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S P E E C H

OF

CASSIUS M. CLAY,

BEFORE THE

LAW DEPARTMENT OF THE UNIVERSITY

OF ALBANY, N. Y.,

FEBRUARY 3, 1863.

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## SPEECH OF C. M. CLAY.

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### Introduction.

GENTLEMEN OF THE LAW DEPARTMENT, LADIES, AND  
FELLOW-CITIZENS :

All history unites in one conclusion ; that knowledge and virtue constitute the basis of the permanent grandeur and safety of nations. Human happiness is not the result of chance ; this aspiration of all humanity, Deity yields us but on conditions ; we must know and do. Montesquieu tells us that honor is the principle of Monarchies ; and virtue of Republics. I am of the opinion that honor, in the sense of a haughty, self-seeking elevation, never was the basis of any permanent greatness : and that virtue is the only safe foundation of all Governments. The Empires of Alexander and Napoléon passed away ; the one with, and the other before, its creative intelligence ! On the *true* and the *right* only have been built the lasting nationalities.

The founders of our Republic were not ignorant of this fact : and, in the enacting clause of the Constitution, they declared one of its great objects to be, to “*establish justice.*” Tautological was it then in them to include “*liberty,*” among their purposes. For, without justice, there is no liberty ; and what is liberty but justice—which, perceiving the true relation of all things, obeys them ? These

eternal relations of things are "laws." Well may it then be said, that "without law, there is no liberty." I stand before you the defender of "law." A citizen of the United States, and a "Republican," I would vindicate my party, and my country; for I believe they are one. I stand by "the Union, the Constitution, and the laws." *The Constitution as it is. The Union as our fathers designed it*: as it ought to be: based not upon injustice, usurping the name of law; but truly upon the law of nature, and of nature's God.

First, then, we claim the name of "*Republican*," because it best represents what we are; it is a good name: let us never abandon it! It is not our fault, in this crisis of life and death to the nation, that party names and party organizations are revived. I ardently hoped that, in this struggle for our national being, all citizens of "the United States of America" would have stood for them, in support of their chosen "powers that be." But the "Democratic" party has decreed otherwise: and we have nothing left but to accept the issue. I accept it with reluctance, but not with fear. I have no personal enmities to avenge: the friends of my country are my friends: the enemies of my country are my enemies. If we are right, we will stand: if we are wrong, we will fall. It is a significant fact, that, the foes of our Republic abroad, in the rebel States, and in our Northern homes, all take common ground against us.

#### Who is Responsible for the War?

It is said that the Republican party is responsible for the war. That our violation of the Constitutional rights of the Slave States gave them cause for "secession"—that the refusal of the Republicans to return fugitive slaves,

through mobs and "personal liberty bills," enacted into law in some Republican States, was in violation of the Constitution, and just cause of a dissolution of the Union.

Grant its truth, for argument's sake ; because a man is injured in violation of the civil law, must he rebel against the Government? Certainly not : else all law must perish, and universal anarchy desolate mankind. The true remedy under our form of government is reform, not revolution : the ballot of the majority, not the bayonet of the minority. But all jurists agree that those who demand, shall do justice. The Republican party did, following the irrepressible instincts of nature, sometimes forget the law. But what the Free States did exceptionally, the Slave States did systematically. They never held the Constitution higher than slavery ; they made mob-violence the rule ; regard to the Constitution, the exception. From the foundation of the Government in 1789, to the year 1861, in which that tyranny broke out into armed rebellion, there never was a day in which the Constitution of the United States was enforced ; or could without war have been enforced in the Slave States. Article 3, section 2, of the Constitution of the United States, declares, that : "The judicial power shall extend to controversies between two or more States—between a State and citizens of another State—and between citizens of different States ;" yet South Carolina, the chief mover in this rebellion, in the most formal, insulting, and violent manner, in violation of the above clause in the Constitution, expelled Massachusetts from her borders, seeking, by an appeal to the courts, redress for repeated injuries ; and then by State authority made this violence into law. Of course, all redress for similar denials of justice to private citizens of the United States has been systematically denied, in all the Slave States.

Again: article 4, section 2, United States Constitution, declares that, "The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." The Constitution of the United States and the Constitutions of all the States have declared in favor of freedom of assemblage of the people—freedom of utterance by speech and writing—and freedom of religion; and yet in no Slave State have these rights of American citizenship been allowed. They have been in some Slave States forbidden by law, and in all suppressed by systematic mob-violence, which, in the most liberal of them, was declared, by the most "respectable" Slave-holding citizens, to be "the common law" of the South. I stop, not to give isolated cases, as the annexation of Texas, and the armed violence in Kansas, but confine myself to these systematic violations of the Constitution. How dare, then, the enemies of the Republican party to plead our disregard of the Constitution in vindication of the Southern Rebellion? The world knows that this charge of the slave-holders and their allies is not only a calumny against us, but not at all the cause of the rebellion. For the fact is notorious, that the slave interest held power over us, not only in the veto of a Democratic President, but in a pro-slavery court of the United States, and a senatorial and legislative majority in the Congress, at the day and hour when they entered into this crime against human nature.

#### Is there Legal Right in the Slave-Holders' Rebellion?

These allegations of offense falling to the ground, have the States in rebellion any power under the Constitution to "*secede*?" If this Union is a "confederation," the violation of its terms might be a cause of disunion. But



certainly it is not. We had a "confederation;" it was full of will, but had no power to enforce it. History is before us. We overthrew the old confederation of these States, simply because it was a "confederation," and not a *Government*. Ignoring the States, we met as a great nation of a continent, to form, according to the enacting clause of the Constitution of 1789, "a more perfect Union." It declares itself what it is—it speaks not of States, but men. "We, the *people* of the United States, do ordain and establish this Constitution for the United States of America." The States are not "sovereign." There cannot be two sovereigns in one territory. The Constitution declares that the National Constitution is the sovereign. The regulation of commerce "with foreign nations, and among the several States, and with the Indian tribes" (art. 1, sec. 8, clause 3), is a "sovereign" power; it is given only to the National Legislature. "To establish a uniform rule of naturalization"—"to levy and collect taxes, duties, and imports, and excises"—to make "uniform laws on the subject of bankruptcies"—"to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures"—"to establish post-offices and post-roads"—"to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." "To define and punish piracies and felonies committed on the high seas, and offenses against the laws of nations." "To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water." "To raise and support armies—to provide and support a navy." "To provide for the organizing armies and disciplining the militia." These are

all sovereign powers claimed for the National Government. But this is not all. The States are *forbidden* after 1808 to import slaves without the consent of Congress. "No State shall enter into any treaty, alliance, or confederation—grant letters of marque or reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility"—"no State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws, &c.—and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay." But to crown all and forever to silence all dispute, article 6, section 2, United States Constitution, declares: "This Constitution and the laws of the United States, which shall be made, in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, anything in the laws or Constitution of any State to the contrary notwithstanding." Here, then, is an end of all argument. So thought Judge Story (*Martin v. Hunter*: Wheaton, 324-27). "The Constitution of the United States was established, not by the States in their sovereign capacity, but emphatically, as the preamble of the Constitution declares, by 'the people of the United States.'" So thought John Marshall (*Cohens v. Virginia*: 6 Wheaton, 413-14). "The Constitution and the laws of

a State, so far as they are repugnant to the Constitution and laws of the United States, are absolutely void. They are members of the *one great Empire*." So thought Daniel Webster, in his immortal reply to Hayne in the Senate, January, 1830: "It is, sir, the people's Constitution; the people's Government: made for the people—made by the people—and answerable to the people. The people of the United States have declared that this Constitution shall be the supreme law." Such is history, the Constitution, judicial decisions; and the authority of our most illustrious men. "Secession" has no warrant in the Constitution, but is in violation of its spirit and its language; is treason; and its authors, aiders, and abettors, deserve death.

#### The Right of Revolution: and of Unity.

But we are told that the Slave States have the right of revolution—and they are the judges of the necessity. I grant that there is, according to our declaration of independence, an inherent right of revolution among all peoples. But this is the right of the oppressed majority against an oppressive minority. What is the absurdity, then, of this slave-power, at the time itself a controlling majority, revolting against an impotent minority? Besides, if there is a right of revolution, there is a right of self-preservation.

Locke (*Work upon Government: B: 2*) declares that government is founded upon the "consent" of the people, "wherein a majority have a right to act."

Vattel (*Laws of Nations: B: 1: ch. 2*) says: "Every nation is obliged to perform the duty of self-preservation."—"The body of a nation cannot then abandon a province, a town, or even a particular person, who has done his

part, unless obliged to it *from necessity.*" "Since, then, a nation is obliged to preserve itself, it has a right to every thing necessary to its preservation, provided these means are not unjust in themselves, or absolutely forbidden by the laws of nations."

Edmund Burke (Reflections on the Revolution in France) eloquently pleads for the unity of nations: "Society is indeed a contract: \* \* \* but the State ought not to be considered as nothing better than a partnership in trade, of pepper and coffee, calico and tobacco, to be broken up for a little temporary interest, and to be dissolved by the fancy of the parties. It is to be looked on with other reference—because it is not a partnership in things subservient only to the gross animal existence, of a temporary and perishable nature. It is a partnership in science—a partnership in all art—a partnership in every virtue, and in all perfection. As the ends of the partnership cannot be obtained in one, in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born." We accept the blood-bought compact of the Constitution, which is our inheritance, its enjoyment, and its defense.

The world knows who struck the first parricidal blow at its life; and, as we did not first draw the sword, so we will be the last to sheathe it, till the Union be restored, and the Constitution be vindicated, we "never will lay down our arms—never!"

"Habeas Corpus."

Those who find fault with our cause, of course find fault with our method of defense. It is urged that President Lincoln has violated the Constitution, in the suspension of

the privilege of *habeas corpus*; in that clause (art. 1, sec. 9, cl. 2. C. U.S.) which declares that "The writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it." I too complain of President Lincoln in the exercise of this power; not because he has exercised it at all; but because he has not done it efficiently. I would have spared the insignificant traitors; but I would have brought those eminent in evil to summary military execution! But how is it attempted to be proved that the President has acted in violation of law? I find that the "Federalist" only alludes to this clause, as one of those which stand in place of a bill of rights. Judge Story, in his "Commentaries on the Constitution of the United States," avoids the question by simply saying, "it would seem, as power is given to Congress to suspend the writ in cases of invasion and rebellion, that the right to judge whether exigency had arisen must exclusively belong to that body." Judge Kent says nothing in his Commentaries upon it. So, having no authority upon the subject, we are left to precedent and to our own reasoning. In the Burr conspiracy, Congress having refused to give him the power, Thomas Jefferson arrested Burr on his own authority. So Gen. Jackson's suspension of the writ of *habeas corpus* at New Orleans was sustained by the American People, by a restoration of the fine imposed by the civil authorities. It is contended, because the clause is found in the group of powers belonging to Congress, that, therefore, it is forbidden to the President. It is the 2d clause of article 1, section 9. But clause 7 of the same section is, that: "No money shall be drawn from the treasury, but in consequence of appropriations made by law." Will any man dare say that this clause applies to Congress, and not to the President? On the contrary, does

not every one see that it applies more especially to the President, who, from his power of appointment, is just the person most dangerous in this respect? The argument, then, proves too much, or nothing. If, because this second clause is found in section 9, the President is forbidden its use; then, by the same reasoning, the prohibition of section 7 applies also to Congress, and not to the President. But, as no one will venture to contend for the last, they must abandon the first also.

The Congress makes the laws, but does not execute them. Reason would say that he who executes is the one, if the emergency should arise, to suspend them. The Congress is only bound by oath to “*support*” the Constitution; but the President is specially bound to “solemnly swear to preserve, protect, and defend, the Constitution of the United States.” If there is a fitness in any one suspending that writ, it belongs most certainly to him. He is commander of the army and navy: he is bound to “take care that the laws be faithfully executed.” These are duties that are imposed, not upon Congress, but upon him only. All fair reasoning, then, gives him the right to say when the public safety, in rebellion or invasion, may require its suspension. “The Madison Papers” would seem to justify this conclusion (vol. 2, p. 741). “The Legislature of the United States shall pass no law upon the subject of religion—nor touching the liberty of the press”—but the phraseology is at once changed, and it goes on to say—“nor shall the privilege of the writ of *habeas corpus* ever be suspended,” &c. The next time the clause is again named, in Pinckney’s report, the Congress or Legislature is again mentioned; and on the final passage, it is *dropped*. In most cases, where the phraseology was changed, it was done with a purpose. No doubt, on

a subject of so much importance, this was not here done without design. It was matured in committee: and the inference is, that this power was designed to be left with the President, or wherever experience should best fix it.

I am of the opinion, therefore, that its exercise has fallen into the right hands; and it has been constitutionally exercised. This writ we inherit with the common law from our British ancestry. But there is nothing dangerous in its exercise. It was wrested from Charles II., by the people, against kings, who, like Louis XIV., claimed to be the State. It was taken from a tyrant to protect the people. But here it is given by the people to their own Executive servant, for their own safety.

The history of this country proves that all the fears affected by the Democratic party, in this regard, are imaginary, or traitorous. The whole force of the Government is centrifugal, not central. The most popular Presidents, with all their patronage, have rarely been able to keep the Congress permanently on the side of the administration. The Government has never been strong enough to vindicate the Constitution in the Slave States. Its ruin is now threatened, not by the Federal despotism, but by the false doctrine of State rights; and, if the Union fails, it fails by its too great weakness, and not by its too great strength; and upon this issue we go before the people and the world.

#### **The Proclamation of the 22d September, 1862.**

The immortal proclamation of the 22d of September is equally unpalatable to the Democracy. They know very well that to destroy the pro-slavery power of the South is to destroy the right wing of their political army, and to overthrow forever the foundation of their power in this

Republic. Hence this clamor of "great is Diana of the Ephesians," and "of the overthrow of the Constitution!"

These traitors to the Constitution, who habitually, in the name of slavery, overrode all its guarantees of citizenship and liberty—who used the army of the United States in Kansas in unison with mob violence to the overthrow of the elective franchise—who, for the first time in history, conspired the destruction of the Government which a deluded people had confided to their sworn protection—who avowedly usurped all those powers which belonged exclusively to the National Empire and not to the States; who dispersed and demoralized our armies; scattered over distant seas our small, but faithful and gallant navy; who robbed our treasury, secretly took the public arms, and at last broke out into rebellion by seizing the public moneys, forts, and arsenals—setting up a separate confederacy, and firing upon the ships, men, and forts of the United States—I say, those traitors to the Constitution and humanity received no word of censure for these violations of national law and eternal justice. No; it is for us, who are faithful to all, and would defend all, to the sacrifice of whatever is sacred among men, that these sympathizers with treason, its aiders and abettors, reserve all their ire and denunciation.

#### Its Legality.

Let us see, then, if the proclamation violates the Constitution, or not. Vattel (*Laws of Nations*, B. 3, ch. 18) says, after defining "sedition," and "insurrection," "When in a Republic a nation is divided into two opposite factions, and both sides take up arms, this is called a civil war." "These two parties are two distinct people." "Thus they are in the case of two nations who have a dispute



which they cannot adjust, and are compelled to decide it by force of arms." "The obligation of observing the common laws of war are therefore absolute—and the same which the law of nature obliges all nations to observe between State and State." Foreign nations have acknowledged the *de facto* government of the "Confederate States" and allowed them all the rights of belligerents. In that action we have acquiesced, and confirmed it by exchange of prisoners of war, and similar admissions. We have, then, the same rights of war against the "Confederate States" as we have against other nations, which rights are determined by the laws of nations solely, and not at all by the Constitution of the United States. Now, there is no dispute as to the rights or laws of war. Chancellor Kent (Com., sec. 5, p. 89) says: "The end of war is to procure by force the justice which cannot be otherwise obtained, and the laws of nations allow the means necessary to the end. The persons and property of the enemy may be attacked, and captured or destroyed, when necessary to procure reparation or security." Says Vattel (Laws of Nations, B. 3, ch. 8): "On a declaration of war, therefore, the nation has a right of doing against the enemy whatever is necessary to this justifiable end of bringing him to reason, and obtaining justice and security from him." "It gives a right of doing against the enemy whatever is necessary for weakening him; of disabling him from making any further resistance in support of his injustice; and the most proper, the most effectual methods may be chosen, provided they have nothing odious, be not unlawful in themselves, or exploded by the law of nature."

Such is the doctrine laid down by Wheaton and all publicists. If, then, the slaves of the Confederate States are *men*, we have the right to capture or destroy them; if they are

property, we have the right to deprive their claimants of its use, and thus compel them to submission. The Emperor of Russia, in the arbitration between England and the United States, decided that slaves were legal capture by the rights of war. J. Q. Adams held that even in a slave insurrection, the slaves might be made free. Judge Clover, in case of *Com. vs. Ben. Williams*, in St. Louis, has pronounced the proclamation constitutional.

#### Its Justice.

This property of slaves the President proposes to restore to liberty; not to destroy it, by death. If there is a law of nature, this is one; if there is a humanity in war, this is the noblest! That man has a natural right to his liberty has been held by the wise and good of all ages, and of all religions. Justinian (*Just. Insts.*, lib. 1, tit. 2, § 2) says: "Jure enim naturali omnes homines ab initio liberi nascebantur." De Wolpius (*Legs. Natm.*) declares: "Nations are so many particular persons living together in a state of nature," and "they are born naturally free." Montesquieu (*L'Esprit des Loïs*, B. 17, ch. 5), relates: "In the North were found those valiant people, who sallied forth to destroy tyrants and slaves, and to teach men that, nature having made them *equal*, reason could not render them dependent." And again (B. 15, ch. 5): "But, as all men are born *equal*, slavery must be accounted unnatural."

The French National Assembly (August 20, 1789) proclaimed that: "All men are born and continue *free* and *equal*, as to their rights." The Declaration of the Fourth of July, 1776, declared: that "all men are created equal—endowed with certain inalienable rights—among which are—*liberty*." For my part, I always scorn to debate so self-evident a truth; for, to me, the plainest of rights is the right of a man to himself.

### Its Safety and Expediency.

Whilst there is no sane man outside the Slave States who doubts the legality and justice of the abolition of slavery, let us, then, examine the expediency of immediate liberation. Whilst we have ever held that what is right is always expedient, for those of less faith in the right, we give the experience of emancipation in the West Indies. M. Cochin, a learned French philanthropist, has just published a work, termed "The Results of Emancipation" (translated by Mary S. Booth, Boston: 1863), in which he examines, from the statistical reports of all the governments, the effects of emancipation in the West Indies. He concludes that the experiment is a success in all respects. That there are more property-holders—more families—more priests—more churches—higher price of lands—increased gross consumption—equal exportation of tropical products—smaller armies—fewer persons in prison under freedom, than, before, under slavery. In a word, that "liberty, property, and family," the loss of which sunk the man into a slave, have been restored, by raising the slave into a man. The expediency of immediate over gradual liberation, was fully proved by experience. England passed her act of emancipation August 28, 1833, giving £40,000,000 for 800,000 slaves, and extending the system of gradualism or apprenticeship for seven years, till 1840. But, on the 1st of August, 1838, she was forced to immediate liberation. In France, the Convention of 1789 proclaimed immediate emancipation. In consequence of the opposition of the slaveholders, this act was resisted till 1794, when repeated insurrections compelled immediate emancipation, which brought with it peace. Slavery was attempted and partially restored, under Napoleon, in 1802, with all the horrors of bloodshed on both sides; in which barbarities

the whites excelled the blacks—importing ship-loads of bloodhounds from Cuba! Liberty was restored in 1830; abolished under the monarchy, and again finally established in 1848. The Danes tried gradualism, and abandoned it, as a failure, July 3, 1848. Sweden abolished slavery at once, in 1846. The Dutch abolished slavery in her East India possessions, May 7, 1859, and in the West Indies, July 1, 1862. England gave a compensation to the slaveholders of \$125 per head: the Dutch the same: the French \$106. Gradual emancipation always proved a failure; and abolition a success. The danger of massacre comes from slavery and oppression: not from liberty and humanity. The Duke de Broglie, speaking of English abolition, says: “The summons to freedom of 800,000 slaves at the same moment has not caused, in all the English colonies, the tenth part of the disturbance ordinarily caused by the smallest political question that agitates minds ever so little, amongst the most civilized nations of Europe.”

M. Cochin thus sums up his conclusions: “Nearly a million of men, women, and children have passed from the condition of cattle to the rank of rational beings. Numerous marriages have elevated the family above the mire of a nameless promiscuousness. Paternity has replaced illegitimacy. Churches and schools are opened. Religion, before mute, factious, and dishonored, has resumed its dignity and liberty. Men, who had nothing, have acquired property. Lands which were waste have been occupied: inadequate populations have increased: detestable processes of agriculture and manufacture have been replaced by better: a race, reputed inferior, vicious, and lascivious, idle, refractory to civilization, religion, and instruction, has shown itself honest, gentle, disposed to family life, accessible to Chris-

tianity, eager for instruction. Those of its members who have returned to vagrancy, sloth, and corruption, are not a reproach to race as much as to the servitude which has left them wallowing in their native ignorance and depravity; but these are a minority. The majority labor, and show themselves far superior to the auxiliaries which China and India send to the colonists. In two words, wealth has suffered little; civilization has gained much. Such is the balance-sheet of the English experiment." If calamity, then, shall follow the proclamation, it will be the fault of the masters, not of the President, nor of the freed blacks.

#### What shall be done with the Freed Blacks?

When the rebel States shall be subdued: when the State Constitutions shall be made free: when the lands of the rebels shall be confiscated, and sold, or divided between loyal and armed occupants, the blacks can be employed as hired laborers upon the same lands they now occupy. If wages are sufficient to induce work, very well: if not, then let them be compelled to work, and be paid. Let schools and churches be established: and let civil and political rights be extended to the blacks, as they shall in time prove worthy of them.

I proclaim a free political salvation. I have nothing to do with the equality or inequality of races. I have to do with the equality of civil and political rights; and I am for extending them to all nations, without regard to color, religion, or language, only, as they shall prove worthy of the boon. It is not for me, whose British ancestors, so late as the overthrow of the Roman Republic, were savages, and pagans, and cannibals, to sit in judgment upon the rank of nations and races. I have no respect for that De-

mocracy, or that Republicanism, North or South, which denies, without regard to merit, civil rights to the blacks. They are far more worthy of civil and political liberty than many of those who are fiercest in the denunciation of them. The allegation, that Deity has decreed the eternal slavery of any race, is a calumny against man, and a blasphemy against God. Equally do I despise the hypocrisy of those defenders of slavery and the slave trade, who vaunt them before the world as, at one time, civilizing and Christianizing the African; and yet, when we propose liberation, contend that three hundred years of such schooling only fit them to cut the throats of their benefactors! The difficulty of this whole question is solved by laying down our prejudices, and using a little common sense. Recognize the slaves as men, and treat them according to their merit or demerit, and all difficulties disappear. Labor everywhere will be freed from the competition of unpaid wages. The blacks will, by the law of nature and the proof of history, gravitate towards the tropics. The tropical productions will not be decreased; whilst consumption will increase. The commerce and manufactures of the North will be enlarged, instead of being destroyed. In a word, industry will everywhere be encouraged; because labor, being free, will be everywhere made honorable.

#### Our Foreign Relations, and Slavery.

Whatever may be the feelings of foreign aristocracies against Republicanism, the liberals of all Europe are for the principles of freedom and emancipation. Whilst the people of England are secured to us by the proclamation, the Government dare not intervene on the side of slaveholders. Russia is with us upon the basis of common in-

terests; and whilst the other monarchies may threaten us on one side, we are, on the other, safe in the defense of the greatest liberal of all Europe, Alexander II., who is more worthy of the name of "the Great," for the millions he has made free, than Alexander Macedon was for the millions he made slaves! But, after all, we must rely upon ourselves, our glorious cause, and the heroism of our troops. United at home, we may safely defy a world in arms. Whilst I am grateful to friends, I have no words of self-abasement for our haughty foes at home or abroad. Notwithstanding the cry of "radicalism," I have still faith in humanity. I neither despair of my principles, nor of the Republic. They will both, I trust, live long after the desponding prophecies of disappointed demagogues and the blows of ambitious traitors shall have been alike forgotten.

#### Slavery in the Loyal States.

The President and the Republican party leave slavery in the loyal states where they found it. We have never claimed any political power to abolish it there. We have claimed and exercised the power to abolish it in the District of Columbia, in the Territories, and in all places of exclusive national jurisdiction. This is glory enough for any administration. The proposition to compensate the slave-owners in the loyal States, who shall liberate their bondsmen, is, on our part, magnanimous and patriotic. I approve the policy, and I urged the justice and expediency of its adoption upon the representatives of Kentucky, in the hall of the House of Representatives in August last. It is for them to adopt or reject the proposition.

But whether for or against the proclamation, and the scheme of emancipation, the loyalty of my native State I

have never doubted. A hereditary Slave State herself, she has ever made slavery subordinate to the higher interests secured by the Constitution and the Union. Whatever opinion she may have of Republican policy—there she stands, and there she will ever stand. Besides, were she less loyal, she is not less wise, for she knows that the way to save the slavery of the South is not to join the rebellion, but to subdue it. That, with peace, the military power of the President ceases, and the whole right over slavery survives in the States themselves.

**Independent reasons why Slavery should be destroyed.**

In reply to all these arguments, we are met with the Democratic cant of “the Union as it was.” There never was, and never can be, any cordial union between liberty and slavery. Liberty depends upon equality of civil and political rights: slavery is subversive of both. Liberty fosters education, and religion, and virtue: slavery opposes all. Liberty desires a fair distribution of lands, and other property, among the whole population: slavery tends to a monopoly of both. Liberty respects labor: slavery despises it. Liberty encourages the arts, manufactures, and commerce: slavery is incapable of them. Liberty makes and obeys law: slavery defies it. Liberty advances civilization: slavery returns to barbarism. Liberty appeals to justice, and the nobler sentiments, for its safety: slavery to force, and the animal instincts, and fears. Liberty is our ideal of the Divine Beneficence: slavery the fullest manifestation of the evil, which follows the ignoring of the laws of God. “The Union as it was” was not even a truce between these conflicting powers: from the beginning, before the Constitution, and after it, there was a secret war, in the home and foreign policy of the country; in the acquisition and control of territory; and in the form-



ation of States. It grew into an avowed struggle for political ascendancy in the whole Union, Free and Slave States. It culminated in war in Kansas; and finally in rebellion and disunion. "The Union as it was" means the subjection of millions of nominal freemen to a few hundred thousand slave-holders. "The Union as it was" means domination in the South; subjection in the North. "The Union as it was" means the overthrow of all Constitutions, all law, and all liberty. "The Union as it was" means corruption, robbery, incapacity of government, and a dissolution of the bonds of society. "The Union as it was" means treason and rebellion, as they were. If we are true to ourselves, we will have no more of "the Union as it was;" but the Constitution as it is, and the union of freedom and free men, as our fathers designed it.

#### Historic reasons against the Union as it was.

In having tried the experiment of the Union of Slave and Free States, and having proved it a failure, we are but repeating well-known history. In the union, or rather Confederation of the German States, some free and others aristocratic, monarchical, and despotic, Germany has never been able to secure consolidation or safety. She still struggles in vain for "a more perfect union." Holland and Switzerland, being homogeneous, have better succeeded. The Vientes, choosing a king, broke up the Tuscan Federation. The Canaanites, being petty monarchies, were naturally incapable of forming an useful union. It was the admission of the Kings of Macedon into the Amphycionie Council which overthrew the Confederation, and extinguished the liberties of Greece forever.

#### Peroration.

When, long years ago, knowing the nature of slavery, we

desired by peaceable means to check its power and to subject it to the civilizing influences of the age: North and South, we were told to be quiet—time would cure all things—Providence would provide a remedy. In peace, the time had not come: and now in war the time has not come! In vain we gave utterance to the “voiceless woe” of the four millions of men, women, and children in slavery; and implored the eight millions of whites to let the oppressed go free. The prejudice of color bound the non-slave-holding whites, alike with the black, to the masters’ chariot wheels. See them now, like dumb cattle, driven to the slaughter; they are thrown in heaps into their last resting places; no stone marks their dishonored graves. See now “the desolator desolate!” Within the shattered hovel, by the broken hearth-stone, the wan, expectant wife gathers her ragged, starving children: alas! the husband, the father, and the brother will return no more! Yes, Providence at last speaks! By the wasted fields—the blighted industries—the exhausted treasures—the desolated hearth-stones—the tears of the widow and the orphan—and the shedding of blood—Deity calls upon us to execute justice. The madness of the parricides has broken the shield of the Constitution. Men of the North, having now the legal equitable power over slavery, I warn you, too, that God decrees liberty to all or to none! The hopes and fears of a life struggle are with me crowded into a day. I would that you could feel as I do the urgency of the crisis, which determines the destiny of so many millions now living, and the vastly more millions yet to be born. Then would you be persuaded, that as much as the liberation of the slaves is a “*war measure*,” yet far more is it a “*peace measure*.” If you would have peace, be just; for *justice is the only peace*.



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