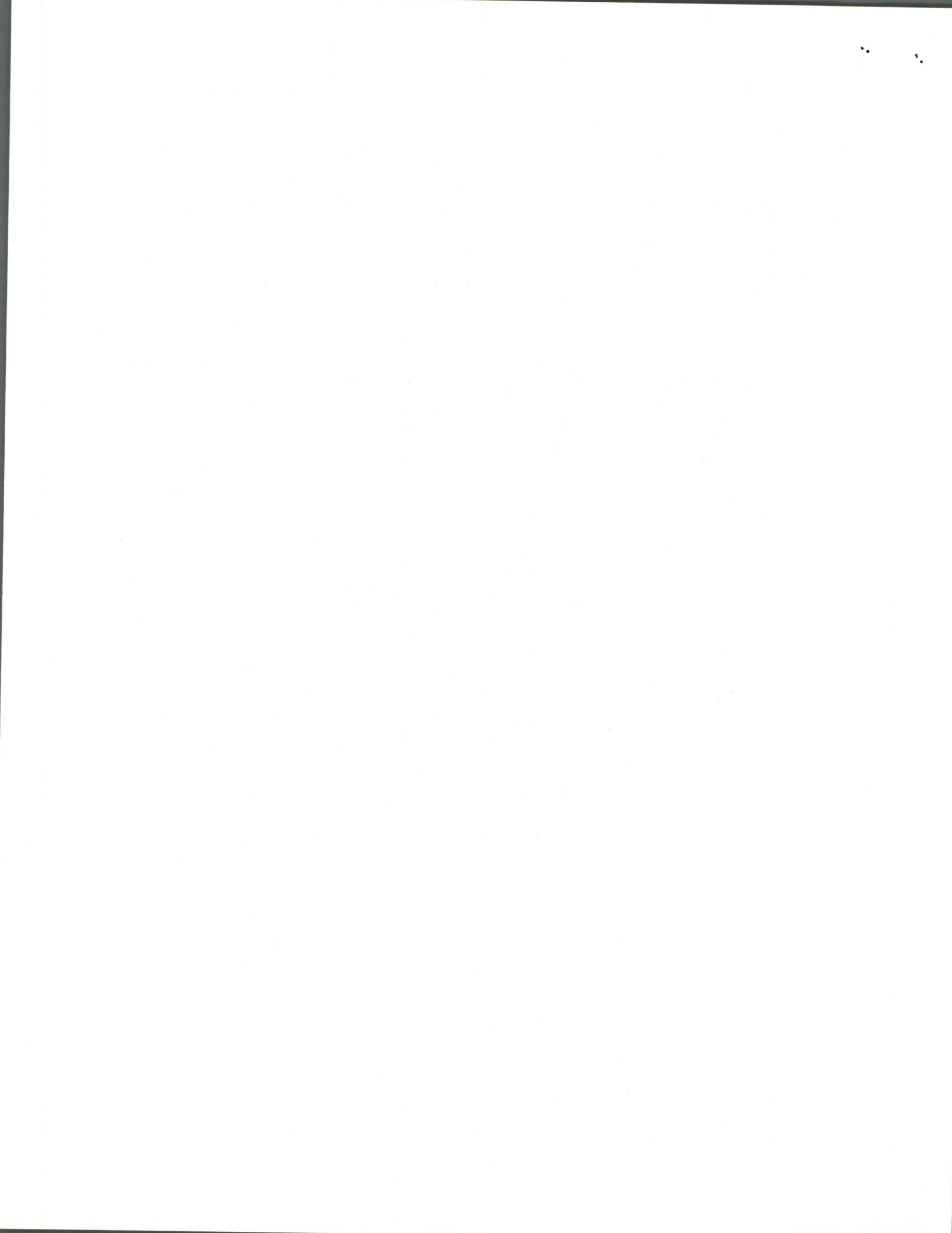


ADDRESS BEFORE THE KIT KAT CLUB OF COLUMBUS  
JANUARY 17, 1978.

ON MARCH 1, 1978, JUSTICES OF THE SUPREME COURT OF OHIO WILL JOIN THE MEMBERS OF THE OHIO GENERAL ASSEMBLY, THE GOVERNOR AND HIS CABINET, IN A JOURNEY TO CHILlicothe, THE FIRST CAPITAL OF OHIO, TO PARTICIPATE WITH THE LOCAL CITIZENS IN A CELEBRATION OF THE 175TH ANNIVERSARY OF OHIO BECOMING A STATE. THE GENERAL ASSEMBLY WILL HOLD A REGULAR SESSION. THE GOVERNOR WILL SIGN A BILL DULY PASSED BY THE LEGISLATURE. THE SUPREME COURT WILL HEAR ORAL ARGUMENTS IN TWO CASES.

THESE PLANS LED ME TO DECIDE TO SPEAK TONIGHT UPON THE TOPIC "CENTESIMUS SEPTUAGESIMUS QUINTUS" -- WHICH MEANS 175TH. DR. FU, THE LIBRARIAN OF THE OHIO SUPREME COURT, FORMULATED THIS LATIN TITLE AND IT WAS CONFIRMED BY PROFESSOR OF THE CLASSICS DEPARTMENT OF OHIO STATE UNIVERSITY. AFTER I ANNOUNCED THE TOPIC TO OUR ILLUSTRIOUS SECRETARY AND HE COMMUNICATED IT TO THE MEMBERSHIP, MY RESEARCH CAUSED ME TO DISCOVER THAT ON THE EVENING OF NOVEMBER 25, 1924, JAMES CAMPBELL, A FORMER GOVERNOR OF OHIO, SPOKE TO THE KIT KAT CLUB OF COLUMBUS, OHIO, AT THE CHITTENDEN HOTEL, ON THE SUBJECT "HOW AND WHEN OHIO BECAME A STATE." I SUSPECT THAT FEW OF YOU WERE PRESENT AT KIT KAT IN NOVEMBER 1924. JIMMIE CAMPBELL, A MEMBER OF KIT KAT AND PRESIDENT OF THE OHIO HISTORICAL SOCIETY AT THE TIME, DEFEATED JOSEPH B. "FIGHTING JOE" FORAKER IN 1889 FOR GOVERNOR. CAMPBELL DUBBED FORAKER "FIRE ALARM FORAKER" AND RODE TO VICTORY WITH THE CAMPAIGN SONG "THE CAMPBELLS



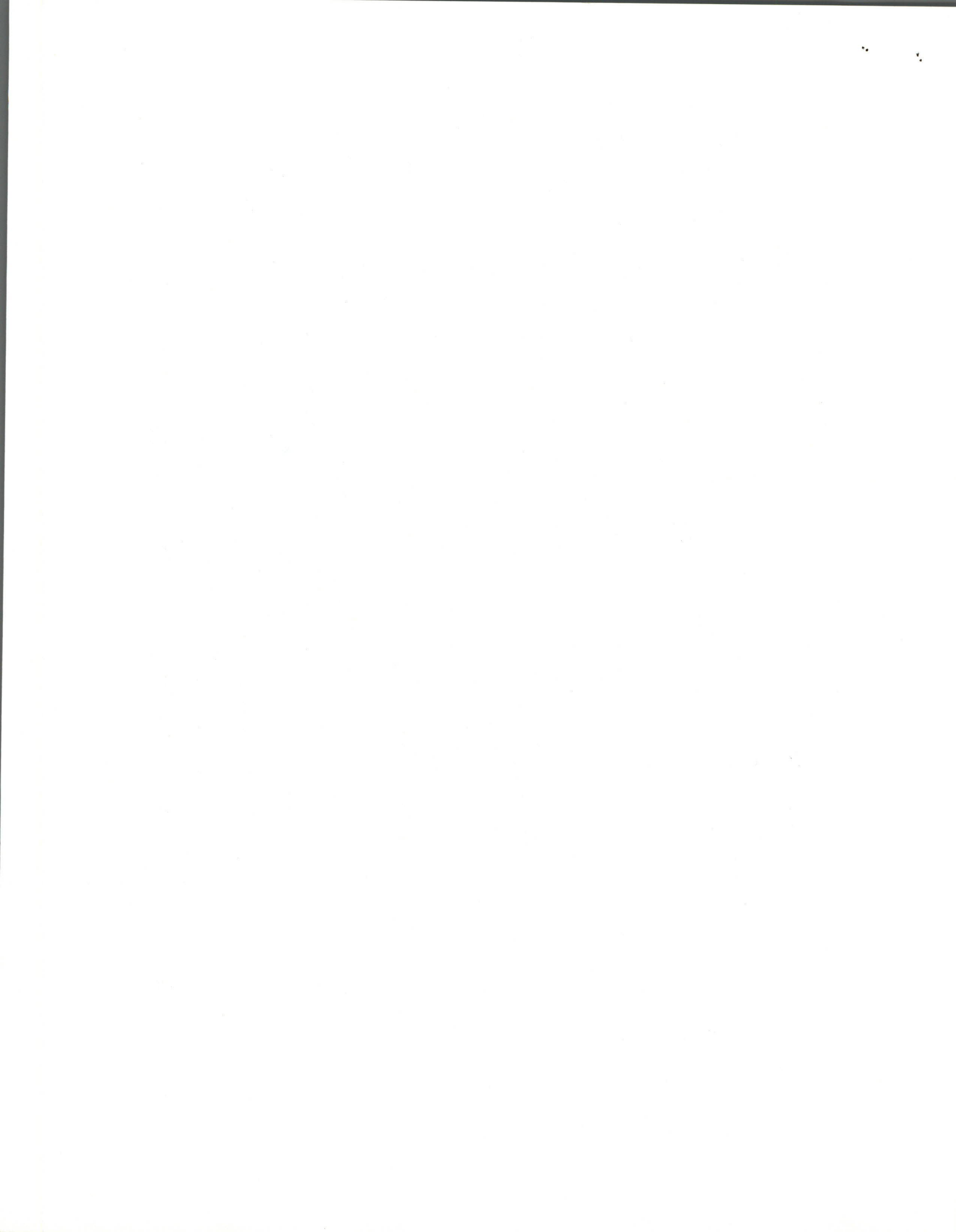
ARE COMING." BORN IN 1843, "JIMMIE" WAS A REPUBLICAN UNTIL 1872 WHEN HE BECAME AND REMAINED A LIFELONG STAUNCH DEMOCRAT. HE WAS DEFEATED FOR RE-ELECTION AS GOVERNOR IN 1891 BY WILLIAM MCKINLEY, AND DEFEATED AGAIN FOR THAT OFFICE IN 1895 BY ASA BUSHNELL.

OF CAMPBELL'S PRESENTATION AS A MEMBER OF THE KIT KAT CLUB, ARTHUR C. JOHNSON, WHOM MANY OF YOU KNEW, WROTE IN THE FOREWORD TO THAT PAPER WHEN IT WAS PUBLISHED:

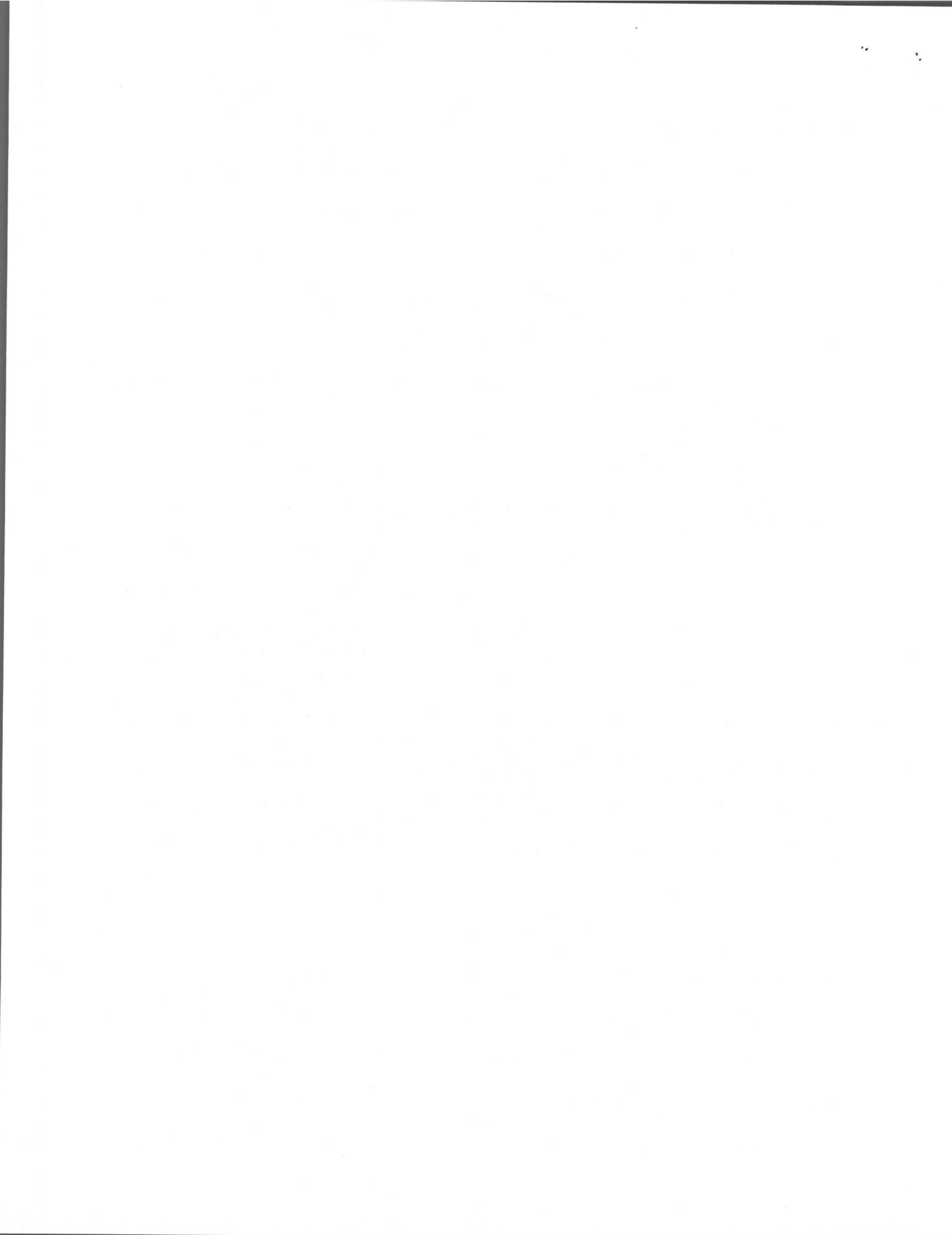
"WHEN OUR BELOVED GOVERNOR CAMPBELL READ THE PAPER CONTAINED IN THIS BOOKLET, BEFORE THE KIT KAT CLUB ON THE EVENING OF NOVEMBER 25, 1924, AT THE CHITTENDEN HOTEL, IT WAS RECEIVED WITH THAT PARTICULAR ENTHUSIASM WHICH BETOKENED AT ONCE THE AFFECTION OF HIS AUDIENCE FOR HIM, AND A KEEN APPRECIATION OF THE FINE CHARACTER OF HIS AUTHORSHIP.

"HIS FRIENDS, THAT EVENING, REALIZED FOR THE FIRST TIME THAT HIS MORE THAN FOUR SCORE YEARS WERE A RAPIDLY GROWING BURDEN, AND THAT HIS PUBLIC APPEARANCES PROBABLY HAD BEEN NUMBERED. AND SO IT PROVED. BUT ONCE AFTER HE READ THIS PAPER DID HIS PRESENCE GRACE A SOCIAL GATHERING. BUT A FEW DAYS ELAPSED UNTIL 'OHIO'S GRAND OLD MAN' PASSED INTO THE BEYOND."

IN LIGHT OF THE PRESENT PUBLIC CONTROVERSIES IN COLUMBUS, I THOUGHT PERHAPS YOU MIGHT BE INTERESTED IN THE CANDOR WITH WHICH A DEMOCRAT, FORMER OHIO GOVERNOR, KIT KAT MEMBER, SPOKE TO HIS FELLOW KIT KATERS ABOUT ETHNICS, BLACKS, WOMEN'S RIGHTS AND THE EARLY CONSTITUTIONAL POWERS OF THE GOVERNORS OF OHIO.

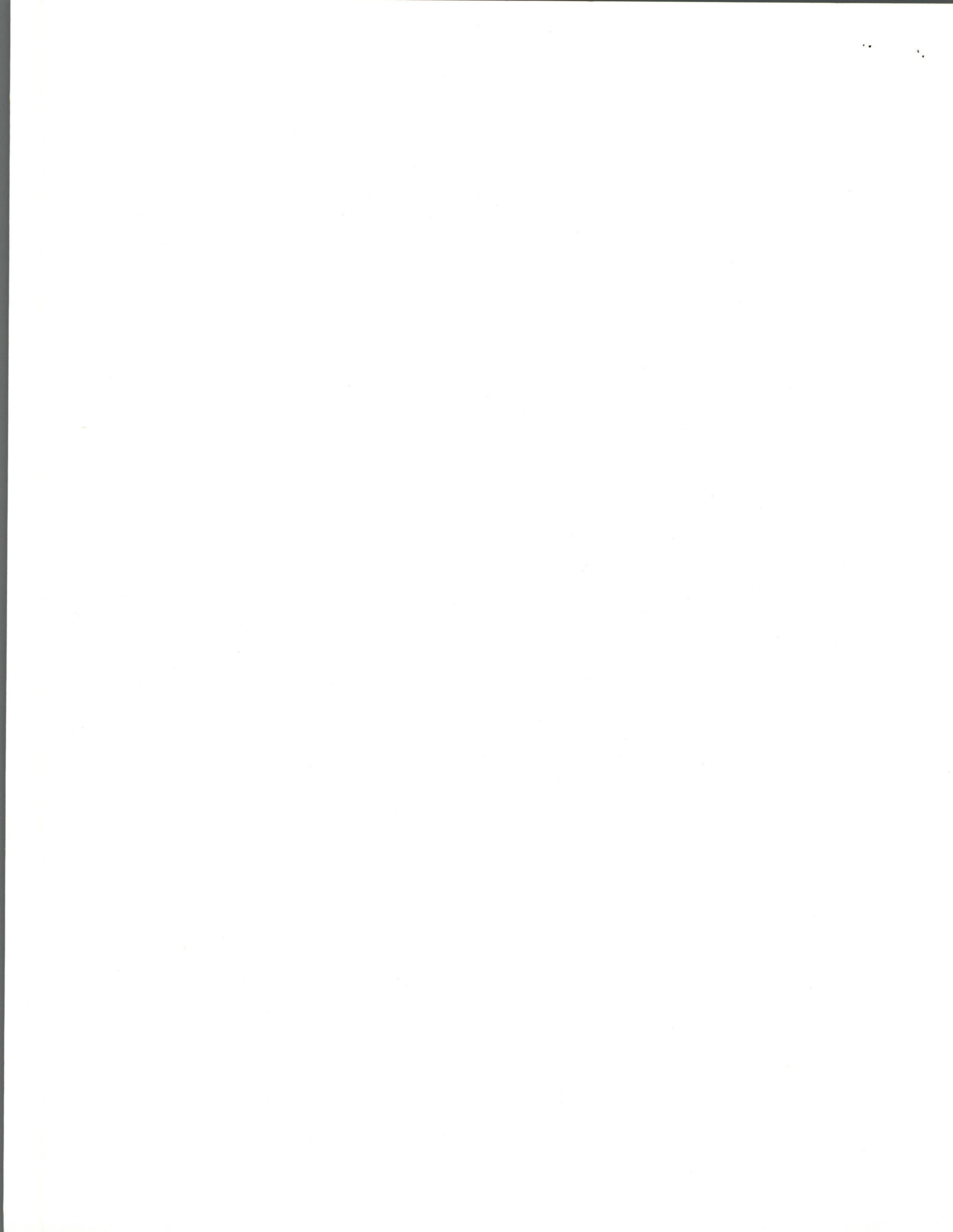


"THE PEOPLE WERE NEVER PERMITTED TO RATIFY OR REJECT THE CONSTITUTION. IN FACT THE CONVENTION DECIDED, BY A VOTE OF TWENTY-SEVEN TO SEVEN, TO DENY THEM THAT PRIVILEGE. I CAN IMAGINE WHAT THE PEOPLE WOULD DO IF A CONSTITUTIONAL CONVENTION TODAY SHOULD IGNORE THEM IN THAT CONTEMPTUOUS MANNER. SO, LOOKING BACK ONE HUNDRED YEARS, WE MUST SAY TO OURSELVES THAT WE HAVE DONE A GREAT DEAL IN THE DIRECTION OF THE 'REIGN OF THE COMMON PEOPLE.' SOMETIMES I WONDER IF WE HAVE NOT GONE A LITTLE TOO FAR IN THAT DIRECTION WHEN I THINK OF THE HORDES OF IGNORANT AND UNASSIMILATED EMIGRANTS FROM EASTERN AND SOUTHERN EUROPE UPON WHOM WE HAVE CONFERRED SUFFRAGE, AND THE ENORMOUS ELECTORATE CREATED OUT OF WOMEN AND NEGROES. I CONFESS TO HAVE VOTED, IN EIGHTEEN HUNDRED AND SIXTY-SEVEN, TO CONFER SUFFRAGE UPON THE NEGROES WHO, HOWEVER, DID NOT ACHIEVE IT UNTIL THE AMENDMENT TO THE FEDERAL CONSTITUTION ABOUT TWO YEARS LATER. IT CANNOT BE DENIED THAT THEREBY THE AVERAGE INTELLIGENCE OF THE ELECTORATE WAS LOWERED. IT MAY BE THAT, LIKE ALL OTHER PEOPLE, I HAVE UNCONSCIOUS PREJUDICES AND WOULD HAVE A HIGHER OPINION OF THE COLORED VOTER IF, WHEN HE DEPOSITED HIS BALLOT, HE OCCASIONALLY EXHIBITED A LITTLE MORE DISCRIMINATION IN HIS POLITICAL AFFILIATIONS. I ALSO VOTED TWICE FOR WOMAN SUFFRAGE BUT, SOMETIMES, I HAVE DOUBTS WHETHER THE DEAR THINGS, MUCH AS WE LOVE THEM, ARE NOT A TRIFLE TOO TEMPERAMENTAL TO BE TRUSTED WITH THE GOVERNMENT OF ANYBODY EXCEPT THEIR OWN HUSBANDS, CHILDREN AND SWEETHEARTS -- ALL OF WHOM OUGHT TO BE DELIGHTED FOR AN OPPORTUNITY TO SUBMIT TO SUCH GENTLE AND AFFECTIONATE AUTHORITY. ALSO I AM



NOT ENAMORED WITH THE DIRECT PRIMARY WHEREBY AN ELECTOR WHO CAN GET HOLD OF TWENTY-FIVE DOLLARS IS LIABLE TO BECOME GOVERNOR, UNITED STATES SENATOR OR CHIEF JUSTICE OF THE SUPREME COURT; AND I PARTICULARLY DETEST THE MISNAMED NON-PARTISAN JUDICIARY LAW BY WHICH A JUDGE WHO, BEFORE ITS ENACTMENT, WAS USUALLY A DIGNIFIED GENTLEMAN WHO KEPT HIS ERMINE UNSULLIED, IS NOW COMPELLED TO GET DOWN IN THE GUTTER OF DIRTY POLITICS AND BUTTONHOLE VOTERS LIKE A CANDIDATE FOR CONSTABLE.

"ONE OF THE MOST REMARKABLE ACTIONS OF THE CONVENTION WAS THE DENIAL OF THE VETO POWER TO THE GOVERNOR. THIS IS AN ANOMALY UNDER OUR POLITICAL SYSTEM AND NOBODY PRETENDS NOW TO UPHOLD IT. THIS WAS CORRECTED A HUNDRED YEARS LATER. YOU MUST NOT INFER FROM THIS THAT THESE EXCEPTIONALLY ABLE MEN DID NOT UNDERSTAND THE CHECKS AND BALANCES WHICH SHOULD EXIST IN A REPUBLICAN GOVERNMENT; BUT THEY WERE SO COMPLETELY BLINDED BY THE BITTER PERSONAL ANIMOSITIES GROWING OUT OF THEIR LONG QUARREL WITH ST. CLAIR, AND SO EXASPERATED BY HIS FLAGRANT ABUSE OF THE VETO POWER, THAT THEY WERE DETERMINED NO OTHER GOVERNOR SHOULD HAVE A CHANCE TO BECOME SUCH A TYRANT. THE GOVERNOR WAS EMPOWERED TO FILL VACANCIES IN STATE AND JUDICIAL OFFICES BUT ONLY UNTIL THE NEXT MEETING OF THE GENERAL ASSEMBLY. THE CONVENTION ALSO HAD AN EXAGGERATED IDEA OF THE POWERS AND DUTIES OF THE GENERAL ASSEMBLY. THEY GAVE IT THE EXCLUSIVE RIGHT TO APPOINT ALL STATE OFFICES, EXCEPT GOVERNOR, AND ALL THE JUDGES OF ALL THE COURTS. THUS THE GOVERNOR, DEPRIVED OF THE VETO POWER AND PRACTICALLY OF THE APPOINTING POWER, WAS A MERE FIGUREHEAD. THIS WAS THE BASIS





OF ONE OF TOM CORWIN'S MOST FAMOUS WITTICISMS. WHILE IN OFFICE AS A WHIG GOVERNOR, HE WAS ASKED WHAT WERE HIS OFFICIAL DUTIES TO WHICH HE REPLIED, 'THEY ARE CONFINED TO THE APPOINTMENT OF NOTARIES AND PARDONING OF DEMOCRATS.' BEING A GREAT ADMIRER OF CORWIN, I TRIED, WHEN I OCCUPIED THAT OFFICE, TO REPAY HIS COURTESY BY PARDONING A FEW REPUBLICANS."

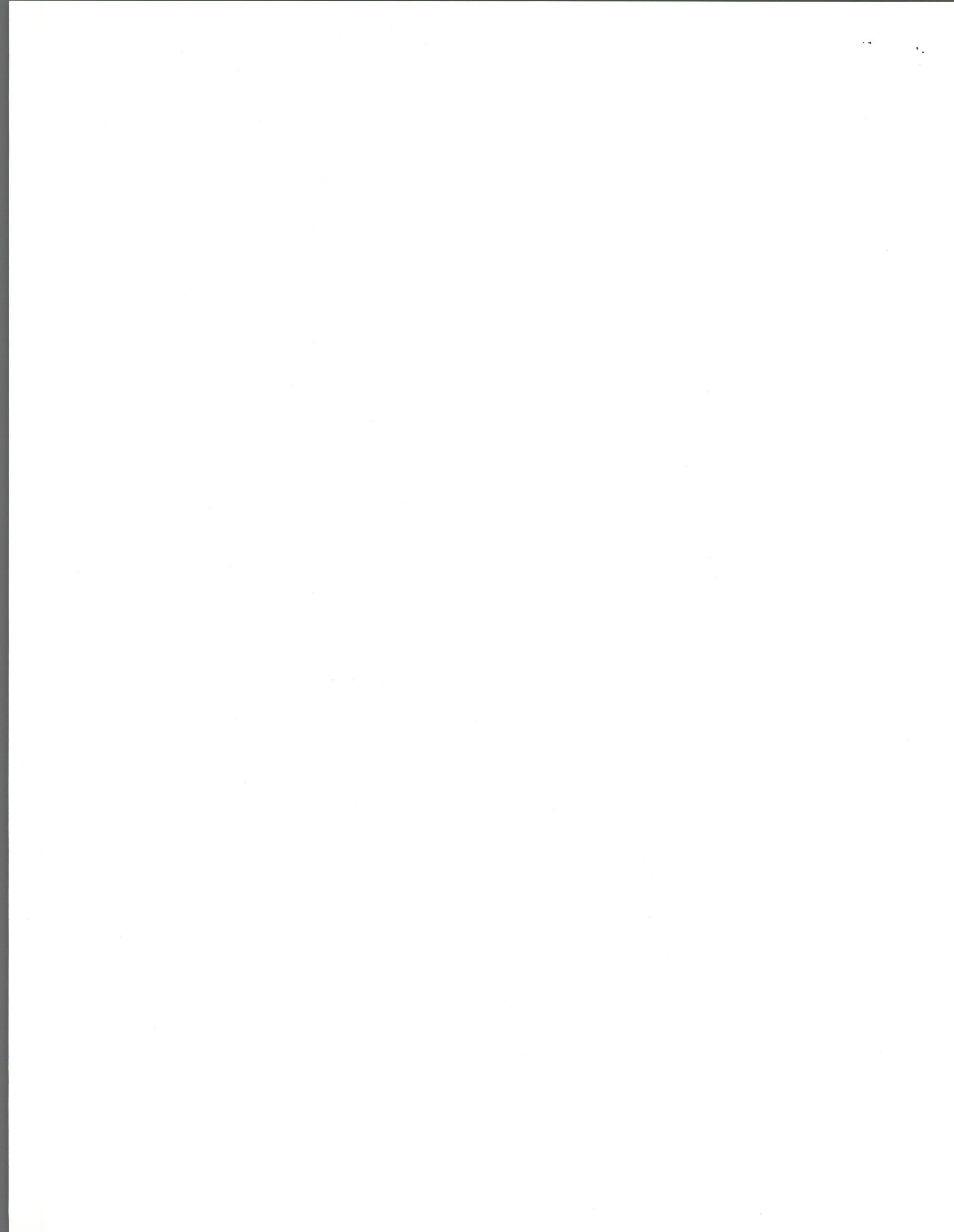
I SHOULD NOTE THAT CAMPBELL WAS KNOWN AS A LIBERAL DEMOCRAT. SINCE MY RESEARCH DOOMED MY CHOSEN TOPIC, I DECIDED TO DISCUSS "THE ORDINANCE OF 1787."

I HAVE LONG BEEN FASCINATED BY THE HISTORY OF THE OHIO COUNTRY PROBABLY DUE IN PART TO MY ATTACHMENT TO MARIETTA, THE FIRST PERMANENT SETTLEMENT IN THE NORTHWEST, BECAUSE OF MY BIRTH AND EDUCATION THERE, AND MY SERVICE TO THAT COMMUNITY IN THE GENERAL ASSEMBLY, AND THE PRACTICE OF LAW.

I INTEND TO SPEAK ON THE PROVISIONS AND SIGNIFICANCE OF THE ORDINANCE.

THE OBJECT OF THE ORDINANCE IS FULLY STATED IN ITS TITLE, "AN ORDINANCE FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED STATES NORTHWEST OF THE OHIO RIVER."

IT CONTAINS TWO PRINCIPAL PARTS; THE FIRST DESCRIBES THE ACTUAL SCHEME OF THE GOVERNMENT TO BE ERECTED, WHILE THE SECOND CONTAINS SIX ARTICLES WHICH ARE DECLARED TO BE A "COMPACT" BETWEEN THE PEOPLE OF THE ORIGINAL STATES AND THE PEOPLE OF THE NORTHWEST TERRITORY. AT THAT TIME THE WORD "COMPACT" WAS APPLIED TO THE MOST SOLEMN AGREEMENT KNOWN TO POLITICAL SCIENCE, AND THE SIX

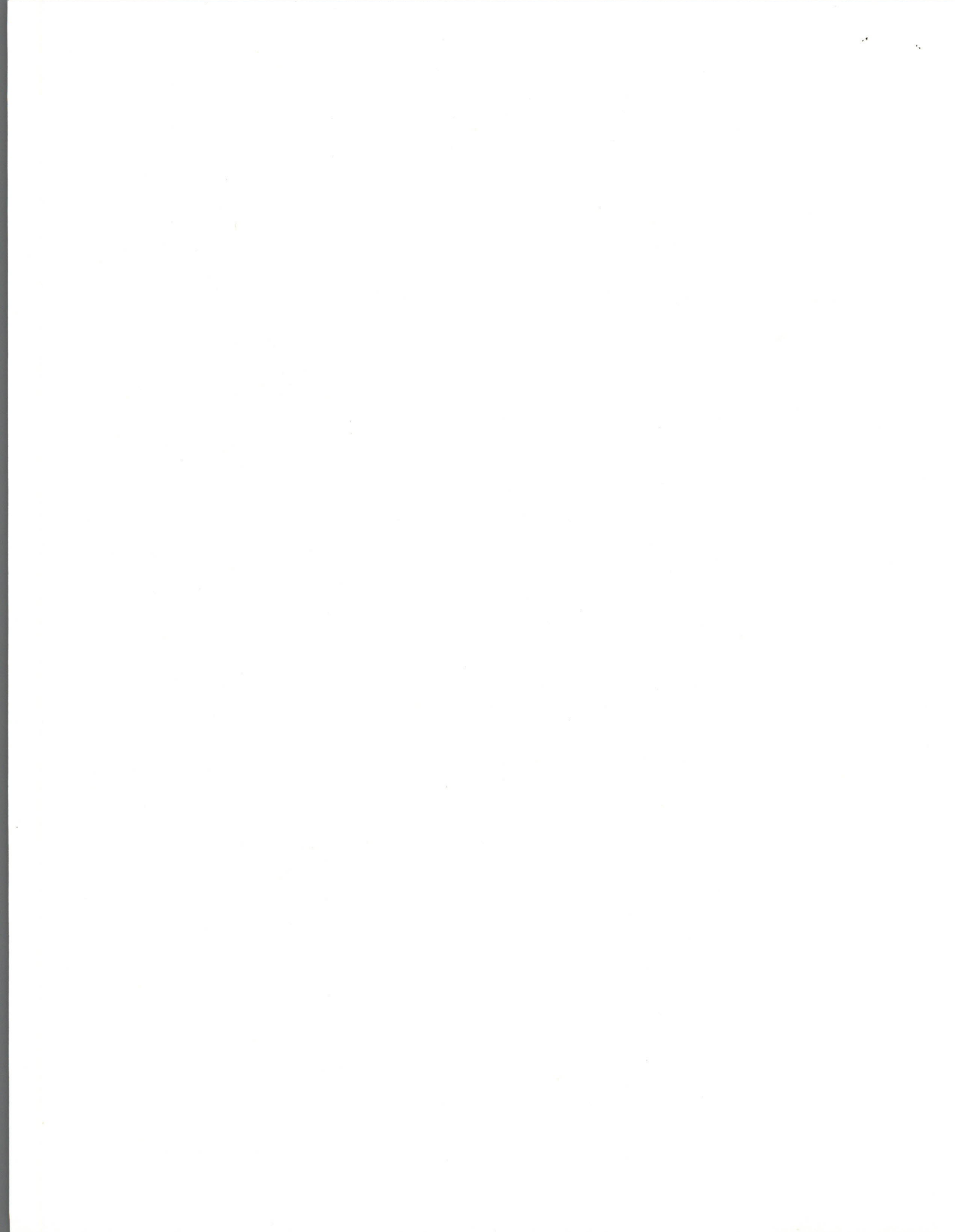


ARTICLES OF THAT "COMPACT" WERE TO "FOREVER REMAIN UNALTERABLE, UNLESS CHANGED BY THE COMMON CONSENT OF THE TWO PARTIES CONCERNED IN IT."

THE THIRTEEN COLONIES, WHICH IN 1776 DECLARED THEIR INDEPENDENCE FROM ENGLAND, ALL LAY EAST OF THE ALLEGHENY MOUNTAINS, WITH THEIR SETTLED PORTIONS EXTENDING BARELY TWO HUNDRED MILES INLAND FROM THE SEASHORE. TODAY, OF COURSE, OUR COUNTRY EXTENDS FROM OCEAN TO OCEAN, A DISTANCE OF THREE THOUSAND MILES. IT WAS THE GOVERNMENTAL CONCEPTION WHICH FIRST FOUND CONCRETE EXPRESSION IN THE ORDINANCE OF 1787 WHICH MADE POSSIBLE THIS VAST WESTWARD EXPANSION OF OUR COUNTRY, AND ITS DEVELOPMENT FROM A UNION OF THIRTEEN SEABOARD STATES INTO A CONTINENT-WIDE NATION OF FORTY-EIGHT.

IT CAME ABOUT THIS WAY: BEFORE THE AMERICAN REVOLUTION, COLONIES WERE UNIVERSALLY REGARDED AS DEPENDENCIES, TO BE GOVERNED BY THE MOTHER COUNTRY FOR THE PROMOTION OF ITS OWN ADVANTAGE. AFTER THE CONQUEST OF CANADA, THE BRITISH MINISTRY DECIDED TO MAINTAIN A STANDING ARMY IN AMERICA, AND SINCE THE COLONIES WERE TO BE PROTECTED BY IT, THE MINISTRY DETERMINED THAT THEY SHOULD BE TAXED TO SUPPORT IT. THE COLONISTS, HOWEVER, REFUSED TO SUBMIT TO SUCH TAXATION, AND AFTER A LONG PERIOD OF ARGUMENT AND DEBATE, MADE GOOD THEIR REFUSAL BY WAGING A SUCCESSFUL WAR AGAINST THEIR KING. THIS SUCCESS MARKED THE DEATH OF THE OLD BRITISH EMPIRE, AND LED DIRECTLY TO ONE OF THE MOST MOMENTOUS POLITICAL DISCOVERIES IN HUMAN HISTORY.

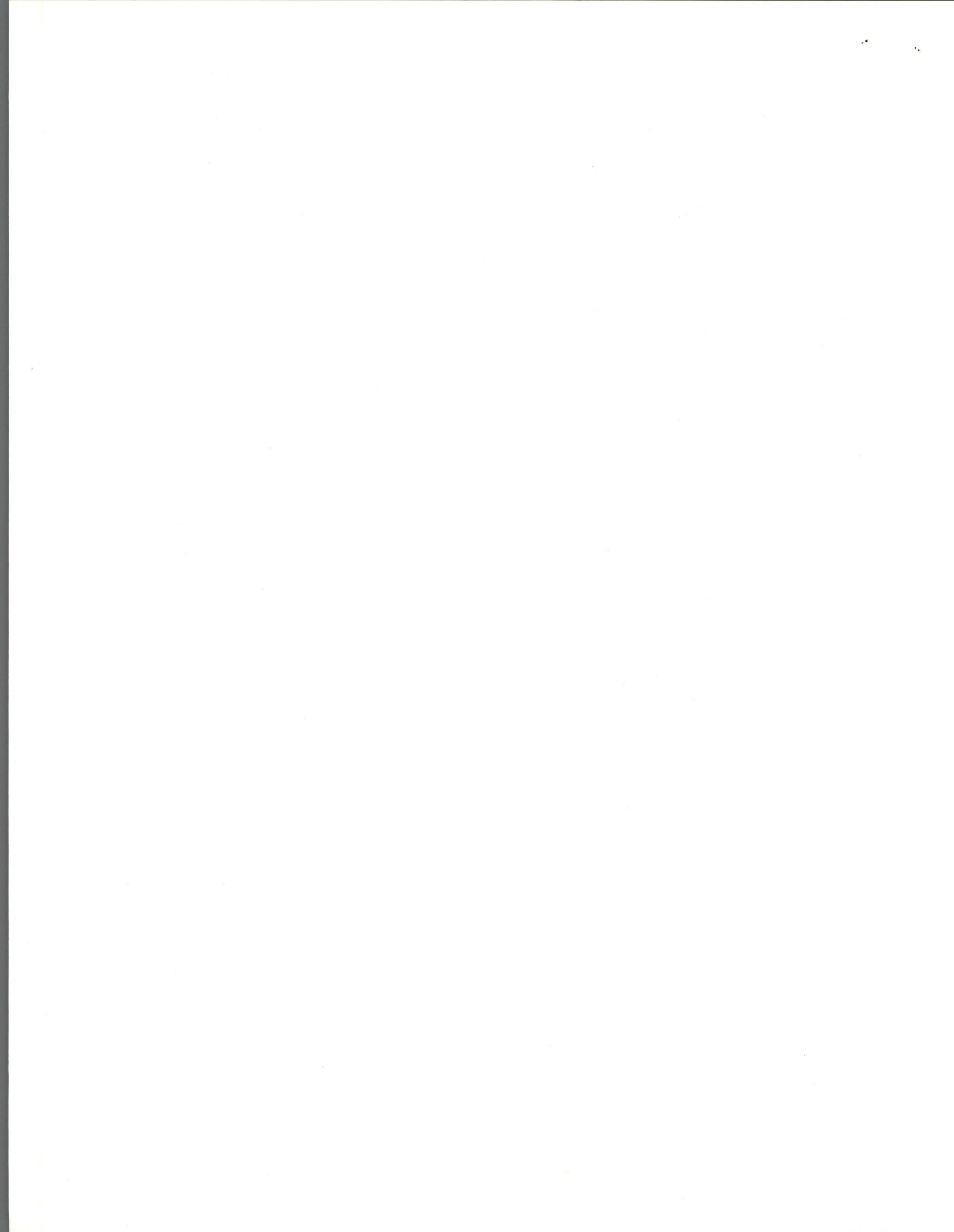
THE COLONISTS HAD REFUSED TO BE TREATED ANY LONGER AS



MERE DEPENDENTS, SUBJECT TO THE CONTROL OF A DISTANT PARLIAMENT, IN WHICH THEY WERE NOT REPRESENTED. BUT EVEN BEFORE INDEPENDENCE HAD BEEN WON, THEY FOUND THEMSELVES FACE TO FACE WITH THE SAME PROBLEM, HOW TO GOVERN A DEPENDENCY, WHICH HAD BAFFLED THE WIT OF THE BRITISH MINISTRY. SOME OF THE COLONIES HAD CLAIMS TO PORTIONS OF LAND WEST OF THE ALLEGHANIES. OTHER COLONIES HAD NONE, AND MARYLAND IN PARTICULAR DEMANDED THAT ALL SHOULD SHARE IN THE OWNERSHIP OF THE WESTERN COUNTRY WHICH HAD BEEN WON BY THE "COMMON BLOOD AND TREASURE" OF ALL THE COLONIES.

THE DEBATE OVER THIS ISSUE WENT ON FOR SEVERAL YEARS IN THE CONTINENTAL CONGRESS, MARYLAND, MEANWHILE, STOUTLY REFUSING TO ACCEPT ANY FEDERAL GOVERNMENT UNTIL HER DEMAND CONCERNING THE WESTERN COUNTRY SHOULD BE MET. OUT OF THE LONG DEBATE WAS GRADUALLY EVOLVED A NEW POLITICAL CONCEPTION FOR THE GOVERNMENT OF DEPENDENCIES. THE STATES HAVING CLAIMS TO LANDS IN THE WESTERN WILDERNESS CEDED THEM TO THE GENERAL GOVERNMENT, TO BE ADMINISTERED FOR THE COMMON BENEFIT OF ALL; AND CONGRESS SOLEMNLY PLEDGED THAT THE COUNTRY THUS GIVEN TO THE NATION SHOULD BE ORGANIZED INTO NEW STATES, WHICH WOULD BE ADMITTED TO THE UNION ON A BASIS OF EQUALITY WITH THE EXISTING STATES.

THIS PROGRAM FOR THE GOVERNMENT OF AMERICA'S OWN COLONIAL DOMAIN ELIMINATED AT A SINGLE STROKE THE GRIEVANCE WHICH HAD DRIVEN THE OLDER COLONIES INTO REBELLION AGAINST THEIR KING AND COUNTRY. FOR THEIR COMPLAINT, AT BOTTOM, WAS THAT THEY WERE REGARDED AS POLITICALLY INFERIOR TO THEIR COUNTRYMEN AT HOME, SUBJECT TO BE



GOVERNED FOREVER BY THE LATTER, WITHOUT REGARD TO THEIR OWN VIEWS OR DESIRES. THE AMERICAN PROGRAM SAID, IN EFFECT, TO THE WESTERN COLONIES: "WHILE YOU ARE FEW IN NUMBERS, STRANGERS TO ONE ANOTHER, AND MENACED BY HOSTILE FORCES OUTSIDE YOURSELVES, THE NATION WILL GOVERN AND PROTECT YOU, AS A PARENT GOVERNS AND PROTECTS HIS CHILD; BUT AS SOON AS YOU REACH A STATE OF MATURITY WHERE YOU CAN DO THESE THINGS FOR YOURSELVES, YOU WILL BE ADMITTED TO THE UNION OF STATES, WITH THE SAME POWERS AND PRIVILEGES THAT ALL THE REST ENJOY."

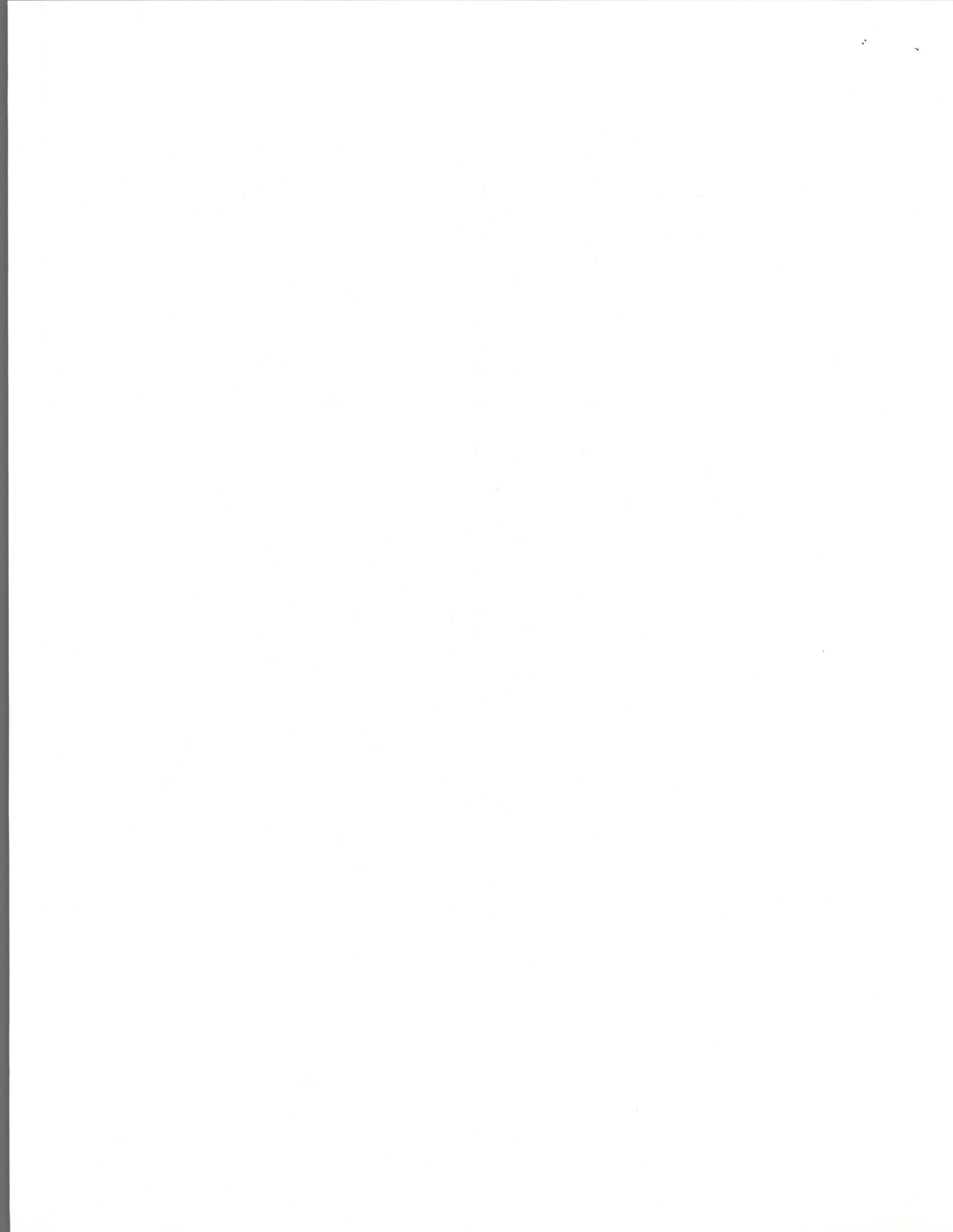
THUS, AND ONLY THUS, COULD THE AMERICAN NATION EVER HAVE BEEN EXTENDED "FROM SEA TO SHINING SEA." THE GREAT POLITICAL DISCOVERY WHICH MADE THIS EXTENSION POSSIBLE WAS HAMMERED OUT IN THE HEAT OF DEBATE OVER THE FORMATION OF OUR FIRST NATIONAL UNION, THE GOVERNMENT OF THE CONFEDERATION, WHICH CAME INTO BEING IN 1781. BUT IT WAS FIRST GIVEN CONCRETE APPLICATION IN THE ORDINANCE OF 1787, WHICH PROVIDED THE FORM OF GOVERNMENT FOR THE TERRITORY NORTHWEST OF THE OHIO RIVER. THIS PRINCIPLE, UNCONFINED BY THE BOUNDARIES OF THE OLD NORTHWEST, EXTENDS TO ALL THE CONTINENTAL EXPANSION OF THE UNITED STATES.

ABRAHAM LINCOLN, IN DISCUSSING THIS ASPECT OF THE ORDINANCE, SAID:

" \* \* \* THAT ORDINANCE WAS CONSTANTLY LOOKED TO WHENEVER A NEW TERRITORY WAS TO BECOME A STATE. CONGRESS ALWAYS TRACED THEIR COURSE BY THE ORDINANCE OF 1787."

FRANKLIN D. ROOSEVELT PUT IT THIS WAY:

" \* \* \* WITH RESPECT TO THAT THIRD GREAT CHARTER -- THE





NORTHWEST ORDINANCE. THE PRINCIPLES THEREIN EMBODIED SERVED AS THE HIGHWAY, BROAD AND SAFE, OVER WHICH Poured THE WESTWARD MARCH OF OUR CIVILIZATION. ON THIS PLAN WAS THE UNITED STATES BUILT."

THE ARTICLES OF THE NORTHWEST ORDINANCE PROVIDED FOR RELIGIOUS FREEDOM, THE BENEFIT OF A WRIT OF HABEAS CORPUS, TRIAL BY JURY, A PROPORTIONATE REPRESENTATION OF THE PEOPLE IN THE LEGISLATURE, JUDICIAL PROCEEDINGS ACCORDING TO THE COURSE OF COMMON LAW, THAT ALL PERSONS SHOULD BE BAILABLE, UNLESS FOR CAPITAL OFFENSES, WHERE THE PROOF SHALL BE EVIDENT OR THE PRESUMPTION GREAT, THAT ALL FINES SHOULD BE MODERATE AND THAT NO CRUEL OR UNUSUAL PUNISHMENT SHOULD BE INFLICTED.

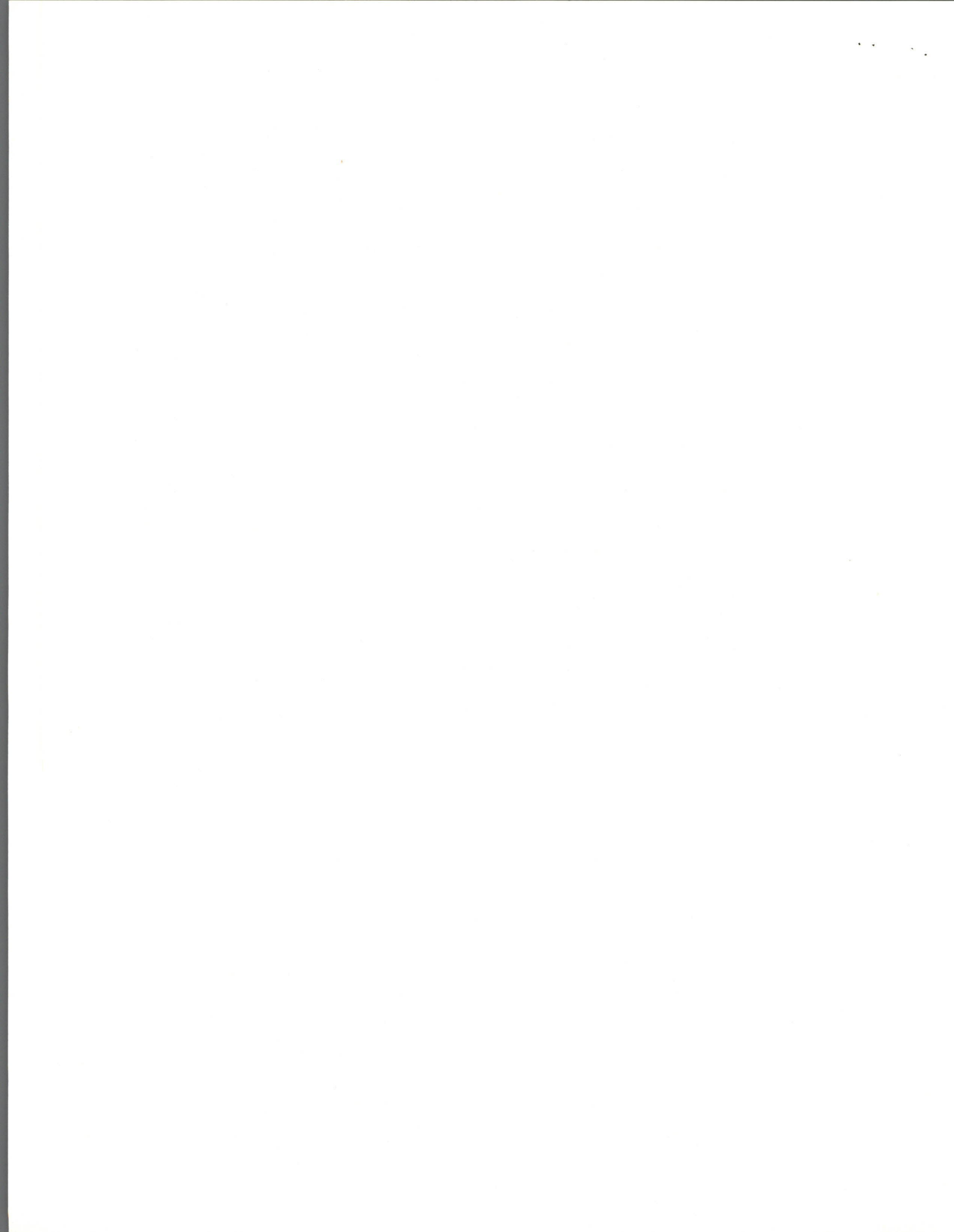
IT SHOULD BE NOTED HERE THAT RE-APPORTIONMENT, WHICH IS SAID TO BE A MAJOR ISSUE IN THE 1978 GENERAL ELECTION, IS A PRINCIPLE WHICH WAS DECLARED IN THE FIRST DOCUMENT SETTING UP THE GOVERNMENT OF THIS TERRITORY AND PROVIDED FOR ITS GEOGRAPHICAL DIVISION AND ORGANIZATION INTO STATES.

IT WAS FURTHER PROVIDED, AS NOTED ABOVE, THAT THESE PRINCIPLES WERE TO REMAIN FOREVER UNALTERABLE UNLESS CHANGED BY THE COMMON CONSENT OF THE PARTIES CONCERNED IN THE COMPACT.

IT SHOULD BE FURTHER POINTED OUT THAT THE PRINCIPLE CONTROLLING BAIL FOR THOSE ACCUSED OF CRIMES WAS ESTABLISHED IN THE ORDINANCE AND THE PRINCIPLE WAS INCORPORATED IN THE CONSTITUTION OF OHIO.

THE CORNERSTONE OF OUR CIVILIZATION IS THE INSTITUTION OF PRIVATE PROPERTY. THE ORDINANCE PROVIDED:

"NO MAN SHALL BE DEPRIVED OF HIS LIBERTY OR PROPERTY, BUT BY



THE JUDGMENT OF HIS PEERS OR THE LAW OF THE LAND; AND, SHOULD THE PUBLIC EXIGENCIES MAKE IT NECESSARY FOR THE COMMON PRESERVATION, TO TAKE ANY PERSON'S PROPERTY, OR TO DEMAND HIS PARTICULAR SERVICES, FULL COMPENSATION SHALL BE MADE FOR THE SAME."

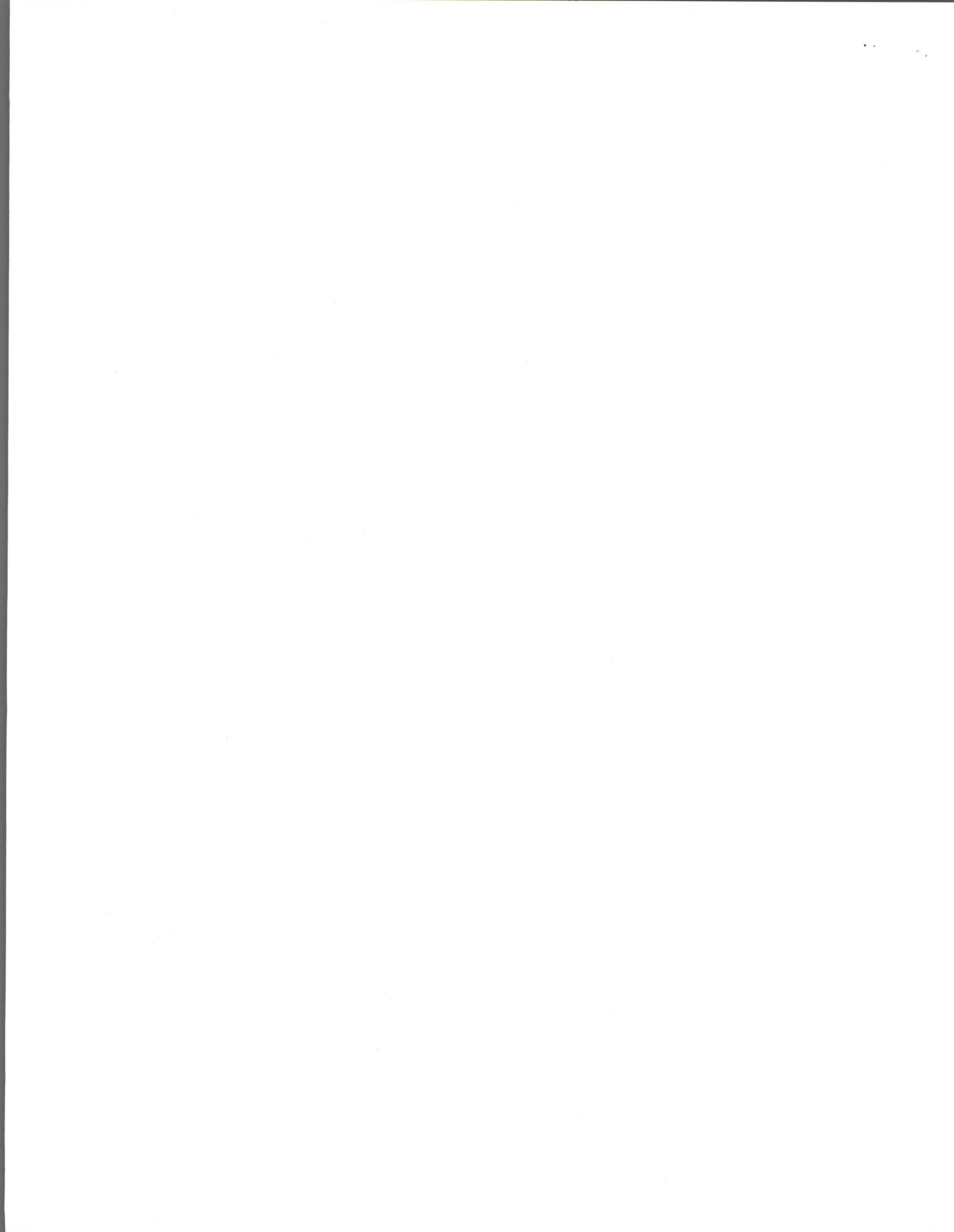
IN 1785 PROVISION WAS MADE BY CONGRESS FOR THE SURVEY OF THE LAND OF THE OLD NORTHWEST AND THE SALE OF PROPERTY TO THE SETTLERS.

FAR IN ADVANCE OF THEIR AGE THE FRAMERS OF THE ORDINANCE WROTE A PROVISION GUARANTEEING THE SANCTITY OF PRIVATE CONTRACTS -- THE FIRST APPEARANCE OF SUCH A GUARANTEE IN ANY CHARTER OF GOVERNMENT. THIS WAS COPIED INTO THE UNITED STATES CONSTITUTION WHERE IT BECAME THE BASIS OF THE VAST DEVELOPMENT OF PRIVATE CORPORATIONS WITH WHICH WE ARE TODAY FAMILIAR.

IN 1819 THE UNITED STATES SUPREME COURT, IN THE FAMOUS DARTMOUTH COLLEGE CASE, CARRIED THIS GUARANTEE TO ITS LOGICAL CONCLUSION BY RULING THAT A CHARTER OR FRANCHISE IN A CONTRACT, WHICH, ONCE GRANTED BY A STATE LEGISLATURE OR OTHER GOVERNING BODY, CANNOT BE WITHDRAWN.

OF TREMENDOUS IMPORT TO OUR SOCIAL SYSTEM TODAY WAS THE ABOLITION OF THE AGE-OLD LAW OF PRIMOGENITURE, THE CONCEPT THAT THE ELDEST SON ALONE SHOULD INHERIT THE REAL ESTATE OF HIS PARENTS. THOMAS JEFFERSON HAD LONG CONTENDED, IN THE VIRGINIA LEGISLATURE, FOR THE ADOPTION OF THIS REFORM, BUT IT REMAINED FOR THE ORDINANCE OF 1787 TO MAKE THE FIRST LEGAL PROVISION WHEREBY CHILDREN SHOULD EQUALLY SHARE IN THE ESTATES OF THEIR PARENTS.

ANOTHER PROVISION, WELL IN ADVANCE OF THE AGE, IS WHAT



I CONSIDER THE MOST NOTABLE AND IMPORTANT SENTENCE IN THE DOCUMENT: "RELIGION, MORALITY, AND KNOWLEDGE, BEING NECESSARY TO GOOD GOVERNMENT AND THE HAPPINESS OF MANKIND, SCHOOLS AND THE MEANS OF EDUCATION SHALL FOREVER BE ENCOURAGED." IN 1787 "SCHOOLS AND THE MEANS OF EDUCATION" FOUND VERY LITTLE ENCOURAGEMENT OVER MOST OF THE FACE OF THE GLOBE. TODAY AMERICA IS DEDICATED TO THE IDEAL OF UNIVERSAL EDUCATION, AND IN FEW PLACES IS MORE LIBERAL ENCOURAGEMENT EXTENDED TO EDUCATION THAN IN THE FIVE STATES OF THE OLD NORTHWEST.

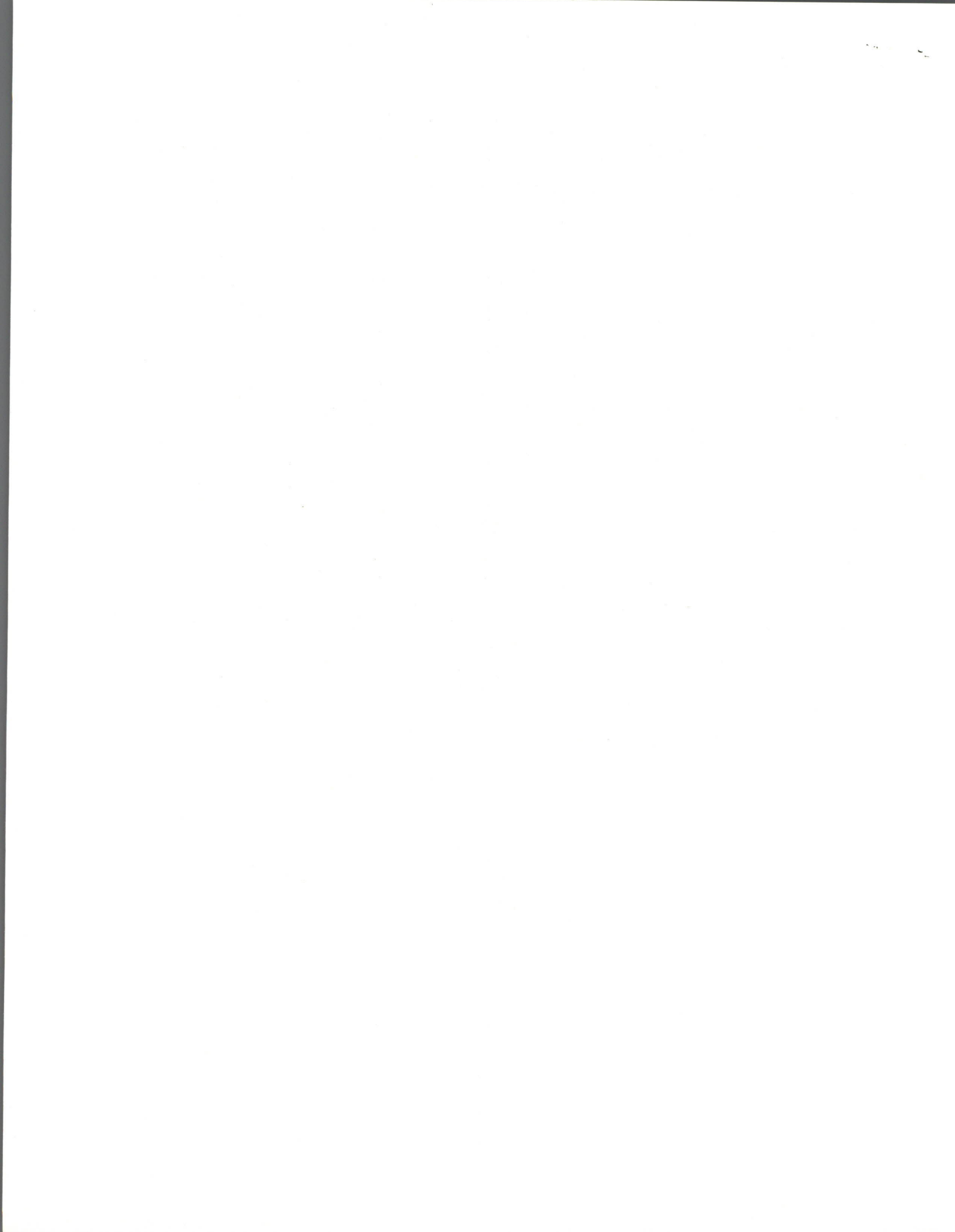
IN ITS ORIGINAL CONTRACT WITH THE OHIO COMPANY, CONGRESS AGREED TO GIVE TWO TOWNSHIPS OF LAND FOR "THE USE OF A UNIVERSITY." IN 1795, WITH THE INK SCARCELY DRY ON GENERAL WAYNE'S TREATY WITH THE RED MEN AT GREENVILLE, THE "COLLEGE TOWNSHIPS" WERE LOCATED AND SURVEYED. IN 1802, BEFORE OHIO BECAME A STATE, THE LEGISLATURE OF THE NORTHWEST TERRITORY PASSED AN ACT ESTABLISHING A UNIVERSITY IN THE VILLAGE OF ATHENS, THE FIRST LEGISLATIVE ACT PASSED WEST OF THE ALLEGHENY MOUNTAINS FOR THE ADVANCEMENT OF HIGHER EDUCATION. TODAY EACH OF THE FIVE STATES NOT ONLY MAINTAINS, AT PUBLIC EXPENSE, A GREAT STATE UNIVERSITY, BUT THE PATTERN SET IN 1787 HAS RESULTED IN A NATIONWIDE SYSTEM OF COLLEGES AND UNIVERSITIES AIDED BY GRANTS OF PUBLIC LANDS. THE PRINCIPLE, HERE ORIGINATED, OF DEVOTING FIXED PORTIONS OF THE PUBLIC LANDS TO THE SUPPORT OF SCHOOLS AND EDUCATION HAS PRODUCED THE BROADEST PLAN OF UNIVERSAL EDUCATION IN THE WORLD, PROVIDING THEREBY THE MOST ESSENTIAL AID TO THE EXISTENCE OF DEMOCRATIC SELF-GOVERNMENT.

ANOTHER ARTICLE WITH A FAR-REACHING IMPORT EXTENDING TO



THE PRESENT DAY, PROCLAIMED THAT THE NAVIGABLE WATERS LEADING INTO THE MISSISSIPPI AND THE ST. LAWRENCE RIVERS WERE TO BE COMMON HIGHWAYS, "FOREVER FREE" TO THE PEOPLE OF THE UNITED STATES. IT IS THIS GUARANTEE WHICH PERMITS THE HUMBLEST CITIZEN OF OUR COUNTRY TO USE AND ENJOY THE RIVERS AND LAKES OF THE OLD NORTHWEST FOR PURPOSES OF RECREATION AND TRAVEL -- A FREEDOM WHICH, BUT FOR THIS GUARANTEE, WOULD FREQUENTLY BE DENIED THEM BY INDIVIDUAL AND CORPORATE OWNERS OF REAL ESTATE.

THE MOST CONTROVERSIAL PROVISION CONCERNED SLAVERY. IN 1787 THE INSTITUTION OF HUMAN SLAVERY EXISTED IN ALL BUT ONE OF THE STATES OF THE UNION. BUT MANY HUMANE AND FORESIGHTED MEN RECOGNIZED ITS EVILS, AND ONE IN PARTICULAR, THOMAS JEFFERSON, NEVER WEARIED IN HIS EFFORTS TO ABATE IT. ALTHOUGH THERE IS GREAT DISPUTE AS TO WHO WAS THE AUTHOR OF THE ORDINANCE OF 1787, AND JEFFERSON CERTAINLY DOES NOT DESERVE CREDIT AS ITS SOLE AUTHOR, IT WAS LARGELY BECAUSE OF HIS INFLUENCE IN THE CONFEDERATION CONGRESS THAT THE FINAL DRAFT DEDICATED THE OLD NORTHWEST -- THEN THE NEW NORTHWEST -- TO FREEDOM. IT PROVIDED: "THERE SHALL BE NEITHER SLAVERY NOR INVOLUNTARY SERVITUDE IN THE SAID TERRITORY, OTHERWISE THAN IN THE PUNISHMENT OF CRIMES WHEN THE PARTY SHALL HAVE BEEN DULY CONVICTED." THE REMAINING PROVISION, WHICH WAS A COMPROMISE, WAS NOT JEFFERSON'S. IT READ: "PROVIDED THAT WITH REGARD TO ANY PERSON ESCAPING INTO THE TERRITORY, FROM WHENCE LABOR OR SERVICE IS LAWFULLY CLAIMED IN ANY ONE OF THE ORIGINAL STATES, SUCH FUGITIVE MAY BE LAWFULLY RECLAIMED AND CONVEYED





TO THE PERSON CLAIMING HIS OR HER LABOR OR SERVICE AS AFORESAID."

IN YET ANOTHER RESPECT THE ORDINANCE EXPRESSED A NOBLE IDEAL, WHICH UNFORTUNATELY WAS DESTINED NOT TO BE REALIZED. AT A TIME WHEN THE INDIANS OF THE OLD NORTHWEST WERE DETERMINED TO PREVENT THE AMERICANS FROM EVER ENTERING THE COUNTRY, THE ORDINANCE HELD OUT TO THEM THE DOCTRINE OF THE GOLDEN RULE; THAT THEY SHOULD EVER BE TREATED WITH THE UTMOST GOOD FAITH, THEIR RIGHTS AND LIBERTIES SHOULD BE RESPECTED, AND "LAWS FOUNDED IN JUSTICE AND HUMANITY" SHOULD BE ENACTED FOR PRESERVING PEACE AND FRIENDSHIP WITH THEM." IF SUCH AN IDEAL COULD BE GENERALLY REALIZED BETWEEN NATIONS TODAY, IT WOULD FREE A WAR-OPPRESSED WORLD FROM THE GREATEST MENACE WHICH THREATENS THE CONTINUED EXISTENCE OF CIVILIZED SOCIETY.

