

Transitional Justice: A "Star-Spangled Banner" Dialectic

by

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Abstract

Human Rights in Political Transitions, reconsidered. The purpose of this dialectic is to develop an American transitional justice theory for post-conflict peacebuilding, national recovery and national reconciliation. Transitional justice speaks to how societies and governments deal with the past. As the U.S. example shows, true political inclusiveness and national cohesion will likely remain elusive in any society that continues to bury, rather than face its unpleasant past. Many examples abound in the history of societies that ignored their past. If we do not seek catharsis for past social wrongs, would it not sooner or later begin to haunt our society? Consequently, this discourse is a comparative study of two Illinois senators who represent the past and the future of Human Rights and Leadership in the United States. Who is the Lincoln we commemorate? What is the Barack Obama Brand? Will the new brand become a symbol for restorative justice and multicultural dialogue between governments and minorities worldwide? And, who is the Barack Obama we do not know? How can the transitional leadership deal with the unforgotten African American past without creating new zones of injustice to White America? Can an Obama Brand of liberal democracy help to promote a more inclusive, globally-respected, post-preemptive American Society? There is need to build on the past in order to embrace the future. After all, a society that does not self-correct, will likely self-destruct.

“With malice toward none, with charity for all...” Abraham Lincoln

“We hold these truths to be self-evident...” Thomas Jefferson ¹

The United States is a nation in moral recovery. For over 230 years, the U.S. has made several transitions from its not-so-pleasant past toward democratic consolidation. The country has consequently made its transitional status a permanent part of its constitutional identity. The U.S. seems to have moved from a history of human rights violations toward a more liberal society. But, have the wounds of the past healed? The nation fought a Civil War. The central cause of that war was the question of whether or not slavery should be abolished. Is it true that the postwar Reconstruction period was rather a form of victor’s justice which impeded true reconciliation between the South and the North? When sectional reconciliation finally occurred, decades later, it came at the cost of abandoning the effort to achieve true justice for the victims of slavery and their descendants. “That project was suspended for nearly a century, and remains unfinished business today,” argues Robert Miester.² If true national reconciliation has occurred, why is the American society still polarized along red and blue states as a recent election map portrays? Has the South *forgiven* the North over the “emancipation” crisis?

Throughout its many phases of democratic transitions, has the U.S. been able to produce an official moral narrative of its unforgotten past? How can transitional justice, an emerging post-conflict perspective within the political science discipline, help to illuminate public understanding and catharsis during the post-preemptive doctrine period? Will the nascent government of the post-Bush era have the moral courage and political will to seek national reconciliation and national recovery from its very painful past? How can transitional justice help society and government to recreate a more durable peace and more sustainable future?

Transitional Justice

The central theme of transitional justice is to *remember* the past in order to build a more inclusive, more peaceful and more enduring future. No doubt, these themes create their own dialectical contradictions. How do societies and governments deal with the injustices of the past without creating new zones of injustice? Should perpetrators be punished, pardoned or forgotten? If so, how? These questions become more important for societies making the transition from dictatorship to democracy, for example Germany following Nazism, South Africa after Apartheid, Democratization in Latin America, East-Central Europe after the collapse of the USSR, and the U.S. after Pre-emptive Doctrine and Slavery.³ Transitional justice is not just a theoretical construct in post-conflict peacebuilding, but it also questions and challenges us to remain engaged in our quest for self-actualization and connectedness to life.

The American subaltern insists that the United States has not lived up to the Jeffersonian creeds and ideals of freedom, justice, equality, the pursuit of happiness and the right to own property by all of its citizens. After the recent historic presidential election, it is high time we explored the doctrinal and theoretical frameworks of two national figures that represent both the past and the future of human rights violations, national reconciliation and national recovery.

Transitional Leadership: Lincoln v. Barack Obama Brands

Both Abraham Lincoln and Barack Obama are transitional figures who come from different socio-political backgrounds. One is black and the other is white. Both rose from humble beginnings to amass great fortunes derived from personal achievement and commitment to a worthy cause.⁴ Both were Illinois senators with a common denominator that binds them together- leadership. How can the drive and devotion that Lincoln brought to public life help to inspire and to recreate a more just and more inclusive American society? Like Lincoln, Barack Obama is a political neophyte who educates society through words and action. Both men inherited a nation in war, economic crisis, postwar reconstruction, rehabilitation and reconciliation of a long-divided society. Both Illinois leaders, at one time or the other, were confronted with the contentious issue of seeking “justice for the victims of slavery and their descendants.”⁵ At last, Lincoln is assassinated apparently because of America’s morally unacceptable past, while Barack Obama in his new princely image, seems poised to continue the journey towards national reconciliation and national recovery.

National Recovery

If Lincoln comes back to life today, will he agree with the *margin’s* viewpoint that justice for the victims and descendants of slaves in the U.S. is an unfinished business? Both Lincoln and the marginal society may likely agree also that there is an urgent need for *ozoemena*.⁶

If so, we must further examine the figure of Abraham Lincoln because his memory is important in the deconstruction of the old political culture which gave rise to Civil Rights abuses. My aim is to contribute by exploring the political philosophy of Lincoln and Barack Obama which will likely help the new U.S. government in rebuilding its long-damaged identity worldwide. The Lincoln, which history remembers, is a symbol of national rebirth and a reflection of America’s “collective memory” of past social wrongs. However, in the Lincoln of the postwar reconstruction era, we are confronted with the ambiguities of Lincolnian justice. The Lincolnian brand suggests that there would be no victors and no victims in the aftermath of the Civil War. For the sake of national recovery, the Lincolnian approach redefines the ethics of justice. According to this brand, the slave master is also seen as a victim of his own ignorance by holding fellow human beings as slaves.

It, therefore, becomes obvious that the Jeffersonian interpretation of justice contradicts the Lincoln of the Lincoln Memorial monument. According to Jefferson: “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- that to secure these rights, governments are instituted among Men, deriving their just powers from the consent of the governed...”

As a sequel to this self-evident paradigm, the practice of institutional slavery obtains its legal and moral muscles from the government and society, in flagrant violation of the *social contract* between the people and their government as enshrined in the Declaration of Independence and the U.S. Constitution. Thomas Jefferson, despite his own imperfections, once remarked, “When I look at slavery and remember that God is just, I tremble for my country.”

Lincoln’s Gettysburg Address

FOURSCORE and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war...The brave men, living and dead, who struggled here, have consecrated it... It is for us the living...the *unfinished work* which they...fought...that this nation, under God, shall have a new birth of freedom and that government of the people, by the people, for the people, shall not perish from the earth (emphasis is mine).

In the Lincoln of Gettysburg and the Second Inaugural, it seems there is an attempt to reconstruct the U.S. Constitution to reflect Lincolnian justice. But the one we celebrate is the forward-looking Lincoln who lifted Americans above the unendurable cycle of guilt and recrimination by IMAGINING the United States as a nation in recovery. He moves white America from a sense of being unwilling perpetrators of evil to the recognition that “we are all victims” to the common national identity of “survivors.”

But the real Lincoln was a very complex character. What Lincoln of the Gettysburg Address did was to persuade the American society to forget the idea of reparation or true justice for the victims of slavery, so that, “this nation, under God, shall have a new birth of freedom,” or national recovery. Lincoln, thus, replaces a criminal offence of victim-perpetrator status with the moral logic of “common survivorship” and “collective rebirth.” In Gettysburg and the Second Inaugural Addresses, Lincoln succeeds in “recasting” the Jeffersonian ideals and legacy as enshrined in the Declaration of Independence. Both Addresses and the man, who gave them, represent a unique, American transitional justice model in post-conflict peacebuilding and reconciliation.

Yet, the Lincoln we remember could not “imagine” a multicultural or bi-racial future for America when the African slaves were set free. Was this why Lincoln approved the plan to resettle the “freed slaves” in Liberia by the American Colonization Society? No matter how we view the complex figure of Lincoln, his national recovery story has become a post-conflict model in political inclusivity and community peacebuilding. No matter how we perceive his actions or inactions, “The livings are the undeserving beneficiaries of the sacrifice of those who (as he points out in his Gettysburg speech) gave their lives... so the nation might live.” Consistent with his reconstruction plan, Lincoln advises both the perpetrator and the victim of historic injustices to seek malice toward none: “**With malice toward none, with charity for all,** with firmness in the right as God gives us to see the right, let us strive on **to finish the work** we are in, **to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan,** to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations (emphasis is mine).

Consequently, with “charity to all” (both the slave-masters and the slaves), Lincoln grants both of them general amnesty in order “to bind up the nation's wounds” and thereby forgive and forget the past injustices of slavery. This theory provokes more critical evaluation. If Lincolnian amnesty is triumphant, did the defeated South not consider the Northern victory an act of humiliation? Between the South and the North, between the perpetrators and descendants of slaves, have the wounds of the Civil War healed? It seems to me, that in the theories of national recovery and national identity, absolution replaces justice. In this regard, has history not taught us that justice, as a natural right, is irrepressible? Why has Lincolnian justice remained a permanent part of the U.S. Constitution, which, at once, affirms and denies that beneficiaries and victims of racial oppression are henceforth on the same moral footing? Is it time to forgive and forget the past? When will both societies forgive each other?

“Forgiving and Forgetting”

Robert Miester, a political scientist, believes that Lincoln’s “survivor story” is a form of amnesty. The survivor story was an effort to take the nation past the divisive traumas of slavery and the Civil War. In the aftermath of Civil War or revolution, amnesty is always an appealing alternative to purges, political prosecutions and lustration laws. But amnesties are based on the “desire to forget and a need to remember.”⁷ The Fourteenth Amendment is also another form of transitional justice which grants amnesty to the Confederate military and its officials, after the Civil War.

In Lincoln’s national recovery theory, he redefines the meaning of the U.S. Civil War in order to establish a national consensus on the war as an official truth. Having endured for so long, Lincoln’s official truth is arguably more authoritative than truths established by political trials. For many decades up till now, this Lincolnian official truth has continued to serve as the foundation for postwar reconstruction. Meister asks whether we can accept that the “survivor story” is inherently a better way of coping with the guilt of perpetrators than doing justice to the victims. Furthermore, is it true that justice to victims could be more effectively achieved in other ways, for example, through the attainment of political power as in South Africa and the recent November 4, 2008, U.S. presidential election?

The Barack Obama Brand

The African American *question* is more or less a symptom of the clash between political power and political powerlessness. Can Barack Obama's presidency herald the end of the freedom song, "We Shall Overcome?" Can Africans at home and African-Americans replace the anticipatory freedom song with the more triumphant song of *uhuru*? How can the Barack Obama Brand of liberal democracy help in rebuilding a more inclusive and more just American society? Has the Barack Obama brand any unique elements for rebuilding a more sustainable peace and security in the long-divided union? The rise of Senator Barack Obama (D-Ill) may indicate a seismic shift on the business horizon as well as the political. According to the Public Affairs Council, Barack Obama's grassroots "bottom-up" campaign has featured an openness to the way consumers today communicate with one another, a recognition of their desire for authentic products, and an understanding of the need for a new global image. According to the Council, Barack Obama is three things one wants in a brand: new, different, authentic, and attractive. ⁸⁾

During the presidential election, Barack Obama embraced modern methods of communication such as the Internet and technology which enabled him to reach a large segment of the population, thereby translating into YouTube videos, donations, votes and other forms of support according to Elen McGirt.

Theory and Doctrine of "Yes We Can"

Girt argues that Barack Obama engages in "adaptive leadership." The slogan, "Yes We Can" is an indication of Barack Obama's willingness to embrace a shared leadership model in which his political movement has a voice. What does Barack Obama owe to the long-silenced and long-forgotten voiceless, human society? Should Barack Obama become the first Black President of the United States, how far could the Black Prince's multicultural identity help the post-Bush-Cheyney America in rebuilding its damaged economic and moral status? Will an Obama presidency understand the urgent internal and external needs for restorative justice? In reconsidering the question of reparations, how can Barack Obama's administration ensure that new injustices are not meted out to the white society which had no hands in slavery? How will an Obama presidency deal with hate crimes, fear and the unfinished business of justice and equality for the voiceless minority? Will the new presidency create a level-playing-ground for both the political-core and the political-periphery? If Barack Obama becomes president, will there be a Civil Rights paradigm shift from "we shall overcome" to "We Have Overcome?" Under the new presidency, how long will Washington D.C. remain the only American community still entangled in the paradoxical web of "Taxation Without Representation?" How will an Obama victory affect the condition of the long-oppressed minorities who still seek justice though political power, worldwide? ⁹⁾

Barack Obama Worldwide

In a recent Ebony article titled "What the World Wants from Barack Obama," Kevin Chappell conducts a global poll. From Congo, Kass Kasai believes that "the world must change...No more President Bush. I'm proud to be Black. He shows that we're all human beings [and] that we can also do what you do when we are given the chance."

From Kenya, Segeni Ng'ethe believes that "an Obama presidency sends a personal subliminal message to many fellow Kenyans and Africans-that anything is possible. Barack Obama, as a U.S. president, is going to generate good will for the U.S."

From South Africa, Thomas Khosa thinks, "America will see its own 1994 come November. Voters will be lining up for miles and miles."

From China (Name Withheld) says, "I really hope Barack Obama wins because he is the worst... As Barack Obama makes more and more mistakes, China's influences in the world will grow larger and larger." ¹⁰⁾

America's great leaders like Jefferson, Lincoln and Barack Obama might come from diverse backgrounds. But the common political thread that binds the trio together is not only the unfinished question of restorative justice, but more importantly, the need to engage in a new, authentic, meta-narrative of

America's historical injustices during slavery. This way, the African world and the American society can finally say: "*ozoemena, nunca mas*, never again!!"

The Future

After November 4, 2008, we will become witnesses to an unprecedented political transition in human history if Barack Obama wins. The Barack Obama we celebrate is a reminder of America's unforgotten past. However, the Barack Obama presidency is a revolution spear-headed by the white dominant race, and not by the African American society. The revolution started from Iowa and spread throughout the nation like wild fire. It is a lifetime shift of political power from the political core to the political periphery. How can this CHANGE help society to remember the past in order to embrace a more sustainable and more peaceful future? This political transition is also seen as a transformation in human values—social, economic, political and spiritual, according to Robert Johansen of the Institute for the Future. ¹¹

An Obama victory may seem like a breath of fresh air in the aftermath of a very traumatic eight year reign of pre-emptive doctrine. Despite the political momentum which November generates globally, Robert Keck offers a deeper understanding of the Barack Obama phenomenon from the realm of evolutionary theology. He explores three distinct transitions or waves in human spiritual evolution.

Epoch One, of the human transition occurred between 35,000 and 10,000 years ago. This phase corresponds to humanity's spiritual "childhood." This era is marked by "unity with nature, non-violence, and reverence for the feminine."

Epoch Two, lasted from 10,000 years ago to the present. This period is known as the "adolescence" era. It is "an era of patriarchy, hierarchical control, and violence." For those of us alive in the 21st century, we live in the chrysalis' stage of change towards Epoch 3 of spiritual transition. The present wave ushers in our "spiritual adulthood," in which the ego will yield to the heart. The current revolutionary transformations reflect the death of humanity's out worn adolescent values and the birthing of new adult ones. ¹²

How can the millennial society connect with Beck's Sacred Quest theory? As I understand it, most of us are esoteric seekers. As we continue life's journey, probing into the unknown, the Third Epoch of our transition continues to prepare us to connect to others, to nature and to the Divine. In our present personal struggles, we should strive to embrace the emergent values of Epoch Three: "reconnection to nature, respect for diversity and inclusivity, democratization of power and the expansion of self," or what Abraham Maslow calls, Self-Actualization.

In this brief inquiry, my primary goal has been to create an American transitional justice model that helps societies and governments worldwide in post-conflict recovery and reconciliation. I believe that transitional justice is an alternative postwar model in "repairing" the psyche of a damaged society. As a 'star-spangled banner' dialectic, I utilize the Socratic method of inquiry on Human Rights in American political transitions. Robert Meister's "Forgiving and Forgetting" thesis has always fascinated me. Hence, this discourse is a continuum of the post-slavery debate.

Beyond Bush

After eight years of near-economic recession, Afghanistan and the Iraqi War, unprecedented Wall Street bailouts, high gasoline prices, rising unemployment and mortgage meltdown, the long-voiceless minority bears the pain mostly. Beyond Bush, how can the American society and the new president redefine the good life, freedom, individual rights and justice? How can we develop a theory of politics that helps us better understand the practical challenges of the 21st century society?

How can we cultivate a higher prudence and wisdom which will help society and leaders address the future of politics? When will society and corrupt politicians allow the brave and courageous soldier to defend, the artisan to feed, and the *all-knowing* intellectual to lead? Such is the time. Some citizens and political pundits argue that during the past eight years, society has seen politics at its worst. Will the new American, intellectual leadership usher in politics at its best? At its best, politics can "preserve peace, protect human rights, advance economic well-being and encourage excellence." How can society help political actors

recreate a more inclusive humane society? Which power is most authentic in the 21st century and why? Is it military power or moral power?

Yes we can!! We can begin the journey to reconnect with nature, diversity, democratization of power and political inclusiveness. Yes we can, as a society, overcome the age-long clash between power and justice, between majority and minority. Such is the time, as the world witnesses an unprecedented political transition in human history. What a remarkable period to be alive!

The Barack Obama we know shares certain strengths and weaknesses with Jefferson, and Lincoln. But the Barack Obama we do not know is a masterful politician like his fellow Chicagoan, the *American Pharaoh*¹³, Mayor Richard J. Daley. Like Daley's machine politics, Barack Obama was aware of the "personal power that could come from presiding over a strong party apparatus." Like Daley, Barack Obama skillfully worked his way up the ranks of Chicago's mighty Democratic machine politics, quietly forging a "city-wide coalition that elected him." Daley presided over a central committee and gave out 40,000 patronage jobs. While Daley "favored the strong over the weak," Barack Obama, on the contrary, favors the voiceless subaltern class, for example, his earlier Southside Chicago internship and grassroots machine politics.

Africans at home and in Diaspora have waited for too long at the periphery of political power. The story of *collective guilt* is a heavy burden which has held back the hands of justice for too long. Yet, the theory of *common survivorship* has helped to keep the American society together so far. The Barack Obama we celebrate is the one who urges America to have the *audacity to hope* and *to believe*. The one Africa and the minorities of the world celebrate is the Barack Obama, *Nwa Chi n'emelu*, the Black Prince, who is guided by the invincible hands of Destiny and Divine Providence. But the Barack Obama we do not know is the Barack Obama who secretly re-created the Chicago machine politics as a means to acquire political power. On November 4, 2008, will Hillary Clinton remain the only victim of machine politics? On the contrary, can the self-proclaimed, conservative "mavericks," McCain and Palin withstand the politics of the moral majority, planned and executed from Iowa to the national front? Is the unthinkable political romance between John and Sarah sustainable under the Obama *surge* with the forces of idealism?

On November 4, 2008, will the slave's chain and the master's alike finally get broken? For too long, the chain had become the curse of the two societies which held both in tether. But, with the mystical and healing power of a new Black Prince, "They are rising, all are rising. The Black and White together!" African Americans have made Time their sole avenger. Now, in a post-*Brown*, post-*Martin Luther* reflection, I can hear the Black and White kids of Kansas singing together, "O say, can you see, by the dawn's early light...O say, does that star-spangled banner yet wave. O'er the land of the free and the home of the brave? Will an Obama victory mean the end of the demand for reparations and equality in America? On November 4, will Martin's *dream* fulfill? This one is over. *God* give me another dream.

Works Cited

¹The Declaration of Independence of the Thirteen Colonies in CONGRESS, July 4, 1776

²Robert Miester in "Forgiving and Forgetting: Lincoln and the Politics of National Recovery" p.135 of Carla Hesse & Robert Post's: *Human Rights in Political Transitions: Gettysburg to Bosnia*, Zone Books, N.Y. 1999.

³S.K Baskerville: "Selected Problems in Comparative Politics." *Pol. Science 207*. Syllabus, Howard University Department of Political Science, Spring 2002.

⁴From the Preface; *Great Quotes from Great Leaders*." As compiled by Peggy Anderson, Great Quotations Publishing Company.

⁵*Ibid*, Meister p.135.

⁶Ozoemena – Igbo metaphor for "never again."

⁷Hesse p.142.

⁸Keith Reinhard, DDB Worldwide Chairman Emeritus <http://www.fastcompany.com/magazine/124/the-brand-called-obama.html>. as cited in Elen McGirt: *The Brand Called Barack Obama*. *Fast Company* (04/08) No. 124, p.84 5/9/2008 to embrace a shared. Leadership model in which his political movement has a voice.

⁹For more information on Barack Obama, visit his website

http://origin.barackobama.com/issues/civil_rights/

¹⁰Kevin Chappell “What the World wants from Barack Obama” “Ebony” magazine, October 2008 p. 85.

¹¹Remarks on the back cover of the “Sacred Quest” by L. Robert Keck, Chrysalis Books, West Chester, Pennsylvania, 2000.

¹²Ibid inner cover.

¹³Adam Cohen and Elizabeth TAYLOR “American Pharaoh” Little Brown and Company, New York, 2000, pp 6-7.

APPENDIX 1: The Gettysburg Address of Abraham Lincoln (1863)

FOURSCORE and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field as a final resting-place for those who here gave their lives that the nation might live. It is altogether fitting and proper that we should do this. But, in a larger sense, we cannot dedicate, we cannot consecrate, we cannot hallow, this ground. The brave men, living and dead, who struggled here have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember, what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom and that government of the people, by the people, for the people, shall not perish from the earth.

APPENDIX 2: The Second Inaugural Address of Abraham Lincoln

SATURDAY, MARCH 4, 1865

Fellow-Countrymen:

At this second appearing to take the [oath](#) of the Presidential office there is less occasion for an extended address than there was at the first. Then a statement somewhat in detail of a course to be pursued seemed fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention and engrosses the energies of the nation, little that is new could be presented. The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself, and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured. On the occasion corresponding to this four years ago all thoughts were anxiously directed to an impending civil war. All dreaded it, all sought to avert it. While the [inaugural address](#) was being delivered from this place, devoted altogether to saving the Union without war, insurgent agents were in the city seeking to destroy it without war—seeking to dissolve the Union and divide effects by negotiation. Both parties deprecated war, but one of them would make war rather than let the nation survive, and the other would accept war rather than let it perish, and the war came.

One-eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the southern part of it. the insurgents would rend the Union even by war, while These slaves constituted a peculiar and powerful interest. All knew that this interest was somehow the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the Government claimed no right to do more than to restrict the territorial enlargement of it. Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease with or even before the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding. Both read the same Bible and pray to the same God, and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not, that we be not judged. The prayers of both could not be answered. That of neither has been answered fully. The Almighty has His own purposes. "Woe unto the world because of offenses; for it must needs be that offenses come,

but woe to that man by whom the offense cometh." If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord are true and righteous altogether." With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

**Courtesy of: Yale Law School: The Avalon Project: Second Inaugural Address of Abraham Lincoln
APPENDIX 3: Declaration of Independence**

In Congress, July 4, 1776,

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

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. That, to secure these rights, Governments are instituted among Men, deriving their just Powers from the consent of the governed. That, whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such Principles and organizing its Powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of People, unless those People would relinquish the right of Representation in the legislature; a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the People.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the Population of these States; for that purpose obstructing the Laws of Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our People, and eat out their substance.

He has kept among us, in times of Peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us, in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his protection, and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the Lives of our People.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens, taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions, We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free People.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in GENERAL CONGRESS assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, DO, in the Name, and by Authority of the good People of these Colonies, solemnly PUBLISH and DECLARE, That these United Colonies are, and of Right, ought to be free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that, as FREE and INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of right do. AND for the support of this Declaration, with a

firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

JOHN HANCOCK, President

Attested, CHARLES THOMSON, Secretary

New Hampshire: JOSIAH BARTLETT, WILLIAM WHIPPLE, MATTHEW THORNTON

Massachusetts-Bay: SAMUEL ADAMS, JOHN ADAMS, ROBERT TREAT PAINE, ELBRIDGE GERRY

Rhode Island: STEPHEN HOPKINS, WILLIAM ELLERY

Connecticut: ROGER SHERMAN, SAMUEL HUNTINGTON, WILLIAM WILLIAMS, OLIVER WOLCOTT

Georgia: BUTTON GWINNETT, LYMAN HALL, GEO. WALTON

Maryland: SAMUEL CHASE, WILLIAM PACA, THOMAS STONE, CHARLES CARROLL OF CARROLLTON

Virginia: GEORGE WYTHE, RICHARD HENRY LEE, THOMAS JEFFERSON, BENJAMIN HARRISON, THOMAS NELSON, JR., FRANCIS LIGHTFOOT LEE, CARTER BRAXTON.

New York: WILLIAM FLOYD, PHILIP LIVINGSTON, FRANCIS LEWIS, LEWIS MORRIS

Pennsylvania: ROBERT MORRIS, BENJAMIN RUSH, BENJAMIN FRANKLIN, JOHN MORTON, GEORGE CLYMER, JAMES SMITH, GEORGE TAYLOR, JAMES WILSON, GEORGE ROSS

Delaware: CAESAR RODNEY, GEORGE READ, THOMAS M'KEAN

North Carolina: WILLIAM HOOPER, JOSEPH HEWES, JOHN PENN

South Carolina: EDWARD RUTLEDGE, THOMAS HEYWARD, JR., THOMAS LYNCH, JR., ARTHUR MIDDLETON

New Jersey: RICHARD STOCKTON, JOHN WITHERSPOON, FRANCIS HOPKINS, JOHN HART, ABRAHAM CLARK

APPENDIX 4: The Star-Spangled Banner

—Francis Scott Key, 1814

O say, can you see, by the dawn's early light,
What so proudly we hail'd at the twilight's last gleaming?
Whose broad stripes and bright stars, thro' the perilous fight,
O'er the ramparts we watch'd, were so gallantly streaming?
And the rockets' red glare, the bombs bursting in air,
Gave proof thro' the night that our flag was still there.
O say, does that star-spangled banner yet wave
O'er the land of the free and the home of the brave?
On the shore dimly seen thro' the mists of the deep,
Where the foe's haughty host in dread silence reposes,
What is that which the breeze, o'er the towering steep,
As it fitfully blows, half conceals, half discloses?
Now it catches the gleam of the morning's first beam,
In full glory reflected, now shines on the stream:
'Tis the star-spangled banner: O, long may it wave
O'er the land of the free and the home of the brave!
And where is that band who so vauntingly swore
That the havoc of war and the battle's confusion,
A home and a country should leave us no more?
Their blood has wash'd out their foul footsteps' pollution.
No refuge could save the hireling and slave
From the terror of flight or the gloom of the grave:
And the star-spangled banner in triumph doth wave
O'er the land of the free and the home of the brave.
O thus be it ever when free-men shall stand
Between their lov'd home and the war's desolation;
Blest with vict'ry and peace, may the heav'n-rescued land
Praise the Pow'r that hath made and preserv'd us a nation!

Then conquer we must, when our cause it is just,
And this be our motto: "In God is our trust!"
And the star-spangled banner in triumph shall wave
O'er the land of the free and the home of the brave!

On Sept. 13, 1814, [Francis Scott Key](#) visited the British fleet in [Chesapeake Bay](#) to secure the release of Dr. William Beanes, who had been captured after the burning of Washington, DC. The release was secured, but Key was detained on ship overnight during the shelling of [Fort McHenry](#), one of the forts defending [Baltimore](#). In the morning, he was so delighted to see the American flag still flying over the fort that he began a poem to commemorate the occasion. First published under the title "Defense of Fort M'Henry," the poem soon attained wide popularity as sung to the tune "To Anacreon in Heaven." The origin of this tune is obscure, but it may have been written by John Stafford Smith, a British composer born in 1750. "The Star-Spangled Banner" was officially made the national anthem by Congress in 1931, although it already had been adopted as such by the army and the navy.

Courtesy of: Infoplease Website, 10/13/2008