

SPEECH  
OF  
HON. REVERDY JOHNSON,  
OF MARYLAND,

IN  
SUPPORT OF THE RESOLUTION TO AMEND THE CONSTITUTION  
SO AS TO ABOLISH SLAVERY.

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DELIVERED IN THE SENATE OF THE UNITED STATES, APRIL 5, 1864.

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MR. PRESIDENT: In rising to address the Senate I am fully conscious of the great importance of the measure on which I am about to speak. In that particular, indeed, it cannot be exaggerated. To manumit at once nearly four millions of slaves, who have been such by hereditary descent during their lives, and who because they were such, it being one consequence of their condition, have been kept in a state of almost absolute ignorance, is an event of which the world's history furnishes no parallel. Whether it will be attended by weal or by woe, the future must decide. That it will not be followed by unmixed good or by unmixed evil, is perhaps certain; and the only questions in my view for statesmen to consider are, first, whether the measure be right, independent of its possible consequences, and secondly, whether those consequences may be such as to render it improper to do what is right?

There was a period when upon the point of right there prevailed but one opinion, or almost but one opinion. The men who fought through the Revolution and survived its perils and shared in its glory, and were called to the Convention by which the Constitution of the United States was formed and recommended to the adoption of the American people, with scarcely an exception, considered slavery not only as an evil to any people among whom it might exist, but an evil which it was the duty of all Christian people, if possible, to remove because of its being a sin, as well as an evil.

I think the history of the present times will bear me out in the opinion that if those great and good men, and the people by whom the Constitution was adopted had anticipated the now condition of the country, they would have provided by constitutional enactment that that evil and that sin should at a comparatively unremote day be removed. During our colonial dependence, and immediately preceding the epoch when our fathers found it necessary to claim for themselves the political freedom which was their right, one of their complaints against the government from which they disengaged themselves was, that that government had, by its own power, and to gratify the avarice of its own people, and against the will of the colonies, imported from Africa Africans as slaves, and settled them as such amongst us.



In the original draught of the Declaration of Independence, as drawn by Mr. Jefferson, it was alleged that the King of England had "waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him; captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of *infidel* powers, is the warfare of the *Christian* King of Great Britain. Determined to keep open a market where *men* should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce."

So actively had this trade been carried on, that Phillimore, a modern English historian, tells us that between the years 1700 and 1750 one million and a half of human creatures, at the very lowest computation, had been carried in English ships, manned, of course, by professing Christians, from Africa, one-eighth of whom were fortunate enough to find a grave in the ocean.

With so large a number of slaves within these States when the Constitution was framed, it could not but have been apparent to such men as constituted the Convention, and who must have looked forward to the future, that the existence of the institution would sooner or later involve the country in imminent danger; and there is no reason, therefore, to doubt that they not only anticipated with hope but with confidence that the time would come when, from a conviction of such danger as well as the sin the institution involved, it would be removed. Without recurring specially to the writings, public and private, of the men of that day—for they all held substantially the same language—it is sufficient for my purpose to state that nearly every man of them who largely participated in the dangers of the Revolutionary struggle, and in the deliberations of the Convention by which the Constitution was framed, earnestly desired, not only upon grounds of political economy and public safety, but upon grounds of morality and religion, that, sooner or later, the institution should terminate. Its recognition in the Constitution, therefore—for it is idle, as I think, to deny that it is there recognized—was not because a large majority of the members of the Convention, and a like majority of the people, favored slavery, but because it was believed that, as matters then stood, without such recognition it would be difficult to have, what they had so much at heart, a Union formed at all.

Whether this opinion was right or not, it is now useless to inquire; but judging by the state of things then existing, it is possible and perhaps probable that it was right. But, if it was otherwise, if the Union could have been formed without the recognition of the institution, if its gradual extirpation could, on the contrary, have been provided for, no one who is a spectator of the scenes around us and is a friend of humanity and freedom, can fail to regret that it was not done.

Mr. President, the opinion that I now entertain of slavery (and I only ask permission to recur to the fact for the purpose of showing that that opinion has been uniform,) is one that I have held ever since I supposed myself capable of forming a judgment upon the question. In the public situations, however, in which I have been heretofore placed, as well as in the one which I now hold, I have deemed and do deem it my duty to recognize the binding and paramount authority of the Constitution as it is, and to yield my moral convictions to the obligation of that instrument, and not to hold myself either excusable or justifiable in construing it by any views of my own of abstract morality, or from any such considerations to con-



strue out of it any provisions it may contain which may be inconsistent with such impressions.

I have, therefore, in the past, when this subject has been before me for official action, steadily maintained to the extent of whatever ability I might possess, the binding authority of the Constitution; and in what I am about to urge now in support of the measure upon your table, I am not departing from the conviction that that authority should be implicitly acquiesced in. On the contrary, I am but appealing to that authority itself as a justification for the vote which I propose to give. A preliminary word or two more. My honorable friend from New Hampshire, now in the chair, [Mr. CLARK,] thought proper in his speech the other day to refer nearly all the calamities which the nation has sustained in the past, whatever those may have been, to the institution of slavery. However, in my judgment the present civil war might have been avoided, if a different course of public policy and of popular sentiment had prevailed, and however satisfied I may be or am, that at least during our times the war might have been obviated, I am now convinced, and I have been throughout the contests in which the question of slavery has been presented, that sooner or later the existing condition of things was inevitable. If there be justice in God's providence, if we are at liberty to suppose that he would not abandon man to his own fate, and suffer his destiny to be worked out by his own means, and by his own lights, I never doubted that the day would come when human slavery would be extinguished, either through the mild though powerful influences of that high and elevated morality which the Christian religion teaches, or by a convulsive and successful effort at their liberation on the part of the bondsmen. And I have ever concurred in the view of the great apostle of American liberty, the author of our Declaration of Independence, a paper which will live through all time, as the Magna Charta of human rights, that in a contest between the slave for his freedom and the master who shall seek to hold him in bondage, the God of justice would not be found taking a part in favor of the latter.

In 1847, I participated in a debate upon this subject in this body, Mr. Calhoun being then one of its leading spirits, a gentleman of almost unparalleled ability, weakened perhaps by mental acuteness. That distinguished statesman at that time endeavored to satisfy the Senate, having, I have no doubt, satisfied himself by his own sophistry, that republican freedom could not exist without African slavery, and proclaimed his attachment to the Union and to the Constitution upon the ground, chiefly, that the latter recognized the existence of slavery. I deemed it my duty to avow a different opinion. What I said upon that occasion with your permission I will now repeat. Having, in the course of the debate, denied the authority of Congress to annex to a territorial bill what was called the WILMOT PROVISIO, and having denied that in the then condition of the country if such authority existed it was expedient to exert it, (from which it might have been inferred that I concurred in the views of Mr. Calhoun, and that I was one of the southern men who, departing from the teachings of their fathers, had become a convert to the institution itself upon grounds of morality and religion,) I added:

"Having expressed this opinion it is due to myself, and to convictions long and unalterably fixed, to state the opinion I entertain upon the institution of slavery itself. I have no opinion which I wish to conceal upon any question, whether it arises prema-

turally or not, if it does arise. I believe, and have ever believed since I was capable of thought, that it is a great affliction to any country where it prevails; and, so believing, I can never vote for any measure calculated to enlarge its area, or to render more permanent its duration. In some latitudes, and for some agricultural staples, slave labor may be, to the master, the most valuable species of labor, though this I greatly doubt. In others, and particularly in my own State, I am convinced that it is the very dearest species of labor; and in all, as far as national wealth and power and happiness are concerned, I am persuaded it admits of no comparison with the labor of freemen; and, above all, disguise it as we may, if the laws of population shall not be changed by Providence, or man's nature shall not be changed, it is an institution, sooner or later, pregnant with fearful peril. It is unnecessary and would be improper to enlarge on such a topic. In my own State, sir, I am satisfied that, but for the movements of northern abolitionists, slavery would scarcely now have existed. The current of public opinion was all setting towards its gradual extinction. Laws were passed to encourage and facilitate manumission, but these movements have changed this opinion, and caused laws to be modified, almost to the prohibition of freedom.

"The opinion I hold upon this institution is not now for the first time formed or expressed by a southern man. The history of our country proves this. At the period of the Declaration of our Independence—at the period of the adoption of the Constitution—there was but one sentiment upon the subject among enlightened southern statesmen. What I have said was, on every proper occasion, more forcibly said by them, and, as foremost among them, by Mr. Jefferson and Mr. Madison, and, as far as I know, their opinion was ever unchanged. I do most earnestly hope, therefore, and I believe that if the South is left to itself—if the North does not interfere with us—before a century shall have passed, slavery will cease to exist by gradual and peaceful emancipation, and as its consequence, by increasing, instead of diminishing, the wealth and power of the States where it now prevails.

"After having said this much, it is hardly necessary to say that I differ with the honorable Senator from South Carolina as to the conservative influence of slavery upon our free political institutions. I do not hold with him that they depend in any degree upon the existence of slavery. If I did, I should value them infinitely less than I do. In my judgment, they rest upon the virtue and intelligence of the people, and have their firmest support in the blessings which they impart."—*Congressional Globe, Twenty-Ninth Congress, second session, p. 554.*

The views then expressed, Mr. President, I still, and if possible, more firmly hold, and I am now called upon to decide what is best to be done in relation to an institution so unwarranted in my estimation upon all moral and religious grounds, and so pregnant with mischief and peril. I shall not stop to inquire, as I before intimated, whether the institution has produced the present war or not. However that may be, one thing in my judgment is perfectly clear, now, that that war is upon us; that a prosperous and permanent peace cannot be secured if the institution is permitted to survive.

Will it not then survive, unless a measure like the one upon your table shall receive the constitutional sanction of the country? This brings me to inquire into the legality and the effect of the other means which are proposed for its removal.

The honorable member from Ohio, [Mr. SHERMAN,] if I understood him correctly, in the speech made some weeks since, to which we all listened with so much pleasure; and myself, with so much instruction, seemed to consider the institution within the legislative authority of Congress. And there are many well judging men, with the President at their head, who hold it to be within the reach of the executive authority; while, on the contrary, there are some among us who maintain that it is not either within the executive or legislative authority, or within the power of constitutional amendment. In my view, the latter is the only mode by which the object can be effected. Before, however, I proceed to the questions, which belong to that proposition, I will address myself to the first two:

*First.* Can it be accomplished by the executive power? Under this power the President does not claim for himself (he has not gone



to that extent) the authority to abolish slavery, except as an incident to the military power, which in war is vested in him as Commander-in-Chief of the army. He maintains that the authority is to be implied from that command; and the honorable member from Ohio, who maintains the sufficiency of the legislative power, takes apparently, in regard to that, the same view. He tells us, and in this he was, as I think, partly correct, but for his object substantially incorrect, that the Supreme Court of the United States, at the last term, in what are called the prize causes, decided that there existed between the rebellious States and the United States a condition of war which places the two in the relation of belligerents, and gives to each all the rights which belong to belligerents in an international war.

I believe I speak advisedly when I say that, whatever may be their language, the court designed and affirmed no such general proposition. They held what, indeed, cannot be denied, because your legislation recognises its existence, and because, independent of that recognition, the fact is apparent that a state of war exists. That the insurrection, however, at the first it might have been arrested by the mere civil power; had culminated to a point which places it beyond that power or any other but the power of war. In saying this, however, the court referred only to the particular cases which were before them, and cases of like character, and to the particular questions presented by such cases. They relied upon belligerent rights growing out of the actual war, merely with the view to show that goods captured upon the high seas coming from the territorial limits of the rebellious States were to be considered under the prize law as prize of war; and, that the question, whether legal prize or not was to be determined by the principles of the prize law as a part of the law of nations. But in so ruling, in answer to the objection, that, although in one sense a war, it was a rebellion in which each citizen in the rebellious States was guilty of treason against the United States; they said that that was true, but that such parties were not the less to be esteemed enemies because they were traitors.

The court never intimated, as I read their opinion, that the existence of a belligerent relation between the two forces terminated the civil obligations which the citizens of the rebellious States are under to the Government of the United States; but, on the contrary, announced, as before stated, that their being traitors, did not in the view of the prize law show that they were not also enemies. The court, I understand, as deciding that each of the citizens or inhabitants of the rebellious States still owes as before unqualified allegiance to the Government of the United States, and to be under an obligation to fulfill it; and consequently, that when the authority of the United States shall be restored, such of them may be proceeded against as traitors who may have voluntarily aided the rebellion.

Mr. President, it would be monstrous was it otherwise. There are now—the number may be less than it was in the beginning—but there are now in the rebellious States hundreds and thousands of citizens just as devoted to the Union as any member of this body, and just as anxious to see its authority reinstated. They are entitled, therefore, to the protection of the Government. Their obedience to the rebel power, which power is a government *de facto*, is an obedience which they are compelled to yield, and upon the well-established principles of the laws of nations, it is an obedience in which there

is no crime. This principle is adopted to avoid anarchy, and is recognized as sound by every approved writer on national jurisprudence. But to proceed.

Whatever authority belongs to the Executive in the particular under consideration, is derived from the war power and from his being by the Constitution made the Commander-in-Chief of the Army and Navy of the United States. The inauguration of that war power, however, is exclusively with Congress. Whether a war shall be begun or not by the United States is a matter to be decided by that department of the Government alone. It is true that in the absence of an act of Congress declaring war, the President may, under the power and the duty imposed upon him to see that the laws are faithfully executed, carry on a war of self-defence. He may accept, before Congress shall have acted, a war upon the United States commenced by another nation. This was done in the instance of the Mexican war. All that Congress did by their act of 1846, after the battles of Palo Alto and Resaca de la Palma had occurred, was to recite that such war existed by the act of Mexico. When a war is waged against the United States during the recess of Congress, it is the President's obligation to meet it with the whole of the forces which he can command; but the beginning of a war on the part of the United States, before the United States shall have been invaded, or before its authority upon the ocean shall by force be denied, is solely with Congress.

If it be true (it is not my purpose now to inquire) that the manumission of the slaves of an enemy is a belligerent right, one thing would seem to be certain and to be equally applicable to a civil as to an international war, that the President, under the war power, cannot effect such manumission legally until his armies have obtained possession of such slaves. To proclaim freedom in Washington by the President, or to do so upon the confines of loyal territory, before our armies shall have marched upon the rebel territory, of itself operates nothing. The President never uttered a truth more absolutely sound than when he stated that a proclamation of manumission by him in such a case, would have just as much effect upon the slaves of the rebels as a popish bull would have upon the course of a comet. All therefore that can be accomplished by means of his power derived from his being Commander-in-Chief of the Armies of the United States, is that if he can get the slave under the control of the armies, he can manumit him. It is an authority to be exercised at the head of his troops, and to be coëxtensive only with the area of the enemy's territory which is in possession of his troops.

It cannot, I think, be successfully denied that under our system slaves are property. By the laws of the States where the institution exists they are property, and no material distinction exists between that species of property and any other species of chattel property. Everything therefore that can be done in the exercise of a belligerent right toward any other species of property, can be done in regard to this. If the President can by force of proclamation alone strike the chains from the limbs of these poor bondsmen, take them from the parties who by the laws of the States are entitled to hold them as property, he can by proclamation take any other species of property and appropriate it to the use of the United States without entering the limits of the rebellious States or subjecting them in the slightest



degree to the military power of the United States. In my view, it is just as idle, just as futile, to attempt to emancipate the slaves in the rebellious States by the mere force of a presidential proclamation, unless the armies of the United States get possession and control of the slaves, as it would be by such a proclamation to declare that all soldiers in arms against the United States in such States should be considered as prisoners of war, or that the rebellion was ended, and the authority of the government reinstated.

Whatever authority, therefore, the President may have under the war power is an authority, for any practical purpose limited by the extent of the actual physical power which he may exert. If slaves repair to the standard of the United States, or if that standard is carried within the territorial limits of the rebels and the slaves are there brought within its control, and are discharged actually from the dominion of their masters, the President's proclamation declaring them free may, and I am inclined to think will, have that effect; but in my judgment, just as sure as anything in the future can be said to be, is it that if the war should terminate to-day or whenever it shall terminate without any other measure being taken to abolish slavery than presidential proclamations, the slaves who shall not come within the actual sphere of the military authority of the United States will be decided by the courts of the United States to be slaves still; and this I think seems to be the opinion of the President himself. In his proclamation of amnesty he states substantially to those whom he addresses: "I do not mean by the terms of this amnesty to announce as certain that your slaves have been emancipated by my proclamations. It is true that is the inclination of my own mind. It is true, I think, that the proclamation has an effect coëxtensive with your entire territory, and consequently that all slaves within its limits, whether they have during the war actually come within the actual power of the United States or not, will become free; but if you will agree to support the Constitution of the United States and the laws made in pursuance of it, I am willing that the effect of my proclamations in relation to your slaves shall be left open as a judicial question to be decided hereafter by the courts."

This is not given as a quotation of the proclamation, but as its meaning.

The President therefore by the very terms of his amnesty was willing and promised—if his promise be necessary to effect the end—that the validity of his proclamation as regards slavery should be considered an open question. In doing this, I think he acted wisely and well. In the belief which he expresses that the courts will hold the proclamation in such a case to have been effective, I think he is wrong as regards such slaves as shall not at the termination of the war have been actually brought within the control of our military power.

Mr. President, if I am correct in the opinion that slavery cannot be abolished except under the limitations alluded to by means of the presidential war power—

MR. FESSENDEN. Will my friend allow me to ask him a question? I do it simply because I wish to have his answer for my own information.

MR. JOHNSON. Certainly.

MR. FESSENDEN. What would be the effect of the proclamation, in his judgment, upon a territory not in the possession of the

Government or of our Army at the time the proclamation was issued, but which, after that time, should come into our possession, so that the slaves within that territory would be under the immediate control of the Government or the Army?

MR. JOHNSON. A Territory not a State at the time?

MR. FESSENDEN. I am speaking of territory generally; a portion of the country, part of a State, if you please, which comes into our military possession, after the issuing of the proclamation.

MR. JOHNSON. What I intended to say (and I am glad that my honorable friend has put his inquiry) was, that in my view—and I state it with all deference for the opinion of others—if the rebellion was to terminate to-morrow, and the authority of the United States was reinstated in every one of the States now in rebellion, the proclamation would have no influence at all upon the status of those slaves who were not brought antecedently under the influence and control of the military power.

MR. FESSENDEN. Antecedently to the proclamation?

MR. JOHNSON. Antecedently to the proclamation. I am speaking of the proclamation.

Now, a word or two only in reply to my honorable friend from Ohio, [Mr. SHERMAN.] He seems to think the object can be accomplished by means of the legislative war power. In my judgment the difficulties—

MR. FESSENDEN. Did the honorable Senator understand me? I wish to know whether I understand him. Suppose, by way of illustration, that before the rebellion ended we should overrun the State of Georgia and that State should be within our military possession, so that every slave was in our possession, would those slaves be free in consequence of the proclamation if nothing further was done?

MR. JOHNSON. If there is a right to emancipate slaves as a belligerent right, (as to which I express no opinion,) I think they would be. I consider that the proclamation, looking to its terms as well as its object, is a proclamation which will go with our armies wherever they may progress, and have the same operation as if reissued at every step of such progress. In other words, I consider the proclamation, so to speak, to be a continuing and progressing declaration of freedom equally operative upon all slaves who may, during the war, come under the military control of the United States, as upon slaves who may have been under such control at its actual date.

I have said that I do not deem it necessary to express an opinion upon the power of emancipation as a belligerent right. Upon that point, differences of opinion amongst our leading men have existed. In the controversy which we had with England as to the meaning and effect of the treaty of Ghent, in relation to the slaves that were taken from the United States by the former, Mr. Adams held the broad ground that a belligerent had no right to emancipate the slaves of an enemy in an international war.

In a dispatch from him to the Secretary of State, dated August 22, 1815, speaking of the object of the treaty, he says:

"Our object was the restoration of all property, including slaves, which, by the usages of war among civilized nations, ought not to have been taken. All private property on shore was of that description. It was entitled, by the laws of war, to exemption from capture. Slaves were private property."

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"It was true, proclamations inviting slaves to desert from their masters, had been issued by British officers. We considered them as deviations from the usages of war." *American State Papers*, vol. 4, p. 117.

I incline to the opinion that in this view Mr. Adams was wrong, and that the one which he subsequently expressed in a debate in the House of Representatives, (I think in 1836,) that slavery in a certain state of things might be abolished through the war power, was the better opinion. But the question is full of difficulty.

MR. COWAN. Will the Senator allow me to ask him a question?

MR. JOHNSON. Certainly.

MR. COWAN. The question decided by Mr. Adams was that, according to the terms of international law, one belligerent had no right to free the slaves of another. That is neither here nor there as to the question I am about to put, and it is this: Suppose that by virtue of the paramount authority of the United States requiring citizens of the several States for military service, she were to disturb for a time the relation which existed between the parent and child, the master and his apprentice, but not disturb it long enough to cover the whole period of the tutelage or apprenticeship; what would be the effect afterwards upon the discharge of the minor or the apprentice from military service? Would he fall back again into his natural place under the master or under the parent as before? Is there any authority in this Government to prevent that return to his original *status* of owing service either to the master or the parent?

MR. JOHNSON. If the honorable member from Pennsylvania will excuse me, instead of anticipating what I propose to say on the question he puts, I will answer it when I come to that part of the discussion to which, it seems to me, more properly to belong.

[Several questions were here put to Mr. JOHNSON, which it is not material to notice, and Mr. DAVIS said: I will suggest that we all let the honorable Senator from Maryland alone, and let him finish his speech in his own way, and then such gentlemen as choose to notice it can notice it in their way.]

MR. JOHNSON. If the Senate will acquiesce in the suggestion of my friend from Kentucky, they will oblige me. It will be much more agreeable to answer any question after I shall have concluded my remarks, rather than to have them interpolated before that time. To carry on a running fight with three or four Senators at the same time, is rather more than I am equal to.

It has been intimated that Mr. Adams in the dispatch to which I have referred, may have acted under the direction of the President, and that he probably did not concur in the opinions he then gave. From my knowledge of that distinguished man, I am satisfied that whatever may have been the case in relation to other subjects, he could never have been induced or forced by any authority to announce as a principle of national law one that he did not believe to be sound, if it was possible that it could practically result injuriously to human freedom. And the opinion given to which I have referred, he afterwards, when the meaning of that clause in the treaty of Ghent which presented the question was referred to the Emperor of Russia, repeated even in stronger terms in a dispatch to our minister at that court; that is to say that the emancipation of the slaves of an enemy was not a belligerent right.

Mr. President, a word or two more on this subject before I leave



it. I have had occasion more than once during this session to say (and that opinion I confidently entertain,) that although by the laws of the States Africans are made property, they are also under the Constitution of the United States, with reference to the war power of the Government, to be considered as persons and may be used as persons and brought into the field to maintain the authority of the Government to which as persons they owe allegiance. If this opinion be sound, if they are persons subject to our military control, if they are persons increasing our military power, they are for the same reasons persons under the military control of the rebels and may increase their military power, and as such it is as much the right of the United States to take them from the rebels or to use them against the rebels, as it is their right to take from and use against the rebels anything else that may be used by the rebels against the United States.

Second. Can slavery be abolished by means of the legislative power as maintained by my friend from Ohio? It is true that Congress by the Constitution is vested with the authority to declare war, and the honorable member maintains that under that authority they may declare the slaves of the enemy free. To some extent this may be true; but, in my judgment, it is not true to the extent of dispensing with the necessity of the measure before us. By that power, slaves may no doubt be emancipated; but such power, like that which belongs to the President as Commander-in-Chief, is limited by the practical exercise of such power, not by what may be done under it, but by what is done under it. How far do your troops go within the rebel territory? Against whom are they fighting? What under such power can Congress do in the manumission of slaves in the loyal States?

*First.* The power over slaves in the rebellious States, belonging to Congress under the war power, I think is subject precisely to the same limitation which is upon the authority of the President under the same power. Can Congress by an act of legislation emancipate all the slaves in the rebellious States; and if afterwards before your armies have done anything towards the possession of such slaves, peace shall be made and the independence of such States be recognized, will the slaves be free? I suppose no one will hold that opinion; and yet if to free them is a part of the legislative power of the Government, that power must operate at once and without regard at all to the actual progress of our armies, and courts would decide in the contingency stated that slavery will have been ended in every one of the rebellious States, although we never have and never should reinstate in such States the authority of the United States. If in such a case, that would not be the effect of congressional legislation, why would it not be? If the authority to free slaves in this war is in Congress, the slaves are free the very moment that authority is exercised by Congress. Force may bring them back to slavery; the violence which brought their ancestors from their native homes may be repeated; but in the eye of justice, in the judgment of every enlightened tribunal, the legal operation of a law passed now is to emancipate them, although we should terminate disgracefully for ourselves the war by recognizing the independence of the rebels, would be that all the slaves within their territorial limits would be free.

But if they would not be free—and I imagine that my friend from Ohio will admit that they would not be in point of law, as they cer-



tainly would not be in fact—if they would not be free by the mere exercise of the legislative power, then there is a limitation upon that power as well as a limitation upon the similar power with which the Constitution clothes the President, and that limitation is the one that I have before stated. It is the limitation of the progress of the physical military power of the Government. If the slaves are brought under such power practically, if you shall then think proper to emancipate them by legislation, you can, I think, accomplish it; but until then, the effort to do it in that mode is just as inefficient as the effort to accomplish it under the same circumstances by means of the executive authority.

But even if this could be done by either power as far as the slaves in the rebellious States are concerned, it would fall far short of the object which in common with a large majority of the Senate, and, as I believe, of the country, I have at heart; for can either the executive or Congress under the war power emancipate the slaves in the loyal States? Such a proposition, is, I maintain, utterly unsound. The Constitution in a state of peace gives no power to any branch of the Government of the United States to interfere with slavery in the States. A few, erratic men, carried away by some loose and unregulated notions of human liberty, with which the Constitution does not deal, think that they find in the principles of the Declaration of Independence and in the great principles which it was the object of the Union to establish, such an inconsistency with human slavery as makes it clear that the Constitution not only does authorize the legislative department of the Government to put an end to the institution, but makes it its duty to do so, and that such inconsistency is so obvious and glaring that the judiciary, in the absence of legislation, if called upon to decide the question, will decide that there can be no human slavery within the United States. This view is so wild and groundless that I will not stop to examine it. It is repudiated by the whole history of the formation and adoption of the Constitution. It is repudiated by the legislation of the first Congress and the three or four Congresses which immediately followed, to say nothing of those which have since assembled. It is in conflict with the first fugitive slave act of the 12th of February, 1793, passed when many of the men who framed the Constitution were members of the body, and approved by Washington the President of the Convention that framed the Constitution. It is in conflict with the opinions of every approved commentator upon the Constitution, with the decisions of every one of the State Courts, and with the unanimous decision of the Supreme Court of the United States, in the case of *Booth vs. The United States*, 21 Howard pp. 505, 526, decided in 1858, in which it was held that—

“The act of Congress commonly called the fugitive slave law is in all of its provisions fully authorized by the Constitution of the United States.”

And finally, it is repudiated by one of the principles announced by the convention by which the present President of the United States was recommended for that office to the American people, and by the repeated official declarations of that high officer.

If, then, no department of the Government in time of peace has a right to interfere with slavery as it may exist in the States under the Constitution as it now is, even if it be true, as I think it is, that in time of war it may be interfered with by means of the military power,



belonging either to Congress or to the President, with certain limitations; or if it be true, as seems to be doubtfully held by the President, that he can interfere with it in the rebellious States by means of that power, or that in such States, as held by others, it can be so interfered with by virtue of the legislative war power, it would seem to be clear that neither can have any operation in the States which are not in rebellion, and upon which the United States are not waging and have no right to wage war. Upon what pretense can it for a moment be maintained that because one or more States have rebelled, and by force of arms have carried their rebellion to an extent that makes them in one sense belligerents towards the United States, the latter have a right in the exercise of the power belonging to them, and given to them for the purpose of putting down rebellion, and reinstating the authority of the Government by force of arms, to interfere by such means with the loyal States of Maryland, Kentucky, or Missouri? States not only not in rebellion, but who are aiding the United States to put the rebellion down.

If the United States, because of the rebellion of other States, have no right to declare war against the three States named, (as I suppose all will admit,) if on the contrary, they are not only without such authority, but are calling upon these States to aid them in warring with the rebellion, it is an absurdity, a contradiction in terms, to maintain that in the exercise of their war power, they can as against the loyal States exert an authority incident alone to that power.

In my view, then, Mr. President, without further detaining the Senate upon these two heads of inquiry, what we seek to attain, and what, as I think, the honor and good name as well as the interests and safety of the country require, the abolition of slavery throughout our limits, cannot be accomplished in either of the modes of which I have spoken. But fortunately for us there is another, and that other is by amending the Constitution in the way prescribed by the Constitution.

It is said, however, that the institution cannot be abolished in that mode. The honorable member from Kentucky, [Mr. DAVIS,] if I understood him in his very elaborate speech upon the subject a few days since, full of all the learning which belongs to the question, and with a very ingenious application of it, seems to think that there is something in the sovereignty of the States which denies to the people of the United States the right to amend the Constitution in the particular in question. The honorable member from Delaware [Mr. SAULSBURY] maintains another ground, that as slaves are made property by the laws of the States, they, like every other description of property, are not the subjects of Government interference, except as such interference may be necessary to their protection. A word or two upon each of these grounds.

The honorable member from Kentucky is correct in saying that in a certain sense and to a limited extent the States are sovereign, if that is all he means to maintain; but if he means to contend that the United States are not also in the same sense and to another extent equally sovereign, he is mistaken. The school of which Mr. Calhoun was the head, professing as he did to follow the teachings of the antecedent one of which Mr. Madison was the head, unfortunately succeeded in impressing upon the public mind of the South an opinion which, as was predicted, has turned out to be dangerous to the peace of the Union, and eminently destructive of the happi-



ness and prosperity of his own section—that the only true sovereignty was that which belongs to the States.

In my judgement, there never was a greater political heresy; and if this was doubtful before the war which is now desolating that section, and carrying distress and agony into every household, it is demonstrated to be as fatally ruinous as it is unsound. In the first place, the States were never disunited. As one, they declared their independence; as one, they fought for and achieved that independence; as one, they were admitted by the treaty of peace to be independent; as one, in order to make their independence fruitful of all the blessings which they anticipated, they adopted the Constitution of the United States. In Washington's official letter of the 17th of September, 1787, to the President of Congress, submitting to Congress the Constitution framed by the convention, he says:

"In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American—the *consolidation of our Union*—in which is involved our prosperity, felicity, safety, perhaps our national existence."

The Constitution was recommended for adoption, not to the States in the organized capacity of States, or in other words, not to the governments of the States as governments, but to their people, and it could not have been submitted in any other way. Any other mode would have been inconsistent with the words of the preamble, which state it to be work of "the people of the United States." How the people were to assemble, where they were to assemble, what considerations were to govern them when assembled in deciding for or against the Constitution, is immaterial to the inquiry. When they once decided in its favor, the people of each State by such decision agreed as a people with the people of every other State, all thereby consenting to be and becoming an aggregate people, and as such decided that the Constitution should be the form of government of the whole in their aggregate capacity. So said the Supreme Court of the United States in the case of *McCulloch* against the State of Maryland, through Mr. Chief Justice Marshall. So said the same court in the case of *Booth* against the United States, through the present chief justice, and in each decision the court was unanimous. In the first, the words of the court are:

"The convention which framed the Constitution was, indeed, elected by the State Legislatures. But the instrument, when it came from their hands, was a mere proposal, without obligation, or pretensions to it. It was reported to the then existing Congress of the United States, with a request that it might 'be submitted to a convention of delegates chosen in each State, by the people thereof, under the recommendation of its Legislature, for their assent and ratification. This mode of proceeding was adopted; and by the convention, by Congress, and by the State Legislatures, the instrument was submitted to the people. They acted upon it, in the only manner in which they can act safely, effectively, and wisely, on such a subject, by assembling in convention. It is true, they assembled in their several States, and where else should they have assembled? No political dreamer was ever wild enough to think of breaking down the lines which separate the States; and of compounding the American people into one common mass. Of consequence, when they act, they act in their States. But the measures they adopt do not, on that account, cease to be the measures of the people themselves, or become the measures of the State governments."

"The assent of the States, in their sovereign capacity, is implied in calling a convention, and thus submitting that instrument to the people. But the people were at perfect liberty to accept or reject it; and their act was final. It required not the affirmance, and could not be negatived, by the State governments. The Constitution, when thus adopted, was of complete obligation, and bound the State sovereignties."

"To the formation of a league, such as was the confederation, the State sovereignties were certainly competent. But when, 'in order to form a more perfect Union,' it was



deemed necessary to change this alliance into an effective Government, possessing great and sovereign powers, and acting directly on the people, the necessity of referring it to the people, and of deriving its powers directly from them, was felt and acknowledged by all.

"The Government of the Union, then, (whatever may be the influence of this fact on the case,) is, emphatically and truly, a Government of the people. In form and in substance it emanates from them. Its powers are granted by them, and are to be exercised directly on them, and for their benefit."—4 *Wheaton's Reports*, pp. 419, 421.

In the second case referred to the court says:

"And the powers of the General Government and of the State, although both exist and are exercised within the same territorial limits, are yet separate and distinct sovereignties, acting separately and independently of each other within their respective spheres."

Again:

"It was felt by the statesmen who framed the Constitution, and by the people who adopted it, that it was necessary that many of the rights of sovereignty which the States then possessed should be ceded to the General Government; and that, in the sphere of action assigned to it, it should be supreme, and strong enough to execute its own laws by its own tribunals, without interruption from a State or from State authorities."

Speaking of the power of the court itself, they say:

"This tribunal, therefore, was erected, and the powers of which we have spoken conferred upon it, not by the Federal Government, but by the people of the States, who formed and adopted that Government, and conferred upon it all the powers, legislative, executive, and judicial, which it now possesses."

Again:

"Neither this Government nor the powers of which we are speaking, were forced upon the States. The Constitution of the United States, with all the powers conferred by it on the General Government, and surrendered by the States, was the voluntary act of the people of the several States, deliberately done, for their own protection and safety, against injustice from one another."

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"Nor can it be," added the court, "inconsistent with the dignity of a sovereign State to observe faithfully, and in the spirit of sincerity and truth, the compact into which it voluntarily entered when it became a State of this Union. On the contrary, the highest honor of sovereignty is untarnished faith. And certainly no faith could be more deliberately and solemnly pledged than that which every State has plighted to the other States to support the Constitution as it is, in all its provisions, until they shall be altered in the manner which the Constitution itself prescribes. In the emphatic language of the pledge required, it is to support this Constitution."—21 *Howard's Reports*, pp. 515, 525.

Under our system it therefore follows if the principles thus maintained by the decisions of the tribunal organized for the very purpose of passing upon such questions be sound, that there is not in the government of a State or in the people of a State considered separately, or in the Government of the United States, or in the people of the United States considered in the aggregate over all subjects with which government or people can deal, absolute sovereignty, but that each government is clothed with the sovereignty which the people have conferred upon each, and each therefore within the extent of that sovereignty is with reference to the other paramount and supreme.—This being the case, what is there in the objection of the honorable member from Kentucky that the States are sovereign? The answer to it is, so are the United States and so were the people of the United States when they adopted the Constitution of the United States. What they then did was irrevocably done until altered in the mode pointed out by the Constitution itself, subject only to that right of revolution which is never provided for by any form of government, but exists independently.

As to this question, permit me to refer to a few sentences from a letter from Mr. Madison to Mr. Webster, dated the 15th of March, 1833, after he had been furnished by the latter with a copy of his then recent speech in the Senate of the United States, in reply to Mr. Calhoun. Speaking of the speech, he says:



"It crushes 'nullification,' and must hasten an abandonment of 'secession.' But this dodges the blow, by confounding the claim to secede at will with the right of seceding from intolerable oppression. The former answers itself, being a violation without cause of a faith solemnly pledged. The latter is another name only for revolution, about which there is no theoretic controversy."

Mr. Calhoun's doctrine, however, Mr. Madison said, had

"Gained some advantage also by mixing itself with the question, whether the Constitution of the United States was formed by the people or by the States, now under a theoretic discussion by animated partisans.

"It is fortunate when disputed theories can be decided by undisputed facts, and here the undisputed fact is, that the Constitution was made by the people, but as embodied into the several States who were parties to it, and therefore made by the States in their highest authoritative capacity. They might, by the same authority and same process, have converted the confederacy into a mere league or treaty, or continued it with enlarged or abridged powers; or have embodied the people of their respective States into one people, nation, or sovereignty; or, as they did, by a mixed form, *make them one people, nation, or sovereignty for certain purposes, and not so for others.*"

He goes on to add what the Constitution is:

"It speaks for itself. It organizes a government into the usual legislative, executive, and judiciary departments; invests it with specified powers, leaving others to the parties to the Constitution. It makes the government like other governments to operate directly on the people; places at its command the needful physical means of executing its powers; and finally proclaims its supremacy, and that of the laws made in pursuance of it, over the constitutions and laws of the States, the powers of the government being exercised, as in other elective and responsible governments, under the control of its constituents, the people and the legislatures of the States, and subject to the revolutionary rights of the people, in extreme cases.

"Such is the Constitution of the United States *de jure* and *de facto*, and the name, whatever it be, that may be given to it can make it nothing more or less than what it is."

—*Webster's Works, Biographical part, by Everett, vol. 1, pp. 107, 108.*

Although as I have before said, Mr. Calhoun and his disciples professed to be governed by the Virginia resolutions of 1798 and by the doctrines in regard to them held by Madison as the head of the school by which they were taught, Madison himself denounced the conduct of South Carolina as utterly inconsistent with the Virginia doctrines of 1798, and, as has been seen, complimented Mr. Webster for having crushed absolutely "nullification," one of her doctrines, and hastened an abandonment of the other, "secession."

Mr. President, if the people of the United States, when they assembled together in their several States and adopted the Constitution of the United States were supreme (and this no one can deny,) then it was their right and the right of no other people to provide how long the government thus constituted should last, and whether it should at any time thereafter be changed, and if changed, how that change was to be effected. For these things, they did provide. They stated that their object was to secure that government to themselves and their posterity, without prescribing any limitation of time. They thought that it might become necessary in the future to modify it, and they therefore provided by the fifth article for the manner in which it should be modified, and by so providing denied the power to modify in any other way, and *a fortiori* denied the power to destroy the government itself except so far as that authority exists in the right of revolution.

By this provision, however, for its alteration—and they would not have been entitled to the reverence in which the world holds their memory for wisdom and patriotism if they had not made it—it is clear that they thought it might turn out in the future, admirable as its provisions were for the present, that they might in the end prove inadequate to their object, and in the same spirit of wisdom that governed all their deliberations and crowned their great



work, in the article, providing for future alterations they declare that when such alterations were made in pursuance of that article, they were to be to all intents and purposes a part of the Constitution, and as operative upon the people of the United States as if such alterations had originally formed a part of it.

A word or two, now, in answer to the honorable member from Delaware. He tells us, if I understand him, that the measure before us cannot be constitutionally adopted, because the subject with which it deals is not a political subject or a fit object for governmental provision.

MR. SAULSBURY. The Senator will pardon me for interrupting him. He will find no such remark in anything that I said as that the subject was not a subject of political government. I admit that it is a very proper subject for State political government; but I deny the authority of three-fourths of the States to take action to abolish slavery in the remaining States, or to destroy property, to say what shall or what shall not be property, because that does not come within the scope, purposes, and objects that the framers of the Constitution, and those who formed the Union, had in making the Constitution. That is the position I have taken.

MR. JOHNSON. I may have expressed myself inaccurately in stating what I understood the honorable member to have said. I did understand him precisely as he now explains himself. He says that as regards the Constitution of the United States the institution of slavery is not within the amendatory clause, because, with reference to the Government of the United States, it is not a subject for political interference or regulation. Let me ask the honorable member, and he can answer it hereafter if he thinks proper, could slavery have been abolished by the Constitution originally? He and every one else will admit, I suppose, that if the framers of the Constitution then had inserted a clause that slavery should not thereafter exist, or that it should not exist at some period in future, that it should be abolished instantaneously or gradually, and the Constitution had been adopted by the people; such a provision would have been legally binding upon all the people of the States. It seems to me that that is a proposition that no sane man will question. If, then, it was within the power of the people of the United States, acting precisely in the mode in which they did act when they adopted the Constitution, to have provided by an express article for the termination of slavery, why is it that the same thing cannot be accomplished by them now under the authority of the clause which gives to the people in a prescribed way the authority to amend the Constitution? If it cannot be done by that clause, it is not because human slavery is not an object of political government. Even the honorable member admits that it is. It is not because it was not an object of such government in 1789; but it is because, by the adoption of the Constitution then formed, it ceased to be at all times in the future such an object, because it was then removed forever as far as the people of the United States were concerned from the sphere of their political power and control.

Can the honorable member designate any other subject which might as a fit subject of Government have been provided for or regulated by the Constitution originally that may not now become a part of it under the amendatory clause? Is there anything in the instrument which excepts slavery out of the scope of that clause? Certainly not. The clause itself contains a provision which shows

that in the judgment of the convention the existence of slavery in one of its aspects would be under the authority of the clause.

By the ninth section of the first article it is provided that the importation of slaves by the States "shall not be prohibited by the Congress prior to the year 1808," and that provision is in words excepted from the operation of the amendatory article. The inference, therefore, is irresistible that but for such exception it might be amended so as to prohibit the importation of slaves prior to 1808. The limitation just stated upon the power of amendment shows that in the opinion of the convention, but for that limitation, it would have been equally within the power of Congress to have abolished or regulated it under that clause. Upon a familiar rule of construction the exception proves that the subject excepted, if not excepted, would have been embraced by the clause.

But further, looking to the preamble of the Constitution, independent of the considerations which I have submitted, can any reasonable doubt be entertained that the measure upon your table may be adopted? What is the question before us? It is, can an institution which deals with human beings as property, which claims a right to shackle not only the body but the mind and the soul, which brings, or may be used so as to bring to the level of the brute, a portion of the race of man; ceases to be within the reach of the political power of the people of the United States, not because it was not at one time within it, but because at that time they failed to exert it?

How does such a proposition consist with the preamble of the Constitution? How conclusive is the answer which that furnishes to the objection that slavery cannot now be abolished under the authority of the Constitution! Hear what the preamble states to have been the objects that the great and wise and good men had at heart in forming and recommending the Constitution to the American people? That justice might be established, that tranquility might be preserved, that the common defence and general welfare might be obtained, and last, and chief of all, that liberty might be secured. Now, what right minded man is there who will say that there is no justice in putting an end to human slavery, that there is no danger from its existence to the tranquility of the country, that it may not interfere with the common defence and general welfare, and, above all, that it is consistent with any notion which any rational man with a heart within his bosom can conceive of human liberty? The very clause under which we now claim the authority to terminate slavery, the amendatory clause may have been inserted from a conviction that the time would come when justice would call so loudly for the extinction of slavery that disobedience to her call would be impossible, when the peace and tranquility of the land would demand its destruction, and when the sentiment of the Christian world would become so shocked at its existence under a government as far as the white man is concerned, one of the freest upon the habitable globe, and resting upon principles utterly inconsistent with slavery in any form, that the voice of that world would be spoken in thunder tones against its continuance, and that if not listened to it would cause us to be in all time in the view of an enlightened humanity the scoff and scorn of mankind.

I am not to be answered, Mr. President, by being told that our fathers considered the African race, because they differed in color



from themselves, not entitled to the rights which for themselves they declared were inalienable. There was not one in that body of truly great men, who formed the Constitution, who would not have scouted the proposition and scorned its propounder, if he had been told that there was a natural or a Christian right to make a slave of any human being. The present advocates of slavery in this country, (thank God they are to be found nowhere else,) in the South and in some of the pulpits at the North, preach the doctrine that slavery of the black race is of divine origin. The moral and religious mind of the country has become nauseated by the teaching that scripture authorizes and approves slavery, and sanctions its perpetual existence, and that it authorizes such slavery as exists in the Southern States, and does it because its victims are not of the same color of their masters! Were the words of our Saviour, which these men rely upon, when addressing Himself to the condition of master and servant, applicable only to servants or slaves of the black race? Was slavery at the period of His advent and His sojourn on earth confined to that race? Were not the white races equally subjected to it? We know that they were. And if because He proclaimed in express words no hostility to the institution, He is to be considered as giving His divine authority to its existence, then that authority can be vouched with equal efficacy in support of the slavery of the white as of the black man; and yet so far, even in the South, except by remote innuendo, it has not been pretended that the slavery of the white man can be vindicated by a single word to be found in the teachings of the founder of our faith. We know that He struck not at sin in any form with physical force. We know that he did not even appeal to those who were in sin in terms of vituperation. His purpose, as demonstrated by his whole course on earth, was not to propagate his doctrine by violence or abuse. He came to save, not to conquer. His end was not to be effected by marching armed legions over the habitable globe to secure the allegiance of those for whose salvation He descended to earth. He resorted to other influences. He aimed at the heart. His object was to get at the understanding by enforcing moral convictions. The doctrines He taught, more ennobling and humanizing than any that the world, enlightened as it was before his coming, had been able to discover, will all be found inconsistent with slavery. They taught man the duty of brotherhood. They announced that he was to do to others as he would have others do to him, and these teachings were addressed to the whole human family. No intimation is to be found in the Sacred Volume that the duties and obligations of man were in any measure dependent upon his color. He addressed himself to the entire human race. He came to save the whole. He came to effect the Christian civilization of the race of, and He spoke to all upon earth, and His Book now stands as a promise of mercy upon duty performed by man to man and by man to God, to every being upon the earth or who shall be upon the earth throughout all time, without regard to the differences of complexion which climate or other causes may have created. Nor can any warrant be found for holding the Africans in subjection, or those of them who are in our midst, because of their present degraded condition.

Can it be said in truth that they are not fit for, because they are incapable of enjoying, the blessings of human liberty. Are they

incapable by nature or has their treatment in our land made them incapable? Are they or have they become so mentally and morally deficient that they are unable to appreciate the blessings of freedom? What do we see? Wherever the flag of the United States, the symbol of human liberty goes, there flock around it men, women, and children flying from their hereditary bondage and praying for its protection. Do they do this because they anticipate greater physical comfort, and do they remain because they obtain it? The mere physical condition of the man in many cases whilst under the control of his master, was better than that which he at times meets beneath the protection of our flag; but whilst in the former the iron of oppression he feels had pierced his soul, in the other he is gladdened by the light of liberty. It is idle to deny,—he wars against his own instincts who denies that with reference to the sentiment of love of freedom, all men are alike—are brethren. Look to the illustrations which the times afford. How do they prove that in that particular we differ from the black man? Do we not see that he is willing to incur every personal danger, which promises, if successfully met, to throw down his shackles and to make him stand upon God's earth, upon that earth created for all, as a man and not as a slave. It is truly an instinct of the soul. For ages and centuries, tyranny may suppress it, the pall of despotism may hang over it, but the feeling is ever there. Instead of being annihilated, it kindles into a flame in the very furnace of affliction, and avails itself of the first opportunity that promises the least chance to obtain it, and wades through blood and slaughter for the purpose, and whether succeeding or failing, vindicates in the very effort the inextinguishable right to liberty.

Mr. President, that slavery has no foundation in natural law, and no warrant in anything to be found in the Christian dispensation, is I think perfectly manifest. The most approved writers on the first have uniformly held that if a man by nature has a right to anything as his own, and of which, if true to himself, he cannot be deprived—they are *his mind and his body*. If he offends against the laws of the society in which he is, these rights may be forfeited; but if he commits no offence and uses them only to promote his own happiness without interfering with the rights of others, nothing but tyranny can deprive him of their possession—and in regard to the latter, it has been well and truly said that so far from slavery being recognized or sanctioned by the Christian dispensation, "Christianity is a decree of emancipation, and he who preaches the gospel paves the way for emancipation, whether he knows it or not, whether he wills it or not." And one of the most philosophical writers upon our institutions, and whose whole life, as we collect from his works, proves that he was as pious as he was philosophic, M. de Tocqueville declares, that—

"Christianity is a religion of freemen; neither its detractors nor its false friends can take from it this truly divine character."

I have already referred generally to what were the opinions of our ancestors by whom the Constitution was framed, upon the institution. It would be occupying too much of the time of the Senate to cite all the instances that illustrate what that opinion was. I content myself therefore with referring particularly to but one. On the 12th of April 1786, Washington in a letter to Robert Morris, in relation to



the propriety of returning to his master a slave that had escaped from Virginia, giving his reasons why the return should be made, adds :

"I hope it will not be conceived from these observations, that it is my wish to hold the unhappy people, who are the subject of this letter, in slavery. I can only say, that there is not a man living, who wishes more sincerely than I do to see a plan adopted for the abolition of it; but there is only one proper and effectual mode by which it can be accomplished, and that is by legislative authority; and this as far as my suffrage will go, shall never be wanting".

In another letter to Mr. John F. Mercer, dated September 9th, 1786, he said :

"I never mean, unless some particular circumstances should compel me to it, to possess another slave by purchase, it being among my first wishes to see some plan adopted, by which slavery in this country may be abolished by law."

In another of the 10th of May, 1786, to the Marquis de Lafayette, who had acquired an estate in the colony of Cayenne, he says :

"The benevolence of your heart, my dear Marquis, is so conspicuous upon all occasions, that I never wonder at any fresh proofs of it; but your late purchase of an estate in the colony of Cayenne, with a view of emancipating the slaves on it, is a generous and noble proof of your humanity. Would to God a like spirit might diffuse itself generally into the minds of the people of this country."

And he added that—

"By degrees it certainly might, and assuredly ought to be effected; and that too by legislative authority."

And finally, in a letter dated the 11th of December, 1796, to Sir John St. Clair, who contemplated purchasing lands in the United States, and had applied to Washington for advice as to the best locality in which to make the purchase, Washington after, as was his habit, answering elaborately his correspondent, says :

"The western parts of the last mentioned State, [Maryland,] and of Virginia, quite to the line of North Carolina, above tide-water, and more especially above the Blue Mountains, are similar to those of Pennsylvania, between the Susquehanna and Potomac rivers, in soil, climate, and productions; and in my opinion will be considered, if not considered so already, as the garden of America."

He then goes on to say that the lands "in Pennsylvania are higher than those in Maryland, and I believe in any other State, declining in price as you go southerly," and adds :

"Two reasons have already been assigned for this; first, that in the settled part of it [Pennsylvania] the land is divided into smaller farms, and more improved; and, secondly, it is in a greater degree than any other the receptacle of emigrants, who receive their first impressions in Philadelphia, and rarely look beyond the limits of the State. But, besides these, two other causes, not a little operative, may be added, namely, that, until Congress passed general laws relative to naturalization and citizenship, foreigners found it easier to obtain the privileges annexed to them in this State than elsewhere; and because there are laws here [Pennsylvania] for the gradual abolition of slavery, which neither of the two States above-mentioned [Maryland and Virginia,] have at present, but which nothing is more certain than that they must have, and at a period not remote."—*Spark's Life of Washington*, vol. xii., pp. 325, 326.

If then, Mr. President, as I think will be admitted by all gentlemen who consider the subject fairly, discarding prejudice, and regarding the opinions of their fathers and the universal sentiment of every Christian nation, and who listen to the mild, persuasive, but potential voice of our Christian faith, slavery is a sin which we should remove from amongst us, is attended with wrongs of the deepest dye to its victims which demand redress, the only question which remains is, can this be done at this time, and if it can, should it be done?

I have become persuaded that it can and should be done now. I am convinced that the Government is founded upon principles of fundamental antagonism to the institution, and that to preserve the for-

mer so as to have it what our fathers designed it should be, fruitful through all time of prosperity and happiness to our people, requires that the impediment to these ends of slavery should be permanently disposed of. There was a time, and it is due to candor to state it, when I thought that the Union might be preserved for ages and slavery exist; but there never was a time when I even doubted but that the period would come when that institution would cease to exist, and perhaps without war or social convulsion of any kind; and I think now that this perhaps might have been accomplished but for the interference of misjudging philanthropy in one section, and a traitorous purpose upon the part of some in another section.

It is possible, however, that Providence may have designed the very condition of things in which we are for the purpose of ridding us of this traffic in human flesh, this oppression not only of the body, but of the soul of its victim. But however this may be, as we at present are, I cease to hope that the Government can be restored and preserved so as to accomplish the great ends for which it was established, unless slavery be extinguished. If it be permitted to remain, it will ever continue a subject upon which treason may be able to excite to madness the southern mind.

The conspirators who are now almost exclusively governing the South, or to speak more accurately, tyrannizing over the South, have for more than thirty years been plotting and anxiously looking to the accomplishment of the treason, the destruction of the Union. Their first effort was to convince the South that what are called the tariff laws, which they themselves had in their very origin mainly assisted in enacting, and, amongst other things, for the avowed purpose of encouraging manufactures, were so flagrant a violation of the Constitution as to justify nullification or secession. In this effort they signally failed. The pretense was so palpably unfounded, the laws were so clearly within the delegated powers of Congress, that they proved almost entirely unable to obtain converts to their doctrine out of the limits of South Carolina. From that time to the election of President Lincoln, their labors were devoted to lashing the southern mind into madness, or in the language of one of them now no more, to "fire the southern heart" by proclaiming danger to slavery. They became the advocates of the doctrine of its divine origin. They avowed the principle that the African was intended by God to be a slave and nothing else, and to be the slave of the white man, and more especially to be the slave of the white man of the South. In the pursuit of this theory, they announced a proposition directly at war with the Constitution which they were sworn to support, abhorrent to Christendom, that the foreign slave trade itself was not prohibited by the Constitution and should be revived, and in the language of the *Charleston Standard*, "to reopen and legitimate" it should be made "a leading principle of southern policy."

Jefferson Davis, although opposed at that time to its revival, disclaimed, however, "any coincidence of opinion with those who prate of the inhumanity and sinfulness of the trade," and added that "the interest of Mississippi, not of the African, dictates my conclusion."

L. W. Spratt, of Georgia, in a speech at Savannah, in which he advocated the trade, said amongst other things:

"Imported slaves will increase our representation in the national legislature. More slaves will give us more States; and it is, therefore, within the power of the rude un-



tutored savages we bring from Africa to restore to the South the influence she has lost by the suppression of the trade. We want only that kind of population which will extend and secure our peculiar institutions, and there is no other source but Africa."

Citations of this sort might be multiplied almost without number to show that it was the object of the conspirators amongst other things to revive the nefarious traffic in total disregard of the express prohibition in the Constitution, and with entire indifference to the disgrace with which such a measure would be certain to brand the name of the United States. When the rebellion broke out the institution itself was never more secure. No class of men in the free States, important either by numbers or influence, had maintained the right of the Government of the United States to interfere with slavery in the States. One of the principles announced by the convention by which President Lincoln was nominated in plain words disavowed it, and Congress afterwards, by a resolution adopted by the required vote, recommended to the States an alteration of the Constitution so as to prohibit by any subsequent alteration a power in the Government over the institution, and the Supreme Court of the United States had ruled that under the Constitution as it was, Congress possessed no power to prohibit or abolish slavery in the Territories of the United States. No sooner, however, was Mr. Lincoln elected, and the news reached Charleston, where the leading conspirators resided, than the result was received, not with regret, but hailed with delight. They met at once, and in speeches redolent with treason, declared that they rejoiced at it, because it would enable them to accomplish what for thirty years they had had at heart, but so far had vainly pursued, the dissolution of the Union and the establishment amongst themselves of a government having slavery for its very foundation, and its continuance and increase and perpetuity for its avowed objects. Unfortunately, though more so for themselves than for us, they were enabled to frenzy the southern mind by invoking to their aid the cry of danger to the institution. And they seemed partially to have succeeded in satisfying their victims that a government so constituted would receive the sanction of other nations, and in the words of one of the conspirators, produce "the greatest improvement of our race, and constitute the most elegant society on earth." Prejudice or fatuity, ever the result of moral sense debased, prevented their seeing themselves as the world was certain to see them. The sanction of other nations! They should have known at the first what has proved to be true, that so far from it, to use the language of an English journalist, "Affrighted Christendom would recoil with horror before the spectacle of a State founded on principles essentially Pagan." The most elegant society! Is that to be found where more than one half of the men and women are, for the very safety of the rest, kept "in a state of total mental and moral darkness? Can true refinement exist, in the midst of glaring wrong, and with a sense that they live under the condemnation of the civilized world, constantly exhibited, either in pity or rebuke.

But what that institution may enable them to do in the Future, if permitted to remain, we know now by what it has enabled them to do in the recent Past. If suffered to continue, it will ever prove a fruitful topic of excitement and of danger to our continuing peace and union. Terminate it, and the imagination of man, I think, is unable to conceive of any other subject which can give rise to fratricidal



strife. God and nature evidently intended us to be one. Our unity is written in the mountains and the rivers in which we all have a common and inseparable interest. The very differences of climate and of soil render each State important to every other, and alike important. That mighty horde of emigrants which from time to time have gone from the Atlantic border with all the principles of freedom which animated their fathers when hazarding the perils of the mighty deep seeking liberty here, deeply imbued into their very souls, are to be found between those mountains and rivers, and as they have ever said, and as they are now making good their words by pouring out their blood on the many battle-fields which their valor has aided in making immortal, there they will continue to remain, and claim to be one with all the people on either side of them; and it is our duty, and I trust in God that we shall be able to perform it, to perform it to the very letter, to preserve it one in all future time, as it was one in the past, before this vile rebellion was inaugurated, and maintain it as an example of human freedom for the light and benefit of the world, illustrating in the blessings and happiness which it will confer the truth of the principles declared in the Declaration of Independence, that life and liberty are man's inalienable rights.

That some material evils may temporarily result from the measure upon your table, may be true; but they will be, I think, but briefly temporary. And similar mischiefs will follow what has already occurred, without countervailing benefits. Slavery is already fatally wounded. If permitted to survive at all, it can survive only to fester and to trouble us. That many thousands of its late victims are at present free, and will remain free, no man with a heart not ossified will deny. We have called upon them to aid us in maintaining the Government. We have brought them around our standard, and have marched and are marching them under its folds to assist in its protection, and to aid in its triumph. To suffer these men to be reduced to bondage again would be a disgrace to the nation, even greater, if possible, than would be that of reviving the foreign slave trade. Upon a question like that, the heart gives the answer in advance of the intellect. It would proclaim at once in a tone that would fill the land, carrying rebuke strong and crushing to whoever may assert the contrary. "No, no, never; freedom once enjoyed, none but a brute in this age of the world would take it away."

Mr. President, a word or two more and I shall have done. The honorable member from Pennsylvania [Mr. Cowan] has asked me what difference there will be on the termination of the war between the condition of an apprentice or a child who has been taken into the service of the country, and the condition of a slave. All the difference in the world; all the difference imaginable, is my answer. In the first, justice has nothing to plead. The master's authority may be reinstated, the relation of apprenticeship and child be restored, and no wrong, civil or moral, be thereby perpetrated; but in the last, to return man to slavery would be a cruelty, not less but even more in degree than to take away his life. That principle which Burke truly says, "Existed before the world, and will survive the fabric of the world itself, justice" denounces it. This has been throughout my opinion. Terminate whenever the struggle may, whatever may be the condition of the African, when it shall terminate, if that condition be as I trust in God it will be that of freedom, our honor, our good



name, our conscience, our religion, demand that that freedom shall be as permanent as our own.

The unimproved moral and intellectual condition of the slaves is urged as an objection, and to a certain extent it is, to their immediate emancipation. They are uneducated, in a great degree; their moral sense instead of being awakened and improved has been designedly kept in a state of perfect paralysis. And, Mr. President, if it was doubtful that there was nothing in the moral law, nothing in the principles of our Government, nothing in our Christian faith demonstrating the unlawfulness and sin of the institution, it would be manifest as I think from that very fact that southern masters do not hold that opinion. Why have these poor creatures been kept in absolute ignorance? Why has education, the most trivial, been denied them? Why penal, severe penal laws forbidding it? Why have the Holy Scriptures been kept from their hovels? Why has it been made to them a sealed book? Why the sacrament of marriage and its holy ties denied them? There can be but one answer, and that palpably exhibits the unlawfulness, the immorality, the irreligion of the institution. It is that if they knew what knowledge imparts, if they knew what the good and the great and the pious teach, if they knew what the Gospel of our Saviour inculcates as the duty of all men, they would sooner or later obtain their freedom by violence or die in the effort. And do as we may, and however this war shall end, the time is sure to come when the institution will cease. Nothing is more true than the prediction with which M. de Tocqueville closes his chapter on American slavery—

“Whatever may be the efforts of the Americans of the South to maintain slavery, they will not always succeed. Slavery, now confined to a single tract of the civilized earth, attacked by christianity as unjust and by political economy as prejudicial, and now contrasted with democratic liberty and the intelligence of our age, cannot survive.”

Mr. President, I am conscious that I have taken up much more of the time of the Senate than I had a right to occupy, and I conclude with expressing the hope and the belief that this war will be brought to a successful termination, that humanity and christianity will enforce that result. It can be accomplished if we are true to duty, to honor, and to freedom. All other considerations should for a time be forgotten. Mere party politics suspended. One single purpose should ever be kept before and animate us, the restoration of the Union, the reinstatement over every portion of the land of the authority of the Government, and that accomplished as I trust in Providence it will be, and as, I repeat, I think it can be if the Government exerts the power with which the people has invested it, we shall soon stand before the world again united and with institutions, national and State, in which human bondage will have no place, and be able, to the relief of our consciences and to the honor of our name, to proclaim to christendom that, however late we have been in carrying out the principles upon which our institutions were founded, we have at last accomplished it—you see us now with a Union restored and slavery abolished. The effort may cost sacrifices but the end can only be as prosperous as it will be glorious. Our flag may march through the war “pierced with bullets and blackened with powder,” but it will be seen to be more glorious than ever with its stars brighter and more numerous and destined to wave for all time over a nation every one of whose citizens and inhabitants will be able to challenge for himself the proud title and Christian character of a freeman.