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# SPEECH

OF

MR. J. S. JOHNSTON,

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*At a public dinner given to him and the HON. E. D. WHITE, in the city of New Orleans, on the 8th of June, 1831.*

25.10

*Mr. President and Gentlemen—*

I thank you for this kind and flattering sentiment, and the extraordinary manifestation of enthusiasm on receiving it. I thank you for the favourable manner you are pleased to view my public conduct.—I thank you for the honour you have done my associate and friend and myself by your presence to-day—and this honourable testimony of your approbation.

We are happy indeed to see around us so large a portion of our friends and constituents, giving their support to those principles of Government and those measures of public policy we have found it our duty to advocate.

However gratifying the occasion may be to my feelings, and certainly it is enough to flatter the pride and reward the ambition of any man; I derive a higher pleasure from the reflection, that it is not merely to honour those who have truly represented your opinions, your feelings and your interests, it has another and more elevated purpose. It is the occasion of mingling your patriotic sentiments, of doing homage to principles, and pledging your faith to the cause and the country.

This meeting springs, I know, from a deep interest in the principles and policy of the Government, an anxious concern arising from the events transpiring in our country, and a patriotic solicitude for the effects they may produce, and the influence they may exert, on the character of the Government and the condition of the people. It arises from a love of country, an attachment to its institutions, a desire to preserve and perpetuate them, but mingled with the fears and forebodings which the circumstances of the times are too well calculated to create.

Gentlemen, I have devoted my time and talents, such as they are, to the service of the state, endeavouring to compensate by industry and zeal and usefulness for the want of the high and commanding qualities which the station so eminently demands.

I did not accept the place for the mere dignity it conferred, but as a





high and confidential trust, involving the most sacred duties and imposing the most solemn obligations. It was my highest ambition faithfully to represent the state—to render her useful and acceptable services—to justify to the country her choice of a representative to merit her confidence—to reflect back upon her the credit due to her elevated sentiments and liberal principles; knowing that the only true honour—the only one worthy the ambition of a public man, is in doing *honour* to his state, and the only reward that is worthy his acceptance is to be approved and honoured by HER.

I was aware on entering on these duties, that in the division of parties, in the diversity of opinion and in the excitement of the times, it was impossible to meet the wishes and views of all—that no talents and that no services could command, and that no spirit of moderation or forbearance could conciliate, the public favour. That I could only look with confidence to the support of the people, by a faithful discharge of my duties to the state, by the adoption of sound principles and correct views of the public interest, and acting steadily and firmly upon them.

In going, gentlemen, as your representative, into the councils of the nation, I was obliged to take a higher and wider view of our relations and duties—to look beyond the narrow limits and local interests of the state, to our whole country—to that Government which the states have by mutual consent adopted for the protection of all—to the nature of the union we have formed with the American family, and to all our relations with them.

It became my duty to study the constitution with a view to comprehend the object and the end of its institution, that I might with conscious good faith carry its provisions into effect. I therefore looked to the language employed, to the intention of its framers, to cotemporaneous exposition, to judicial opinions, and to all the lights of reason and authority—and I can say, that after the most dispassionate consideration, the principles I have on public occasions maintained, and those upon which I have acted, are the deliberate convictions of my mind.

It was due I thought to the character of the people of the state, to take an enlarged view of the public interest, to give a fair and free construction to the constitution, and a liberal support to all the measures of government necessary and proper to carry into effect the powers delegated to it. To make it what it was intended to be, supreme over all—for certain specific and defined objects, and with full and adequate powers for all the purposes of its institution.

I have therefore given my support to such principles of construction, and such measures of policy, as in my judgment were best calculated to sustain the Government, to preserve the Union, to protect the states, to maintain the authority of the laws, to advance the true interest of the state and the solid glory of the country. These are the views I have taken of my duty—it affords me sincere pleasure to know that they are approved by you who have so deep a stake in the community.

The renewal of the public confidence to which you kindly allude, after a severe probation of ten years in a period of unusual popular excitement, and great collision of opinion—and during which we witnessed two vio-





lent contests, and extraordinary combinations of men and parties, has afforded me the cheering reflection that these principles and the course of my public conduct, have not been disapproved. It will animate me with new zeal in the cause, and you may rely that whatever events await us, every power of my mind shall be exerted to defend your rights, to maintain your interests and vindicate your principles.

What events await us time only will disclose; there are apprehensions and presentiments on the public mind which the circumstances of the times have awakened.

There will be, I apprehend, a great struggle for certain principles, that may terminate in a crisis which may lead to unhappy consequences: but I rely upon the love of country and attachment to the union, and above all, to the good sense of the people, to avert from the nation events so disastrous.

It seems to me there is in progress a civil revolution, that threatens in its course, if not arrested, changes in our Government as radical and extensive as those we have witnessed in Europe.—Our Government is an experiment still.

Whether it shall be a Government capable of defending the country, of preserving the union, of regulating our commerce and protecting our industry, or whether it shall be a weak and miserable confederation of states, without power to preserve itself, and without one point of union, whether it shall be sustained in the spirit in which it was instituted, founded on the will of a majority and the good faith of the parties, or whether it shall dissolve by its own weakness, or be torn asunder by violence, whether we shall separate into smaller confederacies, or resolve into the original elements, the states—are the questions now pending before the country, the issue of which is in the hands of the people.

We have a constitution, but its principles are not fixed—the question as to the powers of the Government, the means by which it may carry them into effect, the extent and limitations of the executive authority and the jurisdiction of the Supreme Court, are more unsettled and more contested than at the adoption of the constitution.

Laws passed with all the forms prescribed, with the sanction of the Supreme Court, with the acquiescence of a majority of the states, enacted at different times and under different administrations, are still open to angry discussions and violent conflicts, and liable at every change of men, at every new combination of parties, to be overruled. Neither time, nor public opinion, nor legal adjudications, nor the will of majorities, give any sanction to the principles of our Government.

A party, formidable for their numbers and talents, at this moment contend that this government is a mere confederation of states; that almost every important power exerted by it is in derogation of the rights of the states, and dangerous to the liberties of the people. The consolidation of the government, to which there is not the slightest approach, the destruction of the rights of the states, which cannot enter into the contemplation of any party, are continually rung in our ears. Every means are employed to provoke hostility to the government, and especially to excite prejudice against the Supreme Court, (that high arbiter,

appointed by the states themselves, to decide all cases, under the constitution and laws,) in order to weaken the confidence of the country and the authority of the Court, and to prepare the way to strip it of its power. Nay, the peace of the country and the union itself are menaced. Thus the protection of domestic industry—the system of internal improvements—the Bank of the United States, and other laws, among the first acts of the government, with forty years' experience of their salutary effects, are now denounced as violations of the constitution. It is said a single state, however small, may declare those acts void, that thereupon the laws will cease and the government end peaceably and without a struggle. That if they are not repealed, they will be annulled, so that the powers of the government must be abandoned at the dictation of a small minority, or they must terminate with a dissolution of the union; peaceably if they can, forcibly if they must. We have the alternative to surrender the constitution or every principle and power in it, that is not accepted by every state, in which nothing but the name and the form will remain. Now, what is this but a confederation, depending on the concurrent will of twenty-four states, a government without power and utterly impracticable; our constitution was framed to remedy this evil. It was founded upon a principle of majority, both of the states and of the people—it had been found that requiring the assent of a larger number than a majority of states, paralysed the operations of the old Congress, by defeating the most important measures. It was foreseen that our system would be imperfect, but it determined to leave it to be improved and settled by time, and reason and experience, and by the judicial decision of the Court to which all questions were submitted. The imperfections of language, the ingenuity of the human mind, the arts of disputants and the jealousy of power, have raised up objections, that must perpetually agitate the country; they repudiate the Court, they disregard the will of the majority; they defy public opinion; they constitute themselves the arbiters in their own cause; they demand the repeal of the laws, and the unconditional surrender of them, (as we must therefore make to all others demanding similar concessions)—and they menace us with disunion, with all the evils and all the horrors it portends, in the hope that our love to country and attachment to union will yield to the extravagance and violence of their demands.

I cannot detain you now with a discussion upon these disputed points, it is useless to reason the case, because they admit no umpire—but allow me to present it to you in a few words. The right of the government to protect the domestic industry, arises from the power expressly given to REGULATE COMMERCE. These words are certainly very indefinite—but like all others, they must receive a reasonable construction. If a system of free trade had been intended, that principle would have been expressly established in the constitution. If no laws had been contemplated, this clause would not have been inserted—it was inserted evidently with a view to be a leading principle, and was a moving cause of the adoption of the constitution. What did those words mean, and what did the convention contemplate by them? England had the right to regulate trade with her colonies, from which, probably, the words are adopted;

under this she prescribed such regulations as fostered her own navigation—her own commerce and her own manufactures; in fine, her own labour, however employed. Her object was a system of her own, essentially English; to give to her people the market of her own country, and the transportation of their own productions, to exclude what she could supply, and admit those she could not, under such regulations, restrictions, and discriminations as she prescribed, and sense of her own interest dictated—but under this she could not tax the colonies for revenue, and it was the attempt to enforce this right beyond the protecting point that produced resistance. On the separation, each of the colonies assumed the right of regulating commerce for themselves, and did not delegate this power to Congress. Under this, the states undertook to regulate their trade with a view to protect and foster their labour and their own interests—but the interfering and conflicting regulations of the states counteracting each other, rendered the power unavailing, and delegates were appointed to a convention to confer on Congress the power of regulating commerce. That convention framed this constitution, which transferred the power from the states, as it was then understood, to the general government.

The second act of the first Congress was passed in pursuance of this authority, as is expressly stated in the preamble, “to protect domestic industry.” There is no suggestion in the debate, that the power did not belong to Congress, but there is an explicit declaration, that as the states had conferred the power to be exerted, and as their manufactures had made some progress, it was their duty to carry the design of the constitution into effect. In the report of General Hamilton, there is no intimation that any doubt existed as to the power. It was reserved for modern times, and new men, to make this discovery.

If the power belongs to Congress, it must be exercised according to the wisdom and discretion of that body. If it is deemed oppressive, it should be examined with great care and corrected with good faith, and every thing may be yielded that justice and moderation demands. No concession can be made to violence or menace. As to the demand of the surrender of the power thus conferred, and of the policy to protect the labour of the country, it is as unreasonable as the means of extorting it are improper, and as the hope of accomplishing the object is desperate. As soon as the public debt is paid, and the revenue unnecessary, we shall be able to make reductions that ought to be satisfactory, and to which every patriot should look with confidence. But the payment of the debt, the immediate modification of the Tariff, and the distribution of the surplus funds, and the establishment of a National Bank, founded on national resources, are propositions utterly inconsistent with each other, and out of time and out of place. They are anticipating difficulties and embarrassing the country with unnecessary and ill-digested schemes.

It was to be hoped that these questions would have been permitted to rest until the proper time.

The power to make improvements either to facilitate commerce, or



to assist the operations of war, or to diminish the time and expense of transporting the mail, is also denied to the Government.

Can we for a moment suppose that this Government, capable of regulating foreign commerce, and yet without the power to open the mouths of rivers, deepen channels, erect piers, construct harbours, and can we suppose these things may be done, and yet under the same power of regulating commerce among the states, it cannot open the Falls of Ohio; or make any other communication or improvement necessary to facilitate internal commerce?

It is then said the government has the power, but the works must be of national importance; and how can this be ascertained but by the wisdom and discretion of Congress; and if they declare it a necessary and proper means, to be national and not local, to be judicious and expedient, is it for the executive to pronounce them otherwise, to oppose his will to both houses of Congress, and to defeat the intentions and in fact to supersede the legislative power?

The Bank of the United States presents a similar question.

Congress having the power over the collection and distribution of the revenues and over the whole monetary system, believe a bank to be a necessary and proper means to facilitate the collection, safe keeping, and distribution of the public money; that it will preserve a sound currency, equalize exchange, and form a safe and solid resource for the Government in times of difficulty and war; yet this power, thus exerted, has been pronounced unconstitutional. Appeals have been made to the Supreme Court, and they have affirmed the power; and yet the Bank, twice chartered, which has existed near forty years, which has realized all the results upon commerce and currency that were anticipated, is still a subject of dispute and cavil; and upon which the executive opposes himself to the legislative will; to the Supreme Court, and to public opinion.

Gentlemen, I might enlarge upon these topics, and illustrate them with additional references; I should fatigue you and exhaust myself. I return from this digression to the point, that there is in progress a civil revolution that may entirely change the character of the Government; that may leave it a mere confederacy without power, and end at last, as they have all ended, in a violent death.

But I still trust in the virtue and good sense of the country to preserve the constitution in the spirit in which it was framed; that they will depend on the wisdom of Congress, the justice of the Supreme Court, and carry it into effect in good faith.

However, gentlemen, we may be divided with regard to men, and by whatever personal designation we may be known, we do not, I flatter myself, differ materially in relation to the principles of Government, the system of public policy, or the interests of the state. These must exercise a permanent influence upon the country, while parties, based upon no principle, having reference merely to men, founded on personal preferences, or on personal or interested motives, must be temporary in their nature.

If then these principles are of momentous concern to the country, if

they are to exert a salutary power over the operations of our government, will it not become our duty to stand by our principles and the men of our principles? It is impossible to deceive ourselves with the hope that we can hold with one party and run with another; or that we can adroitly balance ourselves between opposite parties and conflicting interests; that we can, by ambiguous speeches and by paltering in a double sense, keep our promise to the country and break it to our conscience. The time has come when every man must take his stand upon the side of principle, and by the side of those men who are struggling to preserve the stability of the Government, the duration of the Union and the safety of the country.

Gentlemen, I have adverted to the external dangers to which we are exposed, I mean from dissensions and disagreement among the members. But there are other causes of apprehension in the operations of the Government itself.

There are two forces constantly acting upon the popular branch of the government. The one is on the part of the states, claiming and contesting every important power, and the other on the part of the executive, setting up new and doubtful claims to authority, assuming an absolute control over the operations of the federal government, extending his influence over public men, and his control over all the other departments of the government, and destroying the balances of the constitution.

He claims the distribution of all the offices, honours and emoluments, and then a control over all the acts of the government.

He claims a *veto* on all laws, on the ground of expediency. He claims to set aside the laws of the country, to decide upon their constitutionality and refuses to execute them; and upon the same principle it is said will refuse to execute the mandates of the Supreme Court. He claims to decide by his own will, and without reference to the representatives of the people, a question of sovereignty too high and transcendent it is said for the Supreme Court, and to surrender the authority of the Government and the rights of the Indians, and to dispense with the obligations of treaties.

He claims also to approve of laws with a qualified restriction and limitation upon them.

He claims to remove men from office without cause, and even those appointed by law for a term of years and approved by the Senate. He claims to institute new missions, and to appoint foreign ministers, without the advice and consent of the Senate. I have not time to enumerate the extraordinary claims to power, or to dwell on them. It is sufficient to show the temper and views of the executive, to evince how little power will be finally left in the hands of the representatives of the people, who are themselves elected under a pledge to support him even in these usurpations upon their rights, and to show to every reflecting mind the point to which this government tends.

Gentlemen, the extraordinary power now claimed by the executive over all offices, honours and emoluments, will itself produce an entire revolution of Government.

I do not speak now of the removals from office without necessity, for

which there is no warrant in the constitution, or of the system of rewards and punishments; of proscription and favouritism; of the private distress or the public injury it creates, although I think it erroneous in principle and odious in practice—my views are elevated above all this—they ascend to principles, and to the effect this power will exert on the government itself.

It has introduced I fear a most corrupt and corrupting principle, which will diffuse an unseen influence, that must destroy the virtue of the people and the integrity of public men.

The disposition of the public offices will resolve the whole government into the presidential election, and every subordinate office will depend on the influence and zeal, the time and the money spent in promoting the views of the successful candidate. Every motive of honourable ambition will be lost in the struggle for place. A system of rewards and punishments, of proscription and favouritism, will then become a part of the public administration. Independent men will suffer for opinion's sake, while the public honours will be given as the reward of services and servility.

Members of Congress will receive the most distinguished places—the conductors of the press will receive the wages of their venal labours, and every man will be tempted with the hopes and promises of office, to sell himself, his principles and his influence, to run into power with a dominant party and a successful leader.

When the executive has obtained such a power over the public mind—such a corrupting influence over the representatives of the people—such a control over the press—such an ascendancy in the Government—there will be but one power, and that wielded by one man, and that power capable of perpetuating itself. It requires no prophecy to foretell where the government will end. I trust there is still a power capable of making resistance to this dangerous principle, which at an unfortunate moment and under some disastrous influence, has secretly introduced its poison into our system.

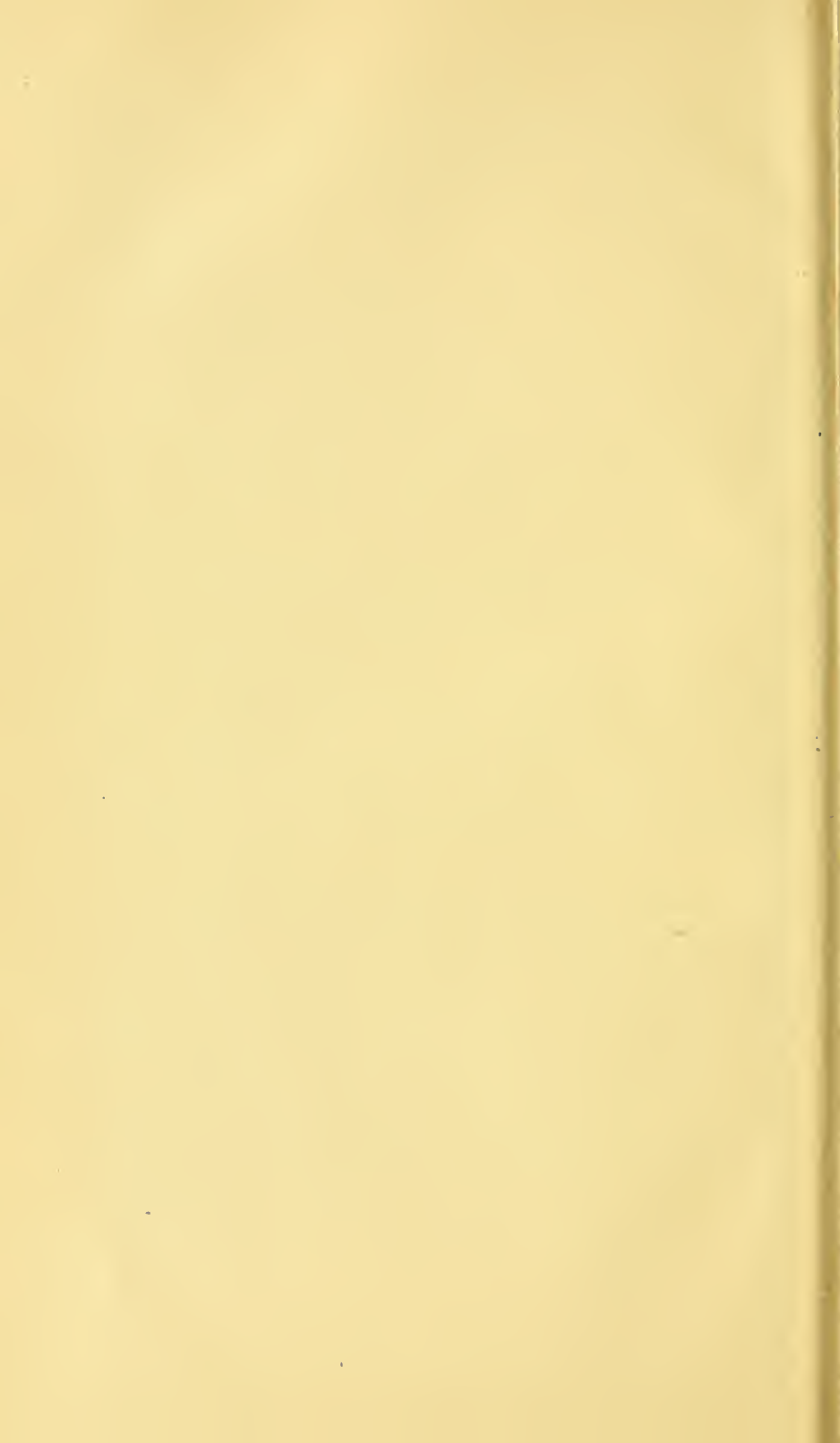
From all these causes, gentlemen, I do apprehend that our government is in danger of great innovations and perhaps an entire subversion of its principles. It is our duty to warn the country of the danger; to watch the progress of these principles, and to defend the constitution from every attempt to corrupt or impair it;—and, gentlemen, shall this constitution, this fair fabric, which cost so much blood and treasure; which has been called the world's last best hope; which is associated with so many distinguished names and so many illustrious events; which is connected with so many cherished recollections of the past, and so many hopes of the future; which has procured so many enjoyments and promises so many blessings upon us and our children, be given up a prey to faction and violence, or shall we resolve manfully to defend it?

I conclude, gentlemen, by offering you a sentiment suggested by these reflections.

The constitution of our country—we have sworn to support it.













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