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"OUR COUNTRY—MAY IT ALWAYS BE RIGHT—BUT, RIGHT OR WRONG, OUR COUNTRY."

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SPEECH OF

SENATOR S. A. DOUGLAS,

On the Invasion of States; and his Reply to Mr. Fessenden. Delivered in the Senate of the United States, January 23, 1860.

The hour having arrived for the consideration of the special order, the Senate proceeded to consider the following resolution, submitted by Mr. Douglas on the 16th instant;

Resolved, That the Committee on the Judiciary be instructed to report a bill for the protection of each State and Territory of the Union against invasion by the authorities or inhabitants of any other State or Territory; and for the suppression and punishment of conspiracies or combinations in any State or Territory with intent to invade, assail, or molest the government, inhabitants, property, or institutions of any other State or Territory of the Union.

After a few desultory remarks on the subject of the power of the Federal Government, under the Constitution, to protect the several States from violence, aggression and invasion, Judge DOUGLAS proceeded as follows:

I hope to be able to demonstrate that there is no wrong in this Union for which the Constitution of the United States has not provided a remedy. I believe, and I hope I shall be able to maintain, that a remedy is furnished for every wrong which can be perpetrated within the Union, if the Federal Government performs its whole duty. I think it is clear, on a careful examination of the Constitution, that the 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 jurisdiction of the United States. I will first turn your attention, sir, to the power conferred upon Congress to protect the United States—including States, Territories, and the District of Columbia; including every inch of ground within our limits and jurisdiction—against foreign invasion. In the eighth section of the first article of the Constitution, you will find that Congress has power—

"To raise and support armies; to provide and maintain a Navy; to make rules for the Government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions."

These various clauses confer upon Congress power to use the whole military force of the country for the purpose specified in the Constitution. They shall provide for the execution of the laws of the Union; and, secondly, suppress insurrections. The insurrections there referred to are insurrections against the authority of the United States—insurrections against a State authority being provided for in a subsequent section, in which the United States cannot interfere, except upon the application of the State authorities. The invasion which is to be repelled by this clause of the Constitution is an invasion of the United States. The language is, Congress shall have power to "repel invasions." That gives the authority to repel the invasion, no matter whether the enemy shall land within the limits of Virginia, within the District of Columbia, within the Territory of New Mexico, or anywhere else within the jurisdiction of the United States. The power to protect every portion of the country against invasion from foreign nations having thus been specifically conferred, the framers of the Constitution then proceeded to make guarantees for the protection of *each of the States* by Federal authority. I will read the fourth section of the fourth article of the Constitution;

"The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive, (when the Legislature cannot be convened) against domestic violence."

This clause contains three distinct guarantees. First, the United States shall guaranty to every State in this Union a republican form of government; second, the United States shall protect each of them against invasion; third, the United States shall, on application of the Legislature, or of the Executive, when the Legislature cannot be convened, protect them against domestic violence. Now, sir, I submit to you whether it is not clear, from the very language of the Constitution, that this clause was inserted for the purpose of making it the duty of the Federal Government to protect each of the States against invasion from any other State, Territory, or place within the jurisdiction of the United States? For what other purpose was the clause inserted? The power and duty of protection as against foreign nations had already been provided for. This clause occurs among the guarantees from the United States to each State, for the benefit of each State, for the protection of each State, and necessarily from other States, inasmuch as the guarantee had been given previously as against foreign nations.

If any further authority is necessary to show that such is the true construction of the Constitution, it may be found in the forty-third number of the Federalist, written by James Madison. Mr. Madison quotes the clause of the Constitution which I have read, giving these three guarantees; and, after discussing the one guaranteeing to each State a republican form of government, proceeds to consider the second, which makes it the duty of the United States to protect each of the States against invasion. Here is what Mr. Madison says upon that subject:

"A protection against invasion is due *from every society to the parts composing it.* The latitude of the expression here used seems to secure each State, not only against foreign hostility, but against ambitious or vindictive enterprises of its more powerful neighbors. The history both of ancient and modern confederacies proves that the weaker members of the Union ought not to be insensible to the policy of this article."

The number of the Federalist, like all the others of that celebrated work, was written after the Constitution was made, and before it was ratified by the States, and with a view to securing its ratification; hence the people of the several States, when they ratified this instrument, knew that this clause was intended to bear the construction which I now place upon it. It was intended to make it the duty of every society to protect each of its parts; the duty of the Federal Government to protect each of the States; and, he says, the smaller States ought not to be insensible to the policy of this article of the Constitution.

Then, sir, if it be made the imperative duty of the Federal Government, by the express provision of the Constitution, to protect each of the States against invasion or violence from the other States, or from combinations of desperadoes within their limits, it necessarily follows that it is the duty of Congress to pass all laws necessary and proper to render that guarantee effectual. While Congress, in the early history of the Government, did provide legislation which is supposed to be ample to protect the United States against invasion from foreign countries and the Indian tribes, they have failed, up to this time, to make any law for the protection of each of the States against invasion from within the limits of the Union. I am unable to account for this omission; but I presume the reason is to be found in the fact that no Congress ever dreamed that such legislation would ever become necessary for the protection of one State of this Union against invasion and violence from her sister States. Who, until the Harper's Ferry outrage, ever conceived that American citizens could be so forgetful of their duties to themselves, to their country, to the Constitution, as to plan an invasion of another State, with the view of inciting servile insurrection, murder, treason, and every other crime that disgraces humanity? While, therefore, no blame can justly be attached to our predecessors in failing to provide the legislation necessary to render this guarantee of the Constitution effectual; still, since the experience of last year, we cannot stand justified in omitting longer to perform this imperative duty.

The question then remaining is, what legislation is necessary and proper to render this guarantee of the Constitution effectual? I presume that there will be very little difference of opinion that it will be necessary to place the whole military power of the Government at the disposal of the President, under proper guards and restrictions against abuse, to repel and suppress invasion when the hostile force shall be actually in the field. But, sir, that is not sufficient. Such legislation would not be a full compliance with this guarantee of the Constitution. The framers of that instrument meant more when they gave the guarantee. Mark the difference in language between the provision for protecting the United States against invasion and that for protecting the States. When it provided for protecting the United States, it said Congress shall have power to "*repel* invasion."—When it came to make this guarantee to the States it changed the language and said the United States shall "*protect*" each of the States against invasion. In the one instance, the duty of the Government is to repel; in the other, the guarantee is that they will protect. In other words, the United States are not permitted to wait until the enemy shall be upon your borders; until the invading army shall have been organized and drilled and placed in march with a view to the invasion; but they must pass all laws necessary and proper to insure protection and domestic tranquility to each State and Territory of this Union against invasion or hostilities from other States and Territories.

Then, sir, I hold that it is not only necessary to use the military power when the actual case of invasion shall occur, but to authorize the judicial department of the Government to suppress all conspiracies and combinations in the several States with intent to invade a State, or molest or disturb its government, its peace, its citizens, its property, or its institutions.—You must punish the conspiracy, the combination with intent to do the act, and then you will suppress it in advance. There is no principle more familiar to the legal profession than that wherever it is proper to declare an act to be a crime, it is proper to punish a conspiracy or combination with intent to perpetrate the act. Look upon your statute-books, and I presume you will find an enactment to punish the counterfeiting of the coin of the United States; and then another section to punish a man for having counterfeit coin in his possession *with intent* to pass it; and another section to punish him for having the molds, or dies, or instruments for counterfeiting, *with intent* to use them. This is a familiar principle in legislative and judicial proceedings. If the act of invasion is criminal, the conspiracy to invade should also be made criminal. If it be unlawful and illegal to invade a State, and run off fugitive slaves, why not make it unlawful to form conspiracies and combinations in the several States with intent to do the act? We have been told that a notorious man who has recently suffered death for his crimes upon the gallows, boasted in Cleveland, Ohio, in a public lecture, a year ago, that he had then a body of men employed in running away horses from the slaveholders of Missouri, and pointed to a livery stable in Cleveland, which was full of the stolen horses at that time.

I think it is within our competency, and consequently our duty, to pass a law making every conspiracy or combination in any State or Territory of this Union to invade another with intent to steal or run away property of any kind, whether it be negroes, or horses, or property of any other description, into another State, a crime, and punish the conspirators by indictment in the United States courts and confinement in the prisons or penitentiaries of the State or Territory where the conspiracy may be formed and quelled. Sir, I would carry these provisions of law as far as our constitutional power will reach. I would make it a crime to form conspiracies with a view of invading States or Territories to control elections, whether they be under the garb of Emigrant Aid Societies of New England, or Blue Lodges of Missouri. (Applause in the galleries.) In other words, this provision of the Constitution means more than the mere repelling of an invasion when the invading army shall reach the border of a State. The language is, it shall protect the State against invasion; the meaning of which is, to use the language of the preamble to the Constitution, to insure to each State domestic tranquility against external violence. "There can be no peace, 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 the lives of the princes of France. I shall not argue the question of comity between foreign States. I predicate my argument upon the Constitution by which we are governed, and which we have sworn to obey, and demand that the Constitution be executed in good faith so as to punish and suppress every combination, every conspiracy, either to invade a State or to molest its inhabitants, or to disturb its property, or to subvert its institutions and its government. I believe this can be effectually done by authorizing the United States courts in the several States to take jurisdiction of the offence, and punish the violation of the law with appropraite punishments.

It cannot be said that the time has not yet arrived for such legislation. It cannot be said with truth that the Harper's Ferry case will not be repeated, or is not in danger of repetition. It is only necessary to inquire into the causes which produced the Harper's Ferry outrage, and ascertain whether those causes are yet in active operation, and then you can determine whether there is any ground for apprehension that that invasion will be repeated. Sir, what were the causes which produced the Harper's Ferry outrage? Without stopping to adduce evidence in detail, I have no hesitation in expressing my firm and deliberate conviction that the Harper's Ferry crime was the natural, logical, inevitable result of the doctrines and teachings of the Republican party, as explained and enforced in their platform, their partisan presses, their pamphlets and books, and especially in the speeches of their leaders in and out of Congress. (Applause in the galleries.)

Mr. MASON. I trust the order of the Senate will be preserved. I am sure it is only necessary to suggest to the Presiding Officer the indispensible necessity of preserving the order of the Senate; and I give notice that, if if it is disturbed again, I shall insist upon the galleries being cleared entirely.

Mr. DOUGLAS. Mr. President——

THE VICE PRESIDENT. The Senator will pause for a single moment. It is impossible for the chair to preserve order without the concurrence of the vast assembly in the galleries. He trusts that there will be no occasion to make a reference to this subject again.

Mr. TOOMBS. I hope that the Presiding Officer will place officers in the galleries, and put a stop to this thing. It is a very bad sign of the times. It is unbecoming this body, or the deliberations of any free people.

THE VICE PRESIDENT. The Presiding Officer has not the force at his command to place officers in the gallery.

Mr. DOUGLAS. If the Senate will pardon me for a digression an instant, I was about to suggest to the Presiding Officer that I thought it would be necessary to place officers in different parts of the gallery, with instructions that if they saw any person giving any signs of approbation or disapprobation calculated to disturb our proceedings, they should instantly put the guilty person out of the gallery.

THE VICE PRESIDENT. That has been done.

Mr. DOUGLAS. I was remarking that I considered this outrage at Harper's Ferry as a logical, natural consequence of the teachings and doctrines of the Republican party. I am not making this statement for the purpose of crimination or partizan effect. I desire to call the attention of members of that party to a reconsideration of the doctrines that they are in the habit of enforcing, with a view to a fair judgment whether they do not lead directly to those consequences, on the part of those deluded persons who think that all they say is meant, in real earnest, and ought to be carried out. The great principle that underlies the Republican party is violent, irreconcilable, eternal warfare upon the institution of American slavery, with the view of its ultimate extinction throughout the land; sectional war is to be waged until the cotton field of the South shall be cultivated by free labor, or the rye fields of New York and Massachusetts shall be cultivated by slave labor. In furtherance of this article of their creed, you find their political organization not only sectional in its location, but one whose vitality consists in appeals to northern passion, northern prejudice, northern ambition against southern States, southern institutions, and southern people. I have had some experience in fighting this element within the last few years, and I find that the source of their power consists in exciting the prejudices and the passions of the northern section against those of the southern section. They not only attempt to excite the North against the South, but they invite the South to assail and abuse and traduce the North. Southern abuse, by violent men, of northern statesmen and northern people, is essential to the triumph of the Republican cause. Hence the course of argument which we have to meet is not only repelling the appeals to northern passion and prejudice, but we have to encounter their appeals to southern men to assail us, in order that they may justify their assaults upon the plea of self-defence.

Sir, when I returned home in 1858, for the purpose of canvassing Illinois, with a view to a re-election, I had to meet this issue of the "irrepressible conflict." It is true that the Senator from New York had not then made his Rochester speech, and did not for four months afterwards. It is true that he had not given the doctrine that precise name and form; but the principle was in existence, and had been proclaimed by the ablest and most clear-headed men of the party. I will call your attention, sir, to a single passage from a speech, to show the language in which this doctrine was stated in Illinois before it received the name of the "irrepressible conflict." The Republican party assembled in State convention in June, 1858, in Illinois, and unanimously adopted Abraham Lincoln as their candidate for United States Senator. Mr. Lincoln appeared before the convention, accepted the nomination, and made a speech—which had been previously written and agreed to in caucus, by most of the leaders of the party. I will read a single extract from that speech:

"In my opinion, it [the slavery agitation] will not cease until a crisis shall have been reached and passed. 'A house divided against itself cannot stand.' I believe this Government cannot endure permanently, half slave and half free. I do not expect the house to fall, but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push forward till it shall become alike lawful in all the States—old as well as new, North as well as South."

Sir, the moment I landed upon the soil of Illinois, at a vast gathering of many thousands of my constituents to welcome me home, I read that passage, and took direct issue with the doctrine contained in it as being revolutionary and treasonable, and inconsistent with the perpetuity of this Republic. That is not merely the individual opinion of Mr. Lincoln; nor is it the individual opinion merely of the Senator from New York, who for four months afterwards asserted the same doctrine in different language; but, so far as I know, it is the general opinion of the members of the Abolition or Republican party. They tell the people of the North that unless they rally as one man, under a sectional banner, and make war upon the South with a view to the ultimate extinction of slavery, slavery will overrun the whole North and fasten itself upon all the free States. They then tell the South, unless you rally as one man, binding the whole southern people into a sectional party, and establish slavery over all the free States, the inevitable consequence will be that we shall abolish it in the slave-holding States. The same doctrine is held by the Senator from New York, in his Rochester speech. He tells us that the States must all become free, or all become slave; that the South, in other words, must conquer and subdue the North, or the North must triumph over the South, and drive slavery from within its limits.

Mr. President, in order to show that I have not misinterpreted the position of the Senator from New York, in notifying the South that, if they wish to maintain slavery within their limits, they must also fasten it upon the northern States, I will read an extract from his Rochester speech:

"It is an irrepressible conflict between opposing and enduring forces; and it means that the United States must and will, sooner or later, become either entirely a slaveholding nation, or entirely a free-labor nation. Either the cotton and rice fields of South Carolina, and the sugar plantations of Louisiana, will ultimately be tilled by free labor, and Charleston and New Orleans become marts for legitimate merchandise alone, or else the rye fields and wheat fields of Massachusetts and New York must again be surrendered by their farmers to slave culture and to the protection of slaves, and Boston and New York become once more markets for trade in the bodies and souls of men."

Thus, sir, you perceive that the theory of the Republican party is, that there is a conflict between two different systems of institutions in the respective classes of States—not a conflict in the same States, but an irrepressible conflict between the free States and the slave States; and they argue that these two systems of State cannot permanently exist in the same Union; that sectional warfare must continue to rage and increase with increasing fury until the free States shall surrender, or the slave States shall be subdued. Hence, while they appeal to the passions of our own section, their object is to alarm the people of the other section, and drive 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 doctrines proclaimed by the Republican party. The creed of that party is founded upon the theory that, because slavery is not desirable in our States, it is not desirable anywhere; because free labor is a good thing with us, it must be the best thing everywhere. In other words, the creed of their party rests upon the theory 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. That is the very issue upon which I conducted the canvass at home, and it is the question which I desire to present to the Senate. I repeat, that uniformity in domestic institutions of the different States is neither possible nor desirable.

Was such the doctrine of the framers of the Constitution? I wish the country to bear in mind that when the Constitution was adopted the Union consisted of thirteen States, twelve of which were slaveholding States, and one a free State. Suppose this doctrine of uniformity on the slavery question had prevailed in the Federal convention, do the gentlemen on that side of the House think that freedom would have triumphed over slavery? Do they imagine that the one free State would have outvoted the twelve slaveholding States, and thus have abolished slavery throughout the land by a constitutional provision? On the contrary, if the test had then been made, if this doctrine of uniformity on the slavery question had then been proclaimed and believed in, with the twelve slaveholding States against one free State, would it not have resulted in a constitutional provision fastening slavery irrevocably upon every inch of American soil, North as well as South? Was it quite fair in those days 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 to do as they pleased, until under the operation of that principle they secured the majority, and then wield that majority to abolish slavery in the other States of the Union?

Sir, if uniformity in respect to domestic institutions had been deemed desirable when the Constitution was adopted, there was another mode by which it could have been obtained. The natural mode of obtaining uniformity was to have blotted out the State governments, to have abolished the State Legislatures, to have conferred upon Congress legislative power over the municipal and domestic concerns of the people of all the States, as well as upon Federal questions affecting the whole Union; and if this doctrine of uniformity had been entertained and favored by the framers of the Constitution, such would have been the result. But, sir, the framers of that instrument knew at that day, as well as we now know, that in a country as broad as this, with so great a variety of climate, of soil, and of production, there must necessarily be a corresponding diversity of institutions and domestic regulations, adapted to the wants and necessities of each locality. The framers of the Constitution knew that the laws and institutions which were well adapted to the mountains and valleys of New England were ill-suited to the rice plantations and cotton fields of the Carolinas. They knew that our liberties depended upon reserving the right to the people of each State to make their own laws and establish their own institutions, and control them at pleasure, without interference from the Federal Government, or from any other State or Territory, or any foreign country. The Constitution, therefore, was based, and the Union was founded, on the principle of dissimilarity in the domestic institutions and internal polity of the several States. The Union was founded on the theory that each State had peculiar interests, requiring peculiar legislation, and peculiar institutions, different and distinct from every other State. The Union rests on the theory that no two States would be precisely alike in their domestic policy and institutions.

Hence, I assert that this doctrine of uniformity in the domestic institutions of the different States is repugnant to the Constitution, subversive of the principles upon which the Union was based, revolutionary in its character, and leading directly to despotism if it is ever established. Uniformity in local and domestic affairs in a country of great extent is despotism always. Show me centralism prescribing uniformity from the capital to all of its provinces in their local and domestic concerns; and I will show you a despotism as odious and as insufferable as that of Austria or of Naples. Dissimilarity is the principle upon which the Union rests. It is founded upon the idea that each State must necessarily require different regulations; that no two States have precisely the same interests, and hence do not need precisely the same laws; and you cannot account for this confederation of States upon any other principle.

Then, sir, what becomes of this doctrine that slavery must be established in all the States or prohibited in all the States? If we only conform to the principles upon which the Federal Union was formed, there can be no conflict. It is only necessary to recognize the right of the people of every State to have just such institutions as they please, without consulting your wishes, your views, or your prejudices, and there can be no conflict.

And, sir, inasmuch as the Constitution of the United States confers upon Congress the power coupled with the duty, of protecting each State against external aggression, and inasmuch as that includes the power of suppressing and punishing conspiracies in one State against the institutions, property, people, or government of every other State, I desire to carry out that power vigorously. Sir, give us such a law as the Constitution contemplates and authorizes, and I will show the Senator from New York that there is a constitutional mode of repressing the "irrepressible conflict." I will open the prison door to allow conspirators against the peace of the Republic and the domestic tranquility 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.

Can any man say to us that although this outrage has been perpetrated at Harper's Ferry, there is no danger of its recurrence? Sir, is not the Republican party still embodied, organized, confident of success, and defiant in its pretensions? Does it not now hold and proclaim the same creed that it did before this invasion? It is true that most of its representatives here disavow the *acts* of John Brown at Harper's Ferry. I am glad that they do so; I am rejoiced that they have gone thus far; but I must be permitted to say to them that it is not sufficient that they disavow the act, unless they also repudiate and denounce the doctrines and teachings which produced the act. Those doctrines remain the same; those teachings are being poured into the minds of men throughout the country by means of speeches and pamphlets and books, and through partizan presses. The causes that produced the Harper's Ferry invasion are now in active operation. It is true that the people of all the border States are required by the Constitution to have their hands tied, without the power of self-defence, and remain patient under a threatened invasion in the day or in the night? Can you expect people to be patient, when they dare not lie down to sleep at night without first stationing sentinels around their houses to see if a band of marauders and murderers are not approaching with torch and pistol? Sir, it requires more patience than freemen ever should cultivate, to submit to constant annoyance, irritation and apprehension. If we expect to preserve this Union, we must remedy, within the Union and in obedience to the Constitution, every evil for which disunion would furnish a remedy. If the Federal Government fails to act, either from choice or from an apprehension of the want of power, it cannot be expected that the States will be content to remain unprotected.

Then, sir, I see no hope of peace, of fraternity, of good feeling, between the different portions of the United States, except by bringing to bear the power of the Federal Government to the extent authorized by the Constitution—to protect the people of all the States against any external violence or aggression. I repeat, that if the theory of the Constitution shall be carried out by conceding the right of the people of every State to have just such institutions as they choose, there cannot be a conflict, much less an "irrepressible conflict," between the free and the slaveholding States.

Mr. President, the mode of preserving peace is plain. This system of sectional warfare must cease. The Constitution has given the power, and all we ask of Congress is to give the means, and we, by indictments and convictions in the Federal courts of our several States, will make such examples of the leaders of these conspiracies as will strike terror into the hearts of the others, and there will be an end of this crusade. Sir, you must check it by crushing out the conspiracy, the combination, and then there can be safety. Then we shall be able to restore that spirit of fraternity which inspired our revolutionary fathers upon every battle-field; which presided over the deliberations of the convention that framed the Constitution, and filled the hearts of the people who ratified it. Then we shall be able to demonstrate to you that there is no evil unredressed in the Union for which disunion would furnish a remedy. Then, sir, let us execute the Constitution in the spirit in which it was made. Let Congress pass all the laws necessary and proper to give full force and complete effect to every guarantee of the Constitution. Let them authorize the punishment of conspiracies and combinations in any State or Territory against the property, institutions, people or government of any other State or Territory, and there will be no excuse, no desire, for disunion. Then, sir, let us leave the people of every State perfectly free to form and regulate their domestic institutions in their own way. Let each of them retain slavery just as long as it pleases, and abolish it when it chooses. Let us act upon that good old golden principle which teaches all men to mind their own business and let their neighbors alone. Let this be done and this Union can endure forever as our fathers made it, composed of free and slave States, just as the people of each State may determine for themselves.

Mr. FESSENDEN having replied at some length to Mr. DOUGLAS, he made the following rejoinder:

Mr. DOUGLAS. Mr. President, I shall not follow the Senator from Maine through his entire speech, but simply notice such points as demand of me some reply. He does not know why I introduced my resolution; he cannot conceive any good motive for it; he thinks there must be some other motive besides the one that has been avowed. There are some men, I know, who cannot conceive that a man can be governed by a patriotic or proper motive; but it is not among that class of men that I look for those who are governed by motives of propriety. I have no impeachment to make of his motives. I brought in this resolution because I thought the time had arrived when we should have a measure of practical legislation. I had seen expressions of opinion against the power from authorities so high that I felt it my duty to bring it to the attention of the Senate. I had heard that the Senator from Virginia had intimated some doubt on the question of power, as well as of policy. Other Senators discussed the question here for weeks when I was confined to my sick bed. Was there anything unreasonable in my coming before the Senate at this time, expressing my own opinion and confining myself to the practical legislation indicated in the resolution? Nor, sir, have I in my remarks gone outside of the legitimate argument pertaining to the necessity for this legislation. I first showed that there had been a great outrage; I showed what I believed to be the causes that had produced the outrage, and that the causes which produced it were still in operation; and argued that, so long as the party to which the gentlemen belong remains embodied in full force, those causes will still threaten the country. That was all.

The Senator from Maine thinks he will vote for the bill that will be proposed to carry out the objects referred to in my resolution. Sir, whenever that Senator and his associates on the other side of the chamber will record their votes for a bill of the character described in my resolution and speech, I shall congratulate the country upon the progress they are making towards sound principles. Whenever he and his associates will make it a felony for two or more men to conspire to run off fugitive slaves, and punish the conspirators by confinement in the penitentiary, I shall consider that wonderful changes have taken place in this country. I tell the Senator that it is the general tone of sentiment in all those sections of the country where the Republican party predominate, so far as I know, not only not to deem it a crime to rescue a fugitive slave, but to raise mobs to aid in the rescue. He talks about slandering the Republican party when we intimate that they are making a warfare upon the rights guaranteed by the Constitution. Sir, where, in the towns and cities with Republican majorities, can you execute the fugitive slave law? Is it in the town where the Senator from New York resides? Do you not remember the Jerrey rescuers? Is it at Oberlin, where the mob was raised that made the rescue last year and produced the riot?

Mr. FESSENDEN. I stated, and I believe it was all I said on that matter, that I was disposed to agree with the Senator in his views as to the question of power; and that, with my views, I should go very far—far enough to accomplish the purpose—to prevent the forming of conspiracies in one State to attack another. I did not understand the Senator to say anything about conspiracies to run away with slaves; nor did I understand him to say anything about the fugitive slave law. How I should act in reference to that matter I do not know; I will meet it when it comes; but I ask the Senator whether that was a part of his first speech, or whether it is a part of his reply?

Mr. DOUGLAS. The Senator will find it several times repeated in my first speech, and the question asked; Why not make it a crime to form conspiracies and combinations to run off fugitive slaves, as well as to run off horses, or any other property? I am talking about conspiracies which are so common in all our northern States, to invade and enter, through their agents, the slave States, and seduce away slaves and run them off by the underground railroad, in order to send them to Canada.—It is these conspiracies to perpetrate crime with impunity, that keep up the irritation.—John Brown could boast, in a public lecture in Cleveland, that he and his band had been engaged all the winter in stealing horses and running them off, from the slaveholders in Missouri, and that the livery stables were then filled with stolen horses, and yet the conspiracy to do it could not be punished.

Sir, I desire a law that will make it a crime, punishable by imprisonment in the penitentiary, after conviction in the United States court, to make a conspiracy in one State, against the people, property, government, or institutions, of another. Then we shall get at the root of the evil. I have no doubt that gentlemen on the other side will vote for a law which pretends to comply with the guarantees of the Constitution, without carrying any force or efficiency in its provisions. I have heard men abuse the fugitive slave law, and express their willingness to vote for amendments; but when you came to the amendments which they desired to adopt, you found they were such as would never return a fugitive to his master. They would go for any fugitive slave law that had a hole in it big enough to let the negro drop through and escape; but none that would comply with the obligations of the Constitution. So we shall find that side of the Chamber voting for a law that will, in terms, disapprove of unlawful expeditions against neighboring States, without being efficient in affording protection.

But the Senator says it is a part of the policy of the northern Democracy to represent the Republicans as being hostile to southern institutions. Sir, it is a part of the policy of the northern Democracy, as well as their duty, to speak the truth on that subject. I did not suppose that any man would have the audacity to arraign a brother Senator here for representing the Republican party as dealing in denunciation and insult of the institutions of the South. Look to your Philadelphia Platform, where you assert the sovereign power of Congress over the Territories for their government, and demand that it shall be exerted against those twin relics of barbarism, polygamy and slavery.

Mr. FESSENDEN. Let me suggest to the Senator that he is entirely changing the issue between him and me. I did not desire to say, and I did not say, that the Republicans of the North were not unfriendly to the institution of slavery. I admitted myself that I was; I trust they all are. It is not in that respect that I accuse the Democracy of the North of misrepresenting the position of the Republican party. It was in representing that they desired to interfere with the institution in the southern States. That is the ground—that they were opposed to southern rights. That they do not think well of slavery as it exists in this country, I do not undertake to deny. I do not know that southern gentlemen expect us to be friendly to it. I apprehend that they would not think very well of us if we pretended to be friendly to it. If we were friendly to the institution, we should try to adopt, we certainly should not oppose it; but what I charged upon the northern Democracy was, that they misrepresented our position.—That we were opposed to the extension of slavery over free territory, that we called it a relic of barbarism, I admit; but I deny that the Republican party, or the Republicans generally, have ever exhibited a desire or made a movement towards interfering with the right of southern men, the States, or any constitutional rights that they have anywhere. That is the charge I made.

Mr. DOUGLAS. Mr. President, for what purpose does the Republican party appeal to northern passions and northern prejudices against southern institutions and the southern people, unless it is to operate upon those institutions? They represent southern institutions as no better than polygamy; the slaveholder as no better than the polygamist; and complain that we should intimate that they did not like to associate with the slaveholder any better than with the polygamist. I can see a monstrous lowering of the flag in the Senator's speech and explanation. I would respect the concession, if the fact was acknowledged. This thing of shrinking from position that every northern man knows to be true, and arraigning men for slander for telling the truth to them—

Mr. FESSENDEN. I know it not to be true.

Mr. DOUGLAS. You may know it down in Maine, but you do not know it in Illinois. I have always noted that those men who were so far off from the slave States that they did not know anything about them, are most anxious for the fate of the poor slave. Those men who are so far off that they do not know what a negro is, are distressed to death about the condition of the poor negro. (Laughter.)—But, sir, go into the border States, where we associate across the line, where the civilities of society are constantly interchanged; where we trade with each other, and have social and commercial intercourse, and there you will find them standing by each other like a band of brothers. Take southern Illinois, southern Indiana, southern Ohio, and that part of Pennsylvania bordering on Maryland, and there you will find social intercourse; commercial intercourse; good feeling; because those people know the condition of the slave on the opposite side of the line; but just in proportion as you recede from the slave States, just in proportion as the people are ignorant of the facts, just in that proportion party leaders can impose on their sympathies and honest prejudices.

Sir, I know it is the habit of the Republican party, as a party, wherever I have met them, to make the warfare in such a way as to try to rally the whole North on sectional grounds against the South. I know that this is to be the issue, and it is proven by the speech of the Senator from New York, which I quoted before, and that of Mr. Lincoln, so far as they are authority. I happen to have those speeches before me. The Senator from Maine has said that neither of these speeches justified the conclusion that they asserted, that the free States and the slave States cannot coexist permanently in the same Republic. Let us see whether they do or not. Mr. Lincoln says:

"A house divided against itself cannot stand. I believe this Government cannot endure permanently, half slave and half free."

Then he goes on to say they must all be one thing or all the other, or else the Union cannot endure. What is the meaning of that language, unless it is that the Union cannot permanently exist, half slave and half free—that it must all become one thing or all become the other? That is the declaration.—The declaration is that the North must combine as a sectional party, and carry on the agitation so fiercely, up to the very borders of the slaveholding States, that the master dare not sleep at night for fear that the robbers, the John Browns, will come and set his house on fire, and murder the women and children, before morning. It is to surround the slaveholding States by a cordon of free States, to use the language of the Senator; to hem them in, in order that you may smother them out. The Senator avowed, in his speech to-day, their object to be to hem in the slave States, in order that slavery may die out. How die out? Confine it to its present limits; let the ratio of increase go on by the laws of nature; and just in proportion as the lands in the slaveholding States wear out, the negroes increase, and you will soon reach that point where the soil will not produce enough to feed the slaves; then hem them in, and let them starve out—let them die out by starvation.—That is the policy—hem them in, and starve them out. Do as the French did in Algeria, when the Arabs took to the caverns—smoke them out, by making fires at the mouths of the caverns, and keep them burning until they die. The policy is, to keep up this agitation along the line; make slave property insecure in the border States; keep the master constantly in apprehension of assault, till he will consent to abandon his native country, leaving his slaves behind him, or to remove them further South. If you can force Kentucky thus to abolish slavery, you make Tennessee the border State, and begin the same operation upon her.

But, sir, let us see whether the Senator from New York did not proclaim the doctrine that free States and slave States cannot permanently exist in the same Republic. He said;

"It is an irrepressible conflict between opposing and enduring forces; and it means that the United States must and will, sooner or later, become either entirely a slaveholding nation, or entirely a free-labor nation."

The opposing conflict is between the States; the Union cannot remain as it now is, part free and part slave. The conflict between free States and slave States must go on until there is not a slave State left, or until they are all slave States. That is the declaration of the Senator from New York. The Senator from Maine tried to make the Senate believe that I had misrepresented the Senator from New York and Mr. Lincoln, of Illinois, in stating that they referred to a conflict between States. He said that all they meant was that it was a conflict between free labor and slave labor in the same State. Now, sir, let me submit to that man's candor whether he will insist on that position. They both say the contest will go on until the States become all free or all slave. Then, when is the contest going to end? When they become all slave? Will there not be the same conflict between free labor and slave labor, after every State has become a slave State, that there is now? If that was the meaning, would the conflict between slave labor and free labor cease even when every State had become slaveholding? Have not all the slaveholding States a large number of free laborers within her limits; and if there is an irrepressible conflict between free labor and slave labor, will you remove that conflict by making the States all slave? Yet, the Senator from New York says they must become all slave or all free before the conflict ceases. Sir, that shows that the Senator from New York meant what I represented him as meaning. It shows that a man who knows the meaning of words, and has the heart to express them as they read, cannot fail to know that that was the meaning of those Senators. The boldness with which a charge of misrepresentation may be made in this body will not give character to it when it is contradicted by the facts. I dislike to have to repel these charges of unfairness and misrepresentation; yet the Senator began with a series of innuendos, with a series of complaints of misrepresentations, showing that he was afraid to meet the real issues of his party, and would make up for that by personal assaults and innuendos against the opposite party.

He goes back to a speech of mine in opposition to the Locompton constitution, in which I said that if you would send that constitution back and let the people of Kansas vote for or against it, if they voted for a free State or a slave State I would go for it without caring whether they voted slavery up or down. He thinks it is a great charge against me that I do not care whether the people vote it up or vote it down.

Mr. FESSENDEN. The Senator is mistaken as to the speech to which I referred. It was one of his speeches made on his southern tour, that I referred to.

Mr. DOUGLAS. The idea is taken from a speech in the Senate—the first speech I made against the Lecompton constitution. It was quoted all over Illinois by Mr. Lincoln in the canvass, and I repeated the sentiment each time it was quoted against me, and repeated it in the South as well as the North. I say this: if the people of Kansas want a slave State, it is their business and not mine; if they want a free State, they have a right to have it; and hence, I do not care, so far as regards my action, whether they make it a free State or not; it is none of my business. But the Senator says he does care, he has a preference between freedom and slavery.—How long would this preference last if he was a sugar planter in Louisiana, residing on his estate, instead of living in Maine? Sir, I hold the doctrine that a wise statesman will adapt his laws to the wants, conditions, and interests of the people to be governed by them. Slavery may be very essential in one climate and totally useless in another. If I were a citizen of Louisiana I would vote for retaining and maintaining slavery, because I believe the good of that people would require it. As a citizen of Illinois I am utterly opposed to it, because our interests would not be promoted by it. I should like to see the Abolitionist who would go and live in a southern country that would not get over his scruples very soon and have a plantation as quickly as he could get the money to buy it.

I have said and repeat that this question of slavery is one of climate, of political economy, of self-interest, not a question of legislation. Wherever the climate, the soil, the health of the country is such that it cannot be cultivated by white labor, you will have African labor, and compulsory labor at that. Wherever white labor can be employed cheapest and most profitably, there African labor will retire and white labor will take its place.

You cannot force slavery by all the acts of Congress you may take on one inch of territory against the will of the people, and you cannot by any law you can make keep it out from one inch of American territory where

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