

THE BRADFORD REPORTER.

PUBLISHED EVERY SATURDAY AT TOWANDA, BRADFORD COUNTY, PA., BY E. O'MEARA GOODRICH.

TOWANDA:

Saturday Morning, August 21, 1852.

RE BUTLER TO SENATOR CHASE,

in reply to his letter, dated July 15th 1852, regarding the propriety of nominating a third candidate for the Presidency.

New York, July 31, 1852.

Dear Sir: I have read, with care the public letter addressed to me by you, in the columns of the New York Herald, of the 20th inst. It reached me some days ago, and I have been engaged in preparing for an important case, the argument of which was commenced on the 21st and only concluded yesterday.

I learn from this communication that you find it impossible, without doing violence to your convictions of right and duty, to support the candidates for President and Vice-President of the United States, named by the Democratic Convention held at Baltimore. You think the slavery resolutions, incorporated in the platform of that Convention, were a stain upon the platform of the Convention, and that you were a member and you think, also, that Gen. Pierce and Mr. King, the present Democratic candidates, are unworthy to be supported by the Convention which nominated them.

I have already stated in my former party connection, rather than in any new one—in the old Democratic party, as organized before 1848, rather than in the free-democracy formed in that year. You must also, in fairness, concede that if a resolution was ever to be made, it could only be by some concession on each side.

Neither section of a party so nearly equally divided could be expected to accept, without some modification, the former doctrine of the other.

In the same spirit, in the concluding part of your letter, you distinctly avow your own readiness to remain in the National Democratic organization—in which, as a part of the Ohio delegation, you were represented—provided the candidates and platform of the Convention had met your approval. "Had a liberal and tolerant spirit," these are your words, prevailed in the Baltimore Convention; had no new tests, incompatible with democratic principles, been imposed; had the nomination, progress, liberty and economy embodied in the original platform, no division need have occurred. The Convention, which organized a compromise democracy upon new tests, created "the necessity for a radical and independent democracy."

The division to which, in this passage, you refer, is not the division produced by the Convention of 1848, but a new division produced by the Convention of 1852. The necessity for a radical and independent democracy, to which you allude, is, in my opinion, a necessity growing out of the action of the Convention of 1852. It is, therefore, not for the reassembling of the free-democracy of 1848, but for a new organization in 1852, of a new free-democracy, that you call. You inform us that you think it demanded by the action of the late Convention; and no one that knows you will doubt the sincerity of this statement. But from the very nature and necessity of the case, each of your late associates must be permitted to decide for himself whether the organization of a new party be necessary.

Even were it certain that the "independent action," in which you propose to engage, could be limited to the very objects and measures set forth in the Buffalo platform, I should, therefore, for the several reasons above stated, feel myself constrained to decline any participation therein.

But it is certain that it will not be so limited. Several new questions connected with the subject of slavery—all these, for example, growing out of the enactment of the several compromise acts of 1850—have arisen since 1848. No one of these questions was or could be then foreseen, in the precise form in which it is now before us—most of them are absolutely new.

Some of these questions are, no doubt, embraced within the principles of the Buffalo platform; but before I can be required to unite with you or others in taking ground upon any new question, not anticipated at Buffalo, I must be permitted to examine into its character and merits, and to decide for myself as to the course I should pursue.

This is due to every member of the convention of August, 1848. It is especially due to the Free-Soil Democracy of New York: for, however it may have been as to others, the Buffalo Convention, instead of being a starting point, or a resting place, was, with most of them, the place of termination in this particular path of public duty.

Now, on one at least of the new questions referred to—and, as it happens, the only one likely soon to become the subject of animated controversy—the Fugitive Slave law of 1850—my opinions are entirely different from yours; and, if I may judge from the public prints, from those of all others, who are likely to take part in the proposed convention. You deny the power of Congress to legislate on the subject, and therefore hold the law of 1850, and that also of 1793, to be unconstitutional and void. For this reason, and also because of its objectionable features, you are prepared to urge, and I correctly understand your views, that you duty to urge, not merely the amendment of these laws, but their unconditional repeal.

Whatever I might have thought as to the constitutional power of Congress to legislate in this behalf, had the point arisen for the first in 1850, I consider the power too firmly established, by the acquiescence of the whole nation in the act of 1793, and by the decisions of the judicial tribunals, to be now drawn in question. Write, therefore, regarded, with astonishment and regret, the exact

which you are about to engage. To set forth these reasons; to reprobate with Free-soil democrats (and especially with those belonging to this state,) who have decided to support Pierce and King, and to induce, if you can, democrats who acted with you in 1848 to act with you now—these I take to be the main objects of your letter. You have addressed it to me, not because I had publicly taken ground in favor of the Baltimore nominees—for this, hitherto, I have not done—but, as stated by yourself, "because we were co-laborers in the preparation of the platform promulgated by the Buffalo Convention, and afterwards connected in our relations to the convention and its nominees; and because, also, we both professed the same democratic faith, and desire the success of the same democratic measures." However I may regret the necessity under which your letter has laid me, of coming before the public with a lengthened reply, I cheerfully admit, that in the circumstances you have mentioned, you had good warrant, if you had thought proper to use it, for giving to your address to the public the form of an address to me.

So far as your letter is designed to explain and to vindicate your rejection of the slavery resolutions of the Baltimore Convention, it expresses substantially, my own convictions, and receives my entire concurrence.

The main purpose for which that Convention had been assembled, was to nominate candidates for the re-united national democracy—for a party which, though numbering in its ranks a large majority of the electors of the United States, had, in consequence of dissensions and divisions, originating in the necessity of legislating for the territory of Oregon and for territories expected to be acquired, from Mexico, and turning on the question of slavery in those territories, lost its ascendancy in the Union, as well as in several of the United States.

In the meantime, the question of slavery in the territories had been practically settled by a series of legislative acts, some of them, in their nature, irrevocable, and others of them "obnoxious alike—though for reasons diametrically opposite—to Free-soil democrats in the north and to many democrats in the south. In this state of things, what was the dictate of prudence, as well as of comity and justice? Obviously, that while the convention reaffirmed the leading and distinguishing principles of the national democracy, in which all its members agreed; and while it declared the known views of its constituents, upon questions of political policy, in respect to which the democracy, as a party differed from their opponents, it should either carefully abstain from topics connected with the divisions of 1848 or, if allusion was made to them at all, that it should be in the terms so broad and tolerant as to enable democrats of the South and of the North, the East and the West, whatever might be their particular opinions on the topics referred to—however diverse—however extreme—to sustain them with freedom, with a just self-respect, and with a fraternal regard, to the equal rights of others.

Wise and disinterested democrats, in every quarter of the Union, thus desired and expected the Convention to act. It was only in this way that the wounds of 1848 could be effectually healed; it was only in this way, that the lessons taught by the conflicts and reverses of that year could be turned to good account. For the first and most important of them was, that democrats, in every section of the country, should be permitted, with entire freedom, to hold, and in all constitutional ways, to express their particular opinions on any question of the public policy within the power of the federal government, without being placed under the ban of political excommunication. So much, at least, was tacitly implied in that reunion of the party which secured its unbroken representation at Baltimore.

Instead of pursuing this course, the Convention—under what circumstances I cannot stop to inquire—passed the three slavery resolutions recited in your letter. I agree with you in thinking them irreconcilable with the Buffalo platform. I was associated with you in the preparation of that document. As chairman of the committee, I reported it to the Convention; and to it, in what I believe to be its true sense and spirit, I yet hold, entirely and without reserve. I, therefore, concur with you, in your rejection, on this ground, of the resolutions in question.

But I have other and higher reasons for rejecting these resolutions, than their repugnance to the Buffalo platform.

Not to dwell on the bad logic or worse morality of affirming, as does the second of series, that the preceding resolution, originally adopted in 1840 "covers and was intended to embrace" not only such slavery agitation as existed in 1840, but also the whole subject as it now exists, in such manner as to apply it to questions which have only arisen since the date of the war with Mexico—these three resolutions as they now stand, must be understood to cover and as intended to embrace every kind of discussion—whether in or out of Congress—however constitutional in its form and object, and however moderate in its terms, upon any topic connected with slavery. And this intention is not only to apply to any such discussion in respect to slavery in the slave states, where the Federal Government has no power to touch it, but also in respect to slavery in the district of Columbia, or other places under the exclusive control of that Government.

This attempt to stifle free public discussion, seems to me a most daring and dangerous violation of the Constitution, and of the first principles of civil liberty.

By the first amendment to the Constitution of the United States, Congress can "make no law abridging the freedom of speech or of the press;" yet here we, in the case before us, a political convention doing, or attempting to do, this very thing; and this assault on freedom of thought and utterance is rendered doubly dangerous by the fact, that it has been substantially reconded and followed up by the Whig Convention.

The two Conventions representing constituencies

wide a part as the poles, on most questions of principle and policy, desisting, each, the first great duty of political parties—that of watching each other and taking care that the republic receive no detriment—set themselves to the task of subverting a right, secured, indeed, by the Constitution, but not acquired through it, nor from any other human charter—one of those original and natural rights, for the preservation of which government is instituted, and which is itself declared by Jefferson and Madison, in the very documents referred to, by the Democratic Convention, as one of the sources of its political creed, "the only effectual guardian of every other right."

The topic eminently deserves a full and fearless discussion; but I cannot, in this place, perform this sufficient reason for abandoning these views or changing the resolve to which they led.

You think there is a marked inconsistency in professing to hold to the Buffalo platform, and yet supporting Pierce and King; and you have stated, at length, the grounds of your opinion.

From its very nature the case is one of judgment—of conscience. It is a question, not of fact, or science, but of prudence and morality, which relies itself to the private judgment of two individuals—and to which each of them desires to give a frank and honest answer.

Each is bound fairly to consider the argument of the other; but as the decision of each must be upon his own responsibility, such, as an honest man, is bound to abide by his own matured convictions.

I have already stated by what considerations and motives I was led to give a different answer to the question before us. I have also stated that, I have found in your letter, after careful consideration no sufficient cause for reversing my decision. I can not give up my convictions, merely because they differ from yours; you would deprive me were I capable of such an act.

With entire propriety might I here close this reply. For though your letter is in some sense, an appeal to the public, on the point of difference between us, it is an appeal to a tribunal which can only pass its opinion on the comparative strength of our respective positions, and upon our probable sincerity; but which can make no decision, forcing the conscience of either of us. It may, however, be more satisfactory, not only to yourself, but to the public, that I should state my views upon the material points of your argument; and this I will now do.

The point of difference between us relates to the nature and extent of the action contemplated, and of the pledges given by the Buffalo platform.

We agree in fidelity, professed and actual, to these pledges; we agree in rejecting the slavery resolutions of the late Democratic Convention; but we differ as to the question, whether democrats like ourselves, who cordially united in the Buffalo platform, and who yet faithfully hold to it, are, by its true sense and spirit, forbidden to vote for, and to support, independent action, to oppose the Democratic Nominees? In support of your view of the case, you dwell upon the Buffalo platform; the character of the convention by which it was adopted; the earnestness and enthusiasm with which the assembled thousands pledged themselves to abide by and maintain it; and you especially rely on the concluding resolution of the platform, in the following words: "Resolved, that we inscribe on our banner Free Soil, Free Speech, Free Labor, and Free Men, and under it will fight on and fight ever, until a triumphant victory shall reward our exertions."

To give additional point to your argument, you quote the language of distinguished New York democrats, (some of whom did not attend the Buffalo Convention,) who, in words of their own, expressed the like determination to do battle with the Slave Power, for the principles and objects named in this resolution. Extracts of this sort, and comments on them, and on the recent course of some of these parties, occupy a considerable portion of your letter; but as you have expressly disclaimed any intention to impugn the motives of others, I am spared the necessity of volunteering any remark upon these quotations or comments—the more especially as they have no legitimate bearing upon the question now at issue between you and myself.

I have no desire to explain away or qualify any of the pledges of the Buffalo platform. They bind us to opposition, perpetual and uncompromising, to the encroachments of the slave power, and to opposing efforts for "free-soil, free-speech, free-labor, and free men." But through what particular organization this perpetual opposition and these opposing efforts were to be made, is not determined by the platform. It was left by the convention to the discretion of its members, to decide for themselves, and according to their respective circumstances and relations, when, where, and how they were to render these services to the cause of freedom.

It was from the necessity of the case that this large discretion was left to each individual. For the Convention did not represent, nor attempt to represent, any particular constituency. It had no constituency, it was emphatically a mass convention. It had no permanent organization; no power of self-perpetuation. All its officers and committees, all its arrangements and proceedings, in its organized capacity, were limited to the time and place, when and where it was assembled. The earnest and warm-hearted men, who composed it, had been drawn together by the sympathies and feelings appropriate to an emergency which demanded instant and vigorous action, to be performed by their collective capacity, so long as they should be together—in their individual capacities, or in other connections, so soon as they should be separated.

What these other connections should be, the Convention, when it separated, could not, in respect to any of its members, certainly know; but it was authorized to expect, from the assurances given by the free-soil democrats of New York, who took part in its proceedings, that they would be enabled

through their state organization, then in existence, to secure to the Buffalo nominees the support of the radical democracy.

These assurances were, as you admit, honorably redeemed.

I do not perceive, in your letter, any cause of the free democracy of New York for their willingness to reunite with their former associates. If the reunion could have been effected on terms proper and honorable, you would not have objected to it. The appropriation with which you speak of the compromise effected in Wisconsin and Vermont, and of the partial union effected in Ohio and in Massachusetts, show that to union, in itself, objected it were obtained on just terms, you had no objections. This sentiment was very decisively manifested in your own action, in November, 1851, when you publicly declared your approbation of the platform adopted by the regular Democratic Convention of the state of Ohio—that by which Governor Wood was renominated for re-election—and your adhesion, on the principles of that platform, to the democracy of Ohio. I take no exception whatever to this action on your part; on the contrary, I thought it, at the time, wise and patriotic. I submit, that it necessarily concedes the two points above stated—the right of every person who took part in the proceedings at Buffalo to decide for himself how, and in what political connection, his efforts in behalf of the principles there proclaimed were to be made; and the expediency, in the case of every democrat concerned therein, of his making such efforts—supposing the opportunity to be fairly presented—in his former party connection, rather than in any new one—in the old Democratic party, as organized before 1848, rather than in the free-democracy formed in that year.

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Whatever I might have thought as to the constitutional power of Congress to legislate in this behalf, had the point arisen for the first in 1850, I consider the power too firmly established, by the acquiescence of the whole nation in the act of 1793, and by the decisions of the judicial tribunals, to be now drawn in question. Write, therefore, regarded, with astonishment and regret, the exact

ment, by the American Congress, in the middle of the 19th century, of a new Fugitive Slave law, more stringent and rigorous in its provisions, than the act framed in the preceding century, when slavery existed in three-fourths of the states—law operating retrospectively and without limitation of time, so as to embrace persons who, though originally slaves, had been, for years, domiciled in the free states, and which were bound by domestic and social relations, into which the progress of the master, in the assertion of his rights, had perhaps enabled them to enter—a law, therefore, efficient in appropriate safeguards for the protection of free men of color, of whom, at the date of its enactment, there were over 400,000 in the free states—a law, reprobated in its very nature, by the feelings of northern men—even of those most conscious of the duty of fulfilling the constitutional provision it was designed to maintain—and the necessity, which should have been framed out of a new law, were necessary with certain regard to the sentiments and institutions of the free states, and with respect to the rights of a large but distinct class of free men—a law which, in the attributes of wise and considerate legislation, is almost to justify the belief that it must have been designedly made so for the very purpose of exciting opposition at the north, and thus giving to abolitionists in the south new cause of complaint and agitation—while, therefore, I have regard to this law, ever since its passage, and still regard it, as a blot on the legislation of my country, I have never yet doubted its constitutionality.

I should be most happy to see this law so amended, as to make it consistent with the rules of justice and the claims of humanity; and I am ready to unite in any wise and honest effort to obtain such amendment. But I cannot consent to take part in a political organization, founded in hostility to the continuance of the laws themselves, even though amended, on the statute-book. The reasons for this opinion cannot be stated here; but they seem to me to be perfectly consistent with all the pledges made at Buffalo.

When, therefore, in addition to the considerations before mentioned, it is further manifest that the proposed action is likely to embrace, if not designedly, objects and measures not named in the Buffalo platform—objects and measures which my convictions will not permit me to promote—the reasons against my becoming a party in it, are, as I trust you will have the candor to acknowledge, absolutely insuperable.

It is intimated by you, that many democrats who took part in the Free-soil movement of 1848, are ready to take part in the like movement now. Your own sense of knowledge are much better than mine; but I confess I have seen no evidence of such disposition, in any part of the country—there is no such disposition, to my knowledge, among the democrats of New York. In this respect, the whole condition of things is totally different from that which existed in 1848; and unless the Democrats wish to disregard the most obvious rules of political prudence—and such, I think, cannot be, in true interpretation—there would seem to be no good reason for, but at least one very good reason against, the movement you propose; viz: that it can do no possible good, and may do much harm, to the interests you desire to promote.

Your personal objections to Gen. Pierce and Mr. King seem to me wholly insufficient to justify opposition to them as candidates. You admit that you have no word to utter in disparagement of the just claims of either to respect and honor for their private virtues and public services. The objections are, that each of these gentlemen is an extreme supporter of slavery; that each has treated Free-soil democrats with intolerance, and denounced them in terms of harshness and severity; and that, in their letters of acceptance, they declared their decided approval of the Baltimore platform. While I regard the things as no recommendation of the candidates, I cannot, without incurring myself the guilt of intolerance, magnify them into a ground of disqualification. They have, but exercised, in the way which they doubtless have thought right, that freedom of thought, of utterance, and of action, which, as it seems to me, of those who prepared the Buffalo platform should be the last to deny or disregard.

You inquire, at the close of your letter, what New York democrats, who support the "compromise ticket," while in words rejecting the compromise platform, except to gain freedom for free-soil democracy, by supporting this ticket? Is it you ask, that free-soil democrats will share in the patronage, or influence the action, of the administration? For one I answer, No! not at all. And whatever any might have thought, had I given to the ticket a silent support, yet after the publication of this letter, I shall hope to be acquitted of entertaining any such expectation.

You suggest, that General Pierce, in the event of his election, will feel himself specially engaged to guard the slave interest so far as relates to "the [SEE NEXT PAGE]

The meetings for appointing delegates to the proposed Fugitive Convention, whose proceedings have fallen under my eye, generally consist in treating the immediate and total repeal of the act of 1850, as one of the main objects of the Convention. At one of these meetings, stated by the newspapers, to have been held in the Third Congressional District of this state, in the early part of this month, it would seem that several persons, of whom I was named as one, were recommended to represent the state at-large in the proposed Convention. A few names of the meeting, except from the newspapers; no notice has ever been given to me, by any of its officers, of the alleged recommendation, which was made without my consent, knowledge or approbation.

That part of the 10th section which provides, that a record made up in one state, to prove that a man, then actually domiciled in another state, and who had no notice of the proceeding, owes service or labor to the party who procures the record to be so made up; shall be conclusive evidence thereof, null and void, because contrary to the first principles of civilized jurisprudence, but it is not, properly speaking, unconstitutional. It, however, illustrates the character of the law,

which you are about to engage. To set forth these reasons; to reprobate with Free-soil democrats (and especially with those belonging to this state,) who have decided to support Pierce and King, and to induce, if you can, democrats who acted with you in 1848 to act with you now—these I take to be the main objects of your letter. You have addressed it to me, not because I had publicly taken ground in favor of the Baltimore nominees—for this, hitherto, I have not done—but, as stated by yourself, "because we were co-laborers in the preparation of the platform promulgated by the Buffalo Convention, and afterwards connected in our relations to the convention and its nominees; and because, also, we both professed the same democratic faith, and desire the success of the same democratic measures." However I may regret the necessity under which your letter has laid me, of coming before the public with a lengthened reply, I cheerfully admit, that in the circumstances you have mentioned, you had good warrant, if you had thought proper to use it, for giving to your address to the public the form of an address to me.

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Each is bound fairly to consider the argument of the other; but as the decision of each must be upon his own responsibility, such, as an honest man, is bound to abide by his own matured convictions.

I have already stated by what considerations and motives I was led to give a different answer to the question before us. I have also stated that, I have found in your letter, after careful consideration no sufficient cause for reversing my decision. I can not give up my convictions, merely because they differ from yours; you would deprive me were I capable of such an act.

With entire propriety might I here close this reply. For though your letter is in some sense, an appeal to the public, on the point of difference between us, it is an appeal to a tribunal which can only pass its opinion on the comparative strength of our respective positions, and upon our probable sincerity; but which can make no decision, forcing the conscience of either of us. It may, however, be more satisfactory, not only to yourself, but to the public, that I should state my views upon the material points of your argument; and this I will now do.

The point of difference between us relates to the nature and extent of the action contemplated, and of the pledges given by the Buffalo platform.