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Against The Annexation
of Hawaii

Speech of Hon. Thomas
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AGAINST THE ANNEXATION OF HAWAII.

To take Hawaii, therefore, means not only to change our traditional policy as to colonial aggrandizement and abolish the Monroe doctrine, but it means to absorb a population that are alien to our form of government and strangers to our institutions.

SPEECH

OF

HON. THOS. H. BALL,

OF TEXAS,

IN THE

HOUSE OF REPRESENTATIVES,

Wednesday, June 15, 1898.

WASHINGTON.

1898.

P. A. STEELE

SPEECH
OF
HON. THOS. H. BALL.

The House having under consideration the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States—

Mr. BALL said:

Mr. SPEAKER: In the limited time allotted me I can not attempt a full or satisfactory discussion of the pending resolution. I would not speak at all did I not in my heart believe that the question under consideration involves the most crucial period in our national history, not excepting the fratricidal conflict between the States.

The glowing picture presented by those who would lightly set aside the traditional policy of this Government and enter upon a career of colonial aggrandizement supported by a great army and navy, is certainly no more alluring than was Napoleon's dream of universal empire. Let us hope that, once entered upon, the result may not prove equally disastrous.

Mr. Speaker, in opposing this measure I shall present for the consideration of the House three propositions only. The annexation of Hawaii by joint resolution is unconstitutional, unnecessary, and unwise. If the first proposition be true, sworn to support the Constitution, we should inquire no further. I challenge not the advocates of Hawaiian annexation, but those who advocate annexation in the form now presented, to show warrant or authority in our organic law for such acquisition of territory. To do so will be not only to subvert the supreme law of the land but to strike down every precedent in our history. I know, as was said by the gentleman from Arkansas [Mr. DIXSMORE], that the mention of the Constitution in this body often invokes a smile, and yet it can not be that a majority of this body agree with the insignificant few "that there is a higher law than the Constitution;" or with that former member of this House who, in his good fellowship, "did not think the Constitution should come between friends."

Why, sir, the very presence of this measure here is the result of a deliberate attempt to do unlawfully that which can not be lawfully done. The gentleman from Minnesota [Mr. TAWNEY], in a very able argument in support of annexation on March 15 last, rested his case upon the general power in our Constitution and the express power in the constitution of Hawaii, conferred upon the Presidents and Senates of the two countries, to conclude a treaty of annexation. Now that, in pursuance of these powers, the President has submitted the treaty to the United States Senate

and has been unable to obtain the consent of two-thirds of that body, we are called upon to override the constitutions of both parties to the proposed contract in order that we may do this thing.

When Louisiana was acquired, when Florida was received, when Alaska came to us, no statesman connected with the executive or legislative branch of the Government dreamed the territory sought to be added to our possessions could be received, except by treaty duly ratified. In their desperation, grasping at shadows for substance, those who now resort to this subterfuge cite the admission of the imperial State from which I hail—Texas—as warrant and authority for their purpose.

Mr. Speaker, no one familiar with the history of that transaction should make such claim. Advocates of the annexation of Texas rested their case upon the express power conferred upon Congress in the Constitution to admit new States. Opponents of the annexation of Texas contended that even that express power did not confer the right to admit States not carved from territory already belonging to the United States or some one of the States forming the Federal Union. Whether, therefore, we subscribe to the one or the other school of thought in that matter, we can find no precedent to sustain the method here proposed for admitting foreign territory.

Members need only refer to the extended debates in Senate and House of Representatives while the annexation of Texas was being considered to be assured of the correctness of this conclusion. The original proposition as offered contemplated the formation of a State from certain prescribed limits within the territory embraced in the Republic of Texas, while the balance of the area of the Republic was to be ceded as territory to the United States. The treaty having failed of ratification by the Senate, annexation by joint resolution was resorted to, and the outcome of the whole matter was that the entire Republic of Texas was admitted as one State, with the right to carve therefrom four additional States, this being done for the purpose alone of coming within the constitutional power to admit new States and in recognition of the fact that territory could only be constitutionally acquired by treaty.

I have not time to review much that was interestingly said about the matter. I shall quote only a few of the opinions advanced during the discussion of that matter. The Senate committee on Foreign Affairs consisted of five members, four of whom questioned the right to admit new States out of foreign territory, claiming it could only be done by treaty, the other member of the committee admitting that foreign territory could only be acquired by treaty, but contending that Texas could be admitted as a State.

Mr. Walker, of Mississippi, claiming to be the author of the idea to have Texas admitted under the clause of the Constitution authorizing Congress to admit new States, said—

That he was rejoiced that the great American question of the reannexation of Texas was being presented on all hands on the grounds on which it was placed originally by him [Mr. Walker] in his Texas letter of the 8th of January, 1844.

He [Mr. Walker] then proposed, more than a year since, to admit Texas as a State of the Union by the action of Congress under that clause of the Constitution which authorizes Congress to admit new States into the Union. That clause was not confined to our then existing territory, but was without limitation, and the framers of the Constitution had expressly refused to limit the general power contained in this clause to the territory then embraced

within the Union. The general power was in express words, and no man had a right to interpolate restrictions, especially restrictions which the framers of the Constitution had rejected.

Mr. Buchanan, of Pennsylvania, the dissenting member of the Foreign Affairs Committee, advocating the resolution, said:

All the reasoning and ingenuity in the world could not abolish the plain language of the Constitution, which declared that new States might be admitted by Congress into the Union.

Mr. Henderson, of Mississippi, Mr. Benton, of Missouri, and other able advocates of the annexation of Texas urged the same arguments in support of the measure.

In the House of Representatives Mr. Yancey, of Alabama, supporting the resolution, advanced the same line of argument. On the other hand, the opposition, insisting that the power to admit new States was confined to territory already belonging to the United States, put forward many able advocates.

Mr. Morehead, of Kentucky, speaking for the Foreign Affairs Committee of the Senate, contended—

In the case now under consideration it was not proposed by the joint resolution before the Senate that Texas should be acquired according to what he considered the constitutional mode of proceeding, by the treaty-making power. The proposition is for Congress to admit her as a State. Now—

He asked—

when this Government was about to add a foreign domain to ours, was there any other mode of accomplishing that object except by the interposition of the treaty-making power, composed of the President of the United States in conjunction with the Senate? Was it constitutional to annex Texas by the treaty which was submitted to the Senate last session?

He believed there were few, if any, constitutional objections made. If, then, the power to annex foreign territory by treaty does appertain to the treaty-making power, he should like to see upon what ground it could be held that the Congress of the United States possesses concurrent legislative power upon this subject. If that which it is competent for the treaty-making power alone to accomplish, the majority of a quorum of both Houses of Congress could accomplish. The argument, he apprehended, would be this, that as a constitutional mode of proceeding we do not deny that foreign territory can be admitted into this Union by the treaty-making power. But there is another clause in the Constitution which gives Congress the power to admit new States into the Union. He proposed now to consider what was the character of that article and upon what conditions it rests. [Mr. Buchanan: That is the true ground.] His friend from Pennsylvania said that was the question, and to it he proposed to call particular attention.

Mr. Choate for three hours reviewed the whole question, bringing to bear his knowledge of the Constitution and its formation and the history of the country, clothed in redundant adjectives. He denied that the clause in the fourth article in the Constitution giving the power to Congress of admitting new States into the Union was given with the most remote idea of its being ever applied to anything but domestic territory. Said he:

No man could believe that by that provision it was intended to confer the tremendous power of admitting new States in any part of the world without limitation as to habits, customs, language, principles, or anything but the semblance of republicanism. Until it was found the treaty of last session had no chance of passing the Senate, no human being save one, no man, woman, or child in the Union or out of the Union, wise or foolish, drunk or sober, was ever heard to breathe one syllable about this power in the Constitution of admitting new States being applicable to the admission of foreign nations, governments, or states. It was a new and monstrous heresy on the Constitution, got up not from any well-founded faith in its orthodoxy, but for the mere purpose of carrying a measure by a bare majority of Congress that could not be carried by a two-thirds majority of the Senate in accordance with the treaty-making power.

Mr. Speaker, I will not further quote from this discussion. The language used by Mr. Choate certainly applies with peculiar force to the proposition now pending, and the entire debate upon both sides of that proposition shows conclusively that the advocates of this measure have no ground to stand upon so far as the annexation of Texas is concerned.

The gentleman from North Carolina [Mr. PEARSON] and the gentleman from Ohio [Mr. GROSVENOR] seek to aid their contentions in favor of this measure by the decision of Chief Justice Marshall. Let us see if they are sustained thereby:

The course—

Said Judge Marshall—

which the argument has taken will require that in deciding this question the court should take into view the relation in which Florida stands to the United States. The Constitution confers absolutely upon the Government the powers of making war and of making treaties; consequently that Government possesses the power of acquiring territory either by conquest or by treaty.

Thus it will be seen, Mr. Speaker, that Chief Justice Marshall not only fails to sustain these gentlemen, but bases the acquisition of territory, either by conquest or treaty, upon the war-making and treaty-making powers conferred by the Constitution upon the Government. Certainly, the treaty having failed to pass, no gentleman will contend that we are attempting to take Hawaii by conquest or by the power to admit States. They must therefore stand with the chairman of the Foreign Affairs Committee [Mr. HERR], who insists, in substance, that the National Government has the inherent right to acquire territory in this manner. The Constitution having pointed out the several ways in which territory may be lawfully acquired, I for one decline to accept this new doctrine by which territory can eventually come into partnership with the States and have equal rights and representation on the floor of Congress and elsewhere without first running the gantlet of every constitutional safeguard.

Mr. Speaker, I shall even venture to differ with those who declare this measure to be a military necessity. Even the array of expert testimony they bring to their support is not conclusive. A leading member of the bar once defined unreliable testimony as of three classes: "Ordinary liars, accomplished liars, and expert witnesses." [Laughter.] While I do not accede to this classification, I do know that great military and naval authority is not agreed at all times. It is also true that only witnesses in the matter were called who favored annexation. Even then, as stated by the gentleman from Missouri [Mr. CLARK], General Schofield, upon cross-examination, admitted that Pearl Harbor, now possessed by this country, was the only harbor that could be successfully fortified and defended. I will say in passing that we possess this harbor by treaty that can not be abrogated except by the consent of this Government. Again, we should bear in mind that, by professional instinct, Army and Navy officers are naturally predisposed toward that policy which would make this country a great military and naval power.

Mr. CLARK of Missouri. Will the gentleman allow me an interruption?

Mr. BALL. Yes; certainly.

Mr. CLARK of Missouri. I want to make one statement, and

it is the gospel truth, that every one of these statements in favor of annexation was an *ex parte* statement, and I believe that any ordinary lawyer, just a plain, ordinary, average lawyer, can take every one of these men and on cross-examination make him swear to the same thing that General Schofield swore to, that that is the only harbor that can be fortified.

Mr. BALL. All right, put that in my speech. Now, against their judgment we have the safest of all guides—experience. For more than fifty years the Atlantic Ocean has bounded our eastern, the Gulf and Republic of Mexico our southern, the Pacific our western, and the British possessions our northern borders. During this period we have made marvelous strides in progress, the development of our resources, and increase of population. We have waged the greatest of all wars in our own borders, placing in hostile conflict two armies either of which could have whipped the combined legions of Napoleon or Wellington.

Since then we have nearly doubled our resources and population, and even now we are demonstrating to the world that the foreign power which breaks our peace must whip every man within our borders from Maine to Texas, from New York to California, before they can successfully give us battle. Why, then, extend our borders more than 2,000 miles in the Pacific Ocean? To do so will be a breach of public and national faith.

December 19, 1840, Mr. Webster announced that—

The Government of the Sandwich Islands ought to be respected; that no power ought to take possession of the islands, either as a conquest or for purposes of colonization.

President Tyler, two years afterwards, reiterated the same doctrine.

In 1843 Secretary of State Legaré notified our minister to England—

That we had no wish to acquire or plant colonies abroad, but would, if necessary, feel justified in using force to prevent their acquisition by one of the great powers of Europe.

This, Mr. Speaker, has been our established policy. Twice England has occupied the islands and as often peacefully retired. Does anyone believe that in the face of all this that even a remote possibility exists that any foreign power would dare incur our displeasure by attempting to possess themselves of these islands?

I must pass on. Mr. Speaker, it is not only unwise that we annex Hawaii, to do so will be a blunder approaching the gravity of a crime. I know that by many it is not considered up to date to quote Mr. Washington, Mr. Jefferson, or Mr. Madison, and yet I can not believe that the great and unselfish advice of these men, to whom we owe so much, should be lightly set aside.

I would certainly, when in doubt, prefer to go to him who used his private means to aid the Government and declined to accept compensation as Commander of the Army and President of the United States, and refused a crown, rather than those who would convert a war for liberty and humanity into a vehicle of conquest and commercial gain. In his farewell message to the Congress he warned us against a large standing army and cautioned us against entangling foreign alliances. With patriotic, far-seeing statesmanship, he advised against political connection

with any foreign nation, called attention to their interests involving them in controversies foreign to our concerns. Said he:

Our detached and distant situation invites and enables us to pursue a different course. Why—

He asked—

should we forego the advantages of so peculiar a situation? Why quit our own to stand on foreign grounds?

That we might be the more secure in our position, in 1823 Mr. Monroe startled the world by putting the nations of the earth on notice that we would not permit foreign powers "to extend their system to any portion of this hemisphere." These policies have become dear to the American people, without regard to party. Guided thereby, we have preserved our Government and outstripped all nations in the race for supremacy. We have surpassed every power maintaining a colonial policy, having none ourselves. We have seen the flags of monarchies go down in South America, Central America, and the islands of the sea, and flags over liberty-loving republics hoisted in their stead.

We have seen a foreign emperor left to his fate in Mexico upon a simple protest by us and upon the ruins of his throne a Republic created. What more can we ask? Why not continue along the line of our great destiny, settling our internal questions upon just and proper lines and developing our magnificent resources? What need have we for the sugar lands of Hawaii? Thirty-six thousand square miles of sugar land in Texas, as fertile as the valley of the Nile, await development. Louisiana calls for money and men to quicken her fertile soil, while Nebraska and other beet-sugar producing States demand our attention. Only the other day the Washington Post stated:

Imperial Texas can produce food products for the entire population of the United States.

Yes, and furnish the wool and cotton to clothe them and the leather to shoe them. The gentleman from Indiana [Mr. JOHNSON] a short while ago in this House made a correct statement "that Texas could receive the population of the Union without being crowded." Do you, gentlemen, not find it difficult now to frame laws that will satisfy Maine and Texas, California and Louisiana, Minnesota and South Carolina, Pennsylvania and Alabama? Why, the first thing they found when we captured Manila and desired to collect their customs, was that the Dingley bill, whose authors promised universal prosperity, was not adapted to the Philippine Islands and we retained the Spanish laws.

Enthusiasts may paint glowing pictures of Hawaii, but the stubborn fact remains—that white men can not work under a tropical sun. They may prate of Americanizing it, but can not deny that under American influence for nearly three-quarters of a century there are no more than 2,000 American male citizens, less even than the number of lepers there now. They can not controvert that out of a population of about 110,000, more than two-thirds are men, 40,000 are Hawaiians, 24,000 are Japanese, 22,000 are Chinese, 15,000 are Portuguese, 1,000 are South Sea Islanders, 4,000 are white foreigners, and only 3,000 are Americans, male and female. Such as these we have legislated against; such as these we do not desire as competitors with free-born American laborers.

To take Hawaii, therefore, means not only to change our traditional policy as to colonial aggrandizement and abolish the Monroe

doctrine, but it means to absorb a population that are alien to our form of government and strangers to our institutions. It means that the American flag, consecrated to the cause of liberty, shall float over a people where there can be no "union of hearts nor union of hands;" where the principle that "all men are created equal" must stand aside, while the franchised few must control the disfranchised many. Hawaii is but the entering wedge for other colonial possessions. What right have we to change a policy that has turned the eyes of the liberty loving of every land to our shores as an asylum for the oppressed?

Dare we take the chances for all time to come when so little is at stake on the one side, our all on the other? If we stand by the faith, keep in the paths our fathers trod, not a hundred years hence 250,000,000 American citizens within our present borders will command the peace of the world and shape its civilization.

May God forbid that we take passage upon an unknown sea, and when, too late, we are asked from the watchtowers of liberty and free government, "Sentinels, what of the night?" we may not be able to say, "All is well." [Applause.]

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