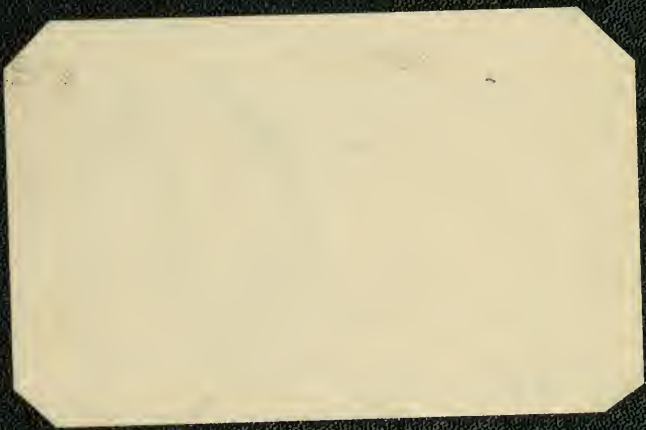


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SELF-PRESERVATION THE RIGHT AND DUTY OF THE GENERAL GOVERNMENT. THE
REBEL STATES BUT ORGANIZED CONSPIRACIES—NOT CONSTITU-
TIONAL STATES, NOR ENTITLED TO STATE RIGHTS.

SPEECH

OF

HON. JOHN A. BINGHAM, OF OHIO,

In the House of Representatives, March 12, 1862.

The House being in Committee of the Whole on the state of the Union—

Mr. BINGHAM said :

Mr. CHAIRMAN : I recognize the right of every Representative of the people to rise in his place here, if he is so minded, and if it be according to his convictions, when a bill is under consideration to impose taxes upon the people to the extent of \$100,000,000 or more, and oppose the bill on the ground that he has no confidence in the Administration, or any part of it.

Mr. WADSWORTH. The gentleman will excuse me. I did not say that.

Mr. BINGHAM. I will allow the gentleman to make his corrections in the Globe. I used the words which I took down from his lips—that he had no confidence in the Administration, or in any part of it.

I am very glad to know that the gentleman has confidence in the Administration; but I certainly understood him to announce to the House that he opposed the bill because he had not confidence in the Administration, under whose direction the money was to be disbursed; and I understood perfectly well, as every gentleman understands perfectly well, that it is the duty of the Representatives of the people to refuse to raise revenue when they know it is to be expended through an executive department of the Government in which and in the members of which they have no confidence. The first duty they owe to themselves and to the people they represent, when the attempt is made to raise revenue which they believe is to be controlled by a corrupt Administration for corrupt purposes, is to resist that attempt, and insist and demand, in the name of all the people, that the corrupt officials be impeached and hurled from the high places which they have dishonored and disgraced.

The gentleman, however, now disclaims an entire want of confidence in the Administration, and also disclaims opposition to this bill. If the gentleman has confidence in the Administration and is in favor of the bill, why did he start out in his speech in opposition to this bill, and end in opposition to the Administration and the friends of the bill and the Administration? The gentleman, in his opening remarks, declared his opposition to the bill on the ground that it creates offices unlimited as to time. I beg leave to say to the gentleman that, as I read the bill, it contains no such provision, it creates no such offices. It is one of those statutes which expires of its own limitation, or rather that is intended to meet a temporary necessity, and all offices which it creates fall with it. The bill provides only for the creation of such offices as are required to

execute it, and such other acts as have been or may be passed for the imposition and collection of internal duties, stamp duties, licenses, and taxes, direct and indirect.

The gentleman is aware that it is not in his time or mine hitherto that in this Republic there has been such legislation placed upon the statute-book. It is only once in a generation that such legislation is required; and I believe the day is not far distant when this bill, if it passes into a law, as I hope it may, will, together with all like enactments, be no longer needed, and cease to be law.

The gentleman will observe that the various offices created under the bill are necessary to the execution of its provisions, and that the bill would be useless without them. If, therefore, his objection prevails, the bill is substantially defeated. For aught that the gentleman has said, the offices created by this bill are essential to its practical operation. I submit, therefore, that this objection, so earnestly urged by the gentleman, fails and is not valid. Surely, sir, I am justified in saying that the gentleman seemed to be against the bill. Certainly, if he was in favor of it, and of its passage, he pursued a very singular course in attempting to aid its passage by insisting that it contained provisions which he could not approve, and not even intimating that in any of its provisions he did approve it, or would in any event vote for it. Having thus stated his objections to the bill, the gentleman proceeded to arraign the President of the United States before this House, and then directed his attacks against the venerable chairman of the Committee of Ways and Means, through whose instrumentality, and that of his worthy colleagues on the committee, this well considered and digested measure is now before the House for adoption or rejection. For an hour the gentleman rambles through an excited speech to show the House why its members should distrust those whom he pleases to admit constitute a majority of the Representatives upon this floor, and who are the known friends of the bill and of the Administration.

The gentleman says that before he votes for this bill, he wants to know what the money is going to be used for. I suppose the gentleman has some recollection of having indulged in utterances of that sort. The purpose for which the money is to be raised is declared in general terms by the title of the bill, to wit: to support the Government and pay the interest on its debt. A bill to raise money to support the Government and sustain its credit, ought to command the unqualified support of every patriot. But the

gentleman, before he can support it, wants to know the special uses to which the money is to be put. Why, sir, to limit the use of the money *specially* in a general revenue bill would be a novelty in legislation. Whoever heard before of inserting in a bill for raising general revenue to supply the Treasury of a nation, limitations declaring precisely how and for what purposes, and no other, all the money to be raised should be applied? That would be indeed a most extraordinary proceeding. Why, sir, that is a novelty so strange and new, so unheard of in the history of our legislation, that I think a neutral border State alone is entitled to the honor of originating it, and should be entitled in all coming time to have a special patent for it. The doctrine that there is to be no revenue raised until you have carefully guarded the bill so that the money can only be applied to this or that particular object, is, I repeat, novel, and without precedent in our history. It will be time enough specially to appropriate the money after you shall have provided for raising it.

Mr. WADSWORTH. I hope the gentleman will allow me for a moment to explain my seeming opposition to this bill. The gentleman will recollect that I was yesterday exceedingly anxious to deliver some opinions I entertained about the message of the President and the joint resolution which was before the House; but having no opportunity to do it, I was compelled to say what I could say upon that subject, upon the tax bill. The gentleman will recollect that I was frequently interrupted by questions of order in the remarks I made to-day, and I was compelled to assume a seeming opposition to this bill, in order to enable me to bring my remarks upon the other subject within the rules of order, and afford me an opportunity of expressing my opposition to the policy of the Administration. The gentleman I suppose understands that. I expressed no real opposition to the tax bill.

Mr. BINGHAM. The gentleman said that before he voted for this bill he wanted to know what was to be done with the money. I supposed him to say it in good faith; and that the bill could not have his support, nor the Government be provided with support by means of this general revenue bill, unless with express limitations annexed that this suspected Administration should only use the money in a certain way. What limitation upon the uses of this revenue would the gentleman have? Would he have its use so restricted that in supporting the Government the patriarchal institution of slavery should suffer no detriment? The thought which ran through the gentleman's speech was, that if this revenue be raised, or if this bill be passed, its uses should be restricted to the purpose, the sublime purpose, of bringing the cotton States back into the Union, and keeping them in the Union, with their ancient social system of chattel slavery, if you please, intact. What else, sir, can you infer, or can the House infer, from the significant utterance of the gentleman, that unless the cotton States shall be brought back into the Union, or, to use his words, *if you let the cotton States go*, Kentucky will not stay with you? What do those strange words signify; what do they import? Why, that the gentleman is willing to raise \$100,000,000 of revenue, to be collected for the time being from the loyal

citizens of the United States, for the purpose of getting the cotton States back into the Union upon their former *status*, with their slaves and slavery; and not otherwise. This idea pervaded the gentleman's speech from beginning to end, whether he was conscious of it or not. He said, in substance, that if you attempt, through the instrumentality of your army—supported and sustained, in part, at least, by means of this immense revenue that you are to collect and put into the Treasury by this bill, in the preservation of the Constitution and the Union, and in defence of the good men and true who dwell under the shield of the Constitution, and are entitled to its protection, and to be made secure in their persons, their property, and their homes—to touch the divine institution of slavery, that civilizer of the children of the kingdom of Dahomey, the gentleman and his State will depart from you. Touch not the civilizer, says the gentleman, or Kentucky leaves you. This divinity of civilization, chattel slavery, is sacred; for the way to civilize men is to enslave them and convert them into brutes!

Sir, if that is the condition upon which the gentleman's allegiance is to be retained to the Union and the Constitution, the sooner all such patriots depart the better. I say that the sooner they depart the better for the country.

Mr. WADSWORTH. Let me say a word.

Mr. BINGHAM. No, sir; I am not misrepresenting the gentleman's position. He argued that chattel slavery in America is the civilizer of the children of the kingdom of Dahomey.

Mr. WADSWORTH. I do say that the gentleman misrepresents my position. I annex no conditions to my loyalty.

Mr. BINGHAM. If the gentleman annexes no condition to his loyalty, then his remarks about the use of this revenue and the divine civilizer of Africa, and retaining the cotton States with their slaves and slavery untouched, in the Union, were simply meaningless and ought not to have been uttered. He said, if you allow, under any condition, the cotton States to depart from this Union, then Kentucky would not stay in the Union; and annexed the condition that you must not, in the great effort to retain the cotton States, touch slavery. Who, in the name of Heaven, wants the cotton States in the Union, or in any other place than the state of perdition, if they are only to be in the Union on the condition that, from day to day, from generation to generation, and from age to age, slavery, this new civilizer of the children of Dahomey, shall continue, and be upheld by the whole power of the Government? [Laughter.] The question is, whether the gentleman from Kentucky is in favor of the Union; whether he is for the Government of the United States, and for the exercise of all the means which God and nature have given to us, and which may be justly and lawfully employed under the sanction of humanity, for the putting down of this infamous, infernal rebellion? Is he for the Union to that extent that he will sanction the employment of all necessary and just means to preserve it?

Mr. WADSWORTH. Will the gentleman permit me to answer?

Mr. BINGHAM. I want an affirmative or a negative answer.

Mr. WADSWORTH. I want the Government

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to use such force as may be necessary to overcome the force opposed to the execution of the laws; but I am not in favor of preserving the Union by destroying the Constitution and inaugurating congressional usurpation.

Mr. BINGHAM. I put the question again to the gentleman from Kentucky, and I want an affirmative or negative response. If the majority of the people of the United States, and a majority of their Representatives in Congress, together with the President of the United States, conclude that to suppress effectually this rebellion and save the Union, there is an indispensable necessity to sweep away that "infernal atrocity," the Dahomey civilizer, which has maddened the brain and deadened the heart of the people of half the territory of the Republic—will the gentleman then stand by the Union and the Constitution, and sustain the President and his policy?

The gentleman has not yet answered my question. I will state it again. Suppose that the contingency shall arise when, in the judgment of the President, and in the judgment of a majority of the peoples' Representatives in this House and in the Senate, it becomes necessary to utterly abolish this system of slavery, that the Constitution may live and that the Union may be preserved; is the gentleman for it?

Mr. WADSWORTH. Whenever the President and a majority of this House come to the conclusion that it is necessary to sweep slavery out of the country in order to preserve the Union, I will oppose such a law by constitutional action—always by constitutional action. If the gentleman and his abolition allies come to our State to execute such a law with force, I will oppose them.

Mr. BINGHAM. The gentleman does not answer whether he is going to leave the Union or not.

Mr. WADSWORTH. Never will I leave the Union. Whenever it becomes necessary for either the gentleman from Ohio or myself to leave the Union, I will take care that the gentleman and not myself will have to go.

Mr. BINGHAM. The gentleman would have a busy time of it before he got through with it. [Laughter.] It now seems that the gentleman is going to stay with us, but that he, or rather his State, is going to stay with us, in the event supposed, only as a rebel.* I want to know by what right Kentucky or any other State comes upon this floor and says in advance, by her Representative, she will not abide by the decision of a majority of the peoples' Representatives in the House and the Senate.

Mr. WADSWORTH. I deny that they will get the voice of a majority of the people.

Mr. BINGHAM. I assumed that they would, and so stated.

Mr. WADSWORTH. It makes no difference with me.

Mr. BINGHAM. I object to these constant interruptions. When the gentleman wants to interrupt me he must first get my leave.

Mr. WADSWORTH. The gentleman put questions to me.

Mr. BINGHAM. I am not putting questions, I beg leave to say now to the gentleman. The

Mr. WADSWORTH replied he would resist such a law by force, and fight.

gentleman says, in case of such a law being passed as I have stated, and which if executed will save the Constitution and the Union and put an end to this war, he will stay in the Union and fight. Fight what?

Mr. WADSWORTH. Will you let it be broken up?

Mr. BINGHAM. Who is the judge?

Mr. WADSWORTH. You.

Mr. BINGHAM. No, sir. The people, speaking through a majority of their Representatives and their Executive, must rule by their laws and under their laws, until those laws which they may enact be by them repealed, or be set aside by the supreme judicial tribunal of the country. I submit that the gentleman is not the judge. Judge, indeed! On that ground Jefferson Davis has the right to carry on his treason, and no man has the right to go forth and slay the traitor. You have no right, sir, if this be the rule, to place the mark of Cain upon his brow as his brother's murderer and drive him out a fugitive and a vagabond in the earth, or hunt him down as a traitor, and send forth legions six hundred thousand strong to invest him in his treasonable capital, drag him to the temple and the altar of justice, convict him of his hellish treason, and, in the solemn language of the old law, "hang him by the neck until he be dead." I want to know whether, if the gentleman's assumption is good for him, it is not good for Jefferson Davis, who has assumed to go out of the Union because you did not by law give protection to slave property everywhere within the legislative jurisdiction of the country, by land and by sea; that is his position. There is no question about it. He has spoken it more than once in his character of President of the confederate States of America.

The gentleman seems to be an apt student of the original leader in this rebellion. I say, sir, for myself, and it is because I apply the rule to myself that I believe it ought to apply to the gentleman, that it is my duty as a citizen of the Republic to bow to the majesty of the law in whatever form it comes, and claiming for myself, if I deem the law unjust, the right which always belongs to the citizen, to seek its repeal by my vote and my voice, and in the mode prescribed seek its overthrow in the judicial tribunals of the country. That, sir, is the extent of my privilege and of the privilege of every individual citizen acting in his individual capacity. In saying this, I do not deny the inherent, sacred right of revolution in the people. I admit if the Government of the United States arrogates powers which do not belong to it, imposes upon the people such burdens as are too grievous to be borne, they may, as a last resort, after all peaceable means of redress have been faithfully tried and have failed, and if further submission is more dangerous to their lives and liberties than armed resistance—then, and not till then, may they employ force. That is the common judgment of mankind.

Mr. WADSWORTH. I subscribe to all that.

Mr. BINGHAM. I am glad that the gentleman does subscribe to it. If he subscribes to it and acts upon it, he will not be swift to advise Kentucky to arm to resist the Government of the United States, if a majority of Congress, with the President, conclude, and legislate accordingly,

that the slaves of rebels in arms shall be declared freemen, and shall be no longer compelled to sustain treason.

This Government has the right—which belongs to every legitimate Government known among men—of self-preservation. If it becomes necessary, in order to preserve the State, to sacrifice the lives of the best, the bravest, the noblest in the land, their lives must be sacrificed. In the providence of God, it has always been and always will be, to the end of time, a national necessity that some must die that the State may live. The question, then, is this: if it becomes necessary for the preservation of the Constitution and for the maintenance of our nationality—the youngest born and the noblest of the earth, known as the Republic of the United States of America—to sweep away this modern civilizer of the children of Dahomey, will the gentleman, on that account, rise in revolt against his country? That is the question.

Mr. WADSWORTH. I prefer the Constitution to nationality.

Mr. BINGHAM. The gentleman prefers the Constitution to nationality. I prefer not to be diverted from my argument, nor needlessly interrupted. There is no nationality without a constitution, either written or unwritten. There never was, and there never can be. You might as well talk of pulsation without arterial action as to talk of a nationality without a constitution or system of Government.

Mr. WADSWORTH. Has France got any?

Mr. BINGHAM. Yes, sir; she is a nationality, and she has a constitution of government, and so has every other nationality. I said a written or unwritten constitution was essential to nationality. They are one and inseparable. They never did exist and never can exist separately. There can be no constitution without a nation, and there can be no nation without a constitution; they go together. But I am amazed that a gentleman should come here and tell me that the Constitution and this new civilizer are one and inseparable. That is what excites my special wonder. The gentleman says he did not tell me so. It is hard to tell what he did mean by his interruption.

Mr. WADSWORTH. I beg he will not fight a man of straw.

Mr. BINGHAM. I beg the gentleman's pardon for supposing him to be a man of flesh and blood.

Mr. Chairman, there is nothing further from my purpose than to do injustice to the gentleman from Kentucky, or to anybody else. If the remark which I made does not apply to the gentleman from Kentucky he ought not to have interrupted me at all. For the honor of my country, and in sacred regard for the Constitution of my country, I affirm that slavery and the Constitution are not one and inseparable.

I do not say that the gentleman does in express terms say so. But I stand here to repel all insinuations of that kind, come from what quarter they may. I say, in the language of Madison, that the Constitution is a great charter of human liberty, and that it "would have been wrong to admit in that instrument that there can be property in man;" and hence its framers declared that it was not fit to incorporate even the word "slave" or "slavery" or "servitude" in that instrument, for it was intended to live through all coming time, and it

should not transmit to all after generations of men the fact that any such system of "civilization" as the African or domestic slave trade, and all its kindred atrocities, existed at any time among the American people or within the limits of the Republic. The Constitution declares for liberty and justice, and not for slavery and despotism.

Mr. Chairman, I am tired of the supercilious air with which gentlemen assail as violators of the Constitution and enemies of the Union the friends of every measure which is exclusively for the common defence, or which proposes to condemn the property and liberate the slaves of armed rebels. Wherein do we violate the Constitution, pray? The gentleman from Kentucky, [Mr. WADSWORTH,] when I had the honor to address this House before on these great questions, that tower above all other questions to-day because they touch the preservation and safety of the Republic, seemed to be filled with a holy horror because I ventured to assert in my place here that the four millions of slaves held by half a million of armed rebels, and by whose unpaid toil their atrocious rebellion is sustained, ought to be liberated, and protected, too, if they would seek shelter under the flag of American liberty.

As the gentleman then and now has chosen to assail me for this, I may be pardoned for calling his attention to the inquiry, what further did I say in that connection on that day and in the hearing of the gentleman? I said that every loyal citizen in this land held his life, his property, his home, and the children of his house, a sacred trust for the common defence. Did that remark excite any horror in the gentleman's mind? Not at all. I undertook, in my humble way, to demonstrate that, by the very letter and spirit of the Constitution, you had a right to lay the lives and the property and the homes, the very hearthstones of the honest and the just and the good, under contribution by law, that the Republic might live. Did that remark excite any abhorrence in the gentleman, or any threat that fifteen slave States would be combined against us? Not at all. I stated in my place just as plainly, that by your law you might for the common defence not only take the father of the house, but the eldest born of his house, to the tented field by force of your conscription, if need be, and subject him to the necessary despotism of military rule, to the pestilence of the camp, and the destruction of the battle-field. And yet the gentleman was not startled with the horrid vision of a violated Constitution, and there burst from his indignant lips no threat that if we did this there would be a union of fifteen slave States against the Federal despotism. I asserted in my place, further, that after you had taken the father and his eldest born away, and had given them both to death a sacrifice for their country, you could, by the very terms of the Constitution, take away the shelter of the roof-tree which his own hands had reared for the protection of the wife and the children that were left behind, and quarter your soldiers beneath it, that the Republic might live. And yet the gentleman saw no infraction of the Constitution, and made no threat of becoming the armed ally of the rebellion. But the moment that I declared my conviction that the public exigencies and the public necessities required, that the Constitution and the oaths of the people's Representatives re-

quired, that by your law—the imperial mandate of the people—the proclamation of liberty should go forth over all that rebel region, declaring that every slave in the service of these infernal conspirators against your children and mine, against your homes and mine, against your Constitution and mine, against the sacred graves of your kindred and mine, shall be free, the gentleman rises startled with the horrid vision of broken fetters and liberated bondmen, treason overthrown, and a country deemed, regenerated, and forever reunited, and cries, No; this shall not be; fifteen States will combine against you. Slavery is the civilization; you shall neither denounce it as an “infernal atrocity,” nor overthrow it to save the Union. I repeat the word which so moved the gentleman from his propriety, that chattel slavery is an “infernal atrocity.” I thank God that I learned to lip it at my mother’s knee. It is a logical sequence, sir, disguise it as you may, from that golden rule which was among the first utterances of all of us, “whatsoever ye would that men should do unto you, do ye even so unto them.” And yet men are dragged away from the land of their nativity under pretence of civilizing them, subjected to the horrors of the middle passage, reduced to the condition of chattels in a strange land, where it is made a crime by statute to teach them the grand stirring words of John Milton, “Give me the liberty to know, to argue, and to utter freely, according to conscience, above all liberties;” words worthy to be spoken by him who walked in his singing robes immortal, without tasting death; words fit to be told and interpreted to every man, that he has a conscience, a right to know his duty, and a right to do it. Milton, for teaching this and like lessons to men centuries ago, has been enrolled among the immortals. Milton, for teaching it to-day in that vast rebel district of confederate conspirators, would be doomed to the dungeon or the scaffold by the code of this “infernal atrocity.”

Mr. WADSWORTH. Do you say that is the case in Kentucky?

Mr. BINGHAM. I say it is the case in cottondom, the Dahomey of America. I am not speaking of Kentucky; I am speaking of the slavery and the slave code of the cotton States, which the gentleman says we must keep in the Union with their slavery, or Kentucky will not stay. When she throws off her allegiance to the Union and joins this rebel carnival of blood, I will speak of her as she deserves to be spoken of. I trust in God that day will not come, when Kentucky, rather than see the Constitution and Union saved by the liberation of the slaves of rebels, will seek to destroy the Union to save slavery. Why, sir, the very fact that the gentleman has intimated such a result as possible to flow from such a measure of justice ought to teach the gentleman himself that a system which could drive a Commonwealth to such an act of wickedness is an “infernal atrocity.” Kentucky to leave the Union, or to band with traitors against the Union, if we proclaim that system abolished in the eleven rebel States which declares it a crime punishable by indictment and imprisonment to teach a human being the alphabet of his native tongue; to teach him to know that he is a man, and not a beast; to teach him to know that his soul is his own, and that he has a right to enjoy the fruits of his

own toil; to teach him to know that there is even a God, or a hereafter—

Mr. WADSWORTH. Some white folks do not seem to know that.

Mr. BINGHAM. Perhaps so; but does the gentleman apply the remark to me?

Mr. WADSWORTH. I do not apply it to you.

Mr. BINGHAM. I am glad to know it, sir. Yes, sir; you must expect fifteen slave States to wage war upon the Union, if you interfere with the rebel’s right to his slave, or with the rebel’s code, which declares it a crime to whisper to his slave there is a God, that takes notice even of the sparrow’s fall, and hears the young raven when it cries for food, and sometimes condescends to clothe with superhuman power the good right arm of an outraged man when he strikes for the liberty of himself, his wife, and children. To-day, sir, these rebels in arms, who have forfeited all rights, save the right to a gallows, doom four millions of men to chains and slavery; subject them to sale in market overt, like the ox; say to the father: “Your little child that prattles its lisping words upon your knee is only our chattel, and will be sold with our pigs next market day,” and the mother of your children shall be sold to another. The victims of this infernal atrocity are the native-born children of this land, and yet are held by these rebels’ wage war upon you. Their rights in their slaves must not be touched, or you violate the Constitution. I stand by my words, and denounce the system an infernal atrocity.

I speak in the spirit of one of the noble men of Virginia, (formerly a Representative here,) who, in his place a long time ago, said he looked with scorn and contempt on the Northern man who could get up and interpose any apology for slavery. He said he would at any time go a mile to kick a sheep. I believe he would have gone as far to kick a Northern pro-slavery flunkey. He had no respect for a Northern flunkey, these gentry who whisper with white lips, they come, they come, when the angel of liberty, beautiful and immortal, shakes the door of the prison-house in which men charged and chargeable with no crime are buried alive.

Your Constitution is no respecter of persons; it forges no fetters for the guiltless; it sanctions no unjust tyranny over the mind or body of man. And yet, sir, by that Constitution my friend who stands near me, in the pride of his manhood, may be summoned to the battle-field that his country may not die, that its free Constitution may live; the child of his house, the hope and pride of his life, may be required to follow with unequal step his father’s martial tread to the same field of honorable death; the house and home which he leaves behind him a shelter and a refuge for his wife and children, may be required to be given up in the hour of the nation’s peril; and yet my friend is to be mocked with the ribald jest that the atrocious institution of slavery is more sacred than his life and the life of his son and the home of his wife and children. Such argument, come whence it may, is simply vulgarity—blasphemy against the divine beauty of life. The slave pen and the barracoon more sacred than the free home and the hearthstone! Judge them, sir, by their fruits. From the households of the free, from the hearthstone of the free, that nursery of all that is

great, or beautiful, or good in human character, come the mighty body-guard of mankind, the world's elect, who have made the scaffold and the cross glorious, and have wrought out and brought in, not without suffering and martyrdom, that brilliant civilization in which we live—the boast of our country, and the boast of the Christian world; while from the slave pen and the barracoon of the slaver has come that fell influence, the strange sorcery, which has driven one half of this Republic mad, and converted the people thereof into armed traitors against a government that has done them no wrong, but has hitherto crowned their lives with blessings and benefits, the only return for which is a treason with no parallel save that first treason, the revolt of the fallen angels against the God who made them. Sir, there is not even a colorable excuse for these traitors and their treason. There has been in no instance an injury or hurt threatened or done to them or theirs by the Government of the United States.

The only question really in issue is whether the majority in this Republic shall rule. That is the question to be decided by this conflict of arms. I take it to be a well-settled principle of this Government that the majority shall rule. In pursuance of this principle, the majority of this nation, nay, sir, the majority of this Congress, speaking for the nation, have the right under the Constitution to declare by law that all the property of *rebels in arms* or aiding this unmatched treason shall be the lawful subject of prize and capture, and shall be condemned as such in your courts of justice, for the common defence.

Mr. HICKMAN. Not excepting the slave.

Mr. BINGHAM. I do not refer to slaves as property. I would liberate the slaves of rebels in arms and of their aiders and abettors.

Sir, gentlemen have talked very loud in their discussions here about indicting a whole people. I hold them to the issue—let them meet it—shall rebel property be made to pay, as far as it will go, the expense of suppressing their rebellion, and shall their slaves be taken from them to weaken their power. It is a uniform rule among civilized nations, applicable as well to civil war as to foreign war, or a war between two independent nations, that all enemy property captured in war is the legitimate subject of confiscation to defray the expenses of the war, and to indemnify the State or nation for losses sustained. The justice of this rule cannot be questioned where the civil war, in the one case, has been without any just cause unlawfully and wrongfully waged by rebel citizens, and where the foreign war, in the other case, has been unlawfully and wrongfully waged by the nation whose property is thus seized. I submit that it is a rule universally recognised among civilized nations; and I should like to see the gentlemen who talk so loud against it bring some authority to show the contrary, not shirk the question by talking about indicting a whole people. The rebels in this case indict themselves; they confess in open court.

Let me repeat: I assert that it is the accepted law at this hour among civilized nations, that when in a just war the conqueror acquires property, by capture or by conquest, he holds that property, if he so wills and has the force, until the peace, and continues to hold it afterwards, unless he voluntarily surrenders it. I hold that

to be a principle recognised by our own court in the case of a harbor in Maine possessed by Great Britain in the late war. They would have held it until this day if they had been strong enough and had not voluntarily surrendered it. There was nothing in the law of nations to oblige them to surrender it. When gentlemen talk about the difference between a foreign and civil war, I want to know if the Government of the United States should not be indemnified for the cost of suppressing this unjust and bloody treason out of the property of the rebels in arms? There is but one answer; that is, that it is the right of the Government to take the indemnity, if she has the force to do it. Much is said about private property being respected in war, save enemy property at sea; that the usage is only to take public property on land. I admit the usage in general, in international war; because, by such a rule, the means for just indemnity by seizing all property of the sovereignty, and of all its subjects at sea, and taking the public property on land, is sufficient; and for the further reason that the subject must obey his sovereign, and is therefore not your enemy of choice. These rebels have no sovereignty; they are simply organized conspirators, waging civil war against the people and the people's sovereignty. They have no public stores, and can have none; all the property they hold is enemy property, belonging only to them as rebels and enemies in arms. It is the right and duty of the Government to take their property for indemnity by capture and condemnation, and to liberate their slaves to weaken them; and for the further reason that the Government has the right to the service for defence of all its citizens, and especially of all who desire to aid the Government. I scout the alleged sovereignty of these rebels; they are simply an organized mob, nor more, nor less.

The gentleman says he is for the Constitution. So am I. The gentleman says he respects his oath to support the Constitution of the United States. So do I. I do not doubt his sincerity. I do not stand in my place to tell the gentleman that he violates either his oath or the Constitution when he refuses his assent to such legislation as he cannot approve, and I respectfully deny his right to say that I am not acting in conformity to my oath to support the Constitution—

Mr. WADSWORTH. I did not.

Mr. BINGHAM. Then I misunderstood the gentleman.

Mr. WADSWORTH. I certainly would not treat the gentleman otherwise than with courtesy, and I cannot imagine in what sentence of my remarks the gentleman drew such an inference.

Mr. BINGHAM. I am very glad to know the gentleman did not. I must have misapprehended his remarks in that respect.

Now, sir, it is the duty and right of this Government to use whatever force is necessary to crush out this treason and to crush out everything that stands in the way of our arms; to use whatever just means will tend to strengthen the Government, and whatever will tend to weaken the enemy. Does not every gentleman know—I pity the intelligence of the man who does not know—that here are four millions of enslaved men, who dig the trenches and build the fortifications of the enemy, who cultivate their fields, gather their crops, and furnish them the bread

on which they live. I would like to see the man rise here in his place and say that it would not weaken the enemy to take from them these four millions of men who thus furnish their support. I would like to see the man who would express it as his conviction that it would not weaken the enemy to take from them one-third their population, and that portion of their population whose labor provides solely and exclusively, almost, to them the means of subsistence. They might almost as well undertake to live without the bright heaven above them, filled with the life-giving breath of the Almighty.

I now come to the other point, and I desire to be very brief upon it. Gentlemen talk about the rights of the States. I heard something upon that subject yesterday, and it was brought up again to-day. Now, sir, I wish to say that not one of the eleven rebel States is to-day a State in the Union. The territory is in the Union, the citizens of the original State are in the Union, and still owe allegiance to the Constitution of the United States. They cannot get the territory out of the Union. They cannot run away with it. It is anchored and fixed there: it is a part of the common heritage of the whole people of the Republic. I know Floyd would steal it if he could, [laughter,] but it is beyond the reach of a thief. The territory is there, and there it will abide forever; the people are there, but there is no constitutional State—no State in the Union or of the Union there; that maddened multitude, the majority of each of the original States in that rebel district, have voluntarily destroyed their respective constitutional State governments. I rather think the gentleman from Kentucky knows that as well as I do, or as any man in this House.

Mr. Chairman, as every gentleman is for the Constitution, and especially as the gentleman from Kentucky claims to keep special watch and ward over it, I desire to read a single sentence to prove the truth of what I say, that these rebel States are not States in the Union, but only rebels in arms within the territory of the Union, and without a constitutional State government. An illegal State constitution is simply void as to the United States Government. The Constitution of the United States declares—

“The Senators and Representatives aforesaid”—

that is, of the United States—

“and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution.”—*Constitution of the United States*, Art. 6.

The Legislature of every State in the Union, and all the judicial and executive officers thereof, must be bound by oath or affirmation to support this Constitution. Without this obligation taken and accepted they cannot in law exist as the officers of the departments of a State government in the Union. There can be no State in the Union without these several departments. That would be a curious Republican State without a legislative and an executive and a judicial department. If there be no such State departments so bound to support the Constitution of the United States in that rebel region, as I know there are not, then I care not what forms and shams of government they may have; they are but organized conspirators and traitors. They have no State rights and can have none without constitutional State

governments. Is there a Legislature in South Carolina to-day bound by oath to support that Constitution? They are sworn by an oath to overturn it. Is there a judiciary in South Carolina to-day bound by oath to support this Constitution? They are sworn by an oath to trample it under foot. Is there to-day in South Carolina an executive bound by oath to support this Constitution? He is sworn by an oath to destroy it.

These rebels have destroyed their respective State constitutions. State constitutions can only originate by the act of the people in the several States, and by them they may be destroyed. They have broken down their State governments; they have no Legislature which, to-day, under the Constitution of the United States, can rightfully impose a tax upon any man's property, within their limits. They have no right to legislate at all. They are simply traitors, wearing the robes of office. There is no State government in South Carolina, nor in Florida, nor in Texas, nor in Louisiana, nor in Mississippi, nor in Arkansas, nor in North Carolina, nor in Alabama, nor in Georgia, nor in Tennessee, nor in Virginia, known to the Constitution, or entitled to a moment's consideration. I would like to see the man, if there be such a State-rights man, rise here and say that the Legislature of South Carolina, with the oath of treason fresh upon their lips not to support the Constitution, but to overthrow it, have the right to elect a United States Senator, or to enact a law affecting the life, liberty, or property of any citizen of the United States. The powers of the Federal Government in the territory of South Carolina are, in the absence of a constitutional State government, as exclusive and general as they are in the District of Columbia. Why so? Because throughout the limits of the Republic the United States Government has exclusive legislative power, save where there is a constitutional State government. Otherwise the Constitution and Government could not be maintained, and the great end of the Constitution carried out.

What is the end of the Constitution? As I said to the gentleman the other day in debate upon the President's emancipation message, its first and chief purpose is to protect the loyal citizens of the United States everywhere in their lives, liberty, and property. The citizens of every State now in the Union, and all who were citizens in the original States now dissolved by rebellion and treason, are citizens of the United States. Is the Constitution of the United States so weak an invention that, in the absence of a State government, it cannot establish courts of justice in any district or Territory within its limits for the purpose of protecting the property of every loyal citizen, and his liberty and life as well? I would be ashamed to go to your tribune to take the oath to support the Constitution if I felt in my heart that it was so weak an invention that it did not provide for even this first duty of a government. I assert the proposition here to-day, and I challenge contradiction, that the Government of the United States has full and ample powers for all of these purposes within the original limits of the revolted States; and we ought to exercise them if we have any respect for the oaths we have taken. We must exercise these powers until the people of the rebel districts, now reduced to the condition of Territories by their own act, shall return

to their allegiance, and re-establish State governments under the Constitution, and bind the several departments thereof by an oath to support the Constitution of the United States.

I will never consent, sir, that South Carolina, or any revolted State, shall send a Representative upon this floor until every officer of every department of that State shall have become bound by an oath to support the Constitution of my country. We have no right to consent to that; they have no right to demand it until they so reconstruct their State government. We have the right, and it is our duty, to provide by law for the administration of justice in that Territory. We have the right to send our tribunals to South Carolina in order that justice may be done to our loyal citizens. Has the patriot Pettigru, in that rebel city of Charleston, faithful found among the faithless, standing fast for the integrity of the Union and Constitution amid the wild howl of treason, no claim to the protection of this Government, and to be protected there in his home? That good old white-haired man, what true citizen would not run out in a storm to meet him and to help him? He is an honor to human nature. Unawed, unseduced, and unsubdued, he clung to the Constitution amid the falling pillars of the temple, and alone amid the conspirators he is for the Constitution still, and cherishes the hope of its restoration as he cherishes the hope of a better life in the land of uprightness.

Why, sir, amid the thunders of the infernal engine of treason, battering down the walls of your doomed and burning fort, he denounced the treason, refused to strike hands with the traitors, and stood by the old flag. I ask you, has that brave, good man no right to claim the protection of your laws in Charleston? Such fidelity, such loyalty, may justly demand the protection of the Government. If you would administer justice between man and man in South Carolina, you must establish a court of justice there that will take the oath to support the Constitution of the United States, without which no court can rightfully sit anywhere in the United States. And if the worst comes to the worst—if these traitors imbrue their hands in the blood of loyal citizens—how can you refuse to provide the tribunal to make them pay the penalty of their atrocious crime upon the gallows?

Mr. Chairman, I trust that I have as much charity as other gentlemen; but, sir, I beg leave to say that the Representative who will stand up in his place and deny the right of the Government to provide speedily and effectively for the administration of justice in the revolted States, commits a crime which would require a charity broader than the charity of the Gospel to cover. He is in a condition to strike hands with the rebels themselves. Is nothing to be done beside sending conquering armies to burn and destroy as they go? That is a needful thing; but I would also send the white-robed ministers of justice. I would put them into the deserted temples of justice, and place in their hands the sacred scales, and bind them by an oath to do equal and exact justice to the poor and the rich, the stranger and the citizen.

I would let it go out that those who submit to the law shall have their protection under the law, and that those who revolt against the law should not only find the armed soldiers of the Union pursuing them unto death, but they should

find as well the swift hand of justice falling upon them, and the majesty of the law declaring, "you are my prisoner, a prisoner against offended justice, because you have invaded the rights of citizens of the United States who were entitled to protection under the law of the land." Let these rebels know that by confederating as conspirators for the overthrow of the only form of State government which could exist under the Constitution, they must submit to the administration of justice proposed until they can get another State organization under the Constitution. The only limitation that is imposed upon the power of this Government in the premises is, that whenever any of these Territories presents a State government organized in subordination to the Federal Constitution, and recognised as such by the Federal Government, the State authority will be again established. That, sir, is my argument in reply to the suggestion about State rights.

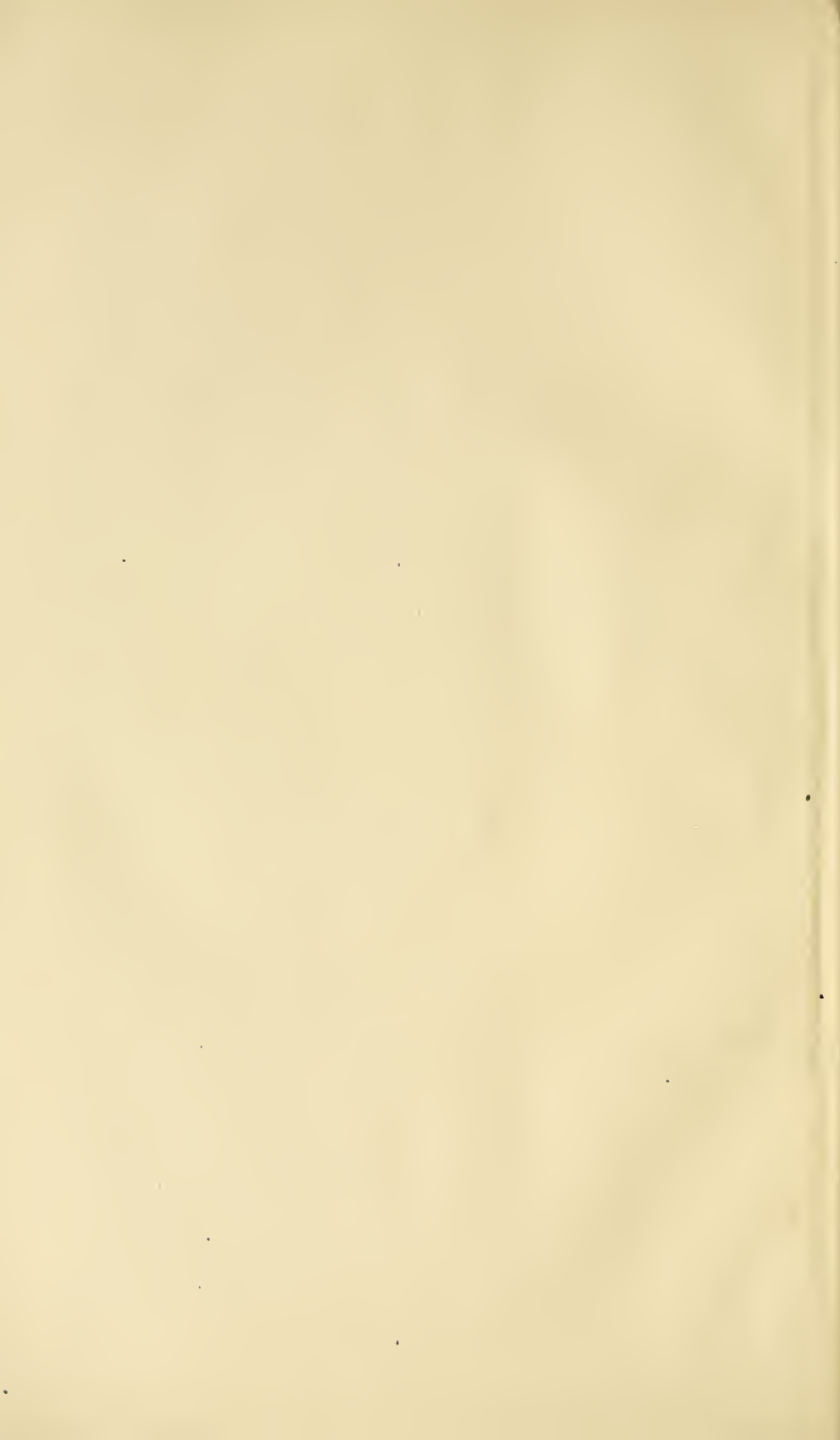
Those who would assert State rights must organize a judiciary under solemn oath to support the Federal Constitution; they must organize a Legislature on solemn oath to support the Federal Constitution; they must organize an executive department upon a solemn oath to support the Federal Constitution; and until they do that they cannot exercise State rights. Thus their treasonable civil organization, while it is void as against the Federal Government, operates an absolute forfeiture of all their powers and rights as States.

It is perfectly clear to my mind that no State which once existed in this Union can destroy its constitutional State government without the perjury of its Legislature, who must, by providing for secession, break the oath by which they were bound to support the Constitution of the United States. The executive, legislative, and judicial officers in those rebel States who aided this destruction of their constitutional State—and nearly all of them did so—only accomplished it through their broken oaths. They stand this day clothed with perjury as with a garment before their God and their country. Yet, after such blackinfamy as this, we hear all this clamor about their State rights and their private rights and the sacredness of their divine institution—that great civilizer. The gentleman spoke of Kentucky going away from the Union.

The gentleman says now that she is not going. I am glad he has changed his mind, and is willing to let her stay. But he stated before, that if Congress interfered with the civilizer she would not stay. I would like him to tell us how Kentucky would go out of the Union if she should be mad enough to try it? It depends upon circumstances whether she will remain in the Union or not. I hope circumstances will constrain her to stay. We believe that the initiation of emancipation, of full and complete emancipation, will put an end to this civil war.

After slavery is abolished, or put in process of ultimate but certain extinction, there will be nothing left for traitors to fight for. It is the sole cause of this great treason, and it is time that the world knew and comprehended the fact. This great war is a conflict for freedom and free institutions on the part of the armies of the Union, against armed traitors, who seek to build and perpetuate upon the ruins of representative government the most unlimited and atrocious despotism the world ever saw.





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