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The crisis, and what it demand  
Speech...January 14, 1861.

Washington, 1861

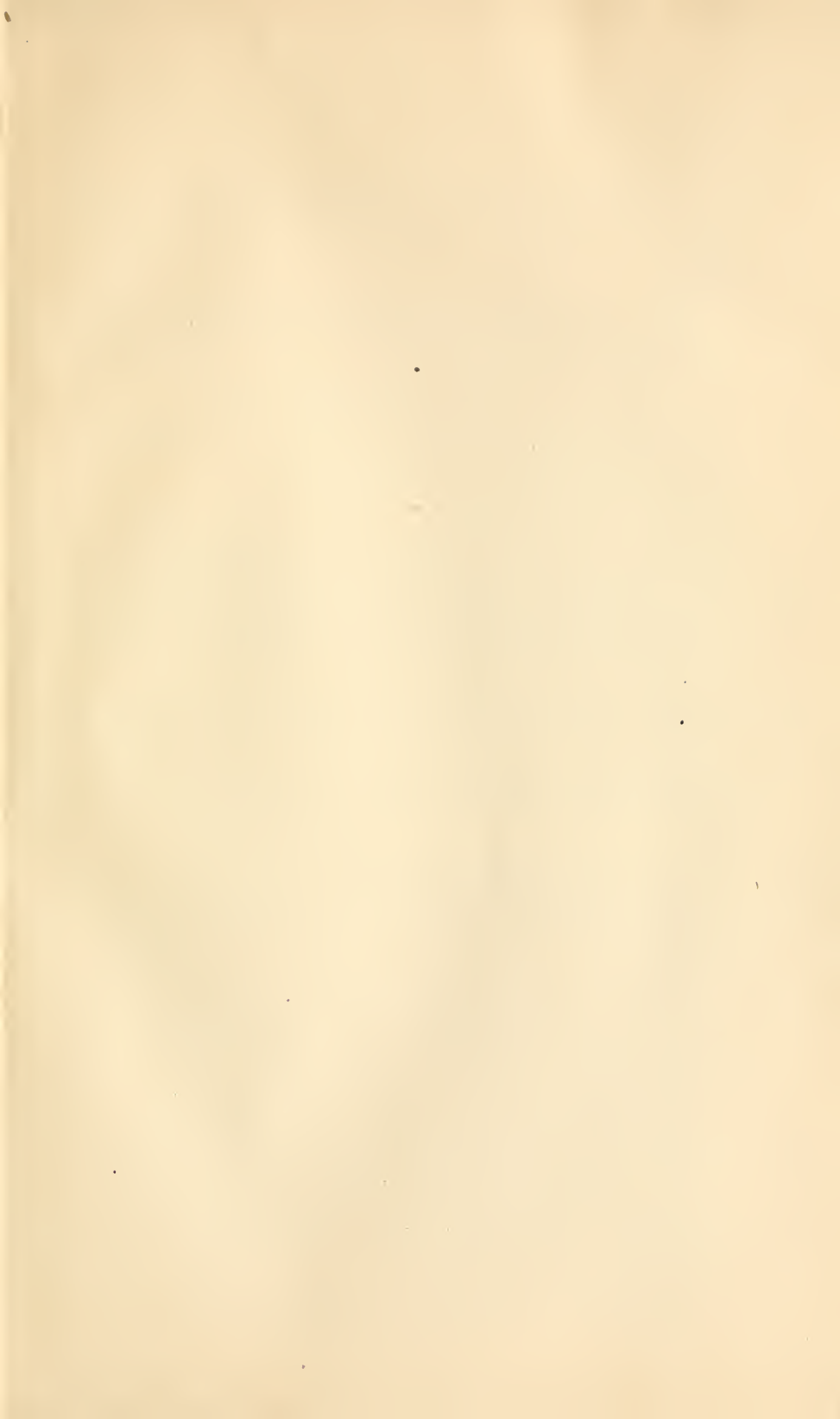


Class E 940

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# THE CRISIS, AND WHAT IT DEMANDS!

## SPEECH OF HON. T. POLK, OF MISSOURI,

*Delivered in the Senate of the United States, January 14, 1861.*

JANUARY 14, 1861.—The Senate resumed the consideration of the following resolution, submitted by Mr. HUNTER on the 2d instant:

Whereas, certain forts, magazines, arsenals, dock-yards, and other needful buildings, have been placed under the exclusive jurisdiction of the United States by a cession to that effect from certain States, and it may be the desire of one or more of those States to resume the jurisdiction thus ceded: Now, therefore,

*Be it resolved,* That the President of the United States ought to be authorized by law, upon the application of the Legislature, or of a regular convention of the people of any such States, to retrocede this jurisdiction to such States, upon taking proper security for the safe keeping and return of all the property of the United States, or for paying for the value of the same if destroyed or injured by the act of any of the States making such application.

The pending question was on the amendment of Mr. TRUMBULL, which was to strike out the preamble, and all the resolution after the word "that," and, in lieu of it, to insert:

We fully approve of the bold and patriotic act of Major Anderson, in withdrawing from Fort Moultrie to Fort Sumter, and of the determination of the President to maintain that fearless officer in his present position; and that we will support the President in all constitutional measures to enforce the laws and preserve the Union.

Mr. POLK addressed the Senate as follows:

Mr. PRESIDENT: In the momentous crisis precipitated upon the country, I have felt constrained hitherto to refrain from participating in the debate occasioned by it. I have feared that if I should speak, I might say something which might be productive of harm; that, under the pressure of excitement or of interest for my State and constituents, I might not heed as implicitly as I ought, the dictates of moderation and patriotism.

But, representing, in part, on this floor, a State whose welfare I know is most deeply involved—a border slaveholding State, and though one of the youngest, yet one of the most populous of the southern States; indeed, the first of all of them in white population—I feel that duty allows me to remain silent no longer.

Mr. President, the Roman historian, Tacitus, in describing the condition of the eternal city when about to receive the shock of one of those startling revolutions which transferred the imperial purple from one Emperor to another, used this language: "*Non tumultus, non quies, sed quale magnæ iræ, magni metus, silentium fuit.*" There was not tumult, there was not quiet; but the silence of great wrath and great fear. This, I apprehend, is the condition of the southern half of our Confederacy at this hour. The noise and excitement of the late presidential canvass are past. The contest is decided. Sectionalism and anti-slavery fanaticism have triumphed; their candidates are elected: and now there is the calm, the silence of men settled in their purpose to accept the stern alternative forced upon them by the result. Now look, in the other direction, at the North. What is the state of the case there? At first, astonishment; then, among the honest and patriotic masses, regret, profound and wide spread.

The two sections are brought by the result face to face, not in fraternal greeting, but in unnatural antagonism, separated by a geographical line.



What is the condition of things all over the entire Confederacy, both North and South? Universal panic, prostration of credit, public and private. Why, Mr. President, our Government has just advertised for a loan of \$5,000,000, and she could only get half of it bid for; nor even that except at usurious rates of interest, running up to the extreme of thirty-six per centum per annum. Failures and bankruptcies, stagnation and embarrassment everywhere and among all classes. Business languishing; trade crippled; commerce curtailed; industry paralyzed; artisans and mechanics idle for the want of employment; factories stopped and operatives discharged; suffering among the laboring poor; and families without necessities even now, and want and perhaps starvation, just before them in the future; and this glorious fabric of our Union even now tottering to its fall. Four of the pillars that sustained the towering edifice are already removed; and among them, one of the original thirteen upon which it first reposed. Six others are on the point of being removed; soon to be followed, it may be, by half of the residue, including among the slaveholding States, the first and the last to come into the Union.

Mr. President, the circumstances which surround us are enough to force us to pause and to ponder. And if we do so, we shall perceive the cold shadow of events still more startling coming upon us in the future. Even now a vision of civil war begins to rise up before us; but we are not yet able to discern the form thereof.

Sir, I feel, for one, that we are in the midst of a crisis unprecedented in our history. It may be the very crisis of our country's fate.

Some affect to ignore it all; as for instance, the Senator from Ohio, [Mr. WADE,] who first addressed the Senate.

Some, again, try to argue against it. That is the wisdom of the ostrich, which thinks to escape his pursuers by hiding his head in the sand.

Others, still, strive to allay apprehension. "Be still," they say; "there is no sufficient cause for danger." Grant it; and the danger is not thereby removed. What concerns us, and what we ought to be concerned about, is the magnitude of the evil. It matters not how trifling and insignificant the cause. A very small leak will sink a line-of-battle ship; and when the noble craft has gone down forever, it will not relieve the disaster to point out the smallness of the cause. You may tell me never so eloquently how she was able to battle with the storm-king on his own element, and to vanquish him; but the fact still remains that the gnawings of an insect has sunk her into the abyss. The American Revolution, says Mr. Webster, was fought on a preamble. Is it not wiser and better to admit the truth, and look the danger full in the face? Then we may hope to prevent, or at least to avoid it.

"The prudent man foreseeth the evil and hideth himself, but the fool passeth on and is punished."

But there are causes, Mr. President, for the perilous condition of affairs which is upon us. I know Senators say, "state your grievances; draw up your bill of indictment;" implying that there are no grievances, and that no bill of indictment can be drawn up. They are in error. They say, "you complain of the Government; and yet the Government has been, for most of the time, in the hands of the Democratic party." Here they are in error again. The complaint is not against the Government. To assume that it is, is a great mistake. To be sure, the action of the Government affecting the institution of slavery has been prejudicial to the South, and violative of its constitutional rights.

That was the case when the admission of my State was resisted, and the Missouri restriction was enacted into a law. The South has borne the weight of that unconstitutional restriction for more than a quarter of a century. But we did not complain because it was the work, in part, of southern men.

That was the case again in the passage of the Oregon territorial bill. President Polk, a southern man, deprecated the blow aimed against the rights of the citizens of the slaveholding States in that bill as unjust and unequal. Yet, yielding to what he deemed the spirit of the Missouri compromise, he signed it. He signed it, because Oregon was north of the compromise line of 36° 30'.

That, still again, was the case in the admission of California. California did not lie north of 36° 30'; and her constitution did not tolerate slavery; and yet she was admitted into the Union, in violation of the spirit of the Missouri compromise. Moreover, the admission of California destroyed the equilibrium in the Senate between the slave-holding and the non-slaveholding States forever, and put the South at the mercy of the North.

But the complaint, I repeat, is not against the Government. It is against the action



of certain States, and of the people of those States—States which are the parties to the constitutional compact on which rests the Union, of which they and their southern sisters are alike members.

They reap special advantages from the Union, in the protection it gives to their manufacturing industry; in the bounties it lavishes upon their fishing interests; in the discriminations it imposes in favor of their commerce; in the millions of expenditures it pours annually into their lap; and they cry very loudly for its preservation, while, at the very same time, they are violating the Constitution which supports the Union. They violate the compact on their part, and insist that their southern confederates shall be required—nay, coerced by force and by war to keep it on their part; as if, in the language of Mr. Webster, “a compact broken on one side was not broken on all sides.” They pass their personal liberty bills—there are some exceptions; I single them out, and honor them—bills in the very teeth of the Constitution, in contempt of it, and intended to deprive their southern brethren of their undoubted rights under the Constitution.

These bills not only do wrong and injury to their southern brethren, but they intensify the wrong by adding insult to the injury. They are passed in States where it has been admitted on this floor a fugitive slave scarcely ever goes—not one in forty years, according to the Senator from Vermont, [Mr. COLLAMER.] A high-spirited people may bear wrong, but it is quite too much to expect that they will bear with patience insult added to the wrong.

And this, too, from those standing in the relation of friends and brethren. “It was not an enemy that reproached me,” says the word of inspiration; “then I could have borne it; but it was thou, a man mine equal, my guide and mine acquaintance.”

The fugitive escapes. Is he delivered up in obedience to the command of the Constitution? No, sir; he is harbored and secreted and hastened on his way. If the master is passing through the State, is he bid “God speed” in the spirit of friendship and fraternity? On the contrary, his slave is enticed away by false promises, or is ravished from him by force. Underground railroads are established, stretching from the remotest slaveholding States clear up to Canada. Secret agencies are put to work in the very midst of our slaveholding communities, to steal away the slaves.

The constitutional obligation for the rendition of the fugitive from service is violated. The laws of Congress enacted to carry this provision of the Constitution into effect are not executed. Their execution is prevented. Prevented, first, by hostile and unconstitutional State legislation. Secondly, by a vitiated public sentiment. Thirdly, by the concealing of the slave, so that the United States law cannot be made to reach him. And when the runaway is arrested under the fugitive slave law—which, however, is seldom the case—he is very often rescued. It is said that, in such case, when suits are brought against the rescuers, courts and juries will enforce the law against them. But all this is accompanied by delay and vexation, and the most serious expenses—far exceeding the value of the slave. And even when judgment is obtained, it is, in many cases, valueless, for nothing can be made on the execution. The rescuers are either worthless negroes or equally insolvent white men. But worse than all, these rescues are always accompanied by violence, and consequently by the most imminent peril to the master. They are effected by mobs of excited and fanatical white men and reckless black men, themselves runaway slaves.

Sir, I know gentlemen of my own State who have slaves in a northern city, worth thousands of dollars, who prefer to bear the loss of them rather than jeopardize their lives in attempting to recover them. The very case to which the Senator from Wisconsin [Mr. DOOLITTLE] alluded, is a strong illustration. The slave was rescued by a mob, and the life of his master—whom I know well—was put in imminent peril. He has never recovered his slave; he has never recovered a dollar of his value, although he has spent more than his value in the endeavor. He has recovered judgment, and incurred costs, and that is all. And in this very case the supreme court of Wisconsin committed the judicial outrage of deciding the fugitive slave law unconstitutional. And even yet the fruitless litigation is not ended. This lawlessness is felt with special seriousness in the border slave States. The underground railroads start mostly from these States. Hundreds of thousands of dollars are lost annually. And no State loses more heavily than my own. Kentucky, it is estimated, loses annually as much as \$200,000. The other border States, no doubt, lose in the same ratio. Missouri much more.

But all these losses and outrages, all this disregard of constitutional obligation and

social duty, are as nothing in their bearing upon the Union, in comparison with the *animus*, the intent and purpose, of which they are at once the fruit and the evidence. They demonstrate that the authority of the Constitution has ceased to be respected at the North. That instead of fraternal feelings—instead of the good faith which ought to subsist between confederates—there is animosity and bad faith. And it is rendered worse still by the consideration, that it was not so in the earlier and better days of the Republic. Then there was loyalty to the Constitution, and kindness towards the South. These are now changed, it is to be feared, into disloyalty and hatred. If so, how remorseless is that hatred?

"Earth hath no hate like love to malice turned,  
Nor hell a demon, like a brother scorned."

Is this a gloomy and portentous picture? I fear it is not equal to the sad reality. A worse feature is yet to be added.

These sentiments have become the animating spirit of a political party. They have found expression in its platform of principles; they have nominated candidates for the Presidency and Vice Presidency; and they have elected them by a strictly sectional vote.

The candidate just elected to the Presidency, was the first man of his party to enunciate the dogma that there is an irrepressible conflict between the slaveholding and non-slaveholding States. This House of the Constitution, made by our fathers, and which they supposed, by being divided into many apartments, was thereby rendered more commodious for a harmonious family of numerous and happy States; this Union, we have been told, is a house divided against itself. The Senator from Ohio, [Mr. PUGH.] not long since, showed, beyond cavil, that Mr. Lincoln, in uttering that sentiment, had reference to slavery in the States—not merely in the Territories—but also and especially in the States.

Moreover, Mr. Lincoln has announced the dangerous dogma that, in point of political rights, the negro is the equal of the white man. In a speech made by him at Springfield, Illinois, on the 17th of July, 1858, he said:

"I adhere to the Declaration of Independence. If Judge DOUGLAS and his friends are not willing to stand by it, let them come up and amend it. Let them make it read that all men are created equal, except negroes."

Again:

"My declarations upon this subject may be misrepresented, but cannot be misunderstood. I have said that I do not understand the Declaration to mean that all men were created equal in all respects. They are not equal in color; but I suppose that it does mean to declare that all men are equal in some respects; they are equal in their right to 'life, liberty, and the pursuit of happiness.' Certainly, the negro is not our equal in color—perhaps not in many other respects; still, in the right to put in his mouth the bread his own hands have earned, he is the equal of every other man, white or black."

This needs no comment; its meaning is plain and unequivocal. I now beg to call the attention of the Senate for a moment only, to the platform upon which Mr. Lincoln secured his election. Considering the history and antecedents of this party, no man can doubt but that the following portion of the second resolution was intended to be applied to negro slaves:

"We solemnly reassert the self-evident truths that all are endowed by their Creator with certain inalienable rights, among which are those of life, liberty, and the pursuit of happiness; that governments are instituted among men to secure the enjoyment of these rights."

And that it denies that there can be any right of property in slaves, is clearly shown in the fifth resolution, in which it is declared that the present Democratic Administration has exceeded the worst apprehensions of the convention, (the Chicago convention,) among other things, "in construing the personal relations between master and servant to involve," as they say, "an unqualified property in persons." And again, the eighth resolution is as follows:

"That the normal condition of all the territory of the United States is that of freedom. That as our republican fathers, when they had abolished slavery in all our national territory, ordained that no person should be deprived of life, liberty, or property, without due process of law, it becomes our duty, by legislation, whenever such legislation is necessary, to maintain this provision of the Constitution against all attempts to violate it. And we deny the authority of Congress, of a Territorial Legislature, or of any individuals, to give legal existence to slavery in any Territory of the United States."



Now, consider this in connection with the declaration made on the floor of the United States Senate in 1859, by the Senator from New York, [Mr. SEWARD,] who may be considered the leader of the party, that the Supreme Court of the United States must be reformed, which means that the national judiciary must be abolitionized; and is it not evident, that the writ of *habeas corpus* might be brought into use to effect the liberation of the slaves in the slaveholding States? Is not such a purpose palpable, and such a result probable? What, then, could the slaveholding States expect, after the election of such a candidate upon such a platform, but that all the patronage and all the power of the Federal Government, in all its departments, would be brought to bear upon the institution of slavery in the South, in order to compass its destruction?

To this effect have been the plain and unmistakable avowals of the Republican party since the election of its candidates. It has constituted the theme of their rejoicings; it has rung from the press; it has spoken from the rostrum. Leading editors and politicians have reiterated it. The attitude and temper of the party have been not merely more arrogant, but more hostile and more threatening, since their triumph than before, evincing a determination to use their victory against the rights of the slaveholding States of the Union, regardless of the consequences.

The New York Tribune, which may be said to have been the war-horse of Mr. Lincoln's campaign, and whose editor is supposed to have been his special friend in the Chicago convention, on the 22d of December last, published the following:

"We are enabled to state, in the most positive terms, that Mr. Lincoln is utterly opposed to any concession or compromise that shall yield one iota of the position occupied by the Republican party on the subject of slavery in the Territories; and that he stands now, as he stood in May last, when he accepted the nomination for the Presidency, square upon the Chicago platform."

And the Springfield Journal, which is considered Mr. Lincoln's home-organ, after the States bordering on the Gulf of Mexico had begun to evince a determination to take the steps deemed necessary by them to insure their domestic tranquility, published an article in which occurs the following strong language:

"Let the secessionists understand it—let the press proclaim it—let it fly on the wings of the lightning, and fall like a thunderbolt among those now plotting treason in convention, that the Republican party, that the great North, aided by hundreds of thousands of patriotic men in the slave States, have determined to preserve the Union—peaceably if they can; forcibly, if they must."

In a speech made by him, at a public meeting of his partisan friends in Massachusetts, shortly after the late presidential election, assembled in order to rejoice over their victory, one of the Senators on this floor from that State [Mr. WILSON] is reported to have said, that they now had their heel upon the neck of the slave-power.

And Mr. Giddings, of Ohio, who has the reputation of having procured the insertion in the Chicago platform of the portion most hostile to southern institutions, has lately held forth in the following strain:

"Let it be understood that we do not recognize the right of any member of Congress to make platforms for us; that we shall not recognize their right or assumption to abandon our principles or sacrifice our honor, at the dictates of our enemies, whom we have triumphantly vanquished at the ballot-box."

But, Mr. President, there was no need of his holding such language to the members of Congress of his party in either House. We know full well, from the reports of the committee of thirty-three in the House, and of the committee of thirteen in the Senate, and from the temper evinced by the members of the Republican party, including both Senators and Representatives, that they have shown a disposition as unyielding and defiant as even Mr. Giddings could have desired. Nothing is to be conceded, it would seem, even if the destruction of the Union is to be the consequence.

Sir, at the formation of the Constitution, twelve of the thirteen States were slaveholding. And even Massachusetts herself, had been a slaveholding colony; nor had she ever abolished slavery by any statute law. They all recognized the right of property in slaves.

The Constitution was adapted to the institution of slavery as it then existed, and was in accordance with the public sentiment of the whole country at the time. Accordingly, no man doubted that it recognized property in slaves, and was designed to protect it wherever the national flag was unfurled, on sea or on land. No question

was made as to the right of the master to carry his slaves with him into the common Territories of the Union. Even the men of Massachusetts would no doubt have conceded it. Its denial would have lessened the market, and consequently depreciated the price that the New England slave trader might get for the slaves he was importing from Africa by the ship load. The flag of the Union protected this property on its passage from Africa to the slave States of the South. The treaties of the country with foreign nations especially stipulated for the indemnification of the loss of slaves. This was done in Jay's treaty. It was done in the treaty of Ghent; and the treaty for the acquisition of Louisiana recognizes and protects the right of property in slaves.

But the times have changed. States have changed their institutions; and now eighteen of them are non-slaveholding—a majority in number, and a majority in population—and now the political power of the country is in their hands. But the Constitution is not changed. No amendment has been added to it on the subject of slavery. It remains exactly the same to-day that it was in 1789. Yet, Mr. President, what do we now behold? A political party has been organized upon the one central idea of hostility to slavery, and its ultimate certain abolition in every section and State of our broad republic; and it has triumphed. It has wrought a revolution in the public sentiment of the country against slavery, and is about to inaugurate a revolution in the policy and administration of the Government for its extinction.

Mr. President, has the South no cause for alarm for the safety of her institutions, and the security of her rights? Is not her very existence at stake? How long could she retain the institution of slavery after the whole power of the Federal Government shall have been brought to bear upon her for its destruction? Think what could be effected by the Federal legislation. Abolition of slavery in the District of Columbia; abolition in the arsenals, dock-yards, and forts; outlawry of it on the high seas, and wherever the flag of the Union floats; exclusion of it from the common Territories belonging equally to all the States; circumscribing it as with a wall of fire within the States.

Then let the long and strong arm of the Executive power of the Government be put forth for its extinction within the States. Sir, it will be mighty to the pulling down of the strong holds of southern institutions and rights. Against almost everything else, but this, the South might protect herself. Cohorts of Federal office-holders, abolitionists, may be sent into her midst to exert the patronage, influence, and power of their offices, and to plot and conspire against her property, and her peace. Postmasters—more than thirteen thousand, with all their employés, controlling the mails and loading them down with incendiary documents. Add to these, land officers, surveyors of land, surveyors of ports, collectors of customs, assistant treasurers, judges and marshals, each of these, with all his subordinates, intent upon one aim. What institution could withstand such an invasion, such sapping and mining? Even the Senator from Ohio [Mr. WADE] is not surprised that the citizens of the slaveholding States should begin to arouse themselves from their supineness.

The slave property of the South, sir, is worth three and a half or four billion dollars. Is it to be expected that a brave and intelligent people would submit without resistance, without a murmur, to the destruction of such an amazing amount of property? Sir, no people, in any age of the world, in any country, or clime, under any form of government, has ever submitted to the destruction of a hundredth part of it without resistance and revolution.

But there is a more horrible result still to follow, especially in those States where the black slaves greatly outnumber the free whites. This I forbear to hold up to view. I draw a veil over it. Let not its horrors be even suggested to the imagination.

I am satisfied, Mr. President, that there exists, and is spreading among the masses of the citizens of the southern section of our Union, alarm in all the slaveholding States, real and profound alarm, for the safety both of their property and of the lives of their wives and children. The President has sketched this in the following sentences of his last annual message:

“The immediate peril arises not so much from these causes as from the fact that the incessant and violent agitation of the slavery question throughout the North, for the last quarter of a century, has at length produced its malign influence on the slaves, and inspired them with vague notions of freedom. Hence, a sense of security no longer exists around the family altar. This feeling of peace at home has



given place to apprehensions of servile insurrection. Many a matron throughout the South retires at night in dread of what may befall herself and her children before the morning. Should this apprehension of domestic danger, whether real or imaginary, extend and intensify itself until it shall pervade the masses of the southern people, then disunion will become inevitable. Self-preservation is the first law of nature, and has been implanted in the heart of man by his Creator for the wisest purpose; and no political union, however fraught with blessings and benefits in all other respects, can long continue, if the necessary consequence be to render the homes and the firesides of nearly half the parties to it habitually and hopelessly insecure. Sooner or later the bonds of such a Union must be severed."

This very alarm is one of the most intolerable of the grievances inflicted on the South by the ceaseless and systematic aggressions of northern abolitionism and negroism. No people can consent to live in the midst of alarms by day and terror by night. Last of all others will the American people in the slaveholding States of this Confederacy consent to it.

Sir, the "terror by night" is ranked by the sacred penman in the same category with the "arrow that flieth by day, and the pestilence that walketh in darkness, and the destruction that wasteth at noon-day."

I am also satisfied, sir, that there is a settled purpose on the part of the people of the southern States to have the difficulties now brought upon them settled fully and forever, and settled at once. Nothing short of this will meet the exigencies of the present crisis. And in order to such settlement, irrepeatable amendments to the Constitution ought to be made, covering the following points:

1. Express and unequivocal recognition of the right of property in slaves.
2. A similar recognition of the right of the owner to take his slaves into the common territory of the United States, and to have his right of property in them protected by the Federal Government there, and wherever else its jurisdiction extends.
3. That Congress shall have no power to abolish slavery in places under its immediate jurisdiction situated within the limits of the States that permit the holding of slaves.
4. Nor within the District of Columbia, so long as slavery shall exist in either of the States of Virginia or Maryland, nor without the consent of the inhabitants, nor without just compensation first made to such owners as do not consent to such abolishment.
5. Nor shall Congress have power to prohibit or hinder the transportation of slaves from one State to another, nor to the District of Columbia, nor to a Territory of the United States.
6. That, when the owner shall be prevented from retaking his fugitive slave, or when such fugitive shall be rescued from him by force, he shall receive compensation for the value or his slave.

All this the slaveholding States ought to have, and all this the non-slaveholding ought to be willing to concede. They ought to be willing to make these concessions, first, for the sufficient and commanding reason that they would relieve our common country.

Secondly, They are fully warranted by the Constitution as it now stands, and are in perfect concord with both its provisions and spirit. According to the opinion of the Supreme Court of the United States—the appropriate and the appointed tribunal for the arbitrament of such questions—the tribunal of last resort—they are guaranteed by the Constitution, as it was made by our fathers.

Thirdly, The Republican party has brought about the condition of things which has made concessions necessary, and that same party ought to be ready to grant the concessions which are needed in order to remedy these evils. If they have done wrong, or inflicted injury, both justice and magnanimity require that they should make prompt and full reparation. In this, at least, you will receive the hearty and cordial co-operation of the Democracy of the North. The northern Democracy have always been willing to sustain the Constitution according to its true construction, and so as to secure to the citizens of the slaveholding States their just and equal rights.

Fourthly, You of the Republican party alone have the power to heal the dissensions which are dissolving the Union. The South cannot do it. The political power adequate to the task has passed out of their hands into yours. The northern Democracy are also unable to accomplish it. They can only aid you.

Fifthly, The northern States constitute the more populous and the more powerful section. Consequently you incur no danger by making the concessions.

Sixthly, You are the victorious and the dominant party, and you ought not to be willing to abuse your power to the oppression of the vanquished and weaker section. Nay, more; standing in a position where a want of generosity would be a reproach, you ought ever to be prompt to tender overtures.

And, lastly, the South asks no pecuniary advantage. She only demands safety. Can it be refused?

Mr. President, the honorable Senator from Kentucky [Mr. CRITTENDEN] has introduced into the Senate a joint resolution, proposing a number of articles as amendments to the Constitution. In the main, these articles meet my approbation. But I frankly confess I have objections to that one—the first of the series—which proposes to extend the “Missouri restriction” line of 36° 30' of north latitude, through the territory of the United States, westwardly to California, excluding slavery north of the line, and requiring that it shall be protected by the territorial government, in all its departments, south of the line. And yet, sir, so anxious am I to relieve the country, that I would consent to waive my objections, and vote for the article, if peace and harmony could be restored, and the Union be preserved. I would vote for the article, although I do not think it will do equal justice to the South. The partition of the territory it proposes to make, is unequal and disproportional, and for that reason unjust. It gives by far the larger part of the common territory to the North—at least four-fifths of it. It says, to be sure, that the States that may be admitted into the Union, formed in this portion, shall come in with or without slavery, accordingly as their constitutions shall provide. But, sir, we all well know, that if the slaveholder is never allowed to go there with his property, no slaveholding State will ever be formed there. This portion of the territory, therefore, which, as I have already said, is four times larger than the other, is inevitably forever set apart for free States.

But is the other portion, which is by far the smaller one, secured to the slaveholding States? By no means. For the non-slaveholder may settle there as well as the slaveholder. And, sir, all the northern portion being secured to the North, the emigrant aid societies will be able to devote all their means and energies to occupy the smaller southern part. It will, of course, be much easier to make the conquest of the one-fifth than it would of the whole. It may be accomplished in one-fifth of the time. This proposition, it seems to me, gives them a more favorable opportunity even than they now have without it, of accomplishing their cherished object of surrounding the slaveholding States with a cordon of hostile non-slaveholding ones, and so either to smother the institution, or to make it destroy itself; the scorpion, as they say, surrounded by fire.

If I remember correctly the terms of the proposition offered by the Senator from Minnesota, [Mr. RICE,] in regard to the Territories, I prefer it to that of the Senator from Kentucky, [Mr. CRITTENDEN.] But I speak of the proposition of the Senator from Minnesota only from recollection. I have it not before me.

Mr. President, I repeat, that, in my opinion, the difficulties and dangers which are thickening around us every hour, can be dissipated but by one course. Concessions must be made full and certain, and that without delay. There is but one other alternative left, and that is a dissolution of our beloved Union.

And now, Senators of the Republican party, if you are resolved to force this alternative, and refuse everything else, all the slaveholding States must, of necessity, make common cause—the border and more central ones with their sisters of the southern extreme; and thus it will be the secession, not of one State only, nor of the cotton States merely; but of fifteen States. They have common institutions and interests, common ties and sympathies, and kindred blood.

I apprehend that some harbor the belief that there is difference of opinion among the slaveholding States, and that when the trial comes, there will be difference of action. They imagine that the border States will refuse to go with the more southern ones. This, sir, I am sure, is a great mistake. God grant it may not prove fatal.

My own State is a border slaveholding State. She loves the Constitution which supports this Union with an affection as ardent and as profound as that of any of her confederated sisters. The principles of that Constitution constitute the very life-blood of her body politic. They animate and quicken her social system, and thrill and vibrate through its every nerve and fibre. Her gallant sons have always been proud “to march under the flag and keep step to the music of the Union.” They have



rushed to every battle-field where the honor of the Union has been at stake. And when, in our last war, Mexicans were heeding the exhortation "to welcome Americans to Mexican soil with bloody hands to hospitable graves," they were quick to accept the bloody greeting. But if you are determined to push and precipitate disunion upon the country, though I am not authorized to speak for Missouri, yet I do feel authorized to express my belief, that she will not hesitate to take her position with the South. Her institutions, her interests, present and prospective, her lineage, and the manners and habits and sympathies of her people, all "grapple her to the South with hooks of steel."

The institution of slavery was planted upon her soil when it was first purchased by Mr. Jefferson from the First Consul of the French. It is there still, with the ancient inhabitants of the upper Louisiana and their descendants. It has been greatly augmented and strengthened by the American immigration. It constitutes the wealth of her citizens, to the large extent of perhaps one hundred million of dollars. It contributes in a large degree to the support of her agricultural industry. It produces two of her great staples almost exclusively—hemp and tobacco.

Mr. President, let it not be supposed that Missouri will be deterred from taking her position because she has non-slaveholding States on her borders, some of whose people may be hostile to slavery.

Sir, she has already suffered deeply, grievously, from this cause; suffered not only by the loss of property, but by the loss of the lives of her citizens. No State has suffered more, none perhaps so much. The underground railroad has been vigorously operated against her. Abolition incursions have been made into her territory, destroying both life and property. John Brown made his first raids into Missouri. As recently as the commencement of this very session of Congress, she has been compelled to march a regiment of her citizen soldiery to her southwestern border, to protect her peaceful agriculturists against the incursions for robbery and murder of Montgomery and his band of "jayhawkers" and desperadoes. And at this very moment she has a patrol of three companies of rangers and one of artillery upon that border, in order to maintain her own sovereignty upon her own soil.

Will she be worse off, when those of the residents in the neighboring States who are the foes of her institutions and her peace, shall be regarded by her as such, than she has been, while they were treated as friends? In the changed posture of affairs her citizens will be more vigilant and better prepared. And vigilance and preparation are the best guarantees of safety.

Mr. President, I am sorry to say that Missouri seems to be the first of the slaveholding States selected after Mr. Lincoln's election for abolition attack. The New York Tribune, one of the most prominent of the organs of the abolitionists, shortly after the late presidential election, contained an article on that election. In that article it descanted upon the results and bearings of the election generally, and also especially in reference to Missouri. It used the following language:

"Deeply as we all rejoice in the general result of the election, there is even greater reason for pleasure and hope in the condition of things it thus reveals in Missouri. Here, then, is a slave State entering upon a struggle to rid herself of the greatest curse that can ever befall a people. She needs our help. She needs the encouragement of the moral influence of the North on behalf of freedom. She needs, above all, that the tide of free emigration pouring westward should, as far as possible, find homes upon her soil. This part of the subject, especially, we commend to the attention of all parties who propose to seek for themselves new abodes in the Great West."

But, sir, if disruption is to be forced upon us, we can at least guard ourselves against incursions of that sort.

Mr. President, I ought not to say, I will not say, that Missouri would be better off in the event of secession than she is now. But I may say, that I cannot see how she can be greatly worse off. But, sir, I do not present before the Senate of the United States the reasons why Missourians, in case of a division of the Confederacy into a northern and southern one, will fix the destiny of their State with the South. These reasons are properly reserved for another locality.

Yet, Mr. President, I am satisfied that the citizens of Missouri do not desire to see the disruption of this Government. It would rend the great heart-strings of the entire State. She would submit to the most painful catastrophe, with feelings like those with which an affectionate daughter would part forever from her long-loved and deeply venerated mother. Will you not spare her the mournful separation.

Mr. President, I do not propose to argue the right, under the Constitution, of separate State secession. The controversy, in my opinion, has progressed beyond that stage of it. Secession is now already an accomplished fact. It has been thrice repeated. To stop to argue its constitutionality, is to fall behind the march of events. It would be something like discussing the legality of the judgment of a court, after its sentence had been executed and the convict hanged.

Secession having actually taken place in four States, and just on the point of taking place in at least three others, we must now deal with its consequences.

Following after secession, there comes upon us a question of more momentous import; and that is: has the Federal Government, by the Constitution, the right to coerce a seceding State back into the Union by force? In the emergency which is upon us, this is now a practical question; and it is as momentous as it is urgent.

Gentlemen on the other side seem to me to approach the subject under wrong impressions. They seem to think that the States were made for the Federal Government, and not the Federal Government for the States. But the truth is, that the Federal Government was made by the States for the States.

Now suppose that Government becomes hostile in its spirit, and destructive in its action, to the rights and institutions of the people of a portion of the States; what then? Let the spirit which dictated our Declaration of Independence answer. On the other hand, suppose it fails to answer the purpose of its creation, and instead of insuring domestic tranquility, destroys it; what then? Let the example of the revolutionary fathers, in withdrawing themselves and their States from the Union of the old Confederation answer.

The Senator from Ohio [Mr. Pugh] has said that he will not stretch forth his hand to remove the vail behind which stands the Atlas which supports on his shoulders alone the firmament of our federative system. But, sir, I have no such aversion. I am willing to see the danger that lies before us. If this Government is about to rush into the vortex of ruin, I want to know it. If civil war is removed from us but by a single step, do not let me be ignorant of it, lest I take that step in the dark. Hide from me the day when the dying agonies of my country shall begin; but do not hide from me the lawless and fatal policy which must inevitably plunge her into the mortal strife.

By the tenth amendment of the Constitution—

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

The power to coerce, therefore, does not exist—cannot exist, unless it has been delegated to the United States by the Constitution. But there is no delegation of any such power. It follows, of necessity, that the Federal Government does not possess it. And it will not suffice to argue that the Government ought to possess it. All such argument is confuted and confounded by the single and simple truth, that the Constitution nowhere gives the power.

Nor will it answer to attempt to raise the power by implication. The very terms of the constitutional provision just quoted, preclude the implication, expressly and emphatically, and forever. They utterly exclude any such conclusion.

Yet some persist in the attempt to deduce the power from the nature of compacts. I understood the Senator from Tennessee, who first addressed the Senate, to pursue that course. It is said that “when two parties make a compact, there results to each the power of compelling the other to execute it.”

Results from what? Such power can only result, either, first, from the compact itself, or second, from the fact of making it. It does not result from the compact, because we have already seen that the compact itself gives no such power to the General Government. It cannot result from the fact of making the compact, because the compact itself expressly declares, that it shall not vest except by its own express delegation.

But the States made the compact—the Constitution—not with the Federal Government, but each other. The Federal Government never was a party to any compact with the States. Therefore, by the very postulate itself, that Government can have no right to enforce the execution of a compact to which it never was a party. The postulate assumed, goes upon the further assumption, that the Constitution is a compact between the Federal Government and the States. But that assumption is false in fact.

If such a power, therefore, as is assumed in the postulate—the power of forcible coercion—exists anywhere, it must belong to the other contracting States, which are



parties to the Federal Constitution, and not to the Federal Government. The Federal Government is the result of the compact, and that is all. It can only use the powers given to it in express terms by the compact, nothing more. Unless the power, therefore, is vested in the Federal Government by the very terms of the compact, or in other words by the Constitution, it can neither coerce a State to remain in the Union, nor punish her when she goes out. But no such power is delegated by the Constitution to the Federal Government.

The absence of this power is no *casus omissus* in the Constitution. So far from it, the very point was presented and pressed upon the convention which framed the Constitution, at the very commencement of its deliberations. The convention met, and commenced its labors on the 25th of May, 1787. Only four days thereafter, on the 29th, Mr. Randolph presented the plan of a Federal Constitution. It consisted of a series of fifteen resolutions. The sixth resolution contained the following:

“That the national Legislature ought to be empowered to call forth the force ‘of the Union against any member of the Union failing to fulfill its duty under ‘the articles thereof.’”

On the motion of Mr. Madison, this proposition was postponed, and it was never again called up. And it was upon this occasion that he uttered the sentiments quoted a few days since by the Senator from Louisiana, [MR. BENJAMIN,] in his speech on the question of State secession. (Madison Papers, 5 Elliot’s Debates, pp. 127, 128, 139, 140.)

Afterwards on the 15th of June, Mr. Patterson proposed a project of a Constitution. This also consisted of a series of nine resolutions. His sixth resolution also proposed to give to the General Government the right to coerce a State. This too, was postponed by the convention, and was never again renewed. (Madison Papers, pp. 192, 198.)

So that the proposition to give to the General Government the power to coerce a State, was distinctly put to the convention twice over, on different days, and each time it was refused.

The convention was exceedingly careful and scrupulous on this point of the power of the Federal Government, in all of its departments, over the States.

The sixth resolution of Mr. Randolph’s plan contained another proposition akin to the coercion of a State. It was “that the national Legislature ought to be empowered to negative all laws passed by the several States, contravening, in the opinion of the national Legislature, the articles of union or any treaty subsisting under the authority of the Union.”

This power was first agreed to. This was on the 31st of May. But afterwards, on the 8th of June, it was reconsidered and voted down. It was never again renewed. (Madison Papers, pp. 139, 174.)

On the 18th of June, Mr. Hamilton also proposed a series of resolutions, embodying his ideas of a Constitution. His tenth resolution proposed, in order to prevent the passage of laws by the particular States contrary to the laws of the United States, that the President should have power to appoint the Governor of each State who should have a negative upon the laws of the States of which he was Governor. (Madison Papers, p. 205.) This was also refused. Again: it was proposed, in the eighth resolution of Mr. Randolph’s plan, to give to the President and a convenient number of the Federal judiciary a power of revision of the laws of the several States. And this was rejected. (Madison Papers, p. 128.)

But it is said that what is contended for is not coercion of a State; but only that the Federal Executive is bound by the Constitution to see that the laws of the United States are faithfully executed. This I understand to be the position of the Senator from Tennessee, to whom I have already alluded. Such I infer to be the position of the President elect, if the newspapers of his party which have spoken on that subject truly give his position. Let us examine this a little. Suppose a State secedes, in the exercise either of a constitutional or a revolutionary right—I do not care which, for the purposes in hand. She passes laws in conflict with the laws of the United States; they may be in regard to the revenue and its collection, or the carrying of the mails, or anything else. An officer of the State, duly appointed such, acting in pursuance of her laws, and in the execution of them, does an act in violation of the laws of the United States. The Federal Executive undertakes to enforce the Federal laws against him. Forthwith the sovereignty of the State, whose agent and servant he is, and whose command he is obeying, is interposed to protect him. On

the other hand, the United States Government brings its power into play to punish him. Here is necessarily conflict and coercion. You may call it the execution of the laws of the United States. It is, nevertheless, coercion, and coercion of the sovereignty of a State.

Mr. President, this is reaching coercion by an indirect and roundabout mode; and I confess that that fact does not render its features any the less abhorrent to my mind. On the contrary, it makes them only the more so. You coerce each individual citizen of the State, and yet you say you do not coerce the State. Then you may hang as a traitor each individual citizen of the State, and the State will not be depopulated, nor lose a single soul. Sir, such a result is not what is contemplated by the Constitution of the United States, when it makes it the duty of the President to see that the laws are faithfully executed. That Constitution never intended that the Federal laws should be executed by force of arms within the limits of a State which has, in the most solemn and authentic form, withdrawn itself from the Union, and displaced the jurisdiction of the General Government. It has respect to the execution of the laws of the Union only upon the soil of a State while she remains within the Union, and subject to its jurisdiction.

And here, sir, is the exact point of difference between secession and nullification. In the latter case, the State, still abiding in the Union, and acknowledging the jurisdiction of the Federal Government, refuses to obey the laws. In the former case she has separated herself from the Union, and put off its jurisdiction. To my mind, the difference is a clear, a broad one?

But, sir, to enforce the laws within the limits of a State after she has seceded is an impossibility. This position was vindicated a few days ago to the Senate by the honorable Senator from Virginia, [Mr. HUNTER,] much more ably than I can hope to be able to do it; and I shall therefore forbear to go over the ground much better occupied by him, and shall invoke the attention of the Senate to but a single view of it.

The State has withdrawn herself from the Union. There is not a single Federal officer within her boundaries—no judges, no clerks, no marshals. In our Government the laws can be executed only by the courts and their officers. The President, in fulfilling the duty imposed on him by the Constitution to see that the laws are faithfully executed, has no right to act as judge, jury, and executioner. He is no autocrat.

If the United States law is violated, the offense is cognizable under the Constitution, only by the Federal judiciary. A court must be called; a Federal judge must preside; a United States marshal must be there to execute process, and a district attorney to prosecute the offense. But all this, in the case under consideration, is impossible, because there is not a single one of all those officers within the limits of the State. Do you say you will change the laws, and send foreign judges and marshals into the State? Well, you make the alteration of the law, and you send your judge and marshal to the State. But the State will not receive them. She excludes them by force of arms. If you are determined to force them upon her, it must be done by Federal troops, and at the point of the bayonet. Here is war. But suppose you shall succeed in forcing your officers into the seceding State, and you open your courts. The party to be proceeded against must be indicted by a grand jury. This is the first step. Without it you cannot put him on his trial. But the grand jury must be citizens of the State. Each one of them is prohibited by the authority of his State from finding a true bill, and therefore he *cannot* do it. And each one may be liable to the very same kind of a prosecution, and therefore he *will not* do it. And the next step, which is also an indispensable one, is, that the accused is entitled by the Constitution to be tried by a traverse jury, which must also be composed of citizens of the State. And they, too, for the same reasons already stated in regard to the grand jury, will not, and cannot, convict the accused. The army of the United States cannot be made to play any principal part in the process of enforcing the laws of the United States.

Nor is the President authorized by the Constitution to allow the Army of the United States to play any principal part in the process of enforcing the laws. He can only send the troops to act in the capacity of a *posse*, under the direction of the civil authorities. These authorities must make demand for the *posse*, and take the charge of it. But in the case supposed there is neither civil officer to make demand for the aid of the troops, nor is there any judgment of a court to be executed.

Now, Mr. President, suppose it be conceded that this kind of coercion is constitutional, and that you are able to put it into operation: what result have you reached



in the process of it? You have inaugurated war—nothing less, nothing else. Sir, war is the most terrible of all calamities under all circumstances, and for the most righteous of causes. It stands first in the dreadful triumvirate for the scourging of the nations—war, pestilence, and famine. War first and chiefest of the three. But this would be the most wicked, most horrible of all wars. It would be civil, internecine war; perhaps also servile war.

In the dreary catalogue of wars that have cursed and depopulated and ravaged the earth, there is none which is a parallel to what such a war must be. The civil wars of the Roman empire in ancient days, and those of the British in more modern, are no types of what this American civil war must be. It will be a war of sections—the North against the South, and the South against the North. It will be a war of families—son against father, brother against brother, and husband against his wife's brother. It will be bitter, bloody, remorseless, and exterminating. No man can tell when it will terminate, and no fancy depict its horrors, its universal devastation and ruin. The picture drawn by Mr. Burke of the havoc inflicted by Hyder Ali upon the Carnatic, will scarcely convey an adequate idea of it.

Sir, is any Senator on this floor prepared to resort to coercion in order to achieve such results? Ought any Senator to be willing to deny to the South the constitutional concessions and guarantees necessary to maintain her rights and safety, at the risk of incurring these consequences?

Mr. President, for myself, I denounce the policy and the construction of the Constitution which must lead to such disasters. If we must separate, let us separate in peace. If Republicanism, having beaten down and subdued the gallant Democracy of the North, is determined, in spite of constitutional guarantees, in spite of social duties, in spite of justice and right—is determined to exterminate the institution of slavery from every foot of the soil of every State in the Union, or else to force the slaveholding States to go out of the Union—let our separation be without the shedding of blood.

“Let there be no strife, I pray thee, between thee and me, and between thy herdmen and my herdmen, for we are brethren. Separate thyself, I pray thee, from me. If thou wilt take the left hand, then I will go the right; or if thou depart to the right hand, then I will go to the left.”—*Genesis*, 13, 8.

Mr. President, South Carolina has, by solemn ordinance, declared herself withdrawn from the Union, and repealed the act by which she ratified the Constitution and entered into the Confederacy. This has been done by a convention deliberately called by her people for that purpose. Mississippi, Alabama, and Florida, are in the same position. Other States are following close and hard in the same path.

Sir, I am sorry that the good people of these States, in the exercise of their high discretion for securing their sacred constitutional rights, had not seen fit to consult with their sister slaveholding States, before adopting this policy. These States all have the same institutions, the same rights, the same blood. Their cause is a common one; their policy, it seems to me, ought to have been a common one also.

But, Senators, I will never give my vote nor my consent either to coerce or to execute the laws by force of arms in any one of them. To do that would be to wage war upon them; and that war could have but one object, and that to subjugate the State, and bring her back a captive in chains. Is there any Senator who would be willing to achieve that scandalous and monstrous result, even if it were possible to accomplish it? The Constitution of the United States was never designed by the fathers to be prostituted to any such base purpose of oppression and outrage. It has no aptitude to coerce and hold in unwilling union, alienated, hostile, and beligerent States; nor to maintain a centralized despotic power to dominate over subjugated provinces, and to coerce their allegiance by the bayonet and the sword.

It is clear that in the attitude now held by South Carolina and the other seceding States towards the Federal Government, the laws of the United States can be executed there only by the military power of the Government. The attempt will be resisted by arms. The very first step, therefore, is, inevitably, civil war. Other States will rush to their aid; and it will be a war of one half of the States against the other half. How can any friend of the Union bring himself to support or countenance such a measure. It will be a dissolution of the Union in blood. In such case, there can be no hope of reconstruction. No man can be so blind as not to see it.

But if dissolution must come; let it be peaceful. Then there may be a hope for reconstruction; fraternal feelings may be restored; the evil spirit of abolitionism

may be exorcised ; mutual interests and wants may, as at the first, again attract the separated States together. They may again send up their delegates to another convention, to make another Constitution, which shall indeed " form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to themselves and their posterity." And the third Union may be more lasting and glorious than either that which bore us triumphantly through the revolutionary war, or that which has elevated us since that epoch, to that height of happiness and power which has drawn upon us the gaze and the admiration of the whole civilized world.

But far better would it be, Mr. President, that dissolution should be arrested and civil war prevented ; that timely concessions should be made, amply sufficient to assure to every southern State, her rights and her equality in the Union, in all time to come. Then our career as a free people, would only be momentarily checked by this shock of dissolution which is upon us, and we should hereafter continue to expand and improve and advance, until we should reach the full meridian of national greatness and happiness.

And, Mr. President, if the spirit of fraternity and conciliation has fled from this Congress and this Senate Hall, is it clean gone from the country forever? Does it no longer move the masses of honest and true men of the North? Do they not still love their country, the whole country, the South as well as the North? Will they forget the spirit in which the war of the Revolution was waged? Will they not recollect that George Washington, a southern man, led their fathers of the North as well as the men of the South in that war; that while northern men offered up their lives on southern battle-fields, the men of the South as cheerfully shed their blood in defense of their brethren on northern soil? And remembering that Heaven itself deals with his creature, man, through mediation and in infinite concession; remembering, too, that in order to form the Constitution of our Government, their fathers made concessions upon this very subject of slavery, will they refuse the concessions now demanded by the South, not merely on the score of equality and of right, but as necessary to the safety of their wives and children? Will they not yield them, and so preserve, or, if need be, re-construct, the *union* of these American States. Mr. President, I appeal from their Representatives to the sovereign people of the North; and may God grant to interpose for our country in this the hour of her extremity and need.





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