

9/85



AN

OLD DOCUMENT.



Times change, and often with them men, but principles, never.





*George Washington Flowers
Memorial Collection*

DUKE UNIVERSITY LIBRARY

ESTABLISHED BY THE
FAMILY OF
COLONEL FLOWERS

AN
ADDRESS,
DELIVERED AT CRAWFORDVILLE,
ON THE
FOURTH OF JULY, 1834.

BY
ALEX. H. STEPHENS.

AUGUSTA, GA.:
STEAM POWER PRESS, CHRONICLE & SENTINEL OFFICE,
1864.

REVISED IN 1870

THE NEW YORK

1870

2-2417-2
RFB
Com.
Form
12ms
#392

CRAWFORDVILLE, GA.
10th Nov. 1864.

To the Public:

The following old address is now reproduced in this form, not with any special view to its own merits, but for the purpose of self vindication. Insinuations and slanders, if not direct charges, have repeatedly been made of late against me as a *new light* on States' Rights, in my advocacy of the doctrine of "the ultimate absolute sovereignty of the several States," as the only sure basis of a permanent peace between the States of the old Union:

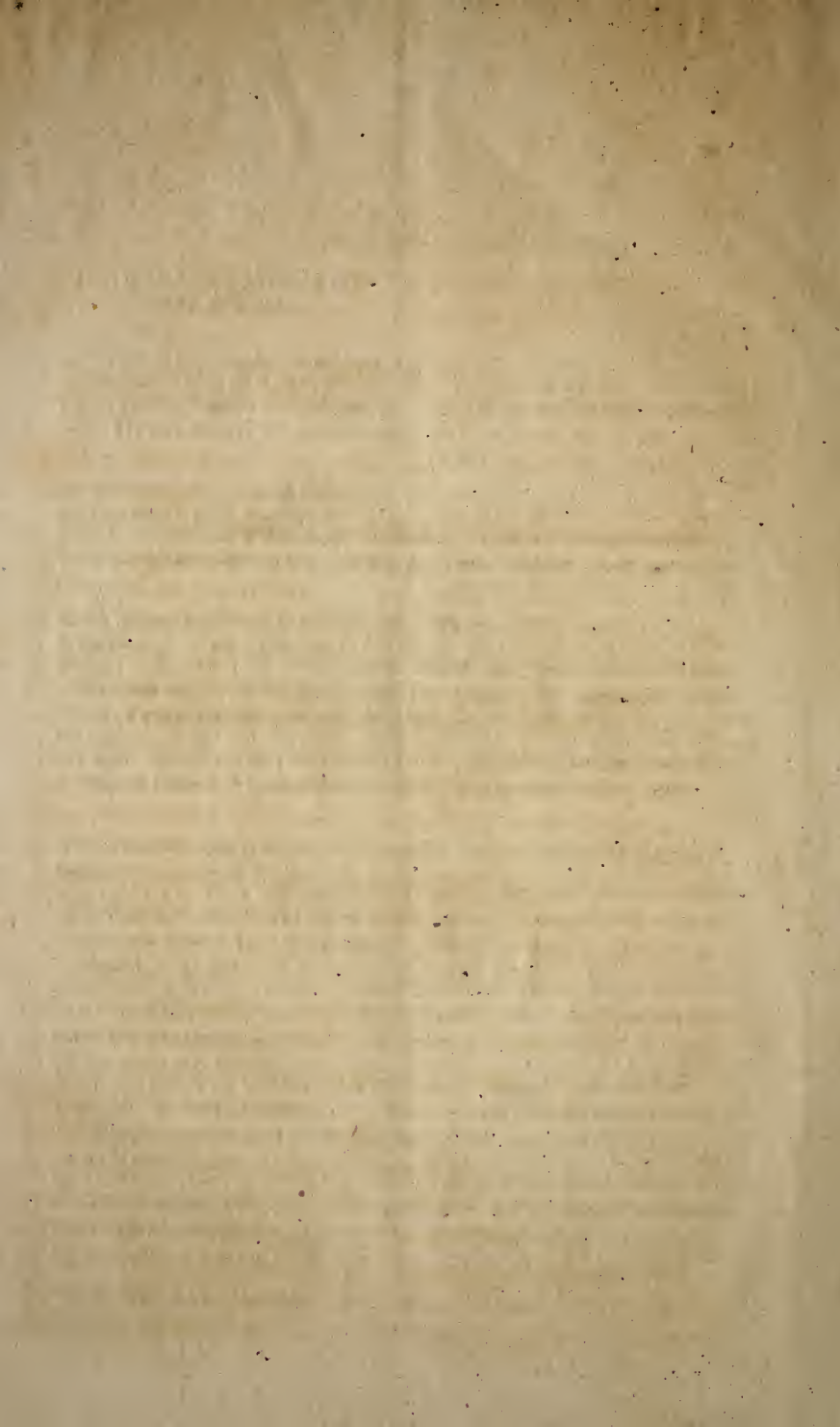
This address was the first written political speech ever made by me. It was made while I was a student of law, and notwithstanding its many very apparent defects, (of which, however, as a first production, I am not ashamed,) it clearly shows that States' Rights and State Sovereignty are no new or latter day ideas with me. For this purpose only I ask its perusal at this time by all who may be disposed to do me no injustice in this particular.

It is true, I was not a Nullifier. Nullification as I understood its exposition at that day, claimed the right of any State, in effect, to render null and void, or inoperative within her limits any law of Congress, and still remain in the Union. Without any desire to revive any of the questions that then divided State Rights men, I may simply add that in my judgment then and now, the reserved Sovereign Powers of the States could be properly resorted to for ultimate protection, only by a full resumption of all powers delegated: in other words by secession. In this way only could the sovereign veto of a State against actual or threatened aggression be effectually and properly interposed. When thus interposed there was no constitutional power in the Central Government to command obedience by coercion.

It is also true that I opposed secession in 1850 and in 1860, as a question of *policy*, but not as a matter of *right*. The charge that I ever at any time, or on any occasion uttered the sentiment that secession would be "a *crime*," is entirely without the shadow of foundation. The clear right of a State under the compact of 1787 to resume the full exercise of all her delegated powers by a withdrawal from the Union whenever her people in their deliberate and sovereignly expressed judgment should determine so to do, was never questioned by me. This was the doctrine of the States' Rights party of Georgia under the lead of the illustrious and renowned Troup—the correct teachings of the Kentucky and Virginia Resolutions of 1798 and '99. In these principles I was reared, by them I have ever been governed in my political acts, and by them I expect to live and die. Hence when Georgia seceded in 1861, even against my own judgment, I stood by her act. To her alone I owed ultimate allegiance. Her cause became my cause. Her destiny became my destiny. From that day to this, that cause has engaged every energy of my heart, head and soul, and in it they will continue to be enlisted to the bitter end. Should that end be the establishment of this principle of "the ultimate absolute sovereignty of the several States," it will in my judgment more than compensate for all the loss of blood and treasure of this war so unjustly waged against her and her confederates, great as it has been or may be. This doctrine once firmly established will, I doubt not, prove to be the self-adjusting principle—the Continental Regulator—in our present or any future systems of associations or Confederations of States that may arise. I make no boast of consistency so far as party relations are concerned—these I have often changed, but *principles never*.

ALEXANDER H. STEPHENS.

11441111



AN ADDRESS,

DELIVERED IN CRAWFORDVILLE, ON THE
FOURTH DAY OF JULY, 1834.

BY A. H. STEPHENS.

FELLOW CITIZENS:—You have just heard read the declaration of our political independence. This is the anniversary of the day on which that declaration was published to the world; and it is in commemoration of that event we are now assembled. With the history of this day, and with the facts connected with the origin of its importance, we are all acquainted. Of the oppression of our fathers, of their bold and perilous resistance, and of their glorious success, we have often heard. These were the first lessons of our childhood. We cherish them as the pride and glory of our birthright, and they are subjects upon which our minds can at all times dwell with pleasure and delight. But on the present occasion, however agreeable and profitable an advertence to them might be, other subjects of superior importance lay in claims upon our attention. The obtainment of Liberty is certainly a noble theme, but not more so than the means of its preservation. The day in which we live is an important one in the history of our Republic, and the doctrine that freedom often suffers more from an intoxicated revelry of its friends, after the victory of its achievement, than from the open attacks of its enemies, is particularly applicable to us. Our Government, the best on earth, probably, requires most of its citizens; not of tribute, or of submission, but a constant and vigilant watchfulness over the first encroachments of power on the restrictions of its charter. Though we are still free, and though our country still seems to be Heaven's favorite among the nations of the

earth, yet our *thus* remaining is connected with the contingencies of time. Much, yea *all*, depends upon the exertions of the people. The mind, therefore, at our annual festivals similar to the present, should not, as is often the case, be permitted to be filled so much with rejoicings over the past, as engaged in earnest contemplations of the future. The warfare of Liberty is continual, and there is no time for the patriot to luxuriate on the past, or feast on the spoils of victory. The field is never to be quit—the post never deserted—but battle succeeds battle in a chain as various and as endless as the diversity of character and the succession of generations.

With these remarks I submit to your attention, briefly, the consideration of a subject which I deem not as inappropriate to the object of our assembling; one in which we all, as the friends of Liberty in general, and particularly as citizens of the United States, are deeply interested, and one which, in my opinion, involves principles pregnant with as momentous consequences as any which have ever agitated the public mind of the American people. I allude to the extent of the powers of the Federal Government, or the true relation between the Federal and State Governments. There are those among us who contend for the ultimate supremacy of the former, while others for that of the latter. The struggle is one for power on one side, and right on the other. The whole country is divided, and august parties arrayed in opposition on either side. And though we in this community have not taken the same interest in the discussion as some of our fellow-citizens elsewhere; though we have not entered the list of parties by organized associations, yet the subject may not be the less acceptable on that account, since our interest at stake is the same, let what may be its determination. With us the true principle of government generally is recognized. We understand it to be a compact or agreement to which each member of the community is a party, either expressed or implied. The character of our Government, State and Federal, must, therefore, vary according to the opinions entertained by those who

form it of its nature. Most essential, then, to its preservation in its primitive purity, should the principles of the Federal compact be thoroughly examined, and clearly understood by every one. The great point of difference is *the right of a State to refuse obedience to a law of Congress which, in the opinion of that State, is unconstitutional*, or the right of the Federal Government to coerce obedience in case of such refusal. This is the question which is now producing such excitement throughout our country, and upon the decision of which are suspended the destinies of our liberty and the permanency of our free institutions. It shall be my object to endeavor to make it appear to you—without confusing your minds with the nice distinctions between the “unity of this nation” and the “inherent indivisible sovereignty” and “separate existence of the States”—in the first place, that the General Government does not possess this right or power of enforcing a State, and in the second place, that it never *should* possess it. That I may be plain in establishing these important assumptions, I lay it down as an undeniable truth, this power was not vested in Congress at the first union of these States which resulted in the Declaration of Independence, nor during the time which intervened between that period and the adoption of the articles of the Confederation. I lay it down also as a truth, that it was not conferred by the articles of the Confederation. Thus far my premises *must* be admitted by all, for the first article of the Confederation expressly declares the sovereignty or supremacy of the States severally. I proceed, then, likewise to assert that this Supreme Power is not conferred by the present Constitution. Were this also admitted there would be an end to the discussion. But here the issue is joined. Then to the proof. And in the first place, if the Constitution contains such grant of power, it must be *implied*, for it is not *expressed*—the only sentence in that instrument which, under the most forced construction, could seem to be expressive of it, being the first part of the second clause of the sixth article, which says: “This Constitution, and the

laws made in pursuance thereof, &c., shall be the supreme law of the land." But this cannot be adduced as proof of the existence of the power of the General Government to compel a State to observe a law which that State declares to be unconstitutional, for it assumes, as argument, the very point supposed to be at issue between the General and State Governments, viz: the fact of the laws having been made in pursuance of the Constitution. This article is applicable to such laws only as are made in pursuance of the Constitution, and of course does not extend to the case supposed; for, were it admitted by a State that a law was constitutional, that State would be bound by her honor and the moral obligation of her plighted faith to obey its requisitions. But the question is, if a State declare that a law is not constitutional—that it is not made in *pursuance* of the Constitution (which is all that renders any binding), does this article of the Constitution empower the General Government to judge for itself the extent of its own powers, and then compel the State to obey its decision? And most certainly it contains no such doctrine. But on the contrary it rather implies that all the binding force of every law passed by Congress depends upon the fact of its being in "pursuance" of the Constitution, and that *no law* has the *least* binding force which is not *clearly* in pursuance of the same. Then again I assert there is no such grant of power expressed in the Constitution, nor can it be found from the beginning to the end of that instrument. But, say the advocates of a strong Government, there is no necessity for its being *expressed*; that it is *implied*, and that it is *implied* from the nature and character of the Constitution, and the circumstances which gave rise to its formation. For, say they, the main object of the Constitution was to obviate and remedy evils which arose under the weak administration of the former Confederation from the want of THIS VERY power. They admit that anterior to the Constitution, Congress had not this power—that the States were separate and distinct sovereignties; and they tell us that at that time our nation was in debt; that our trade was languish-

ing; that our credit was lost; that our character was dishonored; that there was no remedy; Congress enacted but the States disregarded; that there was no force binding the people, and finally, they tell us that it was to check all these evils, and remedy this whole state of deranged affairs by binding the States to the decision of Congress, and in a word by depriving them of their sovereign *velo*, that the present Constitution was formed, and therefore, though this be not all *expressed*, yet it *must* be implied from the very nature of things, &c. Now, that these evils did exist under the Confederation to a great extent, is admitted, and that many of them were remedied by the present Constitution is also admitted; but the inference as to the *origin* or cause of these evils, and the *nature* of their remedy, is erroneous. They did not originate (according to the inference) from a want of superior force or power in Congress to bind the States, but from the limited number of subjects and objects of national policy upon which the States had permitted Congress to act, and their attempting to exercise powers not granted. It is true our nation was in debt; that our trade was languishing; that our credit was lost, and that Congress enacted upon these subjects, and that the States disregarded those enactments. And why? For the plainest reason in the world: Because Congress, the agent of the States, was meddling with matters and enacting upon subjects with which it never had been entrusted with sufficient and proper powers to do the business as it ought to be done, and not as the inference would imply, because there was a want of power to compel the States to comply with their solemn engagements.— This want of power did exist, but the evils did not arise from that; and so far from its being the main object of the new Constitution, this was not its object at all. It is true its object was to remedy the evils of the Confederation. But it was to remedy them as they should have been remedied—*by entrusting more business to the care of the agent*, or in other words, by permitting Congress to act upon more subjects which experience had shown the public conveni-

ence required. The restrictions of the Confederation were very narrow. Congress only had power to provide for a general defence in case of an invasion; to declare war, grant letters of marque, coin money, to regulate the Indian Affairs, and make arrangements for the transportation of the mail, together with some other things. But it was found by the States that a navy was wanted to protect their commerce; that some uniform method of raising revenue to pay off the public debt and meet expenses was necessary; that the most expedient way of accomplishing this would be by laying a tax upon goods imported, and that this tax should be uniform in all the ports of the several States; and it was likewise thought that it would be expedient that these items of Legislative policy, with several others, should be entrusted to the action of Congress in addition to those granted on former occasion; that for expounding the laws courts should be established, and that for the execution of this accumulated business a competent number of new officers should be allowed, a President, Judges, &c. This was the object of the Constitution.—This was what the Constitution effected. While the obligation on the part of the States as States to observe and obey an edict of Congress is the same now as before the adoption of the present Constitution. The Government has not changed its name even. Its powers were enlarged, but its character is the same; and the relations between the States and this Government have been multiplied, but the nature of those relations is unaltered. The new Constitution is a compact between the sovereign States separately, as the old Confederation was; and if this be so, and if the first article of the Confederation expressly declares that sovereignty or supremacy is retained to the States—denying the right or power of Congress to coerce or compel the States, the parties to it, to obey its edicts—where is this right or power derived under the present Constitution? Indeed, fellow-citizens, I am constrained to think that it is derived nowhere, and that it has its exis-

tence only in the breasts of the parasites of power who wish to overthrow the liberties of the people.

And here I feel confident I might rest the argument, but as the field of implication has been entered, in order that those who first sought this as a refuge may be met on their own ground, contended with their own arguments and vanquished with their own weapons, I, too, will enter the same arena, and endeavor to show, by *counter-implications* drawn from the Constitution, that that instrument contains no such *implied* grant of power. And in the first place, if (as no one will deny) the States had all along, before the adoption of the Constitution, claimed and defended a separate sovereign existence; if this was recognized in the Confederation; and if, as is generally known, they had watched and defended this right with so jealous an eye that it was extremely difficult to effect any more perfect union between them, even for the most important purposes, is it not probable that, if they had been about to divest themselves of this *darling attribute*, they would have made the abandonment in plain words, which could not by possibility have been misunderstood or misconstrued. Such as, These States, New Hampshire, Massachusetts, Connecticut, &c., having been separate, sovereign and independent, but finding it impossible longer to remain so, do henceforth renounce that attribute and pledge for the future our faithful obedience to the General Government as the Supreme Power of the land? Is not this presumable? Should we not have expected it? But on the contrary, since there is no such expression to be found in the Constitution, and since sovereignty was expressly retained to the States under the Confederation, and since in the Constitution (which I have endeavored to prove to be of the same nature as the Confederation, only enlarged in the sphere of its action) nothing is said about a surrender of the sovereignty of the separate States, but after an enumeration of all the *new* powers not before granted, it is expressly declared that all rights and powers not therein delegated are still reserved to the States, does not this amount almost to a positive *expression* of the retention of their sovereignty, or supreme

power, on the part of the States, and the right of judging, each for itself, of its own delegated powers, in the same manner *now* as under the Confederation?

But again, on the hypothesis that the Constitution vests supreme power in the General Government, that instrument in its multiplied details, would be both useless and unnecessary, which we cannot suppose considering the wisdom and patriotism of its framers. For if the Constitution declares that the General Government in its Legislative, Executive and Judicial Departments shall have the general supervision of the public good throughout this whole country, and full power to judge and decide what is the public good—and that decision is to be the “supreme law of the land”—where was the necessity of any other clause but this one creating this “*great national conservator*?”—Where was the necessity of this long Constitution? All these articles and sections—the work and labor of months? Why so much parade? so much discussion about restrictions? and reserved rights and safe-guards of liberty? Indeed the whole would be nothing but unmeaning words—empty show—gross deception and solemn mockery of an insulted people defrauded of their most inestimable rights. Yea, more exceptionable still. And to see this we have only to enquire into the constituent parts of Congress—this omnipotent Legislature over all things. We find it composed of two branches—the Senate and House of Representatives—of which the Senate is the more powerful. It being composed of two members from each State without respect to size or population. Thus the State of Delaware with a population of 76,748, through the Senate, the most powerful branch of the Government, has the same influence in determining all questions of public interest as New York with a population of 1,918,608—more than twenty times as great! The same undue preponderance is given to this and all the less populous States over the more populous ones in the election of the highest officers of the Government. And was it thus the intention of the framers of our Constitution to deliver and bind the majority of the people

to the minority? To place the people of New York, or Pennsylvania, or Virginia, amounting in either of which to near 2,000,000 entirely within the power of the 180,000 of Rhode Island and Delaware? and that too with no remedy but to submit, and no hope of redress but at the peril of the consequences of rebellion and treason? If so, better had our Constitution never been formed, and better had we never been favored with the blessings of such an Union! But, Fellow-Citizens, such is not the fact, such is not the noble work of our fathers, and such is not the "sheet anchor of our safety." And now as proof to demonstration of the truth of the principle I have been contending for, we have it upon the recorded proceedings of the Convention which formed the Constitution, that there was made in that body a motion to grant the very power the existence of which is in dispute—and that motion was lost! It was again made—and again lost! And if I be not mistaken, it was thrice made and thrice defeated! Can we—need we—want we stronger proof than this? Were that august body now in life and called on to explain what was their intention and determination at that time, could they do it in stronger, more explicit, and unequivocal terms than their recorded votes? Impossible! Then beyond a doubt this power of enforcing a State was withheld by the Constitution from the General Government, and it was withheld for wise purposes, and having established, as I trust, this point, I shall proceed to show that it should continue to be withheld for the same wise purposes. These are the preservation of the Union of the States and the permanent security of their liberties. The Union should be cherished by all—its cost was great—it was freeman's blood—and to it we owe much—it is that, which properly directed gives us strength at home and character abroad—and the man who wickedly or ambitiously endeavors to render the people disaffected thereto or without just cause endeavors to effect a dismemberment of its parts, deserves nothing short of the fate of a Burr. But the practicability of an object and the means of its obtainment are different things—and

that to some may appear a strange doctrine for the perpetuation of the Union of the States which allows one part to withdraw when under the feeling of oppression. But such err in their opinions on the strength of Governments. The strength of all Governments and particularly Republics, is in the affections of the people. A Republic is a government of opinion—it waves and vacillates with opinion—the popular breath alone is sufficient to extinguish its existence. Such is our Government. It was formed by each party entering it for interested purposes. For greater safety, protection and tranquillity. And so long as these ends are answered it will be impregnable without and within. Interest and self-preservation are the ruling motives of human action, and so long as interest shall induce the States to remain united the Union will have the support and affection of the people. A separation need not be feared. But whenever the General Government adopts the principal that it is the supreme power of the land—that the States are subordinate—mere provinces—that it can compel and enforce—and commences to dispense its favors with a partial hand—to tax and oppress a few States to the interest and aggrandizement of the many, or otherwise transcend its powers—then will the days of our Republic be numbered. For it is false philosophy to suppose that these States can be kept together by force. Dangerous elements are not the less to be dreaded by a compression of the sphere of their action, neither are the energies of a people by an infringement upon their rights. It is contrary to all observation on the conduct and motives of men. But let it be the established policy of the Government that it has no power over a State, withdrawing from the Union when in her deliberate judgment the compact has been broken, and the others will soon cease or rather never begin to oppress—for the Union should be an advantage to all but an injury to none. Let, however, the contrary be established and interest will soon prompt one part, (and we have seen that, that may be a minority of the people,) to oppress the other, and especially will this be the case when

that part is emboldened with the confidence of having the whole force, army and navy, of the country to effect their unjust purposes. And what will be the result? Evidently a dismemberment of the Union. With it too a list of evils beyond the power of prophecy to scan. To bring a case home, a practical illustration of which may not be very far distant. Suppose Congress should come to the conclusion, (as some have already intimated) that it would be conducive to the general welfare, and equalization of the rights of the people throughout this great *Nation* to make a change in the basis of our Congressional representation and thus destroy our proportional influence in that body. Or suppose so heavy a tax should be laid upon a certain species of our property as to render it valueless. Or suppose in one great step of advancing the public interest and general welfare we should be relieved of that kind of property altogether—what could be our remedy? or what would be our rights? Indeed with that interpretation of our Constitution which vests supreme power in the General Government, and enacts “Force Bills” to carry the decision of Congress by the point of the bayonet against States, we would have none at all. We could avail ourselves of no redress but quiet submission and a gracious obedience, or incur the foul punishment of traitors! And is it so? Have you thus learned the Constitution of your country? Or rather, Fellow-Citizens, are you willing that that noble deed of legacy left you by your Fathers shall be thus tortuously construed and thus falsely interpreted—leaving you the name to be free while you are the absolute, blinded dupes of absolute and sanguinary power? I am certain there is no such one within the sound of my voice. Then be it known to you it is time for you to be awake. The enemy is already in the field—and in possession of strong places. And the alternative is now before you, and the American people, a desperate struggle—a rescue of your Constitution—or a hopeless, perpetual slavery! Be not deceived. Think me not over-zealous. Think not that when the General Government shall have wandered from its true path—and our liberties lost, there will be nothing necessary but to arouse the people—make them sensible of their rights—to be free again. There is a principle abroad, as false as it is general, that any people *willing* can be free. Be not misled by its influence while in possession of liberty to place too low an estimate on its value. Its “price is eternal vigilance.” And Liberty once lost is lost forever! Errors

in Governments like diseases in the body must be checked in their inception, and the only hope of American Liberty is the preservation of all things in their constitutional places. For, if power

“The wav’ring balance shake,
It’s rarely right adjusted.”

It is too late to talk of remedies when the system is shattered, and the constitution is broken, Rome was free—She became remiss—and Cæsar trampled upon her liberties. And though Brutus with a few compatriots found no difficulty in putting an end to his ambitious career, yet did they restore lost freedom to that country? Let the bloody wars which ensued that tragical event and the number of vile competitors for a crown which figured therein, speak for me, and tell to you and the people of this country, and the people of all countries, that liberty once lost is lost forever! Enslaved France, with indignation at outrages upon her rights proclaimed with the united voice of her millions, Liberty and Equality, yet that proud nation after being desolated with the ravages of war—and her waters crimsoned with the blood of her bravest sons—and the regions of every clime bleached with the bones of her soldiery, was reduced to a degree of despotism more abject than that from which she emerged. The truth is, liberty is not always purchased with a struggle, ever so daring, bold or patriotic, much less is it dependent upon a bare wish or strong desire. Were this all, Ireland would no longer groan under a British yoke. France would not now have a citizen king. Spain would enjoy her rights. Italy would show what Rome was. Greece would emulate the glory of the same land in ancient days. And a whole world would soon be freed from bondage. For the love of liberty is natural—it is inate—and it is not, as some suppose, the want of this principle which causes so many despotisms among men. *Nor need we when we have become enslaved expect or hope by an appeal to this principle to effect our redemption any more than other people. Our only hope is to know our rights and to dare maintain them.* The question is now before you. Choose you whom you will serve. If the General Government be supreme serve and obey it as such, but if your own beloved *Georgia is still sovereign*, then come to her rescue.



Atm. Bilanz Rechnung

Don E. P. S.

(Vear) Leicunitt

Q. V. S.

