

arose out of a treaty in which the rights of an Indian tribe living in the State of Georgia had been guaranteed by the United States government. Those rights were being overridden by the State of Georgia and the case was brought before the United States Supreme Court on a writ of error. The State of Georgia absolutely defied the Supreme Court. It treated it with studied disdain. It hanged an Indian when the Supreme Court decreed he should go free. It kept two men in prison when the Supreme Court said they should be released. The Georgia Legislature passed a resolution "enjoining the Governor and every officer of the State to disregard any and every mandate and process that may be served upon them by the United States Supreme Court or by any other court representing the Federal jurisdiction." To cap the climax, President Jackson made the statement: "Chief Justice Marshall has made his decision; now let him come off the Bench and enforce it."

Consequently the mandates of the Supreme Court for two years were unenforced in the State of Georgia. And how did the friends of the Federal Government react to this situation? This is what the *New York Daily Advertiser* said: "The failure and humiliation of the United States Supreme Court have brought us to the abyss." John Quincy Adams wrote in his diary: "The union is in the most imminent danger of dissolution. The ship is about to founder."

Even John Marshall, that heroic figure, who for nearly thirty years had led the fight for the Federal experiment, gave way to a moment of despair. He wrote to Mr. Justice Storey a letter in which he said: "I yield slowly and reluctantly to the conviction that our Constitution cannot last. Our opinions are incompatible with a united government even among ourselves. The union has been prolonged thus far by miracles. I fear they cannot continue."

What they did not understand a century ago—what we do not understand just at this moment—is that it takes courage and faith and patience to develop any new instrument of social control. No new institution ever rides into its own with one hundred per cent success. Let us not say that this collective principle which the world is trying at the present moment has failed. We have scarcely begun to use it. It is an infinitely more difficult experiment in social engineering than anything which the human race has ever attempted. It is bound to meet with setbacks and occasional breakdowns, but