

# RELATIONS OF STATES.

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## S P E E C H

OF THE

# HON. J. P. BENJAMIN, OF LOUISIANA,

Delivered in the Senate of the U. S., May 8, 1860,

*On the Resolutions submitted by the Hon. JEFFERSON DAVIS, of Miss.  
on the 1st of March, 1860.*

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MR. PRESIDENT:—I had no intention of joining in this debate, or of uttering one word on the resolutions now before the Senate.

MR. GREEN. Will the Senator give way for an executive session, and make his remarks to-morrow?

MR. BENJAMIN. I have very few words to say, and I prefer going on now. But, sir, I have listened with intense surprise to what has fallen from the Senator from North Carolina this morning, and I cannot remain quiescent and by silence appear to give consent to what he has said in relation to the action of certain southern delegates in the recent convention at Charleston.

The Senator from North Carolina thinks that political races can best be run without the load of principles. The Senator from North Carolina thinks that the best way to get success in a political contest is not to bother yourself with the baggage of principle, but to let your candidate run with nothing on his back, and probably in that way he may run the faster and reach the goal the sooner. And again, the honorable Senator thinks that, because the Cincinnati platform was acceptable to the whole Democracy in 1856, there is and can be no reason why Democrats who stood on that platform at that time should be dissatisfied with it now.

Mr. President, let us look a little back, behind 1856, in relation to that platform, and to the living issue on which we are separated as regards that platform. We all remember, sir,—no man can forget—that, in the exciting contest which took place on the Kansas-Nebraska bill, those who were the firmest supporters of the bill differed in principle upon that one point which now threatens to divide the Democratic party. They differed openly; they avowed their differences; they provided for the final settlement of those differences. Sir, when we met in caucus, under the lead of the honorable Senator from Illinois, who introduced the Kansas-Nebraska bill, it was found that the Democrats from the North and the Democrats from the South could not agree in principle. The Democrats from the South then took the position that the Constitution of the United States was plain and clear. The rights of the people of the South were placed upon that instrument. I agree with the Senator from Mississippi [Mr. DAVIS] that we have nothing to do in this controversy with natural rights or natural principles. Those rights and those principles which lie at the foundation of social organization and civil government, were proper subjects of examination and consideration with the fathers. They

did take them into consideration. They decided them. They have given us a chart by which now we are bound all to direct our course; and that chart is the Constitution of our country. Resting the rights of the South upon that Constitution, when the discussions arose upon the Kansas-Nebraska bill, the Senators from the South who met in caucus, or in convention, or in primary meeting, if you choose so to say, all agreed, without a dissenting voice, that, by the true construction of the Constitution of the United States, the Territories belonging to the United States were the common property of all; that each State had equal rights in those Territories; that amongst those rights was the right of the citizens of the different States to emigrate to those Territories with their property of every nature and kind; and, when there, we contended that there was no power under heaven that could drive us out of those Territories, or deprive us therein of the protection of the Constitution and the laws, until the people of the Territory should make a Constitution and form a State.

The Senator from Illinois did not agree with us in that. He has been consistent. The Senator from Illinois held that there was a power in the people of a Territory; he believed in popular sovereignty; he believed in some inherent right in the people when assembled, even in the original inchoate shape in which they come as emigrants to the Territories, to pass laws to govern themselves; to mould their own institutions, as he phrased it, and included in that power the right to act against slavery. We could not agree. Morning after morning we met, for the purpose of coming to some understanding upon that very point; and it was finally understood by all, agreed to by all, made the basis of a compromise by all the supporters of that bill, that the Territories should be organized with a delegation by Congress of all the power of Congress in the Territories, and that the extent of the power of Congress should be determined by the courts. Firm in our belief of our rights; conscious that in the Constitution we had guarantee enough; knowing that it was impossible for a judicial tribunal to make other than one decision, we said that we would stand by that decision when made; and if it should be determined by the Supreme Court of the United States that there was a power in this Government to deprive the people of the South of their fair share of the common Territories of the Union, if that power in this Government existed in Congress, and if Congress delegated all its power to the Territories, we would stand by the decision, and agree that we asserted a right that found no warrant in the Constitution; and, on the other hand, our brother Democrats of the North, and the Senator from Illinois at their head, agreed that if the Supreme Court of the United States should determine that the Congress of the United States had no power to interfere with Southern rights in the Territories, if, consequently, we had not the power that we could delegate at all, then the Democrats of the North would join us in showing respect and obedience to that decision, and stand with us on the principle that we advocated as the true one. None of us supposed at the time that the decision would come so quick. None of us knew of the existence of a controversy then pending in the Federal courts that would lead almost immediately to the decision of that question. We provided in the Kansas Act itself; we introduced an express clause having for its avowed object to bring that question before the courts for decision.

Well, sir, the question did come before the courts, and the Supreme Court of the United States, in the decision in the Dred Scott case, has determined—gentlemen say it is no decision—as doctrine, or as opinion, or in some way has declared that the Congress of the United States has no power so to legislate as to destroy the rights of the people of the South in their slave property in the Territories, and the judges have said as a proposition, so clear that it required no argument, that the Congress possessing no such power, it was plain that it could give none to the Territorial Legislature. I do not understand that the gentlemen from the North, the members of the Democratic party, controvert that.

But at a time when we supposed that we all at length stood upon one common platform; that we had at last a guide and a pole star by which the Dem-

ocratic party could guide the ship of State, a sudden and alarming heresy sprung up in the North, and something was said about the right of the Legislature of the Territories not to destroy slavery; not to abolish it; not to confiscate by direct legislation the rights of the citizens of the South who might find themselves in the Territories with their property, but, by a side blow, by indirection, and by failure to perform duty, by "unfriendly legislation," to do that which constitutionally they had no power to do by any direct effort of legislative will. Now, sir, the Cincinnati platform, with which the gentleman from North Carolina seems to be so much in love, and which he thinks is sufficient for the constitutional rights of the South, would be sufficient for that purpose, is sufficient for that purpose properly construed; but when the delegates of a great party assembled together from all portions of the Confederacy recently met, and the proposition was made to them to adopt the Cincinnati platform, it was made under what circumstances and with what view? It was made with the knowledge of every man in that convention that two distinctly opposite interpretations were put upon that platform—one at the South, and the other at the North.

Mr. CLINGMAN. The Senator will allow me to ask him if these two opinions were not upon whether a Territorial Legislature could legislate for or against slavery? Are those the opinions to which he refers?

Mr. BENJAMIN. The opposite constructions are put in several points. One point is, whether the Territorial Legislature has a right to abolish slavery in the Territories or not, before forming a State constitution; and another is, whether or not it is the duty of the Federal Government to protect the rights of the people of the South in the Territories. Upon those two points opposite interpretations and opposite principles exist, and were developed in the Charleston convention.

Mr. CLINGMAN. I will answer the gentleman when he is through.

Mr. PUGH. Do I understand the gentleman to say that every member of the convention agreed that the platform had received two interpretations, or that it was susceptible of it?

Mr. BENJAMIN. I understand that opposite interpretations were plainly and openly given to that platform in convention, by men whose good faith no man has ever yet disputed to my knowledge.

Mr. PUGH. I do not think that was the ground of the difference of opinion at all. I said there never were two interpretations that could be fairly given to it; that the platform purposely, in the language of the Senator from North Carolina, referred that question to judicial tribunals; that the difference of opinion arose upon the judicial question; it did not arise upon the platform; and that consequently it was a false accusation. I say that certainly in no unkind spirit to the Senator; but I say the platform is not susceptible of two interpretations; that it referred a controversy to arbitration. There might be a difference of opinion as to the particular arbitration of it, but there was none as to the terms of submission.

Mr. BENJAMIN. I read, Mr President, with as much attention as I was capable of, everything that occurred in that convention, and I saw the statement over and over again made in the convention, and not controverted, that different opinions were put upon that platform in different parts of the country.

Mr. PUGH. I certainly controverted it for one. I do not recollect who else may have stated it. It may have been repeated a great many times, but I did controvert it.

Mr. BENJAMIN. Now, sir, I say, in relation to that Cincinnati platform which the Senator from North Carolina seems to think ought to have amply sufficed the South, and to have sufficed the Democratic party, these two opposite interpretations were known to be intended to be given to it. Further, I say this: I say it was avowed at Charleston, over and over again, that if a construction was given to that platform by which it should be clearly stated that the people of the South were entitled to have their slaves protected in the Territories against any direct interference, either by congressional or territorial legislation; if that was avowed; if the doctrine of the party was asserted to

be that the Legislature of the Territory, whilst a Territory existed in its inchoate organization, had no right to interfere with slavery, then it was said, again and again, that no Northern State could be carried upon that ground.

Mr. CLINGMAN. On the question as to whether a Territorial Legislature could legislate against slavery or for it, I asked the Senator whether that would not necessarily be a question which a court must determine; that if the Legislature legislated or acted in any way, could we, by our opinions, settle it; or is it not, from necessity, a judicial question?

Mr. BENJAMIN. The Senator is directing me entirely out of the line of my argument. I must beg him to allow me to proceed in my line. That is not at all what I am at. It has no reference at all to my line of argument.

I say this: I say that distinctly opposite interpretations, or distinctly opposite principles, if you choose, in relation to Southern rights under the Constitution, were avowed at Charleston, by men professing all to be Democrats; and that, in my judgment, it is a brand upon the good faith of the Democratic party; it is an imputation upon their honor; it is unworthy of them, and unworthy of us all, that we should go before the people of this country and ask their votes in favor of one party or another, with the avowed purpose of presenting opposite interpretations or opposite sets of principles in the two sections of this confederacy, as being the principles of a common party, and forming a common party creed, I say that I will never be a party to any such contest as that. If I go into an electoral contest, I want to know the principles of the party with which I act, and I want, before the people of my State, before the people of the country, to declare those principles, to stand by them, to find them written in letters of light, so that no man can dare misconstrue them, and by them to stand, and with them, if need be, fall.

That I understand to have been the position of the delegation of Louisiana at Charleston. Taking that position, determined that they would not palter to public prejudices by using words in any double sense; that all that they did and all they said must go forth to the country incapable of misconstruction; when they found it impossible to have the principles upon which alone they could go into the presidential contest, stated thus clearly and thus plainly, they withdrew, rightly withdrew, honorably withdrew. I applaud them; I approve them; I stand by them. I think they did as became high-minded and honorable citizens. I think the State will show itself grateful to them for their act.

In saying this, Mr. President, I do not mean for one moment to pass judgment upon the action of those delegations who thought proper to pursue a different course. I believe that those delegations were equally faithful to their principles as the delegation from my own State. I believe them to have been equally single minded in relation to the principles upon which this contest was to be waged; but they were more hopeful. They believed, they hoped, they trusted, that before that convention should adjourn, the members of the Democratic party from the Northern States again being appealed to, would reconsider their decision, would consent to an enunciation of principles upon which the party could stand; and if that occurred, they were willing to continue in action with the national organization of the Democratic party. If they did not, they had declared, with no doubtful voice, their intention of standing by those that withdrew. The only possible reason that could induce the Southern delegations to abandon the national organization, or the delegates even in national convention, was that their principles could not be maintained, and those delegates that remained behind hoped that before the adjournment of that convention those principles would be avowed, would be spread upon the party banner, and upon that being done, they hoped to bring back their Southern brethren, and thus reunite the Democratic party upon a basis of principle, and not a basis of plunder or of spoils. I think that, before any of us are six weeks older, we will find that the whole Democratic party is reunited upon a basis of principle. I think, before we are six weeks older, we shall find that Northern gentlemen who, in that convention, did not hesitate in private conversation to avow their conviction that the Southerners were right in relation to the principles that they claimed, and who refused that recognition of principles solely upon the ground of expediency, will see the error of their ways, and will add one more to the long line of examples that honesty is

the best policy, and expediency worst of all the possible policies when principle is to be sacrificed to that expediency.

Now, Mr. President, one word more—

Mr. CLINGMAN rose.

Mr. BENJAMIN. I will give the Senator from North Carolina an opportunity in a moment. I desire to say now all that I have to say upon this subject. There were one or two other points I jotted down in the course of his remarks, and I will look over my notes and see if there is anything else to be said.

The honorable Senator from North Carolina makes reference to allusions made by the South to the fact, that all the Democratic electoral votes in the convention voted one way, and all those States which could not be relied upon for votes voted the other way; and then he says it is not generous for us to taunt our Democratic brethren with this matter; and he makes of the Palmetto regiment upon the plains of Mexico an example of the condition of the northern wing of the Democratic party, and asks us what we should think of the justice of General Scott, if, after that gallant regiment had been beaten down in battle in supporting the cause of his country, he had then turned to them and said he did not require their services any longer, and had given preference to new levies. Mr. President, I agree with every word that that honorable Senator said in honor of the faithful and gallant defenders of the Constitution at the North, who, in the midst of popular clamor, unawed by the outcries of a fanatical population, looking with a single eye to the Constitution, and the preservation of the Union, which depends on the preservation and maintenance of the Constitution—I say, I agree with every word that he has said in honor of that gallant band, and am willing to go further than he who here goes furthest in rendering them the honor which is their due; but, sir, to what northern Democrats does the honorable Senator allude as entitled to this honor? I look to the men who have never faltered, and neither directly nor indirectly have given countenance to a violation of the Constitution or of the equal rights of the States under it. I honor the northern Democrats, who are willing to go just as far as the Constitution leads them, and do not trip up or falter on the way, looking around timidly to see how the constituencies will back them. Those are the Democrats I honor, and those are the Democrats that I am ever ready to put in high places whenever they will deign to accept them as homage and testimonials of gratitude from the South. I go as far as any man can go in honoring them; but I am not willing that these high testimonials of gratitude and admiration shall be squandered upon all, because then they become valueless. I want them confined to the true men, and to them alone. I am not willing to pour out these priceless riches of southern gratitude and southern honors upon men that falter in the faith, and that propose to break down southern rights by indirection when unable to do it by direct appeals to principle. I am sorry, sir, to be obliged to say what I am saying; but I cannot say less in view of what has fallen from the honorable Senator from North Carolina. It is my duty that my people shall know my sentiments; and it is my duty, so far as I know, to re-echo their sentiments on this floor, particularly when they are accordant with my own. Those are my opinions, and I believe them to be theirs.

Now, the honorable Senator says he is willing to go with Democrats upon almost any platform; that almost any one that we can elect would be preferable to the adversaries against whom we are to be opposed.

Mr. CLINGMAN. I said any of those proposed. I alluded to those proposed in the convention.

Mr. BENJAMIN. I suppose so. Now, Mr. President, I am not. I am not willing to go for any man, I do not care whether his name has been proposed or not, who is not willing to stand upon a platform of principle, of constitutional principle. I am willing to go for any man, whether named or not, who will pledge his honor to stand faithfully and squarely upon a platform of sound principles; and when a platform of sound constitutional principle shall be adopted by a Democratic convention, satisfactory to me, with

my views of constitutional rights, and satisfactory to my people—principles satisfactory to my people, I say ; I care not for men—then you may put upon that platform any man who can stand upon it honorably, and I will vote for him ; I will maintain him ; I will canvass my State in his behalf ; I will spend all my time and all my breath in his cause, wherever, whenever, and however, I may be asked by his friends. That far, sir, I am willing to go ; but I have no stomach for a fight in which I am to have the choice between a man who denies me all my rights openly and fairly and a man who admits my rights but intends to filch them. I have no choice there. I can go for neither of these men ; not that I admit or would suggest for a moment that anybody has any such intention ; but I say that unless we can get such a platform of principle as shall secure the constitutional rights of the South, I will go for no man, the nominee of the Democratic party or not. If we can get such a platform ; if we can get such an enunciation of principle to go into the fight on, then I will go with any man who will stand on that platform and honestly and honorably declare that he will carry it out. That far I can go ; and if I cannot reach that point, of having a clear, open combat between principle and error, between right and heresy, then I am not in the combat at all ; but I will join any third party that will join me in putting up a platform of principle, and putting on that platform of sound constitutional principle any proper representative honorably bound to maintain it. That is my position, and that is the position of the people of my State. If they can get a platform adopted at Baltimore which shall recognize their rights ; if they can get the party pledged to uphold those rights, it is not too late ; cheerfully and willingly will they come back into the Democratic fold. If that platform is not given, then they will not be the only ones out. If that platform is not accorded, then one after the other, every Democratic State that holds to principle and stands on principle, will follow the men who have given the gallant example ; and then we shall see in our appeal before the country which is the true Democracy of the Union.

Mr. President, we may speak of Democracy, or Whiggery, Union Constitutional parties, or Black Republican parties ; every man knows and feels that the crisis is grave, and that the fate of the country is at issue. I do not know when, in the whole course of my life, I felt such an utter shrinking of my whole being ; I do not know whether I ever felt my heart sink within me as it did at the news that the Democratic party was about to break into two sectional divisions. I said if this cannot be avoided ; if this last remaining national organization is again to be divided, and principle is to fall in the struggle for power and for place, then at last we have reached that point which the Father of his Country foresaw with dismay, and which all who heed his counsels dread to see arise—the day, when the people of this country will be divided, in relation to the rights and the interests they respectively own, by a geographical sectional line. Up to this hour it has been our boast that the Democratic party was the only national party in the field. Up to this time it has been our boast that we had not yet been divided into North and South. We have made it a reproach to our adversaries, that they have not a solitary voice raised in their behalf south of Mason and Dixon's line. We have called upon the people of the North to put down a party that could not raise a solitary voice in the South. Now we, we are to do the same thing ; the Democratic party is to follow the old Whig party. The members of the Democratic party from the northern States are to go into the Black Republican ranks, just as the members of the Whig party from the northern States went into the Know Nothing, and then in the Black Republican ranks. The southern Democrats are to remain alone. At least this seemed to be the result on the first news that came from Charleston.

But, sir, when we came to analyse what had been done, we found that the calamity was not so great as anticipated by us, or appeared to be exulted over on the other side. We found that the whole Pacific slope was with us. We found that we had a majority of two other gallant northern Democratic States ; and we found we had a large body of northern Democrats, whose voice had been stifled in the convention by the adoption of the rule imposed by their

State conventions, which required that the State votes should be given as units. We found, upon analysis, there was a majority of States for a sound platform; and we found, upon further analysis, that there was a majority of delegates *per capita* in favor of a sound platform; that a sound constitutional platform had only been voted down by a series of tactics which took the votes of the delegates part by States recognized as units, the other part by States divided; so as wherever there was a minority in our favor, the voice of that minority should be stifled, and wherever there was a minority against us, that minority should be heard; or, in other words, all the minorities for and against us were counted against us. In that way it was easy to show an apparent fictitious majority.

Mr. PUGH. Will the Senator tell me the States in which the minority was suppressed? I should like to hear one of them.

Mr. BENJAMIN. Your own State, Ohio, and New York.

Mr. PUGH. There was no minority on that question in Ohio—not one delegate.

Mr. BENJAMIN. Ohio, New York, Indiana, and other States. I have not the list before me. Numbers of delegates from all those States, agreeing with us upon the platform, could not vote. The votes of their States were cast by units.

Mr. PUGH. I need not speak for any other State; but the platform adopted at Charleston had previously been adopted by a unanimous vote in the Democratic convention in Ohio; and I do not think a single delegate from the State, in any circumstances, would have voted for the proposition which the Senator has announced to-day; nor do I believe there is a Democrat in the State who would do it.

Mr. BENJAMIN. I shall not go into a dispute with the Senator from Ohio in relation to the votes or principles of particular members of his own delegation; but I believed it is a fact which cannot be concealed, which is known to the country, which is known to numerous gentlemen sitting upon this floor, that in that convention, if the vote upon the platform of principles had been taken *per capita*, the platform adopted by the majority of States would have carried.

Mr. PUGH. I think not.

Mr. BENJAMIN. I think it can be demonstrated, and carried by a decided majority. How did New York vote upon that platform?

Mr. PUGH. Which platform?

Mr. BENJAMIN. Upon the platform of the majority.

Mr. PUGH. She voted thirty-five against it.

Mr. BENJAMIN. Does not the gentleman know that there were twelve who voted for the platform of the majority of the States?

Mr. PUGH. I do not know. I know the convention of New York would not appoint them except under instructions to vote as a unit. I know several Southern States voted as a unit; so that it is as broad as it is long.

Mr. BENJAMIN. It is very easy for the practiced dialectics of the Senator from Ohio to evade the point. I am not taking about what the State conventions instructed. I am talking about facts. I ask whether there were not a minority in New York of twelve or fourteen votes, if allowed to vote as a minority, that were in favor of the majority platform?

Mr. PUGH. I stated to the Senator that I did not know. They did not authorize me to say.

Mr. BENJAMIN. I do know, so far as a man can know a thing he has not seen with his own eyes. I know from the reports of trustworthy men. I know that there was a minority in Indiana. I know that there was a number in Pennsylvania. I know that there was a majority in New Jersey. I know that the delegates that voted from some States against that platform were instructed by their delegations to vote for it. That is known to every one. Therefore, I say—

Mr. PUGH. I do not understand that remark of the Senator. He speaks of the votes of Pennsylvania. Pennsylvania did not vote as a unit, nor did New Jersey.

Mr. BENJAMIN. Instructions were given to those who voted for Pennsylvania, and to those who voted for New Jersey, to vote for the majority platform. The instructions were not obeyed.

Mr. PUGH. That might be in committee. When they came into convention the vote was taken *per capita*. Both those States were divided; and I can tell the Senator, furthermore, that the slaveholding States did not unanimously vote for that platform.

Mr. BENJAMIN. I know that. I know that six or eight men from the South did not vote for that platform. They had a perfect right to refuse to do so.

Mr. PUGH. The States of Maryland and Missouri were almost equally divided.

Mr. BENJAMIN. There were six or eight votes against it, no doubt; that is exactly what I say. Here, you have the Senator from North Carolina. He is against the majority platform; that is to say, he goes for the Cincinnati platform pure and simple; not that he does not believe that he has not a right to send slaves into the Territories, and there to hold slaves as property without that right being impaired or destroyed by territorial legislation. That Senator will tell you that he believes that; but he is simply against announcing it. The question that I am at is, how many men were there in that convention who believed in the constitutional rights of the South just as the majority of the platform laid them down? I say there was a large and decided majority of delegates that believed it. There was a small majority who agreed with the honorable Senator from North Carolina, that principles are a little too heavy to run a race with, and that it was better to throw them overboard. [Laughter.]

Now, Mr. President, I am not willing to go into an electoral struggle on any such ground; and I will tell the Senator from North Carolina further the deliberate dictates of my judgment. If we have but a simple phalanx of friends who remain at the North with us; if those who stood beside us in so many battles have been stricken down, one by one, I believe it to be just by reason of that false policy of supposed expediency which the Senator would still continue. Could we have been any worse if principles had been boldly and clearly stated, and pressed upon the people of the North? Would we have had fewer votes at the North than we have now? I tell you, sir, I am sick and tired of hearing this constant paltering with the true meaning of the people of the South in relation to their rights. I long for the day when, from the one end to the other of this Union, every member of the Democratic party shall have but one voice and one tongue, and shall say to the people: here are our principles, they are right; you do not like them; they are unpopular; listen to reason, brethren, listen to reason, and we will prove to you that we are in the right. Go before the people of the North with that tone; go into the towns, the hamlets, and the villages, and state to them, the Constitution of your country in your hand, what your constitutional rights are; make an appeal to them openly and boldly as men; do not try to deceive them. It is dishonorable to attempt it; it is foolish to suppose that you can succeed. Now, then, let us fight this battle upon the broad platform of principle known to all, and there will be no divided Democratic party, and our friends on the other side will have no exultant looks; but the whole Democratic army, proceeding under one banner, which will have inscribed upon its folds its own old time-honored device, "fidelity to the Constitution, love for the Union, observance of the laws"—this whole great army, pressing forward to battle under such a standard as that, cannot be put down by any number of parties, by any combination of parties, or by any efforts on the other side. Try truth, try principle. They will not fail you.