

AN APPEAL TO PATRIOTS AGAINST FRAUD AND DISUNION.

SPEECH

OF

HON. ANSON BURLINGAME,

OF MASSACHUSETTS.

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SPEECH OF MR. BURLINGAME.

MR. CHAIRMAN: It has been shown, in the great debate which we have had, that the people of Kansas never authorized the Lecompton Constitution; that they never made it; that they never ratified it; that it does not reflect their will. It has been shown that the first Legislature was a fraud; that the second was a fraud; that test oaths and gag laws were put upon the people, so that they could not vote; that then they were held responsible for the crimes of those who did; that when they were persuaded to vote, they were cheated; that when nobody voted, returns were made as if from populous regions. It has been shown that the honesty of the officers of the Government, who tried to stay the hand of these frauds, was considered an offence by the Government. It has been shown that the people have been menaced in their property and their lives; that armies were sent there to vote them down, or to shoot them down, and without authority of law. It has appeared, that the men who did these things were held dear by the Government, and they are its officers to-day. It has been shown that, through all this time, that devoted people has held itself in such an attitude as to win not only the respect of the people of the United States, but the respect of the officers of the Government who have been sent, from time to time, to persuade or to subdue them to the policy of the Government.

But, Mr. Chairman, it is not my purpose here to-day to go over the history of Kansas affairs; that has been done, as the gentleman from South Carolina [Mr. MILES] has just now well said, sufficiently. Every fact has been stated; every principle has been argued. Day by day, we have urged our cause with all the zeal of men who know they are right. Every fact has been met on the other side, by some daring and insolent assumption; every argument, with scornful sneers, which no man can answer. When we have offered to prove facts, the will of the people of the United States, as reflected by the Representatives upon this floor, has been baffled by parliamentary tactics. Yes, you who belong to the party that went behind the great seal of New Jersey, as my eloquent friend from Indiana [Mr. COLFAX] very truly said, you who go behind the certificates of the Governors of Ohio and Maryland, when the interests of a whole people are at stake, and fraud is charged, you say you cannot go behind the record; you say that you are estopped; you say "it is so nominated in the bond;" you refuse to investigate, and propose speedily to force upon the people of Kansas a Constitution never made by them. Yes, you who say, with us, that the people are the source of power; you, who say that power should flow forth from the people into practical government on the line of their desires; you, who shouted your great radical rule of Democracy in the ears of

the country—Buchanan at your head—to be this, that inasmuch as the people are sovereign, inasmuch as that sovereignty cannot be alienated by them in such a manner that it cannot be resumed when the safety of the people shall require it, therefore it is for them to determine at what time and in what manner they will change their fundamental law; that *was* your radical rule of Democracy. It is now pronounced Dorrism by the Democracy on this floor. You planted your rule in opposition to the rule of the other great school of the country, which rule was stated most clearly by Mr. Webster, in the great Rhode Island case, to be this: He said that the will of the majority must govern; that it was as potent as the will of the Czar of Muscovy, when it was legally ascertained. But how will you ascertain it, said he; it must be ascertained by some rule prescribed by previous law. That rule, the fierce Democracy denounced as the rule of tyranny.

Well, sir, here we have a case where even the requirements of that rule have been met by the people of Kansas. Their will was collected legally, by a legal Legislature; and it appears that their will, by 10,000 majority, is against your Lecompton Constitution; and yet, in the face of that declaration, you come forward as a party; and propose to force that Constitution, in defiance of your own rule of Democracy, in defiance of the Federal rule, upon that people; aye, sir, worse than that—you declare, through the lips of your boldest and ablest leader, through the lips of the distinguished Senator from Georgia, [Mr. TOOMBS,] through the lips of men upon this floor, through the lips of the gentleman who has but just taken his seat, if I understood him, that it involves a question of union or disunion. I agree with the gentleman from South Carolina, [Mr. MILES,] who said that we might as well meet this question now. I, for my part, am ready to meet it now. I accept the issue which is tendered. I accept the more eagerly, in the presence of this menace. A representative of the people would be craven, did he shrink from his

duty in the presence of such a threat as that. What, you dissolve this Union because you cannot have your own wild will! You dissolve this Union because the Lecompton Constitution, born of fraud and violence, is legally voted down in this House! Has your nationality no better quality than that? How will you do it? Who is to do it? Whose hand is ready to strike the first blow? Where is your army chest? Where your battalions, to cope with the people of this country? You cannot do it. It would be wrong to do it. It would not be legal. It would not be safe to do it. I tell you, that on the banks of the Santee it would require no Federal army to subdue rebellion.

The descendants of Sumter and of Marion, as their fathers struck down the Tory spirit in the brave days of old, would quell the spirit of rebellion to-day. We have heard this threat before. We have deemed it but the idle vaunt of idle men; but it comes now with an emphasis and an authority that it never had before. We find the fire-eater giving his will as the law of the great Democratic party. He has the right to rule it, from his courage and his activity.

I say it comes with new emphasis when the leader of the Democratic party gets up in the Senate of the United States, and with deliberation—not acting on an impulse—declares, and I heard him, that this Union is a myth; that he has calculated its value; that the people of Kentucky love it “not wisely, but too well;” and that this Lecompton Constitution involves the safety of the Union; and when the gallant Senator from Tennessee [Mr. BELL] accepted the issue, when he re-stated these points, the distinguished Senator from Georgia bowed his assent, and I saw him; and no member of the Democratic party in the Senate protested against that doctrine. I say, when such men express such sentiments, the time has arrived when the national men of the country should unite to rebuke such sentiments, and vote them down here, and vote them down elsewhere. These are the men, are they, to taunt the loyal old State of Massachu-

setts with having legislated herself out of the Union, because she has declared, that of two given offices it is incompatible for one of her citizens to hold both of them? She had a right to pass such a law. No court has decided it to be unconstitutional. When the court shall so decide, Massachusetts, with her accustomed obedience to law, will submit. She simply says this: "If you desire to carry men 'back to old Virginia—to old Virginia's shore'—you must do it with your officers, and not with hers." That is all. But I am not here to-day to defend her; I am not here to plead for her. She denies the jurisdiction of this House. She is not responsible to it for her local legislation. I stand here upon the great doctrine, which I believe in, that the will of the majority, constitutionally expressed, must stand until it shall be constitutionally reversed; and, so far as the threat which has been made is concerned, I—disdaining to argue in its presence—stand here, before the people of this great country, and trample that threat of disunion scornfully and defiantly down under my feet.

Why have you brought this sectional question here? Why do you seek to force a Constitution upon a people whom you know abhor it? What are you to gain by it? Did not the gentleman from South Carolina [Mr. MILES] very truly say that it would be a barren victory—that it would wither in your grasp? And he said, speaking more fully in the interests of the South than most of you, that he did not care now much about the passage of the Lecompton Constitution. What are you to gain? Is your dogma that there can be property in man, borne in the bosom of that Constitution, recommended by such a course more warmly to the hearts of the American people? Will you more easily persuade, them at some future time, to be more willing to admit States from other Territories, where the system may be more congenial to the climate? Will not the people say, and with truth, that this system, which requires such means as these to strengthen and sustain itself, is dangerous to the peace and prosperity of the

Republic? Will they not hate your system, because of your conduct in this case? What! will two Senators from that State, who must be fugitives from the State that they will pretend to represent—will that State, held down, as the gentleman from South Carolina said he would hold it until 1864—compensate for the ill feeling you have created? Will they compensate you for the alienation of the people which will take place? Will they compensate you for your party dismembered, broken, and lost? The gentleman from South Carolina [Mr. MILES] gave us statistics of the last election. It is true, that with the suspicion that you would do this thing, we swept the North, and the East, and the West, with, as he says, more than 1,300,000 votes. We swept the great and populous States of the country with the mighty ten-wave of the people's enthusiasm. We brought down the victory into the very shadow of your malign system. If we did it then, what will now be your fate at the polls, when you go back to an indignant and betrayed constituency? You can no longer say you are for Free Kansas; *we will nail you to the record*. You cannot say any longer that you are in favor of the great doctrine of popular sovereignty; *we will nail you to the record*. You cannot say any longer that we are mere Freedom-shriekers, because there shall stand side by side with us the great chief of Democracy, the distinguished author of the Kansas-Nebraska bill, and he will tell you that you have betrayed your constituents.

We will summon clouds of witnesses from all the winds of heaven. We will summon them from the South, the East, and the West. We shall summon the gallant Wise of Virginia, who desires that the State shall be slave, but who is too honest to cheat the people. We shall summon Walker, who has added a new empire to strengthen the South. We shall summon Stanton, and Forney, and Bancroft, and a host of others; and, above all, we shall summon those gallant Senators from Kentucky and Tennessee, the acts of whose lives for a quarter of a

century shine along the annals of their country. We will call upon them, and they will tell you you have betrayed the people; that you are forcing upon the people of Kansas a Constitution conceived in fraud and violence. And how are you to meet those charges? How are you to answer to a great and indignant people—for they will question you as with a tongue of fire? They will go back beyond your proceedings here; they will question you as to the doings and purposes of the Administration; they will ask you why you did not adhere to the doctrine of popular sovereignty; why, after you had maintained that the people of a Territory could exclude Slavery, you changed around, and said they could do it when they formed a State; and why it is that your popular sovereignty has vanished away into the Hibernian suggestion of the President, that the quickest way to make Kansas a free State is first to make it a slave State. They will ask you why you have substituted the dogmas of Calhoun for the doctrines of Jefferson. They will ask you how it is that the President of the United States, after having, in 1819 and 1847, held that Congress had power over the Territories, in 1857 expressed his amazing surprise that anybody should have ever held that doctrine. They will desire to know why it is that there was a complicity between him and the Supreme Court of the United States, by which, upon yonder steps of the Capitol, he was enabled to foreshadow what they afterwards announced as an opinion. They will ask you why it was that that court, wearing the ermine of a Jay, a Marshall, and a Story, when there was no case before the court calling for it, went beyond the line of their duty, and published political opinions. They will ask you why the army of the United States have shot down American citizens in the streets of Washington, and why it was held *in terrorem* over the people of Kansas so long. And they will ask you, doughfaces of the North, why you sat still in your seats, and allowed men to call your constituents, because they toiled, mud-sills and slaves? You will have to answer

all these things. You cannot do it, and we shall beat you like a threshing-floor. We shall hereafter have a majority in this House. We shall strengthen ourselves in the Senate, and we are to-day filling all the land with the portents of your general doom in 1860. And I say, in the presence of this state of things, that our first duty to God and our country is to devote ourselves to the political destruction of doughfaces, who say one thing at home, and come here to vote another; and who fawn and tremble, and fall down, in the presence of the Administration. No wonder that you, Southern men, call us slaves, judging us from these specimens of the people. But I tell you they do not represent the fire and flint of the grim and grizzly North. They are but our waiters on Providence, our Macsycophants; they are our Uriah Heeps; they belong with Dante's selfish men, of whom he said, heaven would not have them, and hell rejected them. I tell you, Southern men, I am ready to strike hands with fire-eaters, and exterminate the race. It is becoming extinct. Look in their faces for the last time; they are fading away—fading away. Oh! for an artist to take their features, to transmit them to a curious and scornful posterity. Do it quickly, for the places which now know them shall soon know them no more forever.

I think it is the first duty of republicans to extinguish the doughfaces, but I hold it also their duty to bear testimony as to the manner in which the Douglas men—and they will pardon me for giving them the name of their gallant and gifted leader—to bear testimony to the manner in which they have borne themselves. They have kept the faith; they have adhered to the doctrine of popular sovereignty; they have voted it in this House, and they have not fawned and trembled in the presence of a dominating Administration—in the presence of that great tyranny which holds the Government in its thrall at Washington. They have given flash for flash to every indignant look; and when a gentleman from Virginia, the other day, tauntingly told them that certain language which they

used upon the floor of this House was the language of rebellion, they shouted out, through the lips of the gentleman from Indiana, [Mr. DAVIS,] "it was the language of freemen." I say that it is due to them that we should say that they have borne the brunt of the battle—and that they, whether from New York, Pennsylvania, Ohio, Indiana, or Illinois, have kept the whiteness of their souls, and have made a record which has lain in light; and if my voice can have any weight with the young men of the country where those men dwell, I should say to them, stand by these men with all your young enthusiasm, stand by them without distinction of party; they may not agree exactly with you, but they have stood the test here, where brave men falter and fall. Let them teach this tyrannical Administration, that if it is strong, that the people are stronger behind it. Thus I would speak to the young men of the country. I differ in some points with those men, and I do not wish to complicate them. I pay also the high tribute of my admiration to that band of men who have been reposing outside of the boundaries of the great parties of the country as a patriotic corps of reserve, for the purpose, I suppose, of saving the Union when it is endangered. When they saw this sectional issue made, standing as they did in a position to look fairly on between the parties, they saw who made it, and they instantly took sides; and in the language of Mr. BELL, in his reply to Mr. TOOMBS, they accepted the issue of disunion. They accepted it; and when, sir, they saw that Lecompton was synonymous with "fraud, with forgery, with perjury, with ballot-box stuffing," then they trampled it with their high manly honesty under their feet. They have taken it in charge to preserve the ballot-box pure and open to American citizens. Sir, it was a proud day to me, when I heard the speech of the venerable Senator from Kentucky, [Mr. CRITTENDEN.] The melody of his voice, and his patriotic accent, still sound in my ears. I was glad to hear him denounce fraud; I was glad to hear him stand for the truth. As I listened, it

seemed to me that the spirit of the Kentucky Commoner had come back again to visit his old place in the Senate. It seemed to me as if his spirit was hovering there, looking, as in days of old, after the interests of the Union. At that moment, the heart of Massachusetts beat responsive once again to that of grand old Kentucky; and I longed to have the day come again, when there should be such feelings as in the olden time, when the Bay State bore the name of Henry Clay on her banners over her hills and through her valleys, everywhere to victory, and with an affection equal to the affection of Kentucky herself.

I also felt proud to hear the speech of the distinguished Senator from Tennessee, [Mr. BELL.] I was glad to hear their confreres on this floor, MESSRS. UNDERWOOD of Kentucky, GILMER of North Carolina, RICAUD and HARRIS of Maryland, and DAVIS, with his surpassing eloquence, worthy of the best days of Pinkney and of Wirt; and I also express my gratitude to Mr. MARSHALL of Kentucky, who has labored so long to secure this union of patriotic men. I owe it to these men, and to myself, to say that I do not agree with them on the subject of Slavery, and I know that they do not agree with me. Neither do I agree with the Douglas men; I take what I think is a higher position. I hold to the power of Congress over the Territories; they do not. But while I oppose the Lecompton Constitution for one reason, and while the Douglas Democrats oppose it for another, the South Americans may oppose it for still another. God knows we have all cause of war against it, and against the Administration. And we have come together here as a unit, not by any preconcert, not by any trade among leaders, but by the spontaneous convictions of our own honest minds. I trust that this may be an omen of what may happen in the future. As to what may happen, it is not for me to prophesy. Let time and chance determine. We come together, not in a spirit of compromise, because we compromise nothing, but in a spirit of patriotism. And, acting in that spirit, I,

for one, am prepared to sustain the substitute offered by the distinguished Senator from Kentucky. After first voting to reject the bill, I will vote for that substitute, not because I would vote for it as an original measure; I will vote for it because I think that it will make Kansas a free State. The Administration says it is a slave Territory to-day—the Lecompton Constitution makes it a slave State. I feel that the Lecompton Constitution, without this substitute, would pass in its naked form, and that Kansas would be a slave State under it; and if I forego this opportunity to make it a free State, the opportunity will be lost forever. And how could I meet my constituents, and say that, because I desired to appear consistent, I would not vote for that substitute, and give the people of Kansas one more chance for Freedom. If there were only one chance in a hundred, I would do it. But it is not a chance; it is a certainty. Doughfaces will undoubtedly feel very sad about my vote, and complain that I am not consistent. That word “consistency” is a coward’s word. It is the refuge of selfishness and timidity. I will do right to-day, and let yesterday take care of itself. That word “consistency” is what has lured many a noble man to ruin. It has stopped all generous reform. When I am ready to adopt it, and to depart from practicability, I will join the immovable civilization of China, and take the false doctrines of Confucius for my guide, with their backward-looking thoughts.

These are my reasons, these are the reasons that animate my associates among the Republicans. And I tell you, the common enemy, fairly and openly, that our cause is just and our union is perfect. We Republicans will place to-morrow our united vote upon the record in favor of the substitute. Our great chieftain here, [Mr. GIDDINGS,] with his white hairs, who has stood for twenty years the great

champion of Liberty, we will bear with affection to the record—to this determination he has come, after much thought. At last, he felt that his principles required him so to vote, and, obeying the impulses of an honest and patriotic and not fanatical heart, he points the way of duty and victory. The member from South Carolina, [Mr. MILES,] if he knew him better, would find his heart to be a loving one; and I will tell that member that his interests and the interests of South Carolina are safer to-day in the hands of that good old man, than they are in the hands of the most malignant of doughfaces. I say our union is perfect. We will put our votes on record to-morrow in favor of the substitute, not as a choice of evils, but because it is the good thing to do; it is the only thing for honest men to do, if we wish to have Kansas a free State.

Mr. Chairman, a great many thoughts suggest themselves to my mind, to which I would like to give utterance, I am told that my time is about to expire, and therefore will not prolong my remarks to greater length. I say, for our party, that we are ready. We seek no postponement of the question. All that men could, do we have done. We have argued the question; we have implored; we have voted; we have done everything to secure our triumph; we have been baffled by parliamentary tactics; we have been sometimes betrayed. The President has given way; the Senate has given way; but, thank God, the tribunes of the people, standing here in this House, have not yet betrayed their trust. They stand firm, and my high hope is—I do not know why, looking to our past conflicts here, I should have it—that on the great to-morrow, when the sun shall sink behind the hills of your own loved Virginia, this Lecompton Constitution will be defeated; Kansas will be saved, and the whole country repose in good will, and peace dwell in all our borders.

