

friends of James Cashman, Jr. Anyone living in the Las Vegas valley knows of the contributions that James gave not only to the community, but also to his family and friends. He was a native of Las Vegas and a member of a family traditionally dedicated to the development of Southern Nevada and to service to the people of the area.

Born February 19, 1926, James served as a gunnery instructor in the Army Air Corps during World War II, after which he entered the business of his father. In 1945 he married the former Mary Carmichael, who survives him. He was appointed General Manager of Cashman Cadillac and became co-owner of Cashman GMC Truck in 1958. In 1962 he assumed the Presidency of Cashman Enterprises.

James Cashman, Jr. became a true leader of the community and was very active in community service, including the Junior Chamber of Commerce, the Greater Las Vegas Chamber of Commerce, Nevada Development Foundation, University of Nevada Land Foundation and United Way of Clark County. He was also a member of the Southern Nevada Drug Abuse Council; the Boys & Girls Club of Las Vegas, Executive Board; Boulder Dam Area Council, Boy Scouts of America; the Las Vegas Elks Lodge, and the Las Vegas Rotary Club.

James received many commendations and awards over the years, some of which include being named the Las Vegas Junior Chamber's Outstanding Young Man of 1955. In 1969, he was named chairman of the United Fund Drive. In 1974, Cashman became president of the United Way of Clark County.

I would like to express my sincere sympathy to the family and friends of James Cashman, Jr. As we move forward in our lives, may we never forget his achievements and contributions. He was a wonderful person, a good friend of mine, and someone I always looked up to. This is a great loss for the state and people of Nevada. He will be greatly missed by all of us.

## RECOGNIZING THE ANNIVERSARY OF THE 13TH AMENDMENT

SPEECH OF

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2005*

Ms. LEE. Mr. Speaker, I would like to add for the record the support of the gentleman from Louisiana, Mr. MELANCON, the gentleman from Illinois, Mr. JACKSON, and the gentleman from New York, Mr. BISHOP of H. Res. 196.

I submit the opening statements from the Congressional Globe 1865 House debate on floor consideration of S.J. Res. 16, the proposition to amend the Constitution of the United States by abolishing slavery.

And I also include the House vote on final passage of what would become the 13th Amendment to our Constitution.

### ABOLITION OF SLAVERY

The SPEAKER stated the question in order to be the consideration of the motion to reconsider the vote by which the House, on the 14th of last June, rejected Senate joint resolution No. 16, submitting to the Legislatures of the several States a proposition to amend

the Constitution of the United States; and that the gentleman from Ohio [Mr. ASHLEY] was entitled to the floor.

Mr. ASHLEY. I yield to the gentleman from Pennsylvania [Mr. McALLISTER] to have read a brief statement.

Mr. McALLISTER sent to the Clerk's desk and had read the following: "When this subject was before this House on a former occasion I voted against the measure. I have been in favor of exhausting all means of conciliation to restore the Union as our fathers made it. I am for the whole Union, and utterly opposed to secession or dissolution in any shape. The result of all the peace missions, and especially that of Mr. Blair has satisfied me that nothing short of the recognition of their independence will satisfy the southern confederacy. It must therefore be destroyed; and in voting for the present measure I cast my vote against the cornerstone of the southern confederacy, and declare eternal war against the enemies of my country."

[Applause from the Republican side of the House.]

Mr. ASHLEY. I now yield to the gentleman from Pennsylvania, [Mr. COFFROTH].

Mr. COFFROTH. Mr. Speaker, I speak today for or against slavery. I am content that this much-agitated question shall be adjudicated at the proper time by the people. It is my purpose to state in all candor the reasons which prompt me to give the vote I shall soon record.

The amending of our Constitution is fraught with so much importance to the American people that before it is accomplished the amendments proposed should be scrutinized with the strictest criticism. No frivolous, vague, or uncertain experiment should be for a moment tolerated. The life and existence of this nation is centered in the observance and faithful execution of the powers conferred by the Constitution upon the servants of the people.

The joint resolution before us proposes: "That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three fourths of said Legislatures, shall be valid, to all intents and purposes, as a part of the said Constitution, namely:

"ART. XIII, SEC. 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation."

The first inquiry is, has Congress this power? I turn to the Constitution, and find article fifth provides—"The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

It is not claimed that Congress itself can engraft this amendment into the Constitution without being ratified by three fourths of the States. Then, sir, under the Constitution, Congress has no power beyond discriminating what shall or ought to be submitted to the people. The members of this House assume no responsibility, they enact no amendment, but as faithful Representatives they submit to the people, the source from whence their power comes, the proposed

amendment. "Governments are instituted among men, deriving their just power from the consent of the governed." All political power is invested in the people. At their will constitutions can be remodeled and laws repealed.

The amending of our Constitution is no new experiment. Already at three different times amendments have been submitted to the Legislatures, and by them adopted. The first amendment was ratified in 1791, the second in 1798, and the third in 1804. It never was intended by the wise men who adopted the Constitution that it should remain unchanged. The growth of the nation, its progress and its advancement, will, as time passes, demand new articles and additional provisions. The people are the guardians of the Constitution, and I am not convinced that any danger is to be anticipated, as presented in the following illustrations of the gentleman from Ohio, [Mr. PENDLETON,] put with such admirable compactness and scholastic force:

1. "I assert that there is another limitation, stronger even than the letter of the Constitution, and that is to be found in its intent and spirit and its foundation idea. I put the question which has been put before in this debate, can three fourths of the States constitutionally change this Government, and make it an autocracy? It is not prohibited by the Constitution."

2. "Can three fourths of the States make an amendment to the Constitution of the United States which shall prohibit the State of Ohio from having two Houses in its Legislative Assembly? It is not prohibited in the Constitution."

3. "Sir, can three fourths of the States provide an amendment to the Constitution by which one fourth should bear all the taxes of this Government? It is not prohibited."

4. "Can three fourths of the States, by an amendment to the Constitution, subvert the State governments of one fourth and divide their territory among the rest? It is not forbidden."

5. "Can three fourths of the States so amend the Constitution of the States as to make the northern States of this Union slaveholding States?"

I do not think there is any power in the Constitution which would permit three fourths of the States to change the form of government. The Constitution provides for a republican form of government, and to establish an autocracy would not be amending the Constitution, but utterly destroying it, and establishing upon its ruins a new form of government of self-derived power.

I would not give one of the new copper two-cent piece for the insertion into the Constitution of explicit prohibitions against every other supposition brought forward by the gentleman from Ohio, [Mr. PENDLETON.]

"Long before three fourths of the States can become so debauched and demoralized that they would practice such monstrous injustice, they must have lost the sense of honor that would be bound by a compact, and the fear of God that would keep an oath. When these virtues have died out, no matter what safeguards a written constitution might contain, they would be of no more value than so much waste paper. There are certain things which can never be attempted so long as there is public virtue enough not to evade, explain away, or openly violate the Constitution. It is for this reason so little limitation was put upon the amending power.

"The actual limitations on that power operated against natural equity, and hence the necessity for their insertion. One of them restrained Congress from putting an end to the slave trade prior to 1808, and the practical effect of the other is to give New England,

which has a smaller population than New York and only a fraction more than Pennsylvania, twelve Senators, while New York and Pennsylvania have each only two. The Constitution presumes that the majority of the people in three fourths of the States cannot be corrupted; or that, if they should; they would not afterward respect paper restraints on their passions. A constitution is no stronger than the sense of the moral obligation of the parties bound by it. It is futile to take men's engagements against crimes more heinous than breaking an engagement. You might as well swear a man not to commit highway robbery. If he has conscience enough to respect an oath, it would be needless, and if he has not, an idle precaution."

Again, it is argued that this amendment is unconstitutional; that the Congress of the United States has no legal authority to propose this amendment, not have the States in ratifying it the constitutional power to destroy or interfere with the right of property. Learned gentlemen of this House differ on this subject. The Constitution itself provides the remedy by which all these differences of opinion can be legally adjudicated. Section two of article three provides:

"The judicial power shall extend to all cases in law and equity arising under this Constitution."

In my opinion, if any person is injured by this amendment, he has a judicial remedy before the highest court of the country.

If the States of the South desire to retain slavery, they can do so by refusing to ratify this amendment. There are thirty-five States. In order to adopt this amendment twenty-seven States must ratify it. Eleven States have seceded from the Union. This is more than is required to defeat the amendment. Certainly no one will pretend to argue that this amendment can be adopted without being submitted to the eleven seceded States. If it was, these States would not be considered a part of the Union. In fact it would be, to all intent and purpose, recognizing them as independent States, and not being under the control of the Federal Constitution.

If this view is taken, then this amendment can do no harm to the people of the States in the Union. In June last, my objection to this amendment was that it was taking away the property of the people of the States that remained true to the Union; that the Constitution was made the means to oppress rather than protect the people. Since that time Missouri and Maryland have abolished slavery by their own action, and the Governor of Kentucky in his message recommends to the Legislature of that State gradual emancipation. The same objection which was then urged against this amendment cannot now be urged.

It is argued that new State governments will be formed in the seceding States under the control of military governors, and this amendment ratified by them. Whether this amendment would be binding upon the people of the seceded States thus ratified will depend entirely upon the results of this war. If after a long struggle, and each of the contending armies or Powers will conclude to adopt the wise and humane policy of a peaceful solution of the difficulties now existing, all of the acts of the State governments formed by military power will be invalid, and the old organization of these States recognized. In this event the ratifications by the new-made State governments will not be worth the paper upon which they are written. If the South achieve her independence, then this amendment will only apply to that which does not exist. If the people of the South are subjugated and their State lines obliterated, and they are ever admitted into this Union under new constitutions, each

and every one of the constitutions will have to come free from slavery before the State will be admitted.

The South would not remain in the Union under the Constitution as it now is; they demanded stronger guarantees for their institution of slavery. Can any intelligent person believe that after fighting as they have for nearly four years they will accept that which they rejected before the war? If they will not come back under the Constitution, why not abolish slavery; strike from our statute-books every enactment which protects it; make our Constitution and our laws free from the subject of slavery? And then, when this unfortunate, inhuman, barbarous, and bloody war has been prolonged until every heart shall turn sick with its carnage and the reports of its wrongs and outrages, and the people demand a cessation of hostilities until it be ascertained if glorious peace cannot be accomplished by compromise and concession, there will be no obstacles in the Constitution to defeat the accomplishing of a much desired result. We will be free to give new guarantees or new amendments to protect the rights and property of every person who shelters himself under the American Constitution.

Again, I have voted for every peace resolution offered in this House. My heart yearns for peace. The gentleman on the other side of this Chamber refused to appoint peace commissioners, but they tell us this amendment will do more to secure peace than any resolution proposed in this House. Although they would not try the remedy we presented, I am willing to try the one they present; and if by my vote this amendment is submitted to the States, and it brings this war to a close, I will ever rejoice at the vote I have given; but if I am mistaken, I will remember it is not the first time.

Mr. Speaker, I desire above all things that the Democratic party be again placed in power. The condition of the country needs the wise counsel of the Democracy. The peace and prosperity of this once powerful and happy nation require it to be placed under Democratic rule. The history of the past demonstrates this. The question of slavery has been a fruitful theme for the opponents of the Democracy. It has breathed into existence fanaticism, and feeds it with such meat as to make it ponderous in growth. It must soon be strangled or the nation is lost. I propose to do this by removing from the political arena that which has given it life and strength. As soon as this is done fanaticism "Writhes with pain, And dies among its worshippers."

Then the rays of truth will be unshaded, and once more our people rejoice in the salvation of their country, and of the reinstating in power that party which made this country great, and which has done so much to secure to man civil and religious liberty.

Many of the honorable gentlemen of this House with whom I am politically associated may condemn me for my action today. I assure them I do that only which my conscience sanctions and my sense of duty to my country demands. I have been a Democrat all the days of my life. I learned my Democracy from that being who gave me birth; it was pure; it came from one who never told me an untruth. All my political life has been spent in defending and supporting the measures which I thought were for the good of the party and the country. My energy, my means, and my time were all given for the success of the Democratic cause. I am no Democrat by mere profession, but I have always been a working one. If by my action today I dig my political grave, I will descend into it without a murmur, knowing that I am justified in my action by a conscientious belief I am doing what will ultimately prove

to be a service to my country, and knowing there is one dear, devoted, and loved being in this wide world who will not bring tears of bitterness to that grave, but will strew it with beautiful flowers, for it returns me to that domestic circle from whence I have been taken for the greater part of the last two years.

Knowing my duty, I intend to perform it, relying upon the intelligence and honesty of the people I represent to do me justice. If this action shall be condemned by my people, I will go back with pleasure to the enjoyment of private life, free from the exciting political arena; but no power on earth will prevent me from quietly depositing my ballot in behalf of the candidates of the Democratic Party. I hope I will be granted the pleasure of reading the eloquent speeches made by my Democratic associates, and admire their rise and onward march to distinction. This boon I pray you not to take from me.

If, on the other hand, the course of the Democrats who will vote for amendment will meet the approbation of the people, and we are greeted with the plaudit of "Well done, good and faithful servants," it will be the desire of our hearts to open our arms for your reception and shelter you as the hen shelters her brood, satisfied you were honest in your belief but mistaken in your opinions.

The previous question was seconded, and the main question ordered; which was on the passage of the joint resolution.

Mr. DAWSON called for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and it was decided in the affirmative—yeas 119, nays 56, not voting 8; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, Bally, Augustus C. Baldwin, John D. Baldwin, Baxter, Berman, Blaine, Blair, Blow, Boutwell, Boyd, Brandegee, Broomall, William G. Brown, Ambrose W. Clark, Freeman Clarke, Cobb, Coffroth, Cole, Colfax, Creawell, Henry Winter Davis, Thomas T. Davis, Dawes, Deming, Dixon, Donnelly, Driggs, Dumont, Eckley, Elliot, English, Farnsworth, Frank, Ganson, Garfield, Gooch, Grinnell, Griswold, Hale, Herrick, Ilgby-Hooper, Hochkiss, Asahel W. Hubbard, John H. Hubbard, Hulburd, Hutchins, Ingersoll, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, King, Knox, Littlejohn, Loan, Longyear, Marvin, McAllister, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Merrill, Daniel Morris, Amos Myers, Leonard Myers, Nelson, Norton, Odell, Charles O'Neill, Orth, Patterson, Perham, Pike, Poneroy, Price, Radford, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, James S. Rollins, Schenck, Scofield, Shannon, Sloan, Smith, Smithers, Spalding, Starr, John B. Steele, Stevens, Thayer, Thomas, Tracy, Upson, Van Volkenburgh, Elihu B. Washburn, William B. Washburn, Webster, Whaley, Wheeler, Williams, Wilder, Wilson, Windom, Woodbridge, Worthington, and Yeaman—119.

NAYS—Messrs. James C. Allen, William J. Allen, Ancona, Bliss, Brooks, James S. Brown, Chanler, Clay, Cox, Cravens, Dawson, Denton, Eden, Edgerton, Eldridge, Finck, Grider, Hall, Harding, Harrington, Benjamin G. Harris, Charles M. Harris, Holman, Phillip Johnson, William Johnson, Kalbtlesch, Kerman, Knapp, Law, Long, Mallory, William H. Miller, James R. Morris, Morrison, Noble, John O'Neill, Pendleton, Perry, Pruyne, Samuel J. Randall, Robinson, Ross, Scott, William G. Steele, Stiles, Strouse, Stuart, Sweet, Townsend, Wadsworth, Ward, Chilton A. White, Joseph W. White, Winfield, Benjamin Wood, and Fernando Wood—30.

NOT VOTING—Messrs. Lazear, LeBlond, Marcy, McDowell, McKinney, Middleton, Rogers, and Voorhees—8.