

SPEECH

OF

HON. DANIEL CLARK, OF NEW HAMPSHIRE,

ON

THE PROPOSED AMENDMENT OF THE CONSTITUTION, FOREVER
PROHIBITING SLAVERY IN THE UNITED STATES, AND
ALL PLACES UNDER THEIR JURISDICTION.

DELIVERED IN THE SENATE OF THE UNITED STATES, MARCH 31, 1864.

MR. PRESIDENT: I do not propose to discuss at large the power of Congress to propose this amendment to the States. I find in the Constitution as it now stands this provision:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as a part of this Constitution, when ratified by the Legislatures of three fourths of the several States," &c.

I understand that course to be now contemplated. I understand that Congress is about to propose to the States certain amendments to this Constitution. I understand that when those amendments shall be ratified, if they ever are, by three fourths of the States, they will be, in the language of the Constitution now, "valid to all intents and purposes." But, says the Senator from Delaware, you cannot amend the Constitution in this particular; the framers of the Constitution did not anticipate that such an amendment would be proposed. Has the Senator from Delaware carefully considered the provisions of this Constitution? The framers of the Constitution said that you might amend it in this way and it should be valid to all intents and purposes except in three particulars: one was in regard to the slave trade; another was in regard to the capitation tax; and the third was in regard to the equal representation of the States in this branch of Congress. Why, sir, article five of this Constitution show conclusively that the framers of the Constitution had the subject of slavery directly under their thought and consideration when they said, you shall not amend it in regard to the slave trade for twenty years, but was silent as to everything else in regard to it; and you may amend it. There is no provision here that you shall not abolish domestic servitude. There was and is a provision that you should not touch the slave trade within twenty years; but you may abolish slavery. The implication is clear and forcible that you may do it whenever two thirds of both Houses of Congress see fit to propose the amendment and three fourths of the States to accept it.

But, Mr. President, I do not propose to pursue this constitutional argument. I propose to show that the great evils of slavery as it now exists in these United States have arisen from this very Constitution. Yes, sir, slavery in the United States owes its giant growth to the Constitution; not that it was created by it, for it existed before, but that it was planted in it, fenced round and protected by it, so that no national power could weed it out short of an amendment to the Constitution. Sir, this fearful destruction of life, this devastation of homes, this marching and struggling of slaughtering armies, these graves by Manassas

men "have no rights which the white man is bound to respect;" and she demanded in that instrument that this inhuman traffic should not be prohibited to her for twenty years and more, and that she might have time and leisure and opportunity to fill the land with slaves before any prohibition beyond a nominal tax could be laid upon the trade. Was slavery to die out? So said, and so I think believed the fathers; but why, then, this provision for an unlimited supply of victims for twenty years, upon which she could feed and fatten and increase? True, again, her name was not in the instrument. But see, slaves will run away. Man, black or white, does not love bondage; God has made him free, and if chains are put upon him, upon opportunity given he will slip them off and escape. Who shall return him? Shall he be free? "In nowise," says the Constitution; "he shall not thereby"—that is, by running away to another State—"be discharged such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." Delivered up? By whom? By the United States, said those who interpreted the law. And thus by this Constitution slavery assumed monstrous functions and powers. She could sit by the seaside, and, reaching her hundred arms across the Atlantic, sweep the wretched coasts of Africa and draw to herself the miserable beings whom she could seize and fetter. She could then turn inland, and if any of her panting, sweating, bleeding victims escaped from her house of bondage she could demand the aid of the Government with all its power to return the fugitive to her clutch; and then she could ascend into the halls of legislation to demand new guarantees and to lash with her "serpion's tail" all who questioned her right or spoke of her with any other than the most obsequious respect.

Such was slavery in and by the Constitution. Such are now its provisions in regard to her, save that the time for her to carry on her cruel foreign slave trade has expired.

Shall she keep her position? Or shall she be cast out as a demon and forever prevented from again entering the halls of justice, the Hoses of Congress, or the national domain?

To determine more fully and clearly this question, I propose to examine for a little while the history of slavery in connection with this Government; not to go into detail or particular acts, but into great national, historic transactions, which may serve to show how carefully she has used the power which she gained by her recognition in the Constitution.

And here I accuse her of diverse and sundry grievous misdoings for which she richly deserves to die, and for which now in the righteous retributions of Providence she must suffer.

Slavery is intrinsically and by nature grasping and encroaching. Her animus necessarily is hostile to freedom and free territory; and hence though the framers of the Government had appropriated the territory of the United States to the erection of free States, no sooner was she installed in the Constitution, and Vermont was admitted as a free State, than she looked about for more slave States and Kentucky was born of Virginia, under the Constitution, a slave State.

"To secure the blessings of liberty," says the preamble, was the Constitution ordained and established. How did slavery then pervert its end and aim! And to day there is no State among the non-seceding States so wedded to this institution as the first-born slave State Kentucky.—Halting in her patriotism, limping in her support of the Government, divided betwixt her love for the Union and her love for slavery, preferring to sacrifice her white sons to subdue, rebellion rather than put her slaves in the army, she is a melancholy spectacle, showing to the world how low this accursed weight could drag down the gallant old State; how torpedo-like it could benumb its energies, paralyze its efforts and divide and arm its citizens against themselves.

Look at these two States of Vermont and Kentucky in this struggle. How nobly did the Green Mountaineers "march to the music and keep the step of the

Union." How cravenly and unpatriotically did the gallant Kentuckians mount the platform of neutrality, and leave the old flag to be borne and upheld by other hands! They have nothing to choose between patriots and rebels! Mr. President, why was it, and why is it so? Plainly and simply because Vermont had no slaves, and Kentucky had. Amend the Constitution, make slavery impossible in Kentucky, she will be more patriotic, and will in the end rest happy, quiet and prosperous in the Union, and receive an untold gain.

If all the new States admitted after the formation of the Constitution had been free States, slavery never could have increased as it has; nay, must rather have diminished; and we should have escaped this cruel civil war. But under the Constitution slavery ran a race with freedom to secure a slave State as often as there was admitted a free State; yes, and more; for the first half century of the Government six free States were admitted and nine slave States: Vermont in 1791; Ohio in 1802; Indiana in 1816; Illinois in 1818; Maine in 1820; Michigan in 1837; Kentucky in 1792; Tennessee in 1796; Louisiana in 1812; Mississippi in 1817; Alabama in 1819; Missouri in 1821; Arkansas in 1836; Florida in 1845; Texas in 1845.

Mr. President, I would amend the Constitution and banish slavery from the United States because she has spread herself since the formation of the Constitution over millions of square miles and among millions of people. She has excluded from that territory free schools and those institutions of learning which are accessible to the poor, and thus kept the people in comparative ignorance. She has degraded labor and increased poverty and vice. She has reared an aristocracy and trampled down the masses. She has denied oftentimes in those States to citizens of other States their rights under the Constitution. She has shut up to them the liberty of speech and the press. She has assaulted them, imprisoned them, lynched them, expatriated them, murdered them, for no crime, but because they testified against her. She has debarred from that territory most of the improvements which mark a free people. She has perverted knowledge. She has opened in parts of it the foreign slave trade, and obstructed the punishment of the kidnapper and the pirate. In other parts she has degraded the people to the infamous business of raising negroes for sale, and living upon their increase. She has practiced concubinage, destroyed the sanctity of marriage, and sundered and broken the domestic ties. She has bound men, women, and children, robbed them, beat them, bruised and mangled them, burned and otherwise murdered them. To their cries she has turned a deaf ear, to their complaints shut the courts, and taken from them the power to testify against their oppressors. She has compelled them to submit in silence and labor in tears. She has forbidden their instruction, and mocked them with the pretense she was christianizing them through suffering.

She has devised and set up the doctrine of State rights, denying that her people owed allegiance to the national Government, thus weakening their attachment to it and sapping its foundations.

She has claimed to nullify the acts of Congress and to yield obedience to those only which she chose to obey.

She agreed to a division of the national domain by the line of $36^{\circ} 30'$, abided by it till she had appropriated the part assigned to her, then abrogated it, and filled Kansas with fraud, violence, and blood to secure the residue.

She stole into Texas, caused it to rebel against Mexico, and then erected it into a slave State in the Union, and made the nation pay the debts of the adventure.

She made war again on Mexico for more territory; and when California, a part of the territory obtained by the war, asked to be admitted as a free State, she refused her assent until appeased by new compromises.

She went into the court, and,

"Squat like a toad,"

she whispered into the ear of the Chief Magistrate that the negro had no

"rights which the white man was bound to respect." She caused the court to deny him the rights of a citizen, and breaking down the old landmarks, drive him from the justice-hall a castaway without aid and without hope. Failing to elect a President agreeable to herself, she prepared to revolt. She sent assassins to murder the Chief Magistrate elect on his way to the capital. She emptied the Treasury; she sent away the Army and the Navy; she transferred arms from the North to the southern arsenals, and stole them when they reached there; she beleaguered and assaulted and captured the fortifications of the United States; she threatened the capital; she burned bridges to obstruct the arrival of succor; she shot down Union soldiers in the streets of Baltimore; she has set armies in the field, and she now seeks the nation's life and the destruction of the Government. To this end she has waged this war of rebellion three long years, and will continue to wage it till subdued by superior force and arms.

Mr. President, this rebellion is slavery in arms; and slavery is the ward if not the child of the Constitution. Right well has the guardian discharged the trust. But the creature thus protected and warmed into life has stoien to the bosom of its protector and aimed its dagger at the life of the Government. Sir, it is time this disastrous relation should cease. Let the letters of guardianship be revoked. Reviewing this history and recounting this catalogue of crimes, let Senators, Mr. President, tell me if slavery should longer be tolerated in our Government. Should it not cease to exist? Should not the Constitution be amended so as to entirely forbid and prohibit it? Nay, sir, can any one for a moment suppose the wise framers of the Constitution would not have provided some means for its extinction could they have anticipated the hideous proportions it would assume or the atrocities it would commit and the destruction it would threaten?

And here let no one tell me that it is already dead, for it is not so. It is wounded, sick, and it may be of little value, but it is not dead; it is

"Vital in every part" * * *
* * * * *
"Cannot but by annihilating die."

It exists in Virginia, it exists in Kentucky, it exists all through the States where it formerly existed, unless it has been exterped by the action of one or two States—Arkansas, Virginia, possibly, and Louisiana; but it is not dead; and if you do not make a final finish of it, it will rise again to torment and to punish you for the loss of this opportunity.

I would not only, like the Senator from Massachusetts, smite it on every occasion, but, as the son of Jesse did to the giant of Gath, I would cut off its head with its own sword. I would so fight this rebellion as to finish it, and I would make its future existence forever impossible by the adoption of the proposed amendment of the Constitution.

There is, Mr. President, an essential difference between the mancipation of slaves and the abolition of slavery. The act of Congress of the 17th July, 1862, set free certain classes of slaves. The President's proclamation of January 1, 1863, proclaimed freedom to those of certain districts. Both were measures of emancipation. They concerned the persons of slaves, and not the institution of slavery. Whatever be their force and extent, no one pretends they altered or abolished the laws of servitude in any of the slave States. They rescued some of its victims, but they left the institution otherwise untouched. They let out some of the prisoners, but did not tear down the hated prison. They emancipated, let go from the hand, but they left the hand unlopped, to clutch again such unfortunate creatures as it could lay hold upon. This amendment of the Constitution is of wider scope and more searching operation. It goes deep into the soil, and upturns the roots of this poisonous plant to dry and wither. It not only sets free the present slave, but it provides for the future, and makes slavery impossible so long as this provision shall remain a part of

the Constitution. Sir, this amendment will be most propitious. On all the slave-acursed soil it shall plant new institutions of freedom, and a new or regenerated people shall rise up, with an undying, ever-strengthening fealty to that Government which has bestowed nothing but benefits and blessings.

Even to old Virginia, beat down the rebellion and make her a free State, prosperity would return. Her people would lean to labor, and she would respect its dignity. Commerce would cover her bays and glide into her noble rivers; products would fill her marts and luxuriant grains wave in all her fields. With a mild climate, a rich soil, abundant harbors, bays, rivers, and water-courses, with rich and undeveloped mineral resources, she would become the land of abundance, and on every hand would grow villages and towns, with schools and churches, and all the institutions of a higher civilization.

But, sir, I am told that this is not the time for such an amendment of the Constitution. Pray when, sir, will it come? Will it be when the President has issued more and more calls for two or three hundred thousand more men of the country's bravest and best? Will it be when more fathers and husbands and sons have fallen, and their graves are thicker by the banks of the rivers and streamlets and hill-sides? Will it be when there are more scenes like this I hold in my hand—an artist's picture, a photograph of an actuality—of a quiet spot by the side of a river, with the moon shining upon the water, and a lonely sentinel keeping guard, and here in the open space the head-boards marking the burial-places of many a soldier boy, and an open grave to receive another inmate, and underneath the words, "All quiet on the Potomac?" [Exhibiting a photograph to the Senate.] Will it be when such scenes of quiet are more numerous, not only along the Potomac but by the Rapidan, the Chickahominy, the Stone, the Tennessee, the Cumberland, the Big Black, and the Red? Sir, *now*, in my judgment, is the time, and the fitting time. Never until now could this amendment have been carried, and now I hope and believe it can.

"Whom the gods would destroy they first make mad." Maddened by its profits, its growth, and its strength, to preserve and perpetuate slavery, to found an empire on its hateful basis, eleven of the slave States have revolted from and armed themselves against this Government. In theory and law no State can secede from this Union. They are bound in indissoluble constitutional ties; but actually, and in fact, these States have broken away from the Union; they are practically out of it; they take no part in it, and we have no control over them, except so far as we have taken and now hold the country by force of arms. They are revolted States. There remains to us the right to compel them to submit, to reduce them under the sway of the Constitution and the laws, and we mean to do it. But what has been the effect of this revolt and separation on slavery?

Slavery's strongest and safest guarantees were in the Constitution, and its supporters were mad when they cast away and threw off those guarantees. Remaining in the Union, no one would probably have moved for an amendment of the Constitution. Loyal to the Government, hostile armies would not have set free their slaves, nor laws now necessary and expedient have authorized their employment against their masters in arms.

But now, sir, every free State will gladly, it is hoped and believed, vote for the proposed amendment. Most would rejoice to do it; while numbers of the slave States, aghast at the miseries of secession and the horrors of this cruel civil war, recognizing slavery as the cause of all this disturbance and all these woes, would be among the foremost to sweep it forever away.

Now, sir, is the time to do it. And not only is now the time, but the necessity and the duty of doing it are upon us. We can have no permanent peace nor restored Union until it is done.

There are those who cry "The Union as it was and the Constitution as it is!" But I am free and bold to confess that I am for a Union without slavery, and an amended Constitution making it forever impossible. This revolt was to preserve slavery, and we shall fail of our whole duty if we do not remove the in-

citing cause. To restore this Union with slavery in it when we have subdued the rebel armies would be again to build your house on its smoking ruins, when you had not put out the fire which burned it down.

If the dire calamities now befalling us be the "retributions of Providence upon a stupendous crime," what mad folly to hug that crime, and seek to avoid its future punishment!" "Let my people go." But Pharaoh would not them go; and then came sufferings, and plagues, and the smiting of the first-born. Oh! how many of our first-born have been smitten and fallen. Let us be wise and heed the teaching. There is a Providence in the great events now transpiring. The people see the hand. It points the way. They are filled with hope and faith. They follow the pillar and the cloud, and will struggle and endure.

I know, Mr. President, that the suppression of the rebellion will necessarily wound and maim slavery. I know that every victory over the rebels is a victory also over the cause of the rebellion, and I know, too, that the aiming of the slaves will make the future enslaving of these men and their kindred well nigh impossible; but slavery will still exist, not in much vigor or strength, but in the root and principle. This amendment will dig out the root and repudiate the principle.

Mr. President, in a quiet church-yard, hear his home, is the grave of a soldier who returned to die. At the head of his grave is a marble slab, and on it these few but expressive words, "Mustered out." Let both Houses of Congress, by a two-thirds vote, recommend this amendment abolishing slavery, and let three-fourths of the States, burying slavery by their ratification, come and write its epitaph on the Constitution,

"MUSTERED OUT."

The soldier was "Mustered out," we trust, to enlist again in the shining cohorts in advance of earth's extreme picket line, but let this be "Mustered out" to go, like Judas, to its own place.

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