16th Amendment (1913)

The Congress shall have power to lay and collect taxes from incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

17th Amendment (1913)

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

18th Amendment (1919)

(1) After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

(2) The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

(3) This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years of the date of the submission hereof to the States by the Congress.

19th Amendment (1920)

(1) The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

(2) Congress shall have power to enforce this article by appropriate legislation.
21st Amendment (1933)

(1) The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

(2) The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

(3) This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution within seven years from the date of the submission hereof to the States by the Congress.

22nd Amendment (1951)

No person shall be elected to the office of the President more than twice …

Franklin D. Roosevelt, *The Commonwealth Club Address* (1932)

The issue of government has always been whether individual men and women will have to serve some system of government or economics, or whether a system of government and economics exists to serve individual men and women. This question has persistently dominated the discussion of Government for many generations….

There were those (among the founders) who because they had seen the confusion which attended the years of war for American independence surrendered to the belief that popular Government was essentially dangerous and essentially unworkable. They were honest people, my friends, and we cannot deny that their experience had warranted some measure of fear. The most brilliant, honest, and able exponent of this point of view was Hamilton. He was too impatient of slow-moving methods. Fundamentally he believed that the safety of the republic lay in the autocratic strength of its Government, that the destiny of individuals was to serve that Government, and that fundamentally a great and strong group of central institutions, guided by a small group of able and public-spirited citizens, could best direct all Government.

But Mr. Jefferson, in the summer of 1776, after drafting the Declaration of Independence turned his mind to the same problem and took a different view. He did not deceive himself with outward forms. Government to him was a means to an end, not an end in itself; it might be either a refuge and a help or a threat and a danger, depending on the circumstances…. You are familiar with the great political duel which followed; and how Hamilton, and his friends, building toward a dominant centralized power were at length defeated in the great election of 1800, by Mr. Jefferson’s party. Out of that duel came to the two parties, Republican and Democratic, as we know them today….
As I see it, the task of Government in its relation to business is to assist the development of an economic declaration of rights, an economic constitutional order. This is the common task of statesman and business man. It is the minimum requirement of a more permanently safe order of things....

The Declaration of Independence discusses the problems of Government in terms of a contract. Government is a relation of give and take, a contract, perforce, if we would follow the thinking out of which it grew. Under such a contract rulers were accorded power and the people consented to that power on consideration that they be accorded certain rights. The task of statesmanship has always been the re-definition of these rights in terms of a changing and growing social order. New conditions impose new requirements upon Government and those who conduct Government.... The terms of that contract are as old as the Republic, and as new as the new economic order.

Every man has a right to life, and this means that he has also a right to make a comfortable living. He may by sloth or crime decline to exercise that right; but it may not be denied him.... Our Government formal and informal, political and economic, owes to everyone an avenue to possess himself of a portion of (society’s resources.)

Every man has a right to his own property; which means a right to be assured, to the fullest extent attainable, in the safety of his savings. By no other means can men carry the burdens of those parts of life which, in the nature of things, afford no chance of labor; childhood, sickness, old age. In all thought of property, this right is paramount; all other property rights must yield to it. If, in accord with this principle, we must restrict the operations of the speculator, the manipulator, even the financier, I believe we must accept the restriction as needful, not to hamper individualism but to protect it....

The final term of the high contract was for liberty and the pursuit of happiness. We have learned a great deal of both in the last century. We know that individual liberty and individual happiness mean nothing unless both are ordered in the sense that one man’s meat is not another man’s poison.... We know that liberty to do anything which deprives others of those elemental rights is outside the protection of any compact ....
FDR, cont’d

*An Economic Bill of Rights (1944)*

… We have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence. “Necessitous men are not free men.” People who are hungry and out of a job are the stuff of which dictatorships are made. In our day these economic truths have become accepted as self-evident. We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all, regardless of station, race, or creed. Among these are:

The right to a useful and remunerative job in the industries or shops or farms or mines of the nation;

The right to earn enough to provide adequate food and clothing and recreation;

The right of every farmer to raise and sell his products at a return which will give him and his family a decent living;

The right of every business man, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;

The right of every family to a decent home;

The right to adequate medical care and the opportunity to achieve and enjoy good health;

The right to adequate protection from the economic fears of old age, sickness, accident, and unemployment;

The right to a good education;

All these rights spell security. And after this war is won we must be prepared to move forward, in the implementation of these rights, to new goals of human happiness and well-being.
Martin Luther King, Jr., Letter from Birmingham Jail (1963)

My Dear Fellow Clergymen,

… Seldom, if ever, do I pause to answer criticism of my work and ideas…. But since I feel that you are men of genuine goodwill … I think that I should give the reason for my being in Birmingham …. I am in Birmingham because injustice is here…. Injustice anywhere is a threat to justice everywhere….

We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. Frankly, I have never yet engaged in a direct action movement that was “well timed,” according to the timetable of those who have not suffered unduly from the disease of segregation. For years now I have heard the word “Wait!” It rings in the ear of every Negro with a piercing familiarity. This “wait” has almost always meant “never.” It has been a tranquilizing thalidomide, relieving the emotional stress for a moment, only to give birth to an ill-formed infant of frustration. We must come to see with the distinguished jurist of yesterday that “justice too long delayed is justice denied.” We have waited for more than three hundred and forty years for our constitutional and God-given rights. The nations of Asia and Africa are moving with jet-like speed toward the goal of political independence, and we still creep at horse and buggy pace toward the gaining of a cup of coffee at a lunch counter.

I guess it is easy for those who have never felt the stinging darts of segregation to say wait. But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate filled policemen curse, kick, brutalize, and kill your black brothers and sisters with impunity; when you see the vast majority of your twenty million Negro brothers smothering in an air-tight cage of poverty in the midst of an affluent society; when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six-year-old daughter why she can’t go to the public amusement park that has just been advertised on television, and see tears welling up in her little eyes when she is told that Funtown is closed to colored children, and see the depressing clouds of inferiority begin to form in her little mental sky, and see her begin to distort her little personality by unconsciously developing a bitterness toward white people; when you take a cross country drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile because no motel will accept you; when you are humiliated day in and day out by nagging signs reading “white” men and “colored”; when your first name becomes “nigger” and your middle name becomes “boy” (however old you are) and your last name becomes “John,” and when your wife and mother are never given the respected title “Mrs.”; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tip-toe stance never quite knowing what to expect next, and plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of “nobodiness”;

Fromm/American Political Thought/Carcieri/Session Seven, cont’d
- then you will understand why we find it hard to wait. There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into an abyss of injustice where they experience the bleakness of corroding despair. I hope, sirs, you can understand our legitimate and unavoidable impatience.

You express a great deal of anxiety over our willingness to break the law. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court’s decision of 1954 outlawing segregation in the public schools, it is rather strange and paradoxical to find us consciously breaking laws. One may well ask, “How can you advocate breaking some laws and obeying others?” The answer is found in the fact that there are two types of laws: There are just laws and there are unjust laws. I would be the first to advocate obeying just laws. One has not only a legal but moral obligation to obey just laws. Conversely, one has a moral obligation to disobey unjust laws. I would agree with Saint Augustine that “An unjust law is no law at all.”

Now what is the difference between the two? How does one determine when a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas, an unjust law is a human law that is not rooted in eternal and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the souls and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority…. So I can urge men to obey (Brown v. Board) because it is morally right, and I can urge them to disobey segregation ordinances because they are morally wrong.

Let us turn to a more concrete example of just and unjust laws. An unjust law is a code that a majority inflicts on a minority that is not binding on itself. This is difference made legal. On the other hand, a just law is a code that a majority compels a minority to follow that it is willing to follow itself. This is sameness made legal.

Let me give another explanation. An unjust law is a code inflicted upon a minority which that minority had no part in enacting or creating because they did not have the unhampered right to vote. Who can say that the legislature of Alabama which set up the segregation laws was democratically elected? Throughout the state of Alabama all types of conniving methods are used to prevent Negroes from becoming registered to vote despite the fact that the Negro constitutes a majority of the population. Can any law set up in such a state be considered democratically structured?
These are just a few examples of unjust and just laws. There are some instances when a law is just on its face but unjust in its application. For instance, I was arrested Friday on a charge of parading without a permit. Now there is nothing wrong with an ordinance which requires a permit for a parade, but when the ordinance is used to preserve segregation and to deny citizens the First Amendment privilege of peaceful assembly peaceful protest, then it becomes unjust.

I hope you can see the distinction I am trying to point out. In no sense do I advocate evading or defying the law as the rabid segregationist would do. This would lead to anarchy. One who breaks an unjust law must do it openly, lovingly … and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and willingly accepts the penalty by staying in jail (as Socrates did) to arouse the conscience of the community over its injustice, is in reality expressing the very highest respect for law.

… There is nothing new about this kind of civil disobedience…. To a degree academic freedom is a reality today because Socrates practiced civil disobedience.

We can never forget that everything Hitler did in Germany was “legal” …. But I am sure that, if I had lived in Germany at that time, I would have aided and comforted by Jewish brothers even though it was illegal….

**A) Rawls’ Question:**

“What would rational, self-interested individuals, equally situated behind a veil of ignorance (VOI) about the details of their own lives, agree to as the basic principles and institutions by which they will be governed in perpetuity once they know the details of their lives, and why?”

**B) Rawls’ Answer: Two Principles of Justice:**

“Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.”

“Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society.”

**C) The Four Stage Sequence**

<table>
<thead>
<tr>
<th>First Stage</th>
<th>Second Stage</th>
<th>Third Stage</th>
<th>Fourth Stage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orig Position</td>
<td>Constitutional Stage</td>
<td>Legislative Stage</td>
<td>Jud/Admin Stage</td>
</tr>
<tr>
<td>VOI thickest</td>
<td>VOI thinner</td>
<td>VOI thinnest</td>
<td>VOI lifted</td>
</tr>
<tr>
<td>The 2 Principles</td>
<td>First Principle</td>
<td>Second Principle</td>
<td></td>
</tr>
</tbody>
</table>

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2) CONSTITUTION
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1) TWO PRINCIPLES
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**D) Lexical Ordering, and the Priority of the Right over the Good**