LOYAL PUBLICATION SOCIETY,

863 BROADWAY.

No. 77.

AN ADDRESS

ON

SECESSION.

DELIVERED IN SOUTH CAROLINA IN THE YEAR 1851,

BY FRANCIS LIEBER.

NEW YORK:

PUBLISHED BY THE LOYAL PUBLICATION SOCIETY.

1865

A FOURTH OF JULY ADDRESS

ON

SECESSION.

In the year 1850, after the admission of California as a free state, secession was urged by a strong party in South Carolina; but when a convention was held in Charleston, it was found that the so-called co-operationists—that is to say those who were in favor of secession, indeed, but only conjointly with other states—were in the majority. The Union-men of the state, desirous of doing, on their part, whatever might be in their power, to strengthen the Union feeling, resolved, in 1851, to celebrate, by a mass-meeting at Greenville, S. C., the Fourth of July, a day already then frequently spoken of with little respect. Many citizens were invited, either to be present, or "to give their views in writing at length," should they be prevented from participating in the celebration. The author was among the invited guests; but, being on the point of leaving South Carolina for some months, he wrote the following address, which was read and published in the papers of the day, from one of which he now copies it.

Fellow-Citizens: This is the Fourth of July! There is a fragrance about the month of July, delightful and refreshing to every friend of freedom. It was on the sixth day of this month that Leonidas and his martyr band, faithful "*to the laws of their country,*" even unto death, sacrificed themselves, not to obtain a victory—they knew that that was beyond their reach—but to do more—to leave to their state and their country, and to every successive generation of patriots, to the end of time, the memory of men that could "obey the law," and prepare themselves for a certain death for their country, as for a joyful wedding feast. It was on the ninth day of this month, that the Swiss peasants dared to make a stand at Sempach, against Austria—then, as now, the drag-chain to the chariot of advancing Europe—that memorable day when Arnold Winkelried, seeing that his companions hesitated before the firm rampart of lances leveled against them by the Austrian knights, cried out: "Friends, I'll make a lane for you! Think of my dear wife and children?"—grasped, as he was a man of great strength, a whole bundle of the enemy's pikes, buried them in his breast, and

made a breach, so that over him and the knights whom he had dragged down with him, his brethren could enter the hostile ranks, and with them victory for Switzerland and liberty; and Arnold's carcass, mangled and trodden down, became the corner-stone of the Helvetic Republic. It was on the fourteenth day of this month that the French, awakened from a lethargy into which an infamous despotism had dragged them, stormed and conquered that castle of tyranny, the ominous key of which Lafayette sent to our Washington, who sacredly kept it to the last day of his life, so that every visitor could see it, as the choicest present ever offered to him to whom we owe so much of our liberty and of the existence of our great commonwealth. And it was on this day that our forefathers signed that Independence, which many of them sealed with their blood, and which the others, not permitted to die for their cause, soon after raised to a great historical reality, by the boldest conception —by engrafting for the first time in the history of our kind, a representative and complete political organism on a confederacy of states, nicely adjusted, yet with an expansive and assimilative vitality.

These are solemn recollections. As the pious Christian recounts the sacrifices and the victories of his church with burning gratitude and renewed pledges to live worthy of them, so does the fervent patriot remember these deeds with rekindled affection, and resolutions not to prove unworthy of such examples and unmindful of so great an inheritance, but on the contrary, to do whatever in him lies to transmit the talent he has received from his fathers, undiminished, and, if God permits, increased, to his successors.

Yet there are those in this country who daringly pretend to make light of the great boon received from our fathers—of this, by far the greatest act of our history—of that act by which we stand forth among the nations of the earth—the Union. There have been patriots as devoted as ours—there have been republics besides ours—there have been spreading nations like ours—there have been bold adventurers pressing on into distant regions before ours—there have been confed-

eracies in antiquity and modern times besides ours,—but there has never been a union of free states like ours, cemented by a united representation of the single states, and of the people at large, woven together into a true government like ours ; leaving separate what ought to be separated, and yet uniting the whole by a broadcast and equal representation, changing with the changing population, so that we cannot fall into a dire Peloponnesian war, in which Athens and Sparta struggled for the leadership, that internecine war into which all other confederacies have fallen, and in which they have buried themselves under their own ruins, unless they have slowly glided into submission to one Holland, or one Austria, or one Berne. Many federations, indeed, have had to bear the larger part of both the evils.

There are those who pretend to make light of the Union ; there are those who wilfully shut their eyes to the many positive blessings she has bestowed upon us, and who seem to forget that the good which the Union, with her Supreme Court, or any other vast and lasting institution, bestows upon men, consists as much in preventing evils as in showering benefits into our laps. There are those who will not see or hear what is happening before our own eyes in other countries—in Germany, for instance—that living, yet bleeding, ailing, writhing, humbled commentator on Disunion. Ah ! fellow-citizens, you can but fear, and justly fear, *that* of disunion which I *know*. With you the evils of disunion are happily but matter of apprehension ; with me, unhappily, matter of living knowledge. I am like a man who knows the plague, because he has been in the East, where he witnessed its ravages ; you only know it from description—and easily may it be understood why I shudder when I hear persons speak of the plague with trifling flippancy, or courting the appalling distemper to come and make its pleasant home among us, as a sweet blessing which Providence has never yet vouchsafed to us.

There are those who seem to imagine that the Union might be broken up and a new confederacy be formed with the ease and precision with which the glazier breaks his brittle sub-

stance along the line which his tiny diamond has drawn—forgetting that no great institution, and, least of all, a country, has ever broken up or can break up in peace, and without a struggle commensurate to its own magnitude; and that when vehement passion dashes down a noble mirror, no one can hope to gather a dozen well-framed looking-glasses from the ground.

There are those even who think that the lines along which our Union will split, are ready-marked like the grooved lines on some soft substance, intended from the beginning to be broken into parts for ultimate use.

There are those who speak of the *remedy* of secession—a remedy—an amputation would be a remedy, indeed, to cure a troublesome corn, or as cutting one's throat would remedy a migraine.

There are those, even, it seems to me, who have first rashly conceived of secession as a remedy, and now adhere to it as the end and object to be attained, when they are shown that it would not cure the evils complained of, but, on the contrary, would induce others, infinitely greater and infinitely more numerous. They fall into the common error of getting so deeply interested in the means, that the object for the obtaining of which the means was first selected is forgotten. But though the error be of daily occurrence, it is a fearful one in this case, because the consequence would be appalling. They almost remind us of those good people in Tuscany, who had contracted so great a fondness for St. Romualdus, that when the saint had concluded to remove from among them, they resolved, in a grave town-meeting, to slay their patron saint, so that they might have at least his bones, and worship them as sacred relics.

We have heard much of secession. It is still daily dinning in our ears. What is secession? Is it revolution, or is it a lawful remedy to which a state is permitted to resort in right of its own sovereignty? Many persons—and there are some of high authority in other matters among them—maintain that even though it might not be expedient in the present case, it cannot be denied that the right of seceding belongs

to every state. I have given all the attention, and applied all the earnest study that I am capable of to this subject; and everything—our history, the framing of our Constitution, the correspondence of the framers, the conduct of our country, the actions of our states—all prove to my mind that such is not the case. It has been often asserted that the states are sovereign; and they would not be so could they not, among other things, withdraw from the Union whenever they think fit. This is purely begging the question. The question is what sovereignty is, and what, in particular, it means when the term is applied to our confederated states. No word is used in more different applications than this term "sovereign;" but in no sense, whatever width and breadth be given to it in this or any other case, does it mean absolute and unlimited power, if we speak of men. There is but one absolute ruler—one true sovereign. Unlimited power is not for men; and the legal sage, Sir Edward Coke, went so far as to declare, in the memorable debates on the petition of rights, that "sovereignty is no parliamentary word." This is not the place where so subtle and comprehensive a subject can be thoroughly discussed, but I may be permitted to touch upon a few points which may be examined here without inconvenience.

What is right for one state, must needs be right for all the others. As to South Carolina, we can just barely imagine the possibility of her secession, owing to her situation near the border of the sea. But what would she have said a few years ago, or what indeed would she say now—I speak of South Carolina, less the secessionists—if a state of the interior, say Ohio, were to vindicate the presumed right of secession, and to declare that, being tired of a republican government, she prefers to establish a monarchy with some prince, imported, all dressed and legitimate, from that country where princes grow in abundance, and whence Greece, Belgium, and Portugal, have been furnished with ready-made royalties—what would we say? We would simply say, this cannot be and must not be. In forming the Union we have each given up some attributes, to receive, in turn, advantages of the last

importance ; and we have in consequence so shaped and balanced all our systems that no member can withdraw without deranging and embarrassing all, and ultimately destroying the whole.

But does not the Constitution say that every power not granted in that instrument shall be reserved for each state ? Assuredly it does. But this very provision is founded upon the supposition of the existence of two powers, the general and the state governments. The Constitution is intended to regulate the affairs between them ; secession, however, annihilates one party—the general government—so far as the seceding state is concerned. The supposition that the Constitution itself contains the tacit acknowledgment of the right of secession, would amount to an assumption that a principle of self-destruction had been infused by its own makers into the very instrument which constructs the government. It would amount to much the same provision which was contained in the first democratic constitution of France, namely, that if government acts against the law, every citizen has the duty to take up arms against *it*. This was, indeed, declaring Jacobinical democracy tempered by revolution, as a writer has called Turkey a despotism tempered by regicide.

And can we imagine that men so sagacious, so far-seeing, on the one hand, and so thoroughly schooled by experience on the other, as the framers of our Constitution were, have just omitted, by some oversight, to speak on so important a point ? One of the greatest jurists of Germany said to me at Frankfort, when the Constituent Parliament was there assembled, of which he was a member : " The more I study your Constitution, the more I am amazed at the wise forecast of its makers, and the manly forbearance which prevented them from entering into any unnecessary details, so easily embarrassing at a later period." They would not deserve this praise, or, in fact, our respect, had they been guilty of a neglect such as has been supposed. Can we, in our sober senses, imagine that they believed in the right of secession, when they did not even stipulate a fixed time ne-

cessary to give notice of a contemplated secession—knowing, as they did, quite as well as we do, that not even a common treaty of defence or offence—no, not even one of trade and amity—is ever entered into by independent powers, without stipulating the period which must elapse between informing the other parties of an intended withdrawal and the time when it actually can take place ; and when they knew perfectly well that, unless such a provision is contained in treaties, all international law interprets them as perpetual ; when they knew that not even two merchants join in partnership without providing for the period necessary to give notice of an intended dissolution of the house ? It seems to me preposterous to suppose it. The absence of all mention of secession must be explained on the same ground on which the omission of parricide in the first Roman penal laws was explained—no one thought of such a deed.

Those that so carefully drew up our Constitution cannot be blamed for not having thought of this extravagance, because it had never been dreamt of in any confederacy, ancient, medieval, or modern. Never has there existed an architect so presumptuous as to consider himself able to build an arch equal to its purpose and use, yet each stone of which should be so loose that it might be removed at any time, leaving a sort of abstract arch, fit to support abstractions only—as useful in reality as the famous knife without a blade, of which the handle was missing. Those that insist on the right of secession from the Union, must necessarily admit the correlative right of expulsion on the part of the Union. Are they prepared for this ?

If the Constitution says nothing on secession ; if it cannot be supposed to exist by implication ; if we cannot deduce it from the idea of sovereignty, it may be worth our while to inquire into the common law of mankind on this subject. The common law in this case is history.

Now, I have taken the pains of examining all confederacies of which we have any knowledge. In none of the many Greek confederacies did the right of secession exist, so far as we can trace their fundamental principles. In some

rare cases an unfaithful member may have been expelled. But in the most important of all these confederacies, and in that which received the most complete organization, resembling, in many points, our own—in the Achæan League, there existed no right of secession, and this is proved by the following case:—When the Romans had obtained the supremacy over Hellas, and Greece was little more than a province of Rome, the Ætolians respectfully waited upon the Roman commissioner, Gallus, to solicit permission to secede from the league. He sent them to the Senate, and the secessionists obtained at Rome the permission to withdraw—no "leading case," I suppose, for Americans. The Amphictyonic Council allowed of no secession. It was Pan-Hellenic, and never meant to be otherwise. The medieval leagues of the Lombard cities, of the Swabian cities, and of the Rhenish cities, permitted no spontaneous withdrawal; but the fortunes of the fiercest wars waged against them by the nobility, would occasionally wrench off a member and produce disruptions. The great Hanseatic League, which, by its powerful union of distant cities, became one of the most efficient agents in civilizing Europe, and which, as Mr. Huskisson stated in Parliament, carried trade and manufacture into England, knew nothing of secession until the year 1630, when the princes, greedy for the treasures of her cities, had decreed her destruction, and forced many members to secede. This is no leading case either.

The Swiss Confederacy, the Germanic Federation, knew and know nothing of secession; nor did the United States of the Netherlands—so much studied by some of our framers, and by Washington among them—admit the withdrawal of any single state. The great "Utrecht Union" of 1577, was *for ever;* yet the Netherlands formed a real confederacy.

All these confederacies consisted of a far looser web than ours; none had a federal government comparable to ours; yet they never contemplated such a right. And should we do so—we, with a firmer union, a better understanding of politics, a nobler consciousness of our mission as a nation, and greater blessings at stake? Should we, indeed, of all men

that ever united into federations, treat our government, by which we excel all other united governments, as a sort of political picnic to which the invited guest may go and carry his share of the viands or not, as he thinks fit, or the humor may move him? Are all the rights on the side of the states—that is, the individuals—and all the obligations, and obligations, only, on the side of the confederacy—that is, the whole? This doctrine is the French theory of excessive individual right and personal sovereignty applied to states, and naught else.

I ask, will any one who desires secession for the sake of bringing about a Southern Confederacy, honestly aver that he would insist upon a provision in the new constitution securing the full right of secession whenever it may be desired by any member of the expected confederacy?

To secede, then, requires revolution. Revolution for what? To remedy certain evils. And how are they to be remedied? It is a rule laid down among all the authorities of international law and ethics, that to be justified in going to war it is not sufficient that right be on our side. We must also have a fair prospect of success in our favor. This rule applies with far greater force to revolutions. The Jews who rose against Vespasian had all the right, I dare say, on their side; but their undertaking was not a warrantable one for all that. We, however, should we have sufficient right on our side for plunging into a revolution—for letting loose a civil war? Does the system against which we should rise contain within its own bosom no peaceful, lawful remedies?

We are often told that our forefathers plunged into a revolution, why should not we? Even if the two cases were comparable, which they are obviously not, I would ask, on the other hand, Are we to have a revolution every fifty years? Give me the Muscovite Czar rather than live under such a government, if government it could be called. I am a good swimmer, but I should not like to spend my life in whirlpools. And does the question of right or wrong, of truth and justice, go for nothing in revolutions?

Nor would the probability of success be in our favor, since

it is certain that secession cannot take place without war, and this war must end in one or the other of two ways. It must either kindle a general conflagration, or we must suffer, single-handed, the consequences of our rashness—bitter if we succeed in lopping ourselves off from the trunk, bitter if we cannot succeed. Unsuccessful revolutions are not only misfortunes, they become stigmas. And what if the conflagration becomes general? Let us remember that it is a rule which pervades all history, because it pervades every house, that the enmity of contending parties is implacable and venomous in in the same degree as they have previously stood near each other, or as nature intended the relation of good will to exist between them. It is the secret of all civil and religious wars; it is the secret of divided families; it is the explanation of unrelenting hatred between those who once were bosom friends. Our war would be the repetition of the Peloponnesian War, or of the German Thirty Years' War, with still greater bitterness between the enemies, because it would be far more unnatural. It would shed the dismal glare of barbarism on the nineteenth century. Have they that long for separation forgotten that England, at first behind Germany, France, Italy, and Spain, rapidly outstripped all, because earlier united, without permitting the crown to absorb the people's rights? The separation of the South from the North would speedily produce a manifold disrupture, and bring us back to a heptarchy, which was no government of seven, but a state of things where many worried all. If there be a book which I would recommend, before all others, to read at this juncture, that book is Thucydides. It reads as if it had been written to make *us* pause; as if the orators introduced there had spoken expressly for our benefit; as if the fallacies of our days had all been used and exposed at that early time; and as if in that book a very mirror were held up for our admonition. Or we may peruse the history of cumbered, ailing Germany, deprived of unity, dignity, strength, wealth, peace, and liberty, because her unfortunate princes have pursued, with never-ceasing eagerness, what is called in that country *particularism*—that is, hostility of the parts to

the whole of Germany, and after the downfall of Napoleon preferred the salvation of their petty sovereignties, conferred upon them by Napoleon, to the grandeur, peace, and strength of their common country. The history of Germany, the battlefield of Europe for these three centuries, will tell you what idol we should worship, were we to toss our blessings to the winds, and were we to deprive mankind of the proud example inviting to imitation.

I have already gone far beyond the proper limits of a communication for the purpose for which the present one is intended, and must abruptly conclude where so much may yet be said.

I will only add that I, for one, dare not do anything toward the disruption of the Union. Situated, as we are, between Europe and Asia, on a fresh continent, I see the finger of God in it. I believe our destiny to be a high, a great, and a solemn one, before which the discussions now agitating us shrink into much smaller dimensions than they appear if we pay exclusive attention to them. I have come to this country, and pledged a voluntary oath to be faithful to it, and I will keep this oath. This is my country from the choice of manhood, and not by the chance of birth. In my position, as a servant of the state, in a public institution of education, I have imposed upon myself the duty of using my influence with the young neither one way nor the other in this discussion. I have scrupulously and conscientiously adhered to it in all my teaching and intercourse. There is not a man or a youth that can gainsay this. But I am a man and a citizen, and as such I have a right, or the duty, as the case may be, to speak my mind and my inmost convictions on solemn occasions before my fellow-citizens, and I have thus not hesitated to put down these remarks. Take them, gentlemen, for what they may be worth. They are, at any rate, sincere and fervent ; and, whatever judgment others may pass upon them, or whatever attacks may be levelled against them, no one will be able to say that they can have been made to promote any individual advantages. God save the commonwealth ! God save the commmon bond !