

Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution."

Considering, then, the restrictions of the Tenth Amendment, before quoted, what authority has Congress to add to the substance of this oath; and how it may be done without a direct infraction of one of the dearest rights of the people therein reserved—the right to elect whom they may choose, possessing the qualifications defined in the Constitution, as their Representative? To deny the right of any people to elect a Representative of their own choosing, is practically to deny them the right of franchise, or any participation in framing the policy of their Government. Their election is a mockery, if a ruling power may direct for whom or for what class of men their polls shall be cast; and when they submit to this, their liberty is destroyed, and they are made slaves.

But beyond all questions of power, we earnestly protest, and utter a solemn warning against the dangers precedent of amplifying the prerequisite qualifications or the oath of office to conform to the views of the ruling majority, as conceding a power which Congress not only does not, but ought not possess. Such power would always be capable of the greatest abuse, and lead necessarily to the most deplorable practices. The tendency of a test oath on political sentiments is to perpetuate the ascendancy of the party in power; and the authority once established, the temptation to use it for that object becomes too strong for resistance, in times of high political excitement and rancor. If this Congress may apply, through the oath of office, a test of present or past political sentiments, another Congress, controlled by the devotees of the Grand Army of the Republic, may require that each member shall swear to having actually served a specified term in the army or navy. Or, the tables being turned, and that great organization vanquished in its struggle for supremacy, another Congress may enact an oath that would disqualify for membership any one having served in the army or navy of the United States.

Political enthusiasms are often epidemic, and carry the populace, for the time being, on a single idea. A party predicated on one idea (as anti-masonry, know-nothingism, &c., in the past), attaining a majority in Congress, would seek to perpetuate its ascendancy by requiring an oath of admission to conform to its peculiar tenets.

And so protesting, in the name of the people of Kentucky, and of their great chart of liberty, the Constitution, the General Assembly of the Commonwealth of Kentucky does hereby declare: