

AFFIDAVIT OF VOTER INFORMATION

STATE OF TEXAS

{

Affirmed

COUNTY OF FORT BEND

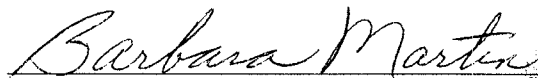
I, **Barbara Ann (Norris) Martin**, the undersigned, hereby affirm and state the following:

1. I am of lawful age and otherwise competent to make this affirmation.
2. This affirmation is made for the purpose of giving the Fort Bend County Elections Department information for its records, sufficiently to show that undersigned is a competent, qualified elector, and designated as one of the whole number of Article I, Sec. 2, clause 3 of the United States Constitution (1787) ⁽¹⁾, Constitution of the Republic of Texas, General Provisions, Section 6 (1836) ⁽²⁾, and the Constitution of the State of Texas, Article Third, Sec.'s 1 and 2 (1845) ⁽³⁾
3. My full name is Barbara Ann (Norris) Martin. I am a Citizen and inhabitant of the State of Texas, at 23rd Judicial District, 12906 West Bellfort, Houston, Fort Bend County, Texas U.S.A., and have been a Citizen and inhabitant of Texas for approximately 58 years.
4. I, Barbara Ann (Norris) Martin, a Free White Christian Female, was natural born on the 14th day of July, in Talco, Titus County, State of Texas.
5. My Father's full name is Bunyan Oco Norris.
6. My Mother's full name is Winnie Della (Kerr) Norris.

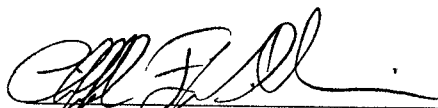
7. I am a member of the Posterity of "We the People", the sovereign body who ordained and established the Constitution for the united States of America, and thereby the United States government. I am a Freeman and a De jure Citizen to the Preamble of that Constitution (1787) ⁽⁴⁾, and the Constitution for the State of Texas. My status as a Citizen of the united States exists by natural right and by virtue of my Citizenship to the Preamble of the Constitution for the State of Texas, ^(4a) and was not conferred upon me by any state or federal government. It does not emanate from, by, through or under the 14th amendment to the Constitution for the united States of America. I am a Citizen as propounded by the United States Supreme Court in the concurring opinions of DRED SCOTT v. SANFORD, 60 U.S. 393, pages 406 & 407 (1856), 19 How. 393, 15 L.Ed. 691. ⁽⁵⁾
8. My Fundamental and Inalienable Rights, protected by my State Citizenship, were left untouched by the 14th amendment. Twining v. State of New Jersey, 29 S.Ct. 14, page 18 (1908), 211 U.S. 78. ⁽⁶⁾
9. I am a free white Christian female, without boon, benefit or franchise that would cloud my Citizenship. My Right to Elect is pursuant to the Texas Constitution, Article 1, Section 3a. "Equality under the law" ⁽⁷⁾
10. The above is true and correct to the best of my knowledge.


FURTHER AFFIANT SAITH NOT.

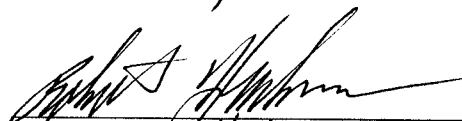
So affirmed upon the word of Almighty God this 9th day of March, 1996.



We, the undersigned, witness this day the one known to us to be the above signator, did personally appear before us and upon affirmation execute and affirm the above signature hereto.


_____ an inhabitant of the State of Texas
Clifford F. Williams
8915 Sangamon
Houston, Texas U.S.A.


_____ an inhabitant of the State of Texas
GLENN E. Washburn II
13003 Murphy Rd B-7
Stafford, Fort Bend County, Texas, U.S.A.


_____ an inhabitant of the State of Texas
ROBERT HUEBNER
11TH JUDICIAL DIST., W. BROADWAY DR.
HOUSTON, HARRIS COUNTY, TEXAS, USA

Citation

US CONST Art.I Sec.2, cl.3, Apportionment of Representatives and Taxes

 Page 109

UNITED STATES CODE ANNOTATED
 CONSTITUTION OF THE UNITED STATES
 ARTICLE I--THE CONGRESS

Current through P.L. 104-3, approved 3-7-95

Section 2, Clause 3. Apportionment of Representatives and Taxes

[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

HISTORICAL NOTES

Clause affected by Amends. 14 and 16

The provisions of this clause inclosed in brackets and relating to the apportionment of representatives are affected by similar matter in Amendment 14, Sec. 2. The provisions inclosed in brackets and relating to apportionment of taxes are affected, in respect to income taxes, by Amendment 16.

REFERENCES

CROSS REFERENCES

Apportionment of representatives among states, see USCA Const. Amend. XIV.
 Income taxes as not subject to apportionment among states, see USCA Const. Amend. XVI.
 Use of census or enumeration for apportionment of direct taxes, see *USCA Const. Art. I Sec. 9, cl. 4.*

LIBRARY REFERENCES

American Digest System

Apportionment of representatives, see United States k10.
 Census to determine population, see Census k2.
 Limitation of federal taxing power, see Internal Revenue k3006.

Encyclopedias

Apportionment of direct taxes, see C.J.S. Internal Revenue Sec. 4.
 Apportionment of representatives among states, see C.J.S. United States Sec. 12.

Sec. 15. In cases of impeachment, removal from office, death, resignation, or absence of the President from the Republic, the Vice President shall exercise the powers and discharge the duties of the President until a successor be duly qualified, or until the President, who may be absent or impeached, shall return or be acquitted.

Sec. 16. The President, Vice President, and all civil officers of the Republic, shall be removable from office by impeachment for, and on conviction of, treason, bribery, and other high crimes and misdemeanors.

SCHEDULE.

Sec. 1. That no inconvenience may arise from the adoption of this Constitution, it is declared by this Convention that all laws now in force in Texas, and not inconsistent with this Constitution, shall remain in full force until declared void, repealed, altered, or expire by their own limitation.

Sec. 2. All fines, penalties, and forfeitures, and escheats, which have heretofore accrued to Coahuila and Texas, or Texas, shall accrue to this Republic.

Sec. 3. Every male citizen who is by this Constitution a citizen, and shall be otherwise qualified, shall be entitled to hold any office or place of honor, trust, or profit, under the Republic, any thing in this Constitution to the contrary notwithstanding.

Sec. 4. The first President and Vice President that shall be appointed after the adoption of this Constitution, shall be chosen by this Convention, and shall immediately enter on the duties of their offices, and shall hold said offices until their successors be elected and qualified, as prescribed in this Constitution, and shall have the same qualifications, be invested with the same powers, and perform the same duties which are required and conferred on the Executive head of the Republic by this Constitution.

Sec. 5. The President shall issue writs of election directed to the officers authorized to hold elections of the several counties, requiring them to cause an election to be held for President, Vice President, Representatives and Senators to Congress, at the time and mode prescribed by this Constitution, which election shall be conducted in the manner that elections have been heretofore conducted. The President, Vice President, and members of Congress, when duly elected, shall continue to discharge the duties of their respective offices for the time and manner prescribed by this Constitution, until their successors be duly qualified.

Sec. 6. Until the first enumeration shall be made, as directed by this Constitution, the precinct of Austin shall be entitled to one representative; the precinct of Brazoria two representatives; the precinct of Bexar two representatives; the precinct of Colorado one representative; Sabine one; Gonzales one; Goliad one; Harrisburg one; Jasper one; Jefferson one; Liberty one; Matagorda one; Mina two; Nacogdoches two; Red river three; Victoria one; San Augustine two; Shelby two; Refugio one; San Patricio one; Washington two; Milam one; and Jackson one representative.

Sec. 7. Until the first enumeration shall be made, as described by the Constitution, the Senatorial districts shall be composed of the following precincts: Bexar shall be entitled to one Senator; San Patricio, Refugio, and Goliad, one; Brazoria one; Mina and Gonzales one; Nacogdoches one; Red river one; Shelby and Sabine one; Washington one; Matagorda, Jackson, and Victoria, one; Austin and Colorado one; San Augustine one; Milam one; Jasper and Jefferson one; and Liberty and Harrisburg one Senator.

Sec. 8. All judges, sheriffs, commissioners, and other civil officers shall remain in office, and in the discharge of the powers and duties of their respective offices, until there shall be others appointed or elected under the Constitution.

GENERAL PROVISIONS.

Sec. 1. Laws shall be made to exclude from office, from the right of suffrage, and from serving on juries, those who shall hereafter be convicted of bribery, perjury, or other high crimes and misdemeanors.

Sec. 2. Returns of all elections for officers who are to be commissioned by the President, shall be made to the Secretary of State of this Republic.

Sec. 3. The President and heads of Departments shall keep their offices at the seat of Government, unless removed by the permission of Congress, or unless, in cases of emergency in time of war, the public interest may require their removal.

Sec. 4. The President shall make use of his private seal until a seal of the Republic shall be provided.

Sec. 5. It shall be the duty of Congress, as soon as circumstances will permit, to provide, by law, a general system of education.

Sec. 6. All free white persons who shall emigrate to this Republic, and who shall, after a residence of six months, make oath before some competent authority that he intends to reside

permanently in the same, and shall swear to support this Constitution, and that he will bear true allegiance to the Republic of Texas, shall be entitled to all the privileges of citizenship.

Sec. 7. So soon as convenience will permit, there shall be a penal code formed on principles of reformation, and not of vindictive justice; and the civil and criminal laws shall be revised, digested, and arranged under different heads; and all laws relating to land titles shall be translated, revised, and promulgated.

Sec. 8. All persons who shall leave the country for the purpose of evading a participation in the present struggle, or shall refuse to participate in it, or shall give aid or assistance to the present enemy, shall forfeit all rights of citizenship and such lands as they may hold in the Republic.

Sec. 9. All persons of color who were slaves for life previous to their emigration to Texas, and who are now held in bondage, shall remain in the like state of servitude, provided the said slave shall be the bona fide property of the person so holding said slave as aforesaid. Congress shall pass no laws to prohibit emigrants from the United States of America from bringing their slaves into the Republic with them, and holding them by the same tenure by which such slaves were held in the United States; nor shall Congress have power to emancipate slaves; nor shall any slave-holder be allowed to emancipate his or her slave or slaves, without the consent of Congress, unless he or she shall send his or her slave or slaves without the limits of the Republic. No free person of African descent, either in whole or in part, shall be permitted to reside permanently in the Republic, without the consent of Congress, and the importation or admission of Africans or negroes into this Republic, excepting from the United States of America, is forever prohibited, and declared to be piracy.

Sec. 10. All persons, (Africans, the descendants of Africans, and Indians excepted,) who were residing in Texas on the day of the Declaration of Independence, shall be considered citizens of the Republic, and entitled to all the privileges of such. All citizens now living in Texas, who have not received their portion of land, in like manner as colonists, shall be entitled to their land in the following proportion and manner: Every head of a family shall be entitled to one league and "labour" of land, and every single man of the age of seventeen and upwards, shall be entitled to the third part of one league of land. All citizens who may have, previously to the adoption of this Constitution, received their league of land as heads of families, and their quarter of a league of land as single persons, shall receive such additional quantity as will make the quantity of land received by them

equal to one league and "bour" and one-third of a league, unless by bargain, sale, or exchange, they have transferred, or may henceforth transfer their right to said land, or a portion thereof to some other citizen of the Republic; and in such case the person to whom such right shall have been transferred, shall be entitled to the same, as fully and amply as the person making the transfer might or could have been. No alien shall hold land in Texas, except by titles emanating directly from the Government of this Republic. But if any citizen of this Republic should die intestate or otherwise, his children or heirs shall inherit his estate, and aliens shall have a reasonable time to take possession of and dispose of the same, in a manner hereafter to be pointed out by law. Orphan children, whose parents were entitled to land under the colonization law of Mexico, and who now reside in the Republic, shall be entitled to all the rights which their parents were possessed at the time of their death. The citizens of the Republic shall not be compelled to reside on the land, but shall have their lines plainly marked.

All orders of survey legally obtained by any citizen of the Republic, from any legally authorized commissioner, prior to the act of the late consultation closing the land offices, shall be valid. In all cases the actual settler and occupant of the soil shall be entitled, in locating his land, to include his improvement, in preference to all other claims not acquired previous to his settlement, according to the law of the land and this Constitution. *Provided*, That nothing herein contained shall prejudice the rights of any citizen from whom a settler may hold land by rent or lease.

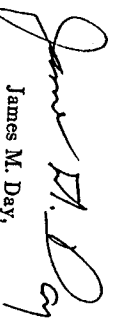
And whereas the protection of the public domain from unjust and fraudulent claims, and quieting the People in the enjoyment of their lands, is one of the great duties of this Convention and whereas the Legislature of the State of Coahuila and Texas having passed an act in the year eighteen hundred and thirty-four, in behalf of General John T. Mason, of New York, and another on the fourteenth day of March, eighteen hundred and thirty-five, under which the enormous amount of eleven hundred leagues of land has been claimed by sundry individuals, some of whom reside in foreign countries, and are not citizens of the Republic, which said acts are contrary to articles fourth, twelfth and fifteenth of the laws of eighteen hundred and twenty-four of the General Congress of Mexico, and one of said acts, for that cause has, by the said General Congress of Mexico, been declared null and void: It is hereby declared that the said act of eighteen hundred and thirty-four, in favor of John T. Mason and of the fourteenth of March, eighteen hundred and thirty-

that this copy was sold at auction on January 22, 1926, for \$100.00. This copy was listed in a catalog advertising the collections of two deceased persons, A. R. Turner, Jr., and Charles A. Munn. The catalog listing describes it thus:

"Excessively rare, and apparently an unrecorded item. No record of a copy having been sold at public sale. Not in Wagner. Not in Brinley. Not in New York Public Library. This work must not be thought a Government publication, although printed by Government printers. It was printed for, and at the expense of, the 'Plenipotentiaries from the Republic of Texas to the United States of America.'"

The purchaser was probably Thomas W. Streeter, who loaned it to Rupert Richardson in 1928. In December 1953, it was acquired from Streeter by the Texas State Library, where it rests in the Archives near the original drafts whence it sprang.

It is gratifying, indeed, to add this historic pamphlet to the limited edition of the Rio Grande Press edition of Anson Jones' *Republic of Texas*. The publishers, Robert B. McCoy and John T. Strachan, have gone the last mile to make this title an exceptional addition to an already outstanding line of basic source documents of American history; I think they have outstandingly succeeded.


James M. Day,
Director of Archives

August 1966
Austin, Texas

IV

CONSTITUTION

of Texas
John Curcio

THE REPUBLIC OF TEXAS.

TO WHICH IS PREFIXED

THE DECLARATION OF INDEPENDENCE,

Anson Jones
MADE IN CONVENTION, MARCH 2, 1836.

WASHINGTON:

PRINTED BY GILES AND SATOR.

1836. 110972

the return of a writ of *habeas corpus*, returnable in the county where the offence is committed.

Sec. 10. The privilege of the writ of *habeas corpus* shall not be suspended, except when, in case of rebellion or invasion, the public safety may require it.

Sec. 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. All courts shall be open; and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law.

Sec. 12. No person, for the same offence, shall be twice put in jeopardy of life or limb; nor shall a person be again put upon trial for the same offence, after a verdict of not guilty; and the right of trial by jury shall remain inviolate.

Sec. 13. Every citizen shall have the right to keep and bear arms in the lawful defence of himself or the State.

Sec. 14. No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligation of contracts, shall be made; and no person's property shall be taken, or applied to public use, without adequate compensation being made, unless by the consent of such person.

Sec. 15. No person shall ever be imprisoned for debt.

Sec. 16. No citizen of this State shall be deprived of life, liberty, property, or privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

Sec. 17. The military shall, at all times, be subordinate to the civil authority.

Sec. 18. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed; nor shall the law of primogeniture or entailments ever be in force in this State.

Sec. 19. The citizens shall have the right, in a peaceable manner, to assemble together for their common good; and to apply to those invested with the powers of Government, for redress of grievances, or other purposes, by petition, address, or remonstrance.

Sec. 20. No power of suspending laws in this State shall be exercised, except by the Legislature or its authority.

Sec. 21. To guard against transgressions of the high powers herein delegated, we declare that every thing in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate; and all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE SECOND.

DIVISION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of the Government of the State of Texas, shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit:— those which are Legislative, to one; those which are Executive, to another; and those which are Judicial, to another; and no person, or collection of persons, being of one of those departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

ARTICLE THIRD.

LEGISLATIVE DEPARTMENT.

SECTION 1. Every free male person who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, or who is at the time of the adoption of this Constitution by the Congress of the United States, a citizen of the Republic of Texas, and shall have resided in this State one year next preceding an election, and the last six months within the district, county, city or town in which he offers to vote, (Indians not taxed, Africans and descendants of Africans excepted,) shall be deemed a qualified elector; and should such qualified elector happen to be in any other country situated in the district in which he resides at the time of an election, he shall be permitted to vote for any district officer; provided, that the qualified electors shall be permitted to vote anywhere in the State for State officers, and provided, further, that no soldier, seaman or marine, in the army or navy of the United States, shall be entitled to vote at any election created by this Constitution.

Sec. 2. All free male persons over the age of twenty-one years, (Indians not taxed, Africans and descendants of Africans excepted,) who shall have resided six months in Texas, immediately preceding the acceptance of this Constitution by the Congress of the United States, shall be deemed qualified electors.

Sec. 3. Electors in all cases, shall be privileged from arrest during their attendance at elections, and in going to and returning from the same, except in cases of treason, felony, or breach of the peace.

Sec. 4. The Legislative powers of this State shall be vested in two distinct branches: the one to be styled the Senate, and the

JOURNALS

OF THE

CONVENTION,

ASSEMBLED AT THE CITY OF AUSTIN ON THE
FOURTH OF JULY, 1845, FOR THE PURPOSE OF
FRAMING A CONSTITUTION FOR THE

STATE OF TEXAS

AUSTIN:

MINER & CRUGER, PRINTERS TO THE CONVENTION.
1845.

A FACSIMILE REPRODUCTION OF THE 1845 EDITION
with a Preface by
MARY BELL HART

Citation
US CONST Preamble, PREAMBLE

Page 21

UNITED STATES CODE ANNOTATED
CONSTITUTION OF THE UNITED STATES

Current through P.L. 104-3, approved 3-7-95

PREAMBLE

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

ANNOTATIONS

NOTES OF DECISIONS

Formation of more perfect Union 3
Nature and function of Preamble 1
Ordainment and establishment of Constitution 7
Promotion of general welfare 5
Provision for common defense 4
Securing of liberty 6
United States of America 8
We the People 2

1. Nature and function of Preamble

The Preamble can never be resorted to, to enlarge the powers confided to the general government and can never be the legitimate source of any implied power, when otherwise drawn from the Constitution; its true office is to expound the nature, extent, and application of the powers actually conferred by the Constitution and not substantively to create them. *U.S. v. Boyer*, D.C.Mo.1898, 85 F. 425.

2. We the People

In our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. *Yick Wo v. Hopkins*, Cal.1886, 6 S.Ct. 1064, 118 U.S. 369, 30 L.Ed. 220.

The Constitution of the United States was made by, and for the protection of, the people of the United States. *Leggue v. De Young*, Tex.1850, 52 U.S. 203, 11 How. 203, 13 L.Ed. 657.

The Constitution was ordained and established by the people of the United States for themselves, for their own government and not for the government of the individual states; the people of the United States framed such a government for the United States as they supposed best adapted to their situation and best calculated to promote their interests. *Barron v. Baltimore*, Md.1833, 32 U.S. 247, 7 Pet. 247, 8 L.Ed. 672.

Mr. Lewis offered the following resolution:

Resolved, That the thanks of this Convention is, hereby, tendered to James M. Long, for the admirable manner in which he has executed the enrolment of the Constitution of the State of Texas; and that he be paid the sum of one hundred dollars for the same.

Rule suspended, and resolution adopted.

Mr. Parker offered the following resolution:

Resolved, That the committee on Printing be authorized to continue the subscription to the New Era, until the publication of the journals are completed in said paper; and that the publishers forward, to the members of the Convention, the number each member is entitled to.

Rule suspended, and resolution adopted.

The question was then taken on the final passage of the Constitution, which was carried *unanimously*; which is as follows:

CONSTITUTION OF THE STATE OF TEXAS.

We, the people of the Republic of Texas, acknowledging, with gratitude, the grace and beneficence of God, in permitting us to make a choice of our form of government, do, in accordance with the provisions of the Joint Resolution for annexing Texas to the United States, approved March 1st, one thousand eight hundred and forty-five, ordain and establish this Constitution.

ARTICLE FIRST.

BILL OF RIGHTS.

That the general, great and essential principles of Liberty and Free Government may be recognized and established, we declare that—

SECTION 1. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have, at all times, the unalienable right to alter, reform, or abolish their form of government, in such manner as they may think expedient.

SEC. 2. All freemen, when they form a social compact, have equal rights; and no man, or set of men, is entitled to exclusive, separate, public emoluments or privileges, but in consideration of public services.

SEC. 3. No religious test shall ever be required, as a qualification to any office or public trust in this State.

SEC. 4. All men have a natural and indefeasible right to worship God according to the dictates of their own consciences; no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; no human authority ought, in any case whatever, to control or interfere with the rights of conscience, in matters of religion, and no preference shall ever be given by law, to any religious societies or mode of worship; but it shall be the duty of the Legislature to pass such laws as may be necessary, to protect every religious denomination in the peaceable enjoyment of their own mode of public worship.

SEC. 5. Every citizen shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed, curtailing the liberty of speech or of the press.

SEC. 6. In prosecutions for the publication of papers investigating the official conduct of officers, or men in a public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and, in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the Court, as in other cases.

SEC. 7. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable seizures or searches; and no warrant to search any place, or to seize any person or thing, shall issue, without describing them as near as may be; nor without probable cause, supported by oath or affirmation.

SEC. 8. In all criminal prosecutions, the accused shall have a speedy public trial, by an impartial jury; he shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel, or both; shall be confronted with the witnesses against him, and shall have compulsory process for obtaining witnesses in his favor; and no person shall be holden to answer for any criminal charge, but on indictment or information, except in cases arising in the land or naval forces, or offences against the laws regulating the militia.

SEC. 9. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or the presumption great; but this provision shall not be so construed as to prohibit bail after indictment found, upon an examination of the evidence by a Judge of the Supreme or District Court, upon

Citation

60 U.S. 393, Dred Scott v. Sandford, (U.S.Mo. 1856)

Page 60 U.S. 406

rights and immunities which the Constitution and laws of the State attached to that character.

It is very clear, therefore, that no State can, by any act or law of its own, passed since the adoption of the Constitution, introduce a new member into the political community created by the Constitution of the United States. It cannot make him a member of this community by making him a member of its own. And for the same reason it cannot introduce any person, or description of persons, who were not intended to be embraced in this new political family, which the Constitution brought into existence, but were intended to be excluded from it.

The question then arises, whether the provisions of the Constitution, in relation to the personal rights and privileges to which the citizen of a State should be entitled, embraced the negro African race, at that time in this country, or who might afterwards be imported, who had then or should afterwards be made free in any State; and to put it in the power of a single State to make him a citizen of the United States, and endue him with the full rights of citizenship in every other State without their consent? Does the Constitution of the United States act upon him whenever he shall be made free under the laws of a State, and raised there to the rank of a citizen, and immediately clothe him with all the privileges of a citizen in every other State, and in its own courts?

The court think the affirmative of these propositions cannot be maintained. And if it cannot, the plaintiff in error could not be a citizen of the State of Missouri, within the meaning of the Constitution of the United States, and, consequently, was not entitled to sue in its courts.

It is true, every person, and every class and description of persons, who were at the time of the adoption of the Constitution recognised as citizens in the several States, became also citizens of this new political body; but none other; it was formed by them, and for them and their posterity, but for no one else. And the personal rights and privileges guarantied to citizens of this new sovereignty were intended to embrace those only who were then members of the several State communities, or who should afterwards by birthright or otherwise become members, according to the provisions of the Constitution and the principles on which it was founded. It was the union of those who were at that time members of distinct and separate political communities into one political family, whose power, for certain specified purposes, was to extend over the whole territory of the United States. And it gave to each citizen rights and privileges outside of his State

Citation

60 U.S. 393, Dred Scott v. Sandford, (U.S.Mo. 1856)

Page 60 U.S. 407

which he did not before possess, and placed him in every other State upon a perfect equality with its own citizens as to rights of person and rights of property; it made him a citizen of the United States.

It becomes necessary, therefore, to determine who were citizens of the several States when the Constitution was adopted. And in order to do this, we must recur to the Governments and institutions of the thirteen colonies, when they separated from Great Britain and formed new sovereignties, and took their places in the family of independent nations. We must inquire who, at that time, were recognised as the people or citizens of a State, whose rights and liberties had been outraged by the English Government; and who declared their independence, and assumed the powers of Government to defend their rights by force of arms.

In the opinion of the court, the legislation and histories of the times, and the language used in the Declaration of Independence, show, that neither the class of persons who had been imported as slaves, nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that memorable instrument.

It is difficult at this day to realize the state of public opinion in relation to that unfortunate race, which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence, and when the Constitution of the United States was framed and adopted. But the public history of every European nation displays it in a manner too plain to be mistaken.

They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold, and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it. This opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics, which no one thought of disputing, or supposed to be open to dispute; and men in every grade and position in society daily and habitually acted upon it in their private pursuits, as well as in matters of public concern, without doubting for a moment the correctness of this opinion.

And in no nation was this opinion more firmly fixed or more

Citation

29 S.Ct. 14, 211 U.S. 78, *Twining v. State of New Jersey*, (U.S.N.J. 1908)

Page 29 S.Ct. 18

momentous consequence of this decision are brought into clear light by the dissenting opinions. The view of Mr. Justice Field, concurred in by Chief Justice Chase and Justices Swayne and Bradley, was that the fundamental rights of citizenship, which, by the opinion of the court, were held to be rights of state citizenship, protected only by the state government, became, as the result of the 14th Amendment, rights of national citizenship, protected by the national Constitution. Said Mr. Justice Field (p. 95):

'The fundamental rights, privileges, and immunities which belong to him as a free man and a free citizen, now belong to him as a citizen of the United States, and are not dependent upon his citizenship of any state. . . . The Amendment does not attempt to confer any new privileges or immunities upon citizens, or to enumerate or define those already existing. It assumes that there are such privileges and immunities, which belong of right to citizens as such, and ordains that they shall not be abridged by state legislation. If this inhibition has no reference to privileges and immunities of this character, but only refers, as held by the majority of the court in their opinion, to such privileges and immunities as were, before its adoption, specially designated in the Constitution, or necessarily implied as belonging to citizens of the United States, it was a vain and idle enactment, which accomplished nothing, and most unnecessarily excited Congress and the people on its passage. With privileges and immunities thus designated or implied no state could ever have interfered by its laws, and no new constitutional provision was required to inhibit such interference. The supremacy of the Constitution and the laws of the United States always controlled any state legislation of that character. But, if the Amendment refers to the natural and inalienable rights which belong to all citizens, the inhibition has a profound significance and consequence.'

[211 U.S. 96] In accordance with these principles it is said by the learned justice that the privileges and immunities of state citizenship, described by Mr. Justice Washington, and held by the majority of the court still to pertain exclusively to state citizenship, and to be protected solely by the state government, have been guaranteed by the 14th Amendment as privileges and immunities of citizens of the United States. And see the concurring opinions of Mr. Justice Field and Mr. Justice Bradley in *Bartemeyer v. Iowa*, 18 *Wall.* 129, 21 *L. ed.* 929; and in *Butchers' Union S. H. & L. S. L. Co. v. Crescent City L. S. L. & S. H. Co.* 111 *U. S.* 746, 28 *L. ed.* 585, 4 *Sup. Ct. Rep.* 652. There can be no doubt, so far as the decision in the Slaughter-House Cases has determined the question, that the civil rights sometimes described as fundamental and inalienable, which, before the War Amendments, were enjoyed by state citizenship and protected by state government, were left untouched by this clause of the 14th Amendment. Criticism of this case has never entirely ceased, nor has it ever received universal assent by members of this court. Undoubtedly, it gave much less effect to the 14th Amendment than some of the public men active in framing it intended, and disappointed many others. On the other hand, if the views of the minority had prevailed, it is easy to see how far the authority and independence of the states would have been diminished, by subjecting all their legislative and judicial acts to correction by the legislative and review by the judicial branch of the national government. But we need not now inquire into the merits of the original dispute. This part, at least, of the Slaughter-House Cases, has been steadily adhered to by this court, so that it was said of it, in a case where the same clause of the Amendment was under consideration (*Maxwell v. Dow*, 176 *U. S.* 581, 591, 44 *L. ed.* 597, 601, 20 *Sup. Ct. Rep.* 448, 494): 'The opinion upon the matters actually involved and maintained by the judgment in the case has never been doubted or overruled by any judgment of this court.' The distinction between national and state citizenship and their respective privileges there drawn has come to be firmly established. And so it was held that the right of peaceable assembly [211 U.S. 97] for a lawful purpose (it not appearing that the purpose had any reference to the national government) was not a right secured by the Constitution of the United States, although it was said that the right existed before the adoption of the Constitution of the United States, and that 'it is and always has been one of the attributes of citizenship under a free government.' *United States v. Cruikshank*, 92 *U. S.* 542, 551, 23 *L. ed.* 588, 591. And see *Hodges v. United States*, 203 *U. S.* 1, 51 *L. ed.* 65, 27 *Sup. Ct. Rep.* 6. In each case the Slaughter-House Cases were cited by the court, and in the latter case the rights described by Mr. Justice Washington were again treated as rights of state citizenship, under state protection. If, then, it be assumed, without deciding the point, that an exemption from compulsory self-incrimination is what is described as a fundamental right belonging to all who live under a free

29 S.Ct. 14, 211 U.S. 78, *Twining v. State of New Jersey*, (U.S.N.J. 1908)

government, and incapable of impairment by legislation or judicial decision, it is, so far as the states are concerned, a fundamental right inherent in state citizenship, and is a privilege or immunity of that citizenship only. Privileges and immunities of

Citation

CONST Art. 1, Sec. 3a, Equality under the law

Page 133837

Vernon's Ann. Texas Const. Art. 1, Sec. 3a

VERNON'S TEXAS STATUTES AND CODES ANNOTATED CONSTITUTION OF THE STATE OF TEXAS
1876 ARTICLE I. BILL OF RIGHTS

Current through the Regular Session of the 73rd Legislature (End).

Sec. 3a. Equality under the law

Sec. 3a. Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin. This amendment is self-operative.

1984 Main Volume Credit(s)

Adopted Nov. 7, 1972.

HISTORICAL NOTES

1984 Main Volume Historical Notes

Addition of this section adopted in 1972 was proposed by S.J.R.No.16, Acts 1971, 62nd Leg., p. 4129.

REFERENCES

CROSS REFERENCES

1984 Main Volume Cross References

Credit and loans, denial on basis of sex, race, etc.

Generally, see *Vernon's Ann.Civ.St. art. 5069-2.07.*

Penalty, see *Vernon's Ann.Civ.St. art. 5069-8.06.*

Discrimination by state or local government officers or employees, see *Vernon's Ann.Civ.St. art. 6252-16.*

Invalidity of deed restrictions based on race, religion, etc., see *Vernon's Ann.Civ.St. art. 1293a.*

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WAKE UP AMERICA

By: Barbara Martin (1995)
23rd Judicial District
12906 W. Bellfort
Houston, Ft. Bend Co., Texas U.S.A.

Came home from work this evening, turned on the old TV.
Leaned back in my easy chair, the daily news to see.
It only gets worse from day to day, **our NATION'S IN DISTRESS!**
STUDY the **CONSTITUTION**, learn **WHY** we're in this mess.

WHO were the **ONE** People, would someone please tell me?
WHO were **WE THE PEOPLE**, **WHO ARE** the **POSTERITY**?
What **political bands** connecting them with another were **dissolved**?
WHO CREATED this **Constitution**, with **GOD** so intimately involved?

WHO WERE and **ARE** those **CITIZENS** spelled with a **Capital C**?
And **WHO** would **lowercase citizens**, via **14th amendment** be?
BLACK'S LAW DICTIONARY in **Courts**, **WEBSTER'S** in the **schools**.
Could it be, **WE'VE BEEN DECEIVED**, 'cause they **play by different rules**?

OVER AND OVER WE ARE TOLD, we have **democracy**,
But to the Flag of this **REPUBLIC**, **WE PLEDGE LOYALTY**.
And did you know, that **Gold fringed Flag**, stands for **MARSHAL law?** *(rule)*
CAN YOU just stand idly by, and let **OLD GLORY FALL**?

WAKE UP AMERICA! with **COURAGE**, **TAKE YOUR STAND!**
WE are the **POSTERITY!** **WE'RE SOVEREIGN** in **THIS** land!
WHO will rise to this challenge, **SOUND THE BATTLE CRY?**
For the sake of **OUR POSTERITY**, **DON'T LET FREEDOM DIE.**

BLACK'S LAW DICTIONARY, used in the Courts,
tells us a "person" within the meaning of the 14th
amendment, is a statutory creation of congress, which
may include labor organizations, partnerships, associations,
corporations, legal representatives and individuals. (But,
individual whats?)

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