

What is the testimony of cotemporaneous legislation upon the subject? It is well known that many of the great men who framed this Constitution participated in the legislation of the early Congresses of 1789, and the following years up to 1800. My friend from Prince George's (Mr. Clarke) has referred to the act of 1789, prescribing the form of the oath to be taken by all State officers, passed in pursuance of, and to carry out the power contained in article 6, section 1, of the Constitution of the United States. What is that oath? An oath of allegiance to the United States?—Not at all. It is simply the oath that we have always had in Maryland, and that every other State in the Union has for its State officers—an oath to *support* the Constitution of the United States.

There is another memorable instance; the naturalization laws of Congress. If ever the General Government would attempt to assert a claim of allegiance as being due to it, you would find it in the naturalization laws. What do you do with the man who comes to be naturalized, owing allegiance to a foreign government? Your laws first require him to divest himself of that allegiance; and then instead of taking upon himself the oath of allegiance to the government, as in England and other countries, the only oath he is required to take is the oath to *support* the Constitution of the United States, and the only oath of allegiance is the oath of allegiance to the particular State in which he happens to be naturalized. Every man naturalized in Maryland takes upon himself the oath of allegiance to the State of Maryland.

Mr. STIRLING. Does the gentleman state that as an assertion of Constitutional law?

Mr. MILLER. I make that assertion. He takes the oath to support the Constitution of the United States, and whenever he takes any other in Maryland it is to be faithful and bear true allegiance to the State of Maryland.

As another instance of cotemporaneous legislation upon that subject by Congress, let me refer to the Rules and Articles of War, the last section of which is as follows:

"All persons not members of, *nor owing allegiance to, any of the United States of America*, who shall be found lurking as spies," &c.

Here is a recognition by Congress in the very Articles of War, that persons owed allegiance to the several States. The claim

of allegiance to the United States never was made until the act of Congress passed in 1861.

What is the precedent set by other States from the day of the adoption of this Constitution to the present time? What interpretation have they put on this instrument? If you refer to the State Constitutions you will find that in all the States which compose this Union, the term allegiance is found in only four or five of them. In all other cases it is an oath to *support* the Constitution of the United States and of the several States. In Massachusetts, New Hampshire and some other States, as well as in Maryland, they do speak of allegiance; but what is that allegiance, and to whom is it due? Always and forever, allegiance to the State, and not to the United States. To the memorable instance of Massachusetts, I will call the particular attention of the Convention. Here is the form of oath in the Constitution of 1776 of that State.

"I, A. B., do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State, and I do swear that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspirators, and all hostile attempts whatever," &c.

Here it is claimed that the State was sovereign and independent after the Declaration of Independence. Then the oath proceeds to renounce and abjure all allegiance, subjection and obedience to Great Britain and every other foreign power.

There is another remarkable thing in the Constitution of Massachusetts. They have asserted the true doctrine of State Rights, not the doctrine, as I have already said, from which secession can be deduced; but the true doctrine of State Rights. In the 4th article of their bill of rights it is declared:

"The people of this Commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction and right, which is not or may not hereafter be by them expressly delegated to the United States of America in Congress assembled."

This article was adopted before the adoption of the Constitution of the United States. They have had, however, in that State several Conventions to change their