

EXECUTION OF UNITED STATES LAWS.

SPEECHES

OF

HON. S. A. DOUGLAS, OF ILLINOIS,

DELIVERED

IN THE SENATE OF THE UNITED STATES, FEBRUARY 23, 1855,

ON

*The Bill reported from the Committee of the Judiciary to protect Officers and other Persons acting under the authority of the United States.*

The Senate having under consideration the bill to provide for the Protection of Officers and other persons executing the Laws of the United States,

Mr. DOUGLAS said:

Mr. PRESIDENT: The Senator from Ohio, who has just taken his seat, [Mr. WADE,] says he regrets exceedingly that this session should not have been allowed to pass away without the "Negro question," as he calls it, being introduced to disturb our harmony. I cordially unite with him in those expressions of regret. But how has the negro question been brought here? Surely not by my friend from Connecticut, [Mr. TOWER,] or by his bill. There is not a word or line in the bill which has the slightest, the remotest, allusion to that question. What, sir, is the bill? It is a simple provision that when a case is pending in the State courts, which arises under the laws of the United States, it may be transferred into the Federal courts. That is all. Is that principle new in our legislation? It has already been shown that in some cases it has existed for many years; for forty years it has been on the statute-book. In what, then, consists the objection to extending to other cases a principle which has been applied without objection for such a long time in those cases? If this bill be such an invasion of the rights of the States as calls upon a Senator from the great State of Ohio to invite and urge rebellion against the Federal authority, why has he not mustered his forces and marshaled them against the Government of the United States during the last forty years, when the same outrage, as he calls it, has been constantly inflicted as often as a case arose in the State courts which was transferred to the Federal courts?

But, sir, the Senator has become the great cham-

pion of State rights. What invasion of State rights is here to be found? Surely his idea of State rights must be different from mine. I understand State rights to be the preservation of all those reserved rights which the Constitution of the United States has not ceded to the Federal Government. Has not the Constitution provided for the Federal courts exercising jurisdiction in cases arising under the laws of the United States? The Constitution provides that "the judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and the treaties made, or which shall be made, under their authority." The provision is in so many words, declaring that the Federal jurisdiction should extend to all cases arising under the laws of the United States. Now, this bill only provides that a case arising, under the laws of the United States, in a State court may be transferred to the Federal courts, in order that the jurisdiction of those courts shall have the same extent that the Constitution of the United States expressly declares it shall have. Then the Senator's argument is not against this bill; his passion is not against the provisions of this bill, but against the Constitution of his country, which he has sworn to support. Perhaps it might have been well for him to have looked into the enormity of that Constitution before he pledged his honor and his conscience to his Maker to carry it into effect.

The same remark is true in regard to the law for the surrender of fugitive slaves. He tells us that the object of this bill is to aid in executing a law of the United States. Is it an objection that our legislation here is intended to carry out the laws and the Constitution of the country? What man who is loyal to his country; what man who

regard his oath to support the Constitution; what man who claims to be a good citizen, can rise and assign as his objection to a bill that it is intended to execute the laws of the land? That is the only objection which the Senator assigns. It is the *gravamen* of his charge. He wants to know if I am prepared to deny that the object of this bill is to enable the constituted authorities to execute the laws which have been passed in pursuance of the Constitution? No, sir; I am not prepared to deny that such is the object of this bill. It is not confined to the fugitive law alone, but extends to all cases where it is necessary to protect the officers of the United States in the execution of the laws of the United States. I am in favor of the bill for the precise reason that the Senator from Ohio is opposed to it, to wit: that its object is to execute the laws, to prevent anarchy, to put down rebellion and violence against the constituted authorities of the country. Little did I expect to hear it avowed in the Senate Chamber that a proposed law was monstrous because it was to be made in aid of the fulfillment of the Constitution and laws of the Union. He thinks it is monstrous that a man in Ohio, who has a suit, should be liable to have it transferred into the Federal courts. Now, does not the Constitution provide for that transfer whenever the case is between the citizen of one State and the citizen of another State? The Constitution says, in so many words, that the jurisdiction of the courts of the United States shall reach that case. This law is proposed to be enacted for the purpose of carrying out that express provision of the Constitution. The Senator from Ohio thinks that it is a monstrous act of injustice that his constituents should be compelled to obey the laws.

Mr. WADE. Will the gentleman allow me to interrupt him, for he either misunderstands me, or he intends to misstate my position?

Mr. DOUGLAS. Of course, I yield the floor.

Mr. WADE. I stated that this bill was intended to promote and help the execution of the fugitive bill. The Senator does not deny it. I said there were States in this Union whose highest tribunals had adjudged that bill to be unconstitutional, and that I was one of those who believed it unconstitutional; that my State believed it unconstitutional; and that, under the old resolutions of 1798 and 1799, a State must not only be the judge of that, but of the remedy in such a case.

Mr. DOUGLAS. Well, Mr. President, this is the first time I have learned that the Senator from Ohio regarded the resolutions of 1798 and 1799 to be superior to the Constitution of the United States. That sacred instrument provides that the Constitution of the United States, and the laws made in pursuance of it, shall be the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding. The Constitution has declared, therefore, the supremacy of the laws of the United States over those of the States in those cases where the right to legislate has been given to Congress. Then, is it to be insisted that, under the authority of the resolutions of 1798 and 1799, Ohio deems it a great outrage that she is not at liberty to annul and set aside the Constitution of the country? That I understand to be the Senator's position. It is no answer to this argument to say that, in the private opinion of the Senator from Ohio, the fugitive

slave law is not constitutional. The Constitution of the United States has provided a Supreme Court for the purpose of determining the validity of an act of Congress; and wherever the fugitive slave law has been brought before the courts of the United States, it has been held and adjudged to be constitutional.

Mr. WADE. Will the gentleman allow me to ask him one question?

Mr. DOUGLAS. Certainly.

Mr. WADE. If the supreme court, the court of last resort, of a sovereign State, should declare that law unconstitutional, will he hold that the Federal courts may, over their heads, execute it violently? Who is the judge in the last resort, the State or the Federal authority?

Mr. DOUGLAS. I will tell the Senator. In the last resort, the State courts, within the limits of their jurisdiction, in the exposition of their own laws, are the highest tribunals, but in the execution of a provision of the Constitution of the United States, or a law of the United States, or a treaty of the United States, the Constitution has provided a Supreme Court as the highest and ultimate judicial tribunal, to which all others must yield obedience. Hence the laws of the United States, adjudged by the Supreme Court to be constitutional, are declared to be the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding. The Constitution, in so many words, has decided the gentleman's position against him. Then, when the Constitution has thus declared the supremacy of the laws and Constitution of the United States over State constitutions and State laws, it has also said that the jurisdiction of the Federal judiciary shall extend to all cases arising under the Constitution and laws of the United States. Hence, I say, that in case of a conflict between the Federal and State authorities upon a law within the scope of the Federal Constitution, the State law must yield of necessity to what the Constitution of the United States has declared to be the paramount law.

Mr. WADE. Let me ask the gentleman if he believes in the resolutions of 1798?

Mr. DOUGLAS. I am not surprised that the Senator from Ohio desires to escape from the position in which he has placed himself, by resorting to the resolutions of 1798, or something else which he has been in the habit of ridiculing during his whole life. I am not to be drawn from the main issue between us by idle queries upon irrelevant points. I say the Senator has raised here, in the Senate Chamber, the standard of rebellion against the Constitution of his country; against the laws of the land; against the highest constituted authorities of the Republic. He says he is ready for the conflict which this bill is to produce; a conflict which he tries to bring about between the Federal and State authorities. Sir, I trust that that conflict is never to come. If it does come, I shall endeavor to perform my duty as a citizen, and that duty will consist in maintaining every right which a sovereign State possesses within the scope of our complex system of government. I am a State-Rights man. I would not allow this Federal Government to invade any one of the rights of the States; nor, on the other hand, would I advise my constituents to raise the hand of violence against the Federal Constitution. The line

of demarkation between State and Federal jurisdiction is so clear that in this case there is no necessity, and very little excuse, for a misunderstanding upon the point.

Now, sir, I know that in some quarters it is fashionable in these days to justify resistance to law, and repudiation of constitutional authority, and of conscientious obligations, under the veil of humanity towards the black man. I have often had occasion to say that all the objection which any person really entertains to the fugitive slave law is, that it sends the negro back to his master, where he is held to service under the laws of the State. I have never yet found an Abolitionist whose objection to the law did not consist in the fact that it sent the slave back to his master. If that be the objection, I wish it to be borne in mind that the objection is not to the law, but to the Constitution of the country; for the Constitution says he shall be delivered up, anything in the constitution or the laws of any State to the contrary notwithstanding. The provision is:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law therein, be discharged from such service or labor, but shall be delivered up."

Then, sir, if a man desires to be faithful to the compact between the States, faithful to that great palladium of our liberties—the Constitution—which recognizes all our rights, all he has to do is to execute the Constitution and the laws enacted for the purpose of carrying it out. If a man's conscience will not allow him to be faithful to the Constitution and the laws, as an honest man he is bound to proclaim himself at once a disunionist, and, by dissolving the Union, absolve himself instantly from those obligations which bind him to surrender up the fugitive slave. The moment my conscience will not allow me to be faithful to the Constitution, I will refuse to degrade myself, or perjure my soul by coming here and, for the sake of a seat in the Senate, swearing that I will be faithful to the Constitution, when I intend to violate and repudiate it. [Applause in the galleries.] Sir, let us deal with this question fairly and directly. Either the Constitution must be obeyed, or those opposed to it, as honest men, should declare that they will not obey it, but dissolve the Union, and release themselves from the obligations which it imposes. If that be the issue, in the approach of which the Senator from Ohio rejoices, I am prepared to meet it.

And, sir, I find nothing in the rebuke to which the Senator alluded so tauntingly in the late elections to deter me from meeting the issue boldly and directly. What is that rebuke of which he speaks? Was the result of the recent elections a manifestation of the determination of the people of the free States that the Constitution should not be carried out, so far as it relates to the rendition of fugitive slaves? Was that the issue, or was it that the Nebraska bill was wrong? or was it that a Maine liquor law ought to be passed? or was it that men born in a foreign land should be proscribed because of the place of their birth; or that wherever born, they should be proscribed if their religious opinions did not harmonize with those of the majority?

Sir, it is fashionable to talk about your anti-Nebraska triumphs in the free States; but I should like to know a man in any free State of this Union

whom the anti-Nebraska men have elected to either House of Congress, who was not elected by the Know-Nothings? I ask any Senator present to point me to a man of them who did not receive the Know-Nothing vote? Will the Senator from Massachusetts [Mr. WILSON] say that it was anti-Nebraskaism that sent him here? Was it the anti-Nebraska feeling that beat every anti-Nebraska member in Massachusetts who was a candidate for reelection? That is one of the anti-Nebraska victories which are spoken of, where a whole delegation, arraying themselves under the black banner of Abolitionism, and fighting Nebraska, were all swept away, and another delegation, under a similar black banner, are to come in their places? Is that one of those glorious victories at which the Senator from Ohio rejoices?

Mr. WADE. If the gentleman can find any consolation in that, I am glad of it.

Mr. DOUGLAS. I am not seeking consolation merely, but the truth. Will he point me to an anti-Nebraska man elected in Ohio this year who did not receive the Know-Nothing vote? Were they not all elected by the Know-Nothing organization?

Mr. WADE. I hope not.

Mr. DOUGLAS. He hopes not; but he knows that they were elected by Know-Nothing votes; and yet, on this floor, in order to aid his friends and allies in Virginia and the southern States, he talks about that as being an anti-Nebraska triumph. Sir, [turning to Mr. WADE,] you boast that you beat every Nebraska Democrat in Ohio at the last election; and you might have added that you beat every anti-Nebraska Democrat also, because the Know-Nothings demanded other men. Look over all the recent elections, and wherever you will show me one Nebraska member of the House cut down, I will show you, I think, nearly two for one anti-Nebraska men defeated at the same election by the same causes. Was it the Nebraska issue, then, that administered this rebuke, or was it caused by your secret conclaves, where you get men together at the dark hour of midnight, and administer to them the most terrible oaths that they, with a smile upon their faces and a friendly grasp of the hand, which is calculated to disarm suspicion, will strike down their neighbor in the dark, and conceal the hand that inflicts the blow?

Mr. WADE. Will the gentleman suffer me to ask him a question?

Mr. DOUGLAS. Certainly.

Mr. WADE. I ask the gentleman if his Nebraska bill was not concocted by a secret conclave in the night-time? [Laughter.]

Mr. DOUGLAS. I am not surprised that the Senator wishes to ask such questions—anything to draw my attention from the real point of this case. He does not choose to controvert any one fact which I have detailed here, and if those facts be true, they overwhelm every position he has taken. I answer him, no, sir; the Nebraska bill was not concocted in any conclave, night or day. It was written by myself, at my own house, with no man present. Whatever odium there is attached to it, I assume it. Whatever of credit there may be, let the public award it where they think it belongs. It will not do by inuendo to attempt to avoid the issues presented. The fact is, and the gentleman knows it, that in the free

States there has been an alliance—I will not say whether holy or unholy—at the recent elections. In that alliance they had a crucible into which they poured Abolitionism, Maine liquor law-ism, and what there was left of northern Whigism, and then the Protestant feeling against the Catholic, and the native feeling against the foreigner. All these elements were melted down in that crucible, and the result was what was called the Fusion party. That crucible, in which these various elements were melted, solved, and united, was, in every instance, a Know-Nothing lodge. But for your Know-Nothing lodges Illinois, instead of giving three thousand majority at the recent election for the Nebraska ticket, would have given twenty-five thousand. But for that my colleague of the other House, who is now within my eye, [Mr. RICHARDSON,] instead of being elected by eight hundred majority, would have been elected by three thousand on the Nebraska issue. My other colleague in the House, who is elected to the next Congress, [Mr. THOMAS L. HARRIS,] and turns out your Abolition Fusion Know-Nothing member—I speak politically, with no design to be personally offensive—in the Springfield district, would, instead of receiving two hundred majority, have received two thousand, if he could have had the Nebraska issue as the test, without the interference of your secret Know-Nothing organization. Notwithstanding these facts, it suits the purposes of some to parade all these victories, as they call them, as triumphs of anti-Nebraskism in the North, and as rebukes to northern men! Am I to understand that, if Mr. Wise should be defeated in Virginia, and a Know-Nothing delegation should be sent from that State to Congress, as from Ohio, and other free States, it would be proclaimed as an anti-Nebraska victory? If you should happen to carry the entire southern States this year, and turn out your whole delegations, bringing in a new lot vociferating their devotion to southern rights and southern institutions, all under the secret management of the mysterious Know-Nothing machinery, will you call that an anti-Nebraska victory in the South?

Sir, this will not do. Let us call things by their right names. Let us look the real issue in the face. What we had to fight at the North, was nominally a Fusion party, but the organization was the Know-Nothing councils. Its whole vitality, its energy, and its power, arose simply from the fact that its incongruous elements, which were to be moulded into one harmonious body, could be assembled at the dark hour of the night, when honest people were asleep, and there, under the protection of the most horrible oaths to observe secrecy, plan and plot, and pledge themselves to the execution of schemes which an honest man would never dare to proclaim to the world or avow in the light of day. Thus, by stratagem and terrors, men, personally hostile, were forced to act together—men who were the advocates of adverse and irreconcilable political theories, were apparently moulded into one common brotherhood; and although they might not approve of the objects, yet, being bound by oath to obey orders and vote as they were directed, they felt constrained to yield obedience under the terrors of being branded as traitors and perjurers, as your Littlejohns and other recreants have been for voting for Mr. SEWARD. If you caught a Democrat in your councils

or lodges he was required to abandon his party, and repudiate his time-honored principles, and become a Fusionist; if you caught a Nebraska man, Whig or Democrat, he was compelled by his oath to vote the Abolition-Fusion ticket; if you caught an Abolitionist, or a man belonging to any other party or faction, he was bound to vote precisely as a majority of the council or lodge should determine. But it so happened that, in the portion of the country where I reside, and, I think, throughout the whole Northwest, every lodge was under the control of Abolition leaders and Abolition auspices; and hence you could turn it all against Nebraska men, and all other advocates of the Constitution and laws of the United States.

Mr. WADE. How did it work when they caught Democrats?

Mr. DOUGLAS. Well, sir, if they could find a Democrat green enough to be caught, they administered to him the oath, and then, I suppose, he did like all the others, yielded to an oath which he abhorred, and acted with men whom he did not respect in aid of principles that he believed to be revolutionary, before he would violate the oath into which he had been entrapped in that secret lodge. I have no doubt you took a few Democrats from us in that way; but I believe the day of reckoning is coming. The nature of that institution is becoming well understood. I have felt its powers and its terrors, and if I could defy them then I can defy them now. Sir, the rebuke of which the Senator from Ohio spoke has no terrors for me. I would rather be proscribed, and retire to private life, in the company of men with whom I have sympathy of principle and feeling, and for whose course I have respect, than to be triumphant by such means, and controlled by such elements. Sir, I have faith that the storm is now passing off; but whether it is or not, whether it be short or long, I say, let us stand firmly by our principles, our creed, our organization, and make no compromises with the enemy. Let us stand by the flag that now floats over us. Let us be obedient to the Constitution which we have sworn to support. Let us maintain the rights of those States which have honored us by sending us here. Let us be faithful to our trust, and despise, and condemn all the allied *isms* of the day, and leave Providence and the people to work out what I believe will be a glorious result.

After some remarks by other Senators, Mr. WADE replied to Mr. DOUGLAS, to which he responded as follows:

Mr. President, I am at a loss to understand the precise object of the Senator from Ohio [Mr. WADE] in the extraordinary course of remark in which he has indulged. Failing to maintain the positions he assumed in opposition to the bill, he has poured forth a torrent of denunciation and calumny in the place of facts and argument. After denouncing the bill as monstrous and nefarious—one which no honest man can support—he says he does not blame southern men for advocating it, and insisting upon its passage. He has even gone to the extent of declaring that, wicked and nefarious as it is in all its provisions and principles, yet, were he a southern man, and the representative from a slaveholding State, he would vote for it. That is to say, it is an iniquitous measure, and if he were a southern man he would perpetrate the

iniquity; it is a base act, but if he were a southern man, and it would promote his interest, he would perform the deed! According to his doctrine, the act is infamous if performed by a northern man; right and honest if done by a southern man! Sir, I was not educated in that school of morality which teaches that the same act is morally right or wrong, is virtuous or iniquitous, according to the parallels of latitude where the man resides who may perform it. If an affirmative vote on the bill be morally right in a Senator from the South, I am unable to perceive how it can be wrong in a northern Senator. Do we not all owe allegiance to the same Constitution? Are we not all bound alike to support it by the same oath? Do we not all acknowledge accountability to the same eternal God? How, then, can a vote, given in obedience to that oath, to carry into effect the provisions of that Constitution, in the presence of the same Divine Being, be just and honest when given by a Senator from one portion of the Republic, and at the same time be nefarious and infamous when given by a Senator from another portion of the same country?

Sir, if this bill is right South, it is right North; if it is honest South, it is honest North; if its support be right in a southern man it cannot be wrong in a northern man. Sir, I despise this miserable attempt to excite prejudice against a just and necessary measure, for no better reason than that it was reported from the appropriate committee by a Senator from Connecticut instead of a Senator from South Carolina. God forbid that I should judge the merits of a legislative enactment by the residence of the man who happened to be the organ of the committee for introducing it. It is not the first time I have seen on this floor those who obtained their seats in the Senate by appeals to passion and prejudice at home, by stirring up sectional strifes, and inflaming the North against the South, become the fawning sycophants and fulsome flatterers of those very southern men whom they have traduced and maligned, whose character, constituents, institutions, and civilization they are in the daily habit of denouncing as criminal and infamous in the eyes of God and man. Wrong for a northern man to introduce a bill providing for the execution of the laws of the land, which it is right for a southern man to support, and for which these immaculate anti-slavery men say they would vote were they southern men!

That is the argument. It is the argument of all who seek to dissolve this Union. Array the North against the South; stimulate the passions of each; urge them into deadly conflict; tell the South you do not blame them; that you would do as they do, were you southern men; that you only blame those northern doughfaces or traitors who seek to preserve peace and fraternity by a strict obedience to the Constitution and a faithful execution of the laws made in pursuance of it. Yes, we are called traitors because of our fidelity to the Constitution. Doughfaces and cowards because of our obedience to that Constitution as our fathers made it, and we, upon the holy Evangelist, swore to preserve inviolate. Doughfaces because we stand between the Constitution and those who seek to trample upon its provisions; because we stand between the Union and those whose measures are aimed at its destruction. They tell us that we are in vain attempting to

resist an overwhelming torrent of northern sentiment; that our course is rushing us to inevitable self-destruction; that we are destined to be swept from the face of the earth, and sunk to the lowest depths of obloquy and infamy, from which there is no resurrection. With this awful doom impending over us, doughfaces and cowards as we are, we calmly look the storm in the face, defy its mutterings and howlings about our heads, and hold on firmly to the Union and to the Constitution as the surest and only means of preserving it, while the sentence is being pronounced which is to decide our fate. This is cowardice when courage consists in pandering to the passions and prejudices of those immediately around you, while you hurl defiance and insult and calumny at those who are a thousand miles distant. We would cease to be doughfaces, and become as brave as you, if we would only have the courage to throw overboard the Constitution as the compass by which to guide the ship of State, and run with wind and tide, setting a sail for every breeze, and changing our course with the shiftings of the wind. You can pay us no higher compliment than is contained in the charge that we stand firmly by our principles, regardless of consequences personal to ourselves, and hazarding popularity and position in preference to yielding to those mercenary and ambitious allurements which seduce bad men from their fidelity to the Constitution.

Mr. President, the Senator from Ohio [Mr. WADE] has invaded the circle of my private relations in search of materials for the impeachment of my official action. He has alluded to certain southern interests which he insinuates that I possess, and remarked, that where the treasure is there the heart is also. So long as the statement that I was one of the largest slaveholders in America was confined to the Abolition newspapers and stump orators, I treated it with silent contempt. I would gladly do so on this occasion, were it not for the fact that the reference is made in my presence by a Senator for the purpose of imputing to me a mercenary motive for my official conduct. Under these circumstances, silence on my part in regard to the fact, might be construed into a confession of guilt in reference to the impeachment of motive. I therefore say to the Senator that his insinuation is false, and he knows it to be false, if he has ever searched the records or has any reliable information upon the subject. I am not the owner of a slave and never have been, nor have I ever received, and appropriated to my own use, one dollar earned by slave labor. It is true that I once had tendered to me, under circumstances grateful to my feelings, a plantation with a large number of slaves upon it, which I declined to accept, not because I had any sympathy with Abolitionists or the Abolition movement, but for the reason that, being a northern man by birth, by education, and residence, and intending always to remain such, it was impossible for me to know, understand, and provide for the wants, comforts, and happiness of those people. I refused to accept them because I was unwilling to assume responsibilities which I was incapable of fulfilling. This fact is referred to in the will of my father-in-law, as a reason for leaving the plantation and slaves to his only daughter, (who became the mother of my infant children,) as her separate and exclusive estate, with the request that if she departed

this life without surviving children, the slaves should be emancipated and sent to Liberia at the expense of her estate; but in the event she should leave surviving children, the slaves should descend to them, under the belief, expressed in the will, that they would be happier and better off with the descendants of the family with whom they had been born and raised, than in a distant land where they might find no friend to care for them. This brief statement, relating to private and domestic affairs, (which ought to be permitted to remain private and sacred,) has been extorted and wrung from me with extreme reluctance, even in vindication of the purity of my motives in the performance of a high public trust. As the truth compelled me to negative the insinuation so offensively made by the Senator from Ohio, God forbid that I should be understood by any one as being willing to cast from me any responsibility that now does, or ever has attached to any member of my family. So long as life shall last—and I shall cherish with religious veneration the memory and virtues of the sainted mother of my children—so long as my heart shall be filled with parental solicitude for the happiness of those motherless infants, I implore my enemies, who so ruthlessly invade the domestic sanctuary, to do me the favor to believe that I have no wish, no aspiration, to be considered purer or better than she, who was, or they, who are, slaveholders. Sir, whenever my assailants shall refuse to accept a like amount of this species of property, tendered to them under similar circumstances, and shall perform a domestic trust with equal fidelity and disinterestedness, it will be time enough for them to impute mercenary motives to me in the performance of my official duties.

Now, sir, a few words in regard to the bill which has furnished the occasion for this furious onslaught upon my friend from Connecticut [Mr. TORCEY] and myself. What objection has been urged to it, except that it was introduced by a northern instead of a southern man? The same objection was urged to the Nebraska bill, when I reported it from the Committee on Territories, in accordance with the principles recognized in the compromise of 1850, which that Senator, and the party with which he then professed to act, were solemnly pledged to adhere to "in substance and principle." You, sir, [turning to Mr. WADE,] not only supported General Scott upon the Whig platform in 1852, but affirmed the same principles in your vote for the Washington territorial bill in 1853, which, like the Nebraska bill, repealed a prohibition of slavery, in order that the people might have the opportunity of deciding the slavery question for themselves in conformity with the principles recognized in the compromise of 1850.

The bill for the organization of Washington Territory received the vote of every northern Senator who now denounces me for doing in Nebraska, precisely what each of them did in Washington Territory only eleven months before! If you are sincere in your complaints of my conduct in reference to Nebraska, what explanation, what excuse are you prepared to give your constituents for your betrayal of what you are pleased to call northern rights in Washington Territory? If I betrayed the cause of freedom in 1854, you set me the example in 1853. The bill passed this body unanimously about three months after the presidential election, when both parties were

pledged by their platforms to sustain the principle of allowing the people of each State and Territory to decide the slavery question for themselves. Why did you not sound the alarm, and proclaim to the world that the sacred cause of freedom had been betrayed by northern doughfaces when you and your party in all the free States pledged yourselves to this principle in the presidential elections of 1852, and carried it into practical operation in the Washington territorial bill in 1853? If you are honest men, if you are sincere in your professions now, make an open and frank confession of your crimes then. If you do not wish to stand upon the record self-convicted of all the nefarious deeds which your malice imputes to others, let us hear no more of this hypocritical cant for political purposes about northern men introducing bills for the extension of slavery, when southern men could not be found to take the initiative. You know that it was not the object of the Nebraska bill, any more than of the Washington territorial bill, either to extend slavery or to circumscribe it. You all know that neither of those bills was intended either to establish, or abolish, or to introduce, or exclude, slavery; but that the real object and true intent was to recognize in the Territories the great principle of self-government, in obedience to which the people of each State and Territory coming into the Union should decide for themselves what kind of institutions and laws were best adapted to their condition and welfare. It was in obedience to this great principle, the principle in defense of which the battles of the Revolution were fought; the principle for the preservation of which the Constitution of the United States was adopted; the principle of popular rights and State equality which underlies our whole system of representative Government; for the preservation of this great principle it was that the Washington and Nebraska bills were passed in the form in which they now appear on the statute-book.

The Senator from Ohio has appealed to the traditions of our fathers to sustain his position upon the slavery question. Well, sir, the tradition of our fathers is, that the Declaration of Independence was proclaimed, and the Revolution effected, for the purpose of enabling the American people to make their own laws and establish their own institutions. The object, then, was to secure for the Colonies the same rights and privileges which the Nebraska bill recognizes and establishes in the Territories. Why, then, this assault upon northern men for their fidelity to the Constitution and to those principles of self-government and constitutional liberty upon which our whole political system rests? The Senator has intimated the reason. He says the cry of disunion has no terror for him. That I can well understand. He, and those who act with him, do not consider themselves under any obligation to obey the Constitution, or to execute the laws made for the purpose of carrying it into effect, any further than they harmonize with their views on the slavery question. Abolitionism means disunion. Abolitionists are necessarily disunionists; for no sane man believes that this Union can be maintained by any other means than fidelity to the Constitution. The Constitution recognizes the right of each State to have slavery or not, as it chooses; the right of the State to abolish it when it pleases—to establish it when it chooses. The Constitution recognizes the right of a master

of a slave to have him surrendered back if he escapes. If your consciences will not allow you to obey that Constitution, as honest men you are bound to dissolve the Union, and release yourselves from that obligation. Disunion has no terrors! The very declaration implies a willingness to see the act perpetrated whenever necessary to accomplish a cherished object. The Abolition movement means agitation, irritation, sectional strife, until alienation shall take the place of fraternal feeling. The leaders understand this, and hope to carry the masses with them by appeals to their prejudices and passions, until the fatal step shall be taken, before the real and final object shall be discovered, much less avowed. In the midst of all this Nebraska cry, they care no more for the provisions of that bill than they did for the Washington territorial bill when they voted for it. There is not a principle, there is not an objectionable provision, in the Nebraska bill that you did not vote for in the Washington territorial bill eleven months before.

Then we may as well look this question directly in the face. It is a question of union or disunion. I repeat, no sane man believes that this Union can be preserved except by fidelity to the Constitution. As long as the Constitution is carried out in its letter and its spirit, and laws are passed and executed in obedience to its requirements, this Union is safe.

Then the question is, shall we be true and loyal to the Constitution? If we are, we will enforce all laws of the United States passed in obedience to that instrument; and if there are combinations in States, Territories, localities, or anywhere to prevent the execution of those laws, we must apply the proper remedy. All new States must come into the Union on an equality with the old States. Whatever power under the Constitution may be exercised by any one State, may be exercised by each and all of the States, new and old alike. So long as Virginia has the right to retain or abolish slavery, Illinois and every other State has the same right, under the Constitution, to admit or exclude it in accordance with the wishes of her own people. When you attempt, therefore, to put a limitation on the new States which is not placed by the Constitution on all the States, you violate the great fundamental principle of equality among the States, and declare your unwillingness to abide by the compact that our fathers made.

Then, sir, what becomes of this cry about invading the rights of the North? I deny the right of a band of men, who have, in turn, joined and been kicked out of each of the great political parties because they were found to be unworthy to belong to either, and who have since formed a combination with all the factions and isms of the day, under the title of the Fusion party, to come here and speak for the whole North. The North are a Union people, a law-abiding people, a people loyal to the Constitution, and willing to perform its obligations. Once in a while, a combination of factions, brought together under extraordinary circumstances, may procure a majority, and send a man here who is as much a misrepresentative of the sentiment of the North as he is of all the courtesies and proprieties which should exist among gentlemen here as well as elsewhere. I hold, sir, that such men have no right to speak in

the name of the North or for the North. This Abolition faction, this disunion cabal, this set of men who make their reputation by slandering better men than themselves, have never been the true representatives of the North. They always come here by a bargain, and they go out at the end of the term at which they arrive. Sir, [turning to Mr. WADE,] you talk about your rebuke to northern men. I do not wish to speak unkindly to you, or to your colleague, [Mr. CHASE,] but your very colleague is to be succeeded by a Nebraska man, [Mr. Pugh,] a true representative of the North, for the next six years, in the Senate of the United States. You talk about your anti-Nebraska men in Ohio. You do not deny that every one of them came here by Know-Nothing votes. Why did you not boast, then, that there had not been a man elected to Congress from the free States who was not either a Nebraska man or sworn to violate the Constitution by proscribing a man for his religious faith? Why did you not say that every one of them was sworn to proscribe men because of the accident of birth, instead of because they were Nebraska men? Why did you not tell us that they came here because they had been baptized in the Know-Nothing crucible, and had taken all the unholy oaths of proscription forbidden by the Constitution? I have called upon any man in this Senate to specify a member of Congress, or of the Senate, from a free State, elected since the Nebraska bill was passed, who was not either a Nebraska man, or sent here by the Know-Nothing vote.

Then what is the use of pretending any more that the elections in the North turned on anti-Nebraska alone. How was it with my colleague, [Mr. SHIELDS,] whose case has been referred to in this debate? He voted for the Nebraska bill in obedience to the positive peremptory instructions of the Legislature of Illinois, first given in 1851, and then repeated while the Nebraska bill was pending here, and before he voted. Now they say they have defeated him because he voted for Nebraska. There is consistency for you. First instruct a man to do an act and then beat him for doing it. You profess to believe in the doctrine of instructions, and talk about Senators misrepresenting their constituencies. The Fusion Legislature of Illinois, at its recent session, or the popular branch of it, passed resolutions declaring it to be the imperative duty of a Senator to obey the instructions of the Legislature, and at the same time voted down a resolution approving the conduct of my colleague and myself in obeying a peremptory instruction! The truth is, my gallant and distinguished colleague was doomed to defeat before that Legislature, whether he voted for or against the Nebraska bill. He had been guilty of the crime of being born in Ireland! Any other obstacle could have been removed, any other offense pardoned in consideration of eminent public services rendered to the land of his adoption. All other stains upon his political character had been washed out with his own blood, so profusely shed in vindicating the rights and avenging the wrongs of his adopted country. All other offenses could be freely pardoned upon the score of patriotic services; but that monstrous offense of being born in a foreign land, and especially in old Ireland, was unpardonable in the eyes of Know-Nothingism, and hence the head of the gallant Senator was brought to the block. And

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yet we are told that his defeat was an anti-Nebraska victory. He was stricken down by a combination of all the factions and isms of the day, of which Abolitionism and Know-Nothingism were the controlling elements.

Unwilling to occupy more of the time of the Senate, I will take my seat, with the hope that I will not be induced, even by assaults upon my conduct and motives, to trespass more upon the time of the Senate.

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