

*Ab. Salley, Columbia, S.C.
March 23, 1948.*

SPEECH
OF
MR. CALHOUN, OF SOUTH CAROLINA,
ON THE
SLAVERY QUESTION.

DELIVERED IN THE SENATE OF THE UNITED STATES, MARCH 4, 1850.

I have, Senators, believed from the first that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion. Entertaining this opinion, I have, on all proper occasions, endeavored to call the attention of both of the two great parties which divide the country to adopt some measure to prevent so great a disaster, but without success. The agitation has been permitted to proceed, with almost no attempt to resist it, until it has reached a period when it can no longer be disguised or denied that the Union is in danger. You have thus had forced upon you the greatest and the gravest question that can ever come under your consideration—How can the Union be preserved?

To give a satisfactory answer to this mighty question, it is indispensable to have an accurate and thorough knowledge of the nature and the character of the cause by which the Union is endangered. Without such knowledge it is impossible to pronounce, with any certainty, by what measure it can be saved; just as it would be impossible for a physician to pronounce in the case of some dangerous disease, with any certainty, by what remedy the patient could be saved, without similar knowledge of the nature and character of the cause of the disease. The first question, then, presented for consideration, in the investigation I propose to make, in order to obtain such knowledge, is—What is it that has endangered the Union?

To this question there can be but one answer; that the immediate cause is the almost universal discontent which pervades all the States composing the Southern section of the Union. This widely extended discontent is not of recent origin. It commenced with the agitation of the slavery question, and has been increasing ever since. The next question, going one step further back, is—What has caused this widely diffused and almost universal discontent?

It is a great mistake to suppose, as is by some, that it originated with demagogues, who excited the discontent with the intention of aiding their personal advancement, or with the disappointed ambition of certain politicians, who resorted to it as the means of retrieving their fortunes. On the contrary, all the great political influences of the section were arrayed

against excitement, and exerted to the utmost to keep the people quiet. The great mass of the people of the South were divided, as in the other section, into Whigs and Democrats. The leaders and the presses of both parties in the South were very solicitous to prevent excitement and to preserve quiet; because it was seen that the effects of the former would necessarily tend to weaken, if not destroy, the political ties which united them with their respective parties in the other section. Those who know the strength of party ties will readily appreciate the immense force which this cause exerted against agitation and in favor of preserving quiet. But, as great as it was, it was not sufficiently so to prevent the widespread discontent which now pervades the section. No; some cause, far deeper and more powerful than the one supposed, must exist, to account for discontent so wide and deep. The question, then, recurs—What is the cause of this discontent? It will be found in the belief of the people of the Southern States, as prevalent as the discontent itself, that they cannot remain, as things now are, consistently with honor and safety, in the Union. The next question to be considered is—What has caused this belief?

One of the causes is, undoubtedly, to be traced to the long-continued agitation of the slave question on the part of the North, and the many aggressions which they have made on the rights of the South during the time. I will not enumerate them at present, as it will be done hereafter in its proper place.

There is another lying back of it, with which this is intimately connected, that may be regarded as the great and primary cause. That is to be found in the fact that the equilibrium between the two sections in the Government, as it stood when the Constitution was ratified and the Government put in action, has been destroyed. At that time there was nearly a perfect equilibrium between the two, which afforded ample means to each to protect itself against the aggression of the other; but, as it now stands, one section has the exclusive power of controlling the Government, which leaves the other without any adequate means of protecting itself against its encroachment and oppression. To place this subject distinctly before you, I have, Senators, prepared a brief statistical statement, showing the relative weight of the two sections in the Government under the first census of 1790 and the last census of 1840:

According to the former, the population of the United States, including Vermont, Kentucky, and Tennessee, which then were in their incipient condition of becoming States, but were not actually admitted, amounted to 3,929,827. Of this number the Northern States had 1,977,899, and the Southern 1,952,072; making a difference of only 25,827 in favor of the former States. The number of States, including Vermont, Kentucky, and Tennessee, were sixteen; of which eight, including Vermont, belonged to the Northern section, and eight, including Kentucky and Tennessee, to the Southern, making an equal division of the States between the two sections under the first census. There was a small preponderance in the House of Representatives, and in the electoral college, in favor of the Northern, owing to the fact that, according to the provisions of the Constitution, in estimating federal numbers, five slaves count but three; but it was too small to affect sensibly the perfect equilibrium, which, with that exception, existed at the time. Such was the equality of the two sections when the States composing them agreed to enter into a Federal

Union. Since then the equilibrium between them has been greatly disturbed.

According to the last census the aggregate population of the United States amounted to 17,063,357, of which the Northern section contained 9,728,920, and the Southern 7,334,437, making a difference, in round numbers, of 2,400,000. The number of States had increased from sixteen to twenty-six, making an addition of ten States. In the mean time the position of Delaware had become doubtful as to which section she properly belongs. Considering her as neutral, the Northern States will have thirteen and the Southern States twelve, making a difference in the Senate of two Senators in favor of the former. According to the apportionment under the census of 1840, there were 223 members of the House of Representatives, of which the Northern States had 135, and the Southern States (considering Delaware as neutral) 87, making a difference in favor of the former in the House of Representatives of 48. The difference in the Senate of two members added to this, gives to the North in the electoral college, a majority of 50. Since the census of 1840, four States have been added to the Union; Iowa, Wisconsin, Florida, and Texas. They leave the difference in the Senate as it stood when the census was taken; but add two to the side of the North in the House, making the present majority in the House in its favor of 50, and in the electoral college of 52.

The result of the whole is to give the Northern section a predominance in every department of the Government, and thereby concentrate in it the two elements which constitute the Federal Government; majority of States, and a majority of their population, estimated in federal numbers. Whatever section concentrates the two in itself possesses the control of the entire Government.

But we are just at the close of the sixth decade, and the commencement of the seventh. The census is to be taken this year, which must add greatly to the decided preponderance of the North in House of Representatives and in the electoral college. The prospect is, also, that a great increase will be added to its present preponderance in the Senate during the period of the decade by the addition of new States. Two Territories, Oregon and Minnesota, are already in progress, and strenuous efforts are making to bring in three additional States from the territory recently conquered from Mexico; which, if successful, will add three other States in a short time to the Northern section, making five States; and increasing the present number of its States from fifteen to twenty, and of its Senators from thirty to forty. On the contrary, there is not a single Territory in progress in the Southern section, and no certainty that any additional State will be added to it during the decade. The prospect then is, that the two sections in the Senate, should the efforts now made to exclude the South from the newly acquired Territories succeed, will stand, before the end of the decade, twenty-one Northern States to fourteen Southern, (considering Delaware as neutral,) and forty-two Northern Senators to twenty-eight Southern. This great increase of Senators, added to the great increase of members of the House of Representatives and electoral college on the part of the North, which must take place under the next decade, will effectually and irretrievably destroy the equilibrium which existed when the Government commenced.

Had this destruction been the operation of time, without the interference of Government, the South would have had no reason to complain;

but such was not the fact. It was caused by the legislation of this Government, which was appointed, as the common agent of all, and charged with the protection of the interests and security of all. The legislation by which it has been effected, may be classed under three heads. The first is, that series of acts by which the South has been excluded from the common territory belonging to all of the States, as the members of the Federal Union, and which have had the effect of extending vastly the portion allotted to the Northern section, and restricting within narrow limits, the portion left the South. The next consists in adopting a system of revenue and disbursements, by which an undue proportion of the burden of taxation has been imposed upon the South, and an undue proportion of its proceeds appropriated to the North; and the last is a system of political measures, by which the original character of the Government has been radically changed. I propose to bestow upon each of these, in the order they stand, a few remarks, with the view of showing that it is owing to the action of this Government that the equilibrium between the two sections has been destroyed, and the whole powers of the system centered in a sectional majority.

The first of the series of acts by which the South was deprived of its due share of the Territories, originated with the Confederacy, which preceded the existence of this Government. It is to be found in the provision of the ordinance of 1787. Its effect was to exclude the South entirely from that vast and fertile region which lies between the Ohio and the Mississippi rivers, now embracing five States and one Territory. The next of the series is the Missouri compromise, which excluded the South from that large portion of Louisiana which lies north of $36^{\circ} 30'$, excepting what is included in the State of Missouri. The last of the series excluded the South from the whole of the Oregon Territory. All these, in the slang of the day, were what are called slave territories, and not free soil; that is, territories belonging to slaveholding powers and open to the emigration of masters with their slaves. By these several acts, the South was excluded from 1, 238,025 square miles, an extent of country considerably exceeding the entire valley of the Mississippi. To the South was left the portion of the Territory of Louisiana lying south of $36^{\circ} 30'$, and the portion north of it included in the State of Missouri. The portion lying south of $36^{\circ} 30'$, including the States of Louisiana and Arkansas, and the territory lying west of the latter and south of $36^{\circ} 30'$, called the Indian country. These, with the Territory of Florida, now the State, makes in the whole, 283,503 square miles. To this must be added the territory acquired with Texas. If the whole should be added to the Southern section, it would make an increase of 325,520, which would make the whole left to the South, 609,023. But a large part of Texas is still in contest between the two sections, which leaves it uncertain what will be the real extent of the portion of territory that may be left to the South.

I have not included the territory recently acquired by the treaty with Mexico. The North is making the most strenuous efforts to appropriate the whole to herself, by excluding the South from every foot of it. If she should succeed, it will add to that from which the South has already been excluded, 526,078 square miles, and would increase the whole which the North has appropriated to herself to 1,764,023, not including the portion that she may succeed in excluding us from in Texas. To sum up the whole, the United States since they declared their inde-

pendence, have acquired 2,373,046 square miles of territory, from which the North will have excluded the South, if she should succeed in monopolizing the newly acquired territories, about three-fourths of the whole, leaving to the South but about one-fourth.

Such is the first and great cause that has destroyed the equilibrium between the two sections in the Government.

The next is the system of revenue and disbursements which has been adopted by the Government. It is well known that the Government has derived its revenue mainly from duties on imports. I shall not undertake to show that such duties must necessarily fall mainly on the exporting States, and that the South, as the great exporting portion of the Union, has in reality paid vastly more than her due proportion of the revenue; because I deem it unnecessary, as the subject has on so many occasions been fully discussed. Nor shall I, for the same reason, undertake to show that a far greater portion of the revenue has been disbursed at the North, than its due share; and that the joint effect of these causes has been, to transfer a vast amount from South to North, which, under an equal system of revenue and disbursements, would not have been lost to her. If, to this be added, that many of the duties were imposed, not for revenue, but for protection—that is, intended to put money, not in the treasury, but directly into the pocket of the manufacturers, some conception may be formed of the immense amount which, in the long course of sixty years, have been transferred from South to North. There are no data by which it can be estimated with any certainty; but it is safe to say, that it amounts to hundreds of millions of dollars. Under the most moderate estimate, it would be sufficient to add greatly to the wealth of the North, and thus greatly increase her population by attracting emigration from all quarters to that section.

This, combined with the great and primary cause, amply explains why the North has acquired a preponderance over every department of the Government by its disproportionate increase of population and States. The former, as has been shown, has increased in fifty years, 2,400,000 over that of the South. This increase of population, during so long a period, is satisfactorily accounted for, by the number of emigrants, and the increase of their descendants, which have been attracted to the Northern section from Europe and the South, in consequence of the advantages derived from the causes assigned. If they had not existed—if the South had retained all the capital which has been extracted from her by the fiscal action of the Government; and, if it had not been excluded by the ordinance of '37 and the Missouri compromise, from the region lying between the Ohio and the Mississippi rivers, and between the Mississippi and the Rocky mountains north of $36^{\circ} 30'$ —it scarcely admits of a doubt, that it would have divided the emigration with the North, and by retaining her own people, would have at least equalled the North in population under the census of 1840, and probably under that about to be taken. She would also, if she had retained her equal rights in those territories, have maintained an equality in the number of States with the North, and have preserved the equilibrium between the two sections that existed at the commencement of the Government. The loss then of the equilibrium, is to be attributed to the action of this Government.

But while these measures were destroying the equilibrium between the two sections, the action of the Government was leading to a radical

change in its character, by concentrating all the power of the system in itself. The occasion will not permit me to trace the measures by which this great change has been consummated. If it did, it would not be difficult to show that the process commenced at an early period of the Government; that it proceeded, almost without interruption, step by step, until it absorbed virtually its entire powers, but without going through the whole process to establish the fact, it may be done satisfactorily by a very short statement.

That the Government claims, and practically maintains, the right to decide in the last resort, as to the extent of its powers, will scarcely be denied by any one conversant with the political history of the country. That it also claims the right to resort to force to maintain whatever power she claims, against all opposition, is equally certain. Indeed it is apparent, from what we daily hear, that this has become the prevailing and fixed opinion of a great majority of the community. Now, I ask, what limitation can possibly be placed upon the powers of a government claiming and exercising such rights? And, if none can be, how can the separate governments of the States maintain and protect the powers reserved to them by the Constitution, or the people of the several States maintain those, which are reserved to them, and among others, the sovereign powers by which they ordained and established, not only their separate State Constitutions and Governments, but also the Constitution and Government of the United States? But, if they have no constitutional means of maintaining them against the right claimed by this Government, it necessarily follows, that they hold them at its pleasure and discretion, and that all the powers of the system are in reality concentrated in it. It also follows, that the character of the Government has been changed in consequence, from a federal Republic, as it originally came from the hands of its framers, and that it has been changed into a great national consolidated Democracy. It has indeed, at present, all the characteristics of the latter and not one of the former, although it still retains its outward form.

The result of the whole of these causes combined is, that the North has acquired a decided ascendancy over every department of this Government, and through it a control over all the powers of the system. A single section governed by the will of the numerical majority, has now, in fact, the control of the Government and the entire powers of the system. What was once a constitutional federal Republic, is now converted in reality, into one as absolute as that of the Autocrat of Russia, and as despotic in its tendency, as any absolute government that ever existed.

As then, the North has the absolute control over the Government, it is manifest, that on all questions between it and the South, where there is a diversity of interests, the interest of the latter will be sacrificed to the former, however oppressive the effects may be, as the South possesses no means by which it can resist, through the action of the Government. But if there was no question of vital importance to the South, in reference to which there was a diversity of views between the two sections, this state of things might be endured, without the hazard of destruction to the South. But such is not the fact. There is a question of vital importance to the Southern section, in reference to which the views and feelings of the two sections are as opposite and hostile as they can possibly be.

I refer to the relation between the two races in the Southern section, which constitutes a vital portion of her social organization. Every portion of the North entertains views and feelings more or less hostile to it. Those most opposed and hostile, regard it as a sin, and consider themselves under the most sacred obligation to use every effort to destroy it. Indeed to the extent that they conceive they have power, they regard themselves as implicated in the sin, and responsible for suppressing it, by the use of all and every means. Those less opposed and hostile, regard it as a crime—an offence against humanity, as they call it; and although not so fanatical, feel themselves bound to use all efforts to effect the same object, while those who are least opposed and hostile, regard it as a blot and a stain on the character, of what they call the Nation, and feel themselves accordingly bound to give it no countenance or support. On the contrary, the Southern section regards the relation as one which cannot be destroyed without subjecting the two races to the greatest calamity, and the section to poverty, desolation, and wretchedness; and accordingly they feel bound, by every consideration of interest and safety, to defend it.

This hostile feeling on the part of the North towards the social organization of the South, long lay dormant, but it only required some cause to act on those who felt most intensely that they were responsible for its continuance, to call it into action. The increasing power of this Government, and of the control of the Northern section over all its departments, furnished the cause. It was this which made an impression on the minds of many, that there was little, or no restraint, to prevent the Government from doing whatever it might choose to do. This was sufficient of itself to put the most fanatical portion of the North in action for the purpose of destroying the existing relation between the two races in the South.

The first organized movement towards it commenced in 1835. Then, for the first time, societies were organized, presses established, lecturers sent forth to excite the people of the North, and incendiary publications scattered over the whole South, through the mail. The South was thoroughly aroused. Meetings were held everywhere, and resolutions adopted, calling upon the North to apply a remedy to arrest the threatened evil, and pledging themselves to adopt measures for their own protection, if it was not arrested. At the meeting of Congress petitions poured in from the North, calling upon Congress to abolish slavery in the District of Columbia, and to prohibit what they called the internal slave trade between the States, announcing at the same time, that their ultimate object was to abolish slavery, not only in the District, but in the States and throughout the Union. At this period, the number engaged in the agitation was small, and possessed little or no personal influence.

Neither party in Congress had, at that time, any sympathy with them, or their cause. The members of each party presented their petitions with great reluctance. Nevertheless, as small and contemptible as the party then was, both of the great parties of the North dreaded them. They felt, that though small, they were organized in reference to a subject which had a great and a commanding influence over the Northern mind. Each party, on that account, feared to oppose their petitions, lest the opposite party should take advantage of the one who might do so, by favoring their petitions. The effect was that both united in insisting that the petitions should be received, and that Congress should take jurisdiction of the

subject for which they prayed. To justify their course, they took the extraordinary ground, that Congress was bound to receive petitions on every subject, however objectionable it might be, and whether they had or had not jurisdiction over the subject. These views prevailed in the House of Representatives, and partially in the Senate, and thus the party succeeded in their first movements in gaining what they proposed—a position in Congress, from which agitation could be extended over the whole Union. This was the commencement of the agitation, which has ever since continued, and which, as is now acknowledged, has endangered the Union itself.

As for myself, I believed at that early period, if the party who got up the petitions should succeed in getting Congress to take jurisdiction, that agitation would follow, and that it would in the end, if not arrested, destroy the Union. I then so expressed myself in debate, and called upon both parties to take grounds against assuming jurisdiction, but in vain. Had my voice been heeded, and had Congress refused to take jurisdiction, by the united votes of all parties, the agitation which followed would have been prevented, and the fanatical zeal that gives impulse to the agitation, and which has brought us to our present perilous condition, would have become extinguished from the want of something to feed the flame. That was the time for the North to show her devotion to the Union; but unfortunately both of the great parties of that section were so intent on obtaining or retaining party ascendancy, that all other considerations were overlooked or forgotten.

What has since followed are but the natural consequences. With the success of their first movement, this small fanatical party began to acquire strength; and with that, to become an object of courtship to both the great parties. The necessary consequence was, a further increase of power, and a gradual tainting of the opinions of both of the other parties with their doctrines, until the infection has extended over both; and the great mass of the population of the North, who, whatever may be their opinion of the original abolition party, which still preserves its distinctive organization, hardly ever fail, when it comes to acting, to cooperate in carrying out their measures. With the increase of their influence, they extended the sphere of their action. In a short time after the commencement of their first movement, they had acquired sufficient influence to induce the Legislatures of most of the Northern States to pass acts, which in effect abrogated the provision of the Constitution that provides for the delivery up of fugitive slaves. Not long after, petitions followed to abolish slavery in forts, magazines, and dock yards, and all other places where Congress had exclusive power of legislation. This was followed by petitions and resolutions of Legislatures of the Northern States and popular meetings, to exclude the Southern States from all Territories acquired, or to be acquired, and to prevent the admission of any State hereafter into the Union, which, by its Constitution, does not prohibit slavery. And Congress is invoked to do all this expressly with the view to the final abolition of slavery in the States. That has been avowed to be the ultimate object from the beginning of the agitation until the present time; and yet the great body of both parties of the North, with the full knowledge of the fact, although disavowing the abolitionists, have co-operated with them in almost all their measures.

Such is a brief
Now I ask, Senators, whether
it fulfils the ultimate end proposed
be adopted to prevent it? Has any
to its increase from its original small amount
has attained its present magnitude, diminished
cause of the movement, that slavery is a sin, and ought to be suppressed,
weaker now than at the commencement? Or is the Abolition party
less numerous or influential, or have they less influence over, or control
over the two great parties of the North in elections? Or has the
South greater means of influencing or controlling the movements of this
Government now, than it had when the agitation commenced? To all
these questions but one answer can be given: no, no, no. The very re-
verse is true. Instead of being weaker, all the elements in favor of agita-
tion are stronger now than they were in 1835, when it first commenced,
while all the elements of influence on the part of the South are weaker.
Unless something decisive is done, I again ask, before what is to stop
this agitation, the great and final object at which it aims—the abo-
lition of slavery in the States—is consummated? Is it, then, not cer-
tain that if something decisive is not now done to arrest it, the South
will be forced to choose between abolition and secession? Indeed, as
events are now moving, it will not require the South to secede to dissolve
the Union. Agitation will of itself effect it, of which its past history fur-
nishes abundant proof, as I shall next proceed to show.

It is a great mistake to suppose that disunion can be effected by a single
blow. The cords which bound these States together in one common
Union are far too numerous and powerful for that. Disunion must be
the work of time. It is only through a long process, and sovereignty,
that the cords can be snapped, until the whole fabric falls asunder. Al-
ready the agitation of the slavery question has snapped some of the most
important, and has greatly weakened all the others, as I shall proceed
to show.

The cords that bind the States together are not only many, but various
in character. Some are spiritual or ecclesiastical; some political; others
social. Some appertain to the benefit conferred by the Union, and others
to the feeling of duty and obligation.

The strongest of those of a spiritual and ecclesiastical nature consisted
in the unity of the great religious denominations, all of which originally
embraced the whole Union. All these denominations, with the excep-
tion, perhaps, of the Catholics, were organized very much upon the prin-
ciple of our political institutions; beginning with smaller meetings cor-
responding with the political divisions of the country, their organization
terminated in one great central assemblage, corresponding very much
with the character of Congress. At these meetings the principal clergy-
men and lay members of the respective denominations from all parts of
the Union met to transact business relating to their common concerns.
It was not confined to what appertained to the doctrines and discipline
of the respective denominations, but extended to plans for disseminating
the Bible, establishing missionaries, distributing tracts, and of establish-
ing presses for the publication of tracts, newspapers, and periodicals, with
a view of diffusing religious information, and for the support of the doc-
trines and creeds of the denomination. All this combined contributed

strong ties which
cord to hold the whole
e, they have not been able
agitation.
snapped, under its explosive force, was
Episcopal Church. The numerous and
held it together are all broke, and its unity gone. They
now form separate churches; and, instead of that feeling of attachment
and devotion to the interests of the whole church which was formerly
felt, they are now arrayed into two hostile bodies, engaged in litigation
about what was formerly their common property.

The next cord that snapped was that of the Baptists, one of the largest
and most respectable of the denominations. That of the Presbyterian is
not entirely snapped, but some of its strands have given away. That of
the Episcopal Church is the only one of the four great Protestant denomi-
nations which remains unbroken and entire.

The strongest cord, of a political character, consists of the many and
strong ties that have held together the two great parties which have,
with some modifications, existed from the beginning of the Govern-
ment. They both extended to every portion of the Union, and strongly contrib-
uted to hold all its parts together. But this powerful cord has fared no
better than the spiritual. It resisted for a long time the explosive ten-
dency of the agitation, but has finally snapped under its force—if not en-
tirely, in a great measure. Nor is there one of the remaining cords
which have not been greatly weakened. To this extent the Union has
already been destroyed by agitation, in the only way it can be, by snap-
ping asunder and weakening the cords which bind it together.

If the agitation goes on, the same force, acting with increased intensi-
ty, as has been shown, will finally snap every chord, when nothing will
be left to hold the States together except force. But, surely, that can,
with no propriety of language, be called a Union when the only means
by which the weaker is held connected with the stronger portion is *force*.
It may, indeed, keep them connected; but the connexion will partake
much more of the character of subjugation, on the part of the weaker to
the stronger, than the union of free, independent, and sovereign States,
in one confederation, as they stood in the early stages of the Government,
and which only is worthy of the sacred name of Union.

Having now, Senators, explained what it is that endangers the Union,
and traced it to its cause, and explained its nature and character, the
question again recurs—How can the Union be saved? To this I answer,
there is but one way by which it can be, and that is by adopting such
measures as will satisfy the States belonging to the Southern section that
they can remain in the Union consistently with their honor and their
safety. There is, again, only one way by which that can be effected,
and that is by removing the causes by which this belief has been pro-
duced. Do *that*, and discontent will cease, harmony and kind feelings
between the sections be restored, and every apprehension of danger to the
Union removed. The question, then, is—By what can this be done? But,
before I undertake to answer this question, I propose to show by what the
Union cannot be saved.

It cannot, then, be saved by eulogies on the Union, however splendid or
numerous. The cry of "Union, Union—the glorious Union!" can no more

prevent disunion than the cry of "Health, health—glorious health!" on the part of the physician, can save a patient lying dangerously ill. So long as the Union, instead of being regarded as a protector, is regarded in the opposite character, by not much less than a majority of the States, it will be in vain to attempt to conciliate them by pronouncing eulogies on it.

Besides, this cry of Union comes commonly from those who we cannot believe to be sincere. It usually comes from our assailants. But we cannot believe them to be sincere; for, if they loved the Union, they would necessarily be devoted to the Constitution. It made the Union, and to destroy the Constitution would be to destroy the Union. But the only reliable and certain evidence of devotion to the Constitution is, to abstain, on the one hand, from violating it, and to repel, on the other, all attempts to violate it. It is only by faithfully performing these high duties that the Constitution can be preserved, and with it the Union.

But how stands the profession of devotion to the Union by our assailants, when brought to the test? Have they abstained from violating the Constitution? Let the many acts passed by the Northern States to set aside and annul the clause of the Constitution providing for the delivery up of fugitive slaves answer. I cite this, not that it is the only instance, (for there are many others,) but because the violation in this particular is too notorious and palpable to be denied. Again: have they stood forth faithfully to repel violations of the Constitution? Let their course in reference to the agitation of the slavery question, which was commenced and has been carried on for fifteen years, avowedly for the purpose of abolishing slavery in the States—an object all acknowledged to be unconstitutional—answer. Let them show a single instance, during this long period, in which they have denounced the agitators or their attempts to effect what is admitted to be unconstitutional, or a single measure which they have brought forward for that purpose. How can we, with all these facts before us, believe that they are sincere in their profession of devotion to the Union, or avoid believing their profession is but intended to increase the vigor of their assaults and to weaken the force of our resistance?

Nor can we regard the profession of devotion to the Union, on the part of those who are not our assailants, as sincere, when they pronounce eulogies upon the Union, evidently with the intent of charging us with disunion, without uttering one word of denunciation against our assailants. If friends of the Union, their course should be to unite with us in repelling these assaults, and denouncing the authors as enemies of the Union. Why they avoid this, and pursue the course they do, it is for them to explain.

Nor can the Union be saved by invoking the name of the illustrious Southerner whose mortal remains repose on the western bank of the Potomac. He was one of us—a slaveholder and a planter. We have studied his history, and find nothing in it to justify submission to wrong. On the contrary, his great fame rests on the solid foundation, that, while he was careful to avoid doing wrong to others, he was prompt and decided in repelling wrong. I trust that, in this respect, we profited by his example.

Nor can we find any thing in his history to deter us from seceding from the Union, should it fail to fulfil the objects for which it was instituted,

by being permanently and hopelessly converted into the means of oppressing instead of protecting us. On the contrary, we find much in his example to encourage us, should we be forced to the extremity of deciding between submission and disunion.

There existed then, as well as now, a union—that between parent country and her then colonies. It was a union that had much to endear it to the people of the colonies. Under its protecting and superintending care, the colonies were planted and grew up and prospered, through a long course of years, until they become populous and wealthy. Its benefits were not limited to them. Their extensive agricultural and other productions, gave birth to a flourishing commerce, which richly rewarded the parent country for the trouble and expense of establishing and protecting them. Washington was born and grew up to manhood under that union. He acquired his early distinction in its service, and there is every reason to believe that he was devotedly attached to it. But his devotion was a rational one. He was attached, not as an end, but as a means to an end. When it failed to fulfil its end, and, instead of affording protection, was converted into the means of oppressing the colonies, he did not hesitate to draw his sword, and head the great movement by which that union was forever severed, and the independence of these States established. This was the great and crowning glory of his life, which has spread his fame over the whole globe, and will transmit it to the latest posterity.

Nor can the plan proposed by the distinguished Senator from Kentucky, nor that of the Administration, save the Union. I shall pass by, without remark, the plan proposed by the Senator, and proceed directly to the consideration of that of the Administration. I however assure the distinguished and able Senator, that in taking this course, no disrespect whatever is intended to him or his plan. I have adopted it, because so many Senators of distinguished abilities, who were present when he delivered his speech, and explained his plan, and who were fully capable to do justice to the side they support, have replied to him.

The plan of the Administration cannot save the Union, because it can have no effect whatever, towards satisfying the States composing the Southern section of the Union, that they can, consistently with safety and honor, remain in the Union. It is in fact but a modification of the Wilmot proviso. It proposes to effect the same object, to exclude the South from all territory acquired by the Mexican treaty. It is well known that the South is united against the Wilmot proviso, and has committed itself by solemn resolutions, to resist, should it be adopted. Its opposition is *not to the name*, but that which it *proposes to effect*. That the Southern States hold to be unconstitutional, unjust, inconsistent with their equality as members of the common Union, and calculated to destroy irretrievably, the equilibrium between the two sections. These objections equally apply to what, for brevity, I will call the Executive proviso. There is no difference between it and the Wilmot, except in the mode of effecting the object, and in that respect I must say, that the latter is much the least objectionable. It goes to its object, openly, boldly, and distinctly. It claims for Congress unlimited power over the Territories, and proposes to assert it over the Territories acquired from Mexico, by a positive prohibition of slavery. Not so the Executive proviso. It takes an indirect course, and in order to elude the Wilmot proviso, and thereby avoid

encountering the united and determined resistance of the South, it denies, by implication, the authority of Congress to legislate for the Territories, and claims the right as belonging exclusively to the inhabitants of the Territories. But to effect the object of excluding the South, it takes care, in the mean time, to let in emigrants freely from the Northern States and all other quarters, except from the South, which it takes special care to exclude by holding up to them the danger of having their slaves liberated under the Mexican laws. The necessary consequence is to exclude the South from the Territory, just as effectually as would the Wilmot proviso. The only difference in this respect is, that what one proposes to effect directly and openly, the other proposes to effect indirectly and covertly.

But the Executive proviso is more objectionable than the Wilmot, in another and more important particular. The latter, to effect its object, inflicts a dangerous wound upon the Constitution, by depriving the Southern States, as joint partners and owners of the Territories, of their rights in them; but it inflicts no greater wound than is absolutely necessary to effect its object. The former, on the contrary, while it inflicts the same wound, inflicts others equally great, and, if possible, greater, as I shall next proceed to explain.

In claiming the right for the inhabitants, instead of Congress, to legislate for the Territories, in the Executive proviso, it assumes that the sovereignty over the Territories is vested in the former; or to express it in the language used in a resolution offered by one of the Senators from Texas, (General Houston, now absent,) they have "the same inherent right of self-government as the people in the States." The assumption is utterly unfounded, unconstitutional, without example, and contrary to the entire practice of the Government, from its commencement to the present time, as I shall proceed to show.

The recent movement of individuals in California to form a constitution and a State government, and to appoint Senators and Representatives is the first fruit of this monstrous assumption. If the individuals, who made this movement, had gone into California as adventurers, and if, as such, they had conquered the Territory and established their independence, the sovereignty of the country would have been vested in them, as a separate and independent community. In that case, they would have had the right to form a constitution, and to establish a government for themselves; and, if afterwards, they thought proper to apply to Congress for admission into the Union as a sovereign and independent State, all this would have been regular, and according to established principles. But such is not the case. It was the United States who conquered California, and finally acquired it by treaty. The sovereignty, of course, is invested in them, and not in the individuals who have attempted to form a constitution and a State, without their consent. All this is clear, beyond controversy, unless it can be shown that they have since lost or been divested of their sovereignty.

Nor is it less clear, that the power of legislating over the acquired territory is vested in Congress, and not, as is assumed, in the inhabitants of the Territories. None can deny that the Government of the United States have the power to acquire Territories, either by war or treaty; but if the power to acquire exists, it belongs to Congress to carry it into execution. On this point there can be no doubt, for the Constitution expressly provides, that Congress shall have power "to make all laws which shall be necessary and proper to carry into execution the foregoing powers," (those vested in Congress,) "and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof." It matters not, then, where the power is vested; for, if vested at all in the Government of the United States, or any of its departments, or officers, the power of carrying it into execution is clearly vested in Congress. But this important provision, while it gives to Congress the power of legislating over Territories, imposes important restrictions on its exercise, by restricting Congress to passing laws necessary and proper for carrying the power into execution. The prohibition extends, not only to all laws not suitable or appropriate to the object of the power, but also to all that are unjust, unequal, or unfair, for all such laws would be unnecessary and improper, and, therefore, unconstitutional.

Having now established, beyond controversy, that the sovereignty over the Territories is vested in the United States—that is in the several States composing the Union—and that the power of legislating over them is expressly vested in Congress, it follows, that the individuals in California who have undertaken to form a constitution and a State, and to exercise the power of legislating without the consent of Congress, have usurped the sovereignty of the State and the authority of Congress, and have acted in open defiance of both. In other words, what they have done is revolutionary and rebellious in its character, anarchical in its tendency, and calculated to lead to the most dangerous consequences. Had they acted from premeditation and design, it would have been, in fact, actual rebellion; but such is not the case. The blame lies much less upon

them than upon those who have induced them to take a course so unconstitutional and dangerous. They have been led into it by language held here, and the course pursued by the Executive branch of the Government.

I have not seen the answer of the Executive to the calls made by the two Houses of Congress for information as to the course which it took, or the part which it acted, in reference to what was done in California. I understand the answers have not yet been printed. But there is enough known to justify the assertion, that those who profess to represent and act under the authority of the Executive, have advised, aided, and encouraged the movement, which terminated in forming, what they call a Constitution and a State. General Riley, who professed to act as civil Governor, called the Convention, determined on the number and distribution of the delegates, appointed the time and place of its meeting, was present during the session, and gave its proceedings his approbation and sanction. If he acted without authority, he ought to have been tried, or at least reprimanded and disavowed. Neither having been done, the presumption is, that his course has been approved. This of itself is sufficient to identify the Executive with his acts, and to make it responsible for them. I touch not the question, whether General Riley was appointed or received the instructions under which he professed to act from the present Executive, or its predecessor. If from the former, it would implicate the preceding as well as the present Administration. If not, the responsibility rests exclusively on the present.

It is manifest from this statement, that the Executive Department has undertaken to perform acts preparatory to the meeting of the individuals to form their so-called Constitution and Government, which appertain exclusively to Congress. Indeed, they are identical in many respects, with the provisions adopted by Congress, when it gives permission to a Territory to form a constitution and government, in order to be admitted as a State into the Union.

Having now shown that the assumption upon which the Executive and the individuals in California acted throughout this whole affair, is unfounded, unconstitutional, and dangerous, it remains to make a few remarks, in order to show that what has been done is contrary to the entire practice of the Government from its commencement to the present time.

From its commencement until the time that Michigan was admitted, the practice was uniform. Territorial Governments were first organized by Congress. The Government of the United States appointed the Governors, Judges, Secretaries, Marshals, and other officers, and the inhabitants of the Territory were represented by legislative bodies, whose acts were subject to the revisions of Congress. This state of things continued until the government of a Territory applied to Congress to permit its inhabitants to form a constitution and government, preparatory to admission into the Union. The preliminary act to giving permission was, to ascertain whether the inhabitants were sufficiently numerous to authorize them to be formed into a State. This was done by taking a census. That being done, and the number proving sufficient, permission was granted. The act granting it fixed all the preliminaries—the time and place of holding the convention; the qualification of the voters; establishment of its boundaries, and all other measures necessary to be settled previous to admission. The act giving permission necessarily withdraws the sovereignty of the United States, and leaves the inhabitants of the incipient State as free to form their constitution and government, as were the original States of the Union after they had declared their independence. At this stage, the inhabitants of the Territory became for the first time a people, in legal and constitutional language. Prior to this, they were, by the old acts of Congress, called inhabitants, and not people. All this is perfectly consistent with the sovereignty of the United States, with the powers of Congress, and with the right of a people to self government.

Michigan was the first case in which there was any departure from the uniform rule of acting. Hers was a very slight departure from established usage. The ordinance of '87 secured to her the right of becoming a State, when she should have 60,000 inhabitants. Owing to some neglect, Congress delayed taking the census. In the mean time her population increased, until it clearly exceeded more than twice the number which entitled her to admission. At this stage she formed a constitution and government without the census being taken by the United States, and Congress waived the omission, as there was no doubt she had more than a sufficient number to entitle her to admission. She was not admitted at the first session she applied, owing to some difficulty respecting the boundary between her and Ohio. The great irregularity, as to her admission, took place at the next session, but on a point which can have no possible connexion with the case of California.

The irregularities in all other cases that have since occurred are of a similar nature. In all, there existed territorial governments established by Congress, with officers appointed by the United States. In all, the territorial government took the lead in calling conventions, and fixing the preliminaries preparatory to the formation of a constitution and admission into the Union. They all recognized the sovereignty of the United States, and the authority of Congress over the Territories; and wherever there was any departure from established usage, it was done on the presumed consent of Congress, and not in defiance of its authority, or the sovereignty of the United States over the Territories. In this respect California stands alone, without usage, or a single example to cover her case.

It belongs now, Senators, for you to decide what part you will act in reference to this unprecedented transaction. The Executive has laid the paper purporting to be the Constitution of California before you, and asks you to admit her into the Union as a State; and the question is, will you or will you not admit her. It is a grave question; and there rests upon you a heavy responsibility. Much, very much, will depend upon your decision. If you admit her, you endorse and give your sanction to all that has been done. Are you prepared to do so? Are you prepared to surrender your power of legislation for the Territories—a power expressly vested in Congress by the Constitution, as has been fully established? Can you, consistently with your oath to support the Constitution, surrender the power? Are you prepared to admit that the inhabitants of the Territories possess the sovereignty over them; and that any number, more or less, may claim any extent of Territory they please; may form a Constitution and Government, and erect it into a State, without asking your permission? Are you prepared to surrender the sovereignty of the United States over whatever territory may be hereafter acquired to the first adventurers who may rush into it? Are you prepared to surrender virtually to the Executive Department, all the powers which you have heretofore exercised over the Territories? If not, how can you consistently with your duty and your oaths to support the Constitution, give your assent to the admission of California as a State, under a pretended constitution and government? Again, can you believe that the project of a constitution which they have adopted, has the least validity? Can you believe that there is such a State in reality as the State of California? No; there is no such State. It has no legal or constitutional existence. It has no validity, and can have none, without your sanction. How, then, can you admit it as a State, when according to the provision of the Constitution, your power is limited to admitting new States. To be admitted, it must be a State, an existing State, independent of your sanction, before you can admit it. When you give your permission to the inhabitants of a Territory to form a constitution and a State, the constitution and State they form, derive their authority from the people, and not from you. The State before admitted is actually a State, and does not become so by the act of admission, as would be the case with California, should you admit her contrary to constitutional provisions and established usage heretofore.

The Senators on the other side of the Chamber must permit me to make a few remarks in this connection particularly applicable to them, with the exception of a few Senators from the South, sitting on that side of the Chamber, when the Oregon question was before this body not two years since. You took (if I mistake not) universally the ground, that Congress had the sole and absolute power of legislating for the Territories. How then, can you now, after the short interval which has elapsed, abandon the ground which you took, and thereby virtually admit that the power of legislating, instead of being in Congress, is in the inhabitants of the Territories? How can you justify and sanction by your votes, the acts of the Executive, which are in direct derogation of what you then contended for? But to approach still nearer to the present time, how can you, after condemning, little more than a year since, the grounds taken by the party which you defeated at the last election, wheel round and support by your votes the grounds which, as explained recently on this floor by the candidate of the party in the last election, are identical with those on which the Executive has acted in reference to California? What are we to understand by all this? Must we conclude that there is no sincerity, no faith in the acts and declarations of public men, and that all is mere acting or hollow profession? Or are we to conclude that the exclusion of the South from the territory acquired from Mexico is an object of so paramount a character in your estimation, that Right, Justice, Constitution, and Consistency, must all yield, when they stand in the way of our exclusion?

But, it may be asked, what is to be done with California, should she not be admitted? I answer, remand her back to the territorial condition, as was done in the case of Tennessee, in the early stage of the Government. Congress, in her case, had established a territorial government in the usual form, with a Governor, Judges, and other officers, appointed by the United States. She was entitled, under the deed of cession, to be admitted into the Union as a State as soon as she had sixty thousand inhabitants. The Territorial Government, believing it had that number, took a census, by which it appeared it exceeded it. She then formed a Constitution, and applied for admission. Congress refused to admit her, on the ground that the census should be taken by the United States, and that Congress had not determined whether the Territory should be formed into one or two States, as it was authorized to do under the cession. She returned quietly to her territorial condition. An act was passed to take a census by the United States, containing a provision that the Territory should form one State. All afterwards was regularly conducted, and the Territory admitted as a State in due form. The irregularities in the case of California are immeasurably greater, and offer much stronger reasons for pursuing the same course. But, it may be said, California may not submit. That is not probable; but if she should not, when she refuses, it will then be time for us to decide what is to be done.

Having now shown what cannot save the Union, I return to the question with which I commenced, How can the Union be saved? There is but one way by which it can with any certainty, and that is, by a full and final settlement, on the principle of justice, of all the questions at issue between the two sections. The South asks for justice, simple justice, and less she ought not to take. She has no compromise to offer, but the Constitution; and no concession or surrender to