



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
Joel W. Solomon United States Courthouse
900 Georgia Avenue
Chattanooga, Tennessee 37402

E PLURIBUS UNUM - THE CONSTITUTION'S PROMISE:
“OUT OF MANY, ONE”

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Throughout our history, the federal courts have strived to help make this country, composed of several sovereign states and disparate people, one nation. In doing so, they have sought to carry out the goal stated in our nation's first motto: “E Pluribus Unum,” or in English, “Out of Many, One.”

The motto has a rich and amazing history. It was conceived by a committee formed on July 4, 1776, just a few hours after the Declaration of Independence was adopted. The Continental Congress appointed John Adams, Benjamin Franklin, and Thomas Jefferson to devise a national seal—what would eventually become The Great Seal. As part of its work, the committee adopted “E Pluribus Unum” as the motto to adorn the front of the seal. And of course, both Adams and Jefferson were lawyers. This was merely the start of the legal profession contributing to the founding, development, and growth of our nation.

THE MOTTO'S MEANING.

In 1776, the thirteen colonies had just declared their independence from Great Britain, one of the most powerful nations on the face of the earth. The declaration was considered an act of war. The colonies had relatively small populations and were weak militarily with little chance of successfully standing up to the might of England.

The thirteen new independent and sovereign states were quite disparate, with different cultures, histories, religious practices, and geographical environments. They included very small states such as South Carolina, whose population was made up of a majority of African slaves working in agriculture, and large states with commercial traditions, such as Massachusetts and New York. People in the various states also held very strong and different views on the important issues of the day. Popular support for independence from Great Britain varied greatly among the states and even within the states at the time of the declaration. As another example, in the years after the declaration, seven of the new states used their independence to abolish slavery, while the six southern-most states chose to retain it.

In facing the daunting challenges of coming together for a common purpose, the motto acknowledged that it was imperative for all the states to stick together and for the people within those states to stick together. The only way the states could prevail against the military might of England was to unite. This meant they had to put aside their rivalries, animosities, and differences. They had to understand that they were all in the struggle together. Unlike when they were individual colonies, now they would have to turn towards each other and work together to survive.

THE ROLE OF THE FEDERAL COURTS IN MAKING THE NATION ONE NATION.

During both the long war of independence and the years under the Articles of Confederation, it became evident that the goal of having one nation and one people was not being achieved. The states were squabbling and could not agree on the most basic things. This discord and inability to function effectively led to the adoption of the Constitution. After the adoption of the Constitution, with a stated objective of forming “a more perfect union,” it was even more imperative for the new sovereign states and their people to promote the goal of becoming “out of many, one.”

This was not an easy, simple, or quick task. The new states found it difficult to let go of elements of their sovereignty and independence. So to help make “one nation” a reality, the new federal courts had to play a major role when disputes arose.

For example, in 1819, the Supreme Court addressed whether the federal government and federal law prevailed over state laws. The Court held that the federal government “is supreme within its sphere of action.” *McCulloch v. Maryland*, 17 U.S. 316 (1819). Otherwise, if every state were supreme in every sphere, then the motto of E Pluribus Unum would just have been a noble but empty sentiment with no resemblance to reality.

Another important early dispute arose over the states’ rights to regulate commerce coming into or out of their borders. In 1824, the Supreme Court decided this issue by finding that interstate commerce was a federal function and individual states did not have the authority to restrict or prohibit commerce from other states. *Gibbons v. Ogden*, 22 U.S. 1 (1824). This decision demonstrated that in terms of economic commerce we were one nation and not several nations loosely associated.

CONCLUSION.

“Out of Many, One.” In the 249 years since the adoption of that motto we have largely lived up to the goal of forming one nation out of many states and people. We have not reached perfection, however. We still have discord and passionate disagreements about major public issues, both among the states and among our people.

Disagreements are to be expected with so many states and such a large and varied population engaged in the ongoing experiment of self-government. When such disagreements arise, the courts and the legal profession play an essential role in keeping our nation united. The district courts provide an avenue for those insistent on the primacy of the states within our form of government to be heard. The district courts also provide a forum for those whose passionate beliefs

are not shared by the majority of their fellow citizens. The courts of appeal provide an opportunity for relief when a party believes a district court has erred. And the legal profession provides zealous advocacy within the law for those with differing views across all possible spectrums and at all court levels. Without the federal courts and the legal profession serving as a relief valve and a peaceful method to resolve disputes, we would be nowhere near the goal of being “Out of Many, One.”

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