate states. Were he to have too great influence over one, this would alarm the rest. Were he to subdue a part, that which would still remain free might oppose him with forces, independent of those which he had usurped, and overpower him before he could be settled in his usurpation.

“Should a popular insurrection happen, in one of the confederate States, the others are able to quell it. Should abuses creep into one part, they are reformed by those that remain sound. The State may be destroyed on one side, and not on the other; the confederacy may be dissolved, and the confederates preserve their sovereignty.

“As this government is composed of small republics it enjoys the internal happiness of each, and with respect to its external situation it is possessed, by means of the association of all the advantages of large monarchies.”

I have thought it proper to quote at length these interesting passages, because they contain a luminous abrigement of the principal arguments in favour of the Union, and must effectually remove the false impressions, which a misapplication of other parts of the work was calculated to produce.[13](https://founders.archives.gov/documents/Hamilton/01-04-02-0162#ARHN-01-04-02-0162-fn-0013) They have at the same time an intimate connection with the more immediate design of this Paper; which is to illustrate the tendency of the Union to repress domestic faction and insurrection.

A distinction, more subtle than accurate has been raised between *a confederacy* and a *consolidation* of the States. The essential characteristic of the first is said to be, the restriction of its authority to the members in their collective capacities, without reaching to the individuals of whom they are composed. It is contended that the national council ought to have no concern with any object of internal administration. An exact equality of suffrage between the members has also been insisted upon as a leading feature of a Confederate Government. These positions are in the main arbitrary; they are supported neither by principle nor precedent. It has indeed happened that governments of this kind have generally operated in the manner, which the distinction, taken notice of, supposes to be inherent in their nature—but there have been in most of them extensive exceptions to the practice, which serve to prove as far as example will go, that there is no absolute rule on the subject. And it will be clearly shewn, in the course of this investigation, that as far as the principle contended for has prevailed, it has been the cause of incurable disorder and imbecility in the government.

The definition of a *Confederate Republic* seems simply to be, an “assemblage of societies” or an association of two or more States into one State. The extent, modifications and objects of the Fœderal authority are mere matters of discretion. So long as the separate organisation of the members be not abolished, so long as it exists by a constitutional necessity for local purposes, though it should be in perfect subordination to the general authority of the Union, it would still be, in fact and in theory, an association of States, or a confederacy. The proposed Constitution, so far from implying an abolition of the State Governments, makes them constituent parts of the national sovereignty by allowing them a direct representation in the Senate, and leaves in their possession certain exclusive and very important portions of[14](https://founders.archives.gov/documents/Hamilton/01-04-02-0162#ARHN-01-04-02-0162-fn-0014) sovereign power. This fully corresponds, in every rational import of the terms, with the idea of a Fœderal Government.

In the Lycian confederacy, which consisted of twenty three CITIES, or republics, the largest were intitled to *three* votes in the COMMON COUNCIL, those of the middle class to *two* and the smallest to *one*. The COMMON COUNCIL had the appointment of all the judges and magistrates of the respective CITIES. This was certainly the most delicate species of interference in their internal administration; for if there be any thing, that seems exclusively appropriated to the local jurisdictions, it is the appointment of their own officers. Yet Montesquieu, speaking of this association, says “Were I to give a model of an excellent confederate republic, it would be that of Lycia.”[15](https://founders.archives.gov/documents/Hamilton/01-04-02-0162#ARHN-01-04-02-0162-fn-0015) Thus we perceive that the distinctions insisted upon were not within the contemplation of this enlightened civilian,[16](https://founders.archives.gov/documents/Hamilton/01-04-02-0162#ARHN-01-04-02-0162-fn-0016) and we shall be led to conclude that they are the novel refinements of an erroneous theory.

PUBLIUS.

# The Federalist NO. 10

November 22, 1787

Among the numerous advantages promised by a well constructed union, none deserves to be more accurately developed than its tendency to break and control the violence of faction.[1](https://founders.archives.gov/documents/Madison/01-10-02-0178#JSMN-01-10-02-0178-fn-0001) The friend of popular governments, never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice. He will not fail therefore to set a due value on any plan which, without violating the principles to which he is attached, provides a proper cure for it. The instability, injustice and confusion introduced into the public councils, have in truth been the mortal diseases under which popular governments have every where perished; as they continue to be the favorite and fruitful topics from which the adversaries to liberty derive their most specious declamations. The valuable improvements made by the American constitutions on the popular models, both antient and modern, cannot certainly be too much admired; but it would be an unwarrantable partiality, to contend that they have as effectually obviated the danger on this side as was wished and expected. Complaints are every where heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty; that our governments are too unstable; that the public good is disregarded in the conflicts of rival parties; and that measures are too often decided, not according to the rules of justice, and the rights of the minor party; but by the superior force of an interested and over-bearing majority. However anxiously we may wish that these complaints had no foundation, the evidence of known facts will not permit us to deny that they are in some degree true. It will be found indeed, on a candid review of our situation, that some of the distresses under which we labour, have been erroneously charged on the operation of our governments; but it will be found at the same time, that other causes will not alone account for many of our heaviest misfortunes; and particularly, for that prevailing and increasing distrust of public engagements, and alarm for private rights, which are echoed from one end of the continent to the other. These must be chiefly, if not wholly, effects of the unsteadiness and injustice, with which a factious spirit has tainted our public administration.

By a faction I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.

There are two methods of curing the mischiefs of faction: The one, by removing its causes; the other, by controlling its effects.

There are again two methods of removing the causes of faction: The one by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said than of the first remedy, that it is worse than the disease. Liberty is to faction, what air is to fire, an aliment without which it instantly expires. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life because it imparts to fire its destructive agency.

The second expedient is as impracticable, as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men from which the rights of property originate, is not less an insuperable obstacle to an uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results: And from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

The latent causes of faction are thus sown in the nature of man; and we see them every where brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for pre-eminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have in turn divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other, than to co-operate for their common good. So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions, and excite their most violent conflicts. But the most common and durable source of factions, has been the various and unequal distribution of property. Those who hold, and those who are without property, have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a monied interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of government.

No man is allowed to be a judge in his own cause; because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay with greater reason, a body of men, are unfit to be both judges and parties, at the same time; yet, what are many of the most important acts of legislation, but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens; and what are the different classes of legislators, but advocates and parties to the causes which they determine? Is a law proposed concerning private debts? It is a question to which the creditors are parties on one side, and the debtors on the other. Justice ought to hold the balance between them. Yet the parties are and must be themselves the judges; and the most numerous party, or, in other words, the most powerful faction must be expected to prevail. Shall domestic manufactures be encouraged, and in what degree, by restrictions on foreign manufactures? are questions which would be differently decided by the landed and the manufacturing classes; and probably by neither, with a sole regard to justice and the public good. The apportionment of taxes on the various descriptions of property, is an act which seems to require the most exact impartiality, yet there is perhaps no legislative act in which greater opportunity and temptation are given to a predominant party, to trample on the rules of justice. Every shilling with which they over-burden the inferior number, is a shilling saved to their own pockets.

It is in vain to say, that enlightened statesmen will be able to adjust these clashing interests, and render them all subservient to the public good. Enlightened statesmen will not always be at the helm: Nor, in many cases, can such an adjustment be made at all, without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another, or the good of the whole.

The inference to which we are brought, is, that the *causes* of faction cannot be removed; and that relief is only to be sought in the means of controlling its *effects*.

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote: It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the constitution. When a majority is included in a faction, the form of popular government on the other hand enables it to sacrifice to its ruling passion or interest, both the public good and the rights of other citizens. To secure the public good, and private rights against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our enquiries are directed. Let me add that it is the great desideratum, by which alone this form of government can be rescued from the opprobrium under which it has so long labored, and be recommended to the esteem and adoption of mankind.

By what means is this object attainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority at the same time, must be prevented; or the majority, having such co-existent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression. If the impulse and the opportunity be suffered to coincide, we well know that neither moral nor religious motives can be relied on as an adequate control. They are not found to be such on the injustice and violence of individuals, and lose their efficacy in proportion to the number combined together; that is, in proportion as their efficacy becomes needful.[2](https://founders.archives.gov/documents/Madison/01-10-02-0178#JSMN-01-10-02-0178-fn-0002)

From this view of the subject, it may be concluded that a pure democracy, by which I mean a society, consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert results from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party, or an obnoxious individual. Hence it is, that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security, or the rights of property; and have in general been as short in their lives, as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed, that by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized, and assimilated in their possessions, their opinions, and their passions.

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure, and the efficacy which it must derive from the union.

The two great points of difference between a democracy and a republic, are first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended.

The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice, will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen that the public voice pronounced by the representatives of the people, will be more consonant to the public good, than if pronounced by the people themselves convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests of the people. The question resulting is, whether small or extensive republics are most favourable to the election of proper guardians of the public weal; and it is clearly decided in favour of the latter by two obvious considerations.

In the first place it is to be remarked, that however small the republic may be, the representatives must be raised to a certain number, in order to guard against the cabals of a few; and that however large it may be, they must be limited to a certain number, in order to guard against the confusion of a multitude. Hence the number of representatives in the two cases not being in proportion to that of the constituents, and being proportionally greatest in the small republic, it follows, that if the proportion of fit characters be not less in the large than in the small republic, the former will present a greater option, and consequently a greater probability of a fit choice.

In the next place, as each representative will be chosen by a greater number of citizens in the large than in the small republic, it will be more difficult for unworthy candidates to practise with success the vicious arts, by which elections are too often carried; and the suffrages of the people being more free, will be more likely to centre on men who possess the most attractive merit, and the most diffusive and established characters.

It must be confessed, that in this, as in most other cases, there is a mean, on both sides of which inconveniencies will be found to lie. By enlarging too much the number of electors, you render the representative too little acquainted with all their local circumstances and lesser interests; as by reducing it too much, you render him unduly attached to these, and too little fit to comprehend and pursue great and national objects. The federal constitution forms a happy combination in this respect; the great and aggregate interests being referred to the national, the local and particular to the state legislatures.

The other point of difference is, the greater number of citizens and extent of territory which may be brought within the compass of republican, than of democratic government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former, than in the latter. The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other. Besides other impediments, it may be remarked, that where there is a consciousness of unjust or dishonourable purposes, communication is always checked by distrust, in proportion to the number whose concurrence is necessary.

Hence it clearly appears, that the same advantage, which a republic has over a democracy, in controlling the effects of faction, is enjoyed by a large over a small republic—is enjoyed by the union over the states composing it. Does this advantage consist in the substitution of representatives, whose enlightened views and virtuous sentiments render them superior to local prejudices, and to schemes of injustice? It will not be denied, that the representation of the union will be most likely to possess these requisite endowments. Does it consist in the greater security afforded by a greater variety of parties, against the event of any one party being able to outnumber and oppress the rest? In an equal degree does the encreased variety of parties, comprised within the union, encrease this security. Does it, in fine, consist in the greater obstacles opposed to the concert and accomplishment of the secret wishes of an unjust and interested majority? Here, again, the extent of the union gives it the most palpable advantage.

The influence of factious leaders may kindle a flame within their particular states, but will be unable to spread a general conflagration through the other states: A religious sect, may degenerate into a political faction in a part of the confederacy; but the variety of sects dispersed over the entire face of it, must secure the national councils against any danger from that source: A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the union, than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire state.[3](https://founders.archives.gov/documents/Madison/01-10-02-0178#JSMN-01-10-02-0178-fn-0003)

In the extent and proper structure of the union, therefore, we behold a republican remedy for the diseases most incident to republican government. And according to the degree of pleasure and pride, we feel in being republicans, ought to be our zeal in cherishing the spirit, and supporting the character of federalists.

Publius.

# The Federalist No. 51

February 6, 1788

*To the People of the State of New-York.*

TO what expedient then shall we finally resort for maintaining in practice the necessary partition of power among the several departments, as laid down in the constitution? The only answer that can be given is, that as all these exterior provisions are found to be inadequate, the defect must be supplied, by so contriving the interior structure of the government, as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places. Without presuming to undertake a full development of this important idea, I will hazard a few general observations, which may perhaps place it in a clearer light, and enable us to form a more correct judgment of the principles and structure of the government planned by the convention.

In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent, is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own; and consequently should be so constituted, that the members of each should have as little agency as possible in the appointment of the members of the others. Were this principle rigorously adhered to, it would require that all the appointments for the supreme executive, legislative, and judiciary magistracies, should be drawn from the same fountain of authority, the people, through channels, having no communication whatever with one another. Perhaps such a plan of constructing the several departments would be less difficult in practice than it may in contemplation appear. Some difficulties however, and some additional expence, would attend the execution of it. Some deviations therefore from the principle must be admitted. In the constitution of the judiciary department in particular, it might be inexpedient to insist rigorously on the principle; first, because peculiar qualifications being essential in the members, the primary consideration ought to be to select that mode of choice, which best secures these qualifications; secondly, because the permanent tenure by which the appointments are held in that department, must soon destroy all sense of dependence on the authority conferring them.

It is equally evident that the members of each department should be as little dependent as possible on those of the others, for the emoluments annexed to their offices. Were the executive magistrate, or the judges, not independent of the legislature in this particular, their independence in every other would be merely nominal.

But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department, the necessary constitutional means, and personal motives, to resist encroachments of the others. The provision for defence must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to controul the abuses of government. But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controuls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to controul the governed; and in the next place, oblige it to controul itself. A dependence on the people is no doubt the primary controul on the government; but experience has taught mankind the necessity of auxiliary precautions.

This policy of supplying by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power; where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other; that the private interest of every individual, may be a centinel over the public rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the state.

But it is not possible to give to each department an equal power of self defence. In republican government the legislative authority, necessarily, predominates. The remedy for this inconveniency is, to divide the legislature into different branches; and to render them by different modes of election, and different principles of action, as little connected with each other, as the nature of their common functions, and their common dependence on the society, will admit. It may even be necessary to guard against dangerous encroachments by still further precautions. As the weight of the legislative authority requires that it should be thus divided, the weakness of the executive may require, on the other hand, that it should be fortified. An absolute negative, on the legislature, appears at first view to be the natural defence with which the executive magistrate should be armed. But perhaps it would be neither altogether safe, nor alone sufficient. On ordinary occasions, it might not be exerted with the requisite firmness; and on extraordinary occasions, it might be perfidiously abused. May not this defect of an absolute negative be supplied, by some qualified connection between this weaker department, and the weaker branch of the stronger department, by which the latter may be led to support the constitutional rights of the former, without being too much detached from the rights of its own departmen[t]?

If the principles on which these observations are founded be just, as I persuade myself they are, and they be applied as a criterion, to the several state constitutions, and to the federal constitution, it will be found, that if the latter does not perfectly correspond with them, the former are infinitely less able to bear such a test.

There are moreover two considerations particularly applicable to the federal system of America, which place that system[2](https://founders.archives.gov/documents/Hamilton/01-04-02-0199#ARHN-01-04-02-0199-fn-0002) in a very interesting point of view.

*First.* In a single republic, all the power surrendered by the people, is submitted to the administration of a single government; and[3](https://founders.archives.gov/documents/Hamilton/01-04-02-0199#ARHN-01-04-02-0199-fn-0003) usurpations are guarded against by a division of the government into distinct and separate departments. In the compound republic of America, the power surrendered by the people, is first divided between two distinct governments, and then the portion allotted to each, subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will controul each other; at the same time that each will be controuled by itself.

*Second.* It is of great importance in a republic, not only to guard the society against the oppression of its rulers; but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure. There are but two methods of providing against this evil: The one by creating a will in the community independent of the majority, that is, of the society itself; the other by comprehending in the society so many separate descriptions of citizens, as will render an unjust combination of a majority of the whole, very improbable, if not impracticable. The first method prevails in all governments possessing an hereditary or self appointed authority. This at best is but a precarious security; because a power independent of the society may as well espouse the unjust views of the major, as the rightful interests, of the minor party, and may possibly be turned against both parties. The second method will be exemplified in the federal republic of the United States. Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests and classes of citizens, that the rights of individuals or of the minority, will be in little danger from interested combinations of the majority. In a free government, the security for civil rights must be the same as for religious rights. It consists in the one case in the multiplicity of interests, and in the other, in the multiplicity of sects. The degree of security in both cases will depend on the number of interests and sects; and this may be presumed to depend on the extent of country and number of people comprehended under the same government. This view of the subject must particularly recommend a proper federal system to all the sincere and considerate friends of republican government: Since it shews that in exact proportion as the territory of the union may be formed into more circumscribed confederacies or states, oppressive combinations of a majority will be facilitated, the best security under the republican form, for the rights of every class of citizens, will be diminished; and consequently, the stability and independence of some member of the government, the only other security, must be proportionally increased. Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued, until it be obtained, or until liberty be lost in the pursuit. In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign, as in a state of nature where the weaker individual is not secured against the violence of the stronger: And as in the latter state even the stronger individuals are prompted by the uncertainty of their condition, to submit to a government which may protect the weak as well as themselves: So in the former state, will the more powerful factions or parties[4](https://founders.archives.gov/documents/Hamilton/01-04-02-0199#ARHN-01-04-02-0199-fn-0004) be gradually induced by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful. It can be little doubted, that if the state of Rhode Island was separated from the confederacy, and left to itself, the insecurity of rights under the popular form of government within such narrow limits, would be displayed by such reiterated oppressions of factious majorities, that some power altogether independent of the people would soon be called for by the voice of the very factions whose misrule had proved the necessity of it. In the extended republic of the United States, and among the great variety of interests, parties and sects which it embraces, a coalition of a majority of the whole society could seldom take place on[5](https://founders.archives.gov/documents/Hamilton/01-04-02-0199#ARHN-01-04-02-0199-fn-0005) any other principles than those of justice and the general good; and[6](https://founders.archives.gov/documents/Hamilton/01-04-02-0199#ARHN-01-04-02-0199-fn-0006) there being thus less danger to a minor from the will of the major party, there must be less pretext also, to provide for the security of the former, by introducing into the government a will not dependent on the latter; or in other words, a will independent of the society itself. It is no less certain than it is important, notwithstanding the contrary opinions which have been entertained, that the larger the society, provided it lie within a practicable sphere, the more duly capable it will be of self government. And happily for the *republican cause*, the practicable sphere may be carried to a very great extent, by a judicious modification and mixture of the *federal principle*.

PUBLIUS.

**Longhand Draft Letter from President Harry S. Truman**

**to Secretary of State James Byrnes**

January 05, 1946

Hon. Jas. F. Byrnes, Sec. of State.

My dear Jim:

I have been considering some of our difficulties. As you know I would like to pursue a policy of delegating authority to the members of the Cabinet in their various fields and then back them up in the results. But in doing that and in carrying out that policy I do not intend to turn over the complete authority of the President nor to forgo the President's prerogative to make the final decision.

Therefore it is absolutely necessary that the President should be kept fully informed on what is taking place. This is vitally necessary when negotiations are taking place in a foreign capital, or even in another city than Washington. This procedure is necessary in domestic affairs and it is vital in foreign affairs.

At San Francisco no agreements or compromises were ever agreed to without my approval. At London you were in constant touch with me and communication was established daily if necessary.

That procedure did not take place at this last conference. I only saw you for a possible thirty minutes the night before you left after your interview with the Senate Committee.

I received no communication from you directly while you were in Moscow. The only message I had from you came as a reply to one which I had Under Secretary Acheson send to you about my interview with the Senate Committee on Atomic Energy.

The protocol was not submitted to me, nor was the communique?. I was completely in the dark on the whole conference until I requested you to come to the Williamsburg and inform me. The communique? was released before I even saw it.

Now I have the utmost confidence in you and in your ability but there should be a complete understanding between us on procedure. Hence this memorandum.

For the first time I read the Etheridge letter this morning. It is full of information on Rumania & Bulgaria and confirms our previous information on those two police states. I am not going to agree to the recognition of those governments unless they are radically changed.

I think we ought to protest with all the vigor of which we are capable to the Russian program in Iran. There is no justification for it. It is a parallel to the program of Russia in Latvia, Estonia and Lithuania. It is also in line with the high handed and arbitrary manner in which Russia acted in Poland.

At Potsdam we were faced with an accomplished fact and were, by circumstances, almost forced to agree to Russian occupation of Eastern Poland and the occupation of that part of Germany east of the Oder River by Poland. It was a high handed outrage.

At the time we were anxious for Russian entry into the Japanese War. Of course we found later that we didn't need Russia there and the Russians have been a head ache to us ever since.

When you went to Moscow you were faced with another accomplished fact in Iran. Another outrage if ever I saw one.

Iran was our ally in the war. Iran was Russia's ally in the war. Iran agreed to the free passage of arms, ammunition and other supplies running into millions of tons across her territory from the Persian Gulf to the Caspian Sea. Without these supplies, furnished by the United States, Russia would have been ignominiously defeated. Yet now Russia stirs up rebellion and keeps troops on the soil of her friend and ally, Iran.

There isn't a doubt in my mind that Russia intends an invasion of Turkey and the seizure of the Black Sea Straits to the Mediterranean. Unless Russia is faced with an iron fist and strong language another war is in the making. Only one language do they understand-"How many divisions have you?"

I do not think we should play compromise any longer. We should refuse to recognize Rumania and Bulgaria until they comply with our requirements; we should let our position on Iran be known in no uncertain terms and we should continue to insist on the internationalization of the Kiel Canal, the Rhine-Danube waterway and the Black Sea Straits and we should maintain complete control of Japan and the Pacific. We should rehabilitate China and create a strong central government there. We should do the same for Korea.

Then we should insist on the return of our ships from Russia and force a settlement of the Lend-Lease Debt of Russia.

I'm tired babying the Soviets

**Address of the President to Congress, Recommending Assistance to Greece and Turkey**

**March 12, 1947**

Mr. President, Mr. Speaker, Members of the Congress of the United States:

The gravity of the situation which confronts the world today necessitates my appearance before a joint session of the Congress. The foreign policy and the national security of this country are involved.

One aspect of the present situation, which I wish to present to you at this time for your consideration and decision, concerns Greece and Turkey.

The United States has received from the Greek Government an urgent appeal for financial and economic assistance. Preliminary reports from the American Economic Mission now in Greece and reports from the American Ambassador in Greece corroborate the statement of the Greek Government that assistance is imperative if Greece is to survive as a free nation.

I do not believe that the American people and the Congress wish to turn a deaf ear to the appeal of the Greek Government.

Greece is not a rich country. Lack of sufficient natural resources has always forced the Greek people to work hard to make both ends meet. Since 1940, this industrious and peace loving country has suffered invasion, four years of cruel enemy occupation, and bitter internal strife.

When forces of liberation entered Greece they found that the retreating Germans had destroyed virtually all the railways, roads, port facilities, communications, and merchant marine. More than a thousand villages had been burned. Eighty-five per cent of the children were tubercular. Livestock, poultry, and draft animals had almost disappeared. Inflation had wiped out practically all savings.

As a result of these tragic conditions, a militant minority, exploiting human want and misery, was able to create political chaos which, until now, has made economic recovery impossible.

Greece is today without funds to finance the importation of those goods which are essential to bare subsistence. Under these circumstances the people of Greece cannot make progress in solving their problems of reconstruction. Greece is in desperate need of financial and economic assistance to enable it to resume purchases of food, clothing, fuel and seeds. These are indispensable for the subsistence of its people and are obtainable only from abroad. Greece must have help to import the goods necessary to restore internal order and security, so essential for economic and political recovery.

The Greek Government has also asked for the assistance of experienced American administrators, economists and technicians to insure that the financial and other aid given to Greece shall be used effectively in creating a stable and self-sustaining economy and in improving its public administration.

The very existence of the Greek state is today threatened by the terrorist activities of several thousand armed men, led by Communists, who defy the government's authority at a number of points, particularly along the northern boundaries. A Commission appointed by the United Nations security Council is at present investigating disturbed conditions in northern Greece and alleged border violations along the frontier between Greece on the one hand and Albania, Bulgaria, and Yugoslavia on the other.

Meanwhile, the Greek Government is unable to cope with the situation. The Greek army is small and poorly equipped. It needs supplies and equipment if it is to restore the authority of the government throughout Greek territory. Greece must have assistance if it is to become a self-supporting and self-respecting democracy.

The United States must supply that assistance. We have already extended to Greece certain types of relief and economic aid but these are inadequate.

There is no other country to which democratic Greece can turn.

No other nation is willing and able to provide the necessary support for a democratic Greek government.

The British Government, which has been helping Greece, can give no further financial or economic aid after March 31. Great Britain finds itself under the necessity of reducing or liquidating its commitments in several parts of the world, including Greece.

We have considered how the United Nations might assist in this crisis. But the situation is an urgent one requiring immediate action and the United Nations and its related organizations are not in a position to extend help of the kind that is required.

It is important to note that the Greek Government has asked for our aid in utilizing effectively the financial and other assistance we may give to Greece, and in improving its public administration. It is of the utmost importance that we supervise the use of any funds made available to Greece; in such a manner that each dollar spent will count toward making Greece self-supporting, and will help to build an economy in which a healthy democracy can flourish.

No government is perfect. One of the chief virtues of a democracy, however, is that its defects are always visible and under democratic processes can be pointed out and corrected. The Government of Greece is not perfect. Nevertheless it represents eighty-five per cent of the members of the Greek Parliament who were chosen in an election last year. Foreign observers, including 692 Americans, considered this election to be a fair expression of the views of the Greek people.

The Greek Government has been operating in an atmosphere of chaos and extremism. It has made mistakes. The extension of aid by this country does not mean that the United States condones everything that the Greek Government has done or will do. We have condemned in the past, and we condemn now, extremist measures of the right or the left. We have in the past advised tolerance, and we advise tolerance now.

Greece's neighbor, Turkey, also deserves our attention.

The future of Turkey as an independent and economically sound state is clearly no less important to the freedom-loving peoples of the world than the future of Greece. The circumstances in which Turkey finds itself today are considerably different from those of Greece. Turkey has been spared the disasters that have beset Greece. And during the war, the United States and Great Britain furnished Turkey with material aid.

Nevertheless, Turkey now needs our support.

Since the war Turkey has sought financial assistance from Great Britain and the United States for the purpose of effecting that modernization necessary for the maintenance of its national integrity.

That integrity is essential to the preservation of order in the Middle East.

The British government has informed us that, owing to its own difficulties can no longer extend financial or economic aid to Turkey.

As in the case of Greece, if Turkey is to have the assistance it needs, the United States must supply it. We are the only country able to provide that help.

I am fully aware of the broad implications involved if the United States extends assistance to Greece and Turkey, and I shall discuss these implications with you at this time.

One of the primary objectives of the foreign policy of the United States is the creation of conditions in which we and other nations will be able to work out a way of life free from coercion. This was a fundamental issue in the war with Germany and Japan. Our victory was won over countries which sought to impose their will, and their way of life, upon other nations.

To ensure the peaceful development of nations, free from coercion, the United States has taken a leading part in establishing the United Nations, The United Nations is designed to make possible lasting freedom and independence for all its members. We shall not realize our objectives, however, unless we are willing to help free peoples to maintain their free institutions and their national integrity against aggressive movements that seek to impose upon them totalitarian regimes. This is no more than a frank recognition that totalitarian regimes imposed on free peoples, by direct or indirect aggression, undermine the foundations of international peace and hence the security of the United States.

The peoples of a number of countries of the world have recently had totalitarian regimes forced upon them against their will. The Government of the United States has made frequent protests against coercion and intimidation, in violation of the Yalta agreement, in Poland, Rumania, and Bulgaria. I must also state that in a number of other countries there have been similar developments.

At the present moment in world history nearly every nation must choose between alternative ways of life. The choice is too often not a free one.

One way of life is based upon the will of the majority, and is distinguished by free institutions, representative government, free elections, guarantees of individual liberty, freedom of speech and religion, and freedom from political oppression.

The second way of life is based upon the will of a minority forcibly imposed upon the majority. It relies upon terror and oppression, a controlled press and radio; fixed elections, and the suppression of personal freedoms.

I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures.

I believe that we must assist free peoples to work out their own destinies in their own way.

I believe that our help should be primarily through economic and financial aid which is essential to economic stability and orderly political processes.

The world is not static, and the status quo is not sacred. But we cannot allow changes in the status quo in violation of the Charter of the United Nations by such methods as coercion, or by such subterfuges as political infiltration. In helping free and independent nations to maintain their freedom, the United States will be giving effect to the principles of the Charter of the United Nations.

It is necessary only to glance at a map to realize that the survival and integrity of the Greek nation are of grave importance in a much wider situation. If Greece should fall under the control of an armed minority, the effect upon its neighbor, Turkey, would be immediate and serious. Confusion and disorder might well spread throughout the entire Middle East.

Moreover, the disappearance of Greece as an independent state would have a profound effect upon those countries in Europe whose peoples are struggling against great difficulties to maintain their freedoms and their independence while they repair the damages of war.

It would be an unspeakable tragedy if these countries, which have struggled so long against overwhelming odds, should lose that victory for which they sacrificed so much. Collapse of free institutions and loss of independence would be disastrous not only for them but for the world. Discouragement and possibly failure would quickly be the lot of neighboring peoples striving to maintain their freedom and independence.

Should we fail to aid Greece and Turkey in this fateful hour, the effect will be far reaching to the West as well as to the East.

We must take immediate and resolute action.

I therefore ask the Congress to provide authority for assistance to Greece and Turkey in the amount of $400,000,000 for the period ending June 30, 1948. In requesting these funds, I have taken into consideration the maximum amount of relief assistance which would be furnished to Greece out of the $350,000,000 which I recently requested that the Congress authorize for the prevention of starvation and suffering in countries devastated by the war.

In addition to funds, I ask the Congress to authorize the detail of American civilian and military personnel to Greece and Turkey, at the request of those countries, to assist in the tasks of reconstruction, and for the purpose of supervising the use of such financial and material assistance as may be furnished. I recommend that authority also be provided for the instruction and training of selected Greek and Turkish personnel.

Finally, I ask that the Congress provide authority which will permit the speediest and most effective use, in terms of needed commodities, supplies, and equipment, of such funds as may be authorized.

If further funds, or further authority, should be needed for purposes indicated in this message, I shall not hesitate to bring the situation before the Congress. On this subject the Executive and Legislative branches of the Government must work together.

This is a serious course upon which we embark.

I would not recommend it except that the alternative is much more serious. The United States contributed $341,000,000,000 toward winning World War II. This is an investment in world freedom and world peace.

The assistance that I am recommending for Greece and Turkey amounts to little more than 1 tenth of 1 per cent of this investment. It is only common sense that we should safeguard this investment and make sure that it was not in vain.

The seeds of totalitarian regimes are nurtured by misery and want. They spread and grow in the evil soil of poverty and strife. They reach their full growth when the hope of a people for a better life has died. We must keep that hope alive.

The free peoples of the world look to us for support in maintaining their freedoms.

If we falter in our leadership, we may endanger the peace of the world -- and we shall surely endanger the welfare of our own nation.

Great responsibilities have been placed upon us by the swift movement of events.

I am confident that the Congress will face these responsibilities squarely.

**The President's Farewell Address to the American People**

**January 15, 1953**

[Broadcast from his office in the White House at 10:30 p.m.]

My fellow Americans:

I am happy to have this opportunity to talk to you once more before I leave the White House.

Next Tuesday, General Eisenhower will be inaugurated as President of the United States. A short time after the new President takes his oath of office, I will be on the train going back home to Independence, Missouri. I will once again be a plain, private citizen of this great Republic.

That is as it should be. Inauguration Day will be a great demonstration of our democratic process. I am glad to be a part of it-glad to wish General Eisenhower all possible success, as he begins his term--glad the whole world will have a chance to see how simply and how peacefully our American system transfers the vast power of the Presidency from my hands to his. It is a good object lesson in democracy. I am very proud of it. And I know you are, too.

During the last 2 months I have done my best to make this transfer an orderly one. I have talked with my successor on the affairs of the country, both foreign and domestic, and my Cabinet officers have talked with their successors. I want to say that General Eisenhower and his associates have cooperated fully in this effort. Such an orderly transfer from one party to another has never taken place before in our history. I think a real precedent has been set.

In speaking to you tonight, I have no new revelations to make--no political statements-no policy announcements. There are simply a few things in my heart that I want to say to you. I want to say "goodbye" and "thanks for your help." And I want to talk to you a little while about what has happened since I became your President.

I am speaking to you from the room where I have worked since April 12, 1945. This is the President's office in the West Wing of the White House. This is the desk where I have signed most of the papers that embodied the decisions I have made as President. It has been the desk of many Presidents, and will be the desk of many more.

Since I became President, I have been to Europe, Mexico, Canada, Brazil, Puerto Rico, and the Virgin Islands--Wake Island and Hawaii. I have visited almost every State in the Union. I have traveled 135,000 miles by air, 77,000 by rail, and 17,000 by ship. But the mail always followed me, and wherever I happened to be, that's where the office of the President was.

The greatest part of the President's job is to make decisions--big ones and small ones, dozens of them almost every day. The papers may circulate around the Government for a while but they finally reach this desk. And then, there's no place else for them to go. The President--whoever he is--has to decide. He can't pass the buck to anybody. No one else can do the deciding for him. That's his job.

That's what I've been doing here in this room, for almost 8 years. And over in the main part of the White House, there's a study on the second floor--a room much like this one--where I have worked at night and early in the morning on the papers I couldn't get to at the office.

Of course, for more than 3 years Mrs. Truman and I were not living in the White House. We were across the street in the Blair House. That was when the White House almost fell down on us and had to be rebuilt. I had a study over at the Blair House, too, but living in the Blair House was not as convenient as living in the White House. The Secret Service wouldn't let me walk across the street, so I had to get in a car every morning to cross the street to the White House office, again at noon to go to the Blair House for lunch, again to go back to the office after lunch, and finally take an automobile at night to return to the Blair House. Fantastic, isn't it? But necessary, so my guards thought--and they are the bosses on such matters as that.

Now, of course, we're back in the White House. It is in very good condition, and General Eisenhower will be able to take up his residence in the house and work right here. That will be much more convenient for him, and I'm very glad the renovation job was all completed before his term began.

Your new President is taking office in quite different circumstances than when I became President 8 years ago. On April 1945, I had been presiding over the Senate in my capacity as Vice President. When the Senate recessed about 5 o'clock in the afternoon, I walked over to the office of the Speaker of the House, Mr. Rayburn, to discuss pending legislation. As soon as I arrived, I was told that Mr. Early, one of President Roosevelt's secretaries, wanted me to call. I reached Mr. Early, and he told me to come to the White House as quickly as possible, to enter by way of the Pennsylvania Avenue entrance, and to come to Mrs. Roosevelt's study.

When I arrived, Mrs. Roosevelt told me the tragic news, and I felt the shock that all of you felt a little later--when the word came over the radio and appeared in the newspapers. President Roosevelt had died. I offered to do anything I could for Mrs. Roosevelt, and then I asked the Secretary of State to call the Cabinet together.

At 7:09 p.m. I was sworn in as President by Chief Justice Stone in the Cabinet Room.

Things were happening fast in those days. The San Francisco conference to organize the United Nations had been called for April 25th. I was asked if that meeting would go forward. I announced that it would. That was my first decision.

After attending President Roosevelt's funeral, I went to the Hall of the House of Representatives and told a joint session of the Congress that I would carry on President Roosevelt's policies.

On May 7th, Germany surrendered. The announcement was made on May 8th, my 61st birthday.

Mr. Churchill called me shortly after that and wanted a meeting with me and Prime Minister Stalin of Russia. Later on, a meeting was agreed upon, and Churchill, Stalin, and I met at Potsdam in Germany.

Meanwhile, the first atomic explosion took place out in the New Mexico desert.

The war against Japan was still going on. I made the decision that the atomic bomb had to be used to end it. I made that decision in the conviction it would save hundreds of thousands of lives--Japanese as well as American. Japan surrendered, and we were faced with the huge problems of bringing the troops home and reconverting the economy from war to peace.

All these things happened within just a little over 4 months--from April to August 1945. I tell you this to illustrate the tremendous scope of the work your President has to do.

And all these emergencies and all the developments to meet them have required the President to put in long hours--usually 17 hours a day, with no payment for overtime. I sign my name, on the average, 600 times a day, see and talk to hundreds of people every month, shake hands with thousands every year, and still carry on the business of the largest going concern in the whole world. There is no job like it on the face of the earth--in the power which is concentrated here at this desk, and in the responsibility and difficulty of the decisions.

I want all of you to realize how big a job, how hard a job, it is--not for my sake, because I am stepping out of it--but for the sake of my successor. He needs the understanding and the help of every citizen. It is not enough for you to come out once every 4 years and vote for a candidate, and then go back home and say, "Well, I've done my part, now let the new President do the worrying." He can't do the job alone.

Regardless of your politics, whether you are Republican or Democrat, your fate is tied up with what is done here in this room. The President is President of the whole country. We must give him our support as citizens of the United States. He will have mine, and I want you to give him yours.

I suppose that history will remember my term in office as the years when the "cold war" began to overshadow our lives. I have had hardly a day in office that has not been dominated by this all-embracing struggle-this conflict between those who love freedom and those who would lead the world back into slavery and darkness. And always in the background there has been the atomic bomb.

But when history says that my term of office saw the beginning of the cold war, it will also say that in those 8 years we have set the course that can win it. We have succeeded in carving out a new set of policies to attain peace--positive policies, policies of world leadership, policies that express faith in other free people. We have averted world war III up to now, and we may already have succeeded in establishing conditions which can keep that war from happening as far ahead as man can see.

These are great and historic achievements that we can all be proud of. Think of the difference between our course now and our course 30 years ago. After the First World War we withdrew from world affairs--we failed to act in concert with other peoples against aggression--we helped to kill the League of Nations--and we built up tariff barriers that strangled world trade. This time, we avoided those mistakes. We helped to found and sustain the United Nations. We have welded alliances that include the greater part of the free world. And we have gone ahead with other free countries to help build their economies and link us all together in a healthy world trade.

Think back for a moment to the 1930's and you will see the difference. The Japanese moved into Manchuria, and free men did not act. The Fascists moved into Ethiopia, and we did not act. The Nazis marched into the Rhineland, into Austria, into Czechoslovakia, and free men were paralyzed for lack of strength and unity and will.

Think about those years of weakness and indecision, and the World War II which was their evil result. Then think about the speed and courage and decisiveness with which we have moved against the Communist threat since World War II.

The first crisis came in 1945 and 1946, when the Soviet Union refused to honor its agreement to remove its troops from Iran. Members of my Cabinet came to me and asked if we were ready to take the risk that a firm stand involved. I replied that we were. So we took our stand--we made it clear to the Soviet Union that we expected them to honor their agreement--and the Soviet troops were withdrawn from Iran.

Then, in early 1947, the Soviet Union threatened Greece and Turkey. The British sent me a message saying they could no longer keep their forces in that area. Something had to be done at once, or the eastern Mediterranean would be taken over by the Communists. On March 12th, I went before the Congress and stated our determination to help the people of Greece and Turkey maintain their independence. Today, Greece is still free and independent; and Turkey is a bulwark of strength at a strategic corner of the world.

Then came the Marshall plan which saved Europe, the heroic Berlin airlift, and our military aid programs.

We inaugurated the North Atlantic Pact, the Rio Pact binding the Western Hemisphere together, and the defense pacts with countries of the Far Pacific.

Most important of all, we acted in Korea. I was in Independence, Missouri, in June 1950, when Secretary Acheson telephoned me and gave me the news about the invasion of Korea. I told the Secretary to lay the matter at once before the United Nations, and I came on back to Washington.

Flying back over the flatlands of the Middle West and over the Appalachians that summer afternoon, I had a lot of time to think. I turned the problem over in my mind in many ways, but my thoughts kept coming back to the 1930's--to Manchuria, to Ethiopia, the Rhineland, Austria, and finally to Munich.

Here was history repeating itself. Here was another probing action, another testing action. If we let the Republic of Korea go under, some other country would be next, and then another. And all the time, the courage and confidence of the free world would be ebbing away, just as it did in the 1930's. And the United Nations would go the way of the League of Nations.

When I reached Washington, I met immediately with the Secretary of State, the Secretary of Defense, and General Bradley, and the other civilian and military officials who had information and advice to help me decide on what to do. We talked about the problems long and hard. We considered those problems very carefully.

It was not easy to make the decision to send American boys again into battle. I was a soldier in the First World War, and I know what a soldier goes through. I know well the anguish that mothers and fathers and families go through. So I knew what was ahead if we acted in Korea.

But after all this was said, we realized that the issue was whether there would be fighting in a limited area now or on a much larger scale later on--whether there would be some casualties now or many more casualties later.

So a decision was reached--the decision I believe was the most important in my time as President of the United States.

In the days that followed, the most heartening fact was that the American people clearly agreed with the decision.

And in Korea, our men are fighting as valiantly as Americans have ever fought-because they know they are fighting in the same cause of freedom in which Americans have stood ever since the beginning of the Republic.

Where free men had failed the test before, this time we met the test.

We met it firmly. We met it successfully. The aggression has been repelled. The Communists have seen their hopes of easy conquest go down the drain. The determination of free people to defend themselves has been made clear to the Kremlin.

As I have thought about our worldwide struggle with the Communists these past 8 years--day in and day out--I have never once doubted that you, the people of our country, have the will to do what is necessary to win this terrible fight against communism. I know the people of this country have that will and determination, and I have always depended on it. Because I have been sure of that, I have been able to make necessary decisions even though they called for sacrifices by all of us. And I have not been wrong in my judgment of the American people.

That same assurance of our people's determination will be General Eisenhower's greatest source of strength in carrying on this struggle.

Now, once in a while, I get a letter from some impatient person asking, why don't we get it over with? Why don't we issue an ultimatum, make all-out war, drop the atomic bomb?

For most Americans, the answer is quite simple: We are not made that way. We are a moral people. Peace is our goal, with justice and freedom. We cannot, of our own free will, violate the very principles that we are striving to defend. The whole purpose of what we are doing is to prevent world war III. Starting a war is no way to make peace.

But if anyone still thinks that just this once, bad means can bring good ends, then let me remind you of this: We are living in the 8th year of the atomic age. We are not the only nation that is learning to unleash the power of the atom. A third world war might dig the grave not only of our Communist opponents but also of our own society, our world as well as theirs.

Starting an atomic war is totally unthinkable for rational men.

Then, some of you may ask, when and how will the cold war end? I think I can answer that simply. The Communist world has great resources, and it looks strong. But there is a fatal flaw in their society. Theirs is a godless system, a system of slavery; there is no freedom in it, no consent. The Iron Curtain, the secret police, the constant purges, all these are symptoms of a great basic weakness--the rulers' fear of their own people.

In the long run the strength of our free society, and our ideals, will prevail over a system that has respect for neither God nor man.

Last week, in my State of the Union Message to the Congress--and I hope you will all take the time to read it--I explained how I think we will finally win through.

As the free world grows stronger, more united, more attractive to men on both sides of the Iron Curtain--and as the Soviet hopes for easy expansion are blocked--then there will have to come a time of change in the Soviet world. Nobody can say for sure when that is going to be, or exactly how it will come about, whether by revolution, or trouble in the satellite states, or by a change inside the Kremlin.

Whether the Communist rulers shift their policies of their own free will--or whether the change comes about in some other way-I have not a doubt in the world that a change will occur.

I have a deep and abiding faith in the destiny of free men. With patience and courage, we shall some day move on into a new era--a wonderful golden age--an age when we can use the peaceful tools that science has forged for us to do away with poverty and human misery everywhere on earth.

Think what can be done, once our capital, our skills, our science--most of all atomic energy--can be released from the tasks of defense and turned wholly to peaceful purposes all around the world.

There is no end to what can be done.

I can't help but dream out loud just a little here.

The Tigris and Euphrates Valley can be made to bloom as it did in the times of Babylon and Nineveh. Israel can be made the country of milk and honey as it was in the time of Joshua.

There is a plateau in Ethiopia some 6,000 to 8,000 feet high, that has 65,000 square miles of land just exactly like the corn belt in northern Illinois. Enough food can be raised there to feed a hundred million people.

There are places in South America--places in Colombia and Venezuela and Brazil-just like that plateau in Ethiopia--places where food could be raised for millions of people.

These things can be done, and they are self-liquidating projects. If we can get peace and safety in the world under the United Nations, the developments will come so fast we will not recognize the world in which we now live.

This is our dream of the future--our picture of the world we hope to have when the Communist threat is overcome.

I've talked a lot tonight about the menace of communism--and our fight against it-because that is the overriding issue of our time. But there are some other things we've done that history will record. One of them is that we in America have learned how to attain real prosperity for our people.

We have 62 1/2 million people at work. Businessmen, farmers, laborers, white-collar people, all have better incomes and more of the good things of life than ever before in the history of the world.

There hasn't been a failure of an insured bank in nearly 9 years. No depositor has lost a cent in that period.

And the income of our people has been fairly distributed, perhaps more so than at any other time in recent history.

We have made progress in spreading the blessings of American life to all of our people. There has been a tremendous awakening of the American conscience on the great issues of civil rights--equal economic opportunities, equal rights of citizenship, and equal educational opportunities for all our people, whatever their race or religion or status of birth.

So, as I empty the drawers of this desk, and as Mrs. Truman and I leave the White House, we have no regret. We feel we have done our best in the public service. I hope and believe we have contributed to the welfare of this Nation and to the peace of the world.

When Franklin Roosevelt died, I felt there must be a million men better qualified than I, to take up the Presidential task. But the work was mine to do, and I had to do it. And I have tried to give it everything that was in me.

Through all of it, through all the years that I have worked here in this room, I have been well aware I did not really work alone-that you were working with me.

No President could ever hope to lead our country, or to sustain the burdens of this office, save as the people helped with their support. I have had that help--you have given me that support--on all our great essential undertakings to build the free world's strength and keep the peace.

Those are the big things. Those are the things we have done together.

For that I shall be grateful, always.

And now, the time has come for me to say good night--and God bless you all.

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