The “Missing 13th” Titles of Nobility Amendment

2/21/15 UPDATE: A reader of this blog correctly pointed out that I was mistaken when I erred about the number of constitutional amendments proposed in 1810. The correction has now been made in the appropriate spot within this article.

Throughout history, rulers have attempted to fundamentally distinguish themselves from the seething biomass of humanity that they inherently despise. Whether it be by way of scribblings on parchment, applied eugenics, or something as simple as better quality clothing, rulers intrinsically fear being perceived as being no different than the very public they rule over. Honors and titles of nobility are yet another propaganda tool that tyrants use as a convenient excuse to stomp all over a subjugated populace by declaring all sorts of exemptions and privileges for themselves and their advisors, yet all the while obliging their hapless subjects to obey all sorts of horrid dictates and arbitrary commands because “it’s the law.”

The Founding Fathers well understood the dangers inherent in titles of nobility, and took proactive steps to counteract it. At the Philadelphia Convention, the Framers of the United States Constitution included two separate clauses explicitly banning titles of nobility. The Titles of Nobility Clause (article 1, section 9, clause 8) says:

“No Title of Nobility shall be granted by the United States; and no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State."

Notice that not only was the federal government prohibited from granting such titles, but also the equally important prohibition held against agents of the federal government from enjoying the benefits of such titles offered to them by foreign nationals. Similarly, the Contract Clause (article 1, section 10, clause 1) states, in brief:

“No State shall…grant any Title of Nobility.”
Not only was the federal government prohibited from granting titles of nobility, but so also were the various state governments; thus, the Constitution universally banned the federal and state governments both from engaging in this practice.

It could be said that the Founding Fathers of Texas eventually followed suit, because section 8 of the Declaration of Rights, as appended to the 1836 Constitution of the Republic of Texas, says:

“No title of nobility, hereditary privileges or honors, shall ever be granted or conferred in this Republic. No person holding any office of profit or trust shall, without the consent of Congress, receive from any foreign state any present, office, or emolument, of any kind.”

Unfortunately, this has since been removed in subsequent constitutions; for example, the current 1876 Texas Constitution comes arguably close in article 1, section 3 by stating:

“All free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public services.”

Despite the Texas Constitution being incrementally watered down, even now there is still an explicit recognition that special emoluments or privileges are detrimental to human liberty.

So, just what is a title of nobility? According to the 1872 Horst v. Moses case (48 Ala. 123, 142), the judge wrote:

“To confer a title of nobility, is to nominate to an order of persons whom privileges are granted at the expense of the rest of the people. It is not necessarily heredity, and the objection to it arises more from the privileges supposed to be attached, than to the otherwise empty title or order. These components are forbidden separately in the term ‘privilege,’ ‘honor,’ and ‘emoluments,’ as they are collectively in the term ‘title of nobility.’ The prohibition is not affected by any considerations paid or rendered for the grant.”

Here we have a concise definition of what these titles actually are; notice also, how these titles are “not necessarily heredity,” which by implication means that such titles could be earned or otherwise achieved. Keep this in mind, for it will become important later in this literature review.
As it was considered to be antithetical to the virtues of republicanism, titles of nobility were universally reviled throughout the ratification period of the late 1780s. As Alexander Hamilton wrote in Federalist Paper #84:

“Nothing need be said to illustrate the importance of the prohibition of titles of nobility. This may truly be denominated the corner stone of republican government for so long as they are excluded, there can never be serious danger that the government will be any other than that of the people.”

On the surface of his explanation, it would seem as if Hamilton succinctly put the issue to rest, yet, I would like to point out what Robert Yates, under the nome-de-plume of “Brutus,” wrote to the Citizens of the State of New-York on November 1, 1787 (which is commonly referred to as Anti-Federalist Paper #84):

“We find they have, in the ninth section of the first article declared...that no title of nobility shall be granted by the United States, etc. If every thing which is not given is reserved, what propriety is there in these exceptions? Does this constitution any where grant the power of...grant[ing] titles of nobility? It certainly does not in express terms. The only answer that can be given is, that these are implied in the general powers granted. With equal truth it may be said, that all the powers which the bills of rights guard against the abuse of, are contained or implied in the general ones granted by this constitution.” [emphasis added]

Yates seems to think that the Titles of Nobility Clause is not only redundant, but more importantly, that it implies that the proposed government, or some earlier version of it, enjoyed the power of granting such titles, and he further states that a bill of rights are what actually guards against such powers. Although there is a clear difference in how the Federalists and the Anti-Federalists expressed themselves with regard to the Titles of Nobility Clause, there is no doubt that they both recognized the very concept of titles of nobility itself as being universally reviled throughout the American colonies.

Understanding that the Constitution would need to be amended from time to time, in order for posterity to address the challenges they will face, the Framers devised an amendment ratification procedure that would allow their Constitution to remedy the problem at hand. This procedure is enumerated in Article V:

“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, also 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…”

Simply put, a constitutional amendment may be proposed by the entire Congress or by 2/3rds of the various state legislatures within the federal Union assembled in a convention (much like the original 13 governments did at the Philadelphia Convention). Either way, 3/4ths of the state legislatures, or state ratification conventions, must consent to the proposed amendment in order for it to be ratified; upon said ratification, the proposed amendment is formally added to the United States Constitution. It is really, a quite brilliant yet relatively simple method for the Constitution to be altered just enough but not too much, and in such a manner that requires a significant threshold of consent in order for it to be ratified.

In 1789, the United States Congress proposed numerous constitutional amendments, which the Senate reduced down to twelve; later, in 1810, Senator Reed proposed an amendment that was approved by the Congress and then passed onto the several state legislatures for ratification, in accordance with Article V. This original 13th Amendment is also known as the Titles of Nobility Amendment (TONA), and was written as follows:

“If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honour, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatsoever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.”

Now, you may be wondering why the Congress would pass this proposed amendment onto the state legislatures for ratification if there was already the prohibition against the federal government and the various state governments from granting such titles. Well, the key to understanding why they did so lies in the very wording of the amendment, which is much more specific than either of the two other constitutional clauses. For instance, it shifts the burden of responsibility from the United States to its citizens, it adds pensions and honors to the list of what those citizens are prohibited from accepting from foreign nationals, and it explicitly describes the punitive consequence for violating that prohibition, namely, denaturalization. What the TONA proposed is a noticeably increased severity against those who violate the original constitutional clauses, by both broadening its applicability as well as attaching an incredibly harsh consequence for specifically violating the prohibition.

Keeping mind that there were 17 states in the union as of 1812 (at least, before the admission of Louisiana later that year, in April), this would mean that in accordance with Article V, 13 state legislatures were required to successfully ratify the TONA. Six years later, in a 1818 report to Congress, then-Secretary of State, John Quincy Adams, claimed that 12 legislatures had ratified the TONA, 3 had rejected it, and another 2 had, thus far, failed to respond to his original inquiry from the previous month. What I find rather significant in Adams’ report is the fact that he completely ignores not only Louisiana, but also Indiana and Mississippi, who had entered the Union prior to the inquiry (Illinois entered the Union after Adams’ report was filed).
A critical detail to examine here is the ratification threshold. We know that as of December 1812, 12 legislatures had ratified; however, by the time New Hampshire ratified, Louisiana had already entered into the union as the 18th state, which would presumably raise the threshold to 14 states being necessary for successful ratification; however, not only did Adams neglect to mention to Congress the status of either Louisiana, Indiana, or Mississippi with regards to the TONA, but, according to former Louisiana Secretary of State Fox McKeithen, no record was found in Governor Jacques Villere’s papers of Adams’ original circular letter (dated January 7th, 1818) asking him for the current status of the TONA’s ratification in the Louisiana legislature.

Conclusively answering this question about the ratification threshold is absolutely vital in determining whether the TONA was sufficiently ratified by the state legislatures to become an Amendment to the U.S. Constitution. If it is true that the ratification threshold is increased every single time a new state enters the Union, then that is the end of the case, for Louisiana’s admission took place before New Hampshire ratified; if, however, only the preexisting state legislatures (those who were members of the Union at the time that the proposed amendment was submitted to the States) are eligible as being the “Legislatures of three fourths of the several States” under Article V, then we can proceed to investigate the TONA further. For the sake of brevity regarding the eligibility of the state legislatures, I will refer to the former case as the broad view of eligibility, and the latter case as the strict view of eligibility.

There were 3 other letters Brian March received in January 1994, which appear to validate the strict view of eligibility. Librarian Victor Bailey was unable to locate any documentation whatsoever related to the TONA in the Missouri archives; similarly, legislative archivist F. Kimball Efird could neither find Adams’ original circular letter nor any other documents from the Illinois legislature about the TONA. Interestingly enough, archivist Stephen Towne was able to located the TONA in The Revised Laws of Indiana, which was published by Douglass and Maguire back in 1831 (these Revised Laws are shown in Brian March’s compilation of documents as Exhibits C-7 and C-8). This seems to indicate that these states never even received the communication regarding the TONA – these four state legislatures were not considered significant enough with regard to the ongoing process of ratification.

Remember when Adams said in his report to Congress that the Virginia Secretary of State never replied back as to the current status of the TONA within the Virginia legislature? One year after Adams’ report, The Revised Code of the Laws of Virginia was published on March 12th, 1819, which showed the TONA, thereby suggesting that, perhaps, Virginia had successfully ratified the amendment, and if so, had also quite possibly fulfilled the criteria under Article V. Although Illinois had entered the Union the previous December, it too, like Louisiana, had not received Adam’s circular letter, and thus, had been left out of the ratification process regarding the TONA. Could it be possible that John Quincy Adams considered those four newer state legislatures as not being eligible under Article V to vote on whether to ratify the TONA?

Much like Louisiana, Mississippi and Illinois were unable to locate any documents in their respective archives, yet Indiana was able to locate the TONA in an 1831 publication of its own laws. It certainly makes one wonder why the four states that entered the Union after the Congress successfully proposed the TONA in 1810 could possibly be party to it; Article V is silent as to whether states who enter the Union after a constitutional amendment has been proposed by Congress but has not been sufficiently ratified yet by the preexisting state legislatures, are in fact counted as being part of the “Legislatures of three fourths of the several States.” I am left to conclude, therefore, that there is nothing implied here regarding the viability of the strict view of eligibility; absent any other evidence to the contrary, it seems to me that Adam’s 1818 report to Congress, when coupled with the 1994 letters of McKeithen, Bailey, Efird, and Towne, definitively proves that the TONA was successfully ratified in March 1819 with the publication of The Revised Code of the Laws of Virginia, 3 copies of which were sent to Thomas Jefferson, James Madison, and then President James Monroe, thereby satisfying the notification being provided to the federal government, along with others.
Although the TONA seems to have been sufficiently ratified, why should you care about it? Consider the terminology used within the amendment itself. Ballantine’s (3rd ed.), Bouvier’s (6th ed.), and Black’s (2nd ed.) law dictionaries define “emoluments” respectively as:

“Indirect or contingent remunerations which may or may not be earned; remunerations in the nature of compensation or in the nature of reimbursement… [t]he lawful gain or profit which arises from an office…[a]ny perquisite, advantage, profit, or gain arising from the possession of an office.”

Notice how “profit” is the key determining factor in what is intrinsically defined as an emolument. Now, those very same dictionaries also define “honor” respectively as:

“Respect accorded another….[]t is needless to add, that as we are not encumbered by a nobility, there is no such distinction in the United States, all persons being equal in the eye of the law… [i]n American law, the customary title of courtesy given to judges of the higher courts, and occasionally to some other officers; as ‘his honor,’ or ‘your honor.’”

A related set of definitions describe how, in England, “honor” was an aristocratic hierarchy of ranks. Keeping in mind how Horst v. Moses defined titles of nobility, consider what “esquire” is defined by Ballantine’s, Bouvier’s, and Black’s respectively as:

“The term is applied to barristers-at-law, and in the United States it is customary to append the title to attorneys at law in addressing them by letter…a title applied by courtesy to officers of almost every description, to members of the bar, and others. No one is entitled to it by law, and, therefore, it confers, no distinction in law…in English law, a title of dignity next above gentleman, and below knight. Also a title of office given to sheriffs, serjeants, and barristers at law, justices of the peace and others.”

This is rather interesting for a number of reasons. First, the roots of the word are based in aristocracy and oligarchy. Second, although it is explicitly stated that such a connotation has no applicability here in the States, consider again how the judge in the Horst case defined titles of nobility, and then compare that definition with what the words “honor” and especially “emolument” legally mean, and then tell me there isn’t a monopolistic for-profit occupation that comes instantly to mind, which pervades the government at all levels and enjoys unique advantages by way of licensure.
Speaking of that particular occupation, the American Bar Association’s Journal ran an article in 2006 discussing how the term “esquire” is a rather quaint descriptor for lawyers, yet the author still defended the practice when she said:

“The concern is that the use of designations like J.D., Esq., lawyer or attorney at law will create a false perception that the lawyer is providing legal services or acting in her capacity as a lawyer in the other job—which may inadvertently create a lawyer-client relationship.”

A rather weak defense of the practice, if I may say so myself, but why should lawyers care about such a thing? Remember what Harvey Silverglate said in *Three Felonies a Day*:

“The ABA had long defended its accreditation standards as necessary to keeping the quality of legal education high and to protect the public from poorly educated lawyers. The profession’s internal efforts to maintain some kind of quality control over professional standards and competence was part of a long-term trend, commenced in the 19th century… Historically, the independent bar has acted as a counterweight to government power. In recent decades, however, it has been subject to increasing pressure and intimidation under formless statutes applied recklessly to the lawyer’s craft. Thus far, the independent bar has survived, but its vulnerability is palpable.” [emphasis added]

So, there’s the official reason for the perpetuation of the term “esquire.” It’s only a matter of respect, a term of endearment, or, a courtesy, if you will, not a connotation of personal gain at the expense of others due to special advantages they enjoy by way of government, *of course*. I mean, when was the last time the government dispensed undue favor upon those who personally profited from the suffering of others? “It can never happen here,” right?

Some individuals have speculated that the ratification of the TONA would delegitimize the entire licensed legal profession, which would also eliminate almost the entire priest-class from government. More importantly than keeping bar attorneys out of the court room (so they argue), is that the TONA would prohibit honors, therefore, this would necessarily reduce “special interest” legislatures; thus, by extension, the TONA would inevitably eradicate the welfare state, and quite possibly, Leviathan itself. Not only would bar attorneys be rendered impotent, but there would also be a concomitant surge in reading law, which would necessarily short-circuit the profit making potential of ABA-certified law schools.

More significant than even this conjecture, is the shocking revelation that the ratification of the TONA necessarily has upon the Constitution itself. If the federal government is willing to flush a validly ratified constitutional amendment down the Orwellian memory hole, then it does beg the question as to the validity of the amendments presumably ratified since then, especially the “Anti-Slavery Amendment,” the 14th, 15th, 16th, and 17th Amendments, and so on. Should every amendment “ratified” after the *War Between*
the States be found to have been illegitimate, then that might be sufficient grounds for abolishing this form of government, as the Declaration of Independence so provides, for it wouldn’t be difficult to prove the long train of abuses and usurpations emanating from this severe violation of the Constitution.

As you can no doubt tell, the gravity surrounding the ratification of the TONA is not without its critics and detractors. Ironically, such opponents will cite Alfred Adask’s statements that David Dodge and Thomas Dunn could not find any evidence that Virginia ratified the TONA, even though Brian March came in noticeably later, and worked with both Dodge and Dunn, eventually uncovering the 1819 publication by Thomas Ritchie of The Revised Code of the Laws of Virginia, which contained the TONA. Remember, Adams’ report was in 1818, so considering that the Virginia Secretary of State hadn’t replied back to Adam’s circular letter, it makes sense there was not a response by February 1818, because Virginia was compiling a publication of its own laws at the time, which wasn’t completed until over a year later in March 1819.

Brian March’s collection of correspondence also includes summarized commentary, which as of 1995, provides a thorough grounding in the TONA for the uninitiated, especially in terms of showing the government’s silly responses. For instance, congresscritter George Mitchell argued that the TONA did not meet the ratification threshold within a supposed time limit; remember, there is no time limit enumerated under Article V, nor did Congress impose a time limit on the 27th Amendment, which was proposed in 1789 and presumably ratified in 1992. Another ridiculous argument offered by an employee at the National Archives, Michael Kurtz, as well as by a legislative attorney at the Library of Congress, Jack Maskell, was when both of them said that any publications of state compilations of their own laws were in error. The Chief of the Civil Reference Branch at the National Archives, Milton Gustafson, oh-so-conveniently ignored the correspondence of the Secretary of State when researching for documentation on the TONA, but somehow a bunch of “amateurs” were able to find it all on their own lonesome.

A few years after Brian March produced a compilation of his research about his investigation of the TONA, a law clerk to the justices of the Superior Court of Massachusetts, Jol Silversmith, published in the Southern California Interdisciplinary Law Journal an article entitled, The “Missing Thirteenth Amendment:” Constitutional Nonsense and Titles of Nobility. Although it is the most concentrated assortment of the staunch anti-TONA ratification position, Silversmith discredits his otherwise marginally reasonable arguments when he seriously asserts that those who argue that the TONA was sufficiently ratified are somehow “extremists” and prone to violence, with absolutely no empirical evidence to verify this claim whatsoever. Silversmith’s stubborn defense of the ABA is nothing short of embarrassing when he portrays it as if his opponents are “attacking” the very notion of civil liberties!

Silversmith’s other arguments might sound marginally plausible, prima facie, but it only generates more questions. For instance, Silversmith claims there was “frequent confusion” in the late 18th and early 19th centuries as to whether congressionally proposed amendments had been sufficiently ratified; if true, though, wouldn’t that also beg the question as to whether there was also similarly “frequent confusion” regarding the legitimacy of constitutional amendments ratified during the late 19th century, especially the Reconstruction Amendments that were rammed through the former Confederate states? Regarding whether “honorific titles” violate the Titles of Nobility or Contract Clauses, just try not addressing any judge as “Your Honor” during litigation and see what happens. Any “nobility” may not be in the letter of the law, but it certainty is indicative of the spirit of the law, especially when you consider how licensed ABA attorneys portray themselves, particularly with regards to legalese and their monopoly on the “practice of law.” Similarly, Silversmith uses federal case precedent in Frederick v. Clark (1984), Hilgefähr v. People’s Bank (1986), and Woodson v. Davis (1989) to demonstrate that being a lawyer, or an officer of the court, is not evidence of a title of nobility. What is convenient for Silversmith is that he totally neglects whether such a status is indicative of holding privileges, emoluments, honors, or anything else prohibited by either the two aforementioned constitutional clauses, or the TONA itself.
Perhaps the most interesting pseudo-argument from Silversmith is his throbbing hard-on for licensure. As he says:

“Lawyers are licensed to practice law by state bar associations under the control of the state Supreme Court and legislature. This type of regulation falls under the police powers of the states; all professions such as lawyers, doctors, barbers, as well as cosmetologists can be regulated by state authorities. By extremist “logic,” doctors, barbers, etc. therefore would be subject to exclusion from office under the amendment.”

Echoing Silverglate, Silversmith appears to think that government “regulation” magically prevents incompetency and corruption. Of course, Silversmith neglects to mention any case law about how a monopolistic license to “practice law” is somehow not an honor, especially if you also consider that lawyers are usually hired for-profit (and less commonly by way of government taxation for their duties as public defenders). Also, by comparing ABA lawyers with occupations that are actually hinged upon productivity, Silversmith obfuscates the “honor” lawyers enjoy here, for you must ask, *WHO* writes these “regulations” in the first place? Oh, wait, that’s right…*lawyers* do!

Fast-forward 6 years to a case heard in the United States District Court of Arizona, *Campion v. Towns* [No. CV-04-1516 PHX ROS], where Christopher Campion unsuccessfully argued that the IRS’s property seizure against him was invalid. As Judge Silver said in her first footnote on page 2 of the decision:

“Additionally, the Court will correct any misunderstanding Plaintiff has concerning the text of the Thirteenth Amendment to the United States Constitution. In his Complaint, Plaintiff includes a certified copy of the Thirteenth Amendment from the Colorado State Archives, which was published in 1861. As included in that compilation, the Thirteenth Amendment would strip an individual of United States citizenship if they accept any title of nobility or honor. However, this is not the Thirteenth Amendment. The correct Thirteenth Amendment prohibits slavery. Although some people claim that state publication of the erroneous Thirteenth Amendment makes it valid, Article V of the Constitution does not so provide.”

Interestingly, the only legal citation that Silver used to justify her ruling on this point was none other than Silversmith’s 1999 article. Remember, judges can only rule on what is immediately before them, so what happened here was that Campion not only argued his case incorrectly, but that he limited himself to a single document from Colorado’s archives (when there are well over 50 that have been found, which were published between 1819 and 1873), which is immaterial anyway with regard to the TONA because Colorado did not enter the Union until 1876. Unfortunately, when someone goes in to litigate a case half-cocked, the result is typically that an unjust case precedent gets established.

Skip ahead to last year where the New Hampshire legislature introduced *HB 638*, which if it had passed, would have been their formal recognition of the ratification of the TONA. During an executive session to
discuss the bill, District 17 (Manchester Ward 10) Representative Timothy Smith referred to the *Campion v. Towns* case as the judicial precedent for why HB 638 should die a quick death. Smith went on to admit that he had other cases, yet none of them explained why the judges ruled the way they did, except for Silver’s footnote, which itself is based upon Silversmith’s article. Now tell me that what you write doesn’t have consequences.

If you can’t shake the uncomfortable thought that TONA detractors are deliberately ignoring key pieces of evidence here, you might just be right. Not once did Silversmith address Brian March’s documents. Did March find evidence that Silversmith oh-so-conveniently neglected to mention? What levels of deception, inveiglement, and obfuscation was Silversmith willing to sink to in order to get his article published in a law journal?

Is the mystery surrounding the ratification of the TONA just an Article V procedural glitch the Framers had failed to foresee, or is there a monstrous conspiracy at work here disguised as a procedural glitch? Consider for a moment the ratification of the 27th Amendment. In 1789, it was proposed by the Congress as a constitutional amendment; 103 years later, it was ratified by 41 states by 1992 (thereby more than satisfying the 38 state ratification threshold). Now, at the time of its congressional proposal, there were only the original 13 states in the Union. Remember, according to the strict view of eligibility, only those states who were already members of the Union at the time of a congressionally proposed amendment were eligible to vote on its ratification, which would mean that if the ratification threshold would be just 10 of those states. What is rather odd here surrounding the ratification of the 27th Amendment is the fact that just as the ratification threshold was about to be reached, more states joined the Union, and then the threshold was presumed to be “bumped up,” as it were, thereby being indicative of the broad view of eligibility instead.

Ponder that for a moment...for ~ 100 years, no state legislature tried ratifying the 27th Amendment, and then all of a sudden, the amendment is officially declared ratified by the federal government on May 7th of 1992, which, interestingly enough, was exactly the same date that New Jersey and Michigan both ratified the amendment; yet, the government only acknowledged Michigan as the decisive ratifying vote, but, according to the strict view of eligibility, New Jersey would instead be considered as the deciding ratification. How is that even possible? Michigan did not join the Union until 1837, whereas New Jersey was one of the original thirteen colonies, and more importantly, was an eligible state, under Article V, to vote on the ratification of the amendment in question. Might the federal government be intentionally deceptive here, or is it just criminally negligent and usurpingly incompetent when it comes to recognizing the ratification of its own constitutional amendments?

What we are dealing with here regarding the TONA is a “ships passing in the night” problem, whereby two separate types of events are occurring simultaneously, namely, ratification of constitutional amendments and the admission of new states to the federal union. The broad view of eligibility perceives these events as inextricably interrelated, whereas the strict view of eligibility sees them as mutually exclusive. Only the strict view, I believe, is substantiated by the documented evidence already presented, such as:

- United States Secretary of State John Quincy Adams’ 1818 report to Congress
- Louisiana Secretary of State Fox McKiethen’s 1994 letter
- Illinois legislative archivist F. Kimball Efird’s 1994 letter
- Missouri librarian Victor Bailey’s 1994 letter
- Indiana archivist Steven Towne’s 1994 letter
Douglass and Maguire’s 1831 publication of *The Revised Laws of Indiana*

Thomas Ritchie’s 1819 publication of *The Revised Code of the Laws of Virginia*

I’m sure it’s only dumb luck that the resurgence of the 27th Amendment’s ratification just so happened to coincide with Dodge, Dunn, and March visiting the several government archives in the 1980s and early ‘90s. So, I ask the detractors and those critical about the ratification of the TONA to present what documentation they have validating the ratification of the 27th Amendment. By their own arbitrary standard of proof they have used against the TONA, they cannot use the publications of a state’s own laws to show the appearance of the 27th Amendment, but surely there are enough bureaucratic paper-pushers who left a record of their own correspondence proving the ratification of that amendment.

More important than that challenge, is just what is to be considered as the standard of proof here. Granted, although the burden of proof lays squarely upon the shoulders of those who claim the government satisfactorily ratified the TONA, what I don’t understand is why the TONA’s detractors repeatedly insist that published state compilations of their own laws are considered insufficient evidence of ratification. Weirdly enough, those same detractors hold up Adams’ report as being somehow more legitimate than *The Revised Code of the Laws of Virginia*; if they are correct, they’d be tacitly admitting that an entire compilation of a government’s own laws pales in comparison to a bureaucrat’s stationary. Welcome to the Administrative Agency mindset.

In the final analysis, though, what the documentation cited here tells us is that the TONA was indeed ratified, which would mean that by practice, the strict view of eligibility regarding the state legislatures is correct under Article V, absent any evidence to the contrary. Yet, this still doesn’t quite explain why the 13th Amendment is still considered to be the prohibition against slavery, or more generally, why the subsequent constitutional amendments are all off by one number. Hence, it could be said, quite accurately, that the original 13th Amendment regarding titles of nobility, has inexplicably disappeared, at least ever since the War Between the States; this is why the TONA is also referred to as the “missing 13th” Amendment.

Brian March’s *A Compilation of Documents and Papers Relating to the Ratification of the Titles of Nobility Amendment, Article XIII to the Constitution of the United States of America* provides groundbreaking original research about the ignored “Missing 13th” Amendment. Despite the fact that we are left with more questions than answers, this we do know; whether the TONA was objectively ratified or not does not make that much of a difference. If it was not, then it demonstrates a procedural weakness unforeseen by the Framers; however, if it was indeed ratified by Virginia’s critical vote, then what we are facing is a provably monstrous conspiracy, much like the Federal Reserve and the 16th Amendment, that seeks to place an unaccountable private group of men above the law, using the government as their preferred weapon against the citizenry. Either way, this 200 year-old mystery about the TONA’s ratification demonstrates the severity of unintended consequences.