Address of

The Honorable Francis Biddle
Attorney General of the United States

on the
occasion of the
150th Anniversary
of the Bill of Rights

at the

Dedication Ceremonies
of the
Thomas Jefferson Room
Library of Congress Annex

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We are met here today to dedicate the Thomas Jefferson Room of the Library of Congress on the occasion of the observance of the 150th Anniversary of the adoption of the Bill of Rights. That the observance of this day on which as a nation we reaffirm our passionate belief in our own individual freedoms should take place in a room dedicated to the free spirit of Jefferson is altogether fitting. He did not draft the first ten amendments to the Constitution which are known as our Bill of Rights; but he had written, 15 years before: "We hold these truths to be self-evident; that all men are created equal; that they are endowed, by their Creator, with certain unalienable rights, that among these are life, liberty and the pursuit of happiness." These "unalienable rights" - rights which, Jefferson believed, no government could or should withhold from the people - had not found explicit expression in the Constitution; and even before its adoption Jefferson wrote to Madison from Paris, where he was our minister; that we should have a "bill of rights, providing clearly, and without the aid of sophism, for freedom of religion, freedom of the press, protection against standing armies, restriction of monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury in all matters of fact triable by the laws of the land ... Let me add", he continued, "that a bill of rights is what the people are entitled to against every government on earth, general or particular; and what no just government should refuse, or rest on inference."

James Madison, a Member of Congress, drew the amendments; and, after some modification, they were ratified by the States. Twenty-five years later, writing from Monticello to a friend, Jefferson said: "The true foundation of republican government is the equal right of every citizen, in his person and

property, and in their management. Try by this, as a tally, every provision of our constitution, and see if it hangs directly on the will of the people."

Today we are at war with the great Axis powers, and with their little satellites. This war will test whether the free democracies can endure and whether their people can remain free. Other wars we have fought in which both these issues were at stake; and each war has left us with no less power nor our people with less freedom. We fought the Revolution to achieve that freedom, and the Civil War to sustain the unity of that power. A hundred and fifty years ago we were but a scattered handful of free men, shouldering the wilderness that we had not tamed. But we were free men. The first thing that had to be done was to unite the little states into the strength of a nation under a single law; that was the Constitution. But that was not enough; with power must go freedom, and we added the Bill of Rights, to secure to the common men and women who had fought and won their Revolution, the dignity of individual human beings. We gave order and authority to the new Nation; for the individual we preserved freedom of religion, of speech, of the press, and security against unwarrantable searches and seizures, and of trial by jury.

These rights which today England and America and the other democracies are defending are not new concepts, spun from theory,but are as ancient as history, and express the gradual evolution in the long and fierce battle between the people and their oppressors. In England they found expression in Magna Carta in 1215, in the Statutes of Westminster in 1275, in the Petition of Right in 1628, in the Habeas Corpus Act of 1679. So that, as the Supreme Court has observed, the Bill of Rights was "not intended to lay down any novel principle of government, but simply to embody certain guaranties and immunities which we had inherited from our English ancestors." The State of Virginia

had adopted a declaration of rights in 1776, several weeks before she adopted her constitution. Pennsylvania had shortly followed, and then Maryland and Massachusetts, all before the federal amendments.

And today these rights are real and actual during a war in which England's back is against the wall; but in the midst of which her Parliament sits, her courts are open, and her people and the press are free to speak - and do speak - their minds in criticism of the government they have elected to represent them.

This pride and dignity of the individual human being, his insistence that his government shall be his, and be no mere creature of the government, finds expression in all races and at all times. I like to think of the oath sworn by the subjects of the King of Aragon, in the middle ages, given to their sovereign lord. It ran: "We, who are as good as you, swear to you, who are no better than we, to accept you as our king and sovereign lord, provided that you observe all our liberties and laws; but if not, then not."

We have heard for the past few years that the ways of democracies are slow and cumbersome; that the belief in the democratic processes somehow saps the strength of the state; that the state alone should be free, alone should be strong, undivided in its will by the differences between political parties who may disagree with its policies or actions. There has been much talk of the inability of democratic countries to strike fast when the time came. Our Teutonic neighbor said we were soft, and sneered at America, and divided up the Western Hemisphere--on paper. Twenty-five years ago Germany had said the same thing - the United States was without pride, was so rotten with material ambition, with desire for profits, that we would never fight. They torpedoed our vessels, and we went to war. We were patient then, as we

have been patient now. We hated war then, as we hate it now. We were patient, easy-going, slow to move then, as we have been now. But when the time came, and the President called us to stand by him, the country was a unit.

And even more universally today our hundred and thirty million people are united in one purpose and one spirit, for they know now that the Axis attack is directed at our shores, and that the Axis scheme is a world scheme, that includes the domination of our free land, and the enslavement of our free people. Last Sunday's attack was as much a bombardment on our way of life as it was on Pearl Harbor for the enemy knows as well as we that the world cannot go on half slave and half free.

The Bill of Rights that we are met here to honor is but a piece of paper. But so is the flag only a bit of bunting, as Justice Holmes once said, and added: "Its red is our life-blood, its stars our world, its blue our heaven." The Bill of Rights is a symbol of what as free and proud Americans we cherish and defend. For, as Jefferson said, we believe that - "The earth belongs always to the living generation. They may manage it then, and what proceeds from it, as they please, during their usufruct. They are masters too of their own persons and consequently may govern them as they please."

But no charter, no law of words written on paper, is self-enforcing. War threatens all civil rights; and although we have fought wars before, and our personal freedoms have survived, there have been periods of gross abuse, when hysteria and hate and fear ran high, and when minorities were unlawfully and cruelly abused. Every man who cares about freedom, about a government by law - and all freedom is based on fair administration of the law - must fight for it for the other man with whom he disagrees, for the right of the minority, for the chance for the underprivileged with the same passion of insistence as he claims for his own rights. If we care about democracy, we must care about it as a

reality for others as well as for ourselves; yes, for aliens, for Germans, for Italians, for Japanese, for those who are with us as well as those who are against us: For the Bill of Rights protects not only American citizens but all human beings who live on our American soil, under our American flag. The rights of Anglo-Saxons, of Jews, of Catholics, of negroes, of Slavs, Indians - all are alike before the law. And this we must remember and sustain - that is if we really love justice, and really hate the bayonet and the whip and the gun, and the whole Gestapo method as a way of handling human beings.

The Bill of Rights was written in the birth of a new nation. Great moments in the history of every idea spring from the circumstances out of which it is born, and from which it may find rebirth. The bravest words become but words when the pulse of life has been emptied from them. It is for us to see that this does not happen to our Bill of Rights. We must carry forward into this new conflict, into this new danger, whose long end we cannot now foresee, into our new world order of democratic intuition and democratic power, the living words and spirit of Thomas Jefferson and of James Madison.