

CONGRESSIONAL RECORD

Address of Associate Justice Robert
H. Jackson

EXTENSION OF REMARKS
OF

HON. JOHN J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, July 26, 1947

Mr. DELANEY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address by the Honorable Robert H. Jackson, Associate Justice, Supreme Court of the United States, delivered at plaque-unveiling ceremonies sponsored by the National Committee for the American Celebration of the One Hundredth Anniversary of Liberia, at the foot of John Marshall statue, on the west front of the Capitol of the United States, in Washington, D. C., July 26, 1947. Mr. Justice Jackson is an official descendant of Judge Bushrod Washington, early Supreme Court Justice and first president of the American Colonization Society—fostering organization of the colony of Liberia.

Mr. Minister and friends of the Republic of Liberia, a century ago today the Republic of Liberia declared itself an independent nation. Its history has been interwoven closely with that of the United States. Its colonization period also had a unique connection with the Supreme Court of the United States. It would not be an exaggeration to say that the Liberian colony was cradled by the Court.

The acquisition of the territory was promoted and its settlement was stimulated and supervised by an almost forgotten organization known as the American Colonization Society. The first national president of this association was Mr. Justice Bushrod Washington, nephew of George Washington, but a man with claims to distinction other than this kinship. Chief Justice Marshall, in the shadow of whose statue we are assembled, also was active in the organization and was president of the Virginia branch as well as head of the Richmond local chapter. Elias B. Caldwell, clerk of the Supreme Court, was one of the founders of the society and its first secretary-treasurer. Many of the early meetings were held in the Supreme Court chambers, located at that time in the Capitol. But this remarkable society reached beyond Court circles. Men of such diverse philosophy as Daniel Webster and Gen. Andrew Jackson are found uniting in its activities. After holding the presidency of the society for 13 years, Mr. Justice Washington was succeeded by Charles Carroll of Carrollton, and then by James Madison, and he in turn was followed by Henry Clay. Francis Scott Key was a director, and while many names prominent in its work have faded from popular recollection, the roster of officers was a Who's Who of leading Americans of the early nineteenth century.

Many different reasons have led to the foundation of different new nations. Liberia is the only one that occurs to me as having been founded to ease a troubled national conscience. It is an outgrowth of the most deplorable chapter in American history—one which still leaves an ugly residue of misunderstanding between races and, to some extent, between sections of our country. But long before slavery became an issue between the North and the South, the African slave trade had sinned the many more humane peoples of both sections against the

relatively small minority of both sections who profited by it. Colonial efforts by Virginia and others to stop the traffic were vetoed by the King. Jefferson's original draft of the Declaration of Independence contained a hot denunciation of the traffic in slaves and the King's use of his veto "suppressing every legislative attempt to prohibit, or to restrain, this execrable commerce." Jefferson recorded that our northern brethren, who had been pretty considerable carriers of slaves, united with South Carolina and Georgia in deleting that clause. It was this same combination which wrote into the Federal Constitution a legalization of the importation of slaves for 20 years against the fiery denunciation by George Mason of Virginia of this infernal traffic.

Notwithstanding this entrenched legal position of slavery, its evils stirred the conscience of many men in the South as well as in the North. A mass meeting in nearby Fairfax County had declared "our most earnest wish to see an entire stop forever put to such a wicked, cruel, and unnatural trade." In 1778, after its independence, Virginia promptly had prohibited further importation of slaves, and after the establishment of the Union it ceded to the Federal Government that great empire known as the Northwest Territory, and Mr. Jefferson led the fight to exclude slavery from it.

The consequence of this recognition of the injustice of slavery led many legal owners of slaves, by will or deed, to emancipate them. But it soon appeared that a technical freedom may fall far short of a realized freedom. The freedmen were without homes or land, or means to acquire them, without stock or tools or the credit to buy them, without capacity to get necessities of life which even a harsh master had found it in his interest to provide. The pitiful lot of these freed slaves stirred such men as those I have named to found and maintain the American Colonization Society. It first sought to resettle them in some of the American free States but found the inhabitants inhospitable. At last it decided upon Liberia. Congress appropriated \$100,000 for the purpose in 1819. President Monroe zealously put the fund to work, in recognition of which the capital of the little colony took the name Monrovia. In 1853 Virginia appropriated \$30,000 per year for 5 years for transportation and sustenance of freed Negroes who desired to emigrate.

While the society's accomplishments fell far short of the vision of its founders, the Liberian Republic of today bears witness to its substantial success. Of course, it was not without its critics. Some slaveholders feared that any agitation of the conscience might endanger the institution of slavery, while extreme abolitionists did not want to mitigate its evils lest the institution be made more acceptable and permanent. But we may say that Liberia represents an effort by men of noble intention to mitigate the cruelty and injustice of a system of human bondage they were not strong enough to destroy.

The way of the Liberian refugee was not easy. Climate, wild beast, hostile native, and practical white men made life hazardous and difficult. But the freed men overcame these obstacles in one of the heroic episodes of history. In 1847 this people was sufficiently secure to declare itself the independent Republic of Liberia with a Virginia-born President, Joseph Jenkins Roberts. It marked its debut into the society of nations with a simple appeal, unsurpassed in its dignity when read in the light of the history of the Liberian people. It asked of the nations "that they will regard us with the sympathy and friendly consideration to which the peculiarities of our condition entitle us, and extend to us that comity which marks the friendly intercourse of civilized and independent communities."

We must acknowledge with humiliation that while this fair and modest appeal was answered with recognition by many great countries, including England and France, it was left unheeded for nearly 15 years by the United States. But at that time the slavery issue had been made a sectional issue, a result for which neither section can be acquitted. The people unhappily were preoccupied with the preliminary phases of the great but deplorable struggle between the North and South. However, in 1861 President Lincoln said to Congress, "If any good reason exists why we should persevere longer in withholding our recognition of the independence and sovereignty of Haiti and Liberia, I am unable to discern it." Recognition soon followed.

Liberia, although a small country, has lent her support to efforts to organize, in the interests of peace, the international community of which she thus became an independent and sovereign member. She became a charter member of the United Nations and was a member of the League of Nations before it. In two world wars Liberia has taken a place on the side of the United States and her contributions to victory have been far from negligible. Situated where the West African coast turns abruptly eastward, she occupies a strategic location as that part of Africa nearest to the American hemisphere. In June 1943 President Roosevelt, returning from the conference at Casablanca, visited Liberia and was the guest of its Government. This dramatized the growing American awareness of the important part Liberia is destined to play as the whole African continent looms larger in the world scheme of things. Steadily increasing production and expanding trade, possession of vital resources, and rapidly improving service facilities assure her future economic position. From now on we may expect the lot of her people to be less severe.

In setting up their new government a century ago the Liberian people took as a model the Constitution of the United States. I cannot but think that the fact that these early migrants should have chosen American institutions to transplant in their new environment, despite the fact that they were virtually refugees from America, is a great tribute to their generosity and insight.

But if our constitutional system of liberty under law does at times afford an inadequate and imperfect protection to the individual and the minority, it cannot be denied that it today comes nearer to that goal than any other. It differentiates us sharply and favorably from those systems which are founded in the philosophy that all individual rights are submerged in the will of the state and that no minority has the right to oppose the government. The dignity of the individual, the right of the people to be governed by a system and administration of their choice, the inalienable right to life, liberty, and the pursuit of happiness is the confession of political faith in which the people of both of our countries put their trust. The road to the truly ideal society is uphill and stretches beyond our sight. But we will travel it together.

Against this historical background it is fitting that a justice of the Supreme Court participate in this anniversary to unveil a sculpture symbolic of the relations between our two countries. In the artists' concept hands extending from the African and North American Continents are clasped across the sea. In this friendly grasp we will make and share progress in the arts and sciences of civilization, in commerce and manufacture, in government, and enlightened social organization—in all those things which make life beautiful and worthy. I now disclose to you the sculpture whose creator has put into enduring bronze sentiments which I can only put in fleeting words.