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FREE DEBATE IN CONGRESS THREATENED—ABOLITION
LEADERS AND THEIR REVOLUTIONARY
SCHEMES UNMASKED.

S P E E C H

OF

HON. SAMUEL S. COX, OF OHIO,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, APRIL 6, 1864.

The House having under consideration the resolution to expel Mr. Long, of Ohio—

Mr. COX said:

Mr. SPEAKER: I approach this matter with becoming seriousness. The extraordinary spectacle is presented of our Speaker descending from the chair to make a motion to expel one of the members of this House for words spoken in debate. The occasion calls for more than the usual gravity of deliberation. I was not present when my colleague (Mr. Long) made the remarks which have called out this resolution. I am told by members around me that his remarks do not bear the interpretation given to them by the speech and resolution of the honorable Speaker. Before a resolution of this startling nature was introduced we should have had the official report of those remarks in the *Globe*. If action be demanded for the expulsion of a Representative of the people, for the exercise of his constitutional right of free debate, we should have the most authentic record of that debate. As I am informed, the language of my colleague was so qualified as to make it far less objectionable than the statement of it in the resolution. Still, sir, it may be obnoxious, and yet there may be no just ground for this proceeding of expulsion.

Had I been in my seat yesterday, with all due respect to my colleague, I should have promptly risen and disavowed, on behalf of all the delegation from Ohio with whom I have conversed, any sentiments uttered by him or any one else, looking to the recognition of the confederate government as an independent Power. So far as I can learn, there is not a member acting with this side of the House, unless it be my colleague, who is not opposed in every conceivable view, directly or indirectly, to such recognition.

I speak earnestly and consciously of this, because an attempt was made yesterday to make partisan capital for the other side out of the speech of my colleague. But it should be borne in mind that he said that he spoke

only for himself, and not for his party. He was frank, true, and honest in that avowal. He did not speak, nor propose to speak, for his party. He did not speak for his Democratic colleagues.

Very recently we have had a convention of the Democratic people of Ohio, representing over one hundred and eighty-five thousand voters. In that convention, sir, no sentiments were uttered and none would have been tolerated like those to which exception has been taken. On the contrary, the only person whose name was presented to that convention as a delegate to the Democratic national convention, who avowed sentiments looking toward the recognition of the confederate States and who printed a learned and able pamphlet to circulate among the members of the convention, in exposition of his views, received but a few votes among several hundred in that convention; showing that the Democrats of Ohio, for whom I speak, are not prepared in any shape, however plausible, to accept the disintegrating doctrine to which this resolution refers. On the contrary, the Democratic people of that State, when the war came, which they endeavored but failed to avert, rallied to the defence of this Government. They sustained it in every emergency. We, the members upon this side of the House, had and yet have our brothers and our friends in the army doing battle for the Republic, although they do not agree with the peculiar African policies pursued by this Administration.

Mr. WASHBURNE, of Illinois. Abyssinian. [Laughter.]

Mr. COX. I think that idle pleasantry of my friend over the way is nearly worn out. It was very stale when it was started here by him, and it does not become the gravity of this occasion, however much it may accord with his instincts. It proceeds rather from the brains which were located by a brother member in his knuckles, than from any other brains which he has. [Laughter.]

Mr. WASHBURNE, of Illinois. Better

have brains in your knuckles than no brains at all. [Cries of "Order!"]

Mr. COX. I do not wish to be disturbed any more by that gentleman. He has not any sense of decent debate, or he would not interrupt me in this manner, without rising or without my permission. I doubt whether he has any sense at all when he touches the negro question, or he would not drag in his old joke, so unseemly under circumstances as grave as the present.

I referred to the position of the Ohio Democracy with pride, because of the imputations thrown upon them by my colleague on the other side, [Mr. GARFIELD.] He followed the speech of my colleague from the second district, [Mr. LONG,] and strove to make political points for his party, not by misrepresenting him so much as by misrepresenting the Democracy.

Now, I propose to show that if the sentiments attributed to my colleague are unpatriotic and treasonable, the prominent men of the Republican party are amenable, for similar sentiments, to the same condemnation. There is scarcely a leading member of the opposite party, from the Executive down, who is not committed in doctrine if not in practice to the separation of these States. I shall show that members opposite deserve expulsion by the same rule which they would mete out to my colleague.

I pass over for the present the sacred, constitutional right to free debate in this Chamber of American Representatives, and proceed to show that this resolution comes with a bad grace from that quarter in which so much sedition and revolution has been expressed and acted.

And first, I desire to ask of the Speaker if he had forgotten when he penned this resolution that in last Congress a most acute member of the Republican party, in good standing and sweet fellowship—Judge Conway, of Kansas—not only made a remarkable speech in favor of the recognition of the South, but offered solemn resolutions affirming the heinous doctrine? If the honorable Speaker has forgotten the fact, let him turn to the Journal of the House of December 15, 1862, page 69, and he will find the following resolutions offered by Mr. Conway. I quote such of them as bear on the points in discussion:

Resolved, That freedom and slavery cannot co-exist in the same Government without producing endless strife and civil war; that 'a house divided against itself cannot stand'; and that 'this nation must be all free or all slave.'

Resolved, That the American Union consists of those States which are now loyal to the Federal Constitution.

Resolved, That the restoration of the Union as it existed prior to the rebellion would be a greater calamity than the rebellion itself, since it would give new life to the 'irrepressible conflict,' and entail upon the nation another cycle of bitter contention and civil war.

Resolved, That the seceded States can only be put down, if at all, by being regarded as out of con-

stitutional relations with the Union, and by being assailed upon principles of ordinary warfare as between separate nations.

Resolved, That it is a matter for serious reflection whether another election of President must not supervene before the rightful authority of the nation can be established; and whether in the meantime it is not a flagrant waste of our energies to continue the war.

Resolved, That unless the army of the west shall have swept through the valley of the Mississippi to its mouth, and the army of the Potomac annihilate the legions of Lee and Jackson, thus subverting the military power of the rebellion within a reasonable time, the best interests of the country and humanity will require a cessation of hostilities.

Resolved, That the States of the North composing the American nation, and wielding its power, must ever remain one and indivisible on the basis of freedom for all, without distinction of race, color or condition; that their mission must ever be to extend their own civilization over the entire continent, and that whatever derangements, difficulties, checks, or defeats they may encounter, they must forever cherish and pursue the inspiring idea of nationality and continental dominion."

From which it will appear that, after affirming the irrepressible conflict, it was resolved that the American Union consisted only of those States which are now loyal to the Federal Constitution; that the restoration of the old Union would be a greater calamity than the rebellion itself; that the seceded States should be regarded as out of constitutional relations with the Union; that until the election of another President it was a flagrant waste of our energies to continue the war. Does the honorable Speaker remember that those resolutions recognized that only the States North composed the American Union? If he did, why did not this sensitive gentleman, [Mr. COLFAX,] who was not then in the chair but upon the floor, come forward with a resolution for the expulsion of his friend Mr. Conway? I ask the Speaker to respond to that question. Why did you not do it, sir? Is such a resolution fair toward a member on this side and unfair toward a member on the other? You were for free speech and free resolution then; I am for it now as then. Why do you pursue my colleague to disgrace him when you did not lisp a word about expelling one from your own ranks who was in favor of disparting the old Union and recognizing the nationality of the Southern Confederacy? The Speaker does not, for he cannot, answer. I will yield to him to respond.

Mr. COLFAX. The gentleman from Indiana claims the floor whenever he sees fit to claim it, and declines speaking in the midst of the speech of the gentleman from Ohio.

Mr. COX. The gentleman is distinguished as well for his prudence as for his sagacity.

Mr. ALLISON. I desire to ask the gentleman from Ohio if he believes that Mr. Conway ought to have been expelled from the last Congress under the circumstances?

Several MEMBERS. Oh, that is not the question.

Mr. COX. When the gentleman on the other side answers my question I will answer him. I will do it anyhow. I do not think that he should have been expelled any more than we should expel the distinguished gentleman from Pennsylvania [Mr. STEVENS] for his speech in favor of regarding the Confederacy as a *de facto* government, and that war should be carried on against it, according to the law of nations, as an independent Power established by its arms and recognized by the nations. The member from Pennsylvania, [Mr. STEVENS,] if I remember his speech on that subject, quoted Vattel in favor of his policy, which he predicated upon the idea of the independence of the Southern Government. Ay, and my colleague, [Mr. GARFIELD,] who is a fair debater generally, has taken the same ground as the gentleman from Pennsylvania, holding that an insurrection as formidable as this requires the laws of war to be applied as between two distinct and independent sovereignties. The men who hold that doctrine are not the men to expel another member who holds to the same doctrine.

Mr. GARFIELD. Will my colleague yield to me for a moment?

Mr. COX. With great pleasure. I would not do my colleague any injustice.

Mr. GARFIELD. My colleague does do me injustice in what he has just uttered. If he will do me the honor to read my speech on confiscation, on this particular he will find that I take most decisive ground against the position of the gentleman from Pennsylvania, and therein deny *in toto* the doctrine that these are a foreign people. On the contrary, I therein claim that they are in the Union, and that all the obligations of the Constitution overhang them. But in putting down this rebellion we have been told by the Supreme Court that we are to pursue them by the laws of war, the same as the laws between foreign nations, but not thereby admitting that they are a foreign nation.

Mr. COX. Well, I cannot understand that distinction, but I accept it, and then I ask my colleague, if he holds that the confederacy is not an independent nation, and if he thus antagonizes the position of the gentleman from Pennsylvania, why is he not in favor of expelling that gentleman for holding that doctrine and avowing it openly? Did I understand that my colleague does not follow the leader of his party in this House upon this doctrine? I pause if my colleague will favor me with a reply.

Mr. GARFIELD. I draw a most marked and broad distinction between the opinion of the distinguished gentleman from Pennsylvania and the opinions of my colleague from the second district, [Mr. LONG.] The gentleman from Pennsylvania is in favor of prosecuting the war to the uttermost to bring back these revolted States. The member from the second district of Ohio is opposed, in the first place, to all further prosecution of the war; in the second place, he holds that all

compromise is impossible; and in third place, he declares openly in favor of throwing up the white flag and acknowledging that they have conquered us and are independent, and that we will call back our armies and make no attempt, either by conference or by war, to restore the Union. There is the difference.

Mr. THAYER. I wish to make a statement. I am sure the gentleman from Ohio will not object.

Mr. COX. I will yield to the gentleman one moment.

Mr. THAYER. I simply wish to remind the gentleman from Ohio that my colleague to whom he has referred [Mr. STEVENS] is not in his seat, being detained therefrom by sickness. I think, therefore, it is better not to indulge in these remarks in regard to him in his absence.

Mr. COX. Mr. Speaker, the remarks of the distinguished gentleman from Pennsylvania are as well known as his great capacity. They are printed. I will do him no injustice, but quote them here:

"Others hold that, having committed treason, renounced their allegiance to the Union, discarded its Constitution and laws, organized a distinct and hostile government, and by force of arms having risen from the condition of insurgents to the position of an independent Power *de facto*, and having been acknowledged as a belligerent both by foreign nations and our own Government, the Constitution and laws of the Union are abrogated so far as they are concerned, and that, as between the two belligerents, they are under the laws of war and the laws of nations alone, and that whichever Power conquers may treat the vanquished as conquered provinces, and may impose upon them such conditions and laws as it may deem best."

Again he says:

"Is the present contest to be regarded as a *public war*, and to be governed by the rules of civilized warfare, or only as a domestic insurrection, to be suppressed by criminal prosecutions before the courts of the country?"

I need not tell the House how the member from Pennsylvania answered this question. He founded upon it his argument in favor of confiscation by the laws of nations and of war. He quoted from Judge Grier to prove the war a public war, and not a domestic insurrection. He constructed an argument to show that this was not a contest with individuals, but with States—known under the corporate name of the "Confederate States." He held it to be idle to regard individuals as making war. "War is made," said he, "by chartered or corporate communities, by nations or States."

"When an insurrection becomes sufficiently formidable to entitle the party to belligerent rights, it places the contending Powers on precisely the same footing as foreign nations at war with each other."

"No one acquainted with the magnitude of this contest can deny to it the character of a *civil war*. For nearly three years the Confederate States have maintained their declaration of independence by force of arms."

"What, then, is the effect of this publica-

tween these belligerent, these *foreign nations*? Before this war the parties were bound together by a compact, by a treaty called a 'Constitution.' They acknowledged the validity of municipal laws mutually binding on each. This war has cut asunder all these ligaments, abrogated all the obligations."

"What then, is the effect of this public war between these belligerents, *these foreign nations*?" Foreign nations! Foreign? Why? Because not under our Constitution, but alien from it by the maintenance of their independence by force of arms. Nations? Having all the autonomy and independence of a belligerent Power in Europe. Yet, for these sentiments, who had the courage to question, censure, or propose to expel the gentleman from Pennsylvania? Ah! he is a Republican, and has a dispensation from the higher powers to recognize by his logic (which my colleague unhappily followed) the existence of the South as a separate nation. He is the leader of that side of the House, and may debate without question these momentous issues. My colleague [Mr. LONG] followed him in his premises, although he drew another conclusion. The only difference was between a Democrat and an Abolitionist.

Now, I ask my colleague [Mr. GARFIELD] whether he did not vote for a gentleman in Ohio for Lieutenant Governor who held the same doctrine of recognizing the Southern Confederacy? I refer to Lieutenant Governor Stanton, who announced that doctrine on this floor. He never was expelled for it. No one then sought to abridge his free debate. I heard his remarks. I will send them up to be read before my colleague answers the question.

Mr. GARFIELD. If the gentleman will allow me, they can as well be read afterwards.

Mr. COX. Let them be read now.

The Clerk read as follows:

"Seven or eight States now deny their allegiance to this Government, have organized a separate confederacy, and have declared their independence of this Government. Whether that independence is to be maintained or not is with the future. If they shall maintain their position, and sustain the authorities there for a year or two to come, so as to show that nothing but a war of subjugation and conquest can bring them back, I, for one, am disposed to recognize that independence."—*Congressional Globe*, February 23, 1861, page 1,285.

Mr. COX. I will now yield to my colleague to say whether he did not vote for that man as Lieutenant Governor of Ohio after it was known throughout the State that he thus favored the independence of this confederacy.

Mr. GARFIELD. I answer my colleague that I did not vote for that gentleman nor for any candidate on the ticket that fall, for the simple reason that I was in the army. If I had been in Ohio I should have voted for that gentleman, and I do not excuse myself on any other ground than the simple lack of being present at the time of the election.

Now, allow me to say that there was a large class of men on both sides of the political questions of that day who in the beginning of this war felt a doubt whether it was not better

to let these people alone for a time, hoping that reason might return them by delay. There were others who said "we cannot leave them alone;" and to that class belonged a number of distinguished gentlemen in the parties on both sides. That is one thing. But now, after that question has been adjudicated, after the great American people has determined on war and determined on putting down the rebellion, after three years of war have passed, and when we are almost in the hour of daylight and victory, to arise now and throw up the contest is treason.

Mr. COX. Mr. Speaker, I only asked the gentleman to answer my question, not to go off into a definition of what is treason in his judgment. I would rather take the constitutional definition of treason. I do not think my friend takes the Constitution as his authority, for he has said twice on this floor that he would overleap that Constitution. When you talk of treason, and in the same breath talk of overleaping the Constitution, you are the traitor, if there be such a traitor in this House.

Mr. GARFIELD. Will the gentleman tell me what question it is that he desires I shall answer?

Mr. COX. I do not ask the gentleman any more questions. I am satisfied with his position. It is enough that I have shown that he is not the man to vote for the expulsion of any member for expressing sentiments in favor of the recognition of this Southern Confederacy. It is not for him who would have voted for a man who was in favor, in advance of war, of the recognition of the Southern Confederacy—and who thus encouraged the rebels to proceed in their rebellion when it was in its bud—to reflect upon gentlemen on this side of the House who have voted against secession, against recognition, and in favor of sustaining the war for the Union upon the proper policy. It is not for him to censure or expel my colleague, when he has declared that he himself would in some cases overleap the Constitution.

Mr. GARFIELD. I only desire to say that my colleague misrepresents me, I presume unintentionally, when he says that I have on two distinct occasions declared my readiness to overleap the Constitution. That I may set myself and him right on that question, I will say, once for all, that I have never uttered such a sentiment. What I have uttered is this: when asked if I would, under any circumstances, override the Constitution, I said this, and this only—premising, as I believed, that the Constitution was ample enough of itself to put down this rebellion, that its powers were most capacious, and there was no need to override it—that if such a time ever should come that the powers of the Constitution were not sufficient to sustain the Union, if that impossible supposition should ever prove true, [laughter from the Democratic side of the House,] then I would say that we have a right to do our solemn duty

under God and go beyond the Constitution to save the creators of the Constitution.

Mr. COX. I am informed by the members around me, and I think that the report of my colleague's remarks will show it in the *Globe*, that he put no condition like that he makes now. I ask gentlemen on both sides whether my colleague ever qualified his remarks by saying that it would be forever impossible in the future for the Constitution to be infringed by making war. Why make the statement of overleaping the Constitution if it be forever impossible to do it in carrying on this war?

Mr. GARFIELD. Will the gentleman allow me?

Mr. COX. Certainly.

Mr. GARFIELD. I said so in answer to the question of my colleague now upon the floor. I said so, secondly, in answer to the gentleman from Illinois, and put the same question to him. I explained it in the same way. The gentleman is at liberty to look at the manuscript, which I have not yet seen, and may quote from it.

Mr. COX. I have only the *Chronicle's* report of the debate of yesterday. Perhaps it is good authority for the members on the other side. I will quote from its report:

"Mr. GARFIELD then controverted his colleague's position. The issue was now made up. We should use the common weapons of war. If with these we should not succeed, he would take means, as he would against the savage who attacked himself or family. He would resort to any element of destruction, and, if necessary, he would fling all constitutional sanctions to the winds rather than lose his country."

Is there anything about "impossible" conditions there?

Mr. GARFIELD. "If necessary;" there is the condition.

Mr. COX. There is nothing about the impossibility of the Constitution proving insufficient to put down the rebellion, and in which case alone he would overleap it. Overleap an impossibility! I would like to see the performance.

Another question. I remember that my colleague, on the confiscation bill, said that he would under certain circumstances overleap the Constitution. What did he mean then by that? In that debate his language was precisely this:

"I would not break the Constitution at all, unless it should become necessary to overleap its barriers to save the Government and the Union."

Nothing about the impossibility of ever breaking the Constitution, not a word or syllable, for he contemplates its breach for certain purposes. My colleague cannot escape from the dilemma in which he is placed. And yet he undertakes to make political capital out of the speech of my colleague from the second district after such declarations! If he does not gentlemen on that side of the House do. They are, I learn, subscribing for that speech by hundreds and thousands to distribute it for partisan purposes; and yet

they have advocated the very heresies upon which they ground the present accusation, and give them circulation by sending out the speech of my colleague. I want it understood that the Republican members who have favored recognition, and favored the men who favored it, are now striving to expel a member for the same license of speech which they have indulged; that at home they have favored for high offices a public character who took ground in favor of recognizing the rebellion if it should maintain itself "for a year or two." I might well ask my colleague, in view of his position, whether he did not know that those were the sentiments of Governor Stanton when he would have voted for him if he had been at home? To come to the question; was he not thus committed to the policy of dissolving the Union if the rebellion could sustain itself for a year or two? Then I ask him, how much better is he than the member whom he seeks to expel? Wherein does he differ from that member upon this subject of recognizing lawlessness? More than that; the gentleman's party in Ohio favored Benjamin Stanton for Lieutenant Governor, knowing his sentiments to be similar to those attributed to my colleague. More than that; they elected a man Senator from Ohio who had uttered the same sentiments as the sentiments of that party. He is the personal and political friend of my colleague. I mean Senator WADE. I will send his remarks to the Clerk's desk to be read, that we may know who are in favor of dissolution and recognition.

The Clerk read as follows, from the *Congressional Globe* of the third session of the Thirty-Fourth Congress, page 25:

"But Southern gentlemen stand here, and, in almost all their speeches, speak of the dissolution of the Union as an element of every argument, as though it were a peculiar condescension on their part that they permitted the Union to stand at all. If they do not feel interested in upholding this Union, if it really trenches on their rights, if it endangers their institutions to such an extent that they cannot feel secure under it, if their interests are violently assailed by means of this Union, I am not one of those who expect that they will long continue under it. *I am not one of those who would ask them to continue in such a Union. It would be doing violence to the platform of the party to which I belong.* We have adopted the old Declaration of Independence as the basis of our political movement, which declares that any people, when their Government ceases to protect their rights, when it is so subverted from the true purposes of government as to oppress them, have the right to recur to fundamental principles, and if need be, to destroy the Government under which they live, and to erect on its ruins another more conducive to their welfare. *I hold that they have this right. I will not blame any people for exercising it, whenever they think the contingency has come.* * * *

I say again that they have the same interest in maintaining this Union, in my judgment, that we of the North have. If they think they have not, be it so. *You cannot forcibly hold men in this Union; for the attempt to do so, it seems to me, would subvert the first principles of the Government under which we live.*"

Mr. COX. Now, there is the broadest doctrine laid down in favor of the right of revolution and against the right of coercion. "It would be doing violence to the platform of the party to which I belong," says the Republican leader of Ohio, "to ask the South to continue in such a Union." "You cannot forcibly hold men in this Union—it would subvert the first principles of the Government." Ah! you re-elected him Senator after those avowals, and now would you expel men for the same avowals? If they are treason in a Representative what are they in a Senator?

I ask my colleague if he did not sustain that Senator? Did he not vote for him for Senator, or would he not have voted for him?

Mr. GARFIELD. I had not the pleasure of voting for the distinguished Senator from northern Ohio, but it would have given me great pleasure, and had I had that privilege I should have enjoyed it and acted upon it.

Mr. COX. Does the gentleman approve of Senator WADE's doctrine?

Mr. GARFIELD. Will the gentleman allow me a moment?

Mr. COX. With great pleasure.

Mr. GARFIELD. I wish to send to the desk to be read—

[Cries of "No!" "No!"]

Mr. COX. If it does not come out of my time I will not object. [Cries of "Well!" "Well!" and "No!" "No!"]

Mr. GARFIELD. I recall the paper.

Mr. COX. Will the gentleman indicate what it is?

Mr. GARFIELD. I will only say in reference to this colloquy that if I cannot make my part of the colloquy as I choose, I will make it when the gentleman has concluded his remarks.

Mr. COX. The gentleman can have the paper read if he pleases. I shrink from no responsibility in this debate.

Mr. GARFIELD. I desire to have read an authority which the gentleman himself I think acknowledges. It is upon the same point that has just been in debate between us, and when it is read I have only a word to say.

Mr. COX. Who is the authority?

Mr. GARFIELD. Thomas Jefferson.

The Clerk read as follows:

Mr. Jefferson, in a letter to J. B. Colvin, September 20, 1810, says:

"The question you propose, whether circumstances do not sometimes occur which make it a duty in officers of high trust to assume authorities beyond the law, is easy of solution in principle, but sometimes embarrassing in practice. A strict observance of the written laws is doubtless one of the highest duties of a good citizen, but it is not the highest. The laws of necessity, of self-preservation, of saving our country when in danger, are of higher obligation. To lose our country by a scrupulous adherence to written law would be to lose the law itself, with life, liberty, property, and all those who

are enjoying them with us; thus absolutely sacrificing the end to the means.—*Jefferson's Works*, vol. 5, p. 542.

Mr. GARFIELD. I have only to state that that paper states, more ably and more eloquently than I can, the very doctrine which I have uttered, and for which the gentleman condemns me.

Mr. COX. Now, I do not know as to the authenticity of that quotation presented by the gentleman, but if the gentleman quotes it for the purpose of vindicating the lawlessness against the United States authorities which has been rampant in that part of Ohio where he lives, just as it was prevalent in South Carolina, I doubt if Jefferson would have sanctioned such a pernicious and disorganizing practice. I know the gentleman and his party are in favor of a higher law than the Constitution, or the laws made in pursuance thereof, when, in their opinion, those laws impinge upon their consciences. But I deny all such seditious and anarchical doctrine. Notwithstanding every authority, whether it be from Jefferson, Wade, or my colleague, I deny utterly the right of any one, secessionists or abolitionists, to infract or nullify any law of the United States or any clause of its Constitution, for any purpose. I am in favor of the enforcement of the laws everywhere equally upon every citizen of the United States. But my colleague takes the other ground, and quotes Jefferson to sustain it. But with such a lawless programme how can he vote for the expulsion of my friend from Ohio because, as it is alleged, he maintained the same principle? How can a defender of law-breakers expel another for recognizing the breach of the very fundamental law of the Union?

But I asked my colleague a question to which he did not respond. It was whether he was in favor of the sentiment of Senator Wade in reference to the right of revolution and against coercion. He said he would have voted for him. Where does that place my colleague? In the category of my friend from Cincinnati, according to the allegation. How, then, can my colleague vote for the expulsion of a man who agrees with him and with his Senator; and who agrees with another and the principal light of the Republican party? Horace Greeley in his paper states what I will send to the Clerk to be read for the information of the gentleman.

The Clerk read the following from the *New York Tribune* of the 2d of March, 1861:

"We have repeatedly said, and we once more insist, that the great principle embodied by Jefferson in the Declaration of Independence, that governments derive their just powers from the consent of the governed, is sound and just; and that, if the slave States, the cotton States, or the Gold States only, choose to form an independent nation, they have a moral right to do so!"

Mr. COX. Now, I ask my colleague whether he favors that doctrine of Horace Greeley? He has been hitherto very prompt to answer. I have given him every chance. He has no

excuse now, and I beg my friend of the Abyssinian joke [laughter] not to interrupt him. I ask my friend if he agrees with Mr. Greeley in the doctrine which he laid down?

Mr. GARFIELD. I will say to the gentleman that I did not attend to the reading.

Mr. COX. My colleague is generally very sharp in hearing everything that falls from this side of the House.

Mr. GARFIELD. I hope my friend will not intimate in any way whatever that I am not perfectly willing to answer every question he sees fit to propound to me.

Mr. COX. I will have it read again for the benefit of my colleague, for I have respect for the opinion of my colleague.

The article was again read.

Mr. COX. I ask my colleague whether he believes in that "moral right of the Gulf or cotton States to make an independent nation."

Mr. GARFIELD. I am perfectly willing to answer the gentleman, if he will proceed with his own remarks, and I can then get the floor. I would prefer to answer him categorically then.

Mr. COX. I will give the gentleman a chance to answer as I go along. It is so much more interesting. I like that dramatic and vivacious form of debate. My colleague is so apt and ready in debate.

Mr. GARFIELD. I prefer to wait until the gentleman is through.

Mr. COX. I am afraid people will draw a wrong conclusion from my colleague's refusal to answer. He may not get a chance to answer to-day. But as he seems unwilling, I ask the privilege of printing a few more extracts from the great editorial light of his party, Mr. Greeley, in reference to letting the Southern States go. Nobody ever attempted to expel him out of the Republican party for such sentiments:

"If the cotton States shall become satisfied that they can do better out of the Union than in it, we insist on the letting them go in peace. The right to secede may be a revolutionary one, but it exists nevertheless. * * * We must ever resist the right of any State to remain in the Union and nullify or defy the laws thereof. To withdraw from the Union is quite another matter; whenever a considerable section of our Union shall deliberately resolve to go out, we shall resist all coercive measures designed to keep it in. We hope never to live in a republic whereof one section is pinned to another by bayonets."—*Tribune of November 9, 1860.*

"If the cotton States unitedly and earnestly wish to withdraw peacefully from the Union, we think they should and would be allowed to do so. Any attempt to compel them by force to remain would be contrary to the principles enunciated in the immortal Declaration of Independence—contrary to the fundamental ideas on which human liberty is based."—*Tribune, November 26, 1860.*

"If it (the Declaration of Independence) justified the secession from the British Empire of three million colonists in 1776, we do not see why it would not justify the secession of five million southrons from the Union in 1861."—*Tribune, December 17, 1860.*

"Whenever it shall be clear that the great body of the Southern people have become conclusively alienated from the Union, and anxious to escape from it, we will do our best to forward their views."—*Tribune, February 23, 1861.*

Can it be possible that such opinions have been uttered and the paper not suppressed? Can it be that members who read it approvingly, day by day, seek to expel a member of this House for copying its worst features? Why was not the Constitution "overleaped" to suppress that journal and exile its editor? Gentlemen opposite take this journal and swear by it as the gospel of emancipation and the exponent of Republican policy. They cannot get along without it. Why, then, are they so sensitive when it is alleged that a Democrat is going in the direction pointed out by their own shining beacon?

Mr. Speaker, I need not ask my colleague whether he voted for Abraham Lincoln for President. I know that he did. I do not know whether he favors Mr. Lincoln or General Fremont for the next Presidency, but I know that so far as the past is concerned he is committed to Mr. Lincoln and to his record and sentiments. I propose to have read, for the information of my colleague, an extract from a speech made by Mr. Lincoln, of Illinois, on the 14th of February, 1848, and printed by Gideon & Co., especially for circulation among such gentlemen as my colleague. Here is the extract, and to it I solicit his attention. I ask him if he approves of the doctrine? If he does, he cannot consistently vote for the expulsion of my colleague. The Clerk will read from the original and genuine document.

The Clerk read as follows, from the pamphlet:

"Any people, anywhere, being inclined and having the power, have a right to rise up and *shake off the existing Government* and form a new one that suits them better."

Mr. COX. I may be allowed, before the Clerk reads any further, to call the attention of the distinguished Speaker to that extract. He voted for Mr. Lincoln. Nobody knows whether he is for him or not now. [Laughter.] I want to ask him whether he approves of the doctrine.

The Clerk read, as follows:

"This is a most valuable, a most sacred right, a right which we hope and believe is to liberate the world. Nor is this right confined to cases in which the whole people of an existing government may choose to exercise it. *Any portion* of such people that *can, may* revolutionize and may make their *own* so much of the territory *as they inhabit*. More than this, a *majority* of any portion of such people may revolutionize, putting down a minority intermingled with or near about them who may oppose their movements."—*January 10, 1848.*

Mr. COX. I get no response from the Speaker. He must approve of the revolutionary sentiments of the President and be disgusted with his own resolution of expulsion. Perhaps he will move to lay his reso-

lution upon the table, or else vote to impeach Mr. Lincoln.

Mr. COLFAX. Will the gentleman from Ohio yield to me?

Mr. COX. With the greatest pleasure.

Mr. COLFAX. In reply to the remarks of the gentleman from Ohio, I have to repeat that the gentleman from Indiana upon this side of the House does not speak in the midst of another gentleman's speech by his courtesy, liable to be stopped by him as the gentleman stopped his colleague recently. He speaks when he obtains the floor, and has no secret about his opinions in regard to any subject.

Mr. COX. Oh! Mr. Speaker, when the leading man of this House comes down from his high position to offer a resolution to expel a member who comes here by the same right that he does, he cannot escape on account of his peculiar dignity. When he descends to this floor, the common platform of us all, and condescends to mingle with us in debate, he cannot and shall not escape. Is he or is he not in favor of the doctrine laid down by the President in the extracts which have been read? That is a very simple question. You will lose no dignity, sir, by answering it now. [Laughter.] We will look upon you with pride and pleasure as the Speaker of this House if you will condescend to delight us by evincing your opinion upon that subject. I pledge myself that you shall not be interrupted.

Mr. COLFAX. In reply only to the personal remarks of the gentleman from Ohio, I say this to him; that when I appear upon this floor I do not *condescend* from that chair. The position of a member upon this floor is as exalted and responsible as the position of him who sits in that chair to administer your rules. The gentleman brings a reproach upon himself and upon his fellow-members upon this floor when he sneers at me and speaks of me, when I appear upon this floor as the representative of my constituents, performing my duty, as *condescending*. The highest position a man can hold in this House is that of a representative of one hundred and fifty thousand people, sent here by their willing votes, and not by a mere majority of votes elected here as the Presiding Officer of this body.

Mr. COX. Mr. Speaker, I did not make any personal remarks in regard to my distinguished friend. Far be it from me to throw any stain upon him for his condescension. I admire him too much for his fairness and justice in presiding over our deliberations to reproach him. Never has he heard a word of that kind from me. But when he comes down from his exaltation to this floor and undertakes to engineer a resolution through this House for the expulsion of a brother member, he must take the consequences of the debate which he inaugurates.

Mr. COLFAX. I am willing to do so, perfectly willing.

Mr. COX. My friend does not seem now to be willing to do it. He shall not be interrupted if he answer whether he stands by Mr. Lincoln or not in these traitorous sentiments which I read from his speech. I am opposed to all such sentiments, opposed to secession, opposed to revolution, and opposed to any change of our Government, except in pursuance of the Constitution by the amendment thereof. That is the position of the members on this side. But Mr. Lincoln was elevated to the Presidency by that lawless party on the other side, knowing his sentiments to be in favor of secession and revolution, in favor of "any portion of the people that can, revolutionizing and making their own so much of the territory as they inhabit." I ask gentlemen, if my colleague deserves expulsion, does not the President deserve impeachment?

But if gentlemen say these questions are gone by, then I come to the condition of things since the war and press the question which was not answered, why did you not expel Mr. Conway last Congress? I received no reply. I now ask, why not expel the gentleman from Indiana, [Mr. JULIAN,] the colleague of the Speaker, for his speech on the homestead law, wherein he expressed sentiments which, if carried out, would bring about in the North the very convulsion and anarchy which we now unhappily have in the South.

The gentleman from Indiana, [Mr. Julian,] on the 18th of March, 1864, held these sentiments:

"Congress must repeal the joint resolution of last year, which protects the fee of rebel landholders. The President, as I am well advised, now stands ready to join us in such action. Should we fail to do this, the courts must so interpret the joint resolution as to make its repeal needless. Should both Congress and the courts stand in the way of the nation's life, then 'the red lightning of the people's wrath' must consume the recreant men who refuse to execute the popular will. Our country, united and free, must be saved, at whatever hazard or cost; and *nothing, not even the Constitution, must be allowed to hold back the uplifted arm of the Government in blasting the power of the rebels forever.*"

Now, Mr. Speaker, we on this side of the House, in our simplicity, were taught last session of Congress by a patriotic and learned member of the opposite party from Massachusetts, (Judge Thomas,) that there could be no Union without the Constitution; that there could be no war carried on except in pursuance of the Constitution; that in using the appliances for subduing the rebellion we are acting within the pale of the Constitution; that we seek domestic tranquility alone by the sword the Constitution has placed in our hands; that in the path of war, as of peace, the Constitution is our guide and our light, the cloud by day, the pillar of fire by night; that in preserving the Union and the Constitution we vindicate in every part the indivisible Republic in its supreme law; that in seek-

ing to change the Constitution, to break or overleap it, we become the rebels we are striving to subdue; that all our labors and sacrifices for the Union of our fathers are for the Constitution, which is its only bond; that to make this a war, with the sword in the one hand to defend the Constitution, and a hammer in the other hand to break it to pieces, is no less treasonable than secession itself; and that outside of the pale of the Constitution the whole struggle is revolution.

If these sentiments be true, sir—and no one will question them—why was not the gentleman from Indiana [Mr. JULIAN] expelled for the treasonable sentiments I have quoted? Why was not a similar resolution to this moved in relation to him? We on this side do not do it. We are in favor of the largest liberty of debate by the popular Representatives. We understand that the Constitution guarantees such debate. We did not disturb your Judge Conway last session for his resolutions. We did not vote for his resolutions; but you are responsible for his continuance in his position till the end of the last Congress.

If it were a reproach to the country, as our distinguished Speaker has stated, that a man should express himself here in favor of the recognition of the Southern Confederacy; if it dishonors and weakens us abroad and impairs our energies and discourages our efforts at home; if it were equivalent to allowing members of the Richmond Congress to come here and take part in our deliberations, (as the Speaker has alleged,) why was not the expulsion of the member from Kansas proposed by him? Ah! his case was of a different hue then. It was of a darker shade then. Now you are in favor of expelling a man from our midst who was sent here by the people, because he utters the same sentiments which this side repudiates, and which one of your own side uttered last session, and which you never sought to repudiate by the grave process of expulsion.

But the Speaker did not resume his seat until he had made a fling at the Democracy of my State for supporting Mr. Vallandigham. Mr. Speaker, I took some part in the last contest for the Governorship of Ohio. I did not fully agree with the gentleman who is now in exile, as members know, in his votes on this floor, nor in regard to his peculiar views of policy or peace. I upheld sadly but firmly the sword, after it had been unsheathed, lest a worse alternative should ensue—the disunion of our beloved country.

Mr. JULIAN. Will the gentleman yield to me for a moment?

Mr. COX. Certainly.

Mr. JULIAN. The gentleman from Ohio read only a portion of a paragraph from the speech which I delivered in this House, and I wish he would allow me to have read at the desk the entire paragraph which I have marked.

Mr. COX. If the members on the other side of the House will agree to extend my

time I will yield for that purpose. I will insert it in my speech when it comes to be printed. I cannot yield now, as I have very little time left.

Mr. JULIAN. It is only a brief paragraph.

Mr. COX. As I have said, I will yield if my time is extended.

Mr. WASHBURNE, of Illinois. I object to the extension of the gentleman's time.

Mr. COX. I will insert in my speech what the gentleman desires, but as the extension of my time is objected to, I cannot yield to him. The gentleman does not deny that I have quoted him fairly so far as I have gone. Did not the gentleman say that he was in favor of breaking down the Constitution to save the country?

Mr. JULIAN. It is a perversion of what I did say.

Mr. COX. I would rather have it from your own lips than from any report. Are you in favor of breaking down the Constitution?

Mr. JULIAN. I will answer the gentleman from Ohio. I said explicitly in the paragraph of my speech which I have asked the gentleman to allow to be read, that there was no necessity in the world for breaking down the Constitution in any of its parts to put down the present rebellion in the South. That is my position. I said the Constitution was made for the people, not the people for the Constitution; and that our fathers were not fools but wise men, who armed the nation with the power to crush its foes as well as to protect its friends.

Mr. COX. If that necessity existed?

Mr. JULIAN. If it were necessary to save the life of the nation to depart from the letter of the Constitution I would, as I said in my speech, blast the power of the rebellion forever by the strong hand of war.

Mr. COX. I, too, would blast the power of the rebels by the strong hand of war; but I regard the life of the nation as bound up with the Constitution, and that to blast the Constitution you blast the Government. And by destroying the Constitution you do not put an end to this war nor suppress the rebellion.

Mr. JULIAN. Let me ask the gentleman a question.

Mr. COX. Certainly.

Mr. JULIAN. I ask the gentleman whether, if the salvation of the nation's life required the violation of the letter of the Constitution, the gentleman would be willing to save the life of the nation at that cost?

Mr. COX. I regard it as utterly impossible, under God, ever to save the life of the nation by tearing out its vitals—its heart and brain. The Constitution is the frame in which the Government is enshrined. I know no other Government except that embodied in the Constitution. This is the Government which you are sworn to support; not sworn to support, sir, in a certain emergency; not sworn to destroy, if necessary to save the life of

the country, but unconditionally to support at all times and in all places, as if that life were bound up with it forever. You have taken upon your soul the oath to sustain that Constitution. Now you say on certain conditions you would break your oath! What is moral treason? What is moral perjury? I do not charge these upon the gentleman; but I beg him to reconsider and call back his words.

Mr. JULIAN. Will the gentleman yield to me right here?

Mr. COX. I will, if the gentleman thinks I have done him injustice.

Mr. JULIAN. I have taken that oath, and I have asserted publicly that there is no necessity in the world for violating it. But the gentleman has not answered the interrogatory which I propounded to him. I wish him to state explicitly whether, if the life of the nation could only be saved by a violation of the Constitution, he would be willing to save it in that way. [Laughter on the Republican side of the House.]

Mr. COX. I will answer the question. I am used to laughter from that side of the House. It does not distract me, for laughter is not logic.

What is the life of the nation, sir, of which we hear so much? I know no other life of the nation except that incarnate in the written Constitution, which protects property, person, home, conscience, liberty, and life. Take away these, and there is no nation. Society is stagnant and dead. The gentleman regards liberty as the life of the nation—a sort of ill-defined liberty for black and white, I suppose. I regard the Constitution as the embodiment of constitutional freedom in this country, the very body, life, and soul of the Union. That is the Constitution of the United States. When you strike that down you strike down the life of the nation. Therefore we, on this side, have determined, in order to save the life of the Government, to save the Constitution from destruction.

Mr. JULIAN. Will the gentleman allow me to ask him another question?

Mr. COX. If the gentleman is not fully answered I will say this, THAT UNDER NO CIRCUMSTANCES CONCEIVABLE BY THE HUMAN MIND WOULD I EVER VIOLATE THAT CONSTITUTION FOR ANY PURPOSE. [Cries of "That's it!" "That's it!" from the Democratic side of the House.] As Judge Thomas has said, "I would cling to it as the bond of unity in the past, as the only practical bond of union in the future; the only land lifted above the waters, on which the ark of the Union can be moored. From that ark alone will go out the dove, blessed of the Spirit, which shall return bringing in its mouth the olive-branch of peace." To compass its destruction as a probable or possible necessity, is the very "gospel of anarchy, the philosophy of dissolution."

Mr. JULIAN. I want to ask the gentleman a question.

Several MEMBERS on the Democratic side objected.

Mr. COX. If there be any man in this Chamber who holds or utters any other sentiment in reference to the Constitution and his oath than this which I have expressed, I say to him that language has no term of reproach, and the mind no idea of detestation, adequate to express the moral leprosy and treason couched in his language and clinging to his soul. I will not designate such utterance by any harsher language in a parliamentary body.

When interrupted by the member from Indiana I was about to go a little further in answer to what the Speaker said in reference to the Democracy of Ohio. Mr. Speaker, I took a part in the campaign of last year, as I said, not because I approved of the peculiar peace notions of my former colleague. It was well known in Ohio that my votes here did not always coincide with his, and that my sentiments did not agree with his altogether; but when by an arbitrary arrest, without warrant, without a fair trial, in defiance of the Constitution, in defiance of a law passed by ourselves, in defiance of English and American traditions, petitions and bills of right, he was arrested and exiled, the Democracy of Ohio raised an issue in favor of fair trial, free speech, the immunities of personal freedom, and an honest and lawful administration of public affairs. That was our only issue. I took ground everywhere in favor of the liberty of the citizen and the integrity of the Constitution. Disagreeing always with the peculiar tenets held by him in relation to coercion, I held that he had the same right to speak for peace as the soldier to fight for it. But I will say this for him, that nowhere, here or at home did he ever utter a sentiment or do an act looking to the recognition of the Southern Confederacy. He said in his place in this House, again and again, and quoted Mr. Calhoun's opinions on the Mexican war in his justification, that he would not oppose the voting of men and money to carry on this war, the responsibility for which he did not covet nor bear. But, sir, he never would consent to a peace based upon recognition. He so said in the North, and he said the same in his exile in the South.

We were defeated in Ohio on account of the issue made on the peace sentiment. I bowed to that decision. But, sir, while there are some in our party opposed to coercion and in favor of a peace indiscriminately, without regard to consequences, the great body of the Democratic people in our State and in the North have never gone beyond one conclusion; and that is, they are forever opposed to curtailing the limits of our empire by the recognition of a new nation carved out of our territory and made up of our States and people. Come war, come peace, come anything, we would bring about a restoration of the old Government, with the old order. Our determination is to follow the line of duty

laid down by the distinguished Governor of New York, Horatio Seymour, to superadd to force the policy of conciliation; not to withdraw our forces from the field and yield to the South independence, but to superadd one other element of Union—kindness and Christianity. If gentlemen cannot understand how two such ideas are compatible in the same mind with each other and with patriotism, I cannot teach them. While we have been ever ready to sustain our gallant soldiers in the field by our money and our men, we have been also ready at every hour of our triumph and at every opportunity for compromise to extend an honorable amnesty to the erring; not the jugglery of the executive amnesty, based upon a proclamation of abolition which is a lie, but an amnesty which shall bring back the great body of the people South—if it be yet possible—to their old allegiance. We desire to make our victories consequential by the rehabilitation of the States as they were, and to make out of them and not out of illegitimate States—the offspring of a corrupt Executive—the old Union, one and indivisible!

This is the policy of the northern Democracy. Upon that platform we intend to contend in the November election. Whoever may be our candidate, that will be our doctrine, and you cannot (as the gentleman from Illinois [Mr. WASHBURN] tried to do yesterday,) give it a different interpretation, because of the speech of my colleague, [Mr. LONG,] or because of the partisan attempt to expel him for the sentiments he has uttered.

We accept as our platform the integrity of the Union. Upon that platform we will never, in any emergency of this Republic, yield up

this country and its Constitution to secession, and to its baleful counterpart, abolition. "Amid all the darkness, the thick darkness around us, we will cling to the single, simple, sublime issue—the Constitution, and the Union of which it is the bond; the old Union. God bless the old Union, and the wrath of the Lamb of God shrivel to their very sockets the arms lifted to destroy it; not in vengeance, but in mercy to them and to all mankind."

Mr. DAWSON. I wish to say, right here, that the gentleman from Ohio was candid enough to declare in the speech referred to that he spoke for himself, and himself alone, and not for the Democratic party. That ought to be a sufficient reply to my colleague, and I trust that it is satisfactory.

While I am up I have one further remark to make. The gentleman from Ohio [Mr. GARFIELD] yesterday, in speaking of the order known as the "Knights of the Golden Circle," declared that "it was under the protection and fraternity of the Democratic party." Now, there may be such a society as the "Knights of the Golden Circle." For myself, as a Democrat, I declare I have no knowledge of any such order.

Mr. COX. Nor has anybody else on this side of the House.

Mr. DAWSON. In my intercourse with the Democratic party in Pennsylvania and everywhere else, and in my intercourse with Democratic members in this House, I have scarcely ever heard any reference made to that order. I know nothing of its being under the care and protection of the Democratic party, and I repudiate the charge in the roundest terms.

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