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KANSAS AFFAIRS.

SPEECH

OF

HON. GEORGE E. PUGH, OF OHIO,

DELIVERED

IN THE SENATE OF THE UNITED STATES, JULY 2, 1856.

The Senate having under consideration the report in favor of printing twenty thousand extra copies of the bill to enable the people of the Territory of Kansas to form a constitution—

Mr. PUGH said:

Mr. PRESIDENT: I am not disposed to renew this discussion at any other time; and as it is necessary that I should correct one misrepresentation of my colleague, personal to myself, I will say a few words, also, in reference to the topics which have been debated.

I had objections, Mr. President, to the bill which passed the Senate last week, but I did not think it worth while, after a continuous session of twenty hours, when all around me were so much exhausted, to explain those objections at any length. I doubted whether Kansas had a sufficient population to warrant her admission as a State; but I never said, (as my colleague asserts,) that the lack of ninety thousand inhabitants was an insuperable objection. I did say the lack of thirty thousand was an insuperable objection; and I said, also, from the votes cast in October, 1855, the Territory could not have contained that number, by five or six thousand, at the time of the session of the Topeka convention. I confess, sir, I have no distinct evidence, to this hour, that Kansas contains thirty thousand inhabitants; and it was upon this point, chiefly, I had to overcome doubts.

Mr. WADE. I stated only from recollection what my colleague said. It occurred to me that he did say there should be ninety-three thousand, the amount required in the original bill; but it may be as he has stated. I did not profess to be accurate on the point. I quoted from memory.

Mr. PUGH. I should not have referred to the subject at all, but that, when I rose to correct my colleague's statement—supposing he had misapprehended me—he refused to allow the correction, and insisted upon the accuracy of his own words. I knew what my views were at the time, and thought I remembered my language. Since the occurrence, however, I have examined the report of my speech, and it was just as I said. My insuperable objection was to the lack of thirty thousand inhabitants, and because I believe the Constitution requires that number in the case of every new State, when it declares that the ratio for Representatives shall never be less than thirty thousand. I thought the admission of new States, with ten or twenty thousand inhabitants, would be an infringement of the Federal compact, and, considering the number of our Territories at present, of very dangerous consequence.

The Senator from Vermont, [Mr. COLLAMER,] when he submitted his views as a member of the Committee on Territories, only claimed twenty-five thousand inhabitants for Kansas, and that claim was based upon the votes given in October last. I repeat, sir, the evidence is not conclusive to my mind, that the population of Kansas has increased, even as yet, to thirty thousand. But the Senator from New York [Mr. SEWARD] declares that it is forty thousand; and one of the Senators from Massachusetts [Mr. SUMNER] has risen to nearly or quite sixty thousand. It seemed to be conceded on all sides, and affirmed by the vote of the other House, that there had been a large increase of population in Kansas during the past eight months; and so, for the sake of peace,

assenting to what appeared to be the opinion of those Senators with whom I generally vote—assenting to what I supposed were the wishes of the Opposition—assenting to the course adopted by the House of Representatives—I consented to act upon the supposition that Kansas had now attained the limit of thirty thousand inhabitants. The Senator from Missouri [Mr. GEYER] appeared to have some doubt in this regard, and expressed himself to that effect; but he sacrificed all doubts, nobly, for the sake of conciliation and peace.

The Senator from Kentucky [Mr. CRITTENDEN] also expressed a doubt. What those two Senators said, just before the final vote, so fully explained my own views, that I did not wish to add a single word. So much for the inconsistency of which my colleague accused me. I said also, in my speech, that I would not be disposed to admit a State with less population, by two thirds, than the existing ratio of representation. I would only agree to that in extraordinary circumstances. I still adhere to the declaration. But, sir, these are extraordinary circumstances, and they have become so, in a great degree, since my speech was delivered. If what my colleague has said be true—if there be any foundation at all for the constant assertions of those with whom he acts—this is a case in which I am bound to surrender every consideration short of constitutional duty, in order to establish peace in the Territory; and—if it be not, alas! too late—restore peace to our almost distracted Union.

Mr. President, I care little whether the motion under debate be or be not adopted. I do not imagine that twenty thousand copies of the “pacification” bill (as it has been rightly named) will answer the public demand, or even suffice to inform the country of its provisions. I have no such idea. Nor do I believe that one hundred thousand copies would accomplish the purpose. To me, therefore, it is immaterial whether the motion be adopted or rejected. Already, in the newspapers of the Opposition, a studious attempt has been made to deceive the people as to its character. It is called “the Kansas slave State bill,” not only in editorial paragraphs, but in letters and telegraphic dispatches. And even here, to our very faces, several Senators have asserted—not that the bill was calculated to make Kansas a slave State—not that such would be its tendency or effect—but that the purpose, the intention, the deliberate design of those who voted for it was to make Kansas a slave State. The Senator from Maine [Mr. FESSENDEN] has asserted this, and asserted also that it is a parliamentary charge.

I say that it is not. It is unparliamentary, improper, and abusive; and if the Senator expects to employ such language in any debate with me, he might as well prepare for a retort. I maintain, sir, that the rules of the Senate do not tolerate an assertion like that. On reflection, to be sure, he has excepted the Senator from Kentucky [Mr. CRITTENDEN] out of this unprecedented denunciation; but he persists in the charge that all the rest of us, from the North as well as from the South, although upon the sanction of our oaths, before God and the country, we have professed that our sole purpose, intention, and design, was to adopt a fair measure—one which should truly ascertain the will of the actual inhabitants of Kansas, are perpetrating a deliberate falsehood. Who is this Senator, pray, that he should thus pronounce other Senators to be hypocrites and knaves? This, I suppose, is the “free speech” of which we have heard so much, and which no man must presume to question in or out of the Senate Chamber. I repeat, sir, such language is neither parliamentary nor excusable.

I agree that any Senator has a right to declare that the provisions of the bill are such, or the circumstances under which it is proposed are such, that the legitimate consequence will be to make Kansas a slave State. That is a proposition I can discuss with him; and to that even the Senator from Massachusetts [Mr. WILSON] confined himself in his last address. But when a Senator exceeds that limit, and undertakes to impute an intention to his fellow Senators, contrary to what they have professed, he violates all the decorum of debate, and the privileges of those who are compelled to hear him. And, sir, whenever it is attempted, offensively, towards me, I shall claim an equal degree of indulgence—and the right to say (what I now say of the assertion of the Senator from Maine) that, so far as I am concerned, it is entirely without foundation or excuse.

Well, Mr. President, we attempted to settle the Kansas question fairly, so far as we could settle it. I have stated the points upon which I yielded. I do not agree with the Senator from New York, that the day for compromise has passed. I agree with the Senator from Kentucky that, saving the Constitution, I will compromise to the last syllable of recorded time, if I can thereby promote the peace of the Union, and the welfare of the individual States. I have contributed my share; other Senators have made their contributions. The bill was not introduced at my suggestion, nor after any consultation with me. I found it here upon my return from the

West, and examined it as well as I could. The result was a determination to give it my support. I sympathized also in the invitation extended by the distinguished Senator from Kentucky to those who claim to be the especial friends of the free-State party in Kansas—an invitation to propose any amendment which would render the bill more acceptable to them, and yet preserve its principles. I had read, in the Globe newspaper, that the Senator from New Hampshire [Mr. HALE] declared it a bill almost unexceptionable—such, perhaps, was his very language—and I rejoiced in the hope that, from all this confusion and tumult, this bitterness in Congress and out of Congress, in Kansas and everywhere else, a path of deliverance had been discovered, and that we could all agree, at last, upon terms of fair and honorable adjustment. That Senator has not assigned an excuse satisfactory, in my judgment, for since voting against the bill.

If any reason, worthy to be called such, had been alleged for his motion to strike out the 4th of July, 1856, and insert a later period, I should have voted in favor of it. But, sir, what was the pretext alleged? Merely, that he had no confidence in the President of the United States. Did the Senator expect those of us who voted for Franklin Pierce to unite in a condemnation so broad and unqualified? The very pretext was an insult to us.

This question, then, is not to be settled; that is the notice which we have received. Its settlement is to be postponed until after the presidential election. And wherefore?

At the commencement of the session, you will recollect, the Senator from New York [Mr. SEWARD] proclaimed that Kansas stood at our door knocking for admission; and he demanded whether the Senate would drive her away from this place of refuge—would coldly drive her back to anarchy and bloodshed? That inquiry was propounded time and again. Kansas, it was said, is ready to rush into your arms; will you receive her? For if you receive her—it was also said—everything will be well. Now, Mr. President, we have agreed to receive her; we have opened the doors of the Senate Chamber; we have invited her to present us a constitution adopted by her people, and take her place in the Union as a State. But, sir, how quickly has the tune changed? These gentlemen now tell us that Kansas does not wish to be admitted as a State for twelve or eighteen months.

What other amendments were proposed by Senators of the Opposition? Two only of material consequence; and the first of these was a

recognition of the Topeka constitution. Well, sir, I say of that constitution, as I said before, it never was adopted by the people of Kansas, according to its own requirements. I do not need any other answer; this alone is conclusive. The constitution required, in terms, that it should be submitted to a vote of the qualified electors, and be ratified by them. It never was so ratified; it did not receive the votes of the free-State partisans; it received no votes of any consequence.

It is not, therefore, the voice of the people; it is not even the voice of the free-State partisans; it is only the voice of a handful of men (we know not whom) assembled in various precincts—for in many precincts no votes at all were received— assembled under the sanction of no law, and with no tests, of any sort, whereby to ascertain the qualification of those who voted. We are asked to impose this constitution, thus promulgated at a time when the population did not exceed twenty-five thousand, on a people which now numbers (if the Senator from Massachusetts is to be believed) some sixty thousand. Sir, I am ready to argue the cause on that issue. Senators need not imagine there is any sentiment of fear in my bosom as to the verdict of the American people when a proposition so monstrous shall have been fairly exposed.

What else was offered in the way of amendment? Why, sir, at the last hour, with a vain hope—vain, indeed, it proved—that some further concession might satisfy Senators upon the other side, I invited them to suggest additional safeguards. It had been alleged, in the course of the discussion, that the 4th day of July, 1856, was not a fair date by which to ascertain the residence of voters, because a large number of the free-State partisans had been driven out of the Territory. This, certainly, is an exaggeration. How many actual settlers have been driven out? I do not speak of the number of men lately sent thither, who may have been prevented from entering the Territory. I ask how many actual settlers have been driven out? A thousand? Where are they? Are they in your State? Are they in Illinois? I know they are not in Ohio. Where, then, upon the face of the earth, will you find this vast concourse of sufferers? Sir, this exaggeration is too bold—too apparent. Those who have been driven out, if any, are few in number. But, to avoid even this objection, the Senator from Illinois [Mr. DOUGLAS] added a clause to the bill, under which all who have left the Territory through fear, or in consequence of any ill usage, are allowed to return, to register their names, and to vote. The commissioners will be in session, for this pur-

pose, three or four months. What more could be asked?

But, it is said, you do not protect these persons in returning, and after they shall have returned. What protection do they desire? One Senator alleges that a line of sentinels has been stationed upon the western border of Missouri, to prevent free-State men from entering Kansas through that State. Well, sir, suppose this to be true—I do not know whether it is true or false; I am rather inclined to believe it is false, as the statement comes from a quarter whence so many falsehoods have emanated;—but suppose, I say, that it were true: what power has Congress over the State of Missouri? What can we do with any such sentinels? What relief can we afford to the citizens of San Francisco, in California, against the irresponsible, despotic, armed oligarchy which now enslaves them, and threatens to subvert even their State government?

The question is not what would be the best remedy for all the grievances alleged, but what is the best remedy within our power? There are other routes into the Territory; they are not the most eligible ones, but they are complete, and are the only routes over which Congress can exercise the least control. What protection, then, is requisite? Let these men return by the way of Iowa and Nebraska. This moment, I understand, Colonel Lane has an encampment in the State of Iowa.

What is the nature of the protection which Senators demand. Must we send military officers to search for every persecuted free-State man, and assign him a body-guard during the next four months? Is there no limit, Mr. President, to human absurdity?

We have invited these men to return, and register their names as qualified voters. They pretend to have been oppressed by certain laws, and we have stricken those laws out of existence. It is alleged that they have been prevented, by violence, from approaching the polls: we station the troops of the United States by the side of each ballot-box to protect all voters from abuse or molestation. And we have intrusted this election to five commissioners, who shall be nominated by the President and confirmed by the Senate—commissioners who, as the Senator from Michigan [Mr. Cass] was authorized to state, will represent both parties. We have furnished, therefore, every possible safeguard—more than our opponents ever suggested, or even imagined. Will it be, then, a fair election? What more can be asked? What more can we provide? I call upon the Senate and the country to take notice

of the fact, that Senators upon the other side have been invited again and again to propose any additional safeguards—and have been able to propose none. At the last hour, almost, I renewed the invitation. I asked them to suggest a provision (if they could) for the more effectual protection of the inhabitants, and especially those who have been driven out.

Such, Mr. President, was my request; and how was it answered? I realized the wisdom of the Scriptures. I asked for bread, and received a stone—for a fish, and received only a serpent. The Senator from Illinois [Mr. TRUMBULL] rose to name *his* measure of pacification. We had been told that Kansas was in a miserable condition—that men were slain, women were outraged, and property was destroyed. What remedy did the Senator propose for all these terrible evils? He proposed that even the faint vestiges of law in the Territory should be expunged, and that fair domain given over to legitimized anarchy and lawlessness. This, then, is the proposition of Senators who have talked so much about peace and justice—the utter abrogation of every law, and the nullification of the power of every magistrate. All government there is to be at an end: and the thousands of people, men, women, and children, who have gone thither in the faith of our protection, are suddenly to be outlawed by the *fiat* of Congress, and exposed to the wanton outrages of any individual. Let me tell the Senator from Illinois, and all his supporters, that I am prepared for an appeal to the country upon that issue also. Indeed, sir, this is the whole question to be decided; all else is of no consequence. If it were ever so true that we had abandoned some abstract doctrine, heretofore professed, they could derive no justification from the fact. They ought rather to congratulate us upon a conversion so marvelous, and not assail us with new phrases of abuse and vituperation. It would be in better taste, even, to lift up their sanctimonious eyes, like the Pharisee of old, and thank God they are better than us publicans and sinners, who stand afar off, and humbly smite our breasts with remorse.

Sir, I will meet the question, whether we have or have not departed from the acknowledged principles of the Democratic party, but I will not debate it with the Senator. It is a question with which he has no concern. How does it become his affair whether I regard the doctrines of my party or not? If I do not regard them, here or elsewhere, I shall be called to account by the constituted authorities of the party, and tried and convicted in due form; but, with all

respect, I do not consider the Senator one of those authorities. I do not care what he may have been in times past. I find by the newspapers that he attended a "Republican" convention not long since, and approved the nomination of Messrs. Fremont and Dayton.

In my judgment, however, the pacification bill violates no doctrine proposed or advocated by the Democratic party heretofore. I believe that I understand the doctrine of "popular sovereignty" quite well; and, so far as I do understand it, there is nothing to restrain or abridge its full operation in the bill which has received the sanction of the Senate.

The question presented upon this subject is, whether the actual inhabitants of a Territory shall decide the character of their local institutions, or submit to the arbitrary decision of Congress in that regard? Popular sovereignty and congressional domination stand opposed to each other. The Senator maintains that it is the right of Congress to govern the Territories in all respects, without reference to the will of their inhabitants. I deny both the rightfulness and expediency of such legislation. I have held this faith ever since I had a vote, and expect to continue in the faith.

Popular sovereignty is not a new idea; nor was its application to the case of our Territories first suggested by the venerable Senator from Michigan, [Mr. Cass,] although I acknowledge that he first expressed it in a definite and consistent form. It was suggested by Jefferson at the time of the Missouri compromise; and that will appear from several of his letters, those especially which he addressed to President Monroe. Jefferson denied the power of Congress in this regard; and he prophesied of the Missouri compromise exactly what has since come to pass.

The same views were entertained by Madison, Monroe, Jackson, and Calhoun; but it was reserved for the venerable Senator from Michigan to proclaim the doctrine of popular sovereignty in that definite form in which it was accepted by the Democratic party eight years ago. He was nominated for the Presidency upon that platform.

General Taylor came into office without having announced any opinions on this subject. He was represented by his friends at the North as a staunch "Wilmot proviso" man, and at the South as exactly the opposite. All parties, therefore, felt great anxiety to learn what course he would pursue. But whatever his own opinions, or the professions of his friends, General Taylor found himself compelled to adopt the doctrine which had been professed by General Cass—the doctrine of congressional non-intervention and

popular sovereignty—and during the brief period of his administration he endeavored to maintain that doctrine, so far as he could by executive influence, in reference to California, New Mexico, and Utah.

The administration of Mr. Fillmore came next, and with it the great adjustment of 1850. What was the principle of that adjustment? It was, that all our Territories, when they came to be admitted as States, should be received with slavery, or without slavery, as the people might decide, and not as Congress might decide. What is now the doctrine of our opponents? I do not presume to declare what it may be in Illinois, but I know what it is in Ohio. I need not go beyond the resolutions presented here, at this session, from the Republican majority of the Legislature. I need not give my recollection of any man's speeches, nor appeal to any obsolete platform. The resolutions are here, and have been printed by order of the Senate. They declare that no slaveholding State shall be received into the Union, henceforth, in any circumstances, or upon any pretext. If that does not contradict, directly, the compromise of 1850, I confess myself unable to understand the force of the English language.

The issue, therefore, is whether Congress or the people shall decide upon the institutions of a new State. There are some Senators belonging to the Democratic party who stop at that point. I believe the Senator from Louisiana [Mr. Breaux] does; and, at all events, the Senator from Mississippi [Mr. Brown] and the Senator from Georgia [Mr. Toombs] do. I do not. They hold that the Constitution of the United States restrains the people of the Territories from excluding slavery, by law, during the period of the territorial government. I do not so understand the Constitution. I agree with them, however, in this: If the Constitution has restrained the people, as alleged, let them be restrained! Whatever the Constitution provides in this particular, by that I will stand. I desire no better law than the Constitution; and God knows that I advocate no "higher law" for the government of our political relations.

This question being a mere question of construction, a question as to the powers conferred in the Federal Constitution, we have agreed that it shall be referred to the judicial authorities for determination; and, both as a Senator and a citizen, I mean to be bound by whatever the judicial authorities decide in that respect. At present, however, and until the decision, I will entertain, and, if necessary, defend my own opinion. Find-

ing no such restraint in the Constitution as Senators have alleged. I believe that, under the terms of the Kansas-Nebraska act, each Territorial Legislature may prohibit or admit slavery at will—not as a permanent decision, to be sure, but during the territorial period, or until otherwise lawfully provided.

This question, however, is not involved in the pacification bill. We are not debating what shall be the condition of affairs in Kansas during a territorial form of government; and hence the utter inappropriateness of two amendments proposed by the Senator from Illinois, [Mr. TRUMBULL,] against which I voted. We are now looking to the admission of Kansas as a State into the Union; and upon that issue the Democratic Senators, North and South, East and West, all agree. We agree, sir, that if the actual inhabitants of Kansas do now, fairly, and in a legitimate mode, exclude slavery, or establish it, by an organic act, their exclusion or establishment—I care not which—shall be decisive and ultimate. This, in my judgment, is not a *favor* conferred on the inhabitants. They have a *right* to decide the issue; and I will maintain their right in all places, and at all times, even as against the supposed sanctity of a hundred Missouri compromises.

The pacification bill which the Senate has adopted, so far as I am able to judge of its provisions, is eminently just toward all parties. Its object is to secure a fair election. If any amendment can be suggested to perfect this design, or more certainly to prevent violence, to prevent irregularities, to prevent fraud, to assure each citizen of the Territory in the free exercise of his right of suffrage, I hope that it will be proposed by the House of Representatives; and, for one, I am ready to concur in it. Then, sir, as soon as the citizens of Kansas shall have adopted their State constitution, whether that constitution excludes slavery or establishes it, I will vote for the admission of the State without any further question. Even the Senator from Vermont [Mr. COLFAX] and the Senator from Illinois [Mr. TRUMBULL] acknowledge that those citizens, when they come to organize a State government, have the right to establish slavery, or exclude it, without any reference to the Missouri compromise, or any other species of territorial legislation.

Having provided a fair election under this bill, with all the safeguards which occur to me, or can be suggested by others, I have done my part. The citizens of Kansas must do the rest. If they wish to be a non-slaveholding State, and so declare, I shall demand of the Senator from Mis-

souri, [Mr. GEYER,] and all other supporters of the bill, a vote for unqualified admission. On the other hand, if the citizens of Kansas declare that they wish to become a slaveholding State—much as I shall regret, individually, their choice—I can discover no pretext founded upon the Constitution, or in any principle of good faith, which would justify me for resisting their admission into the Union.

How can it be said, therefore, with any regard to truth or justice, that there is any unfairness in the bill? Where is the “fraud” so lustily asserted? Where is the “cheat” to be found? These are hard words. They have been used frequently in the course of this session, as if certain Senators had an unlimited prerogative to accuse, insult, and revile the rest of us. It seems to be considered parliamentary, as well as courageous, in their code, to impute the worst motives, and apply the worst language, to their opponents—to make accusations here, under the shadow of senatorial privilege, which they would not dare to make elsewhere, and upon equal terms.

The Territory of Kansas is now convulsed by civil war. These Senators themselves proclaim the fact. They represent it as worse, much worse, than I have seen reason to believe. They tell us that the people—our fellow-citizens—men, women, children—are in a condition of horrible distress. What remedies are proposed? None, sir, that can be effectual, or satisfactory, except the bill to which the Senate has given its approval. Will those Senators defeat the bill? Will their partisans in the other House reject it? I adjure you to consider the consequences. Do you desire peace in Kansas? Do you wish to have a fair election? Do you intend to allow those inhabitants their undoubted rights as American citizens? Then assist in the adoption of the Senate bill. There is nothing else. If you do not assist—if you defeat that bill—if you prolong the sorrowful condition of Kansas—if you stimulate this unnatural controversy to greater lengths—then, I tell you, the curse of every crime which may henceforth be committed there—the blood of every man who may be slain—the honor of every woman who may be violated—will rise up in judgment against you. I will not now make the charge—although, as a retort, it would be justifiable—that you desire a continuance of this anarchy, public distress, and civil war, in order that you may influence the results of the presidential election. That, however, is a question for the country at large; and I shall endeavor, in my humble sphere, to make the country understand and appreciate it.

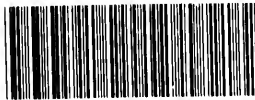
Here is the substantive proposition: That with all the safeguards suggested in either House of Congress, an election is to be held in Kansas—a State government formed—and peace happily restored. What is proposed on the other side? First, the Senator from Illinois (Mr. TRUMBULL) wishes to abolish all the laws of the Territory at once, and thus legitimate the outrages, the bloodshed, the anarchy, which he pretends to deplore. Second, he and his political associates offer to subjugate the citizens of the Territory to a constitution which they never ratified—which was formed without authority of law—and which modestly declares itself unalterable, in any particular, for nine years!

Let the people of the United States consider such an issue—ay, sir, let them *decide* it. This involves everything, connected with our Government, which is worthy of consideration. If passion, prejudice, fanaticism—aided by all the modern arts and adjuncts of falsehood—can so mislead the American people that they will not distinguish good from evil—will no longer respect the fundamental principles of their own Govern-

ment—will rashly mutilate that sacred compact, THE FEDERAL CONSTITUTION, in which all the securities of our Union, our peace, our liberty, our happiness, reside,—it is of little consequence who may be the next President, and whether Congress should ever again assemble. The experiment of popular institutions will have utterly failed; for, without patriotism, intelligence, virtue, and self-command, a popular government must fall into confusion and despotism at last.

In any event, Mr. President, I can do nothing more. I have sacrificed every scruple, every minor consideration, to an ardent desire for peace. I have gone to the extremity of concession. I have agreed to whatever is honest and fair: and I am yet willing to vote for any amendment or scheme of that character which can be suggested. If the Opposition will not meet us in this spirit—if the Senate pacification bill should be rejected by the House—I must discharge myself henceforth of all responsibility as a Senator and a citizen. I shall have performed my duty to the uttermost; no blood will be upon my skirts, nor any reproach upon my conscience.

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