

DOUGLAS AND POPULAR SOVEREIGNTY.

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S P E E C H

*def. vol.*  
OF

CARL SCHURZ, OF WISCONSIN,

IN HAMPDEN HALL, SPRINGFIELD, MASS.,

JANUARY 4, 1860.

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ALSO,

REMARKS OF SENATOR DOOLITTLE,

OF WISCONSIN,

*On the occasion of the late Anniversary of the Landing of the Pilgrims, as celebrated by  
the New England Society of the city of New York, December 22, 1859.*

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WASHINGTON, D. C.

BUELL & BLANCHARD, PRINTERS.

1860.

## Speech of Mr. Schurz.

When great political or social problems, difficult to solve and impossible to put aside, are pressing upon the popular mind, it is a common thing to see a variety of theories springing up, which purport to be unfailling remedies, and to effect a speedy cure. Men, who look only at the surface of things, will, like bad physicians, pretend to remove the disease itself by palliating its most violent symptoms, and will astonish the world by their inventive ingenuity, no less than by their amusing assurance. But a close scrutiny will in most cases show that the remedies offered are but new forms of old mistakes.

Of all the expedients which have been invented for the settlement of the slavery question, Mr. Douglas's doctrine of popular sovereignty is certainly the most remarkable, not only by the apparent novelty of the thing, but by the pompous assurance with which it was offered to the nation as a perfect and radical cure. Formerly, compromises were made between the two conflicting systems of labor, by separating them by geographical lines. These compromises did indeed produce intervals of comparative repose, but the war commenced again, with renewed acrimony, as soon as a new bone of contention presented itself. The system of compromises as a whole proved a failure. Mr. Douglas's doctrine of popular sovereignty proposed to bring the two antagonistic elements into immediate contact, and to let them struggle hand to hand for the supremacy on the same ground. In this manner, he predicted the slavery question would settle itself in the smooth way of ordinary business. He seemed to be confident of success; but hardly is his doctrine, in the shape of a law for the organization of Territories, put upon the statute book, when the struggle grows fiercer than ever, and the difficulties ripen into a crisis. This does not disturb him. He sends forth manifesto upon manifesto, and even during the State campaign of last fall, he mounts the

rostrum in Ohio, in order to show what he can do; and, like a second Constantine, he points his finger at the great principle of popular sovereignty, and says to his followers: "In this sign you will conquer." But the tendency of events appeared unwilling to yield to his prophecy. There seemed to be no charm in his command; there was certainly no victory in his sign. He had hardly defined his doctrine more elaborately than ever before, when his friends were routed everywhere, and even his great party is on the point of falling to pieces. The failure is magnificently complete.

There certainly was something in his theories that captivated the masses. I do not speak of those who joined their political fortunes to his, because they saw in him a man who some day might be able to scatter favors and plunder around him. But there were a great many, who, seduced by the plausible sound of the words "popular sovereignty," meant to have found there some middle ground, on which the rights of free labor might be protected and secured, without exasperating those interested in slave labor. They really did think that two conflicting organizations of society, which are incompatible by the nature of things, might be made compatible by legislative enactments. But this delusion vanished. No sooner was the theory put to a practical test, when the construction of the Nebraska bill became no less a matter of fierce dispute than the construction of the Constitution had been before. Is this pro-slavery, or is it anti-slavery? it was asked. The South found in it the right to plant slave labor in the Territories unconditionally, and the North found in it the right to drive slavery out of them. Each section of the country endeavored to appropriate the results of the Nebraska bill to itself, and the same measure, which was to transfer the struggle from the halls of Congress into the Territories, transferred it from the Territories back into Congress; and there the Northern and the

Southern versions of the Nebraska bill fight each other with the same fury with which the Southern and the Northern versions of the Constitution have fought each other before. What does the Constitution mean in regard to slavery? That question remains to be settled. What does the Nebraska bill mean? This question depends upon the settlement of the former.

Of all men, Mr. Douglas ought to be the first to know what the true intent and meaning of the Nebraska bill and the principle of popular sovereignty is. He is said to be a statesman, and it must be presumed that his measure rests upon a positive idea; for all true statesmanship is founded upon positive ideas.

In order to find out Mr. Douglas's own definition of his own "great principle," we are obliged to pick up the most lucid of his statements as we find them scattered about in numerous speeches and manifestoes. After multifarious cruising upon the sea of platforms and arguments, Mr. Douglas has at last landed at the following point: "A slave," says he, in his famous Harper-Magazine article, "a slave, within the meaning of the Constitution, is a person held to service or labor in one State, *under the laws thereof*—not under the Constitution of the United States, or under the laws thereof, nor by virtue of any Federal authority whatever, but *under the laws of the particular State where such service or labor may be due.*" This is clear; and with his eyes firmly fixed upon the people of the North, he goes on: "If, as Mr. Buchanan asserts, slavery exists in the Territories by virtue of the Constitution of the United States, then it becomes the imperative duty of Congress, to the performance of which every member is bound by his conscience and his oath, and from which no consideration of policy or expediency can release him, to provide by law such adequate and complete protection as is essential to the enjoyment of an important right secured by the Constitution—in one word, to enact a general slave code for the Territories." But Mr. Douglas is not satisfied with this. In order to strengthen his assumption, and to annihilate Mr. Buchanan's construction of the Nebraska bill still more, he proceeds: "The Constitution being uniform everywhere within the dominions of the United States, being the supreme law of the land, anything in the Constitutions or laws of any of the States to the contrary notwithstanding, why does not slavery exist in Pennsylvania, just as well as in Kansas or in South Carolina, by virtue of the same Constitution, since Pennsylvania is subordinate to the Constitution in the same manner and to the same extent as South Carolina and Kansas?"

Just so. Mr. Douglas having been so positive, he cannot deny us the privilege of making a few logical deductions from his own premises. We expect him to proceed in the following manner: "Since a slave is held under the laws of a State, and not under the Constitution or the

laws of the United States, *slavery exists only by virtue of local law,*" or, as the Court of Appeals of Kentucky expressed it, "the right to hold a slave exists only by *positive law of a municipal character,* and has no foundation in the law of nature, or the unwritten and common law." If slavery cannot exist except by virtue of local law of a municipal character, it follows, as an irresistible consequence, that a slaveholder cannot hold a slave as property in a Territory where there is no local law of a municipal character establishing that right of property. And, further, the right to hold a slave having no foundation in the law of nature, or the unwritten and common law, we are forced to the conclusion that a slave, brought by his owner upon the soil of a Territory before the Territorial Legislature have enacted laws establishing slavery, becomes of necessity free, for there is no local law of a municipal character under which he might be held as a slave. This principle is recognised by the decisions of several Southern courts. Having gone so far, (and, indeed, I cannot see how a logical mind can escape these conclusions from Mr. Douglas's own premises,) Mr. Douglas would be obliged to define his popular sovereignty to be the right of the people of a Territory, represented in the Territorial Legislature, to admit slavery by positive enactment, if they see fit, *but it being well understood that a slaveholder has not the least shadow of a right to take his slave property into the Territory before such positive legislation has been had.* This definition would have at least the merit of logical consistency.

But what does Mr. Douglas say? "Slavery," so he tells us in his Harper-Magazine article, "slavery being the creature of local legislation, and not of the Constitution of the United States, it follows that the Constitution does not establish slavery in the Territories beyond the power of the people to control it by law." What? The Constitution does not establish slavery in the Territories beyond a certain something! What does that mean? If slavery is the creature of local law, how can the Constitution, by its own force, permit slavery to go into a Territory at all?

Here is a dark mystery—a pit-fall; and we may well take care not to fall into the trap of some sophistry. Why does he not speak of the admission of slavery by positive enactments? Why not even of the power of the people to exclude it by law? We look in vain for light in Harpers' Magazine, (and is it indeed true, what Judge Black intimates, that that article is one of the obscurest documents by which ever a politician attempted to fog his followers?) but we may gather Mr. Douglas's real opinion from another manifesto preceding this. In his New Orleans speech, delivered after his recent success in Illinois, he defined his position, in substance, as follows: "The Democracy of Illinois hold that a slaveholder has the same right to take his slave property into a Territory as any

“other man has to take his horse or his merchandise.”

What? Slavery is the creature of local law, and yet a slaveholder has the right to take his slave property into a Territory before any local law has given him that right? A slave does not become free, when voluntarily brought by his owner upon the soil of a Territory where no positive local law establishing slavery exists. How is this possible? How can even the elastic mind of a Democratic candidate for the Presidency unite these contradictory assumptions? [Applause.] And yet there it stands, and nothing that Mr. Douglas ever said can be more unequivocal in its meaning. And here again we may claim the privilege of drawing a few logical deductions from Mr. Douglas's own premises. If, as Mr. Douglas distinctly and emphatically tells us, a slaveholder has a right to take his slave, as property, into a Territory, and to hold him there as property, before any legislation on that point is had, from what source does that right arise? Not from the law of nature, for the right to hold a slave is “unfounded in the law of nature, and in the unwritten and common law;” and even Mr. Douglas, little as he may care about nature and her laws, will hardly dare to assert that the system of slave labor is the natural and normal condition of society. It must then spring from positive law. But from what kind of positive law? Not from any positive law of a local and municipal character, for there is none such in the Territory so far. Where is its source, then? There is but one kind of positive law to which the Territories are subject before any local legislation has been had, and that is the *Constitution of the United States*. If, therefore, Mr. Douglas asserts, as he does, that a slaveholder has a right to take his slave as property into a Territory, he must, at the same time, admit that, in the absence of local legislation positively establishing slavery, the Constitution of the United States, the only valid law existing there, must be the source of that right. What else does Mr. Buchanan assert, but that slavery exists in the Territories by virtue of the Federal Constitution? Where is, then, the point of difference between Mr. Buchanan and Mr. Douglas? Why all this pomp and circumstance of glorious war? Whence these fierce battles between the Montechi and Capuletti of the Democratic camp? Are ye not brothers?

But Mr. Douglas is a statesman, (so they are all, all statesmen,) and pretends that the Constitution does not establish slavery in the Territories, “*beyond the power of the people to control it by law.*” What does that mean? It means that the people of a Territory shall have the power to embarrass the slaveholder in the enjoyment of his right by “unfriendly legislation.” “The right to hold slaves,” says he in another place, “is a worthless right, unless protected by appropriate police regulations.

“If the people of a Territory do not want slavery, they have but to withhold all protection and all friendly legislation.” Indeed, a most ingenious expedient.

But, alas! Here is one of those cases where the abstract admission of a right is, of decisive importance. Suppose, for argument's sake, a slave might escape from his owner in a Territory, without being in actual danger of recapture; would that in any way affect the constitutional right of the slaveholder to the possession and enjoyment of his property? I have already quoted Mr. Douglas's own answer to this question. “If,” says he, “slavery exists in the Territories by virtue of the Constitution,” (that is, *if a slaveholder has a right to introduce his “slave property” where there is no other law but the Constitution,*;) “then it becomes the imperative duty of Congress, to the performance of which every member is bound by his oath and conscience, and from which no consideration of policy or expediency can release him, to provide by law such adequate and complete protection as is essential to the enjoyment of that important right.”

And Mr. Douglas, after having emphatically admitted the right of property in a slave, where that right can spring from no other law but the Constitution, then dares to speak of unfriendly legislation. Where is his conscience? Where is his oath? Where is his honor? [Applause.]

But Mr. Douglas says more:

“The Constitution being the supreme law of the land, in the States as well as in the Territories, then slavery exists in Pennsylvania just as well as in Kansas and in South Carolina, and the irrepressible conflict is there!”

Aye, the irrepressible conflict is there, not only between the two antagonistic systems of labor, but between Mr. Douglas's own theories; not only in the States and Territories, but in Mr. Douglas's own head. [Laughter and cheers.] Whatever ambiguous expressions Mr. Douglas may invent, the dilemma stares him in the face, (and here I put myself on his own ground,) either slavery is excluded from the Territories so long as it is not admitted by a special act of Territorial legislation, or, if a slaveholder has the right to introduce his slave property there before such legislation is had, he can possess that right by virtue of no other but the only law existing there, the Constitution of the United States. Either slavery has no rights in the Territories, except those springing from positive law of a local or municipal character, or, according to Judge Douglas's own admission, the Southern construction of the Constitution and of the principle of popular sovereignty is the only legitimate one, that the Constitution, by its own force, carries slavery wherever it is the supreme law of the land, that Congress is obliged to enact a slave code for its protection, and that popular sovereignty means the power of the people to vote for sla-

very, but by no means against it. There is no escape from this dilemma.

Which side will Mr. Douglas take? Will he be bold enough to say that slavery, being the creature of local law only, is excluded from the Territories in the absence of positive law establishing it; or will he be honest enough to concede that, according to his own proposition in his New Orleans speech, slavery exists in the Territories by virtue of the Federal Constitution? He will neither be bold enough to do the first, nor honest enough to do the second; he will be cowardly enough to do neither. [Applause.] He is in the position of that Democratic candidate for Congress in the West, who, when asked: "Are you a Buchanan or a Douglas man?" answered, "I am." [Great laughter and cheers.] If you ask Mr. Douglas, "Do you hold that slavery is the creature of local law, or that a slaveholder has the right to introduce his slave property where there is no local law?" he will answer, "I do." [Continued laughter and applause.]

Such is Mr. Douglas's doctrine of popular sovereignty. But after having given you Mr. Douglas's own definitions in his own words, I see you puzzled all the more, and you ask me again: "What is it?" I will tell you what judgment will be passed upon it by future historians, who may find it worth while to describe this impotent attempt to dally and trifle with the logic of things. They will say: "It was the dodge of a man who was well aware that, in order to be elected President of the United States, the vote of a few Northern States must be added to the united vote of the South. Knowing by experience that the Democratic road to the White House leads through the slaveholding States, he broke down the last geographical barrier to the extension of slavery. So he meant to secure the South. But in conceding undisputed sway to the slaveholding interests, he saw that he was losing his foothold in the Northern States necessary to his election; he availed himself of the irresistible pressure of the Free-State movement in Kansas, and opposed the Lecompton Constitution. So he saved his Senatorship in Illinois, as the champion of free labor. But the South frowned, and immediately after his victory he went into the slaveholding States, and admitted in his speeches that slavery may go into the Territories without a special act of Territorial legislation. Believing the South satisfied, and seeing his chances in the North endangered, he wrote his Harper-Magazine essay, assuming that slavery can exist only by virtue of local law. The South frowning again, he endeavored to make his peace with the slaveholders by declaring that he would submit to the Charleston Convention, and instructing his nearest friends in the House to vote for the Administration candidate for the Speakership. So he endeavored to catch both sections of the Union successively in the trap of a double-faced soph-

istry. He tried to please them both in trying to cheat them both. But he placed himself between the logic of liberty on one and the logic of slavery on the other side. He put the sword of logic into the hands of his opponents, and tried to defend himself with the empty scabbard of "unfriendly legislation." [Applause.] Unfriendly legislation, which in one case would have been unnecessary, in the other unconstitutional—the invention of a mind without logic, and of a heart without sympathies; recognised on all sides as a mere subterfuge, behind which the moral cowardice of a Presidential candidate entrenched itself. [Cheers.]

Such will be the verdict of futuro historians. They will indulge in curious speculations about the times when such doctrines could be passed off as sound statesmanship—a statesmanship, indeed, the prototype of which may be found, not in Plutarch, but in Aristophanes—but they will be slow to believe that there were people dull enough to be deceived by it. [Applause.]

Leaving aside the stern repudiation which Mr. Douglas's popular sovereignty has received at the hands of the people at the last State elections all over the Union, it is a characteristic sign of the times, that even one of his political friends, an anti-Lecompton Democrat, recently went so far as to declare, on the floor of Congress, that he would not vote for Mr. Douglas, if nominated by the Charleston Convention, unless a clear and unequivocal construction were affixed to the reaffirmation of the Cincinnati platform. A wise precaution, indeed! But whatever construction might be given to the Cincinnati platform, what will that gentleman do with the double-faced platform which Mr. Douglas has laid down for himself? What will the abstract pledge of a Convention be worth to him, if Mr. Douglas's principles pledge him to nothing? What will he do with a man who, when pressed to take an unequivocal position, is always ready to sneak behind a superior authority, declaring that "these are questions to be settled by the courts?" [Laughter and applause.]

Mr. Douglas's situation is certainly a very perplexing one. On one side, he is ostracised by the Administration Democracy for his illogical and unconstitutional doctrine, that the Legislature of a Territory has control over slavery; and, on the other hand, one of his nearest friends, Mr. Morris of Illinois, in his recent speech on the President's message, denounces the doctrine, that slave property may be carried into the Territories just like other property, as an atrocious "abomination." Was Mr. Morris not aware that this "abomination" is the identical doctrine advocated by Mr. Douglas in his New Orleans speech? Let Mr. Morris examine the record of Judge Douglas, and he will find out that whatever abominations Mr. Buchanan brings forward in his message, he advocates none that is not a direct logical consequence of Mr. Douglas's own admissions.

I see the time coming when those who rallied around Douglas's colors, because they believed in his principles, will, from his most devoted friends, become his most indignant accusers. They are already, unwittingly, denouncing his doctrines, when they intend to defend him; they will not be sparing in direct denunciations as soon as they discover how badly they had been deceived, and how ignominiously they were to be sold. We might, indeed, feel tempted to pity him, if we had not to reserve that generous emotion of our hearts for those who are wrong by mistake and unfortunate without guilt. [Applause.]

Mr. Douglas's ambiguous position, which makes it possible for him to cheat either the North or the South, without adding a new inconsistency to those already committed, makes it at the same time necessary for him to put his double-faced theories upon an historical basis, which relieves him of the necessity of expressing a moral conviction on the matter of slavery either way. To say that slavery is right, would certainly displease the North; to say that slavery is wrong, would inevitably destroy him at the South. In order to dodge this dangerous dilemma, he finds it expedient to construe the history of this country so as to show that this question of right or wrong in regard to slavery had nothing whatever to do with the fundamental principles upon which the American Republic was founded. Dealing with slavery only as a matter of fact, and treating the natural rights of man and the relation between slavery and republican institutions as a matter of complete indifference, he is bound to demonstrate that slavery never was seriously deemed inconsistent with liberty, and that the black never was seriously supposed to possess any rights which the white man was bound to respect.

But here he encounters the Declaration of Independence, laying down the fundamental principles upon which the Republic was to develop itself; he encounters the ordinance of 1787, the practical application of those principles; both historical facts, as stern and stubborn as they are sublime. But as Mr. Douglas had no logic to guide him in his theories, so he had no conscience to restrain him in his historical constructions. To interpret the Declaration of Independence according to the evident meaning of its words would certainly displease the South; to call it a self-evident lie would certainly shock the moral sensibilities of the North. So he recognises it as a venerable document, but makes the language, which is so dear to the hearts of the North, express a meaning which coincides with the ideas of the South.

We have appreciated his exploits as a logician; let us follow him in his historical discoveries.

Let your imagination carry you back to the year 1776. You stand in the hall of the old Colonial Court-house of Philadelphia. Through

the open door you see the Continental Congress assembled; the moment of a great decision is drawing near. Look at the earnest faces of the men assembled there, and consider what you may expect of them. The philosophy of the eighteenth century counts many of them among its truest adepts. They welcomed heartily in their scattered towns and plantations the new ideas brought forth by that sudden progress of humanity, and, meditating them in the dreamy solitude of virgin nature, they had enlarged the compass of their thoughts, and peopled their imaginations with lofty ideals. A classical education (for most of them are by no means illiterate men) has put all the treasures of historical knowledge at their disposal, and enabled them to apply the experience of past centuries to the new problem they attempt to solve. See others there of a simple but strong cast of mind, whom common sense would call its truest representatives. Wont to grapple with the dangers and difficulties of an early settler's life, or, if inhabitants of young uprising cities, wont to carry quick projects into speedy execution, they have become regardless of obstacles and used to strenuous activity. The constant necessity to help themselves has developed their mental independence; and, inured to political strife by the continual defence of their colonial self-government, they have at last become familiar with the idea, to introduce into practical existence the principles which their vigorous minds have quietly built up into a theory.

The first little impulses to the general upheaving of the popular spirit—the tea tax, the stamp act—drop into insignificance; they are almost forgotten; the revolutionary spirit has risen far above them. It disdains to justify itself with petty pleadings; it spurns diplomatic equivocation; it places the claim to independence upon the broad basis of eternal rights, as self-evident as the sun, as broad as the world, as common as the air of heaven. The struggle of the colonies against the usurping Government of Great Britain has risen to the proud dimensions of a struggle of man for liberty and equality. Behold, five men are advancing towards the table of the President. First, Thomas Jefferson, whose philosophical spirit grasps the generality of things and events; then Benjamin Franklin, the great apostle of common sense, the clear wisdom of real life beaming in his serene eye; then the undaunted John Adams, and two others. Now Jefferson reads the Declaration of Independence, and loudly proclaims the fundamental principle upon which it rests: "All men are created free and equal!" It is said; history tells you what it meant. The sceptre of royalty is flung back across the ocean; the prerogatives of nobility are trodden into the dust; every man a king, every man a baron; in seven of the original colonies the shackles of the black man struck off; almost everywhere the way prepared for

gradual emancipation. "No recognition of the right of property in man!" says Madison. "Let slavery be abolished by law!" says Washington. Not only the supremacy of Old England is to be shaken off, but a new organization of society is to be built up, on the basis of liberty and equality. That is the Declaration of Independence! That is the American Revolution. All men free and equal! Not even the broad desert of the Atlantic ocean stops the triumphant shout. Behold, the nations of the Old World are rushing to arms. Bastiles are blown into the dust as by the trumpets of Jericho, and, like a pillar of fire by night and a pillar of cloud by day, the great watchword of the American Revolution shows forever the way to struggling humanity. [Long-continued applause.] All men are created free and equal! Whence the supernatural power in these seven words?

Turn your eyes away from the sublime spectacle of 1776, from that glorious galaxy of men whose hearts were large enough for all mankind, and let me recall you to the sober year of 1857. There is Springfield, the capital of Illinois, one of those States which owe their greatness to an ordinance originally framed by the same man whose hand wrote the Declaration of Independence. In the Hall of the Assembly there stands Mr. Douglas, who initiates an eager crowd into the mysteries of "popular sovereignty." He will tell you what it meant, when the men of 1776 said that "all men are created free and equal." He says:

"No man can vindicate the character, the motives, and the conduct of the signers of the Declaration of Independence, except upon the hypothesis that they referred to the white race alone, and not to the African, when they declared all men to have been created free and equal—that they were speaking of British subjects on this continent being equal to British subjects born and residing in Great Britain—that they were entitled to the same inalienable rights, and among them were enumerated life, liberty, and the pursuit of happiness. The Declaration of Independence was adopted merely for the purpose of justifying the colonists in the eyes of the civilized world in withdrawing their allegiance from the British Crown, and dissolving their connection with the mother country."

What? Is that all? Is that little heap of quicksand the whole substructure on which a new organization of society was to be built? The whole foundation upon which the proud and ponderous edifice of the United States rests? They did, then, not mean all men, when they said all men. They intended, perhaps, even to disfranchise those free blacks who in five of the original thirteen colonies enjoyed the right of voting? They meant but the white race. Oh, no, by no means, the whole white race; not the Germans; not the French, not the Scandinavians; they meant but British subjects. "British subjects on this continent

being equal to British subjects born and residing on the other side of the great water!" [Laughter and applause.]

There is your Declaration of Independence, a diplomatic dodge, adopted merely for the purpose of excusing the rebellious colonies in the eyes of civilized mankind. There is your Declaration of Independence, no longer the sacred code of the rights of man, but an hypocritical piece of special pleading, drawn up by a batch of artful pettifoggers, who, when speaking of the rights of man, meant but the privilege of a set of aristocratic slaveholders, but styled it "the rights of man," in order to throw dust into the eyes of the world, and to inveigle noble-hearted fools into lending them aid and assistance. [Applause.] These are your boasted Revolutionary sires, no longer heroes and sages, but accomplished humbuggers and hypocrites; who said one thing and meant another; who passed counterfeit sentiments as genuine, and obtained arms and money and assistance and sympathy on false pretences! There is your great American Revolution, no longer the great champion of universal principles, but a mean Yankee trick—[bursts of applause and laughter]—a wooden nutmeg—[renewed cheers]—the most impudent imposition ever practiced upon the whole world! [Applause.]

That is the way Mr. Douglas wants you to read and to understand the proudest pages of American history! That is the kind of history with which he finds it necessary to prop his mongrel doctrine of popular sovereignty! That is what he calls vindicating the character and the motives and the conduct of the signers of the Declaration of Independence. Thus he did not blush to slander Jefferson, who, when speaking of his country, meant the world; and, when speaking of his fellow-citizens, meant mankind; and Franklin, in whose clear head theory and practice were the same, and who, having declared "all men to be created free and equal," became the first President of the first great Abolition Society; and John Adams, the representative of that State which abolished slavery within its limits with one great stroke of legislation; and Washington, who declared it to be "his fondest wish to see slavery abolished by law," and affixed to the Declaration of Independence the broad signature of his heroic sword; and Madison, who deemed it "absurd to admit the idea of property in man;" and of the framers of the Constitution, who took care not to disgrace that instrument with the word "slavery," and, before adopting it finally, blotted out from the extradition clause the word "servitude," avowedly because it signified the condition of a slave, and substituted the word "service," avowedly because it signified the condition of a freeman. Thus Mr. Douglas dares to speak of all those true men, who, after having proclaimed their principles in the Declaration, endeavored to introduce them into practical life in almost every State, in the way

of *gradual emancipation*? That they have failed in this, is it a fault of theirs? It shows not that they were less great and sincere, but that subsequent generations were hardly worthy of so noble an ancestry! [Applause.]

There is Mr. Douglas's version of your history. He despairs of converting you without slandering your fathers. His present doctrines cannot thrive, unless planted in a calumny on the past. He vindicate the signers of the Declaration of Independence! Indeed, they need it sadly. I see the illustrious committee of five rise from their graves, at their head Thomas Jefferson, his lips curled with the smile of contempt, and I hear him say to Mr. Douglas: "Sir, you may abuse us as much as you please, but have the goodness to spare us with your 'vindications of our character and motives.'" [Great laughter and applause.]

It is a common thing that men of a coarse cast of mind so lose themselves in the mean pursuit of selfish ends, as to become insensible to the grand and sublime. Measuring every character and every event in history by the low standard of their own individualities, applying to everything the narrow rule of their own motives, incapable of grasping broad and generous ideas, they will belittle every great thing they cannot deny, and drag down every struggle of principles to the sordid arena of aspiring selfishness, or of small competing interests. Eighteen hundred years ago, there were men who saw nothing in incipient Christianity but a mere wrangle between Jewish theologians, got up by a carpenter's boy, and carried on by a few crazy fishermen. Three hundred years ago, there were men who saw in the great reformatory movement of the sixteenth century, not the emancipation of the individual conscience, but a mere fuss kicked up by a German monk who wanted to get married. Two hundred years ago, there were men who saw in Hampden's refusal to pay the ship money, not a bold vindication of constitutional liberty, but the crazy antics of a man who was mean enough to quarrel about a few shillings. And now, there are men who see in the Declaration of Independence and the American Revolution, not the reorganization of human society upon the basis of liberty and equality, but a dodge of some English colonists who were unwilling to pay their taxes. [Continued applause.]

But the dignity of great characters and the glory of great events find their vindication in the consciences of the people. [Cheers.] It is in vain for demagoguism to raise its short arms against the truth of history. The Declaration of Independence stands there. No candid man ever read it without seeing and feeling that every word of it was dictated by deep and earnest thought, and that every sentence of it bears the stamp of philosophical generality. It is the summing up of the results of the philosophical development of the age; it is the practical embodiment of the progressive ideas,

which, very far from being confined to the narrow limits of the English colonies, pervaded the very atmosphere of all civilized countries. That code of human rights has grown on the very summit of civilization, not in the miry soil of a South Carolina cotton field. He must have a dull mind or a disordered brain, who misunderstands its principles; but he must have the heart of a villain, who knowingly misrepresents them. [Loud cheers.]

Mr. Douglas's ambition might have been satisfied with this ignominious exploit. But the necessities of the popular-sovereignty doctrine do not stop there. After having tried to explain away the fundamental principles underlying this Republic, which are hostile to slavery and its extension, Mr. Douglas finds it exceedingly inconvenient to encounter facts which prove, beyond doubt, that these principles, from a mere theoretical existence, rose to practical realization. Popular sovereignty, which is at war with the doctrines of the Declaration of Independence, demands the slaughter of the ordinance of 1787, and Mr. Douglas is up to the task. He does not stop at trifles.

And here we must return to the Harper-Magazine manifesto. He leads us through a century of colonial history, in order to show that the people of the colonies claimed the right to legislate on the subject of slavery. And, remarkably enough, all the instances quoted show a uniform tendency adverse to the peculiar institution. Mr. Douglas then proceeds to discover the germs of his popular-sovereignty doctrine in the first Congressional legislation concerning the Territories. I will not undertake to criticise that singular historical essay, although some of its statements are such as to make the freshmen of our colleges smile. The "statesman" Douglas does not seem to be aware that the ability to read history ought to precede the attempt to write it. [Laughter and cheers.] He leads us back to the Congress of 1784. Mr. Jefferson and his colleagues have just executed the deed of cession of the Northwestern Territory, and the same Mr. Jefferson, as chairman of a committee, then submits "a plan for the temporary government of the Territories ceded or to be ceded by the individual States to the United States." Mr. Douglas proceeds to describe how the Territorial Governments were to be organized, what rights and powers were put into the hands of the people, and how they were to be exercised; and, after having demonstrated that the term "new States" meant the same thing which is now designated by "Territories," he comes to the conclusion that the spirit pervading that plan was in exact consonance with his doctrine of "popular sovereignty." Mr. Douglas ostentatiously calls this "the Jeffersonian plan." "It was," says he, "the first plan of government for the Territories ever adopted in the United States. It was drawn by the author of the Declaration of Independence, and re-



'vised and adopted by those who shaped the issues which produced the Revolution, and formed the foundations upon which our whole system of American government rests." But Mr. Douglas skips rather nimbly over the significant fact, that the same "author of the Declaration of Independence" put into that plan a proviso, *excluding slavery from the Territories*. Was that a mere accident? Mr. Jefferson showed thereby, conclusively, that, in his opinion, the exclusion of slavery by Congressional legislation was by no means inconsistent with the spirit of "popular sovereignty," which Mr. Douglas discovers in the plan of 1784; but this does not disturb Mr. Douglas. "The fifth article," says he, "relating to the prohibition of slavery, having been rejected by Congress, never became a part of the Jeffersonian plan of government for the Territories, as adopted April 23d, 1784." Although with a large numerical majority in its favor, (sixteen to seven,) this article did indeed fail to obtain a constitutional majority, the vote of New Jersey not being counted, in consequence of there being but one delegate from that State present; yet it had been drawn up by Mr. Jefferson, introduced by Mr. Jefferson, and sustained by Mr. Jefferson's vote. Nevertheless, Mr. Douglas persists in calling a plan, *from which the peculiar Jeffersonian feature had been struck out, the "Jeffersonian plan."* This is the play of Hamlet with the character of Hamlet omitted. [Laughter.] "This charter of compact," proceeds Mr. Douglas, "with its fundamental conditions, which were unalterable without the joint consent of the people interested in them, as well as of the United States, then stood upon the statute book unrepealed and ir repealable, when, on the 14th day of May, 1787, the Federal Convention met at Philadelphia." Does Mr. Douglas not know that on the 16th of March, 1785, a proposition was introduced in Congress by Rufus King, to exclude slavery from the States described in the resolve of April 23d, 1784, and to make this provision part of the compact established by that resolve? Does he not know that this provision, restoring the Jeffersonian feature to the "Jeffersonian plan," was committed, by the vote of eight States against four? Does he not know that the plan of 1784 never went into practical operation, but was expressly set aside by Congress in 1787? Does he not know that the ordinance of 1787 was the first legislative act ever practically organizing a Territory of the United States, and that one of its most prominent features was the proviso excluding slavery from all the Territories then in possession of the United States?

Mr. Douglas's historical recollections of the ordinance of 1787 seem to be very indistinct. Indeed, he deems it only worthy of an occasional, passing, almost contemptuous notice.

'of July, 1787, which was passed by the remnant of the Congress of the Confederation, sitting in New York, while its most eminent members were at Philadelphia, as delegates to the Federal Convention." For three quarters of a century, people were in the habit of thinking that the ordinance of 1787 was an act of the highest order of importance, but we now learn that it was a rather indifferent affair, passed on an indifferent occasion, by an exceedingly indifferent set of fellows, while the plan of 1784, a mere abstract programme, completely overruled by subsequent legislation, is represented as the true glory of the age. How is this? The reason is obvious. Mr. Douglas belongs to that class of historians who dwell upon those facts which suit their convenience, and unceremoniously sweep the rest. I once heard of a Jesuit college where they used a text book of history, in which the French Revolution was never mentioned, while the Emperor Napoleon figured there only as a modest Marquis Bonaparte, who held a commissioner under Louis XVII, and fought great battles for the glory of the Catholic Church. [Laughter and applause.] So it is with Mr. Douglas and the history of this country. He ignores the universal principles of the Declaration of Independence, and represents the great founder of the Republic as merely paving the way for his "great principles," while a few village politicians get up an obscure ordinance, adverse to the general tendency of things. But a those Jesuits never could prevent their student from peeping out of their college windows into the wide world, where they perceived a very different state of things, so Mr. Douglas cannot prevent us from travelling out of the yellow covers of Harpers' Magazine, into the open records of history, where we find Mr. Jefferson's anti-slavery clause, although accidental lost in 1784, strenuously insisted upon by the leading spirits of the Republic, incorporated in the great act of 1787, solemnly reaffirmed by the first Congress under the Constitution, and firmly maintained even against the petition of the people of one of the Territories. [Cheers.] This is the true "Jeffersonian plan," the plan which Jefferson framed, voted for, and which was carried out in his spirit; not that mangle report of 1784, which Mr. Douglas wants us to take as the foundation of all territorial government, because an historical accident happened to coincide with his schemes.

That true Jeffersonian plan rested, indeed on the principle of popular sovereignty, but will be conceded that Mr. Jefferson's great principle was as widely different from that Mr. Douglas as the ordinance of 1787 is different from the Nebraska bill. While Mr. Jefferson's notion of popular sovereignty sprung from the idea that man has certain inalienable rights which the majority shall not encroach upon Mr. Douglas's doctrine rests upon the idea that the highest development of liberty consists

the right of one class of men to hold another class of men as slaves, if they see fit to do so. [Applause.] While Mr. Jefferson excluded slavery from the Territories, in order to make room for true popular sovereignty, Mr. Douglas invents his false popular sovereignty in order to make room for slavery. The ordinance of 1787, the true "Jeffersonian plan," was indeed no mere accident, no mere occasional act of legislation. It sprang from the idea, as Madison expressed it, "that republican institutions would become a fallacy, where slavery existed;" and in order to guaranty republican institutions to the Territories, they excluded slavery.

The ordinance of 1787 was the logical offspring of the principles upon which your independence and your Constitution are founded; it is the practical application of the Declaration of Independence on the government of the Territories. Its very existence sets completely at naught Mr. Douglas's doctrine and historical construction, and the dwarfish hand of the demagogue tries in vain to tear this bright page out of your annals. [Cheers.] The ordinance of 1787 stands written on the very gate-posts of the Northwestern States; written on every grain field that waves in the breeze, on every factory that dots the course of their rushing waters, on every cottage that harbors thrifty freemen; written in every heart that rejoices over the blessings of liberty. [Long-continued applause.] There it stands, in characters of light. Only a blind man cannot see it; only a fool can misunderstand it; only a knave can willfully misinterpret it. [Repeated cheers.]

Such is Mr. Douglas's principle of popular sovereignty in its logical and historical aspect; apparently adopting the doctrine that slavery is the creature of local law only, and fighting against a Congressional slave code, but, on the other hand, admitting the very principle on which protection to slave property becomes a logical necessity; and again assuming the ground that slave property may be introduced where there is no local law, but explaining away the logical consequences of that doctrine by the transparent sophistry of unfriendly legislation; dragging the proudest exploits of American statesmanship into the dust; emasculating the Declaration of Independence, because incompatible with its principles; setting aside the ordinance of 1787, because that stern fact is a conclusive historical argument against it; a jesuitical piece of equivocation and double dealing, unable to stand before the criticism of a logical mind, because it is a mixture of glaring contradictions; *unable to stop the war of principles and interests, because it is at war with itself.* [Applause.] It is true, its principal champion worked hard to cover with bullying boisterousness the moral cowardice from which it sprang; but in vain. He mistakes the motive power which shapes the actions of free nations. Having no moral convictions of his own to stand upon, he could never address himself

to the moral sense of the people. [Sensation.] Having no moral convictions of his own! This is a grave charge, but I know what I say. I respect true convictions wherever I find them. Among the fire-eaters of the South, there are men who speak of the moral basis of slavery and believe in it; who speak of the blessing of servitude, and believe in it; who assert that slavery is right, and believe it. Atrocious as their errors may be, and deeply as I deplore them, yet I respect their convictions as soon as I find them out. But look into the record of the champion of "popular sovereignty;" search it from syllable to syllable; and then tell me you Douglasites of the South, do you find on your word there indicating a moral conviction that slavery is right? And you Douglasites of the North, who are in the habit of telling us that you are the true anti-slavery men, and that popular sovereignty will surely work the overthrow of the institution, did your master ever utter a similar sentiment? Do you find in his record one word of sympathy with the down-trodden and degraded? One spark of the humane philosophy of our age? One syllable in vindication of the outraged dignity of human nature? One word which might indicate a moral conviction that slavery is *wrong*? Not one!

But one thing he does tell you: "*I do not care whether slavery be voted up or down!*" There is then a human heart that does not care! Sir, look over this broad land, where the struggle has raged for years and years; and across the two oceans, around the globe, to the point where the far West meets the far East; over the teeming countries where the cradle of mankind stood; and over the workshops of civilization in Europe, and over those mysterious regions, under the tropical sun, which have not emerged yet from the night of barbarism to the daylight of civilized life—and then tell me, how many hearts do you find that do not tremble with mortal anguish or exultant joy as the scales of human freedom or human bondage go up or down? Look over the history of the world from the time when infant mankind felt in its heart the first throbbings of aspiring dignity, down to our days, when the rights of man have at last found a bold and powerful champion in a great and mighty Republic; where is the page that is not spotted with blood and tears, shed in that all-absorbing struggle; where a chapter which does not tell the tale of jubilant triumph or heart-breaking distress, as the scales of freedom or slavery went up or down? [Loud applause.] But to-day, in the midst of the nineteenth century, in a Republic whose programme was laid down in the Declaration of Independence, there comes a man to you, and tells you, with cynical coolness, that he does not care! And because he does not care, he claims the confidence of his countrymen and the highest honors of the Republic! Because he does not care, he pretends to be the repre-

Sir, I always thought that he can be no true statesman whose ideas and conceptions are not founded upon profound moral convictions of right and wrong. [Applause.] What, then, shall we say of him who boastingly parades his indifference as a virtue? May we not drop the discussion about his statesmanship, and ask, What is he worth as a man? [Repeated cheers.] Yes; he mistakes the motive power which shapes the events of history. I find that in the life of free nations, mere legal disquisition never furnished the tide of events, and mere constitutional constructions never determined the tendency of an age. The logic of things goes its steady way, immovable to eloquence and deaf to argument. It shapes and changes laws and Constitutions according to its immutable rules, and those adverse to it will prove no effectual obstruction to its onward march. In times of great conflicts, the *promptings and dictates of the human conscience* are more potent than all the inventive ingenuity of the human brain. The conscience of a free people, when once fairly ruling the action of the masses, will never fail to make new laws, when those existing are contrary to its tendency, or it will put its own construction upon those that are there. Your disquisitions and plausibilities may be used as weapons and stratagems in a fencing match of controversial parties; but, powerless as they are before the conscience of man, posterity will remember them only as mere secondary incidents of a battle of great principles, in which the strongest motive powers of human nature were the true combatants.

There is the slavery question; not a mere occasional quarrel between two sections of country divided by a geographical line, nor a

mere contest between two economical interests for the preponderance, not a mere wrangle between two political parties for power and spoils; but the great struggle between the human conscience and a burning wrong, between advancing civilization and retreating barbarism, between two antagonistic systems of social organization. [Cheers.] In vain will our impotent rock giants endeavor to make the test question of our age turn on a ridiculous logical quibble, or a paltry legal technicality, [applause;] in vain will they invent small dodges, and call them "great principles;" in vain will they attempt to drag down the all-absorbing contest to the level of a mere pot-house quarrel between two rival candidates for a Presidential nomination. [Applause.] The wheel of progressing events will crush them to atoms, as it has crushed so many abnormities, [cheers,] and a future generation will perhaps read on Mr. Douglas's tombstone the inscription: "Here lies the queer sort of a statesman, who, when the great battle of slavery was fought, pretended to say that he did not care whether slavery be voted up or voted down." [Cheers.]

But as long as the moral vitality of this nation is not entirely exhausted, Mr. Douglas, and men like him, will in vain endeavor to reduce the people to that disgusting state of moral indifference which he himself is not ashamed to boast of. I solemnly protest that the American people are not to be measured by Mr. Douglas's low moral standard. However degraded some of our politicians may be, the progress of the struggle will show that the popular conscience is still alive, and that the people do care! [Long-continued applause.]

## Remarks of Senator Doolittle.

The subjoined remarks, made by Mr. Senator DOOLITTLE, of Wisconsin, were delivered on the occasion of the late anniversary of the Landing of the Pilgrims, as celebrated by the New England Society of the city of New York, on the 22d of December last:

Hon. Mr. DOOLITTLE, United States Senator from Wisconsin, was introduced, to respond to the following sentiment:

*"The American Union:* It sprung from that independence which the patriots of New England freely shed their blood to achieve; and while their sons have votes to cast, arms to strike, or blood to flow, they will struggle to preserve that Union, so as to secure the blessings of liberty to themselves and their children."

Mr. DOOLITTLE said: Mr. President, never in my life has there been an hour when I could not respond to that sentiment, and with a full heart. I do so now. I do so, because my name and family are of Puritan and New England origin. I do so, because I take pride in the memory and deeds of those pious, brave, and austere Pilgrims, of whom the Old World was not worthy, who came to this New World to find "freedom to worship God," and at the same time to lay the foundations of an Empire greater, nobler, and I trust more enduring, than the sun ever before shone upon. And I do so because I am now of, and am permitted to speak for, the West, whose voice, if not to day, is yet to be all-powerful upon this question; and I tell you, sir, that the West, when, in the fullness of time, it shall be filled up with untold millions of free, brave, hardy, energetic, and self-reliant men—the picked men of all the States and of all nations in Christendom—will neither dissolve this Union, nor suffer it to be dissolved. Let me assure the nerves of those timid men who sometimes start and tremble at the fear of disunion, that the great West—soon to be the seat of Empire, with one arm through the Mississippi, reaching the Gulf of Mexico, and the other through the Great Lakes, reach-

ing the Atlantic seaboard, will hold this Union together forever in its giant embrace. But more than ever, now at this juncture in our affairs, when some real or supposed peril threatens the Union, am I prepared, to respond to every line, every word, every letter, of that sentiment. Let the threats come from what source they may, whether from men in high place, or in lowlier life, it makes no difference. The people of the United States feel bound to maintain, and they will maintain, the Union of these States, and the supremacy of the Constitution and laws passed in pursuance thereof, at all hazards, and against all enemies. No greater mistake can exist in the mind of any human being than to suppose that this Union can be peaceably broken up. To talk of disunion, therefore, is to talk of war. Disunion means neither more nor less than war—bloody, relentless, civil war—to bring in its train at the South all the superadded horrors of a servile war.

Sir, we are bound together by geographical, commercial, and political necessities. You cannot cut the Mississippi river in twain. The waters of that river, which drains all the States in its great valley, will flow onward forever, uninterrupted, to the Gulf of Mexico. The millions who are to inhabit that valley will have their commerce float uninterrupted to that Gulf. They will never suffer the outlet of that river to be held by any foreign Power. Besides, the great mass of the American people are bound together by other ties and other considerations. I would ask any man who for one moment dreams of a peaceful dissolution of the Union, where would you draw the line of separation? On which side of Mount Vernon shall it fall? I know not how the people of this great city may feel, but I am sure that the great mass of the people in the country will never consent that the tomb and the remains of Washington shall rest upon the soil of a foreign jurisdiction.

There is, however, one question, and but one question, which has ever endangered the Union; and that is, the negro question—a

question which lies deeper than the slavery question, and which must be answered before we can ever arrive at a satisfactory solution of the slavery question itself. What shall be done with and for the negroes who are now free, and who shall hereafter become free by the voluntary action of States and of individuals? An answer to this question must of necessity precede all practical solutions of the slavery question. The men of the South declare slavery to be right, demand its unlimited expansion, and maintain that the Constitution, of its own force, carries it into all the Territories of the United States. The men of the North denounce slavery as in derogation of natural right, and maintain that it rests upon local law alone. They maintain that the Constitution carries slavery nowhere, and are uncompromisingly opposed to its extension into the Territories. I merely state the question. I do not propose to argue it. This is neither the time nor the occasion for me to do so. Between these conflicting opinions there is no neutrality, no middle ground. The one or the other will prevail. Men may deplore its discussion, and try to put down agitation. But it is useless to cry peace, peace, where there is no peace. Compromises do not bind it. Party resolutions do not keep it down. The question is up, is forced upon the country. It will not "down at your bidding." It demands, and will have, an explicit answer—Is freedom sectional and slavery national? Does the Constitution, of its own force, carry slavery into all the Territories we now have or may hereafter ever acquire? Wherever our flag floats, over sea or land, is slavery protected under its folds?

I have never doubted, for one moment, what answer will be given to this all-absorbing question, when passed upon by the American people. But, after all, the great question still remains, and without answering which all attempts at emancipation by States or individuals, if not impossible, are almost impracticable. What provision shall be made for those who now are or hereafter may be emancipated? Many of the free States refuse to receive them into their jurisdictions. Many of the slave States are passing laws to re-enslave them. We talk of the horrors of the African slave trade, but there is going on to-day, before the eyes of the American people, in this Christian land, a system of violence and oppression whose cold-blooded inhumanity can hardly find a parallel, and which seeks to reduce to slavery almost half a million of free men. A wail of anguish from these people is going up to rend the very heavens! What, in God's name, shall we do with them and for them? We have no right, it is true, to interfere with the independent action of States, who have sovereign power over this question within their respective jurisdictions. But is there no responsibility resting upon the Government of the United States, and especially upon the people of the North?

We have never yet presented to the people of the South an answer to that question. Without dwelling at length upon this subject, I maintain that it is a duty which we owe to the people of the South, which we owe to this unfortunate class of our fellow-beings, which we owe to ourselves, and which we owe to that Divine Being who commands us to "love our neighbors as we love ourselves," by some action of the United States, which controls our foreign relations, to provide an asylum and a home for this class of unfortunate men, now doomed to banishment and confiscation or to re-enslavement. This was the plan of Jefferson, sanctioned by Washington, Madison, Monroe, Clay, and Jackson. It is the only practical and peaceful solution of the slavery question, for it opens a way not only for emancipation, but for what is no less important, and without which emancipation in a State where slavery exists to any considerable extent is wholly impracticable—a peaceful separation of the races.

Let the people of the North in good faith meet the people of the South upon this ground—four-fifths of whom have no interest in slaves—and say to them, in all frankness: Gentlemen, while we shall oppose the expansion of slavery into the new Territories, and save them for the occupation of free white men; while we shall oppose the reopening of the African slave trade, we are ready to join you at any moment, and incur any expense which may be necessary, to procure by treaty or purchase, in Central or South America, the rights of settlement and citizenship for the colored men of all the States of this Union now free or hereafter to become free by the voluntary action of States or of individuals. This would in no respect be a sectional measure; it would be national in all its aspects. It would not, in any manner, infringe upon the rights of the several States, nor of the individual citizens of the States. As the case now stands, it is hardly practicable for an individual or a State to emancipate their slaves. And, because this measure would make States and individuals free to rid themselves of slavery, if they should choose to do so, it would by no means, not in the slightest degree, infringe upon their rights or constrain their independent action; it would only make them free to act for themselves, and in their own way. They would remain free to hold or to emancipate their slaves. If slavery be as the men of the South say, a blessing, they could hold on upon it, and be blessed. But, if it be as the men of the North maintain, an evil, they would no longer be compelled to bear it as a necessity, for it would then be in their power to remove it. When the people of the North shall meet the people of the South, and strike hands together upon this question, as in my judgment nine-tenths in both sections will be prepared to do when they fully understand it, every danger to the Union growing out of this negro question will have passed away.