

President's Message.

Fellow Citizens of the Senate and House of Representatives:

Throughout the year since our last meeting, the country has been eminently prosperous in all its material interests.

Why is it, then, that discontent now so extensively prevails, and the Union of the States, which is the source of all these blessings, is threatened with destruction?

All or any of these evils might have been ended by the South without danger to the Union (as others have been), in the hope that time and reflection might apply the remedy.

In like manner it can only be exercised by the people of a Territory represented in a convention of delegates for the purpose of preparing a constitution preparatory to admission as a State into the Union.

But let us take warning in time, and remove the cause of danger. It cannot be denied that, for five and twenty years, the agitation at the North against Slavery in the South has been incessant.

They, and they alone, can do it. All that is necessary to accomplish the object, and all for which the Slave States have ever contended, is to be let alone, and permitted to manage their domestic institutions in their own way.

And this brings me to observe that the election of any one of our fellow-citizens to the office of President does not of itself afford just cause for dissolving the Union.

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His private is not to make, but to execute the laws; and it is a remarkable fact in our history, that notwithstanding the repeated efforts of the Anti-Slavery party, no single act has ever passed Congress, unless we may possibly except the Missouri Compromise, impairing, in the slightest degree, the rights of the South to their property in slaves. And it

may also be observed, judging from the present indications, that no probability exists of the passage of such an act, by a majority of both Houses, either in the present or the next Congress.

It is alleged as one cause for immediate secession that the Southern States are denied equal rights with the other States in the common Territories. But by what authority are they denied? Not by Congress, which has never passed, and I believe never will pass, any act to exclude Slavery from these Territories; and certainly not by the Supreme Court, which has solemnly decided that slaves are property, and like all other property, their owners have a right to take them into the common Territories, and hold them there under the protection of the Constitution.

So far then, as Congress is concerned, the objection is not to anything they have already done, but to what they may do hereafter. It will surely be admitted that this apprehension of future danger is no good reason for an immediate dissolution of the Union. It is true that the Territorial Legislature of Kansas, on the 23d of February, 1860, passed in great haste an act, over the veto of the Governor, declaring that Slavery "is, and shall be, forever prohibited in this Territory."

Only three days after my inauguration, the Supreme Court of the United States solemnly adjudged that this power did not exist in a territorial legislature. Yet such has been the factions temper of the times that the correctness of this decision has been extensively impugned before the people, and the question has given rise to angry political conflicts throughout the country.

It is not pretended that any clause in the Constitution gives countenance to such a theory. It is altogether founded upon inference, not from any language contained in the instrument itself, but from the sovereign character of the several States by which it was ratified.

It was intended to be perpetual, and not to be annulled at the pleasure of any one of the contracting parties. The old articles of confederation were entitled "Articles of Confederation and Perpetual Union between the States;" and by the 13th article it is expressly declared that "the articles of this Confederation shall be irrevocably and perpetually observed by every State, and the Union shall be perpetual."

But that the Union was designed to be perpetual appears conclusively from the nature and extent of the powers conferred by the Constitution on the Federal Government.

These powers embrace the very highest attributes of the national sovereignty. They place both the sword and the purse under its control. Congress has power to make war, and to make peace; to raise and support armies and navies, and to conclude treaties with foreign Governments. It is invested with the power to coin money, and to regulate the value thereof, and to regulate commerce with foreign nations, and among the several States.

The Southern States, standing on the basis of the Constitution, have a right to demand this act of justice from the States of the North. Should it be refused, then the Constitution, to which all the States are parties, will have been willfully violated by one portion of them in a provision essential to the domestic security and happiness of the remainder. In that event the injured States, after having first used all peaceful and Constitutional means to obtain redress, would be justified in revolutionary resistance to the Government of the Union.

I have purposely confined my remarks to revolutionary resistance, because it has been claimed within the last few years that our State, whenever this shall be its sovereign will and pleasure, may secede from the Union in accordance with the Constitution, and without any violation of the Constitutional rights of the other members of the Confederacy.

In order to justify secession as a constitutional remedy it must be on the principle that the Federal Government is a mere voluntary association of States, to be dissolved at pleasure by any one of the contracting parties. If this

be so, the Confederacy is a rope of and, to be penetrated and dissolved by the first adverse wave of public opinion in any of the States.

Such a principle is wholly inconsistent with the history as well as the character of the Federal Constitution. After it was framed, with the greatest deliberation and care, it was submitted to conventions of the people of the several States for ratification. Its provisions were discussed at length in these bodies, composed of the first men of the country.

It was then met and debated by the exclusive arguments of Gen. Jackson, who in his message of 18th January, 1833, transmitting the nullifying ordinance of South Carolina to Congress, employs the following language: "The right of the people of a single State to absolve themselves at will, and without the consent of the other States, from their most solemn obligations, and hazard the liberty and happiness of the millions composing this Union cannot be acknowledged."

Without descending to particulars, it may be safely asserted that the power to secede is not a power which shall be held by a single State, and govern it by despotic power. In the nature of things we could not, by physical force, control the will of the people, and compel them to elect senators and representatives to Congress, and to perform all the other duties depending on their will, and required from the free citizens of a free State, as a constituent member of the Confederacy.

Under it old Governments have been destroyed and new ones have taken their place. It is embodied in strong and express language in our own Declaration of Independence. But the distinction must ever be observed, that this is a revolution against an established Government, and not a voluntary secession from it by virtue of an inherent constitutional right.

It is not every strong man, nor every vigorous wrong which can justify a resort to such a fearful alternative. This ought to be the last desperate remedy of a despairing people after every other constitutional means of redress had been exhausted.

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But the Constitution has not only conferred these high powers upon Congress, but it has adopted effectual means to restrain the States from interfering with their exercise. For that purpose it has strong prohibitory language, expressly declaring that "no State shall enter into any treaty, alliance, or confederation; great letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts."

And "no State shall, without the consent of Congress, lay any duty of tonnage; keep troops, or ships of war, in time of peace; enter into any agreement or compact with another State, or with a foreign power; or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

In order still further to secure the uninterrupted exercise of those high powers against State interference, it is provided "that this Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

United States, all members of State Legislatures, and all executive and judicial officers "both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution."

In order to carry into effect these powers, the Constitution has established a perfect Government in all its forms, legislative, executive and judicial; and this Government to the extent of its powers, acts directly upon the individual citizen of every State, and executes its own decrees by the agency of its own officers. In this respect it differs entirely from the Government under the old Confederation, which was confined to making requisitions on the States in their sovereign character.

In short, the Government created by the Constitution, and deriving its authority from the sovereign people of each of the several States, has precisely the same right to exercise its power over the people of all these States, in the enumerated cases, that each one of them possesses over subjects not delegated to the United States but "reserved to the States, respectively, or to the people."

To the extent of the delegated powers of the Constitution of the United States is as much a part of the Constitution of each State as is binding upon its people as though it had been textually inserted therein.

This Government, therefore, is a great and powerful Government, invested with all the attributes of sovereignty over the special subjects to which its authority extends. Its framers never intended to implant in its bosom the seeds of its own destruction, nor were they at its creation guilty of the absurdity of providing for its own dissolution. It was not intended by its framers to be the baseless fabric of a vision which, at the touch of the enchanter, would vanish into thin air, but a substantial and mighty fabric, capable of resisting the slow decay of time and of defying the storms of ages.

It may be asked, then, are the people of the States without redress against the tyranny and oppression of the Federal Government? By no means. The right of resistance on the part of the governed against the oppression of their Governments cannot be denied. It exists independently of all Constitutions, and has been exercised at all periods of the world's history.

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What, in the mean time, is the responsibility and true position of the Executive? He is bound by solemn oath before God and the country "to take care that the laws be faithfully executed," and from this obligation he cannot be absolved by any human power.

But what if the performance of this duty, in whole or in part, has been rendered impracticable by events over which he could have exercised no control? Such at the present moment is the case throughout the State of South Carolina, so far as the laws of the United States to secure the administration of justice by means of the Federal Judiciary are concerned.

These authorsize the President, after he shall have ascertained that the marshal with his posse comitatus is unable to execute civil or criminal process in any particular case, to call forth the militia and employ the army and navy to aid him in performing this service, having first by Proclamation commanded the officers to "disperse and retire peaceably to their respective abodes, within a limited time."

The bare enumeration of these provisions proves how inadequate they are without further legislation to overcome a united opposition in a single State, not to speak of other States who may place themselves in a similar attitude. Congress alone has power to decide whether the present laws can or cannot be amended so as to carry out more effectually the objects of the Constitution.

The same insuperable obstacles do not lie in the way of executing the laws for the collection of the customs. The revenue still continues to be collected, as heretofore, at the Custom-House in Charleston; and should the collector unfortunately resign, a successor may be appointed to perform this duty.

Then in regard to the property of the United States in South Carolina. This has been purchased for a fair equivalent, "by the consent of the Legislature of the State," "for the erection of forts, magazines, arsenals, &c., and over these the authority "to exercise exclusive legislation" has been expressly granted by the Constitution to Congress. It is not believed that any attempt will be made to expel the United States from this property by force; but if in this I should prove to be mistaken, the officer in command of the forts has orders to act strictly on the defensive. In such a contingency, the responsibility for consequences would rightfully rest upon the heads of the assailants.

Apart from the execution of the laws, so far as this may be practicable, the Executive has no authority to decide what shall be the relations between the Federal Government and South Carolina. He has been invested with no such discretion. He possesses no power to change the relations heretofore existing between them, much less to acknowledge the independence of that State. This would be to invest a mere Executive officer with the power of recognizing the dissolution of the Confederacy among our thirty-three sovereign States. It bears no resemblance to the recognition of a foreign defacto Government, involving no such responsibility. Any attempt to do this would, on his part, be a naked usurpation. It is, therefore, my duty to submit to Congress the whole question in all its bearings.

The question fairly stated is: Has the Constitution delegated to Congress the power to coerce a State into submission which is attempting to withdraw, or has actually withdrawn, from the Union? and in the affirmative, must be on the principle that the power has been conferred upon Congress to declare and make war against a State. After much serious reflection, I have arrived at the conclusion that no such power has been delegated to Congress, or to any other department of the Federal Government.

It appears from the proceedings of that body, that on the 31st May, 1787, the clause "authorizing an exertion of the force of the whole against a delinquent State," came up for consideration. It was discussed in a brief but powerful speech, from which I shall extract but a single sentence. He observed: "The use of force against a State would look more like a declaration of war than infliction of punishment, and would probably be considered by the party attacked by dissolution of all previous compacts by which it might be bound."

On this motion, the clause was unanimously postponed, and was never, I believe, resumed. It is not to be supposed that the framers of the Constitution intended to confer upon Congress the power to declare and make war against a State, and to perform all the other duties depending on their will, and required from the free citizens of a free State, as a constituent member of the Confederacy.

But if we possessed this power, would it be wise to exercise it under existing circumstances? The object would not only be to preserve the Union, but to prevent the present conflict from becoming a permanent one. It would launch all hope of its peaceful reconstruction. Besides, in the future of the world, a vast amount of blood and treasure would be expended, rendering the reconstruction between the States impossible. In the mean time, who could bear the sufferings and privations of the people during its existence?

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be received with favor by all the States of the Confederation before any attempt to be tried in a spirit of compromise between the Union.

When I entered upon the duties of the Presidency, I was fully conscious of the magnitude of the responsibilities which were devolved upon me. I was surrounded by a people who were in a state of revolution against the Government, and popular advocates of the African slave-trade had numerous and powerful friends in many of our States. I was surrounded by a people who were in a state of revolution against the Government, and popular advocates of the African slave-trade had numerous and powerful friends in many of our States.

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At the period of my inauguration I was confronted by a revolutionary Government, which was called the Topeka Convention. Its avowed object was to subvert the territorial government by force, and to establish a new government in its stead. To accomplish this purpose, a military organization was formed and its command entrusted to the most violent revolutionary leaders.

The hostile parties in Kansas had been inflamed by each other by emissaries both from the North and the South. To prevent actual collision, and to assist civil magistrates in enforcing the laws, a strong detachment of the army was stationed in the Territory. It was to be ready to quell any disturbance, and to see that the laws were faithfully executed.

Still the troubles in Kansas could not have been so long continued, had it not been for the Topeka Convention. This was the most violent revolutionary Government that has ever existed in this Territory. Its avowed object was to subvert the territorial government by force, and to establish a new government in its stead.

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