

E 458

.2

.J68

Copy 2

LIBRARY OF CONGRESS



00001736437







SPEECH

OF

HON. ANDREW JOHNSON,

OF TENNESSEE,

ON

THE WAR FOR THE UNION;

DELIVERED

IN THE SENATE OF THE UNITED STATES, JULY 27, 1861.

WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
1861.

2, 12, 13, 14, 15, 16, 17

SPEECH.

The Senate having under consideration the joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States for suppressing insurrection and rebellion—

Mr. JOHNSON, of Tennessee, said:

Mr. PRESIDENT: When I came from my home to the seat of Government, in compliance with the proclamation of the President of the United States calling us together in extra session, it was not my intention to engage in any of the discussions that might transpire in this body; but since the session began, in consequence of the course that things have taken, I feel unwilling to allow the Senate to adjourn without saying a few words in response to many things that have been submitted to the Senate since its session commenced. What little I shall say to-day will be without much method or order. I shall present the suggestions that occur to my mind, and shall endeavor to speak of the condition of the country as it is.

On returning here, we find ourselves, as we were when we adjourned last spring, in the midst of a civil war. That war is now progressing, without much hope or prospect of a speedy termination. It seems to me, Mr. President, that our Government has reached one of three periods through which all Governments must pass. A nation, or a people, have first to pass through a fierce ordeal in obtaining their independence or separation from the Government to which they were attached. In some instances this is a severe ordeal. We passed through such an one in the Revolution; we were seven years in effecting the separation, and in taking our position amongst the nations of the earth as a separate and distinct Power. Then, after having succeeded in establishing its independence, and taken its position amongst the nations of the earth, a nation must show its ability to maintain that position, that separate and distinct independence against other Powers, against foreign foes. In 1812, in the history of our Government, this ordeal commenced, and terminated in 1815.

There is still another trial through which a nation must pass. It has to contend against internal foes;

against enemies at home; against those who have no confidence in its integrity, or in the institutions that may be established under its organic law. We are in the midst of this third ordeal, and the problem now being solved before the nations of the earth, and before the people of the United States, is whether we can succeed in maintaining ourselves against the internal foes of the Government; whether we can succeed in putting down traitors and treason, and in establishing the great fact that we have a Government with sufficient strength to maintain its existence against whatever combination may be presented in opposition to it.

This brings me to a proposition laid down by the Executive in his recent message to the Congress of the United States. In that message the President said:

“This is essentially a people's contest. On the side of the Union, it is a struggle for maintaining in the world, that form and substance of Government, whose leading object is to elevate the condition of men; to lift artificial weights from all shoulders; to clear the paths of laudable pursuit for all; to afford all an unfettered start, and a fair chance in the race of life. Yielding to partial and temporary departures, from necessity, this is the leading object of the Government, for whose existence we contend.”

I think the question is fairly and properly stated by the President, that it is a struggle whether the people shall rule; whether the people shall have a Government based upon their intelligence, upon their integrity, upon their purity of character, sufficient to govern themselves. I think this is the true issue; and the time has now arrived when the energies of the nation must be put forth, when there must be union and concert on the part of all those who agree in man's capability of self-government, without regard to their former divisions or party prejudices, in order to demonstrate that great proposition.

Since this discussion commenced, it has been urged and argued, by Senators on one side, that there was a disposition to change the nature and character of the Government; and that, if we proceeded as we were going, it would result in establishing a dictatorship. It has been said that the whole framework, nature, genius, and character of the Government would be entirely changed; and great apprehensions have been thrown out

that it would result in a consolidation of the Government or a dictatorship. We find, in the speech delivered by the distinguished Senator from Kentucky, [Mr. BRECKINRIDGE,] the other day, the following paragraph, alluding to what will be the effect of the passage of this joint resolution approving the action of the President:

"Here in Washington, in Kentucky, in Missouri, everywhere where the authority of the President extends, in his discretion he will feel himself warranted by the action of Congress upon this resolution to subordinate the civil to the military power; to imprison citizens without warrant of law; to suspend the writ of *habeas corpus*; to establish martial law; to make seizures and searches without warrant; to suppress the press; to do all those acts which rest in the will and in the authority of a military commander. In my judgment, sir, if we pass it, we are upon the eve of putting, so far as we can, in the hands of the President of the United States, the power of a dictator."

Then, in reply to the Senator from Oregon, [Mr. BAKER,] he seems to have great apprehension of a radical change in our form of Government. The Senator goes on to say:

"The pregnant question, Mr. President, for us to decide is, whether the Constitution is to be respected in this struggle; whether we are to be called upon to follow the flag over the ruins of the Constitution? Without questioning the motives of any, I believe that the whole tendency of the present proceedings is to establish a Government without limitation of powers, and to change radically our form and character of Government."

Sir, I most fully concur with the Senator that there is a great effort being made to change the nature and character of our Government. I think that effort is being demonstrated and manifested most clearly every day; but we differ as to the parties making this great effort.

The Senator alludes in his speech to a conversation he had with some very intelligent gentleman who formerly represented our country abroad. It appears from that conversation that foreigners were accustomed to say to Americans, "I thought your Government existed by consent; now how is it to exist?" and the reply was, "we intend to change it; we intend to adapt it to our condition; these old colonial geographical divisions and States will ultimately be rubbed out, and we shall have a Government strong and powerful enough." The Senator seemed to have great apprehensions based on those conversations. He read a paragraph from a paper indicating that State lines were to be rubbed out. In addition to all this he goes on to state that the writ of *habeas corpus* has been violated, and he says that since the Government commenced, there has not been a case equal to the one which has recently transpired in Maryland. I shall take up some of his points in their order, and speak of them as I think they deserve to be spoken of. The Senator says:

"The civil authorities of the country are paralyzed, and a practical martial law is being established all over the land. The like never happened in this country before, and would not be tolerated in any country in Europe which pretends to the elements of civilization and regulated liberty. George Washington carried the thirteen colonies through the war of the Revolution without martial law. The President of the United States cannot conduct the Government three months without resorting to it."

The Senator puts great stress on the point, and speaks of it in very emphatic language, that General Washington carried the country through the

seven years of the Revolution without resorting to martial law during all that period of time. Now, how does the matter stand? When we come to examine the history of the country, it would seem that the Senator had not hunted up all the cases. We can find some, and one in particular, not very different from the case which has recently occurred, and to which he alluded. In 1777, the second year of the war of the Revolution, members of the Society of Friends in Philadelphia were arrested on suspicion of being disaffected to the cause of American freedom. A publication now before me says:

"The persons arrested, to the number of twenty," * * * "were taken into custody, by military force, at their homes or usual places of business; many of them could not obtain any knowledge of the cause of their arrest, or of any one to whom they were amenable, and they could only hope to avail themselves of the intervention of some civil authority."

"The Executive Council [of the State of Pennsylvania] being formed of residents of the city and county of Philadelphia, had a better knowledge of the Society of Friends and of their individual characters than the members of Congress assembled from the various parts of the country, and ought to have protected them. But instead of this, they caused these arrests of their fellow-citizens to be made with unrelenting severity, and from the 1st to the 4th day of September, 1777, the party was taken into confinement in the Mason's Lodge, in Philadelphia."

"On the minutes of Congress of 3d September, 1777, it appears that a letter was received by them from George Bryan, Vice President of the Supreme Executive Council, dated 2d September, stating that arrests had been made of persons inimical to the American States, and desiring the advice of Congress particularly whether Augusta and Winchester, in Virginia, would not be proper places at which to secure prisoners." * * * * *

"Congress must have been aware that it was becoming a case of very unjust suffering, for they passed their resolution of 6th September, 1777, as follows:

"That it be recommended to the Supreme Executive Council of the State of Pennsylvania to hear what the said remonstrants can allege to remove the suspicions of their being disaffected or dangerous to the United States."

"But the Supreme Executive Council on the same day, referring to the above,

"Resolved, That the President do write to Congress to let them know that the Council has not time to attend to that business in the present alarming crisis, and that they were, agreeably to the recommendation of Congress, at the moment the resolve was brought into Council, disposing of everything for the departure of the prisoners." * * * * *

"As the recommendation of Congress of the 6th of September, to give the prisoners a hearing, was refused by the Supreme Executive Council, the next minute made by Congress was as follows:

"In Congress, 8th September, 1777.

"Resolved, That it would be improper for Congress to enter into a hearing of the remonstrants or other prisoners in the Mason's Lodge, they being inhabitants of Pennsylvania; and therefore, as the Council declines giving them a hearing for the reasons assigned in their letter to Congress, that it be recommended to said Council to order the immediate departure of such of the said prisoners as yet refuse to swear or affirm allegiance to the State of Pennsylvania, to Staunton, in Virginia."

"The remonstrances made to Congress, and to the Supreme Executive Council, being unavailing, the parties arrested were ordered to depart for Virginia, on the 11th September, 1777, when, as their last resource, they applied, under the laws of Pennsylvania, to be brought before the judicial court by writs of *habeas corpus*."

"The departure of the prisoners was committed to the care of Colonel Jacob Morgan, of Bucks county, and they were guarded by six of the light-horse, commanded by Alexander Nesbitt and Samuel Caldwell, who were to obey the dispatches from the Board of War, of which General Horatio Gates was president, directed to the lieutenants of the counties through which the prisoners were to pass."

"The writs of *habeas corpus*, on being presented to the Chief Justice, were marked by him, 'Allowed by Thomas McKean,' and they were served on the officers who had the prisoners in custody, when they had been taken on their journey as far as Reading, Pennsylvania, on the 14th day of September, but the officers refused to obey them.

"It appears by the Journal of the Supreme Executive Council of the 16th of September, that Alexander Nesbit, one of the officers, had previously obtained information about the writs, and made a report of them; when the Pennsylvania Legislature, at the instance of the Supreme Executive Council, passed a law on the 16th of September, 1777, to suspend the *habeas corpus* act; and although it was an *ex post facto* law, as it related to their case, the Supreme Executive Council on that day ordered the same to be carried into effect."

Continuing the history of this case, we find that—

"The party consisted of twenty persons, of whom seventeen were members of the Society of Friends. They were ordered first to Staunton, then a frontier town in the western settlement of Virginia, but afterwards to be detained at Winchester, where they were kept in partial confinement nearly eight months, without provision being made for their support; for the only reference to this was by a resolution of the Supreme Executive Council of Pennsylvania, dated April 8, 1778, as follows:

"Ordered, That the whole expenses of arresting and confining the prisoners sent to Virginia, the expenses of their journey, and all other incidental charges, be paid by the said prisoners."

"During the stay of the exiles at Winchester, nearly all of them suffered greatly from circumstances unavoidable in their situation—from anxiety, separation from their families, left unprotected in Philadelphia, then a besieged city, liable at any time to be starved out or taken by assault; while from sickness and exposure during the winter season, in accommodations entirely unsuitable for them, two of their number departed this life in the month of March, 1778."

Thus, Mr. President, we find that the writ of *habeas corpus* was suspended by the authorities of Pennsylvania, during the Revolution, in the case of persons who were considered dangerous and inimical to the country. A writ was taken out and served upon the officers, and they refused to surrender the prisoners, or even to give them a hearing. If the Senator from Kentucky had desired an extreme case, and wished to make a display of his legal and historical information, it would have been very easy for him to have cited this case—much more aggravated, much more extravagant, much more striking, than the one in regard to which he was speaking. Let it be remembered, also, that this case, although it seems to be an extravagant and striking one, occurred during the war of the Revolution, under General Washington, before we had a President. We find that at that time the writ of *habeas corpus* was suspended, and twenty individuals were denied even the privilege of a hearing, because they were considered inimical and dangerous to the liberties of the country. In the midst of the Revolution, when the writ of *habeas corpus* was as well understood as it is now, when they were familiar with its operation in Great Britain, when they knew and understood all the rights and privileges it granted to the citizen, we find that the Legislature of Pennsylvania passed a law repealing the power to issue the writ of *habeas corpus*, and went back and relieved the officers who refused to obey the writs, and indemnified them from the operation of any wrong they might have done. If the Senator wanted a strong and striking case, one that would bear comment, why did he not go back to this case,

that occurred in the Revolution, during the very period referred to by him? But no; all these cases seem to have been forgotten, and the mind was fixed down upon a case of recent occurrence. There is a great similarity in the cases. The one to which I have alluded, however, is a much stronger case than that referred to by the Senator. It was in Philadelphia, where Congress was sitting; it was in Pennsylvania where these persons, who were considered inimical to the freedom of the country, were found. Congress was appealed to, but Congress executed the order; and the Legislature of Pennsylvania, after it was executed, though it was in violation of the right to the writ of *habeas corpus*, passed a law indemnifying the persons that had violated it, and made it retrospective in its operation. What is our case now? We are not struggling for the establishment of our nationality, but we are now struggling for the existence of the Government. Suppose the writ of *habeas corpus* has been suspended; the question arises whether it was not a justifiable suspension at the time; and ought we not now to indorse simply what we would have done if we had been here ourselves at the time the power was exercised?

The impression is sought to be made on the public mind that this is the first and only case where the power has been exercised. I have shown that there is one tenfold more striking, that occurred during our struggle for independence. Is this the first time that persons in the United States have been placed under martial law? In 1815, when New Orleans was about to be sacked, when a foreign foe was upon the soil of Louisiana, New Orleans was put under martial law, and Judge Hall was made a prisoner because he attempted to interpose. Is there a man here, or in the country, who condemns General Jackson for the exercise of the power of proclaiming martial law in 1815? Could that city have been saved without placing it under martial law, and making Judge Hall submit to it? I know that General Jackson submitted to be arrested, tried, and fined \$1,000; but what did Congress do in that case? It did just what we are called on to do in this case. By the restoration of his sine—an act passed by an overwhelming majority in the two Houses of Congress—the nation said "we approve what you did." Suppose, Mr. President, (and it may have been the case,) that the existence of the Government depended upon the protection and successful defense of New Orleans; and suppose, too, it was in violation of the strict letter of the Constitution for General Jackson to place New Orleans under martial law, but without placing it under martial law the Government would have been overthrown: is there any reasonable, any intelligent man in or out of Congress who would not indorse and acknowledge the exercise of a power which was indispensable to the existence and maintenance of the Government? The Constitution was likely to be overthrown, the law was about to be violated, and the Government trampled under foot; and when it becomes necessary to prevent this, even by exercising a power that comes in conflict with the Constitution in time of peace, it should and ought to be exercised. If General Jackson had lost the city of New Orleans, and the Government

had been overthrown by a refusal on his part to place Judge Hall and the city of New Orleans under martial law, he ought to have lost his head. But he acted as a soldier; he acted as a patriot; he acted as a statesman; as one devoted to the institutions and the preservation and the existence of his Government; and the grateful homage of a nation was his reward.

Then, sir, the power which has been exercised in this instance is no new thing. In great emergencies, when the life of a nation is in peril, when its very existence is flickering, to question too nicely, to scan too critically, its acts in the very midst of that crisis, when the Government is likely to be overthrown, is to make war upon it, and to try to paralyze its energies. If war is to be made upon those who seem to violate the laws of the United States in their efforts to preserve the Government, wait until the country passes out of its peril; wait until the country is relieved from its difficulty; wait until the crisis passes by, and then come forward, dispassionately, and ascertain to what extent the law has been violated, if indeed it has been violated at all.

A great ado has been made in reference to the Executive proclamation calling out the militia of the States to the extent of seventy-five thousand men. That call was made under the authority of the act of 1795, and is perfectly in accordance with the law. It has been decided by the Supreme Court of the United States that that act is constitutional, and that the President alone is the judge of the question whether the exigency has arisen. This decision was made in the celebrated case of *Marin vs. Mott*. The opinion of the court was delivered by Judge Story. Let me read from the opinion of the court:

"It has not been denied here that the act of 1795 is within the constitutional authority of Congress, or that Congress may not lawfully provide for cases of imminent danger of invasion, as well as for cases where an invasion has actually taken place. In our opinion, there is no ground for a doubt on this point, even if it had been relied on; for the power to provide for repelling invasion includes the power to provide against the attempt and danger of invasion, as the necessary and proper means to effluete the object. One of the best means to repel invasion is to provide the requisite force for action before the invader himself has reached the soil.

"The power thus confided by Congress to the President is, doubtless, of a very high and delicate nature. A free people are naturally jealous of the exercise of military power; and the power to call the militia into actual service is certainly felt to be one of no ordinary magnitude. But it is not a power which can be executed without a correspondent responsibility. It is, in its terms, a limited power, confined to cases of actual invasion, or of imminent danger of invasion. If it be a limited power, the question arises, by whom is the exigency to be judged of and decided? Is the President the sole and exclusive judge whether the exigency has arisen, or is it to be considered as an open question, upon which every officer, to whom the orders of the President are addressed, may decide for himself, and equally open to be contested by every militia man who shall refuse to obey the orders of the President? We are all of opinion that the authority to decide whether the exigency has arisen belongs exclusively to the President, and that his decision is conclusive upon all other persons. We think that this construction necessarily results from the nature of the power itself and from the manifest object contemplated by the act of Congress. The power itself is to be exercised upon sudden emergencies, upon great occasions of state, and under circumstances which may be vital to the existence of the Union. A prompt and unhesitating obedience to orders is indispensable to the complete attainment of the object. The service is a military service,

and the command of a military nature; and in such cases every delay and every obstacle to an efficient and immediate compliance necessarily tend to jeopard the public interests."—*Martin vs. Mott*, 12 *Wheaton's Reports*, p. 29.

We see, then, that the power is clear as to calling out the militia; we see that we have precedents for the suspension of the writ of *habeas corpus*.

The next objection made is, that the President had no power to make additions to the Navy and Army. I say, in these two instances, he is justified by the great law of necessity. At the time, I believe it was necessary to the existence of the Government; and it being necessary, he had a right to exercise all those powers that, in his judgment, the crisis demanded for the maintenance of the existence of the Government itself. The simple question—if you condemn the President for acting in the absence of law—is, do you condemn the propriety of his course; do you condemn the increase of the Army; do you condemn the increase of the Navy? If you oppose the measure simply upon the ground that the Executive called them forth anticipating law, what will you do now? The question presents itself at this time, is it not necessary to increase the Army and the Navy? If you condemn the exercise of the power of the Executive in the absence of law, what will you do now, as the law-making power, when it is manifest that the Army and Navy should be increased? You make war upon the Executive for anticipating the action of Congress. What do gentlemen do now, when called upon to support the Government? Do they do it? They say the President anticipated the action of Congress. Does not the Government need an increase of the Army and the Navy? Where do gentlemen stand now? Are they for it? Do they sustain the Government? Are they giving it a helping hand? No; they go back and find fault with the exercise of a power that they say was without law; but now, when they have the power to make the law, and when the necessity is apparent, they stand back and refuse. Where does that place those who take that course? It places them against the Government, and against placing the means in the hands of the Government to defend and perpetuate its existence. The object is apparent, Mr. President. We had enemies of the Government here last winter; in my opinion, we have enemies of the Government here now.

I said that I agreed with the Senator from Kentucky that there was a design—a deliberate determination—to change the nature and character of our Government. Yes, sir, it has been the design for a long time. All the talk about slavery and compromise has been but a pretext. We had a long disquisition, and a very feeling one, from the Senator from Kentucky. He became pathetic in the hopelessness of compromises. Did not the Senator from California [Mr. LATHAM] the other day show unmistakably that it was not compromise they wanted? I will add, that compromise was the thing they most feared; and their great effort was to get out of Congress before any compromise could be made. At first, their cry was peaceable secession and reconstruction. They talked not of compromise; and, I repeat, their

greatest dread and fear was, that something would be agreed upon; that their last and only pretext would be swept from under them, and that they would stand before the country naked and exposed.

The Senator from California pointed out to you a number of them who stood here and did not vote for certain propositions, and those propositions were lost. What was the action before the committee of thirteen? Why did not that committee agree? Some of the most ultra men from the North were members of that committee, and they proposed to amend the Constitution so as to provide that Congress in the future never should interfere with the subject of slavery. The committee failed to agree, and some of its members at once telegraphed to their States that they must go out of the Union at once. But after all that transpired in the early part of the session, what was done? We know what the argument has been; in times gone by I met it; I have heard it again and again. It has been said that one great object was, first to abolish slavery in the District of Columbia and the slave trade between the States, as a kind of initiative measure; next, to exclude it from the Territories; and when the free States constituted three fourths of all the States, so as to have power to change the Constitution, they would amend the Constitution so as to give Congress power to legislate upon the subject of slavery in the States, and expel it from the States in which it is now. Has not that been the argument? Now, how does the matter stand? At the last session of Congress seven States withdrew, it may be said that eight withdrew; reducing the remaining slave States down to one fourth of the whole number of States. The charge has been made, that whenever the free States constituted a majority in the Congress of the United States, sufficient to amend the Constitution, they would so amend it as to legislate upon the institution of slavery within the States, and that the institution of slavery would be overturned. This has been the argument; it has been repeated again and again; and hence the great struggle about the Territories. The argument was, we wanted to prevent the creation of free States; we did not want to be reduced down to that point where, under the sixth article of the Constitution, three fourths could amend the Constitution so as to exclude slavery from the States. This has been the great point; this has been the rampart; this has been the very point to which it has been urged that the free States wanted to pass. Now, how does the fact stand? Let us "render unto Cæsar the things that are Cæsar's." We reached, at the last session, just the point where we were in the power of the free States; and then what was done? Instead of an amendment to the Constitution of the United States conferring power upon Congress to legislate upon the subject of slavery, what was done? This joint resolution was passed by a two-thirds majority in each House:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three fourths of said

Legislatures, shall be valid, to all intents and purposes, as part of the said Constitution, viz:

"ART. 13. No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish, or interfere, within any State, with the domestic institutions thereof, including that of persons held to service or labor by the laws of said State."

Is not that very conclusive? Here is an amendment to the Constitution of the United States to make the Constitution unamendable upon that subject, as it is upon some other subjects; that Congress, in the future, should have no power to legislate on the subject of slavery within the States. Talk about "compromise," and about the settlement of this question; how can you settle it more substantially? How can you get a guarantee that is more binding than such an amendment to the Constitution? This places the institution of slavery in the States entirely beyond the control of Congress. Why have not the Legislatures that talk about "reconstruction" and "compromise" and "guarantees," taken up this amendment to the Constitution and adopted it? Some States have adopted it. How many southern States have done so? Take my own State, for instance. Instead of accepting guarantees protecting them in all future time against the legislation of Congress on the subject of slavery, they undertake to pass ordinances violating the Constitution of the country, and taking the State out of the Union and into the southern confederacy. It is evident to me that with many the talk about compromise and the settlement of this question is mere pretext, especially with those who understand the question.

What more was done at the last session of Congress, when the North had the power? Let us tell the truth. Three territorial bills were brought forward and passed. You remember in 1847, when the agitation arose in reference to the Wilmot proviso. You remember in 1850 the contest about slavery prohibition in the Territories. You remember in 1854 the excitement in reference to the Kansas Nebraska bill, and the power conferred on the Legislature by it. Now we have a constitutional amendment, proposed at a time when the Republicans have the power; and at the same time they come forward with three territorial bills, and in neither of those bills can be found any prohibition, so far as slavery is concerned, in the Territories. Colorado, Nevada, and Dakota, are organized without any prohibition of slavery. But what do you find in these bills? Mark, Mr. President, that there is no slavery prohibition; mark too, the language of the sixth section, conferring power upon the Territorial Legislature:

"SEC. 6. *And be it further enacted,* That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents; nor shall any law be passed impairing the rights of private property; nor shall any discrimination be made in taxing different kinds of property; but all property subject to taxation shall be in proportion to the value of the property taxed."

Can there be anything more clear and conclusive? First, there is no prohibition; next, the

Legislature shall have no power to legislate so as to impair the rights of private property, and shall not tax one description of property higher than another. Now, Mr. President, right here I ask any reasonable, intelligent man throughout the Union, to take the amendment to the Constitution, take the three territorial bills, put them all together, and how much of the slavery question is left? Is there any of it left? Yet we hear talk about compromise; and it is said the Union must be broken up because you cannot get compromise. Does not this settle the whole question? There is no slavery prohibition by Congress, and the Territorial Legislatures are expressly forbidden from legislating so as to impair the rights of property. I know there are some who are sincere in this talk about compromise; but there are others who are merely making it a pretext, who come here claiming something in the hope that it will be refused, and that then, upon that refusal, their States may be carried out of the Union. I should like to know how much more secure we can be in regard to this question of slavery. These three territorial bills cover every square inch of territory we have got; and here is an amendment to the Constitution embracing the whole question, so far as the States and the public lands of the United States are concerned.

I am as much for compromise as any one can be; and there is no one who would desire more than myself to see peace and prosperity restored to the land; but when we look at the condition of the country, we find that rebellion is rife; that treason has reared its head. A distinguished Senator from Georgia once said, "when traitors become numerous enough, treason becomes respectable." Traitors are getting to be so numerous now that I suppose treason has almost got to be respectable; but God being willing, whether traitors be many or few, as I have hitherto waged war against traitors and treason, and in behalf of the Government which was constructed by our fathers, I intend to continue it to the end. [Applause in the galleries.]

The PRESIDENT *pro tempore*. Order!

Mr. JOHNSON, of Tennessee. Mr. President, we are in the midst of a civil war; blood has been shed; life has been sacrificed. Who commenced it? Of that we will speak hereafter. I am speaking now of the talk about compromise. Traitors and rebels are standing with arms in their hands, and it is said that we must go forward and compromise with them. They are in the wrong; they are making war upon the Government; they are trying to upturn and destroy our free institutions. I say to them that the compromise I have to make under the existing circumstances is, "ground your arms; obey the laws; acknowledge the supremacy of the Constitution—when you do that, I will talk to you about compromises." All the compromise that I have to make is the compromise of the Constitution of the United States. It is one of the best compromises that can be made. We lived under it from 1789 down to the 20th of December, 1860, when South Carolina undertook to go out of the Union. We prospered; we advanced in wealth, in commerce, in agriculture, in trade, in manufactures, in all the arts and

sciences, and in religion, more than any people upon the face of God's earth had ever done before in the same time. What better compromise do you want? You lived under it until you got to be a great and prosperous people. It was made by our fathers, and cemented by their blood. When you talk to me about compromise, I hold up to you the Constitution under which you derived all your greatness, and which was made by the fathers of your country. It will protect you in all your rights.

But it is said that we had better divide the country and make a treaty and restore peace. If, under the Constitution which was framed by Washington and Madison and the patriots of the Revolution, we cannot live as brothers, as we have in times gone by, I ask can we live quietly under a treaty, separated as enemies? The same causes will exist; our geographical and physical position will remain just the same. Suppose you make a treaty of peace and division: if the same causes of irritation, if the same causes of division continue to exist, and we cannot live as brothers in fraternity under the Constitution made by our fathers, and as friends in the same Government, how can we live in peace as aliens and enemies under a treaty? It cannot be done; it is impracticable.

But, Mr. President, I concur fully with the distinguished Senator from Kentucky in the dislike expressed by him to a change in the form of our Government. He seemed to be apprehensive of a dictatorship. He feared there might be a change in the nature and character of our institutions. I could, if I chose, refer to many proofs to establish the fact that there has been a design to change the nature of our Government. I could refer to Mr. Rhett; I could refer to Mr. Inglis; I could refer to various others to prove this. The Montgomery Daily Advertiser, one of the organs of the so-called southern confederacy, says:

"Has it been a precipitate revolution? It has not. With coolness and deliberation the subject has been thought of for forty years; for ten years it has been the all-absorbing theme in political circles. From Maine to Mexico all the different phases and forms of the question have been presented to the people, until nothing else was thought of, nothing else spoken of, and nothing else taught in many of the political schools."

This, in connection with other things, shows that this movement has been long contemplated, and that the idea has been to separate from and break up this Government, to change its nature and character; and now, after they have attempted the separation, if they can succeed, their intention is to subjugate and overthrow and make the other States submit to their form of government.

To carry out the idea of the Senator from Kentucky, I want to show that there is conclusive proof of a design to change our government.

I quote from the Georgia Chronicle:

"Our own republican Government has failed midway in its trial, and with it have nearly vanished the hopes of those philanthropists who, believing in man's capacity for self-government, believed, therefore, in spite of so many failures, in the practicability of a republic."

"If this Government has gone down," asks the editor, "what shall be its substitute?" And he answers by saying that, as to the present gener-

ation, "it seems their only resort must be to a constitutional monarchy." Hence you see the Senator and myself begin to agree in the proposition that the nature and character of the Government are to be changed.

William Howard Russell, the celebrated correspondent of the London Times, spent some time in South Carolina, and he writes:

"From all quarters have come to my ears the echoes of the same voice; it may be feigned, but there is no discord in the note, and it sounds in wonderful strength and monotony all over the country. Shades of George III, of North, of Johnson, of all who contended against the great rebellion which tore these colonies from England, can you hear the chorus which rings through the State of Marion, Sumter, and Pinckney, and not clap your ghostly hands in triumph? That voice says, 'if we could only get one of the royal race of England to rule over us, we should be content!' Let there be no misconception on this point. That sentiment, varied in a hundred ways, has been repeated to me over and over again. There is a general admission that the means to such an end are wanting, and that the desire cannot be gratified. But the admiration for monarchical institutions on the English model, for privileged classes, and for a landed aristocracy and gentry, is undisguised and apparently genuine. With the pride of having achieved their independence, is mingled in the South Carolinian's heart a strange regret at the result and consequences, and many are they who 'would go back to-morrow if we could.' An intense affection for the British connection, a love of British habits and customs, a respect for British sentiment, law, authority, order, civilization and literature, preëminently distinguish the inhabitants of this State." &c.

This idea was not confined to localities. It was extensively prevalent, though policy prompted its occasional repudiation. At a meeting of the people of Bibb county, Georgia, the subject was discussed, and a constitutional monarchy was not recommended for the southern States, "as recommended by some of the advocates of immediate disunion." Here is evidence that the public mind had been sought to be influenced in that direction; but the people were not prepared for it. Mr. Toombs, of Georgia, during the delivery of a speech by Mr. A. H. Stephens, before the Legislature of that State, did not hesitate to prefer the form of the British Government to our own.

Not long since—some time in the month of May—I read in the Richmond Whig, published at the place where their government is now operating, the center from which they are directing their armies which are making war upon this Government, an article in which it is stated that rather than submit to the Administration now in power in the city of Washington, they would prefer passing under the constitutional reign of the amiable Queen of Great Britain. I agree, therefore, with the Senator from Kentucky, that there is a desire to change this Government. We see it emanating from every point in the South. Mr. Toombs was not willing to wait for the movement of the people. Mr. Stephens, in his speech to the Legislature of Georgia, preferred the calling of a convention; but Mr. Toombs was unwilling to wait. Mr. Stephens was unwilling to see any violent action in advance of the action of the people; but Mr. Toombs replied: "I will not wait; I will take the sword in my own hand, disregarding the will of the people, even in the shape of a convention;" and history will record that he kept his word. He and others had become tired and dissatisfied with a government of the people; they

have lost confidence in man's capacity for self-government; and furthermore, they would be willing to form an alliance with Great Britain; or, if Great Britain were slow in forming the alliance, with France; and they know they can succeed there, on account of the late and magnanimity which exist between the two nations. They would be willing to pass under the reign of the amiable and constitutional Queen of Great Britain! Sir, I love woman, and woman's reign in the right place; but when we talk about the amiable and accomplished Queen of Great Britain, I must say that all our women are ladies, all are queens, all are equal to Queen Victoria, and many of them greatly her superiors. They desire no such thing; nor do we. Hence we see whether this movement is tending. It is a change of Government and in that the Senator and myself most fully concur.

The Senator from Kentucky was wonderfully alarmed at the idea of a "dictator," and replied with as much point as possible to the Senator from Oregon, who made the suggestion. But, sir, what do we find in the Richmond Examiner, published at the seat of government of the so-called confederate States?

"In the late debates of the congress of this confederacy, Mr. Wright, of Georgia, showed a true appreciation of the crisis when he advocated the grant of power to the president that would enable him to make immediate defense of Richmond, and to bring the whole force of the confederacy to bear on the affairs of Virginia. It is here that the fate of the confederacy is to be decided; and the time is too short to permit red tape to interfere with public safety. No power in executive hands can be too great, no discretion too absolute, at such moments as these. We need a dictator. Let lawyers talk when the world has time to hear them. Now let the sword do its work. Usurpations of power by the chief, for the preservation of the people from robbers and murderers, will be reckoned as genius and patriotism by all sensible men in the world now, and by every historian that will judge the deed hereafter."

The articles of their leading papers, the Whig and the Examiner, and the speeches of their leading men, all show unmistakably that their great object is to change the character of the Government. Hence we come back to the proposition that it is a contest whether the people shall govern or not. I have here an article that appeared in the Memphis Bulletin, of my own State, from which it appears that under this reign of secession, this reign of terror, this disintegrating element that is destructive of all good, and the accomplisher of nothing that is right, they have got things beyond their control:

"In times like these, there must be one ruling power to which all others must yield. 'In a multitude of counselors,' saith the Book of Books, 'there is safety;' but nowhere are we told, in history or revelation, that there is ought of safety in a multitude of rulers. Any rule of action, sometimes called the 'law,' is better than a multitude of conflicting, irreconcilable statutes. Any one head is better than forty, each of which may conceive itself the nonpareil, *par excellence*, supreme '*caput*' of all civil and military affairs.

"Let Governor Harris be king, if need be, and Baugh a despot."

"Let Governor Harris be king, and Baugh a despot," says the Bulletin. Who is Baugh? The mayor of Memphis. The mob reign of terror gotten up under this doctrine of secession is so great that we find that they are appealing to the one-man power. They are even willing to make

the mayor of the city a despot, and Isham G. Harris, a little petty Governor of Tennessee, a king. He is to be made king over the State that contains the bones of the immortal, the illustrious Jackson. Isham G. Harris a king! Or Jeff. Davis a dictator, and Isham G. Harris one of his satraps. He a king over the free and patriotic people of Tennessee! Isham G. Harris to be my king. Yes, sir, my king! I know the man. I know his elements. I know the ingredients that constitute the compound called Isham G. Harris. King Harris to be my master, and the master of the people that I have the proud and conscious satisfaction of representing on this floor! Mr. President, he should not be my slave. [Applause in the galleries.]

The PRESIDENT *pro tempore*. Order! A repetition of the offense will compel the Chair to order the galleries to be cleared forthwith. The order of the Senate must and shall be preserved. No demonstrations of applause or of disapprobation will be allowed. The Chair hopes not to be compelled to resort to the extremity of clearing the galleries of the audience.

Mr. JOHNSON, of Tennessee. I was proceeding with this line of argument to show that in the general proposition that there was a fixed determination to change the character and nature of the Government, the Senator from Kentucky and myself agree; and so far I think I have succeeded very well. And now, when we are looking at the elements of which this southern confederacy is composed, it may be well enough to examine the principles of the elements out of which a government is to be made that they prefer to this. We have shown, so far as the slavery question is concerned, that the whole question is settled; and it is now shown to the American people and the world that the people of the southern States have now got no right which they said they had lost before they went out of this Union; but, on the contrary, many of their rights have been diminished, and oppression and tyranny have been inaugurated in their stead. Let me ask you, sir, to-day, and let me ask the nation, what right has any State in this so-called confederacy lost under the Constitution of the United States? Let me ask each individual citizen in the United States, what right has he lost by the continuance of this Government based on the Constitution of the United States? Is there a man North or South, East or West, who can put his finger on one single privilege, or one single right, of which he has been deprived by the Constitution or Union of these States? Can he do it? Can he touch it? Can he see it? Can he feel it? No, sir; there is no one right that he has lost. How many rights and privileges, and how much protection have they lost by going out of the Union, and violating the Constitution of the United States?

Pursuing this line of argument in regard to the formation of their government, let us take South Carolina, for instance, and see what her notions of government are. She is the leading spirit, and will constitute one of the master elements in the formation of this proposed confederate government. What qualifications has South Carolina affixed upon members of her Legislature? Let us

see what are her notions of government—a State that will contribute to the formation of the government that is to exist hereafter. In the constitution of South Carolina it is provided that—

“No person shall be eligible to a seat in the House of Representatives, unless he is a free white man, of the age of twenty-one years, and hath been a citizen and resident of this State three years previous to his election. If a resident in the election district, he shall not be eligible to a seat in the House of Representatives, unless he be legally seized and possessed, in his own right, of a settled freehold estate of five hundred acres of land and ten negroes.”

This is the notion that South Carolina has of the necessary qualifications of a member of the lower branch of the State Legislature. Now, I desire to ask the distinguished Senator from Kentucky—who seems to be so tenacious about compromises, about rights, and about the settlement of this question, and who can discover that the Constitution has been violated so often and so flagrantly by the Administration now in power, yet never can see that it has been violated anywhere else—if he desires to seek under this South Carolina government for his lost rights? I do not intend to be personal? I wish he were in his seat, for he knows that I have the greatest kindness for him. I am free to say, in connection with what I am about to observe, that I am a little selfish in this; because if I lived in South Carolina, with these disabilities or qualifications affixed upon a member, I would not be eligible to a seat in the lower branch of the Legislature. That would be a poor place for me to go and get my rights; would it not? I doubt whether the Senator from Kentucky is eligible to-day to a seat in the lower branch of the Legislature of South Carolina. I do not refer to him in any other than the most respectful terms, but I doubt whether he would be qualified to take a seat in the lower branch of her Legislature. I should not be, and I believe I am just as good as any who do take seats there.

In looking further into the constitution of South Carolina, in order to ascertain what are her principles of government, what do we find? We find it provided that, in the apportionment of these representatives, the whole number of white inhabitants is to be divided by sixty-two, and every sixty-second part is to have one member. Then all the taxes are to be divided by sixty-two, and every sixty-second part of the taxes is to have one member also. Hence we see that slaves, constituting the basis of property, would get the largest amount of representation; and we see that property goes in an equal representation to all the numbers, while those numbers constitute a part of the property-holders. That is the basis of their representation.

Sir, the people whom I represent desire no such form of government. Notwithstanding they have been borne down; notwithstanding there has been an army of fifty-five thousand men created by the Legislature; notwithstanding \$5,000,000 of money has been appropriated to be expended against the Union; and notwithstanding the arms manufactured by the Government, and distributed among the States for the protection of the people, have been denied to them by this little petty tyrant of a king, and are now turned upon the Government

for its overthrow and destruction, those people, when left to themselves to carry out their own government and the honest dictates of their own consciences, will be found to be opposed to this revolution.

Mr. President, while the congress of the confederate States was engaged in the formation of their constitution, I find a protest from South Carolina against a decision of that congress in relation to the slave trade, in the Charleston Mercury, of February 13. It is written by L. W. Spratt to "Hon. John Perkins, delegate from Louisiana." It begins in this way:

"From the abstract of the constitution for the provisional government, published in the papers this morning, it appears that the slave trade, except with the slave States of North America, shall be prohibited. The congress, therefore not content with the laws of the late United States against it, which, it is to be presumed, were re-adopted, have unalterably fixed the subject, by a provision of the constitution."

He goes on and protests. We all know that that constitution is made for the day, just for the time being, a mere tub thrown out to the whale, to amuse and entertain the public mind for a time. We know this to be so. But in making his argument what does he say? Mr. Spratt, a commissioner who went to Florida, a member of the convention that took the State of South Carolina out of the Union, says in this protest:

"The South is now in the formation of a *slave* republic. This, perhaps, is not admitted generally. There are many contented to believe that the South, as a geographical section, is in mere assertion of its independence; that it is instinct with no special truth—pregnant of no distinct social nature; that for some unaccountable reason, the two sections have become opposed to each other; that for reasons equally insufficient, there is disagreement between the people that direct them; and that from no overruling necessity, no impossibility of coexistence, but as mere matter of policy, it has been considered best for the South to strike out for herself, and establish an independence of her own. This, I fear, is an inadequate conception of the controversy."

This indicates the whole scheme.

"The contest is not between the North and South as geographical sections, for between such sections merely there can be no contest; nor between the people of the North and the people of the South, for our relations have been pleasant; and on neutral grounds there is still nothing to estrange us. We eat together, trade together, and practice yet, in intercourse, with great respect, the courtesies of common life. But the real contest is between the two forms of society which have become established, the one at the North, and the other at the South."

The protest continues:

"With that perfect economy of resources, that just application of power, that concentration of forces, that security of order which results to slavery from the permanent direction of its best intelligence, there is no other form of human labor that can stand against it, and it will build itself a home, and erect for itself at some point within the present limits of the southern States, a structure of imperial power and grandeur—a glorious confederacy of States that will stand aloft and serene for ages amid the anarchy of democracies that will reel around it." * * * *

"But it may be that to this end another revolution may be necessary. It is to be apprehended that this contest between democracy and slavery is not yet over. It is certain that both forms of society exist within the limits of the southern States; both are distinctly developed within the limits of Virginia; and there, whether we perceive the fact or not, the war already rages. In that State there are about five hundred thousand slaves to about one million of whites; and as at least as many slaves as masters are necessary to

the constitution of slave society, about five hundred thousand of the white population are in legitimate relation to the slaves, and the rest are in excess."

Hence we see the propriety of Mr. Mason's letter, in which he declared that all those who would not vote for secession must leave the State, and thereby you get clear of the excess of white population over slaves. They must emigrate.

"Like an excess of alkali or acid in chemical experiments, they are unfixd in the social compound. Without legitimate connection with the slave, they are in competition with him."

The protest continues:

"And even in this State [South Carolina] the ultimate result is not determined. The slave condition here would seem to be established. There is here an excess of one hundred and twenty thousand slaves; and here is fairly exhibited the normal nature of the institution. The officers of the State are slaveowners, and the representatives of slaveowners. In their public acts they exhibit the consciousness of a superior position. Without unusual individual ability, they exhibit the elevation of tone and composure of public sentiment proper to a master class. There is no appeal to the mass, for there is no mass to appeal to; there are no demagogues, for there is no populace to breed them; judges are not forced upon the stump; governors are not to be dragged before the people; and when there is cause to act upon the fortunes of our social institution, there is perhaps an unusual readiness to meet it."

Again:

"It is probable that more abundant pauper labor may pour in, and it is to be feared that even in this State, the purest in its slave condition, democracy may gain a foothold, and that here also the contest for existence may be waged between them."

"It thus appears that the contest is not ended with a dissolution of the Union, and that the agents of that contest still exist within the limits of the southern States. The causes that have contributed to the defeat of slavery still occur; our slaves are still drawn off by higher prices to the West. There is still foreign pauper labor ready to supply their place. Maryland, Virginia, Kentucky, Missouri, possibly Tennessee and North Carolina, may lose their slaves, as New York, Pennsylvania, and New Jersey, have done. In that condition they must recommence the contest. There is no avoiding that necessity. The systems cannot mix; and thus it is that slavery, like the 'Thracian horse returning from the field of victory, still bears a master on his back; and, having achieved one revolution to escape democracy at the North, it must still achieve another to escape it at the South. That it will ultimately triumph none can doubt. It will become redeemed and vindicated, and the only question now to be determined is, shall there be another revolution to that end?" * * * *

"If, in short, you shall own slavery as the source of your authority, and act for it, and erect, as you are commissioned to erect, not only a southern, but a slave republic, the work will be accomplished." * * * *

"But if you shall not; if you shall commence by ignoring slavery, or shall be content to edge it on by indirection; if you shall exhibit care but for the republic, respect but a democracy; if you shall stipulate for the toleration of slavery, as an existing evil, by admitting assumptions to its prejudice, and restrictions to its power and progress, you inaugurate the blunder of 1789; you will combine States, whether true or not, to slavery; you will have no tests of faith; some will find it to their interests to abandon it; slave labor will be fettered; hiring labor will be free; your confederacy is again divided into antagonistic societies; the irrepressible conflict is again commenced; and as slavery can sustain the structure of a stable Government, and will sustain such structure, and as it will sustain no structure but its own, another revolution comes; but whether in the order and propriety of this, is gravely to be doubted."

In another part of this protest, I find this paragraph:

"If the clause he carried into the permanent government, our whole movement is defeated. It will abolitionize the border slave States—it will brand our institution. Slavery cannot share a government with democracy—it cannot

bear a brand upon it; thence another revolution. It may be painful, but we must make it. The Constitution cannot be changed without. The border States, discharged of slavery, will oppose it. They are to be included by the concession; they will be sufficient to defeat it. It is doubtful if another movement will be as peaceful."

In this connection, let me read the following paragraph from De Bow's Review:

"All government begins with usurpation, and is continued by force. Nature puts the ruling elements uppermost, and the masses below and subject to those elements. Less than this is not government. The right to govern resides in a very small minority; the duty to obey is inherent in the great mass of mankind."

We find by an examination of all these articles, that the whole idea is to establish a republic based upon slavery exclusively, in which the great mass of the people are not to participate. We find an argument made here against the admission of non-slaveholding States into their confederacy. If they refuse to admit a non-slaveholding State into the confederacy, for the very same reason they will exclude an individual who is not a slaveholder, in a slaveholding State, from participating in the exercise of the powers of the Government. Take the whole argument through, and that is the plain meaning of it. Mr. Spratt says, that sooner or later it will be done; and if the present revolution will not accomplish it, it must be brought about even if another revolution has to take place.

We see, therefore, that it is most clearly contemplated to change the character and nature of the Government so far as they are concerned. They have lost confidence in the integrity, in the capability, in the virtue and intelligence of the great mass of the people to govern. Sir, in the section of the country where I live, notwithstanding we reside in a slave State, we believe that freemen are capable of self-government. We care not in what shape their property exists: whether it is in the shape of slaves or otherwise. We hold that it is upon the intelligent free white people of the country that all Governments should rest, and by them all Governments should be controlled.

I think, therefore, sir, that the President and the Senator from Kentucky have stated the question aright. This is a struggle between two forms of government. It is a struggle for the existence of the Government we have. The issue is now fairly made up. All who favor free government must stand with the Constitution, and in favor of the Union of the States as it is. That Union being once restored, the Constitution again becoming supreme and paramount, when peace, law, and order, shall be restored, when the Government shall be restored to its pristine position, then, if necessary, we can come forward under proper and favorable circumstances to amend, change, alter, and modify the Constitution, as pointed out by the fifth article of the instrument, and thereby perpetuate the Government. This can be done, and this should be done.

We have heard a great deal said in reference to the violation of the Constitution. The Senator from Kentucky seems exceedingly sensitive about violations of the Constitution. Sir, it seems to me, admitting that his apprehensions are well founded, that a violation of the Constitution for

the preservation of the Government, is more tolerable than one for its destruction. In all these complaints, in all these arraignments of the present Government for violation of law and disregard of the Constitution, have you heard, as was forcibly and eloquently said by the Senator from Illinois, [Mr. BROWNING,] before me, one word uttered against violations of the Constitution and the trampling under foot of law by the States, or the party, now making war upon the Government of the United States? Not one word, sir.

The Senator enumerates what he calls violations of the Constitution—the suspension of the writ of *habeas corpus*, the proclaiming of martial law, the increase of the Army and Navy, and the existing war; and then he asks, "Why all this?" The answer must be apparent to all.

But first, let me supply a chronological table of events on the other side.

December 27. Fort Moultrie and Castle Pinckney, at Charleston, seized.

December 27. The revenue cutter William Aiken surrendered by her commander, and taken possession of by South Carolina.

December 30. The United States arsenal at Charleston seized.

January 2. Ports Pulaski and Jackson, and the United States arsenal, at Savannah, seized by Georgia troops.

January 2. Fort Macon and the United States arsenal at Fayetteville seized by North Carolina.

January 4. Fort Morgan and the United States arsenal at Mobile seized by Alabama.

January 8. Forts Johnson and Caswell, at Smithville, seized by North Carolina; restored by order of Governor Ellis.

January 9. The *Star of the West*, bearing reinforcements for Major Anderson, fired at in Charleston harbor.

January 12. Fort McRae, at Pensacola, seized by Florida.

January 10. The steamer *Marion* seized by South Carolina; restored on the 11th.

January 11. The United States arsenal at Baton Rouge, and Forts Pike, St. Philip, and Jackson, seized by Louisiana.

January 11. Fort Barrancas and the navy-yard at Pensacola seized by Florida.

These forts cost \$5,947,000, are pierced for one thousand and ninety-nine guns, and are adapted for a war garrison of five thousand four hundred and thirty men.

We find, as was shown here the other day, and as has been shown on former occasions, that the State of South Carolina seceded, or attempted to secede, from this confederacy of States without cause. In seceding, her first step was a violation of the Constitution. She seceded on the 20th of last December, making the first innovation and violation of the law and the Constitution of the country. On the 27th day of December what did she do? She seized Fort Moultrie and Castle Pinckney, and caused your little band of sixty or seventy men under the command of Major Anderson to retire to a little pen in the ocean—Fort Sumter. She commenced erecting batteries, arming cannon, preparing for war; in

effect, proclaiming herself at once our enemy. Seceding from the Union, taking Fort Sumter and Castle Pinckney, driving your men in fact into Fort Sumter, I say were practical acts of war. You need not talk to me about technicalities, and the distinction that you have got no war until Congress declares it. Congress could legalize it, or could make war, it is true; but that was practical war. Who began it? Then, sir, if South Carolina secedes, withdraws from the Union, becomes our common enemy, is it not the duty, the constitutional duty of the Government and of the President of the United States to make war, or to resist the attacks and assaults made by an enemy? Is she not as much our enemy as Great Britain was in the revolutionary struggle? Is she not to-day as much our enemy as Great Britain was during the war of 1812?

In this connection, I desire to read some remarks made by the Senator from Missouri [Mr. POLK] in his speech the other day, in regard to this general idea of who made the war. He said, speaking of the war:

"This has all been brought about since the adjournment of the last Congress—since the 4th of March; indeed, since the 15th of April. Congress has declared no war. The Constitution of the United States says 'that Congress shall be authorized to declare war;' and yet, sir, though Congress has declared no war, we are in the midst of a war monstrous in its character, and hugely monstrous in its proportions. That war has been brought on by the President of the United States since the 4th of March, of his own motion and of his own wrong; and under what circumstances? Before the close of the last Congress, as early as the month of January, secession was an accomplished fact. Before the close of the last Congress, as many States had seceded from the Union, or had claimed to secede, as had on the 15th of April; and yet the last Congress made no declaration of war; the last Congress passed no legislation calculated to carry on a war; the last Congress refused to pass bills having this direction, or having any purpose of coercion. Now, sir, how has this war been brought on? I have said that, in my judgment, it has been brought on by the President of the United States; and a portion of the procedure which has resulted in it is named in the preamble of this joint resolution, which it is proposed that we shall approve and legalize."

The Senator from Kentucky [Mr. POWELL] spoke in similar language. Alluding to the refusal of Kentucky to respond to the first call of the President for seventy-five thousand men, he said:

"She believed that the calling forth of such an immense armament was for the purpose of making a war of subjugation on the southern States, and upon that ground she refused to furnish the regiments called for. The Senator seems to be a little offended at the neutrality of Kentucky. Sir, Kentucky has assumed a position of neutrality, and I only hope that she may be able to maintain it. She has assumed that position because there is no impulse of her patriotic heart that desires her to inbrue her hands in a brother's blood, whether he be from the North or the South. Kentucky looks upon this war as unholy, unrighteous, and unjust. Kentucky believes that this war, if carried out, can result in nothing else than a final disruption of this Confederacy. She hopes, she wishes, she prays, that this Union may be maintained. She believes that cannot be done by force of arms; that it must be done by compromise and conciliation, if it can be done at all; and hence, being devoted truly to the Union, she desires to stay this war, and desires measures of peace to be presented for the adjustment of our difficulties."

I desired in this connection to place before the Senate the remarks of both the Senators from Kentucky and the Senator from Missouri, and to answer them at the same time. The Senator from

Missouri says the war was brought on since the 4th of March by the President of the United States of his own motion. The Senator from Kentucky [Mr. POWELL] pronounces it an unjust, an unrighteous, and an unholy war. Sir, I think it is an unjust, an unrighteous, and an unholy war.

But, sir, I commenced enumerating the facts with the view of showing who commenced the war. How do they stand? I have just stated that South Carolina seceded— withdrew from the Confederacy; and in the very act of withdrawing, she makes practical war upon the Government, and becomes its enemy. The *Star of the West*, on the 7th of January, laden simply with provisions to supply those starving men in Fort Sumter, attempted to enter the harbor, and was fired upon, and had to tack about, and leave the men in the forts to perish or do the best they could. We also find, that on the 11th of April General Beauregard had an interview with Major Anderson, and made a proposition to him to surrender. Major Anderson stated, in substance, that he could do no such thing; that he could not strike the colors of his country, and refused to surrender; but he said, at the same time, that by the 15th of the month his provisions would give out, and if not reinforced and supplied, starvation must take place. It seems that at this time, Mr. Pryor, from Virginia, was in Charleston. The convention of Virginia was sitting, and it was important that the cannon's roar should be heard in the land. Virginia was to be taken out of the Union, although a majority of the delegates in the convention were elected against secession, and in favor of the Union. We find that after being in possession of the fact that by the 15th of the month, the garrison would be starved out and compelled to surrender, on the morning of the 12th they commenced the bombardment, fired upon your fort and upon your men. They knew that in three days they would be compelled to surrender; but they wanted war. It was indispensable to produce an excitement in order to hurry Virginia out of the Union, and they commenced the war. The firing was kept up until such time as the fort was involved in smoke and flames, and Major Anderson and his men were compelled to lie on the floor with their wet handkerchiefs to their faces to save them from suffocation and death. Even in the midst of all this, they refused to cease their firing, but kept it up until he was compelled to surrender.

Who then commenced the war? Who struck the first blow? Who violated the Constitution in the first place? Who trampled the law under foot, and violated the law morally and legally? Was it not South Carolina, in seceding? And yet you talk about the President having brought on the war by his own motion, when these facts are incontrovertible. No one dare attempt to assail them. But after Fort Sumter was attacked and surrendered, what do we find stated in Montgomery when the news reached there? Here is the telegraphic announcement of the reception of the news there:

"MONTGOMERY, Friday, April 12, 1861.

"An immense crowd serenaded President Davis and Secretary Walker, at the Exchange Hotel to-night."

Mr. Davis refused to address the audience, but his Secretary of War did. The Secretary of War, Mr. Walker, said:

"No man could tell where the war this day commenced would end, but he would prophesy that the flag which now flutters the breeze here would float over the dome of the old Capitol, at Washington, before the 1st of May. Let them try southern chivalry and test the extent of southern resources, and it might float eventually over Faneuil Hall itself."

What is the announcement? We have attacked Fort Sumter, and it has surrendered, and no one can tell where this war will end. By the 1st of May our flag will waive in triumph from the dome of the old Capitol at Washington, and ere long perhaps from Faneuil Hall in Boston. Then, was this war commenced by the President on his own motion? You say the President of the United States did wrong in ordering out seventy-five thousand men, and in increasing the Army and Navy under the exigency. Do we not know, in connection with these facts, that so soon as Fort Sumter surrendered they took up the line of march for Washington? Do not some of us who were here know that we did not even go to bed very confidently and securely, for fear the city would be taken before the rising sun? Has it not been published in the southern newspapers that Ben McCulloch was in readiness, with five thousand picked men, in the State of Virginia, to make a descent and attack the city, and take it?

What more do we find? We find that the congress of this same pseudo-republic, this same southern confederacy that has sprung up in the South, as early as the 6th of March passed a law preparing for this invasion—preparing for this war which they commenced. Here it is:

"That in order to provide speedily forces to repel invasion, maintain the rightful possession of the confederate States of America in every portion of territory belonging to each State, and to secure the public tranquillity and independence against threatened assault, the President be, and he is hereby, authorized to employ the militia, military, and naval forces of the confederate States of America, and ask for and accept the services of any number of volunteers, not exceeding one hundred thousand."

When your forts were surrendered, and when the President of the so-called southern confederacy was authorized to call out the entire militia, naval, and military force, and then to receive in the service of the confederate States one hundred thousand men, the President calls for seventy-five thousand men to defend the capital and the public property. Are we for the Government, or are we against it? That is the question. Taking all the facts into consideration, do we not see that an invasion was intended? It was even announced by Mr. Iverson upon this floor that ere long their Congress would be sitting here and this Government would be overthrown. When the facts are all put together we see the scheme, and it is nothing more nor less than executing a programme deliberately made out; and yet Senators hesitate, falter, and complain, and say the President has suspended the writ of *habeas corpus*, increased the Army and Navy, and they ask, where was the necessity for all this? With your forts taken, your men fired upon, your ships attacked at sea, and one hundred thousand men called into the field by this so-called southern confederacy, with

the additional authority to call out the entire military and naval force of those States, Senators talk about the enormous call of the President for seventy-five thousand men and the increase he has made of the Army and Navy. Mr. President, it all goes to show, in my opinion, that the sympathies of Senators are with the one government and against the other. Admitting that there was a little stretch of power; admitting that the margin was pretty wide when the power was exercised, the query now comes, when you have got the power, when you are sitting here in a legislative attitude, are you willing to sustain the Government and give it the means to sustain itself? It is not worth while to talk about what has been done before. The question on any measure should be, is it necessary now? If it is, it should not be withheld from the Government.

Senators talk about violating the Constitution and the laws. A great deal has been said about searches and seizures, and the right of protection of persons, and of papers. I reckon it is equally as important to protect a Government from seizure as it is an individual. I reckon the moral and the law of the case would be just as strong in seizing upon that which belonged to the Federal Government as it would upon that belonging to an individual. What belongs to us in the aggregate is protected and maintained by the same law, moral and legal, as that which applies to an individual. These rebellious States, after commencing this war, after violating the Constitution, seized our forts, our arsenals, our dock-yards, our custom-houses, our public buildings, our ships, and last, though not least, plundered the independent treasury at New Orleans of \$1,000,000. And yet Senators talk about violations of the law and the Constitution. They say the Constitution is disregarded, and the Government is about to be overthrown. Does not this talk about violations of the Constitution and law come with a beautiful grace from that side of the House? I repeat again, sir, are not violations of the Constitution necessary for its protection and vindication more tolerable than violations of that sacred instrument aimed at the overthrow and destruction of the Government? We have seen instances, and other instances might occur, where it might be indispensably necessary for the Government to exercise a power, and to assume a position that was not clearly legal and constitutional, in order to resist the entire overthrow and upturning of the Government and all our institutions.

But the President issued his proclamation. When did he issue it, and for what? He issued his proclamation calling out seventy-five thousand men after the congress of the so-called southern confederacy had passed a law to call out the entire militia, and to receive into their service one hundred thousand men. The President issued his proclamation after they had taken Fort Moultrie and Castle Pinckney; after they had fired upon and reduced Fort Sumter. Fort Sumter was taken on the 12th, and on the 15th he issued his proclamation. Taking all these circumstances together, it showed that they intended to advance, and that their object was to extend their power, to subjugate the other States, and to overthrow

the Constitution and the laws and the Government.

Senators talk about violations of the Constitution. Have you heard any intimation of complaint from those Senators about this southern confederacy—this band of traitors to their country and their country's institutions? I repeat, substantially, the language of the Senator from Illinois, [Mr. Browning:] "Have you heard any complaint or alarm about violations of constitutional law on that side? Oh, no! But we must stand still; the Government must not move while they are moving with a hundred thousand men; while they have the power to call forth the entire militia and the army and the navy. While they are reducing our forts, and robbing us of our property, we must stand still; the Constitution and the laws must not be violated; and an arraignment is made to weaken and paralyze the Government in its greatest peril and trial."

On the 15th of April, the proclamation was issued calling out seventy-five thousand men, after the confederate States had authorized one hundred thousand men to be received by their president—this man Davis, who stood up here and made a retiring speech—a man educated and nurtured by the Government; who sucked its pap; who received all his military instruction at the hands of this Government; a man who got all his distinction, civil and military, in the service of this government, beneath the stars and stripes, and then, without cause—without being deprived of a single right or privilege—the sword he unsheathed in vindication of that flag in a foreign land, given to him by the hand of his cherishing mother, he stands this day prepared to plunge into her bosom! Such men as these have their apologists here in Congress to excuse and extenuate their acts, either directly or indirectly. You never hear from them of law or Constitution being violated down there. Oh, no; that is not mentioned.

On the 15th the President issued his proclamation calling seventy-five thousand men into the service of the United States, and on the 17th this same Jefferson Davis, President of the southern confederacy, issued a proclamation proposing or opening the door to the issuance of letters of marque and reprisal, and that, too, in violation of the pseudo-hermaphrodite government that has been gotten up down there. In retaliation for the proclamation issued by the President of the United States, he, in violation of the constitution of this pseudo-confederacy, issued his proclamation proposing to issue letters of marque and reprisal. In other words, he proposed to open an office and say, we will give out licences to rob the citizens of the United States of all their property wherever it can be picked up upon the high seas. This he proposed to do not only in violation of the constitution of the confederate States, but in violation of the law of nations; for no people—I care not by what name you call it—has a right to issue letters of marque and reprisal until its independence is first acknowledged as a separate and distinct power. Has that been done? I think, therefore, Senators can find some little violation of constitution and law down there among

themselves. Sir, they have violated the law and the Constitution every step they progressed in going there, and now they violate it in trying to come this way. There was a general license offered, a premium offered, to every freebooter, to every man who wanted to plunder and play the pirate on the high seas, to come and take a commission, and plunder in the name of the southern confederacy; to take, at that time, the property of Tennessee or the property of Kentucky, your beef, your pork, your flour, and every other product making its way to a foreign market. Mr. Davis authorized letters of marque and reprisal to pick them up and appropriate them. After that, their congress saw that he had gone ahead of their constitution and the laws of nations, and they passed a law modifying the issuance of letters of marque and reprisal, that they should prey upon the property of the citizens of the United States, excepting certain States—excepting Kentucky and Tennessee—holding that out as a bait, as an inducement to get them in.

I do not think, therefore, when we approach the subject fairly and squarely, that there was any very great wrong in the President of the United States, on the 19th, issuing his proclamation blockading their ports, saying you shall not have the opportunity, so far as I can prevent it, of plundering and appropriating other people's property on the high seas. I think he did precisely what was right. He would have been derelict to his duty, and to the high behest of the American people, if he had sat here and failed to exert every power within his reach and scope to protect the property of citizens of the United States on the high seas.

Senators seem to think it is no violation of the Constitution to make war on your Government; and when its enemies are stationed in sight of the capital, there is no alarm, no dread, no scare, no fright. Some of us would not feel so very comfortable if they were to get this city. I believe there are others who would not be very much disturbed. I do not think I could sleep right sound if they were in possession of this city; not that I believe I am more timid than most men, but I do not believe there would be much quarter for me; and, by way of self-protection, and enjoying what few rights I have remaining, I expect it would be better, if they were in possession of this city for me to be located in some other point, not too inconvenient or too remote. I believe there are others who would feel very comfortable here.

Then, Mr. President, in tracing this subject along, I cannot see what great wrong has been committed by the Government in taking the course it has taken. I repeat again, this Government is now passing through its third ordeal; and the time has arrived when it should put forth its entire power, and say to rebels and traitors wherever they are, that the supremacy of the Constitution, and laws made in pursuance thereof, shall be sustained; that those citizens who have been borne down and tyrannized over, and who have had laws of treason passed against them in their own States and threatened with confiscation of prop-

erty, shall be protected. I say it is the paramount duty of this Government to assert its power and maintain its integrity. I say it is the duty of this Government to protect those States, or the loyal citizens of those States in the enjoyment of a republican form of government; for we have seen one continued system of usurpation carried on, from one end of these southern States to the other, disregarding the popular judgment; disregarding the popular will; setting at defiance the judgment of the people; disregarding their rights; paying no attention to their State constitutions in any sense whatever. We are bound, under the Constitution, to protect those States and their citizens. We are bound to guaranty to them a republican form of government; it is our duty to do it. If we have no Government, let the delusion be dispelled; let the dream pass away; and let the people of the United States, and the nations of the earth, know at once that we have no Government. If we have a Government, based on the intelligence and virtue of the American people, let that great fact be now established, and once established, this Government will be on a more enduring and permanent basis than it ever was before. I still have confidence in the integrity, the virtue, the intelligence, and the patriotism of the great mass of the people; and so believing, I intend to stand by the Government of my fathers to the last extremity.

In the last presidential contest I am free to say that I took some part. I advocated the pretensions and claims of one of the distinguished sons of Kentucky, as a Democrat. I am a Democrat to-day; I expect to die one. My Democracy rests upon the great principle I have stated; and in the support of measures, I have always tried to be guided by a conscientious conviction of right; and I have laid down for myself, as a rule of action, in all doubtful questions, to pursue principle; and in the pursuit of a great principle I can never reach a wrong conclusion. I intend, in this case, to pursue principle. I am a Democrat, believing the principles of this Government are Democratic. It is based upon the Democratic theory. I believe Democracy can stand, notwithstanding all the taunts and jeers that are thrown at it throughout the southern confederacy. The principles which I call Democracy—I care not by what name they are sustained, whether by Republicans, by Whigs, or not—are the great principles that lie at the foundation of this Government, and they will be maintained. We have seen that so far the experiment has succeeded well; and now we should make an effort, in this last ordeal through which we are passing, to crush out the fatal doctrine of secession and those who are coöperating with it in the shape of rebels and traitors.

I advocated the professions of a distinguished son of Kentucky at the late election, for the reason that I believed he was a better Union man than any other candidate in the field. Others advocated the claims of Mr. Bell, believing him to be a better Union man; others those of Mr. Douglas. In the South we know that there was no Republican ticket. I was a Union man then; I was a Union man in 1833; I am a Union man now. And what has transpired since the election in No-

vember last that has produced sufficient cause to break up this Government? The Senator from California enumerated the facts up to the 25th day of May, 1860, when there was a vote taken in this body declaring that further legislation was not necessary for the protection of slave property in the Territories. Now, from the 6th of November up to the 20th of December, tell me what transpired of sufficient cause to break up this Government? Was there any innovation, was there any additional step taken in reference to the rights of the States or the institution of slavery? If the candidate whose claims I advocated had been elected President—I speak of him as a candidate, of course not meaning to be personal—I do not believe this Government would have been broken up. If Stephen A. Douglas had been elected, I do not believe this Government would have been broken up. Why? Because those who advocated the pretensions of Mr. Lincoln would have done as all parties have done heretofore: they would have yielded to the high behest of the American people.

Then, is the mere defeat of one man, and the election of another, according to the forms of law and the Constitution, sufficient cause to break up this Government? No; it is not sufficient cause. Do we not know, too, that if all the seceding Senators had stood here as faithful sentinels, representing the interests of their States, they had it in their power to check any advance that might be made by the incoming Administration. I showed these facts, and enumerated them at the last session. They were shown here the other day. On the 4th of March, when President Lincoln was inaugurated, we had a majority of six upon this floor in opposition to his Administration. Where, then, is there even a pretext for breaking up the Government upon the idea that he would have encroached upon our rights? Does not the nation know that Mr. Lincoln could not have made his Cabinet without the consent of the majority of the Senate? Do we not know that he could not even have sent a minister abroad without the majority of the Senate confirming the nomination? Do we not know that if any minister whom he sent abroad should make a treaty inimical to the institutions of the South, that treaty could not have been ratified without a majority of two thirds of the Senate?

With all these facts staring them in the face, where is the pretense for breaking up this Government? Is it not clear that there has been a fixed purpose, a settled design to break up the Government and change the nature and character and whole genius of the Government itself? Does it not prove conclusively, as there was no cause, that they simply selected it as an occasion that was favorable to excite the prejudices of the South, and thereby enable them to break up this Government and establish a southern confederacy?

Then when we get at it, what is the real cause? If Mr. BRECKINRIDGE, or Mr. Davis, or some other favorite of those who are now engaged in breaking up the Government, had been elected President of the United States, it would have been a very nice thing; they would have respected the judgment of the people, and no doubt their con-

fidence in the capacity of the people for self-government would have been increased; but it so happened that the people thought proper to elect somebody else, according to law and the Constitution. Then, as all parties had done heretofore, it was the duty of the whole people to acquiesce; if he made a good President, sustain him; if he became a bad one, condemn him; if he violated the law and the Constitution, impeach him. We had our remedy under the Constitution and in the Union.

What is the real cause? Disappointed ambition; an unhallowed ambition. Certain men could not wait any longer, and they seized this occasion to do what they had been wanting to do for a long time—break up the Government. If they could not rule a large country, they thought they might rule a small one. Hence one of the prime movers in the Senate ceased to be a Senator, and passed out to be president of the southern confederacy. Another, who was bold enough on this floor to proclaim himself a rebel, retired as a Senator, and became secretary of state. All perfectly disinterested, no ambition about it! Another, Mr. Benjamin, of Louisiana—one who understands something about the idea of dividing garments; who belongs to the tribe that parted the garments of our Saviour, and upon his vesture cast lots—went out of this body and was made attorney general, to show his patriotism and disinterestedness—nothing else! Mr. Slidell, disinterested altogether, is to go as minister to France. I might enumerate many such instances. This is all patriotism, pure disinterestedness! Do we not see where it all ends? Disappointed, impatient, unhallowed ambition. There has been no cause for breaking up this Government; there have been no rights denied, no privileges trampled upon under the Constitution and Union, that might not have been remedied more effectually in the Union than outside of it. What rights are to be attained outside of the Union? The seceders have violated the Constitution, trampled it under foot; and what is their condition now? Upon the abstract idea that they had a right to secede, they have gone out; and what is the consequence? Oppression, taxation, blood, and civil war. They have gone out of the Union; and, I repeat again, they have got taxes, usurpations, blood, and civil war.

I said just now that I had advocated the election to the Presidency of the distinguished Senator from Kentucky, on the ground that he was a good Union man. I wish we could now hear his eloquent voice in favor of the old Government of our fathers, and in vindication of the stars and stripes, that have been borne in triumph everywhere. I hold in my hand a document which was our text book in the campaign. It is headed "Breckinridge and Lane Campaign Document No. 16. Who are the disunionists? Breckinridge and Lane the true Union candidates." It contains an extract which I will read from the Senator's address on the removal of the Senate from the old to the new Chamber. I would to God he was as good a Union man to-day as I think he was then:

"Such is our country; ay, and more—far more than my mind could conceive or my tongue could utter. Is

there an American who regrets the past? Is there one who will deride his country's laws, pervert her Constitution, or alienate her people? If there be such a man, let his memory descend to posterity laden with the execrations of all mankind." "Let us devoutly trust that another Senate, in another age, shall bear to a new and larger Chamber this Constitution vigorous and inviolate, and that the last generation of posterity shall witness the deliberations of the Representatives of American States still united, prosperous, and free."

Now this was the text—an extract from a speech of the Senator, after the nomination was made:

"When that convention selected me as one of its candidates, looking at my humble antecedents and the place of my habitation, it gave to the country, so far as I was concerned, a personal and geographical guarantee that its interest was in the Union."

In addition to that, in Tennessee we headed our electoral ticket as if to give unmistakable evidence of our devotion to the Union, and the reason why we sustained him, "National Democratic ticket." "Instead of dissolving the Union, we intend to lengthen it and to strengthen it."—*Breckinridge.* "Where are his eloquent tones now? They are heard arrainging the Administration for what he conceives to be premature action, in advance of the law, or a slight departure from the Constitution. Which is the most tolerable, premature action, action in advance of law, a slight departure from the Constitution, (putting it on his own ground,) or an entire overthrow of the Government? Are there no advances, are there no inroads, being made to-day upon the Constitution and the existence of the Government itself? Let us look at the question plainly and fairly. Here is an invading army almost within cannon shot of the capital, headed by Jeff. Davis and Beauregard. Suppose they advance on the city to-night; subjugate it; depose the existing authorities; expel the present Government: what kind of government have you then? Is there any Constitution in it? Is there any law in it? The Senator can stand here almost in sight of the enemy, see the citadel of freedom, the Constitution, trampled upon, and there is no apprehension; but he can look with an eagle eye, and, with an analytic process almost unsurpassed, discriminate against and attack those who are trying to manage your Government for its safety and preservation. He has no word of condemnation for the invading army that threatens to overthrow the capital, that threatens to trample the Constitution and the law under foot. I repeat, suppose Davis, at the head of his advancing columns, should depose your Government and expel your authority: what kind of government will you have? Will there be any Constitution left? How eloquent my friend was upon constitutions. He told us the Constitution was the measure of power, and that we should understand and feel constitutional restraints; and yet when your Government is perhaps within a few hours of being overthrown, and the law and Constitution trampled under foot, there are no apprehensions on his part; no words of rebuke for those who are endeavoring to accomplish such results.

The Old Dominion has got the brunt of the war upon her hands. I sympathize with her most deeply, and especially with the loyal portion of her citizens, who have been brow-beaten and dom-

increased over. Now the war is transferred to Virginia, and her plains are made to run with blood; and when this is secured, what do we hear in the far South? Howell Cobb, another of these disinterested patriots, said not long since, in a speech in Georgia:

"The people of the gulf States need have no apprehensions; they might go on with their planting and their other business as usual; the war would not come to their section; its theater would be along the borders of the Ohio river and in Virginia."

Virginia ought to congratulate herself upon that position, for she has got the war. Now they want to advance. Their plans and designs are to get across into Maryland, and carry on a war of subjugation. There is wonderful alarm among certain gentlemen here at the term "subjugate." They are alarmed at the idea of making citizens who have violated the law simply conform to it by enforcing their obedience. If a majority of the citizens in a State have violated the Constitution, have trampled it under foot, and violated the law, is it subjugation to assert the supremacy of the Constitution and the law? Is it any more than a simple enforcement of the law? It would be one of the best subjugations that could take place if some of them were subjugated, and brought back to the constitutional position that they occupied before. I would to God that Tennessee stood to-day where she did three months ago.

Mr. President, it is provided in the Constitution of the United States that "no State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign Power, or engage in war unless actually invaded, or in such imminent danger as will not admit of delay." The State authorities of Tennessee, before her people had even voted upon an ordinance to separate her from the Union, formed a league by which they transferred fifty-five thousand men, the whole army, over to the confederate States for the purpose of prosecuting their war. Is it not strange that such a palpable violation of the Constitution should not be referred to and condemned by any one? Here is a member of the Union, without even having the vote taken upon an ordinance of separation or secession, forming a league, by its commissioners or ministers, and handing over fifty-five thousand men to make war upon the Government of the United States, though they were themselves then within the Union. No one seems to find fault with that. The fact is, that, in the whole progress of secession, the Constitution and the law have been violated at every step from its incipency to the present point. How have the people of my State been treated? I know that this may not interest the Senate to any very great extent; but I must briefly refer to it. The people of a portion of that State, having devotion and attachment to the Constitution and the Government as framed by the sires of the Revolution, still adhering to it, gave a majority of more than twenty thousand votes in favor of the Union at the election. After that, this portion of the State, East Tennessee, called a convention, and the convention published an address, in which they sum up some of the

grievances which we have been bearing in that portion of the country. They say:

"The Memphis Appeal, a prominent disunion paper, published a false account of our proceedings, under the head 'the traitors in council,' and styled us, who represented every county but two in East Tennessee, 'the little batch of disaffected traitors who hover around the noxious atmosphere of Andrew Johnson's home.' Our meeting was telegraphed to the New Orleans Delta, and it was falsely said that we had passed a resolution recommending submission if seventy thousand votes were not cast against secession. The dispatch added that 'the southern rights men are determined to hold possession of the State, though they should be in a minority.'"

They had fifty-five thousand men and \$5,000,000 to sustain them, the State authorities with them, and made the declaration that they intended to hold the State though they should be in a minority. This shows the advance of tyranny and usurpation. By way of showing the Senate some of the wrongs borne and submitted to by that people, who are loyal to the Government—who have been deprived of the arms furnished by the Government for their protection—withheld by this little man Harris, the Governor of the State—I will read a few paragraphs from the address:

"It has passed laws declaring it treason to say or do anything in favor of the Government of the United States, or against the confederate States; and such a law is now before, and we apprehend will soon be passed by the Legislature of Tennessee.

"It has involved the southern States in a war whose success is hopeless, and which must ultimately lead to the ruin of the people.

"Its bigoted, overbearing, and intolerant spirit, has already subjected the people of East Tennessee to many petty grievances; our people have been insulted; our flags have been fired upon and torn down; our houses have been rudely entered; our families subjected to insult; our peaceable meetings interrupted; our women and children shot at by a merciless soldiery; our towns pillaged; our citizens robbed, and some of them assassinated and murdered.

"No effort has been spared to deter the Union men of East Tennessee from the expression of their free thoughts. The penalties of treason have been threatened against them, and murder and assassination have been openly encouraged by leading secession journals. As secession has been thus overbearing and intolerant while in the minority in East Tennessee, nothing better can be expected of the pretended majority than wild, unconstitutional, and oppressive legislation; an utter contempt and disregard of law; a determination to force every Union man in the State to swear to the support of a constitution he abhors; to yield his money and property to aid a cause he detests; and to become the object of scorn and derision, as well as the victim of intolerable and relentless oppression."

These are some of the wrongs that we are enduring in that section of Tennessee; not near all of them, but a few which I have presented that the country may know what we are submitting to. Since I left my home, having only one way to leave the State through two or three passes coming out through Cumberland Gap, I have been advised that they had even sent their armies to blockade these passes in the mountains, as they say, to prevent Johnson from returning with arms and munitions to place in the hands of the people to vindicate their rights, repel invasion, and put down domestic insurrection and rebellion. Yes, sir, there they stand in arms environing a population of three hundred and twenty-five thousand loyal, brave, patriotic, and unsubdued people; but yet powerless, and not in a condition to vindicate their rights. Hence I come to the Government, and I do not ask it as a suppliant, but I demand

it as a constitutional right, that you give us protection, give us arms and munitions; and if they cannot be got there in any other way, to take them there with an invading army, and deliver the people from the oppression to which they are now subjected. We claim to be the State. The other divisions may have seceded and gone off; and if this Government will stand by and permit those portions of the State to go off, and not enforce the laws and protect the loyal citizens there, we cannot help it; but we still claim to be the State, and if two thirds have fallen off, or have been sunk by an earthquake, it does not change our relation to this Government. If the Government will let them go, and not give us protection the fault is not ours; but if you will give us protection we intend to stand as a State, as a part of this Confederacy, holding to the stars and stripes the flag of our country. We demand it according to law; we demand it upon the guarantees of the Constitution. You are bound to guaranty to us a republican form of Government, and we ask it as a constitutional right. We do not ask you to interfere as a party, as your feelings or prejudices may be one way or another in reference to the parties of the country; but we ask you to interfere as a Government according to the Constitution. Of course we want your sympathy, and your regard, and your respect; but we ask your interference on constitutional grounds.

The amendments to the Constitution, which constitute the bill of rights, declare that "a well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." Our people are denied this right secured to them in their own constitution and the Constitution of the United States; yet we hear no complaints here of violations of the Constitution in this respect. We ask the Government to interpose to secure us this constitutional right. We want the passes in our mountains opened, we want deliverance and protection for a downtrodden and oppressed people who are struggling for their independence without arms. If we had had ten thousand stand of arms and ammunition when the contest commenced, we should have asked no further assistance. We have not got them. We are a rural people; we have villages and small towns—no large cities. Our population is homogenous, industrious, frugal, brave, independent; but now harmless and powerless, and oppressed by usurpers. You may be too late in coming to our relief; or you may not come at all, though I do not doubt that you will come; they may trample us under foot; they may convert our plains into graveyards, and the caves of our mountains into sepulchers; but they will never take us out of this Union, or make us a land of slaves—no, never. We intend to stand as firm as adamant, and as unyielding as our own majestic mountains that surround us. Yes, we will be as fixed and as immovable as are they upon their bases. We will stand as long as we can; and if we are overpowered, and liberty shall be driven from the land, we intend before she departs, to take the flag of our country, with a stalwart arm, a patriotic heart, and an honest tread, and place it upon the summit of the loftiest and most majestic

mountain. We intend to plant it there, and leave it, to indicate to the inquirer who may come in after times, the spot where the Goddess of Liberty lingered and wept for the last time, before she took her flight from a people once prosperous, free, and happy.

We ask the Government to come to our aid. We love the Constitution as made by our fathers. We have confidence in the integrity and capacity of the people to govern themselves. We have lived entertaining these opinions; we intend to die entertaining them. The battle has commenced. The President has placed it upon the true ground. It is an issue on the one hand for the people's Government, and its overthrow on the other. We have commenced the battle of freedom. It is freedom's cause. We are resisting usurpation and oppression. We will triumph; we must triumph. Right is with us. A great and fundamental principle of right, that lies at the foundation of all things, is with us. We may meet with impediments, and may meet with disasters, and here and there a defeat; but ultimately freedom's cause must triumph, for—

"Freedom's battle once begun,
Bequeathed from bleeding sire to son,
Though balled oft, is ever won."

Yes, we must triumph. Though sometimes I cannot see my way clear in matters of this kind, as in matters of religion, when my facts give out, when my reason fails me, I draw largely upon my faith. My faith is strong, based on the eternal principles of right, that a thing so monstrously wrong as is this rebellion, cannot triumph. Can we submit to it? Can bleeding justice submit to it? Is the Senate, are the American people, prepared to give up the graves of Washington and Jackson, to be encircled and governed and controlled by a combination of traitors and rebels? I say let the battle go on—it is freedom's cause—until the stars and stripes (God bless them) shall again be unfurled upon every cross road, and from every house top throughout the Confederacy, North and South. Let the Union be reinstated; let the law be enforced; let the Constitution be supreme.

If the Congress of the United States were to give up the tombs of Washington and Jackson, we should have rising up in our midst another Peter the Hermit, in a much more righteous cause—for ours is true, while his was a delusion—who would appeal to the American people and point to the tombs of Washington and Jackson, in the possession of those who are worse than the infidel and the Turk who held the Holy Sepulcher. I believe the American people would start of their own accord, when appealed to, to redeem the graves of Washington and Jackson and Jefferson, and all the other patriots who are lying within the limits of the southern confederacy. I do not believe they would stop the march, until again the flag of this Union would be placed over the graves of those distinguished men. There will be an uprising. Do not talk about Republicans now; do not talk about Democrats now; do not talk about Whigs or Americans now; talk about your country and the Constitution and the Union. Save that; preserve the integrity of the Govern-

ment; once more place it erect among the nations of the earth; and then if we want to divide about questions that may arise in our midst, we have a Government to divide in.

I know it has been said that the object of this war is to make war on southern institutions. I have been in free States and I have been in slave States, and I thank God that, so far as I have been, there has been one universal disclaimer of any such purpose. It is a war upon no section; it is a war upon no peculiar institution; but it is a war for the integrity of the Government, for the Constitution, and the supremacy of the laws. That is what the nation understands by it.

The people whom I represent appeal to the Government and to the nation to give us the constitutional protection that we need. I am proud to say that I have met with every manifestation of that kind in the Senate, with only a few dissenting voices. I am proud to say, too, that I believe old Kentucky, God bless her! will ultimately rise and shake off the stupor which has been resting upon her; and instead of denying us the privilege of passing through her borders, and taking arms and munitions of war to enable a downtrodden people to defend themselves, will not only give us that privilege, but will join us and help us in the work. The people of Kentucky love the Union; they love the Constitution; they have no fault to find with it; but in that State they have a duplicate to the Governor of ours. When we look all around, we see how the Governors of the different States have been involved in this conspiracy—the most stupendous and gigantic conspiracy that was ever formed, and as corrupt and as foul as that attempted by Catiline in the days of Rome. We know it to be so. Have we not known men to sit at their desks in this Chamber, using the Government's stationery to write treasonable letters; and while receiving their pay, sworn to support the Constitution and sustain the law, engaging in midnight conclaves to devise ways and means by which the Government and the Constitution should be

overthrown? The charge was made and published in the papers. Many things we know that we cannot put our finger upon; but we know from the regular steps that were taken in this work of breaking up the Government, or trying to break it up, that there was system, concert of action. It is a scheme more corrupt than the assassination planned and conducted by Catiline in reference to the Roman Senate. The time has arrived when we should show to the nations of the earth that we are a nation capable of preserving our existence, and give them evidence that we will do it.

I have already detained the Senate much longer than I intended when I rose, and I shall conclude in a few words more. Although the Government has met with a little reverse within a short distance of this city, no one should be discouraged and no heart should be dismayed. It ought only to prove the necessity of bringing forth and exerting still more vigorously the power of the Government in maintenance of the Constitution and the laws. Let the energies of the Government be redoubled, and let it go on with this war—not a war upon sections, not a war upon peculiar institutions anywhere; but let the Constitution and the Union be its frontispiece, and the supremacy and enforcement of the laws its watchword. Then it can, it will, go on triumphantly. We must succeed. This Government must not, cannot fail. Though your flag may have trailed in the dust; though a retrograde movement may have been made; though the banner of our country may have been sullied, let it still be borne onward; and if, for the prosecution of this war in behalf of the Government and the Constitution, it is necessary to cleanse and purify that banner, I say let it be baptized in fire from the sun and bathed in a nation's blood! The nation must be redeemed; it must be triumphant. The Constitution—which is based upon principles immutable, and upon which rest the rights of man and the hopes and expectations of those who love freedom throughout the civilized world—must be maintained.



