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FORCE BILL.

SPEECH

OF THE

HON. THOMAS S. BOCOCK,

OF VIRGINIA.



DELIVERED IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 20 AND 21, 1861.

The bill to authorize the President to call out the military force of the country, and to accept of volunteers in certain cases, having been called up for consideration—

Mr. BOCOCK said :

Mr. SPEAKER: Before I proceed with the discussion of this bill, I ask that it may be read at the Clerk's desk, and that the members of the House will give to it their attentive consideration.

The bill was then read, as follows:

" *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of an act approved the 28th day of February, in the year 1795, entitled " An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," and of the act approved the 3d day of March, in the year 1807, entitled " An act authorizing the employment of the land and naval forces of the United States in cases of insurrections," are hereby extended to the case of insurrections against the authority of the United States.

SEC. 2. *And be it further enacted,* That the President, in any case in which it may be lawful to use either the militia or the military and naval force of the United States for the purpose aforesaid, may accept the services of such volunteers as may offer their services, as cavalry, infantry, or artillery, organized in companies of the maximum standard, squadrons and regiments, respectively, according to the mode prescribed for the organization of the respective arms in the military establishment of the United States; and it shall be lawful for the President to commission the officers of such companies, battalions, squadrons, and regiments, in their respective grades, to continue till discharged from the service of the United States; and such volunteers, while in the service of the United States, shall be subject to the rules and articles of war, and shall be entitled to same pay and emoluments as officers and soldiers of the same grade in the regular service.

Mr. BOCOCK. It is an ungracious task, Mr. Speaker, in a body like this, to oppose one's self in debate to what is evidently a foregone conclusion. When I remember the circumstances under which this bill was introduced, the disposition manifested to cut off debate, and the votes already taken in relation to it, I cannot doubt the purpose of the dominant party here to hurry it through to its final passage. Yet, sir, so strong are my objections to the bill, and so grievous are the consequences, in my judgment, certain to flow from it, that I should not hold myself acquitted of my duty as a Representative of Virginia, or as a member of the Congress of the United States, if I failed to enter my earnest and solemn protest against it.

Mr. Speaker, I oppose this bill on account of the features it contains, the consequences it will produce, and the policy it inaugurates. I characterized this bill, yesterday, as a " declaration of war." I did so upon hearing it read at the Clerk's desk, and without sufficient opportunity to examine it. Having fully examined it, I say now, it is worse than a declaration of war. It clothes the

President, in time of peace, with dictatorial powers. I am not in the habit of expressing myself rashly, or in exaggerated terms; and I would not now speak in such language of this bill if I did not believe that I can show to every unbiased mind that what I say is just.

We have now upon the statute-book, Mr. Speaker, the acts of 1795 and of 1807. Under these laws the President has ample authority to call out the regular military power of the country, in case of invasion or danger of invasion from any foreign nation or Indian tribe; also, in case of insurrection in any State against the Government thereof—in which case he shall act only upon the call of the Legislature of such State, if in session; or if not in session, then upon the call of the Governor. He has also the same power “whenever the laws of the United States shall be opposed, or the execution thereof obstructed in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals,” &c. Now, sir, this power has heretofore been considered ample for every case which might arise under our Constitution.

But this bill does more. It authorizes the President of the United States to employ the entire military power of the country “in the case of insurrections against the authority of the United States.” Insurrections against the authority of the United States! What are they? What authority has the United States beyond the enforcement of its laws? Does the Constitution contemplate the employment of the military power of the country except in the prosecution of war, the enforcement of the laws, the repelling of invasion, and the suppression of insurrection against the government and laws of a State?

The sixteenth clause of the eighth section, in article one of the Constitution, gives, as one of the powers of the Congress of the United States, the following:

“To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.”

The phrases here employed are necessarily general in their nature, and were subject to be interpreted, and enlarged or restricted in their scope, by subsequent clauses in the Constitution. The power to use the military force of the country “to execute the laws,” was susceptible of easy limitation by the existing practice of the States, and by the usage under other liberal Governments, as well as by the general scope and purpose of our own Constitution. The phrase “to repel invasions” was scarcely liable to dangerous misapprehension, for it necessarily implies an entry by a foreign Power with hostile intent; and the repulsion of such entry could do hurt in no case.

But the phrase “to suppress insurrections” was of a widely different character. Insurrections by whom and against what? It is easy to see that it might be construed so as to give a power which would overthrow and destroy the real character of our complex Government. In article four, section four, of the Constitution, it is provided that—

“The United States shall guarantee to every State in this Union a republican form of

government, and shall protect each of them against invasion ; and, on application of the Legislature or of the Executive, (when the Legislature cannot be convened,) against domestic violence."

Now, here was, to some extent at least, an interpretation and limitation of the power. Here it is clearly implied that the General Government shall not interfere in a State to suppress insurrection against the State government, except on the call and in the support of State authorities. Now, unless the State should array itself against the General Government, this appears to be the only insurrection which could occur in a State without a violation of the laws of the United States. The power to suppress insurrections in a State is here fully exhausted. Nor can there be an insurrection in the District of Columbia without a violation of the laws of the United States. It seems that the power "to suppress insurrections" was given merely to authorize the General Government to act in aid of State authorities, even when its own laws were not opposed. The clause of article one is therefore interpreted and limited by section four of article four.

If this reasoning is correct, every case in which the Government can constitutionally interfere to suppress insurrections, is already provided for.

This view is sustained by what may be called the cotemporaneous construction of the Constitution. If the meaning of the phrase is more comprehensive, how does it happen that no provision has been made or heretofore proposed for such cases.

Aaron Burr was believed by many to have plotted an insurrectionary movement against the Government of the United States, under Jefferson's administration. Massachusetts and Connecticut disobeyed the order of President Madison, when he called for their quota of militia for the war of 1812; and the State of Georgia refused compliance with a mandate of the Supreme Court, made in the celebrated Cherokee case, during the Presidency of General Jackson. Yet nothing of this sort was proposed in either case. Even in the days of South Carolina nullification, no proposition was made to give to the President the power to employ the military force of the country to suppress insurrections against the authority of the United States. If we go beyond the limitation already named, by what bounds will we terminate the extent of power conferred in the phrase to suppress insurrections against the authorities of the United States?

What is the authority of the United States? I suppose it means the acts of its officers, which are authorized by law. Now, in this case, the President would be the sole judge of the acts authorized; and if he misjudged, there would be no restraint upon him from any other source. Should the President order a collector to reside in Charleston or Mobile, and he, for being an Abolitionist, should be driven out; should the Postmaster General order a village postmaster to distribute documents which might be regarded incendiary, and their distribution resisted; these might be considered cases of insurrection against the authority of the United States, justifying a resort to the military power of the country to crush out op-

position. Indeed, gentlemen declare constantly upon this floor that they regard the seceding States, each and every one of them, as in a state of rebellion or insurrection against the authority of the United States. This bill would authorize the employment of the whole military force of the country to suppress the rebellious manifestations of such States. It thus becomes, as has been said on this side of the House, a measure of positive and direct coercion against the seceding States. Now, it is well known that the right so to coerce was distinctly refused to the General Government in the convention which framed the Constitution. In all cases of conflict of views as to the authority of State and General Government, it would give the President the right of absolute decision; because he might employ the whole military force of the country to suppress, as insurrection against his authority, all countervailing exercise of State power. Even where the municipal regulations of States seem to conflict with the authority of the General Government, they may be suppressed as insurrectionary. Thus would the whole genius of our system be violated and overthrown. The safeguards thrown around State rights will all prove vain and abortive. Under the Constitution and laws now in force, the General Government cannot interfere in the domestic troubles of a State, except in aid of State authority, and upon its call, nor to enforce the execution of law by military power, unless the ordinary process of judicial proceedings shall prove insufficient. Pass this bill, and anything can be done which the President may choose to consider a suppression of insurrection against the authority of the United States.

Thus far, I have failed to notice the second section of the proposed bill. It authorizes the President to accept the services of volunteers to suppress insurrections against the authority of the United States, and to commission the officers of the companies. Now, under what clause of the Constitution can this be done? Is it under that clause which empowers Congress "to raise and support armies?" It will scarcely be contended that volunteers are legitimately classed as part of the regular Army. If they may be called out or accepted as part of the militia, to execute the laws, suppress insurrections, and repel invasions, then the right to commission their officers is expressly reserved to the States. But why call for volunteers at all? Are not the Army, Navy, and militia sufficient for all legitimate purposes in time of peace?

What I have already pointed out would appear a sufficient stretch of power; but there is another view of the matter which makes the bill yet more odious. It will be remembered that the militia compose far the greater part, perhaps three-fourths, of the active men of the country. Nearly every man from eighteen to forty-five years of age constitutes part of the militia. Now, remember that the President may call out all these under this bill, to suppress anything which he may choose to consider an insurrection against the authority of the United States; that is, in fact, at his will. When called out, they are under the rules and articles of war. Now, in what condition will this place them? Article fifth of these rules and articles is in these words:

"Any officer or soldier who shall use contemptuous or disrespectful words against the

President of the United States, against the Vice President thereof, against the Congress of the United States, or against the chief Magistrate or Legislature of any of the United States in which he may be quartered, if a commissioned officer, shall be cashiered or otherwise punished, as a court-martial shall direct; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted on him by the sentence of a court-martial."

Why, sir, this country, in its early history, was thrown into a great commotion by what was called the "*sedition law*." But what was that in comparison with this? It was the little rain-drop compared with the rushing stream, the shadow of a flying cloud contrasted with the darkness of midnight. The President of the United States, under this bill, would have the power, I may say at his option, to place nearly the whole of the effective power of the country—all the men from eighteen to forty-five years of age—in a position in which they would be liable to court-martial for speaking disrespectful or contemptuous words against the President, Vice President, or Congress.

Such, then, is this bill. It empowers the President of the United States, in addition to the regular forces of the country, to call forth the militia, and to accept volunteers to an unlimited extent, for an unlimited time, and to accomplish an indefinite purpose; in the mean time to be under a most oppressive sedition law.

Now, Mr. Speaker, is this not to clothe the President with dictatorial authority? Rack your imagination, torture your invention, and can you devise anything which would give him more unlimited power?

It has been surmised by many that, with the conservatism of the southern States withdrawn, the dominant party in the northern States would quickly lapse into anarchy or despotism. But, sir, who would have dared to surmise that so soon, while a majority of the southern States still hold connection with them, they would seek by one bold bound to throw themselves into the arms of a military dictator? Yet, sir, here it is. We have now a considerable part of the regular Army stationed in this metropolis. We, the Representatives of the people, pass to and from our legislative duties by the bayonets of a standing army. Soldiers in full uniform look down upon us from the galleries, and even stride with iron heel around this Hall. A few days ago we had a committee of this House unanimously reporting that the pretext for this army here was unfounded. We had then reason to expect that the Lieutenant General of the Army would have the grace—shall I say the decency?—to remove it, in great part, at least, from our midst? But, so far from that, he has even since then increased the number with which he guards the capital. In a few days this Administration will retire, and Mr. Lincoln will come in. He will have a considerable standing army already assembled here, subject to his orders. Pass this bill, and he will have the power to call out also the militia and volunteers of the United States to an unlimited extent. If he does not prove himself a military despot, it will be because he lacks the will, not because he wants the power.

I do not know, Mr. Speaker, what the purposes of gentlemen are. The time has come when we owe it to each other to be frank and explicit. If gentlemen deliberately vote for this bill, the coun-

try will scarcely be longer in doubt as to their plans and intentions. Such a bill, pressed upon us as this has been, is itself a pregnant circumstance. One calm and quiet morning it came suddenly upon us and took us by surprise. A motion to reject, made by myself, to mark our decided disapproval of the measure, was defeated; but the bill went over for the day. The next day, the gentleman from Ohio [Mr. STANTON] makes a calm, quiet, and plausible speech in its behalf; intimates that the case is too plain to admit of argument, and actually calls the previous question. This he agrees afterwards to relinquish, but seems to do so as a mere act of favor; so lightly do they regard so important a matter as this. Smooth and unpretending and innocent does this bill appear, as presented by its friends. But behold the little bombshell, round and smooth and harmless in appearance, but in its recesses are combustibles enough to blow up a nation. How humble and inoffensive was the first appearance of this bill in the House. So appeared the serpent in the garden of Eden, without harm and without guile. But as Satan had concealed in his heart malice enough to destroy a world, so this bill conceals within itself elements sufficient to encompass the downfall of the country. We were told, if we would pass it, we would not indeed be injured, but that it would prove a wise, safe, and salutary measure of defense. So was the woman told that, if she would eat of the forbidden fruit, she should not surely die, but be made like unto gods, knowing good from evil. And so extraordinary, too, is the time at which this measure has been introduced. We have here in this city what is called a peace congress, consulting about terms of reconciliation and settlement. They have not yet come to any result. In many parts of the country the eyes of the people are turned anxiously upon them. Just in this state of the case in comes this herald of war, as inopportune as when Banquo's ghost seated itself at the festal board. I would earnestly ask, whither are we tending?

Thus far I have considered this bill only. It had been my intention, Mr. Speaker, to have availed myself of the general discussion on the report of the committee of thirty-three to have spoken on the prospects before us. Events have been constantly changing the aspect of affairs, and I have waited to see what definite shape they would ultimately take. Time has gone on, meanwhile, and the session is wearing to its close. I shall probably have no other opportunity to speak at any length, and therefore I shall touch upon one or two topics which have important bearing upon the question now before us.

We have before us the painful reality that the Union, as it existed at the beginning of this session, has been broken. We have a Government in the Gulf States and a Government here. Things are in an unsettled condition. What will be the ultimate position into which we shall all settle down, Heaven only knows. We cannot long remain as we are. The difficulty is, that we have in our system two different types of civilization, and the stronger has organized to rule the weaker. The history of the world teaches that such a state of things must cease, else they cannot remain under the same Government. It was a great wrong in its inception, and I had

hoped to see it abandoned long ago. I had hoped that when gentlemen of the Republican party realized the effect of their course, they would have given us such ample guarantees of equality and safety as would have insured that we should have no further war between the system of African servitude and the system of what are called the free States. Had they done so in time all would have been well. But, thus far, they have not only not done so, but shown an entire want of appreciation of the import of the crisis.

The State of Virginia has a heart devoted to Union upon terms of equality and justice. She has fondly cherished and nursed the idea of procuring a basis upon which all the members lately belonging to the family of States might reassemble in dignity, in honor, and in peace, at the same council board. Hence her late election, hence her proposition for a peace conference, hence her mediation between the Executive administration here and the seceding States. But Virginia, I think, is fast becoming satisfied, as I have been for weeks, that there is no hope from this Congress. She is told, however, that these members do not represent the real feeling of the northern people, having been elected some time ago, and upon entirely different issues. She is asked to wait, but without peace she cannot wait. In proportion as she desires honorable and lasting Union, in that degree it is essential to her that there shall be peace. She should take her position with a view to secure it. If to go promptly with the Gulf States is the best position for that purpose, who will say that she should not do so? For my part, sympathizing in every desire for an honorable, equal, and lasting Union, and knowing that to obtain it honorable peace is absolutely essential, it has been the purpose nearest my heart during this session to secure it.

The present state of things cannot last. Causes beyond our control will compel a speedy change. Those whose interest, whose sympathy, whose destiny are the same, cannot long remain apart. Upon some basis the South must be united, and with them I trust will ultimately go, in any turn of events, the middle free States and the north-western States. Virginia will continue to stretch forth her arms to embrace the children of her bosom, her five northwestern daughters, and will mourn if she finds them not. Things will take shape if we have peace. I have, therefore, been myself desirous that Virginia should take such position for the time as would enable her most effectually to command it. Should we go, and peace be preserved, love of honorable union would remain unextinguished and unexpressed in our hearts. Whenever the northern States became ready to live with us on terms of perfect equality and mutual good will, our hearts again would bound towards them in fraternal sympathy and concord. Once let blood be shed, let war be fairly joined, let the bad passions of our people be thoroughly aroused, then farewell, a long farewell, to all hopes of Union.

"We shall stand apart, our scars remaining
Like cliffs that have been rent asunder."

Why, sir, the ill feeling engendered by our war of Independence is scarcely yet extinguished. But why speak of war? Because you

have this bill now under consideration, and others on your Calendar, or in the hands of your committees, ready to be brought forward. If you would give up all these force bills, let the seceding States go in peace, and put in train of progress measures of honorable adjustment, giving guarantees of future equality, you would show, at this late hour, a returning sense of justice which would do much to reassure our people, and give better hopes of the future than if you should raise an army of a million men. The difficulty is, that you cannot agree to permit the seceding States to go in peace. Why not? Gentlemen say that it will make the Government a rope of sand, leaving no assurance that it will not be broken, at any moment. There will be assurance that it will not be broken if there be no cause—the very assurance which our fathers contemplated, but not the assurance of fear or of force. How often has it been said that this Union cannot be held together by force? From Thomas Jefferson to John Bell, it has been so declared by almost every prominent statesman who has lived in the country. Was it a mere catchword, designed to serve a purpose, or was it an honest reality? If it were a reality, then what means this late doctrine about trying the question whether or not we have a Government. If force cannot guarantee Union, what will be our guarantee? I answer, interest and affection. The States must love the Union, and see their interests in its perpetuation. You can have, under our system, no other guarantee but this; if you cannot rely on it, because you believe the States will not act properly, then you discredit the great doctrine of popular government. A State is a people, in the proper political sense of that word. If she cannot be relied on to decide what government is best for her, of course her people are not competent to self government. The States came severally into this Union to seek their happiness and safety. If they find neither in the association, who would force them to stay? Do gentlemen expect to continue to collect revenue out of those who have no part in our Government? Why then, I ask again, shall they not go in peace? Are they so essential to the northern States that they cannot live without them? Were burdens prepared for them by the dominant party, which they needs must impose? Were rich spoils to be gathered which they will not surrender? Does not the course of the dominant party, in this regard, strongly imply that they did intend in some way to make the seceding States subserve their selfish purposes, and submit to their unequal exactions?

But what marks the tyranny of this policy more strongly is, that those who most positively declare that these States must not go in peace, are at the same time most decided in their opposition to concession. And what reason do they give for their refusal? They higggle about their party creed, and fear to violate some plank in the Chicago platform. Better, they say, to make war against the seceding States than give up any one of their principles. Though concession implies a yielding up, or change of position, yet a sufficient argument against anything asked, which they do not wish to give, is, that it differs from the position they have assumed as a party. To say that a particular guarantee is not consistent with their construction of the Constitution, is no sufficient answer to a proposition to change the Constitution.

And, sir, we see their President elect coming on to the seat of the Government to assume the robes of office, and what says he? Does he seem to have a heart to appreciate the difficulties that now surround us, and to sympathize with the troubles of his countrymen? No, sir. He says no harm has been done; that it is all a small matter; that "nobody is hurt." The excitement is all artificial; it is but the fairy work of a midsummer night's dream. In the frolic of his indifference, he seems to mock at the troubles of the people. And what more does he do? Does he show any spirit of relenting? Does he urge on his friends conciliation and concession, in this time of difficulty and trouble? No, sir; the idea is the furthest from him. Among all the gentlemen on the other side of the House, who have steeled their feelings and hardened their hearts against yielding any just terms of concession and guaranty, there is not one who has taken a more repulsive position than that taken by the President elect of the United States. He has said that, in regard to the tariff, the Chicago platform is law—not a law on the statute-books, but that higher law, binding upon the conscience, of which we have heard so much. And not only did he say that the tariff feature of the Chicago platform was law, but that all other features of the platform were law, and that he would have to be governed by them.

Mr. SHERMAN. I trust the gentleman from Virginia, who is always candid, will do the President elect the justice to say that, in stating what he did, he did nothing more than what every President has done. Mr. Buchanan himself said that he was no longer James Buchanan, but the Cincinnati platform. I trust my friend will not find fault with the President elect for that.

Mr. BOCOCK. Mr. Speaker, Mr. Buchanan was not called on, in assuming the robes of the presidential office, to meet such a crisis as this; and all that the gentleman's explanation amounts to is, that with Mr. Lincoln, and, I fear, with the gentleman from Ohio, too, this is only an ordinary occasion; and that the same rules of policy should govern them now as heretofore. Sir, I am not here to justify and defend Mr. Buchanan, or any other gentleman, in all his public and official conduct. All have their errors to lament. But I do say, from my personal knowledge of James Buchanan, and from my information in relation to the various men who have held that high office before him, from the days of Washington to the present time, that there was scarcely one of them who, had he been placed in such a position as this, with this Union disrupted, with universal concern and anxiety spread broadcast throughout the country, would have turned and said: "It is a small matter. I shall regard the features of my party platform as the law of my conduct, not a whit of it to be surrendered, no iota to be abated. Yes, although the pillars of the temple of justice should fall, and thousands and tens of thousands and millions of men may be crushed beneath the ruins, although State after State may be forced to leave a once hallowed Union, though civil war and internecine strife may devastate and desolate the fair face of our country, although the heavens may fall, I will maintain the articles of my party platform." I do not think that the friends of the President

elect pay him a high compliment when they put him in such a position as that. Better forget, at such a time, all considerations of party. I know that, in ordinary times, we all cling to and desire party success. But in a great crisis like this, where party has endangered the country, it becomes the man, the hero, the statesman to stand out, make his mark, cast party and personal consequences aside, and risk everything for justice, right, and State equality. Look at the sacrifices made by the fathers of the country; by your fathers, if you choose. Were they not conscientious men? Did they not have scruples on this subject? Yet, when they came to make the Constitution of 1787, they agreed to give to the institution of African slavery a large measure of protection. They agreed to protect it against unequal and oppressive taxation. They agreed to protect it against the danger of escape from one State into another. They even agreed, and some of them voted that the odious African slave trade might be continued, without interruption, for twenty years. This they did for the sake of union and peace. Contrast this action on their part with your position now.

[Here the morning hour expired; and the House proceeded with other business.]

THURSDAY, FEBRUARY 21, 1861.

The bill to authorize the raising of volunteers, &c., being again under consideration—

Mr. BOCOCK continued, as follows:

Mr. SPEAKER: In the somewhat desultory remarks which I made yesterday, I argued that, under the Constitution of the United States, in addition to the war-making power, Congress has a right to provide for calling out the military power of the country in three cases: 1. To aid in the enforcement of the laws. 2. To suppress insurrection. 3. To repel invasion. I contended, Mr. Speaker, that the word "insurrection," as employed in the first article of the Constitution, was afterwards interpreted by a clause in the fourth article to be "domestic violence," &c.; and it is there declared that the military power of the country should not be called out to interfere with domestic violence in any State except upon the call of the authorities of the State. So careful were the framers of the Constitution, that the General Government should not have the power to interfere in the affairs of a State except upon the call of the State, and in aid of the State authorities.

I argued further, Mr. Speaker, that this left no room for the phrase employed in this bill, and that no such thing was known to the Constitution of the country as the right of Congress to authorize the President to call out the military powers of the country to suppress insurrection against the authority of the United States.

I argued, further, that the phrase "insurrection against the authorities of the United States" was a wide and sweeping phrase, to which it is almost impossible to give limits. I argued, further, that one great objection to the exercise of this power on the part of the President of the United States, besides the other objections which I named, was, that the President would have a right to call out the

militia, and to accept volunteers, not only for an indefinite purpose, but for an unlimited time, and to an unlimited extent; and that, while under his call, they would not have the right to speak discourteously or contemptuously of the President, the Vice President, or the Congress of the United States. We would thus have upon us the most widely-extended and sweeping sedition law that was ever known in the history of the land. This act would clothe the President of the United States with dictatorial powers.

The gentleman from Ohio, [Mr. STANTON,] who opened debate on this bill, asked how, if this power were not given, the public property in this District could be preserved against the invasion of armed bands from other States, say from the seceding States? In answer to that, Mr. Speaker, I say that, if there be no authority in the Constitution of the country for the passage of this bill, it is in vain to suggest any other argument in its favor. You have not the right to do an unconstitutional thing because it may be a convenient thing. But has not the President of the United States the power already to protect property here? He has control of the Army and Navy. He has the power, if necessary, to station here as many of the regular troops of the country as he can concentrate at this point. Then we are the local Legislature for the District. We can provide for the calling out of its militia. If armed bands should come from other States of the Confederacy, that would be invasion; and under the power to repel invasion, the President has already a right to call out the militia of other States.

Then what is the necessity for this bill? All this I argued, yesterday, somewhat at length.

There is another point to which I wish now to call your attention for a short time. It is agreed that the military power, under the Constitution, may be employed to aid in the execution of the laws of the United States; but in what manner, and under what circumstances? In the manner of war, or in the manner of peace?—for there is a manner of war and a manner of peace. A man commits a homicide, and attempts to escape. He is arrested and committed; then tried, and condemned to death. Your sheriff attempts, on the day appointed, to carry him to the place of execution, and a mob interferes. The military are called forth to aid the sheriff in the execution of the process to him directed, and repel the mob. That is the way of peace. But if, before the day of execution, or before the trial, the Executive should order the military to seize and decapitate the offender, that would be hostility. In peace, courts adjudge rights and decide upon crimes; the sheriff or marshal carries out their judgments. In war, the commander orders and the army executes. In peace, a particular process is to be executed; in war, a particular strategetic point to be accomplished. In peace, the military power is subordinate to the civil, and used to aid it in the discharge of its legitimate duty; in war, the military is employed independently of civil authority, and to execute the order of its chief.

Gentlemen may ask: how can you obtain civil process in seceded States, where you have no United States court? The question is pertinent; you cannot do it. And therefore I say that you cannot peaceably execute the laws in a seceded State. You must make

war; and that is of itself a recognition of the independence of the State warred against. Suppose you send your man-of-war to Charleston, with a collector on board to collect revenue. The merchant vessel is seized, and held for the payment of duties. A dispute arises, and one of your officers is killed. By the Constitution, the offender is entitled to trial "by an impartial jury of the State and district wherein the crime shall have been committed." You must try him in South Carolina; but you have no court there, and cannot do so.

This is one of the many illustrations to show that the whole working of our system rests on the consent of the State. And so, I say, that every force bill reported to the House, inasmuch as it provides for the employment of the military power independently of civil process, is therefore a war measure. So of the bill under consideration; so, also, of the bill of the gentleman from New York, [Mr. REYNOLDS,] and of the gentleman from Ohio, [Mr. BINGHAM.] They all provide for the use of the military power, independently of civil authority, in the enforcement of the laws, and are all war measures.

And now, sir, permit me to say that I do not stand here authorized to speak for any State in a particular emergency, nor do I undertake to do it. I do know, however, that the State of Virginia, which I have the honor in part to represent on this floor, stands committed by its declaration, as it is committed in honor and in interest, to resist a war of aggression on the southern States. Her people must do it. Why? The very hand which they would aid in striking down South Carolina, or Alabama, would soon be uplifted to crush them, rendered weaker by having these States crippled and crushed. If these measures are to pass, I hesitate not to make the declaration, that in three months' time all the border slave States, with perhaps one or two exceptions, will find themselves standing side by side with the seceded States of the Union. Can Virginia, can Kentucky stand in the position in which they will be liable to have their militia called out—the more certainly because the nearest to the scene of action—to aid in making war against South Carolina, Alabama, and Mississippi? No, sir. We cannot do it. We must, in such case, withdraw ourselves from the authority of this Government, and do what we can to destroy its power. We must cripple its Army, disintegrate the Navy, and crush the credit of the Government. Now, sir, if I am not greatly mistaken, that will be the necessary result of any of these measures.

But, Mr. Speaker, gentlemen ask what are they to do; are they to stand by and see these States go out at will? Why, sir, if the Constitution does not give you the power of using force against these States, what else can you do? If you had asked me the question a few years ago, I would have said, do not organize a sectional party to rule us. Had you asked it a few months ago, I would have said, give us guarantees. If it be not too late now, I tell you to-day that you should give us guarantees of safety and protection under this Government, such as will secure us quiet and

safety now, henceforth, and forever. But that you will not do. Then I say, let those that choose go in peace.

Much has been said, Mr. Speaker, about the conduct of these States in seizing the public property. I stand not here as the special defender of these States. Many of their acts were illegal. But gentlemen must recollect that self-preservation is the first law of nature, of nations, and of men. Nations as well as men must provide for their own self-defense. They have taken only the property in their midst—the forts, &c., which you do not need, unless you intend to coerce them. This, gentlemen say, they cannot allow. For this they must make war. But what will your war avail you.

Now, Mr. Speaker, I ask gentlemen at this point, if this war is to come—and may God in his mercy avert it!—what reason will you give to the world for making it? If gentlemen who have been most eager in pressing on warlike measures and making warlike speeches were to be those who would meet the brunt of the danger, the evil would be, perhaps, comparatively small. But when I come to consider the position in society, the professions and physical condition of those who are hottest for war, I cannot but believe that, when the tocsin sounds to arms, these gentlemen will lag far in the rear. No, sir; this battle is not to be fought by them. It must be fought by the men who now live in peace and quiet in the cities, in the towns, in the villages, and in the country homes of the North. They are the men who are to fight this battle. What reason will you give for it to them? Will you say that the southern States of the Confederacy seceded and made this thing necessary? Let me tell you what I answer. We have had an organization in the larger section of the Union to control the weaker. The southern States have been asked to submit to the rule of a foreign and hostile organization during the future history of the country. Is it not a foreign organization? Why, sir, when the Republican party was called to assemble in convention in Philadelphia, in 1856, no invitation even was extended to any slaveholding State; and on the flag which they then unfurled to the breeze it is said there were but sixteen stars. Look again at the last election, and tell me whether this Republican organization has any effective strength in the South? None whatsoever, and never can have. Is it not then a hostile organization?

Mr. LOVEJOY. I wish to correct a statement made by the gentleman.

Mr. BOCOCK. I always desire to be courteous to every gentleman on this floor; but I have no time to yield now.

Mr. LOVEJOY. I only wish to correct the gentleman on a question of fact. The gentleman is laboring under a mistake.

Mr. BOCOCK. I am sorry for it. The gentleman will not say that the slaveholding States participated in the formation of the Republican party.

Mr. LOVEJOY. I did not refer to that. I alluded to the number of stars displayed on the flag.

Mr. BOCOCK. Well, sir, as a matter of course I cannot verify my statement, for I was not present on that occasion, and did not

see it. But I state what I think was the report of the newspapers of that day. No gentleman can deny that the Republican party is a sectional party, and must, from the necessity of the case, always remain so; because, it being an organization hostile to our institutions, the southern States cannot willingly admit it in their midst. It is a hostile organization, I say, because its corner-stone is opposition to the extension of our institutions. The rallying cry of that party is that our institutions are to be circumscribed and depressed, while those of the North are to be extended; that our institutions are local and theirs national; that we are under the ban of the Government, and they and their institutions under its favor.

The vitalizing and animating spirit of that party is hostility to African servitude, as it exists in our midst. Upon their success, had not the South reason to look out for the safety of their rights? Why, sir, one of your most distinguished men from the North, Mr. Fillmore, declared, in 1856, that the North, itself, would not submit to be ruled by a southern and hostile organization. The distinguished gentleman from Ohio, sitting near me, [Mr. VALLANDIGHAM,] in a speech made upon this floor two years ago, declared that, if the southern States constituted a majority, and should combine to rule the North, he, as a northern man, would resist them at the threshold, contest every inch of ground, burn every blade of grass, and perish fighting in the last ditch.

How many men upon this floor from the North have warned you that the South would not submit! Was it to be expected that the South would prove less sensitive to her honor than her northern friends predicted? When this hostile organization succeeded in obtaining the control of the Government, with the intention of maintaining that control for all future time, and imposing upon us their will for our rule, was it to be expected, under these circumstances, that the South would tamely acquiesce? Was it not to be expected that the South should at least come here and ask for new guarantees for safety, equality, and peace?

What, then, do they get when they come here? You turn a deaf ear to their complaint; you refuse, have refused, and still do refuse to afford such guarantees. Under such circumstances, will you call upon the masses of the North to fight your battles against the South? It is an easy matter to make the war, but it will be no easy matter to justify your course in the future. That question will come home to you again and again: why have you made this war? It will roar upon you with the tempest, and whisper with the breezes. It will break upon your noonday thoughts and startle you in your midnight dreams. When the thousands and tens of thousands who have been employed in the workshops of the North, manufacturing southern staples, or preparing fabrics for the southern market, shall find themselves turned adrift, hungry and weak, without money, without credit, and without employment, they will ask, "Why is this so?" And, sir, when your hardy yeomanry are called to leave home and fireside and friends to march down and invade those who were recently their brethren, and never willingly their enemies, they will demand to know *why is this so?* While exposed to the dangers and hardships incident to the ser-

vice to which you have called them, during the long nights, while they lie unsheltered and unprotected upon the cold and wet earth, a call will come up from their midst, why is this so? And on the bloody field of conflict, with the hot breath of battle breathing upon their brows, while the cannon balls mow their ranks, and their comrades fall thick and fast by their sides, even then, the dread inquiry will leap to their lips, "Why is this so?" And, sir, from your cottages, scattered all over the North and the Northwest, where the widows of those who fall in the conflict shall sit lonely and mournful in their widowhood, watching with aching hearts over children rendered fatherless, friendless, and unprotected by your act, I say, from all these cottages the cry shall come up, as if from the depths of misery and despair: why, oh, why is all this so? And, gentlemen, when you see hereafter the wide-spread devastation and ruin produced by your act, your own consciences, in tones sharper and keener than all, will demand of you, "Why is this so?" Better meet the question now. Do not flatter yourselves that national patriotism can justify you. Do not tell the freemen of the North that the appeal is to their love of country, and that you call upon them to fight for the Union. It is a cheat and a delusion. It is not for the Union, not for the Union. You know well, that war not only cannot save the Union, but that it makes disunion both inevitable and perpetual.

I repeat it, if they fight us, it is not to preserve the Union, but to preserve your party organization.

You built up your party on a principle of hostility to the South. You have obtained power on that basis. You are asked to give to the southern States guarantees of safety and peace. You steadfastly refuse. Some of them seek to take themselves from under your rule, and you refuse that also. You will neither allow them to stay with honor, nor to go in peace.

When the question shall come, then, in thunder-tones, why have you brought this great disaster upon the country? let your consciences answer back, We have done it, because we would do it.

You must excuse me if I oppose your measures of preparation, and expose the consequences of your policy. I shall oppose you in such a course with all the energy I am master of.

And now, sir, believing this bill to be one of the worst ever brought before Congress, and regarding it as certain to produce all the consequences of which I have spoken, revolting and lamentable as they are, I now, in the conclusion of my remarks, desire to mark it with peculiar reprobation. In the name of that Constitution which it violates, I denounce it; in the name of my constituents, whom it will injure, I denounce it; in the name of the country whose peace it will destroy, never more to be restored, I denounce it; and in the name of that humanity to which we all belong, but which we so little honor, with renewed energy, and deeper emphasis, I denounce and execrate it.

NOTE.—In order to show that African slavery ought not to be extended to the Territories, the course of argument, all through the North, is to attempt to prove it "a crime against humanity,

and a sin against God." This is the theme of every Republican harangue. And the school-house and the pulpit lend their active aid to the stump. The tendency is to poison the whole northern mind against us and our institutions. The history of John Brown, his raid, condemnation, execution, and apotheosis, well show how far this process has gone among the Republican masses at the North. He made a lawless invasion of a peaceful community, with a view to liberate the slaves, at the expense of the lives of the masters, if necessary. The blood of innocent citizens were shed. His fanaticism was the natural result of Republican teachings, operating upon a bigoted and fanatical spirit. His act was sufficient to fire with indignation every particle of healthy sentiment in the land.

But a deep and widespread sympathy was manifested for him in the Republican sentiment of the North. His condemnation was resisted, and his execution earnestly deplored. The three leading Republican newspapers in New York city, "The Tribune," "Times," and "Evening Post," all remonstrated against it, and thousands of petitions in his behalf were forwarded to Gov. Wise, of Virginia.

After execution, his body was carried through the North in a sort of triumphal procession, crowds came out in the cities, the bells of the churches were rung, funeral orations were delivered, and his apotheosis was duly performed. Among those who did honor to his memory in Boston was John A. Andrew, who was immediately thereafter taken up and made Governor of Massachusetts.

The raid of Brown into Virginia gave rise to committees of examinations both in the Senate of the United States, and in the Virginia Legislature. It is clearly proven in these examinations, not only that his intended raid was foreknown and aided by prominent citizens of the North, but that while he was in prison, awaiting execution of the sentence of death, extensive combinations were made in many parts of the North forcibly to effect his liberation.

Want of room compels me to omit two extracts—the first from the Report of the Committee of the Virginia Legislature, written, it is said, by Hon. A. H. H. Stuart, of Staunton, and the other from the New York Tribune, the most influential Republican paper in the Union, sustaining the above.

