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The Contributions of

Rhode Island to the

American Union

Address by
Le Baron Bradford Colt

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OF
RHODE ISLAND TO THE AMERICAN UNION

ADDRESS BY
HON. LE BARON BRADFORD COLT
UNITED STATES CIRCUIT JUDGE

DELIVERED AT THE
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RHODE ISLAND DAY
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MR. PRESIDENT, YOUR EXCELLENCY,

LADIES, AND GENTLEMEN :

The magnitude and character of this commemoration of a national event, second only in importance to the Declaration of Independence, the adoption of the Constitution, and the Civil War, are in harmony with the lofty sentiment which inspired it. Fifteen years after the adoption of the Constitution, the United States acquired the vast domain embraced within the Louisiana Purchase. Under the Federal system then established, this wilderness has been transformed into twelve flourishing States, with a residue of territory soon to become States.

The marvellous spectacle which is here presented, is simply the expression in material form of the patriotic gratitude of the great people who now dwell within these boundaries; gratitude for the providential circumstances which led to the acqui-

tion of this territory, for a form of government under whose fostering care and protecting arm the people were enabled to organize into self-governing communities and become incorporated into this sisterhood of States ; gratitude for the liberty and enlightenment, and all the countless blessings, which have flowed from a hundred years of membership in the American Union. Surely the grandeur of this celebration rises no higher than the sentiment which gave it birth.

It is the spirit of nationality that pervades and animates this scene. Beneath the energy and daring which converted this tract of forest into a moving world of civilization and art, beneath the magnitude and comprehensiveness of this undertaking and the splendor of its execution, beneath this gathering of nations, States, and congresses, we see only the reflection of the love of America and her institutions.

These structures of imposing architecture, with their wealth of statue and column ; these landscapes and gardens, cascades and fountains ; this object lesson of man's handiwork, progress, and achievements ; this assemblage of the world's products, processes, and resources, of the best works in every department of human activity, art, science, invention, industry, agriculture, education—all these wonderful creations of form and color, harmony and beauty, were conceived in the spirit of patriotism and dedi-

cated to the education and advancement of all nations, tribes, and races.

In the promotion of material progress, the evolution of new ideas, the elevation of artistic and industrial standards, through this commingling of different peoples in friendly competition ; in the portrayal of the steps by which nations may advance through this object lesson of all grades of civilization ; in the attainment of a higher and broader culture through the educational forces which are here gathered ; in the unity and coincidence of thought and development of the human race which these exhibits inculcate ; in the common brotherhood of man and universal peace of which this Exposition is the exponent and herald—we behold teachings and results which are in harmony with the lofty conception they represent—the American Union.

In the making of that Union which inspired this commemoration, Rhode Island has borne a distinguished part. It required two pilgrimages to solve the problem of free government. The compact on board the Mayflower must be supplemented by the compact on the shores of Narragansett Bay, before we reach the foundations on which rest the union of these States. To a democratic theocracy clothed with civil power, Rhode Island added the vital and saving element of untrammelled religious freedom, the absolute separation of Church and State, the

declaration of intellectual liberty of thought and speech in its modern and broadest sense. No Federal Union could have been formed, or, if formed, have long survived, without the introduction into the Constitution of this master principle which Rhode Island, one hundred and fifty years before, incorporated for the first time into a civil government.

Religion was the most potent force which entered into colonial life. It held society together. It shaped the destiny of the people. It was religion that drove our forefathers from England. It was the fear of a church establishment, next to the Stamp Acts, which led to the separation from the mother country. It was the apprehension of the exercise of authority in religious concerns that almost wrecked the Constitution, and its adoption was finally secured only with the understanding that this danger would be speedily removed by amendment.

In the existing religious intolerance and diversity of sects there was an element of disintegration which all the wisdom and statesmanship of the framers could not meet, and which could only be overcome by the recognition of the fundamental truth on which Rhode Island was founded. It requires only the statement to carry conviction that, on any other basis than Rhode Island soul liberty, the attempt would have proved fruitless to unite in Federal bonds the

Puritans of Massachusetts, the Quakers of Pennsylvania, the Catholics of Maryland, the High Churchmen of New York, the Dutch Protestants of New Jersey, the Cavaliers of Virginia, the Huguenots of South Carolina, and the Methodists of Georgia.

The Rhode Island doctrine of religious freedom stands as the first amendment to the Federal Constitution, and is incorporated into the organic law of every State. This is the immortal principle which Rhode Island has added to the structure of our government, to the making of America. In its expansion and irradiation, there is found the cohesive force which has perpetuated this union of States. In the absence of this instrumentality, it would have been impossible to weld together the heterogeneous population of this country, drawn from so many nations and races differing in language, religion, habit, and political ideas, into one homogeneous Federal Union, one American people. It is not our geographical position, natural resources, distinctions of race, which have made America, for other nations have had similar advantages; but it is the energy, the incentive, the freedom from discord, the desire to know and excel in everything, derived from the intellectual liberty of which Rhode Island was the first example and forerunner. If, in this festival of the world's progress, the achievements, wealth, and power of the United States bear a most favorable comparison with

other countries, it is to the great principle which Rhode Island implanted into our institutions that we must look for the underlying and potent cause.

But what Rhode Island first gave to the world has a deeper and broader significance. Religious liberty was a turning-point in universal history. It was the beginning of modern government. It stands "in the background of every democratic struggle in Europe". Upon the tomb of Jefferson, in the epitaph written by himself, his authorship of "the statute of Virginia for religious freedom", one hundred and fifty years after Roger Williams, is ranked next in importance to his authorship of the Declaration of American Independence. The Columbian Exposition, upon a comparison of the world's achievements, brought in the verdict: "Toleration in religion, the best fruit of the last four centuries." In the presence of the far-reaching and momentous consequences which have flowed from this doctrine of soul liberty, Rhode Island is entitled to high distinction among her sister States, and her founder to the imperishable honor, admiration, and gratitude of all mankind.

There is another doctrine, first promulgated by Rhode Island, which has proved important to the stability of the American Union. The novel constructive feature which the framers added to the science of government, and embodied in the Constitution, was the judiciary. The keystone of this

branch of the Government resides in the power of the Supreme Court to declare what the organic law is, and thus to hold in check legislative omnipotence. This power finds expression in the doctrine that the Supreme Court may declare unconstitutional and void an act of the legislature. Seventeen years before Marshall, in *Marbury v. Madison*, established this doctrine, the same principle was, for the first time, enunciated by the Superior Court of Rhode Island in *Trevett v. Weeden*; and the reasoning of Varnum, in his masterly argument in support of this judicial prerogative, is closely followed by Marshall in his opinion. It is also an interesting circumstance which may be noticed in this connection, that in 1639 the town of Portsmouth appointed a court with a jury of twelve men "to doo right betwixt man and man"—the first act known to colonial history which separated the judicial from the executive and legislative branches of the Government.

But the contributions of Rhode Island to the American Union are of wider import. Roger Williams was the first modern statesman, and Rhode Island was the first modern democracy. She was more than a century in advance of her time. For her early government there was no precedent. It was a novel experiment; an anomaly in history. The ablest statesmen and scholars of the time declared that such institutions were subversive of social order.

The principles on which Rhode Island was founded have become the cardinal principles of free government. She gave these principles to our political system since she was the earliest to incorporate them into a civil compact.

Rhode Island was founded upon self-government, religious freedom, human equality, and justice. Denying the power of the Crown to confer sovereignty by right of discovery, she derived title to her territory by direct purchase from the Indians, by the deed of submission of the great Sachems in 1643 transferring the jurisdiction over the Narragansett lands to the King of England, and by the King's confirmation of title in the colonists by the charter of 1663.

The Providence compact of 1637, in which the inhabitants submitted themselves to a government "only in civil things", is the earliest written instrument of a free government. It was a government limited to civil powers vested in the body of freemen upon terms of absolute equality. The code of 1647, adopted by the General Assembly of all the people upon the union of the towns for mutual protection under the first charter, in its declaration of the principles of a free government, its bill of rights, its humane spirit, its comprehensiveness, boldness, and simplicity, anticipated by more than a century the legislation of the other colonies. Here was laid down, for the first time, the fundamental doctrine

which is subsequently found in the Declaration of Independence, and which has become the basic tenet of democratic institutions, that government rests upon the "free and voluntary consent of all or the greater part of the free inhabitants". It contained provisions for referring all laws back to the people for confirmation or rejection. It was declared to be "a wholesome liberty for the whole or major parte of the free inhabitants to consider laws made by the Commissioners' Courts; and upon finding discommodity in any law made by the sayd Courts, then orderly to show their dislike, and so to invalidate such law". We have here the first example in this country of a Federal Union. It was composed of independent towns. We have here, also, the first example of the modern doctrine of referendum, which was called a "wholesome liberty".

These novel and advanced doctrines led the historian Bancroft to observe with truth: "Had the territory of the State corresponded with the importance and singularity of the principles of its early existence, the world would have been filled with wonder at the phenomena of its history". If our Federal Union has been perpetuated for more than a century through the breadth of its liberty and the discipline of its people in the art of self-government, then Rhode Island should be accorded special recognition on this day for the "lively experiment" she

inaugurated on the shores of Narragansett Bay one hundred and fifty years before the adoption of the Federal Constitution.

The great preparatory step to the formation of the Federal Union was the Revolutionary War. In the events which led to that war and its successful termination, Rhode Island took a leading part. Her practical independence of the Crown and her early institutions had bred an intensely democratic spirit. She was foremost in resisting the encroachments of the mother country and in her assertion of complete independence. Two months before the Declaration of Independence, Rhode Island severed her allegiance to the British Crown. She was the first sovereign State. Her opposition to the Stamp Acts was the earliest and most violent. She committed the first overt act of resistance. She shed the first blood of the Revolution in the capture and burning of the Gaspee. Her privateers, manned by her intrepid seamen, were the scourge of British commerce. Her subscriptions to the Continental loans were, relatively to her population and wealth, far in excess of those of any other colony. She was the first State to take formal action respecting a Continental Congress, and the first to elect delegates. Six months before Patrick Henry exclaimed in the Virginia convention, "The war is inevitable. And let it come", Stephen Hopkins of Rhode Island declared

in the first Continental Congress, which sought only "a redress of grievances" by petition: "Powder and ball will decide this question, and any of you who cannot bring your minds to this mode of adjusting the question had better retire in time." It was through the efforts of Rhode Island that the Continental Congress passed the first act creating an American Navy, and its command was placed in the hands of a Rhode Island officer. At the close of the Revolutionary War, General Greene ranked next to Washington. It was one Rhode Island Commodore Perry who, after the Battle of Lake Erie, wrote those words which have since become the inspiration and motto of the American Navy: "We have met the enemy, and they are ours." It was another Rhode Island Commodore Perry who carried western civilization to Japan.

It is not strange that Rhode Island deliberated longer than the other States before adopting the Federal Constitution, in the absence from that instrument of a bill of rights securing the personal liberty for which she had ever struggled, and which was the corner-stone of her institutions. If she hesitated, something must be pardoned to the spirit of liberty. It should also be borne in mind that ratification was secured in many of the States only by slender majorities, and with the understanding that the first ten amendments would be speedily

adopted. Since her admission, no other State has shown a greater devotion to the Union, nor a loftier patriotism in the hour of trial.

There are other features in Rhode Island's history which closely touch the life and well-being of the nation. It was commerce and the necessity of its regulation which led to the adoption of the Federal Constitution. Since the adoption, the unifying influences of commerce, trade, and manufactures have promoted a national spirit, cemented the bonds of union, and made us one people. In commerce and manufactures, Rhode Island is pre-eminently distinguished. The sea loves freedom, and freedom loves the sea. Her geographical features, combined with her democratic institutions, shaped and controlled the activities of her people. They fostered a commercial spirit, and her beautiful bay invited the commerce of the world. They bred a sturdy, independent, enterprising, seafaring race, with the liberal spirit and hospitality which are born of the sea. In the French and Spanish wars, her privateers swept the main, and her annals are full of daring deeds. At the close of the eighteenth century, the sails of her merchantmen whitened every ocean, and her merchant princes brought riches and culture to the State. When her commerce was destroyed by forces beyond her control, she turned with the same enterprising spirit to her rivers and waterfalls for the

development of manufactures. From a race of ship-builders and merchants, she became a race of mill builders and manufacturers. In the person of William Slater, she founded the cotton industry of the country. She is the birthplace and home of American manufactures. From the feeblest of the colonies and the smallest in territory, she has become relatively the greatest State in population and wealth. Within her borders are found all the elements which enter into a free, enlightened, and prosperous commonwealth. She stands in the front rank of progress, not alone in material things, but in that which is higher—the liberal spirit, hospitality, and culture of her people. In the industrial and mechanical arts, in invention, in the skill of her artisans, she takes a leading position. In the fashioning of silver and gold she is unexcelled. In the manufacture of cotton, wool, machinery, tools, and other products, she has few rivals. In full sympathy and accord with the sentiment which inspired this Exposition, and with its aim and purpose, she has brought here her best works in the industrial arts and other exhibits of a higher character, illustrative of many phases of the life of her people and the lines along which they have traveled in reaching their present high plane of development. But the noblest exhibit which Rhode Island brings to this commemoration of a century of membership in the American Union is her history.

This Federal Union has stood for one hundred and fifteen years. It has surmounted the gravest peril to which it was exposed—a disputed sovereignty. It has proved to be the highest and most perfect form of government. It combines the power and strength of a great nation with local self-government and the largest liberty. It has the capacity of assimilating many different races, and moulding them into one homogeneous people. It has added State after State to the Union, and its territory now stretches from ocean to ocean and to possessions beyond. It has demonstrated the adaptability of a Federal system to extend over a continent; and, in the union of these imperial commonwealths, it has afforded a model and a precedent for the federation of the world.

The era of constructive government has passed. The struggles of our fathers have ended. Independence, liberty, and a stable Federal compact are accomplished facts. We are a nation in all things which concern the general welfare, while the individual is protected by the organic law which covers every known personal right. The system has been perfected. The structure is complete. Our continued safety no longer lies in adding to or changing the framework of our government. It is not the American Union or democracy which is now on trial, but the American people.

The grave questions which confront society to-day are economic and industrial rather than political. They

involve the regulation and equalization of social conditions. These issues lie outside of legislation. They rest in the domain of morals. Government and laws have their limitations. They cannot make wealth without labor. They cannot make men of equal capacity and energy. If these questions seem insoluble, if the outlook at times appears dark, let us take courage and inspiration from the seemingly insurmountable obstacles which our fathers overcame in the making of the nation. Let the mind run back to the midnight winter of Valley Forge; to the hour when the Constitution hung trembling in the balance; to the time when brother and brother throughout the land were divided into hostile camps.

Deeper than the logic of the rights of capital and labor, deeper than the academic discussion of individualism and socialism, the solution of these questions will be found in the broad humanity, the sense of fairness and justice, of the American people; just as, in the building of the nation, we discovered that beneath the logic of constitutional sovereignty, beneath the final analysis of political issues, our safety lay in the intelligent judgment and sound sense of the great body of the people.

The same broad and liberal spirit that made us a nation must be directed to the social and industrial problems of the time. As it was the spirit of national unity that built up the Union, so it will be the spirit

of humanity which will preserve society. As the nation is one and indivisible, so the whole people are one and indivisible. The well-being of the entire community is inseparable from the well-being of each individual of which it is composed. All classes are indissolubly bound together. When we fail to realize this truth we become un-American—a class apart. Our destiny lies hidden in the spirit which teaches that we cannot be of the rich unless we are of the poor, we cannot be of the capitalist unless we are of the wageworker, we cannot be of the North unless we are of the South, we cannot be of America unless we are of the world. This is the true American spirit which made the nation and will transmit it to our posterity. This is the realization of the great lesson which this Exposition inculcates—the unity of the human race and the ties which bind us to all mankind.