## SPEECH SENATOR S. A. DOUGLAS. THE INVASION OF STATES;

HIS REPLY TO MR. FESSENDEN.

DELIVERED IN THE SENATE OF THE UNITED STATES, JANUARY 23, 1860.

The hour having arrived for the consideraby Mr. Douglas on the 16th inst :

when Douglas on the rotal list.

Resolved: That the committee on the judiciary congress has power—

"To raise and support armies; to provide and maintain a Navy; to make rules for the land and maintain a Navy; to make rule be instructed to report a bill for the protection of each State and Territory of the Union against other State or Territory ; and for the suppression and punishment of conspiracies or combi-nations in any State or Territory with intent surrections, and repel invasions." to molest the government, inhabitants, proper-

in the slaveholding States. It was generally lence." confer no authority upon him, or that the Constitution empowers Congress to enact no laws stitution empowers Congress to enact no laws which would authorize the Federal interpose to protect the States from invasion; my object is to raise the inquiry, and to ask the judgment of the Senate and of the House of Representation of the Senate and of the House of the Constitution, that this clause with increasing further the House of the States shall surrender, or the slave State from any portion of the United States.

to what means they have of protection, if the nations. Federal Government is not authorized to protect them against external violence. It must of the Federal Government, by the express propower consists in exciting the prejudices and

from the Federal Government, to protect them against violence. If the people of this country shall settle down into the conviction that there is no power in the Federal Government un-

clear, on a careful examination of the Consti tution, that power is conferred upon Congress first, to provide for repelling invasion from foreign countries; and, secondly, to protect each State of this Union against invasion from any other State Territory, or place, within the juris-diction of the United States. 1 will first turn your attention, sir; to the power conferred upon Congress to protect the United States-including States, Territories, and the District o Columbia; including every inch of graund tion of the special order, the Senate proceeded within our limits and jurisdiction -against for to consider the following resolution, submitted eign invasion. In the eighth section of the by Mr. Douglas on the 16th inst:

first article of the Constitution, you find that

invasion by the authorities or inhabitants of any Government and regulation of the land and na val forces, to provide for calling forth the mili

These various clauses confer upon Congress United States, on the 28th of November, retur-stitution then proceeded to make guarantees for lings of the Republican party, as explained, and

the Constitution or laws of the United States, "The United States shall guaranty to every gress. (Applause in the galleries.) which would authorize me to take steps' for State in this Union a republican form of gov- [The speaker was here intercupted by an ef-[That is, to preserve the peace ernment, and shall protect them against inva- fort of the Senators to quiet the galleries.] etween the States.]
sion; and, on appplication of the Legislature, Mr. Documes. I was remarking that I contribute announcement produced a profound imor of the Executive, (when the Legislature sidered this outrage at Marper's Ferry as the pression upon the public mind, and especially cannot be convened,) against domestic vio- logical, natural consequence of the teachings

received and regarded as an authoritative an- This clause contains three distinct guaran- not making this statement for the purpose of nouncement that the Constitution of the United tees: first, the United States shall guaranty to crimination or partisan effect. I desire to call States confers no power upon the Federal Gov-Lexery State in this Union a republican form of the attention of members of that party to a i enment to protect each of the States of this government; seroid, the United States shall consideration of the doctrines that they are Union against invasion from the other States protect them against invasion; third, the United States of the doctrines that they are I shall not stop to inquire whether the Presited States shall, on application of the Legisla-judgment whether they do not lead directly to dent meant to declare that the existing laws ture, or of the Executive, when the Legislature ject is to raise the inquiry, and to ask the judg-ment of the Senate and of the House of Repre-Federal Government to protect each of the slavery, with the view of its ultimate extincentatives on the question, whether it is not States against invasion from any other State, tion throughout the land; sectional war is to be within the power of Congress, and the duty of Congress, under the Constitution, to enact United States? For what other purpose was all laws which may be necessary and proper the clause inserted? The power and duty of New York and Massachusetts shall be cultivafor the protection of each and every State aprotection as against foreign nations has alreadgainst invasion, either from Foreign Powers or y been provided for. This clause occurs ated by slave labor. In furtherance of this artited by slave labor. In furtherance of this artited by slave labor. In furtherance of this artited by slave labor. In furtherance of this artithe doctrines proclaimed by the Republican
party. The creed of that party is founded upon
the theory that, because slavery is not desirable. ainst invasion, either from Foreign Fowers or y been provided for. This cause occase any portion of the United States.

The deaial of the existence of such a power each State, for the benefit of each State, for the be the Federal Government has induced an in- the protection of each State, and necessarily there passion, northern prejudice, northern ambe the best thing everywhere. In other words, quiry among conservative men-men loyal to from the other States, inasmuch as the guaran- bition against southern States, southern institu-

be conceded that no community is sale, no vision of the Constitution, to protect each of the the passions of the northern section against State can enjoy peace or prosperity, or domes-States against invasion or violence from the those of the southern section. They not only tic tranquility, without security against exter- other States, or from combinations of despera- attempt to excite the North against the South Every State and nation of the does within their limits, it necessarily follows but they invite the South to assail and abuse and world, outside this Republic, is supposed to that it is the duty of Congress to pass all laws traduce the North. Southern abuse, by violent maintain armies and navies for this precise pur-pose. It is the only legitimate purpose for effectual. While Congress, in the early histo-ple, is essential to the triumph of the Republiwhich armies and navies are maintained in ry of the Government, did provide legislation, can cause. Hence the course of argument time of peace. They may be kept up for am- which is supposed to be ample to protect the which we have to meet is not only repelling bitious purposes of aggression and foreign war; United States against invasion from foreign the appeals to northern passion and prejudice. but the legitimate purpose of a military force in countries and the Indian tribes, they have fail- but we have to encounter their appeals to soutime of peace is to insure domestic tranquility ed, up to this time, to make any law for the thern men to assail us, in order that they may violence or aggression from with protection of each of the States against invasion justify their assaults upon the plea of self-deout. The States of this Union would possess that power, were it not for the restraints imposed upon them by the Federal Constitution.— some the reason is to be found in the fact that purpose of canvassing Illmois, with a view to a When that Constitution was made, the States was described in the constitution was made, the States and Congress ever dreamed that such legislation re-election. That to meet this issue of the surrendered to the Federal Government the would ever become necessary for the protection. That to meet this issue of the have triumphed over slavery? Do they imsurrendered to the Federal Government the power to raise and support armies, and the power to raise and support armies, and the power to raise and support armies, and the power to provide and maintain navies, and not only thus surrendered the means of protection for sites of the surrendered the means of protection for sites of the surrendered the means of protection for sites of the surrendered the means of protection for months around their houses to see if a band of their mobile state of this Union against invasion and sleep at inght without first stationing sentinels againe that the one free State would have outvoiced? It is true that the one free State would have outvoiced? It is true that the one free State would have outvoiced? It is true that the one free State would have outvoiced? It is true that the one free State would have outvoiced? It is true that the one free State would have outvoiced? It is true that the one free State would have outvoiced? It is true that the one free State would have outvoiced? It is true that the one free State would have outvoiced? It is true that the one free State would have outvoiced? It is true that the one free State would have outvoiced? It is true that the one free State would have outvoiced? It is the the one free State would have outvoiced? It is true that the one free State would have outvoiced? It is the the one free State would have outvoiced? It is the the one free State would have outvoiced? It is the the one free State would have outvoiced? It is the the one free State would have outvoiced? It is the the one free State would have outvoiced? It is the the the one free State would have outvoiced? It is the the one free State would have outvoiced? It is that the one free State would have outvoiced? It is that the one free State would have outvoiced? It is that the one free State would have outvoiced? It is that the one free State would have outvoiced? It is that the one free State would have outvoiced? It is that the one free State would have outvoiced? It is th from invasion, but consented to a prohibition American citizens could be so forgetful of their the doctrine that precise name and form; but the test had then been made, if this doctrine that precise name and form; but the principle was in existence, and had been the principle was in existence. duties to themselves, to their country, to the shall keep troops or vessels of war in time of shall keep troops or vessels of war in time of prace.

The question now recurs whether the States of this Union are in that helpless condition, with their hands tied by the constitution, strip- with their hands tied by the constitution, strip- with their hands tied by the constitution, strip- was all I said on that matter, that I was disposed to another the most clear trine of uniformity on the slavery question had believed in, with the most clear trine of uniformity on the slavery question had believed in, with the been proclaimed by the ablest and the most clear trine of uniformity on the slavery question had believed in, with the been proclaimed and believed in, with the twelve slaveholding States against one free due to most trine of uniformity on the slavery question had then been proclaimed and believed in, with the twelve slaveholding States against one free due to most clear trine of uniformity on the slavery question had then been proclaimed and believed in, with the twelve slaveholding States against one free due to most clear trine of uniformity on the slavery question had the most clear trine of uniformity on the slavery question had then been proclaimed by the ablest and the most clear trine of uniformity on the slavery question had then been proclaimed and believed in, with the welve slaveholding States against one free due to most clear then been proclaimed and believed in a constitution, as to plan an invasion of another. It was disposed to approclaimed by the ablest and the most clear trine of uniformity on the slavery question had then been proclaimed and believed in, with the twelve slaveholding States against one free due to the beat question had then been proclaimed by the ablest and the most clear trine of uniformity on the slavery question had then been proclaimed by the ablest and the most clear trine of uniformity on the slavery question had then been proclaimed by the agree with the Senator to with their hands field by the constitution, strip- no blame can justly be affached to our prede- was stated. In Timois before it received the upon every inch of American soil, Northr as ped of all means of repelling assaults and main—cessors in failing to provide the legislation new upon every inch of American soil, Northr as well as South? Was it oute fair in those days anything aped of all means of repelling assaults and main-cessors in faming to provide the registation network that the senator to say anything a-taining their existence, without a guarantee cessary to render this guarantee of the Constinuous for the friends of free institutions to claim that

is no power, in the Federal Government un- I think it is within our competency, and conder the Constitution to protect each and every sequently our duty, to pass a law making every tion, and made a speech—which had been pretion, and made a speech, or State from violence, from aggression, from in-vasion, they will demand that the cord be sev-ritory of this Union to invade another with in-most of the leaders of the party. I will read a vasion, they will demand that the cord be severed, and that the weapons be restored to their tent to steal or run away property of any kind, and that the weapons be restored to their tent to steal or run away property of any kind, and the strength of the petuity of the Union. The means of defence, crime, and punish the conspirators by indicts reached and passed. 'A house divided against the means of repelling assaults, the means of ment in the United States courts and confine- itself cannot stand.' I believe this Governthe means of repelling assaults, the means of the States and the United States courts and confiner ment in the United States courts and confiner ment in the prisons or peniteatiaries of the State governments, to have abolished the State and the existing as they choose, there cannot be a conflict, much have abolished the State Legislatures, to have abolished the States and the existing and the irrepressible conflict, between the free ment and quelled. Sir, I would carry these ment cannot be a conflict, much have abolished the State Legislatures, to have abolished the States and enter through their ment and quelled. Sir, I would carry these ment cannot be a conflict, much have abolished the State Legislatures, to have abolished the States and enter through their ment and quelled. Sir, I would carry these ment cannot be a conflict, much have abolished the State sand enter through their and the irrepressible conflict, where the conspirator of the state is also or conferred upon Congress legislative power over the ment cannot be a conflict, much have abolished the State do not expect the bouse to have abolished the State of the stat Now, sir, I hope to be able to demonstrate provisions of law as far as our constitutional provisions of law as far as o that there is no wrong in this Union for which the Constitution of the United States has not to form conspiracies with a view of invading provided a remedy. I believe, and I hope I States or Territories, to control elections, whether shall be able to maintain, that a remedy is further spread of it, and place it whole United States has not to form conspiracies with a view of invading further spread of it, and place it whole Union; and I hope I States or Territories, to control elections, whether shall be able to maintain, that a remedy is further spread of it, and place it whole Union; and I whole Union; and I whole Union; and I whole Union is a discountered and the properties of the graph of the properties of the section of the United States has not to form conspiracies with a view of invading further spread of it, and place it whole Union; and I whole Union; and I whole Union; and I whole Union; and I whole Union is a discountered and I whole Union is a discountered and the properties of the spread of it, and place it the whole Union; and I whole Union; and I whole Union is a discountered in order to send them to Canada. It is these further spread of it, and place it the whole Union; and I whole Union; and I whole Union; and I whole Union is a discountered in order to send them to Canada. It is these further spread of it, and place it the whole Union; and I whole Union; and I whole Union is a discountered in order to send them to Canada. It is these further spread of it, and place it the whole Union; and I whole Union is a discountered in order to send them to Canada. It is these further spread of it, and place it the whole Union; and it is discountered in order to send them to Canada. It is these further spread of it, and place it the whole Union; and it is discountered in order to send them to Canada. It is these further spread of it, and place it the whole Union is an in order to send them to Canada. It is these further spread of it, and place it the whole Union is an interesting the further spread of it, a nished for every wrong which can be perpe- cieries of New England, or Blue Longes of the leaders of the leaders

ernment performs its whole duty. I think it is | words, this provision of the Constitution means | new, North as well as South." nore than the mere repelling of an invasion of a State. The language is, it shall protect the State against invasion; the meaning of which the State against invasion; the meaning of which is, to use the language of the 'preamble to the time contained in it as being revolutionary and the wants and necessities of each locality.— spirit of fraternity which inspired our revoluconstitution, to insure to each State domestic treasonable, and inconsistent with the perpetuitranquility against external violence. There ty of this Republic. That is not merely the laws and institutions which were well adapted presided over the deliberations of the convencan be no peace, there can be no prosperity, individual opinion of Mr. Lincoln; nor is it the trangulity against external to the range of the same doctrine in different language; there can be no prosperity, there can be no safety in any community, unless it is secured against violence from abroad.—Why, sir, it has been a question seriously mooted in Europe, whether it was not the duty of England, a Power foreign to France, to pass laws to punish conspiracies in England against. They tell the people of the North that eign States. I predicate my argument upon view to the ultimate extinction of slavery, the Constitution by which we are governed, slavery will overrun the whole North and fasthe Constitution by which we are governed, slavery will overrun the whole North and the Union was founded, on the principle of dissimiconspiracies and combinations in any State or
and which we have sworn to obey, and demand ten itself upon all the free States. They then that the Constitution be executed in good tell the South, unless you rally as one man, binfaith so as to punish and suppress every combi- ding the whole southern people into a sectional to molest the government, inhabitants, property, or institutions of any other State or Territory in the Union.

These various clauses confer upon Congress the whole military force of the grounding form the Union.

Mr. Docclas. Mr. President, on the 25th of November last, the Governor of Virginia addent of the Union, and, secondly, supdent of the Union, and secondly supdent of the Union, and secondly, supdent of the Union of the Union, and secondly, supdent of the Union of the Union, and secondly, supdent of the Union of the

the speeches of their leaders in and out of Con-

and doctrines of the Republican party. I am

experience in fighting this element within the

between two different systems of institutions in and there can be no conflict. consideration of the doctrines that they are 5 consideration of the doct the doctrines proclaimed by the Republican the Constitution and devoted to the Union—as tee had been given previously as against foreign tions, and southern people. I have had some that there must be uniformity in the domestic institutions and internal polity of the several States of this Union. There, in my opinion, is the fundamental error upon which their whole system rests. In the Illinois canvass, I asserted, and now repeat, that uniformity in the domestic institutions of the different States is neither possible nor desirable. very issue upon which I conducted the canvass

to present to the Senate. Was such the doctrine of the framers of the agine that the one free State would have outvo- sleep at night without first stationing sentinels cuers ! Is it at Oberlin, where the mob was trine of uniformity on the slavery question had to constant annoyance, irritation and apprehention agree with the Senator in his views as to the sion. It we expect to preserve this Union, we question of power: and that, with my views, for the friends of free institutions to claim that the Federal Government must not touch the question, but must leave the people of each State question. to do as they pleased, until under the operation nity, of good feeling, between the different por- meet it when it comes; but I ask the Senator then wield that majority to abolish slavery in to bear the power of the Federal Government whether it is a part of his reply?

made by which it could have been obtained, - carried out by conceding the right of the peo- fugitive slaves, as well as to tuo of foores, or

new, North as well as South."

Sir, the moment I landed upon the soil of try as broad as this, with so great a variety of others, and there will be an end of this crusade. when the invading army shall reach the border Ellinois, at a vast gathering of many thousands climate, of soil, and of production, there must Sir, you must check it by crushing out the conwas to pulsar conspirates in England against party. They ten the people of the Princes of France. I shall not a sectional lives of the Princes of France. I shall not a sectional lives of the Princes of France. I shall not a sectional lives of the Princes of France. I shall not a sectional lives of the Princes of France. I shall not a sectional lives of the Princes of France. I shall not a sectional lives of the Princes of France. I shall not a sectional lives of the Princes of France. I shall not a sectional lives of the Princes of France. I shall not a sectional lives of the Princes of France. I shall not be a sectional lives of the Princes of France. I shall not be a sectional lives of the Princes of France. I shall not be a sectional lives of the Princes of France. I shall not be a sectional lives of the Princes of France. I shall not be a sectional lives of the Princes of France. I shall not be a sectional lives of the Princes of France. I shall not be a sectional lives of the Princes of France. I shall not be a sectional lives of the Princes of France. I shall not be a section of the Princes of France. I shall not be a section of the Princes of France of the Princes of the Princes of the Princes of the Princes of France of the Princes of the Prin rgue the question of comity between fur banner, and make war upon the South with a other State or Territory, or any foreign country. plete effect to every guarantee of the Constitu-The Constitution, therefore, was based, and the tion. Let them authorize the punishment of polity of the several States. The Union was founded on the theory that each State had pecu-ritory, and there will be no excuse, no desire,

"I have information from various quarters, it will be said that the upon which I rely, that a conspiracy of forming the upon which I rely, that a conspiracy of forming dependent of the upon which I rely, that a conspiracy of forming dependent of the upon which I rely, that a conspiracy of forming dependent of the upon which I rely, that a conspiracy of forming dependent of the upon which I rely, that a conspiracy of forming dependent of the upon which I rely, that a conspiracy of forming dependent of the upon which I rely, that a conspiracy of forming dependent of the upon which I rely, that a conspiracy of forming dependent of the upon which I rely, that a conspiracy of forming dependent of the upon which I rely, that a conspiracy of forming dependent of the upon which I rely, that a conspiracy of forming dependent of the upon which I rely, that a conspiracy of forming dependent of the upon which I rely, that a conspiracy of forming dependent of the upon which I rely, that a conspiracy of forming dependent of the upon which I rely, that a conspiracy of forming dependent of the upon which I rely, that a conspiracy of forming dependent of the upon which I rely, that a conspiracy of forming dependent of the upon which I rely, that a conspiracy of forming dependent of the upon which I rely, that a conspiracy of forming dependent of the upon which I rely, that a conspiracy of forming dependent of the upon which I rely, that a conspiracy of the United States—insured institutions of the difference of the upon which I rely, that a conspiracy of the United States and the upon which I rely, that a conspiracy of the United States is repugnent to the Constitutions of the upon which I rely that the sould have the upon which I rely that the upon which I rely was based, revolutionary in its character, and our fathers made it, composed of free and slave

the respective classes of states—not a conflict United States confers upon Congress the power tion of power, as well as of policy. Other betweet the free States and the slave States; coupled with the duty of protecting each State Senators discussed the question here for weeks and increase with increasing fury until the free statutions, property, people, or government of opinion and confining myself to the practical them to madness, with the hope that they will invade our rights as an excuse for some of our people to carry on aggressions upon their rights. I appeal to the candor of Senators, whether this is not a fair exposition of the tendency of the Republic and the domestic tranquilty of our States to select their cells wherein to drag out a miserable, life as a punishment for their crimes against the peace of society. still threaten the country.

not the Republican party still embodied, organ-ized, confident of success, and defiant in its pre-other side of the chamber will record their votes that they disavow the act, unless they also re- the penitentiary, I shall consider that wonderpudiate and denounce the doctrines and trach- ful changes have taken place in this country. at home, and it is the question which I desire ings which produced the act. Those doctrines I tell the Senator that it is the general tone of Constitution? I wish the country to bear in and books and through partisan presses. The rescue a fugitive slave, but to raise mobs to aid causes that produced the Harper's Ferry inva- in the rescue. He talks about slandering the the Union consisted of thirteen States, twelve of which were slaveholding States, and one a that the people of all the border States are requiare making a warlare upon the rights guaranree State. Suppose this doctrine of uniformi- red by the Constitution to have their hands tied by the Constitution. Sir, where, in the ty on the slavery question had prevailed in the tied, without the power of self-defence, and re- towns and cities with Republican majorities, Federal convention, do the gentlemen on that main patient under a threatened invasion in the can you execute the fugitive slave law?

the other States of the Union?

Sir, if uniformity in respect to domestic into the extent authorized by the Constitution—

Sir, if uniformity in respect to domestic into protect the people of all the States against stitutions had been deemed desirable when the The natural mode of obtaining uniformity was ple of every State to have just such institutions any other property? I am talking about con-

mity in the domestic institutions of the differ- ciple which teaches all men to mind their own

To this communication, the President of the nited States, on the 28th of November, returning the states and the can be sugar and you cannot account for this confederation and you cannot account for this con Then, sir, what becomes of this doctrine that tive; but it is not among that class of men that ned a reply, from which I read the following the protection of each of the States by Rederal authority. I will read the fourth section of their pamphlets and books, and especially in disc alone, or else the rye fields and where fields and where fields and books, and especially in the fourth article of the Constitution:

Then, sir, what becomes of this doctrine that authority. I will read the fourth section of their pamphlets and books, and especially in disc alone, or else the rye fields and where fields and where fields and books, and especially in the fourth article of the Constitution:

Then, sir, what becomes of this doctrine that authority. I will read the fourth section of the pamphlets and books, and especially in disc alone, or else the rye fields and where fields and where fields and books, and especially in the fourth article of the Constitution: of Massachusetts and New York most again be prohibited in all the States? If we only con- of propriety. I have no impeachment to make surrendered by their farmers to slave culture, form to the principles upon which the Federal to the production of slaves, and Boston and New Union was formed, there can be no conflict. York become once more markets for trade in the bodies and souls of men." It is only necessary to recognize the right of the people of every State to have just such in-Thus, sir, you perceive that the theory of stitutions as they please, without consulting the power from authorities so high that I felt the Republican party is, that there is a conflict your wishes, your views, or your prejudices, it my duty to bring it to the attention of the Senate. I had heard that the Senator from And, sir, masmuch as the Constitution of the Virginia had intimated some doubt on the quesdrag out a miserable life, as a punishment for mains embodied in full force, those causes will Can any man say to us that although this The Senator from Maine thinks he will vote

outrage has been perpetrated at Harper's Ferry, for the bill that will be proposed to carry out there is no danger of its recurrence? Sir, is the objects referred to in my resolution. Sir, tensions? Does it not now hold and proclaim for a bill of the character described in my resthe same creed that it did before this invasion? olution and speech, I shall congratulate the It is true that most of its representatives here country upon the progress they are making todisavow the acls of John Brown at Harper's wards sound principles. Whenever he and Ferry. I am glad that they do so; I am rejoi- his associates will make it a felony for two or ced that they have gone thus far; but I must be more men to conspire to run off fugitive slaves, permitted to say to them that it is not sufficient and punish the conspirators by confinement in remain the same; those teachings are being sentiment in all those sections of the country poured into the minds of men throughout the where the Republican party preciominate, so far country by means of speeches and pamphlets as I know, not only not to deem it a crime to