

# American Eloquence, Volume 4 eBook

## American Eloquence, Volume 4

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## INTRODUCTION TO THE FOURTH VOLUME.

The fourth and last volume of the American Eloquent e deals with four great subjects of discussion in our history,—the Civil War and Reconstruction, Free Trade and Protection, Finance, and Civil Service Reform. In the division on the Civil War there has been substituted in the new edition, for Mr. Schurz's speech on the Democratic War Policy the spirited discussion between Breckenridge and Baker on the suppression of insurrection. The scene in which these two speeches were delivered in the United States Senate at the opening of the Civil war is full of historic and dramatic interest, while the speeches themselves are examples of superior oratory. Mr. Schurz appears to advantage in another part of the volume in his address on Civil Service Reform.

The speeches of Thaddeus Stevens and Henry J. Raymond, delivered at the opening of the Reconstruction struggle under President Johnson, are also new material in this edition. They are fairly representative of two distinct views in that period of the controversy. These two speeches are substituted for the Garfield-Blackburn discussion over a "rider" to an appropriation bill designed to forbid federal control of elections within the States. This discussion was only incidental to the problem of reconstruction, and may be said to have occurred at a time (1879) subsequent to the close of the Reconstruction period proper.

The material on Free Trade and Protection has been left unchanged for the reason that it appears to the present editor quite useless to attempt to secure better material on the tariff discussion. There might be added valuable similar material from later speeches on the tariff, but the two speeches of Clay and Hurd may be said to contain the essential merits of the long-standing tariff debate.

The section of the volume devoted to Finance and Civil Service Reform is entirely new. The two speeches of Curtis and Schurz are deemed sufficient to set forth the merits of the movement for the reform of the Civil Service. The magnitude of our financial controversies during a century of our history precludes the possibility of securing an adequate representation of them in speeches which might come within the scope of such a volume as this. It has, therefore, seemed best to the editor to confine the selections on Finance to the period since the Civil War, and to the subject of coinage, rather than to attempt to include also the kindred subjects of banking and paper currency. The four representative speeches on the coinage will, however, bring into view the various principles of finance which have determined the differences and divisions in party opinion on all phases of this great subject.

J. A. W.

## VII.—CIVIL WAR AND RECONSTRUCTION.

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*The transformation of the original secession movement into a *de facto* nationality made war inevitable, but acts of war had already taken place, with or without State authority. Seizures of forts, arsenals, mints, custom-houses, and navy yards, and captures of Federal troops, had completely extinguished the authority of the United States in the secession area, except at Fort Sumter in South Carolina, and Fort Pickens and the forts at Key West in Florida; and active operations to reduce these had been begun. When an attempt was made, late in January, 1861, to provision Fort Sumter, the provision steamer, *Star of the West*, was fired on by the South Carolina batteries and driven back. Nevertheless, the Buchanan administration succeeded in keeping the peace until its constitutional expiration in March, 1861, although the rival and irreconcilable administration at Montgomery was busily engaged in securing its exclusive authority in the seceding States.*

Neither of the two incompatible administrations was anxious to strike the first blow. Mr. Lincoln's administration began with the policy outlined in his inaugural address, that of insisting on collection of the duties on imports, and avoiding all other irritating measures. Mr. Seward, Secretary of State, even talked of compensating for the loss of the seceding States by admissions from Canada and elsewhere. The urgent needs of Fort Sumter, however, soon forced an attempt to provision it; and this brought on a general attack upon it by the Confederate batteries around it. After a bombardment of two days, and a vigorous defence by the fort, in which no one was killed on either side, the fort surrendered, April 14, 1861. It was now impossible for the United States to ignore the Confederate States any longer. President Lincoln issued a call for volunteers, and a proclamation announcing a blockade of the coast of the seceding States. A similar call on the other side and the issue of letters of marque and reprisal against the commerce of the United States were followed by an act of the Confederate Congress formally recognizing the existence of war with the United States. The two powers were thus locked in a struggle for life or death, the Confederate States fighting for existence and recognition, the United States for the maintenance of recognized boundaries and jurisdiction; the Confederate States claiming to be at war with a foreign power, the United States to be engaged in the suppression of individual resistance to the laws. The event was to decide between the opposing claims; and it was certain that the event must be the absolute extinction of either the Confederate States or the United States within the area of secession.

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President Lincoln called Congress together in special session, July 4, 1861; and Congress at once undertook to limit the scope of the war in regard to two most important points, slavery and State rights. Resolutions passed both Houses, by overwhelming majorities, that slavery in the seceding States was not to be interfered with, that the autonomy of the States themselves was to be strictly maintained, and that, when the Union was made secure, the war ought to cease. If the war had ended in that month, these resolutions would have been of some value; every month of the extension of the war made them of less value. They were repeatedly offered afterward from the Democratic side, but were as regularly laid on the table. Their theory, however, continued to control the Democratic policy to the end of the war.

For a time the original policy was to all appearance unaltered. The war was against individuals only; and peace was to be made with individuals only, the States remaining untouched, but the Confederate States being blotted out in the process. The only requisite to recognition of a seceding State was to be the discovery of enough loyal or pardoned citizens to set its machinery going again. Thus the delegates from the forty western counties of Virginia were recognized as competent to give the assent of Virginia to the erection of the new State of West Virginia; and the Senators and Representatives of the new State actually sat in judgment on the reconstruction of the parent State, although the legality of the parent government was the evident measure of the constitutional existence of the new State. Such inconsistencies were the natural results of the changes forced upon the Federal policy by the events of the war, as it grew wider and more desperate.

The first of these changes was the inevitable attack upon slavery. The labor system of the seceding States was a mark so tempting that no belligerent should have been seriously expected to have refrained from aiming at it. January 1, 1863, after one hundred days' notice, President Lincoln issued his Emancipation Proclamation, freeing the slaves within the enemy's lines as rapidly as the Federal arms should advance. This one break in the original policy involved, as possible consequences, all the ultimate steps of reconstruction. Read-mission was no longer to be a simple restoration; abolition of slavery was to be a condition-precedent which the government could never abandon. If the President could impose such a condition, who was to put bounds to the power of Congress to impose limitations on its part? The President had practically declared, contrary to the original policy, that the war should continue until slavery was abolished; what was to hinder Congress from declaring that the war should continue until, in its judgment, the last remnants of the Confederate States were satisfactorily blotted out? This, in effect, was the basis of reconstruction, as finally carried out. The steady opposition of the Democrats only made the final terms the harder.

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The principle urged consistently from the beginning of the war by Thaddeus Stevens, of Pennsylvania, was that serious resistance to the Constitution implied the suspension of the Constitution in the area of resistance. No one, he insisted, could truthfully assert that the Constitution of the United States was then in force in South Carolina; why should Congress be bound by the Constitution in matters connected with South Carolina? If the resistance should be successful, the suspension of the Constitution would evidently be perpetual; Congress alone could decide when the resistance had so far ceased that the operations of the Constitution could be resumed. The terms of readmission were thus to be laid down by Congress. To much the same effect was the different theory of Charles Sumner, of Massachusetts. While he held that the seceding States could not remove themselves from the national jurisdiction, except by successful war, he maintained that no Territory was obliged to become a State, and that no State was obliged to remain a State; that the seceding States had repudiated their Statehood, had committed suicide as States, and had become Territories; and that the powers of Congress to impose conditions on their readmission were as absolute as in the case of other Territories. Neither of these theories was finally followed out in reconstruction, but both had a strong influence on the final process.

President Lincoln followed the plan subsequently completed by Johnson. The original (Pierpont) government of Virginia was recognized and supported. Similar governments were established in Tennessee, Louisiana, and Arkansas, and an unsuccessful attempt was made to do so in Florida. The amnesty proclamation of December, 1863, offered to recognize any State government in the seceding States formed by one tenth of the former voters who should take the oath of loyalty and support of the emancipation measures. At the following session of Congress, the first bill providing for congressional supervision of the readmission of the seceding States was passed, but the President retained it without signing it until Congress had adjourned. At the time of President Lincoln's assassination Congress was not in session, and President Johnson had six months in which to complete the work. Provisional governors were appointed, conventions were called, the State constitutions were amended by the abolition of slavery and the repudiation of the war debt, and the ordinances of secession were either voided or repealed. When Congress met in December, 1865, the work had been completed, the new State governments were in operation, and the XIIIth Amendment, abolishing slavery, had been ratified by aid of their votes. Congress, however, still refused to admit their Senators or Representatives. The first action of many of the new governments had been to pass labor, contract, stay, and vagrant laws which looked much like a re-establishment of slavery, and the majority in Congress felt that further guarantees for the security of the freedmen were necessary before the war could be truly said to be over.

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Early in 1866 President Johnson imprudently carried matters into an open quarrel with Congress, which united the two thirds Republican majority in both Houses against him. The elections of the autumn of 1866 showed that the two thirds majorities were to be continued through the next Congress; and in March, 1867, the first Reconstruction Act was passed over the veto. It declared the existing governments in the seceding States to be provisional only; put the States under military governors until State conventions, elected with negro suffrage and excluding the classes named in the proposed XIVth Amendment, should form a State government satisfactory to Congress, and the State government should ratify the XIVth Amendment; and made this rule of suffrage imperative in all elections under the provisional governments until they should be readmitted. This was a semi-voluntary reconstruction. In the same month the new Congress, which met immediately on the adjournment of its predecessor, passed a supplementary act. It directed the military governors to call the conventions before September 1st following, and thus enforced an involuntary reconstruction.

Tennessee had been readmitted in 1866. North Carolina, South Carolina, Florida, Alabama, Louisiana, and Arkansas were reconstructed under the acts, and were readmitted in 1868. Georgia was also readmitted, but was remanded again for expelling negro members of her Legislature, and came in under the secondary terms. Virginia, Georgia, Mississippi, and Texas, which had refused or broken the first terms, were admitted in 1870, on the additional terms of ratifying the XVth Amendment, which forbade the exclusion of the negroes from the elective franchise.

In Georgia the white voters held control of their State from the beginning. In the other seceding States the government passed, at various times and by various methods during the next six years after 1871, under control of the whites, who still retain control. One of the avowed objects of reconstruction has thus failed; but, to one who does not presume that all things will be accomplished at a single leap, the scheme, in spite of its manifest blunders and crudities, must seem to have had a remarkable success. Whatever the political status of the negro may now be in the seceding States, it may be confidently affirmed that it is far better than it would have been in the same time under an unrestricted readmission. The whites, all whose energies have been strained to secure control of their States, have been glad, in return for this success to yield a measure of other civil rights to the freedmen, which is already fuller than ought to have been hoped for in 1867. And, as the general elective franchise is firmly imbedded in the organic law, its ultimate concession will come more easily and gently than if it were then an entirely new step.

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During this long period of almost continuous exertion of national power there were many subsidiary measures, such as the laws authorizing the appointment of supervisors for congressional elections, and the use of Federal troops as a *posse comitatus* by Federal supervisors, which were not at all in line with the earlier theory of the division between Federal and State powers. The Democratic party gradually abandoned its opposition to reconstruction, accepting it as a disagreeable but accomplished fact, but kept up and increased its opposition to the subsidiary measures. About 1876-7 a reaction became evident, and with President Hayes' withdrawal of troops from South Carolina, Federal control of affairs in the Southern States came to an end.

Foreign affairs are not strictly a part of our subject; but, as going to show one of the dangerous features of the Civil War, the possibility of the success of the secession sentiment in England in obtaining the intervention of that country, the speech of Mr. Beecher in Liver-pool, with the addenda of his audience, has been given.

### **ABRAHAM LINCOLN,**

**OF ILLINOIS. (BORN 1809, DIED 1865.)**

*First inaugural address, march 4, 1861.*

### **FELLOW CITIZENS OF THE UNITED STATES:**

In compliance with a custom as old as the government itself, I appear before you to address you briefly, and to take in your presence the oath prescribed by the Constitution of the United States to be taken by the President "before he enters on the execution of his office."

I do not consider it necessary at present for me to discuss those matters of administration about which there is no special anxiety or excitement.

Apprehension seems to exist, among the people of the Southern States, that by the accession of a Republican administration their property and their peace and personal security are to be endangered. There never has been any reasonable cause for such apprehension. Indeed, the most ample evidence to the contrary has all the while existed and been open to their inspection. It is found in nearly all the published speeches of him who now addresses you. I do but quote from one of those speeches when I declare that "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so." Those who nominated and elected me did so with full knowledge that I had made this and many similar declarations, and had never



recanted them. And more than this, they placed in the platform for my acceptance, and as a law to themselves and to me, the clear and emphatic resolution which I now read:

“Resolved, That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its judgment exclusively, is essential to the balance of power on which the perfection and endurance of our political fabric depend, and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter under what pretext, as among the gravest of crimes.”

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I now reiterate these sentiments; and, in doing so, I only press upon the public attention the most conclusive evidence of which the case is susceptible, that the property, peace, and security of no section are to be in any wise endangered by the now incoming administration. I add, too, that all the protection which, consistently with the Constitution and the laws, can be given, will be cheerfully given to all the States, when lawfully demanded, for whatever cause, as cheerfully to one section as to another.

There is much controversy about the delivering up of fugitives from service or labor. The clause I now read is as plainly written in the Constitution as any other of its provisions:

“No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

It is scarcely questioned that this provision was intended by those who made it for the re-claiming of what we call fugitive slaves; and the intention of the lawgiver is the law. All members of Congress swear their support to the whole Constitution—to this provision as much as any other. To the proposition, then, that slaves whose cases come within the terms of this clause, “shall be delivered up,” their oaths are unanimous. Now, if they would make the effort in good temper, could they not, with nearly equal unanimity, frame and pass a law by means of which to keep good that unanimous oath?

There is some difference of opinion whether this clause should be enforced by National or by State authority; but surely that difference is not a very material one. If the slave is to be surrendered, it can be of but little consequence to him, or to others, by what authority it is done. And should any one, in any case, be content that his oath should go unkept, on a mere unsubstantial controversy as to how it shall be kept?

Again, in any law upon this subject, ought not all the safeguards of liberty known in civilized and humane jurisprudence to be introduced, so that a free man be not, in any case, surrendered as a slave? And might it not be well, at the same time, to provide by law for the enforcement of that clause of the Constitution which guarantees that “the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States”?

I take the official oath to-day with no mental reservation, and with no purpose to construe the Constitution or laws by any hypercritical rules. And while I do not choose now to specify particular acts of Congress as proper to be enforced, I do suggest that it will be much safer for all, both in official and private stations, to conform to and abide by all those acts which stand unrepealed, than to violate any of them, trusting to find impunity in having them held to be unconstitutional.

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It is seventy-two years since the first inauguration of a President under our National Constitution. During that period, fifteen different and greatly distinguished citizens have, in succession, administered the Executive branch of the government. They have conducted it through many perils, and generally with great success. Yet, with all this scope for precedent, I now enter upon the same task for the brief constitutional term of four years, under great and peculiar difficulty. A disruption of the Federal Union, heretofore only menaced, is now formidably attempted.

I hold that in contemplation of universal law, and of the Constitution, the Union of these States is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own termination. Continue to execute all the express provisions of our National Government, and the Union will endure forever—it being impossible to destroy it, except by some action not provided for in the instrument itself.

Again, if the United States be not a government proper, but an association of States in the nature of contract merely, can it, as a contract, be peaceably unmade by less than all the parties who made it? One party to a contract may violate it—break it, so to speak; but does it not require all to lawfully rescind it?

Descending from these general principles, we find the proposition that, in legal contemplation, the Union is perpetual, confirmed by the history of the Union itself. The Union is much older than the Constitution. It was formed, in fact, by the Articles of Association in 1774.

It was matured and continued by the Declaration of Independence in 1776. It was further matured, and the faith of all the then thirteen States expressly plighted and engaged that it should be perpetual, by the Articles of Confederation in 1778. And, finally, in 1787, one of the declared objects for ordaining and establishing the Constitution was “to form a more perfect union.”

But if destruction of the Union, by one, or by a part only, of the States, be lawfully possible, the Union is less perfect than before, the Constitution having lost the vital element of perpetuity.

It follows, from these views, that no State, upon its own mere motion, can lawfully get out of the Union; that resolves and ordinances to that effect are legally void; and that acts of violence within any State or States, against the authority of the United States, are insurrectionary or revolutionary, according to circumstances.

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I therefore consider that, in view of the Constitution and the laws, the Union is unbroken, and to the extent of my ability I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all the States. Doing this I deem to be only a simple duty on my part; and I shall perform it, so far as practicable, unless my rightful masters, the American people, shall withhold the requisite means, or, in some authoritative manner, direct the contrary. I trust this will not be regarded as a menace, but only as the declared purpose of the Union that it will constitutionally defend and maintain itself. In doing this there need be no blood-shed or violence; and there shall be none, unless it be forced upon the National authority. The power confided to me will be used to hold, occupy, and possess the property and places belonging to the government, and to collect the duties and imposts; but beyond what may be necessary for these objects, there will be no invasion, no using of force against or among the people anywhere. Where hostility to the United States, in any interior locality, shall be so great and universal as to prevent competent resident citizens from holding the Federal offices, there will be no attempt to force obnoxious strangers among the people for that object. While the strict legal right may exist in the government to enforce the exercise of these offices, the attempt to do so would be so irritating, and so nearly impracticable withal, that I deem it better to forego, for the time, the uses of such offices.

The mails, unless repelled, will continue to be furnished in all parts of the Union. So far as possible, the people everywhere shall have that sense of perfect security which is most favorable to calm thought and reflection. The course here indicated will be followed, unless current events and experience shall show a modification or change to be proper, and in every case and exigency my best discretion will be exercised, according to circumstances actually existing, and with a view and a hope of a peaceful solution of the National troubles, and the restoration of fraternal sympathies and affections.

That there are persons in one section or another who seek to destroy the Union at all events, and are glad of any pretext to do it, I will neither affirm nor deny; but if there be such, I need address no word to them. To those, however, who really love the Union, may I not speak?

Before entering upon so grave a matter as the destruction of our National fabric, with all its benefits, its memories, and its hopes, would it not be wise to ascertain why we do it? Will you hazard so desperate a step while there is any possibility that any portion of the certain ills you fly from have no real existence? Will you, while the certain ills you fly to are greater than all the real ones you fly from,—will you risk the omission of so fearful a mistake?

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All profess to be content in the Union, if all constitutional rights can be maintained. Is it true, then, that any right, plainly written in the Constitution, has been denied? I think not. Happily the human mind is so constituted that no party can reach to the audacity of doing this. Think, if you can, of a single instance in which a plainly written provision of the Constitution has ever been denied. If, by the mere force of numbers, a majority should deprive a minority of any clearly written constitutional right, it might, in a moral point of view, justify revolution—certainly would if such right were a vital one. But such is not our case. All the vital rights of minorities and of individuals are so plainly assured to them by affirmations and negations, guaranties and prohibitions in the Constitution, that controversies never arise concerning them. But no organic law can ever be framed with a provision specifically applicable to every question which may occur in practical administration. No foresight can anticipate, nor any document of reasonable length contain, express provisions for all possible questions. Shall fugitives from labor be surrendered by National or State authority? The Constitution does not expressly say. May Congress prohibit slavery in the Territories? The Constitution does not expressly say. Must Congress protect slavery in the Territories? The Constitution does not expressly say.

From questions of this class spring all our constitutional controversies, and we divide upon them into majorities and minorities. If the minority will not acquiesce, the majority must, or the government must cease. There is no other alternative; for continuing the government is acquiescence on one side or the other. If a minority in such case will secede rather than acquiesce, they make a precedent which, in turn, will divide and ruin them; for a minority of their own will secede from them whenever a majority refuses to be controlled by such a minority. For instance, why may not any portion of a new confederacy, a year or two hence, arbitrarily secede again, precisely as portions of the present Union now claim to secede from it? All who cherish disunion sentiments are now being educated to the exact temper of doing this.

Is there such perfect identity of interests among the States to compose a new Union, as to produce harmony only, and prevent renewed secession?

Plainly, the central idea of secession is the essence of anarchy. A majority held in restraint by constitutional checks and limitations, and always changing easily with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people. Whoever rejects it, does, of necessity, fly to anarchy or to despotism. Unanimity is impossible; the rule of a minority, as a permanent arrangement, is wholly inadmissible; so that, rejecting the majority principle, anarchy or despotism, in some form, is all that is left. \* \* \*

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Physically speaking, we cannot separate. We cannot remove our respective sections from each other, nor build an impassable wall between them. A husband and wife may be divorced, and go out of the presence and beyond the reach of each other; but the different parts of our country cannot do this. They cannot but remain face to face, and intercourse, either amicable or hostile, must continue between them. It is impossible, then, to make that intercourse more advantageous or more satisfactory after separation than before. Can aliens make treaties easier than friends can make laws? Can treaties be more faithfully enforced between aliens than laws can among friends? Suppose you go to war, you cannot fight always, and when after much loss on both sides and no gain on either you cease fighting, the identical old questions as to terms of intercourse are again upon you.

This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it. I cannot be ignorant of the fact that many worthy and patriotic citizens are desirous of having the National Constitution amended. \* \* \* I understand a proposed amendment to the Constitution—which amendment, however, I have not seen—has passed Congress, to the effect that the Federal Government shall never interfere with the domestic institutions of the States, including that of persons held to service. To avoid misconstruction of what I have said, I depart from my purpose not to speak of particular amendments, so far as to say that, holding such a provision now to be implied constitutional law, I have no objections to its being made express and irrevocable.’

The Chief Magistrate derives all his authority from the people, and they have conferred none upon him to fix terms for the separation of the States. The people themselves can do this also if they choose, but the Executive, as such, has nothing to do with it. His duty is to administer the present government as it came to his hands, and to transmit it, unimpaired by him, to his successor. Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world? In our present differences is either party without faith of being in the right? If the Almighty Ruler of Nations, with his eternal truth and justice, be on your side of the North, or yours of the South, that truth and that justice will surely prevail, by the judgment of this great tribunal of the American people. By the frame of the Government under which we live, the same people have wisely given their public servants but little power for mischief, and have with equal wisdom provided for the return of that little to their own hands at very short intervals. While the people retain their virtue and vigilance, no administration, by any extreme of wickedness or folly, can very seriously injure the government in the short space of four years.

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My countrymen, one and all, think calmly and well upon this whole subject. Nothing valuable can be lost by taking time. If there be an object to hurry any of you in hot haste to a step which you would never take deliberately, that object will be frustrated by taking time; but no good object can be frustrated by it. Such of you as are now dissatisfied still have the old Constitution unimpaired, and on the sensitive point, the laws of your own framing under it; while the new Administration will have no immediate power, if it would, to change either. If it were admitted that you who are dissatisfied hold the right side in this dispute there is still no single good reason for precipitate action. Intelligence, patriotism, Christianity, and a firm reliance on Him who has never yet forsaken this favored land are still competent to adjust in the best way all our present difficulty. In your hands, my dissatisfied fellow-countrymen, and not in mine, are the momentous issues of civil war. The government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in Heaven to destroy the government, while I shall have the most solemn one to "preserve, protect, and defend" it.

I am loth to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break, our bonds of affection. The mystic cords of memory, stretching from every battle-field and patriot grave to every living heart and hearth-stone all over this broad land, will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature.

### JEFFERSON DAVIS,

**OF MISSISSIPPI.' (BORN 1808, DIED 1889.)**

*Inaugural address, Montgomery, Ala., February 18, 1861.*

GENTLEMEN OF THE CONGRESS OF THE CONFEDERATE STATES OF AMERICA,  
FRIENDS, AND FELLOW-CITIZENS:

Our present condition, achieved in a manner unprecedented in the history of nations, illustrates the American idea that governments rest upon the consent of the governed, and that it is the right of the people to alter and abolish governments whenever they become destructive to the ends for which they were established. The declared compact of the Union from which we have withdrawn was to establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity; and when in the judgment of the sovereign States now composing this Confederacy it has been perverted from the purposes for which it was ordained, and ceased to answer the ends for which it was established, a peaceful appeal to the ballot-box declared that, so far as they were concerned, the government created by that compact should cease to exist. In this they merely asserted the right which the Declaration of Independence of 1776 defined to be

inalienable. Of the time and occasion of this exercise they as sovereigns were the final judges, each for himself. The impartial, enlightened verdict of mankind will vindicate the rectitude of our conduct; and He who knows the hearts of men will judge of the sincerity with which we labored to preserve the government of our fathers in its spirit.



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The right solemnly proclaimed at the birth of the States, and which has been affirmed and reaffirmed in the bills of rights of the States subsequently admitted into the Union of 1789, undeniably recognizes in the people the power to resume the authority delegated for the purposes of government. Thus the sovereign States here represented proceeded to form this Confederacy; and it is by the abuse of language that their act has been denominated revolution. They formed a new alliance, but within each State its government has remained. The rights of person and property have not been disturbed. The agent through whom they communicated with foreign nations is changed, but this does not necessarily interrupt their international relations. Sustained by the consciousness that the transition from the former Union to the present Confederacy has not proceeded from a disregard on our part of our just obligations or any failure to perform every constitutional duty, moved by no interest or passion to invade the rights of others, anxious to cultivate peace and commerce with all nations, if we may not hope to avoid war, we may at least expect that posterity will acquit us of having needlessly engaged in it. Doubly justified by the absence of wrong on our part, and by wanton aggression on the part of others, there can be no use to doubt the courage and patriotism of the people of the Confederate States will be found equal to any measure of defence which soon their security may require.

An agricultural people, whose chief interest is the export of a commodity required in every manufacturing country, our true policy is peace and the freest trade which our necessities will permit. It is alike our interest and that of all those to whom we would sell and from whom we would buy, that there should be the fewest practicable restrictions upon the interchange of commodities. There can be but little rivalry between ours and any manufacturing or navigating community, such as the northeastern States of the American Union. It must follow, therefore, that mutual interest would invite good-will and kind offices. If, however, passion or lust of dominion should cloud the judgment or inflame the ambition of those States, we must prepare to meet the emergency, and maintain by the final arbitrament of the sword the position which we have assumed among the nations of the earth.

We have entered upon a career of independence, and it must be inflexibly pursued through many years of controversy with our late associates of the Northern States. We have vainly endeavored to secure tranquillity and obtain respect for the rights to which we were entitled. As a necessity, not a choice, we have resorted to the remedy of separation, and henceforth our energies must be directed to the conduct of our own affairs, and the perpetuity of the Confederacy which we have formed. If a just perception of mutual interest shall permit us peaceably to pursue our separate political career, my most earnest desire will have been fulfilled. But if this be denied us, and the integrity of our territory and jurisdiction be assailed, it will but remain for us with firm resolve to appeal to arms and invoke the blessing of Providence on a just cause. \* \* \*

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Actuated solely by a desire to preserve our own rights, and to promote our own welfare, the separation of the Confederate States has been marked by no aggression upon others, and followed by no domestic convulsion. Our industrial pursuits have received no check, the cultivation of our fields progresses as heretofore, and even should we be involved in war, there would be no considerable diminution in the production of the staples which have constituted our exports, in which the commercial world has an interest scarcely less than our own. This common interest of producer and consumer can only be intercepted by an exterior force which should obstruct its transmission to foreign markets, a course of conduct which would be detrimental to manufacturing and commercial interests abroad.

Should reason guide the action of the government from which we have separated, a policy so detrimental to the civilized world, the Northern States included, could not be dictated by even a stronger desire to inflict injury upon us; but if it be otherwise, a terrible responsibility will rest upon it, and the suffering of millions will bear testimony to the folly and wickedness of our aggressors. In the meantime there will remain to us, besides the ordinary remedies before suggested, the well-known resources for retaliation upon the commerce of an enemy. \* \* \* We have changed the constituent parts but not the system of our government. The Constitution formed by our fathers is that of these Confederate States. In their exposition of it, and in the judicial construction it has received, we have a light which reveals its true meaning. Thus instructed as to the just interpretation of that instrument, and ever remembering that all offices are but trusts held for the people, and that delegated powers are to be strictly construed, I will hope by due diligence in the performance of my duties, though I may disappoint your expectation, yet to retain, when retiring, something of the good-will and confidence which will welcome my entrance into office.

It is joyous in the midst of perilous times to look around upon a people united in heart, when one purpose of high resolve animates and actuates the whole, where the sacrifices to be made are not weighed in the balance, against honor, right, liberty, and equality. Obstacles may retard, but they cannot long prevent, the progress of a movement sanctioned by its justice and sustained by a virtuous people. Reverently let us invoke the God of our fathers to guide and protect us in our efforts to perpetuate the principles which by His blessing they were able to vindicate, establish, and transmit to their posterity; and with a continuance of His favor, ever gratefully acknowledged, we may hopefully look forward to success, to peace, to prosperity.

**ALEXANDER HAMILTON STEPHENS,**

**OF GEORGIA. (BORN 1812, DIED 1884.)**

*The "Corner-stone" Address;*

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### ATHENAEUM, SAVANNAH, GA., MARCH 21, 1861

MR. MAYOR AND GENTLEMEN:

We are in the midst of one of the greatest epochs in our history. The last ninety days will mark one of the most interesting eras in the history of modern civilization. Seven States have in the last three months thrown off an old government and formed a new. This revolution has been signally marked, up to this time, by the fact of its having been accomplished without the loss of a single drop of blood. This new constitution, or form of government, constitutes the subject to which your attention will be partly invited.

In reference to it, I make this first general remark: it amply secures all our ancient rights, franchises, and liberties. All the great principles of Magna Charta are retained in it. No citizen is deprived of life, liberty, or property, but by the judgment of his peers under the laws of the land. The great principle of religious liberty, which was the honor and pride of the old Constitution, is still maintained and secured. All the essentials of the old Constitution, which have endeared it to the hearts of the American people, have been preserved and perpetuated. Some changes have been made. Some of these I should prefer not to have seen made; but other important changes do meet my cordial approbation. They form great improvements upon the old Constitution. So, taking the whole new constitution, I have no hesitancy in giving it as my judgment that it is decidedly better than the old.

Allow me briefly to allude to some of these improvements. The question of building up class interests, or fostering one branch of industry to the prejudice of another under the exercise of the revenue power, which gave us so much trouble under the old Constitution, is put at rest forever under the new. We allow the imposition of no duty with a view of giving advantage to one class of persons, in any trade or business, over those of another. All, under our system, stand upon the same broad principles of perfect equality. Honest labor and enterprise are left free and unrestricted in whatever pursuit they may be engaged. This old thorn of the tariff, which was the cause of so much irritation in the old body politic, is removed forever from the new.

Again, the subject of internal improvements, under the power of Congress to regulate commerce, is put at rest under our system. The power, claimed by construction under the old Constitution, was at least a doubtful one; it rested solely upon construction. We of the South, generally apart from considerations of constitutional principles, opposed its exercise upon grounds of its inexpediency and injustice. \* \* \* Our opposition sprang from no hostility to commerce, or to all necessary aids for facilitating it. With us it was simply a question upon whom the burden should fall. In Georgia, for instance, we have done as much for the cause of internal improvements

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as any other portion of the country, according to population and means. We have stretched out lines of railroad from the seaboard to the mountains; dug down the hills, and filled up the valleys, at a cost of \$25,000,000. \* \* \* No State was in greater need of such facilities than Georgia, but we did not ask that these works should be made by appropriations out of the common treasury. The cost of the grading, the superstructure, and the equipment of our roads was borne by those who had entered into the enterprise. Nay, more, not only the cost of the iron—no small item in the general cost—was borne in the same way, but we were compelled to pay into the common treasury several millions of dollars for the privilege of importing the iron, after the price was paid for it abroad. What justice was there in taking this money, which our people paid into the common treasury on the importation of our iron, and applying it to the improvement of rivers and harbors elsewhere? The true principle is to subject the commerce of every locality to whatever burdens may be necessary to facilitate it. If Charleston harbor needs improvement, let the commerce of Charleston bear the burden. \* \* \* This, again, is the broad principle of perfect equality and justice; and it is especially set forth and established in our new constitution.

Another feature to which I will allude is that the new constitution provides that cabinet ministers and heads of departments may have the privilege of seats upon the floor of the Senate and House of Representatives, may have the right to participate in the debates and discussions upon the various subjects of administration. I should have preferred that this provision should have gone further, and required the President to select his constitutional advisers from the Senate and House of Representatives. That would have conformed entirely to the practice in the British Parliament, which, in my judgment, is one of the wisest provisions in the British constitution. It is the only feature that saves that government. It is that which gives it stability in its facility to change its administration. Ours, as it is, is a great approximation to the right principle. \* \* \*

Another change in the Constitution relates to the length of the tenure of the Presidential office. In the new constitution it is six years instead of four, and the President is rendered ineligible for a re-election. This is certainly a decidedly conservative change. It will remove from the incumbent all temptation to use his office or exert the powers confided to him for any objects of personal ambition. The only incentive to that higher ambition which should move and actuate one holding such high trusts in his hands will be the good of the people, the advancement, happiness, safety, honor, and true glory of the Confederacy.

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But, not to be tedious in enumerating the numerous changes for the better, allow me to allude to one other—though last, not least. The new constitution has put at rest forever all the agitating questions relating to our peculiar institution, African slavery as it exists amongst us, the proper status of the negro in our form of civilization. This was the immediate cause of the late rupture and present revolution. Jefferson, in his forecast, had anticipated this as the “rock upon which the old Union would split.” He was right. What was conjecture with him is now a realized fact. But whether he fully comprehended the great truth upon which that rock stood and stands may be doubted. The prevailing ideas entertained by him and most of the leading statesmen at the time of the formation of the old Constitution were that the enslavement of the African was in violation of the laws of nature; that it was wrong in principle, socially, morally, and politically. It was an evil they knew not well how to deal with; but the general opinion of the men of that day was that, somehow or other, in the order of Providence, the institution would be evanescent and pass away. This idea, though not incorporated in the Constitution, was the prevailing idea at that time. The Constitution, it is true, secured every essential guarantee to the institution while it should last, and hence no argument can be justly urged against the constitutional guaranties thus secured, because of the common sentiment of the day. Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of races. This was an error. It was a sandy foundation, and the government built upon it fell when “the storm came and the wind blew.”

Our new government is founded upon exactly the opposite idea; its foundations are laid, its corner-stone rests, upon the great truth that the negro is not equal to the white man, that slavery—subordination to the superior race—is his natural and normal condition.

This, our new government, is the first in the history of the world based upon this great physical, philosophical, and moral truth. This truth has been slow in the process of its development, like all other truths in the various departments of science. It has been so even amongst us. Many who hear me, perhaps, can recollect well that this truth was not generally admitted, even within their day. The errors of the past generation still clung to many as late as twenty years ago. Those at the North who still cling to these errors, with a zeal above knowledge, we justly denominate fanatics. All fanaticism springs from an aberration of the mind, from a defect in reasoning. It is a species of insanity. One of the most striking characteristics of insanity, in many instances, is forming correct conclusions from fancied or erroneous premises. So with the antislavery fanatics; their conclusions are right, if their premises were. They assume that the

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negro is equal, and hence conclude that he is entitled to equal rights and privileges with the white man. If their premises were correct, their conclusions would be logical and just; but, their premise being wrong, their whole argument fails. I recollect once hearing a gentleman from one of the Northern States, of great power and ability, announce in the House of Representatives, with imposing effect, that we of the South would be compelled ultimately to yield upon this subject of slavery, that it was as impossible to war successfully against a principle in politics as it was in physics or mechanics; that the principle would ultimately prevail; that we, in maintaining slavery as it exists with us, were warring against a principle, founded in nature, the principle of the equality of men. The reply I made to him was that upon his own grounds we should ultimately succeed, and that he and his associates in this crusade against our institutions would ultimately fail. The truth announced, that it was as impossible to war successfully against a principle in politics as it was in physics and mechanics, I admitted; but told him that it was he, and those acting with him, who were warring against a principle. They were attempting to make things equal which the Creator had made unequal.

In the conflict, thus far, success has been on our side, complete throughout the length and breadth of the Confederate States. It is upon this, as I have stated, our social fabric is firmly planted; and I cannot permit myself to doubt the ultimate success of a full recognition of this principle throughout the civilized and enlightened world.

As I have stated, the truth of this principle may be slow in development, as all truths are and ever have been, in the various branches of science. It was so with the principles announced by Galileo. It was so with Adam Smith and his principles of political economy. It was so with Harvey and his theory of the circulation of the blood; it is stated that not a single one of the medical profession, living at the time of the announcement of the truths made by him, admitted them. Now they are universally acknowledged. May we not, therefore, look with confidence to the ultimate universal acknowledgment of the truths upon which our system rests? It is the first government ever instituted upon the principles in strict conformity to nature and the ordination of Providence in furnishing the materials of human society. Many governments have been founded upon the principle of the subordination and serfdom of certain classes of the same race; such were and are in violation of the laws of nature. Our system commits no such violation of nature's laws. With us, all the white race, however high or low, rich or poor, are equal in the eye of the law. Not so with the negro; subordination is his place. He, by nature or by the curse against Canaan, is fitted for that condition which he occupies in our system. The architect, in the construction of buildings, lays



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the foundation with the proper material—the granite; then comes the brick or the marble. The substratum of our society is made of the material fitted by nature for it; and by experience we know that it is best not only for the superior race, but for the inferior race, that it should be so. It is, indeed, in conformity with the ordinance of the Creator. It is not for us to inquire into the wisdom of His ordinances, or to question them. For His own purposes He has made one race to differ from another, as He has made “one star to differ from another star in glory.” The great objects of humanity are best attained when there is conformity to His laws and decrees, in the formation of governments as well as in all things else. Our Confederacy is founded upon principles in strict conformity with these views. This stone, which was rejected by the first builders, “is become the chief of the corner,” the real “corner-stone” in our new edifice. \* \* \*

Mr. Jefferson said in his inaugural, in 1801, after the heated contest preceding his election, that there might be differences of opinion without differences of principle, and that all, to some extent, had been Federalists, and all Republicans. So it may now be said of us that, whatever differences of opinion as to the best policy in having a cooperation with our border sister slave States, if the worst came to the worst, as we were all cooperationists, we are all now for independence, whether they come or not. \* \*

We are a young republic, just entering upon the arena of nations; we will be the architects of our own fortunes. Our destiny, under Providence, is in our own hands. With wisdom, prudence, and statesmanship on the part of our public men, and intelligence, virtue, and patriotism on the part of the people, success to the full measure of our most sanguine hopes may be looked for. But, if unwise counsels prevail, if we become divided, if schisms arise, if dissensions spring up, if factions are engendered, if party spirit, nourished by unholy personal ambition, shall rear its hydra head, I have no good to prophesy for you. Without intelligence, virtue, integrity, and patriotism on the part of the people, no republic or representative government can be durable or stable.

### **JOHN C. BRECKENRIDGE, and EDWARD D. BAKER**

**JOHN C. BRECKENRIDGE, OF KENTUCKY, (BORN 1825, DIED 1875),**

**EDWARD D. BAKER, OF OREGON, (BORN 1811, DIED 1861)**

*On suppression of insurrection,*

*United states senate, August 1, 1861.*

*Mr. Breckenridge.* I do not know how the Senate may vote upon this question; and I have heard some remarks which have dropped from certain Senators which have struck me with so much surprise, that I desire to say a few words in reply to them now.



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This drama, sir, is beginning to open before us, and we begin to catch some idea of its magnitude. Appalled by the extent of it, and embarrassed by what they see before them and around them, the Senators who are themselves the most vehement in urging on this course of events, are beginning to quarrel among themselves as to the precise way in which to regulate it.

The Senator from Vermont objects to this bill because it puts a limitation on what he considers already existing powers on the part of the President. I wish to say a few words presently in regard to some provisions of this bill, and then the Senate and the country may judge of the extent of those powers of which this bill is a limitation.

I endeavored, Mr. President, to demonstrate a short time ago, that the whole tendency of our proceedings was to trample the Constitution under our feet, and to conduct this contest without the slightest regard to its provisions. Everything that has occurred since, demonstrates that the view I took of the conduct and tendency of public affairs was correct. Already both Houses of Congress have passed a bill virtually to confiscate all the property in the States that have withdrawn, declaring in the bill to which I refer that all property of every description employed in any way to promote or aid in the insurrection, as it is denominated, shall be forfeited and confiscated. I need not say to you, sir, that all property of every kind is employed in those States, directly or indirectly, in aid of the contest they are waging, and consequently that bill is a general confiscation of all property there.

As if afraid, however, that this general term might not apply to slave property, it adds an additional section. Although they were covered by the first section of the bill, to make sure of that, however, it adds another section, declaring that all persons held to service or labor; who shall be employed in any way to aid or promote the contest now waging, shall be discharged from such service and become free: Nothing can be more apparent than that that is a general act of emancipation; because all the slaves in that country are employed in furnishing the means of subsistence and life to those who are prosecuting the contest; and it is an indirect, but perfectly certain mode of carrying out the purposes contained in the bill introduced by the Senator from Kansas (Mr. Pomeroy). It is doing under cover and by indirection, but certainly, what he proposes shall be done by direct proclamation of the President.

Again, sir: to show that all these proceedings are characterized by an utter disregard of the Federal Constitution, what is happening around us every day? In the State of New York, some young man has been imprisoned by executive authority upon no distinct charge, and the military officer having him in charge refused to obey the writ of *habeas corpus* issued by a judge. What is the color of excuse for that action in the State of New York? As a Senator said, is New York in resistance to the Government? Is there any danger to the stability of the Government there? Then, sir, what reason will any Senator rise and give on this floor for the refusal to give to the civil authorities the body of a man taken by a military commander in the State of New York?

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Again: the police commissioners of Baltimore were arrested by military authority without any charges whatever. In vain they have asked for a specification. In vain they have sent a respectful protest to the Congress of the United States. In vain the House of Representatives, by resolution, requested the President to furnish the representatives of the people with the grounds of their arrest. He answers the House of Representatives that, in his judgment, the public interest does not permit him to say why they were arrested, on what charges, or what he has done with them—and you call this liberty and law and proceedings for the preservation of the Constitution! They have been spirited off from one fortress to another, their locality unknown, and the President of the United States refuses, upon the application of the most numerous branch of the national Legislature, to furnish them with the grounds of their arrest, or to inform them what he has done with them.

Sir, it was said the other day by the Senator from Illinois (Mr. Browning) that I had assailed the conduct of the Executive with vehemence, if not with malignity. I am not aware that I have done so. I criticised, with the freedom that belongs to the representative of a sovereign State and the people, the conduct of the Executive. I shall continue to do so as long as I hold a seat upon this floor, when, in my opinion, that conduct deserves criticism. Sir, I need not say that, in the midst of such events as surround us, I could not cherish personal animosity towards any human being. Towards that distinguished officer, I never did cherish it. Upon the contrary, I think more highly of him, as a man and an officer, than I do of many who are around him and who, perhaps guide his counsels. I deem him to be personally an honest man, and I believe that he is trampling upon the Constitution of his country every day, with probably good motives, under the counsels of those who influence him. But, sir, I have nothing now to say about the President. The proceedings of Congress have eclipsed the actions of the Executive; and if this bill shall become a law, the proceedings of the President will sink into absolute nothingness in the presence of the outrages upon personal and public liberty which have been perpetrated by the Congress of the United States.

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Mr. President, gentlemen talk about the Union as if it was an end instead of a means. They talk about it as if it was the Union of these States which alone had brought into life the principles of public and of personal liberty. Sir, they existed before, and they may survive it. Take care that in pursuing one idea you do not destroy not only the Constitution of your country, but sever what remains of the Federal Union. These eternal and sacred principles of public men and of personal liberty, which lived before the Union and will live forever and ever somewhere, must be respected; they cannot with impunity be overthrown; and if you force the people to the issue between any form of government and these priceless principles, that form of government will perish; they will tear it asunder as the irrepressible forces of nature rend whatever opposes them.

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Mr. President, I shall not long detain the Senate. I shall not enter now upon an elaborate discussion of all the principles involved in this bill, and all the consequences which, in my opinion, flow from it. A word in regard to what fell from the Senator from Vermont, the substance of which has been uttered by a great many Senators on this floor. What I tried to show some time ago has been substantially admitted. One Senator says that the Constitution is put aside in a struggle like this. Another Senator says that the condition of affairs is altogether abnormal, and that you cannot deal with them on constitutional principles, any more than you can deal, by any of the regular operations of the laws of nature, with an earthquake. The Senator from Vermont says that all these proceedings are to be conducted according to the laws of war; and he adds that the laws of war require many things to be done which are absolutely forbidden in the Constitution; which Congress is prohibited from doing, and all other departments of the Government are forbidden from doing by the Constitution; but that they are proper under the laws of war, which must alone be the measure of our action now. I desire the country, then, to know this fact; that it is openly avowed upon this floor that constitutional limitations are no longer to be regarded; but that you are acting just as if there were two nations upon this continent, one arrayed against the other; some eighteen or twenty million on one side, and some ten or twelve million on the other, as to whom the Constitution is nought, and the laws of war alone apply.

Sir, let the people, already beginning to pause and reflect upon the origin and nature and the probable consequences of this unhappy strife, get this idea fairly lodged in their minds—and it is a true one—and I will venture to say that the brave words which we now hear every day about crushing, subjugating, treason, and traitors, will not be so uttered the next time the Representatives of the people and States assemble beneath the dome of this Capitol.

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Mr. President, we are on the wrong tack; we have been from the beginning. The people begin to see it. Here we have been hurling gallant fellows on to death, and the blood of Americans has been shed—for what? They have shown their prowess, respectively—that which belongs to the race—and shown it like men. But for what have the United States soldiers, according to the exposition we have heard here to-day, been shedding their blood, and displaying their dauntless courage? It has been to carry out principles that three fourths of them abhor; for the principles contained in this bill, and continually avowed on the floor of the Senate, are not shared, I venture to say, by one fourth of the army.

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I have said, sir, that we are on the wrong tack. Nothing but ruin, utter ruin, to the North, to the South, to the East, to the West, will follow the prosecution of this contest. You may look forward to countless treasures all spent for the purpose of desolating and ravaging this continent; at the end leaving us just where we are now; or if the forces of the United States are successful in ravaging the whole South, what on earth will be done with it after that is accomplished? Are not gentlemen now perfectly satisfied that they have mistaken a people for a faction? Are they not perfectly satisfied that, to accomplish their object, it is necessary to subjugate, to conquer—aye, to exterminate—nearly ten millions of people? Do you not know it? Does not everybody know it? Does not the world know it? Let us pause, and let the Congress of the United States respond to the rising feeling all over this land in favor of peace. War is separation; in the language of an eminent gentleman now no more, it is disunion, eternal and final disunion. We have separation now; it is only made worse by war, and an utter extinction of all those sentiments of common interest and feeling which might lead to a political reunion founded upon consent and upon a conviction of its advantages. Let the war go on, however, and soon, in addition to the moans of widows and orphans all over this land, you will hear the cry of distress from those who want food and the comforts of life. The people will be unable to pay the grinding taxes which a fanatical spirit will attempt to impose upon them. Nay, more, sir; you will see further separation. I hope it is not “the sunset of life gives me mystical lore,” but in my mind’s eye I plainly see “coming events cast their shadows before.” The Pacific slope now, doubtless, is devoted to the union of States. Let this war go on till they find the burdens of taxation greater than the burdens of a separate condition, and they will assert it. Let the war go on until they see the beautiful features of the old Confederacy beaten out of shape and comeliness by the brutalizing hand of war, and they will turn aside in disgust from the sickening spectacle, and become a separate nation. Fight twelve months longer, and the already opening differences that you see between New England and the great Northwest will develop themselves. You have two confederacies now. Fight twelve months, and you will have three; twelve months longer, and you will have four.

I will not enlarge upon it, sir. I am quite aware that all I say is received with a sneer of incredulity by the gentlemen who represent the far Northeast; but let the future determine who was right and who was wrong. We are making our record here; I, my humble one, amid the sneers and aversion of nearly all who surround me, giving my votes, and uttering my utterances according to my convictions, with but few approving voices, and surrounded by scowls. The time will soon come, Senators, when history will put her final seal upon these proceedings, and if my name shall be recorded there, going along with yours as an actor in these scenes, I am willing to abide, fearlessly, her final judgment.

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### MR. BAKER.

Mr. President, it has not been my fortune to participate in at any length, indeed, not to hear very much of, the discussion which has been going on—more, I think, in the hands of the Senator from Kentucky than anybody else—upon all the propositions connected with this war; and, as I really feel as sincerely as he can an earnest desire to preserve the Constitution of the United States for everybody, South as well as North, I have listened for some little time past to what he has said with an earnest desire to apprehend the point of his objection to this particular bill. And now—waiving what I think is the elegant but loose declamation in which he chooses to indulge—I would propose, with my habitual respect for him, (for nobody is more courteous and more gentlemanly,) to ask him if he will be kind enough to tell me what single particular provision there is in this bill which is in violation of the Constitution of the United States, which I have sworn to support—one distinct, single proposition in the bill.

*Mr. Breckenridge.* I will state, in general terms, that every one of them is, in my opinion, flagrantly so, unless it may be the last. I will send the Senator the bill, and he may comment on the sections.

*Mr. Baker.* Pick out that one which is in your judgment most clearly so.

*Mr. Breckenridge.* They are all, in my opinion, so equally atrocious that I dislike to discriminate. I will send the Senator the bill, and I tell him that every section, except the last, in my opinion, violates the Constitution of the United States; and of that last section, I express no opinion.

*Mr. Baker.* I had hoped that that respectful suggestion to the Senator would enable him to point out to me one, in his judgment, most clearly so, for they are not all alike—they are not equally atrocious.

*Mr. Breckenridge.* Very nearly. There are ten of them. The Senator can select which he pleases.

*Mr. Baker.* Let me try then, if I must generalize as the Senator does, to see if I can get the scope and meaning of this bill. It is a bill providing that the President of the United States may declare, by proclamation, in a certain given state of fact, certain territory within the United States to be in a condition of insurrection and war; which proclamation shall be extensively published within the district to which it relates. That is the first proposition. I ask him if that is unconstitutional? That is a plain question. Is it unconstitutional to give power to the President to declare a portion of the territory of the United States in a state of insurrection or rebellion? He will not dare to say it is.

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*Mr. Breckenridge.* Mr. President, the Senator from Oregon is a very adroit debater, and he discovers, of course, the great advantage he would have if I were to allow him, occupying the floor, to ask me a series of questions, and then have his own criticisms made on them. When he has closed his speech, if I deem it necessary, I will make some reply. At present, however, I will answer that question. The State of Illinois, I believe, is a military district; the State of Kentucky is a military district. In my judgment, the President has no authority, and, in my judgment, Congress has no right to confer upon the President authority, to declare a State in a condition of insurrection or rebellion.

*Mr. Baker.* In the first place, the bill does not say a word about States. That is the first answer.

*Mr. Breckenridge.* Does not the Senator know, in fact, that those States compose military districts? It might as well have said "States" as to describe what is a State.

*Mr. Baker.* I do; and that is the reason why I suggest to the honorable Senator that this criticism about States does not mean anything at all. That is the very point. The objection certainly ought not to be that he can declare a part of a State in insurrection and not the whole of it. In point of fact, the Constitution of the United States, and the Congress of the United States acting upon it, are not treating of States, but of the territory comprising the United States; and I submit once more to his better judgment that it cannot be unconstitutional to allow the President to declare a county or a part of a county, or a town or a part of a town, or part of a State, or the whole of a State, or two States, or five States, in a condition of insurrection, if in his judgment that be the fact. That is not wrong.

In the next place, it provides that that being so, the military commander in that district may make and publish such police rules and regulations as he may deem necessary to suppress the rebellion and restore order and preserve the lives and property of citizens. I submit to him, if the President of the United States has power, or ought to have power, to suppress insurrection and rebellion, is there any better way to do it, or is there any other? The gentleman says, do it by the civil power. Look at the fact. The civil power is utterly overwhelmed; the courts are closed; the judges banished. Is the President not to execute the law? Is he to do it in person, or by his military commanders? Are they to do it with regulation, or without it? That is the only question.



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Mr. President, the honorable Senator says there is a state of war. The Senator from Vermont agrees with him; or rather, he agrees with the Senator from Vermont in that. What then? There is a state of public war; none the less war because it is urged from the other side; not the less war because it is unjust; not the less war because it is a war of insurrection and rebellion. It is still war; and I am willing to say it is public war,—public as contra-distinguished from private war. What then? Shall we carry that war on? Is it his duty as a Senator to carry it on? If so, how? By armies under command; by military organization and authority, advancing to suppress insurrection and rebellion. Is that wrong? Is that unconstitutional? Are we not bound to do, with whomever levies war against us, as we would do if he were a foreigner? There is no distinction as to the mode of carrying on war; we carry on war against an advancing army just the same, whether it be from Russia or from South Carolina. Will the honorable Senator tell me it is our duty to stay here, within fifteen miles of the enemy seeking to advance upon us every hour, and talk about nice questions of constitutional construction as to whether it is war or merely insurrection? No, sir. It is our duty to advance, if we can; to suppress insurrection; to put down rebellion; to dissipate the rising; to scatter the enemy; and when we have done so, to preserve, in the terms of the bill, the liberty, lives, and property of the people of the country, by just and fair police regulations. I ask the Senator from Indiana, (Mr. Lane,) when we took Monterey, did we not do it there?

When we took Mexico, did we not do it there? Is it not a part, a necessary, an indispensable part of war itself, that there shall be military regulations over the country conquered and held? Is that unconstitutional?

I think it was a mere play of words that the Senator indulged in when he attempted to answer the Senator from New York. I did not understand the Senator from New York to mean anything else substantially but this, that the Constitution deals generally with a state of peace, and that when war is declared it leaves the condition of public affairs to be determined by the law of war, in the country where the war exists. It is true that the Constitution of the United States does adopt the laws of war as a part of the instrument itself, during the continuance of war. The Constitution does not provide that spies shall be hung. Is it unconstitutional to hang a spy? There is no provision for it in terms in the Constitution; but nobody denies the right, the power, the justice. Why? Because it is part of the law of war. The Constitution does not provide for the exchange of prisoners; yet it may be done under the law of war. Indeed the Constitution does not provide that a prisoner may be taken at all; yet his captivity is perfectly just and constitutional. It seems to me that the Senator does not, will not take that view of the subject.

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Again, sir, when a military commander advances, as I trust, if there are no more unexpected great reverses, he will advance, through Virginia and occupies the country, there, perhaps, as here, the civil law may be silent; there perhaps the civil officers may flee as ours have been compelled to flee. What then? If the civil law is silent, who shall control and regulate the conquered district, who but the military commander? As the Senator from Illinois has well said, shall it be done by regulation or without regulation? Shall the general, or the colonel, or the captain, be supreme, or shall he be regulated and ordered by the President of the United States? That is the sole question. The Senator has put it well.

I agree that we ought to do all we can to limit, to restrain, to fetter the abuse of military power. Bayonets are at best illogical arguments. I am not willing, except as a case of sheerest necessity, ever to permit a military commander to exercise authority over life, liberty, and property. But, sir, it is part of the law of war; you cannot carry in the rear of your army your courts; you cannot organize juries; you cannot have trials according to the forms and ceremonial of the common law amid the clangor of arms, and somebody must enforce police regulations in a conquered or occupied district. I ask the Senator from Kentucky again respectfully, is that unconstitutional; or if in the nature of war it must exist, even if there be no law passed by us to allow it, is it unconstitutional to regulate it? That is the question, to which I do not think he will make a clear and distinct reply.

Now, sir, I have shown him two sections of the bill, which I do not think he will repeat earnestly are unconstitutional. I do not think that he will seriously deny that it is perfectly constitutional to limit, to regulate, to control, at the same time to confer and restrain authority in the hands of military commanders. I think it is wise and judicious to regulate it by virtue of powers to be placed in the hands of the President by law.

Now, a few words, and a few only, as to the Senator's predictions. The Senator from Kentucky stands up here in a manly way in opposition to what he sees is the overwhelming sentiment of the Senate, and utters reproof, malediction, and prediction combined. Well, sir, it is not every prediction that is prophecy. It is the easiest thing in the world to do; there is nothing easier, except to be mistaken when we have predicted. I confess, Mr. President, that I would not have predicted three weeks ago the disasters which have overtaken our arms; and I do not think (if I were to predict now) that six months hence the Senator will indulge in the same tone of prediction which is his favorite key now. I would ask him what would you have us do now—a confederate army within twenty miles of us, advancing, or threatening to advance, to overwhelm your Government; to shake the pillars of the Union; to bring it around your



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head, if you stay here, in ruins? Are we to stop and talk about an uprising sentiment in the North against the war? Are we to predict evil, and retire from what we predict? Is it not the manly part to go on as we have begun, to raise money, and levy armies, to organize them, to prepare to advance; when we do advance, to regulate that advance by all the laws and regulations that civilization and humanity will allow in time of battle? Can we do anything more? To talk to us about stopping, is idle; we will never stop. Will the Senator yield to rebellion? Will he shrink from armed insurrection? Will his State justify it? Will its better public opinion allow it? Shall we send a flag of truce? What would he have? Or would he conduct this war so feebly, that the whole world would smile at us in derision? What would he have? These speeches of his, sown broadcast over the land, what clear distinct meaning have they? Are they not intended for disorganization in our very midst? Are they not intended to dull our weapons? Are they not intended to destroy our zeal? Are they not intended to animate our enemies? Sir, are they not words of brilliant, polished treason, even in the very Capitol of the Confederacy? (Manifestations of applause in the galleries.)

The Presiding Officer (Mr. Anthony in the chair). Order!

*Mr. Baker.* What would have been thought if, in another Capitol, in another Republic, in a yet more martial age, a senator as grave, not more eloquent or dignified than the Senator from Kentucky, yet with the Roman purple flowing over his shoulders, had risen in his place, surrounded by all the illustrations of Roman glory, and declared that advancing Hannibal was just, and that Carthage ought to be dealt with in terms of peace? What would have been thought if, after the battle of Canne, a senator there had risen in his place and denounced every levy of the Roman people, every expenditure of its treasure, and every appeal to the old recollections and the old glories? Sir, a Senator, himself learned far more than myself in such lore (Mr. Fessenden), tells me, in a voice that I am glad is audible, that he would have been hurled from the Tarpeian rock. It is a grand commentary upon the American Constitution that we permit these words to be uttered. I ask the Senator to recollect, too, what, save to send aid and comfort to the enemy, do these predictions of his amount to? Every word thus uttered falls as a note of inspiration upon every confederate ear. Every sound thus uttered is a word (and falling from his lips, a mighty word) of kindling and triumph to a foe that determines to advance. For me, I have no such word as a Senator to utter. For me, amid temporary defeat, disaster, disgrace, it seems that my duty calls me to utter another word, and that word is, bold, sudden, forward, determined war, according to the laws of war, by armies, by military commanders clothed with full power, advancing with all the past glories of the Republic urging them to conquest.

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I do not stop to consider whether it is subjugation or not. It is compulsory obedience, not to my will; not to yours, sir; not to the will of any one man; not to the will of any one State; but compulsory obedience to the Constitution of the whole country. The Senator chose the other day again and again to animadvert on a single expression in a little speech which I delivered before the Senate, in which I took occasion to say that if the people of the rebellious States would not govern themselves as States, they ought to be governed as Territories. The Senator knew full well then, for I explained it twice—he knows full well now—that on this side of the Chamber; nay, in this whole Chamber; nay, in this whole North and West; nay, in all the loyal States in all their breadth, there is not a man among us all who dreams of causing any man in the South to submit to any rule, either as to life, liberty, or property, that we ourselves do not willingly agree to yield to. Did he ever think of that? Subjugation for what? When we subjugate South Carolina, what shall we do? We shall compel its obedience to the Constitution of the United States; that is all. Why play upon words? We do not mean, we have never said, any more. If it be slavery that men should obey the Constitution their fathers fought for, let it be so. If it be freedom, it is freedom equally for them and for us. We propose to subjugate rebellion into loyalty; we propose to subjugate insurrection into peace; we propose to subjugate confederate anarchy into constitutional Union liberty. The Senator well knows that we propose no more. I ask him, I appeal to his better judgment now, what does he imagine we intend to do, if fortunately we conquer Tennessee or South Carolina—call it “conquer,” if you will, sir—what do we propose to do? They will have their courts still; they will have their ballot-boxes still; they will have their elections still; they will have their representatives upon this floor still; they will have taxation and representation still; they will have the writ of *habeas corpus* still; they will have every privilege they ever had and all we desire. When the confederate armies are scattered; when their leaders are banished from power; when the people return to a late repentant sense of the wrong they have done to a Government they never felt but in benignancy and blessing, then the Constitution made for all will be felt by all, like the descending rains from heaven which bless all alike. Is that subjugation? To restore what was, as it was, for the benefit of the whole country and of the whole human race, is all we desire and all we can have.

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I tell the Senator that his predictions, sometimes for the South, sometimes for the Middle States, sometimes for the Northeast, and then wandering away in airy visions out to the far Pacific, about the dread of our people, as for loss of blood and treasure, provoking them to disloyalty, are false in sentiment, false in fact, and false in loyalty. The Senator from Kentucky is mistaken in them all. Five hundred million dollars! What then? Great Britain gave more than two thousand million in the great battle for constitutional liberty which she led at one time almost single-handed against the world. Five hundred thousand men! What then? We have them; they are ours; they are the children of the country. They belong to the whole country; they are our sons; our kinsmen; and there are many of us who will give them all up before we will abate one word of our just demand, or will retreat one inch from the line which divides right from wrong.

Sir, it is not a question of men or of money in that sense. All the money, all the men, are, in our judgment, well bestowed in such a cause. When we give them, we know their value. Knowing their value well, we give them with the more pride and the more joy. Sir, how can we retreat? Sir, how can we make peace? Who shall treat? What commissioners? Who would go? Upon what terms? Where is to be your boundary line? Where the end of the principles we shall have to give up? What will become of constitutional government? What will become of public liberty? What of past glories? What of future hopes? Shall we sink into the insignificance of the grave—a degraded, defeated, emasculated people, frightened by the results of one battle, and scared at the visions raised by the imagination of the Senator from Kentucky upon this floor? No, sir; a thousand times, no, sir! We will rally—if, indeed, our words be necessary—we will rally the people, the loyal people, of the whole country. They will pour forth their treasure, their money, their men, without stint, without measure. The most peaceable man in this body may stamp his foot upon this Senate-Chamber floor, as of old a warrior and a senator did, and from that single stamp there will spring forth armed legions. Shall one battle determine the fate of an empire? or, the loss of one thousand men or twenty thousand, or \$100,000,000 or \$500,000,000? In a year's peace, in ten years, at most, of peaceful progress, we can restore them all. There will be some graves reeking with blood, watered by the tears of affection. There will be some privation; there will be some loss of luxury; there will be somewhat more need for labor to procure the necessities of life. When that is said, all is said. If we have the country, the whole country, the Union, the Constitution, free government—with these there will return all the blessings of well-ordered civilization; the path of the country will be a career of greatness and of glory such as, in the olden time, our fathers saw in the dim visions of years yet to come, and such as would have been ours now, to-day, if it had not been for the treason for which the Senator too often seeks to apologize.

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*Mr. Breckenridge.* Mr. President, I have tried on more than one occasion in the Senate, in parliamentary and respectful language, to express my opinions in regard to the character of our Federal system, the relations of the States to the Federal Government, to the Constitution, the bond of the Federal political system. They differ utterly from those entertained by the Senator from Oregon. Evidently, by his line of argument, he regards this as an original, not a delegated Government, and he regards it as clothed with all those powers which belong to an original nation, not only with those powers which are delegated by the different political communities that compose it, and limited by the written Constitution that forms the bond of Union. I have tried to show that, in the view that I take of our Government, this war is an unconstitutional war. I do not think the Senator from Oregon has answered my argument. He asks, what must we do? As we progress southward and invade the country, must we not, said he, carry with us all the laws of war? I would not progress southward and invade the country.

The President of the United States, as I again repeat, in my judgment only has the power to call out the military to assist the civil authority in executing the laws; and when the question assumes the magnitude and takes the form of a great political severance, and nearly half the members of the Confederacy withdraw themselves from it, what then? I have never held that one State or a number of States have a right without cause to break the compact of the Constitution. But what I mean to say is that you cannot then undertake to make war in the name of the Constitution. In my opinion they are out. You may conquer them; but do not attempt to do it under what I consider false political pretenses. However, sir, I will not enlarge upon that. I have developed these ideas again and again, and I do not care to re-argue them. Hence the Senator and I start from entirely different stand-points, and his pretended replies are no replies at all.

The Senator asks me, "What would you have us do?" I have already intimated what I would have us do. I would have us stop the war. We can do it. I have tried to show that there is none of that inexorable necessity to continue this war which the Senator seems to suppose. I do not hold that constitutional liberty on this continent is bound up in this fratricidal, devastating, horrible contest. Upon the contrary, I fear it will find its grave in it. The Senator is mistaken in supposing that we can reunite these States by war. He is mistaken in supposing that eighteen or twenty million upon the one side can subjugate ten or twelve million upon the other; or, if they do subjugate them, that you can restore constitutional government as our fathers made it. You will have to govern them as Territories, as suggested by the Senator, if ever they are reduced to the dominion of the United States, or, as the Senator

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from Vermont called them, "those rebellious provinces of this Union," in his speech to-day. Sir, I would prefer to see these States all reunited upon true constitutional principles to any other object that could be offered me in life; and to restore, upon the principles of our fathers, the Union of these States, to me the sacrifice of one unimportant life would be nothing; nothing, sir. But I infinitely prefer to see a peaceful separation of these States, than to see endless, aimless, devastating war, at the end of which I see the grave of public liberty and of personal freedom.'

### CLEMENT L. VALLANDIGHAM,

OF OHIO. (BORN 1820, DIED 1871.)

*On the war and its conduct;*

*House of representatives, January 14, 1863.*

Sir, I am one of that number who have opposed abolitionism, or the political development of the antislavery sentiment of the North and West, from the beginning. In school, at college, at the bar, in public assemblies, in the Legislature, in Congress, boy and man, in time of peace and in time of war, at all times and at every sacrifice, I have fought against it. It cost me ten years' exclusion from office and honor at that period of life when honors are sweetest. No matter; I learned early to do right and to wait. Sir, it is but the development of the spirit of intermeddling, whose children are strife and murder. Cain troubled himself about the sacrifices of Abel, and slew his brother. Most of the wars, contentions, litigation, and bloodshed, from the beginning of time, have been its fruits. The spirit of non-intervention is the very spirit of peace and concord. \* \* \*

The spirit of intervention assumed the form of abolitionism because slavery was odious in name and by association to the Northern mind, and because it was that which most obviously marks the different civilizations of the two sections. The South herself, in her early and later efforts to rid herself of it, had exposed the weak and offensive parts of slavery to the world. Abolition intermeddling taught her at last to search for and defend the assumed social, economic, and political merit and values of the institution. But there never was an hour from the beginning when it did not seem to me as clear as the sun at broad noon that the agitation in any form in the North and West of the slavery question must sooner or later end in disunion and civil war. This was the opinion and prediction for years of Whig and Democratic statesmen alike; and, after the unfortunate dissolution of the Whig party in 1854, and the organization of the present Republican party upon the exclusive antislavery and sectional basis, the event was inevitable, because, in the then existing temper of the public mind, and after the education through the press and the pulpit, the lecture and the political canvass, for twenty

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years, of a generation taught to hate slavery and the South, the success of that party, possessed as it was of every engine of political, business, social, and religious influence, was certain. It was only a question of time, and short time. Such was its strength, indeed, that I do not believe that the union of the Democratic party in 1860 on any candidate, even though he had been supported also by the entire so-called conservative or anti-Lincoln vote of the country, would have availed to defeat it; and, if it had, the success of the Abolition party would only have been postponed four years longer. The disease had fastened too strongly upon the system to be healed until it had run its course. The doctrine of "the irrepressible conflict" had been taught too long, and accepted too widely and earnestly, to die out until it should culminate in secession and disunion, and, if coercion were resorted to, then in civil war. I believed from the first that it was the purpose of some of the apostles of that doctrine to force a collision between the North and the South, either to bring about a separation or to find a vain but bloody pretext for abolishing slavery in the States. In any event, I knew, or thought I knew, that the end was certain collision and death to the Union.

Believing thus, I have for years past denounced those who taught that doctrine, with all the vehemence, the bitterness, if you choose—I thought it a righteous, a patriotic bitterness—of an earnest and impassioned nature. \* \* \* But the people did not believe me, nor those older and wiser and greater than I. They rejected the prophecy, and stoned the prophets. The candidate of the Republican party was chosen President. Secession began. Civil war was imminent. It was no petty insurrection, no temporary combination to obstruct the execution of the laws in certain States, but a revolution, systematic, deliberate, determined, and with the consent of a majority of the people of each State which seceded. Causeless it may have been, wicked it may have been, but there it was—not to be railed at, still less to be laughed at, but to be dealt with by statesmen as a fact. No display of vigor or force alone, however sudden or great, could have arrested it even at the outset. It was disunion at last. The wolf had come, but civil war had not yet followed. In my deliberate and solemn judgment there was but one wise and masterly mode of dealing with it. Non-coercion would avert civil war, and compromise crush out both abolitionism and secession. The parent and the child would thus both perish. But a resort to force would at once precipitate war, hasten secession, extend disunion, and while it lasted utterly cut off all hope of compromise. I believed that war, if long enough continued, would be final, eternal disunion. I said it; I meant it; and accordingly, to the utmost of my ability and influence, I exerted myself in behalf of the policy of non-coercion. It was adopted by Mr. Buchanan's administration,



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with the almost unanimous consent of the Democratic and Constitutional Union parties in and out of Congress; and in February, with the consent of a majority of the Republican party in the Senate and the House. But that party most disastrously for the country refused all compromise. How, indeed, could they accept any? That which the South demanded, and the Democratic and Conservative parties of the North and West were willing to grant, and which alone could avail to keep the peace and save the Union, implied a surrender of the sole vital element of the party and its platform, of the very principle, in fact, upon which it had just won the contest for the Presidency, not, indeed, by a majority of the popular vote—the majority was nearly a million against it,—but under the forms of the Constitution. Sir, the crime, the “high crime,” of the Republican party was not so much its refusal to compromise, as its original organization upon a basis and doctrine wholly inconsistent with the stability of the Constitution and the peace of the Union.

The President-elect was inaugurated; and now, if only the policy of non-coercion could be maintained, and war thus averted, time would do its work in the North and the South, and final peaceable adjustment and reunion be secured. Some time in March it was announced that the President had resolved to continue the policy of his predecessor, and even go a step farther, and evacuate Sumter and the other Federal forts and arsenals in the seceded States. His own party acquiesced; the whole country rejoiced. The policy of non-coercion had triumphed, and for once, sir, in my life, I found myself in an immense majority. No man then pretended that a Union founded in consent could be cemented by force. Nay, more, the President and the Secretary of State went farther. Said Mr. Seward, in an official diplomatic letter to Mr. Adams: “For these reasons, he (the President) would not be disposed to reject a cardinal dogma of theirs (the secessionists), namely, that the Federal Government could not reduce the seceding States to obedience by conquest, although he were disposed to question that proposition. But in fact the President willingly accepts it as true. Only an imperial or despotic government could subjugate thoroughly disaffected and insurrectionary members of the State.” \* \* \* This Federal republican system of ours is, of all forms of government, the very one which is most unfitted for such a labor. This, sir, was on the 10th of April, and yet on that very day the fleet was under sail for Charleston. The policy of peace had been abandoned. Collision followed; the militia were ordered out; civil war began.

Now, sir, on the 14th of April, I believed that coercion would bring on war, and war disunion. More than that, I believed what you all believe in your hearts to-day, that the South could never be conquered—never. And not that only, but I was satisfied—and you of the Abolition party have now proved it to the world—that the secret but real purpose of the war was to abolish slavery in the State. \* \* \* These were my convictions on the 14th of April. Had I changed them on the 15th, when I read the President's proclamation, \* \* \*

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I would have changed my public conduct also. But my convictions did not change. I thought that, if war was disunion on the 14th of April, it was equally disunion on the 15th, and at all times. Believing this, I could not, as an honest man, a Union man, and a patriot, lend an active support to the war; and I did not. I had rather my right arm were plucked from its socket and cast into eternal burnings, than, with my convictions, to have thus defiled my soul with the guilt of moral perjury. Sir, I was not taught in that school which proclaims that “all is fair in politics.” I loathe, abhor, and detest the execrable maxim. \* \* \* Perish office, perish honors, perish life itself; but do the thing that is right, and do it like a man.

Certainly, sir; I could not doubt what he must suffer who dare defy the opinions and the passions, not to say the madness, of twenty millions of people. \* \* \* I did not support the war; and to-day I bless God that not the smell of so much as one drop of its blood is upon my garments. Sir, I censure no brave man who rushed patriotically into this war; neither will I quarrel with any one, here or elsewhere, who gave to it an honest support. Had their convictions been mine, I, too, would doubtless have done as they did. With my convictions I could not. But I was a Representative. War existed—by whose act no matter—not by mine. The President, the Senate, the House, and the country all said that there should be war. \* \* \* I belonged to that school of politics which teaches that, when we are at war, the government—I do not mean the Executive alone, but the government—is entitled to demand and have, without resistance, such number of men, and such amount of money and supplies generally, as may be necessary for the war, until an appeal can be had to the people. Before that tribunal alone, in the first instance, must the question of the continuance of the war be tried. This was Mr. Calhoun’s opinion \* \* \* in the Mexican war. Speaking of that war in 1847, he said: “Every Senator knows that I was opposed to the war; but none but myself knows the depth of that opposition. With my conception of its character and consequences, it was impossible for me to vote for it. \* \* \* But, after war was declared, by authority of the government, I acquiesced in what I could not prevent, and what it was impossible for me to arrest; and I then felt it to be my duty to limit my efforts to give such direction to the war as would, as far as possible, prevent the evils and dangers with which it threatened the country and its institutions.”

Sir, I adopt all this as my position and my defence, though, perhaps, in a civil war, I might fairly go farther in opposition. I could not, with my convictions, vote men and money for this war, and I would not, as a Representative, vote against them. I meant that, without opposition, the President might take all the men and all the money he should demand, and then to hold him to a strict responsibility before



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the people for the results. Not believing the soldiers responsible for the war or its purposes or its consequences, I have never withheld my vote where their separate interests were concerned. But I have denounced from the beginning the usurpations and the infractions, one and all, of law and constitution, by the President and those under him; their repeated and persistent arbitrary arrests, the suspension of *habeas corpus*, the violation of freedom of the mails, of the private house, of the press, and of speech, and all the other multiplied wrongs and outrages upon public liberty and private right, which have made this country one of the worst despotisms on earth for the past twenty months, and I will continue to rebuke and denounce them to the end; and the people, thank God, have at last heard and heeded, and rebuked them too. To the record and to time I appeal again for my justification.

### **HENRY WARD BEECHER,**

**OF NEW YORK. (BORN 1813, DIED 1887.)**

### **ADDRESS AT LIVERPOOL, OCTOBER 16, 1863**

For more than twenty-five years I have been made perfectly familiar with popular assemblies in all parts of my country except the extreme South. There has not for the whole of that time been a single day of my life when it would have been safe for me to go South of Mason's and Dixon's line in my own country, and all for one reason: my solemn, earnest, persistent testimony against that which I consider to be the most atrocious thing under the sun—the system of American slavery in a great free republic. [Cheers.] I have passed through that early period when right of free speech was denied to me. Again and again I have attempted to address audiences that, for no other crime than that of free speech, visited me with all manner of contumelious epithets; and now since I have been in England, although I have met with greater kindness and courtesy on the part of most than I deserved, yet, on the other hand, I perceive that the Southern influence prevails to some extent in England. [Applause and uproar.] It is my old acquaintance; I understand it perfectly—[laughter]—and I have always held it to be an unfailing truth that where a man had a cause that would bear examination he was perfectly willing to have it spoken about. [Applause.] And when in Manchester I saw those huge placards: “Who is Henry Ward Beecher?”—[laughter, cries of “Quite right,” and applause.]—and when in Liverpool I was told that there were those blood-red placards, purporting to say what Henry Ward Beecher had said, and calling upon Englishmen to suppress free speech—I tell you what I thought. I thought simply this: “I am glad of it.” [Laughter.] Why? Because if they had felt perfectly secure, that you are the minions of the South and the slaves of slavery, they would have been perfectly still.

[Applause and uproar.] And, therefore, when I saw so much nervous apprehension that, if I were

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permitted to speak—[hisses and applause]—when I found they were afraid to have me speak [hisses, laughter, and “No, no!”]—when I found that they considered my speaking damaging to their cause—[applause]—when I found that they appealed from facts and reasonings to mob law—[applause and uproar]—I said, no man need tell me what the heart and secret counsel of these men are. They tremble and are afraid. [Applause, laughter, hisses, “No, no!” and a voice: “New York mob.”] Now, personally, it is a matter of very little consequence to me whether I speak here to-night or not. [Laughter and cheers.] But, one thing is very certain, if you do permit me to speak here to-night you will hear very plain talking. [Applause and hisses.] You will not find a man—[interruption]—you will not find me to be a man that dared to speak about Great Britain 3,000 miles off, and then is afraid to speak to Great Britain when he stands on her shores. [Immense applause and hisses.] And if I do not mistake the tone and temper of Englishmen, they had rather have a man who opposes them in a manly way—[applause from all parts of the hall]—than a sneak that agrees with them in an unmanly way. [Applause and “Bravo!”] Now, if I can carry you with me by sound convictions, I shall be immensely glad—[applause]; but if I cannot carry you with me by facts and sound arguments, I do not wish you to go with me at all; and all that I ask is simply *fair play*. [Applause, and a voice: “You shall have it too.”]

Those of you who are kind enough to wish to favor my speaking—and you will observe that my voice is slightly husky, from having spoken almost every night in succession for some time past,—those who wish to hear me will do me the kindness simply to sit still, and to keep still; and I and my friends the Secessionists will make all the noise. [Laughter.]

There are two dominant races in modern history—the Germanic and the Romanic races. The Germanic races tend to personal liberty, to a sturdy individualism, to civil and to political liberty. The Romanic race tends to absolutism in government; it is clannish; it loves chieftains; it develops a people that crave strong and showy governments to support and plan for them. The Anglo-Saxon race belongs to the great German family, and is a fair exponent of its peculiarities. The Anglo-Saxon carries self-government and self-development with him wherever he goes. He has popular *government* and popular *industry*; for the effects of a generous civil liberty are not seen a whit more plain in the good order, in the intelligence, and in the virtue of a self-governing people, than in their amazing enterprise and the scope and power of their creative industry. The power to create riches is just as much a part of the Anglo-Saxon virtues as the power to create good order and social safety. The things required for prosperous labor, prosperous manufactures, and prosperous commerce are three. First, liberty;

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second, liberty; third, liberty. [Hear, hear!] Though these are not merely the same liberty, as I shall show you. First, there must be liberty to follow those laws of business which experience has developed, without imposts or restrictions or governmental intrusions. Business simply wants to be let alone. [Hear, hear!] Then, secondly, there must be liberty to distribute and exchange products of industry in any market without burdensome tariffs, without imposts, and without vexatious regulations. There must be these two liberties—liberty to create wealth, as the makers of it think best, according to the light and experience which business has given them; and then liberty to distribute what they have created without unnecessary vexatious burdens.

The comprehensive law of the ideal industrial condition of the word is free manufacture and free trade. [Hear, hear! A voice: "The Morrill tariff." Another voice: "Monroe."] I have said there were three elements of liberty. The third is the necessity of an intelligent and free race of customers. There must be freedom among producers; there must be freedom among the distributors; there must be freedom among the customers. It may not have occurred to you that it makes any difference what one's customers are, but it does in all regular and prolonged business. The condition of the customer determines how much he will buy, determines of what sort he will buy. Poor and ignorant people buy little and that of the poorest kind. The richest and the intelligent, having the more means to buy, buy the most, and always buy the best. Here, then, are the three liberties: liberty of the producer, liberty of the distributor, and liberty of the consumer. The first two need no discussion; they have been long thoroughly and brilliantly illustrated by the political economists of Great Britain and by her eminent statesmen; but it seems to me that enough attention has not been directed to the third; and, with your patience, I will dwell upon that for a moment, before proceeding to other topics.

It is a necessity of every manufacturing and commercial people that their customers should be very wealthy and intelligent. Let us put the subject before you in the familiar light of your own local experience. To whom do the tradesmen of Liverpool sell the most goods at the highest profit? To the ignorant and poor, or to the educated and prosperous? [A voice: "To the Southerners." Laughter.] The poor man buys simply for his body; he buys food, he buys clothing, he buys fuel, he buys lodging. His rule is to buy the least and the cheapest that he can. He goes to the store as seldom as he can; he brings away as little as he can; and he buys for the least he can. [Much laughter.] Poverty is not a misfortune to the poor only who suffer it, but it is more or less a misfortune to all with whom he deals. On the other hand, a man well off—how is it with him? He buys in far greater quantity. He can afford to do it; he has the money to pay for

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it. He buys in far greater variety, because he seeks to gratify not merely physical wants, but also mental wants. He buys for the satisfaction of sentiment and taste, as well as of sense. He buys silk, wool, flax, cotton; he buys all metals—iron, silver, gold, platinum; in short he buys for all necessities and all substances. But that is not all. He buys a better quality of goods. He buys richer silks, finer cottons, higher grained wools. Now a rich silk means so much skill and care of somebody's that has been expended upon it to make it finer and richer; and so of cotton and so of wool. That is, the price of the finer goods runs back to the very beginning, and remunerates the workman as well as the merchant. Now, the whole laboring community is as much interested and profited as the mere merchant, in this buying and selling of the higher grades in the greater varieties and quantities. The law of price is the skill; and the amount of skill expended in the work is as much for the market as are the goods. A man comes to market and says: "I have a pair of hands," and he obtains the lowest wages. Another man comes and says: "I have something more than a pair of hands; I have truth and fidelity." He gets a higher price. Another man comes and says: "I have something more; I have hands, and strength, and fidelity, and skill." He gets more than either of the others.

The next man comes and says: "I have got hands, and strength, and skill, and fidelity; but my hands work more than that. They know how to create things for the fancy, for the affections, for the moral sentiments"; and he gets more than either of the others. The last man comes and says: "I have all these qualities, and have them so highly that it is a peculiar genius"; and genius carries the whole market and gets the highest price. [Loud applause.] So that both the workman and the merchant are profited by having purchasers that demand quality, variety, and quantity. Now, if this be so in the town or the city, it can only be so because it is a law. This is the specific development of a general or universal law, and therefore we should expect to find it as true of a nation as of a city like Liverpool. I know that it is so, and you know that it is true of all the world; and it is just as important to have customers educated, Intelligent, moral, and rich out of Liverpool as it is in Liverpool. [Applause.] They are able to buy; they want variety, they want the very best; and those are the customers you want. That nation is the best customer that is freest, because freedom works prosperity, industry, and wealth. Great Britain, then, aside from moral considerations, has a direct commercial and pecuniary interest in the liberty, civilization, and wealth of every nation on the globe. [Loud applause.] You also have an interest in this, because you are a moral and religious people. ["Oh, oh!" laughter and applause.] You desire it from the highest motives; and godliness is profitable in all things, having

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the promise of the life that now is, as well as of that which is to come; but if there were no hereafter, and if man had no progress in this life, and if there were no question of civilization at all, it would be worth your while to protect civilization and liberty, merely as a commercial speculation. To evangelize has more than a moral and religious import—it comes back to temporal relations. Wherever a nation that is crushed, cramped, degraded under despotism is struggling to be free, you, Leeds, Sheffield, Manchester, Paisley, all have an interest that that nation should be free. When depressed and backward people demand that they may have a chance to rise—Hungary, Italy, Poland—it is a duty for humanity's sake, it is a duty for the highest moral motives, to sympathize with them; but besides all these there is a material and an interested reason why you should sympathize with them. Pounds and pence join with conscience and with honor in this design. Now, Great Britain's chief want is—what?

They have said that your chief want is cotton. I deny it. Your chief want is consumers. [Applause and hisses.] You have got skill, you have got capital, and you have got machinery enough to manufacture goods for the whole population of the globe. You could turn out fourfold as much as you do, if you only had the market to sell in. It is not so much the want, therefore, of fabric, though there may be a temporary obstruction of it; but the principal and increasing want—increasing from year to year—is, where shall we find men to buy what we can manufacture so fast? [Interruption, and a voice, “The Morrill tariff,” and applause.] Before the American war broke out, your warehouses were loaded with goods that you could not sell. [Applause and hisses.] You had over-manufactured; what is the meaning of over-manufacturing but this: that you had skill, capital, machinery, to create faster than you had customers to take goods off your hands? And you know that rich as Great Britain is, vast as are her manufactures, if she could have fourfold the present demand, she could make fourfold riches to-morrow; and every political economist will tell you that your want is not cotton primarily, but customers. Therefore, the doctrine, how to make customers, is a great deal more important to Great Britain than the doctrine how to raise cotton. It is to that doctrine I ask from you, business men, practical men, men of fact, sagacious Englishmen—to that point I ask a moment's attention. [Shouts of “Oh, oh!” hisses, and applause.] There are no more continents to be discovered. [Hear, hear!] The market of the future must be found—how? There is very little hope of any more demand being created by new fields. If you are to have a better market there must be some kind of process invented to make the old fields better. [A voice, “Tell us something new,” shouts of order, and interruption.] Let us look at it, then. You must civilize the world in order to make a better class of purchasers.

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[Interruption.] If you were to press Italy down again under the feet of despotism, Italy, discouraged, could draw but very few supplies from you. But give her liberty, kindle schools throughout her valleys, spur her industry, make treaties with her by which she can exchange her wine, and her oil, and her silk for your manufactured goods; and for every effort that you make in that direction there will come back profit to you by increased traffic with her. [Loud applause.] If Hungary asks to be an unshackled nation—if by freedom she will rise in virtue and intelligence, then by freedom she will acquire a more multifarious industry, which she will be willing to exchange for your manufactures. Her liberty is to be found—where? You will find it in the Word of God, you will find it in the code of history; but you will also find it in the Price Current [Hear, hear!]; and every free nation, every civilized people—every people that rises from barbarism to industry and intelligence, becomes a better customer.

A savage is a man of one story, and that one story a cellar. When a man begins to be civilized, he raises another story. When you Christianize and civilize the man, you put story upon story, for you develop faculty after faculty; and you have to supply every story with your productions. The savage is a man one story deep; the civilized man is thirty stories deep. [Applause.] Now, if you go to a lodging-house, where there are three or four men, your sales to them may, no doubt, be worth something; but if you go to a lodging-house like some of those which I saw in Edinburgh, which seemed to contain about twenty stories ["Oh, oh!" and interruption], every story of which is full, and all who occupy buy of you—which is the better customer, the man who is drawn out, or the man who is pinched up? [Laughter.] Now, there is in this a great and sound principle of economy. ["Yah, yah!" from the passage outside the hall, and loud laughter.] If the South should be rendered independent—[at this juncture mingled cheering and hissing became immense; half the audience rose to their feet, waving hats and hand-kerchiefs, and in every part of the hall there was the greatest commotion and uproar.] You have had your turn now; now let me have mine again. [Loud applause and laughter.] It is a little inconvenient to talk against the wind; but after all, if you will just keep good-natured—I am not going to lose my temper; will you watch yours? [Applause.] Besides all that, it rests me, and gives me a chance, you know, to get my breath. [Applause and hisses.] And I think that the bark of those men is worse than their bite. They do not mean any harm—they don't know any better. [Loud laughter, applause, hisses, and continued uproar.] I was saying, when these responses broke in, that it was worth our while to consider both alternatives. What will be the result if this present struggle shall eventuate in the separation of America, and making the South—[loud



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applause, hisses, hooting, and cries of “Bravo!”—a slave territory exclusively,—[cries of “No, no!” and laughter]—and the North a free territory,—what will be the final result? You will lay the foundation for carrying the slave population clear through to the Pacific Ocean. This is the first step. There is not a man that has been a leader of the South any time within these twenty years, that has not had this for a plan. It was for this that Texas was invaded, first by colonists, next by marauders, until it was wrested from Mexico. It was for this that they engaged in the Mexican War itself, by which the vast territory reaching to the Pacific was added to the Union. Never for a moment have they given up the plan of spreading the American institutions, as they call them, straight through toward the West, until the slave, who has washed his feet in the Atlantic, shall be carried to wash them in the Pacific. [Cries of “Question,” and up-roar.] There! I have got that statement out, and you cannot put it back. [Laughter and applause.] Now, let us consider the prospect. If the South becomes a slave empire, what relation will it have to you as a customer? [A voice: “Or any other man.” Laughter.] It would be an empire of 12,000,000 of people. Now, of these, 8,000,000 are white, and 4,000,000 black. [A voice: “How many have you got?” Applause and laughter. Another voice: “Free your own slaves.”] Consider that one third of the whole are the miserably poor, unbuying blacks. [Cries of “No, no!” “Yes, yes!” and interruption.] You do not manufacture much for them. [Hisses, “Oh!” “No.”] You have not got machinery coarse enough. [Laughter, and “No.”] Your labor is too skilled by far to manufacture bagging and linsey-woolsey. [A Southerner: “We are going to free them, every one.”] Then you and I agree exactly. [Laughter.] One other third consists of a poor, unskilled, degraded white population; and the remaining one third, which is a large allowance, we will say, intelligent and rich.

Now here are twelve million of people, and only one third of them are customers that can afford to buy the kind of goods that you bring to market. [Interruption and uproar.] My friends, I saw a man once, who was a little late at a railway station, chase an express train. He did not catch it. [Laughter.] If you are going to stop this meeting, you have got to stop it before I speak; for after I have got the things out, you may chase as long as you please—you would not catch them. [Laughter and interruption.] But there is luck in leisure; I ’m going to take it easy. [Laughter.] Two thirds of the population of the Southern States to-day are non-purchasers of English goods. [A voice: “No, they are not”; “No, no!” and uproar.] Now you must recollect another fact—namely, that this is going on clear through to the Pacific Ocean; and if by sympathy or help you establish a slave empire, you sagacious Britons—[“Oh, oh!” and hooting]—if you like it better, then, I will leave the adjective out—[laughter, Hear! and applause]—are busy in favoring the establishment of an empire from ocean to ocean that should have fewest customers and the largest non-buying population. [Applause, “No, no!” A voice: “I thought it was the happy people that populated fastest.”]`



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Now, what can England make for the poor white population of such a future empire, and for her slave population? What carpets, what linens, what cottons can you sell them? What machines, what looking-glasses, what combs, what leather, what books, what pictures, what engravings? [A voice: "We 'll sell them ships."] You may sell ships to a few, but what ships can you sell to two thirds of the population of poor whites and blacks? [Applause.] A little bagging and a little linsey-woolsey, a few whips and manacles, are all that you can sell for the slave. [Great applause and uproar.] This very day, in the slave States of America there are eight millions out of twelve millions that are not, and cannot be your customers from the very laws of trade. [A voice: "Then how are they clothed?" and interruption.] \* \* \*

But I know that you say, you cannot help sympathizing with a gallant people. [Hear, hear!] They are the weaker people, the minority; and you cannot help going with the minority who are struggling for their rights against the majority. Nothing could be more generous, when a weak party stands for its own legitimate rights against imperious pride and power, than to sympathize with the weak. But who ever sympathized with a weak thief, because three constables had got hold of him? [Hear, hear!] And yet the one thief in three policemen's hands is the weaker party. I suppose you would sympathize with him. [Hear, hear! laughter, and applause.] Why, when that infamous king of Naples—Bomba, was driven into Gaeta by Garibaldi with his immortal band of patriots, and Cavour sent against him the army of Northern Italy, who was the weaker party then? The tyrant and his minions; and the majority was with the noble Italian patriots, struggling for liberty. I never heard that Old England sent deputations to King Bomba, and yet his troops resisted bravely there. [Laugh-ter and interruption.] To-day the majority of the people of Rome is with Italy. Nothing but French bayonets keeps her from going back to the kingdom of Italy, to which she belongs. Do you sympathize with the minority in Rome or the majority in Italy? [A voice: "With Italy."] To-day the South is the minority in America, and they are fighting for independence! For what? [Uproar. A voice: "Three cheers for independence!" and hisses.] I could wish so much bravery had a better cause, and that so much self-denial had been less deluded; that the poisonous and venomous doctrine of State rights might have been kept aloof; that so many gallant spirits, such as Jackson, might still have lived. [Great applause and loud cheers, again and again renewed.] The force of these facts, historical and incontrovertible, cannot be broken, except by diverting attention by an attack upon the North. It is said that the North is fighting for Union, and not for emancipation. The North is fighting for Union, for that ensures emancipation. [Loud cheers, "Oh, oh!" "No, no!" and cheers.] A great many men

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say to ministers of the Gospel: "You pretend to be preaching and working for the love of the people. Why, you are all the time preaching for the sake of the Church." What does the minister say? "It is by means of the Church that we help the people," and when men say that we are fighting for the Union, I too say we are fighting for the Union. [Hear, hear! and a voice: "That 's right."] But the motive determines the value; and why are we fighting for the Union? Because we never shall forget the testimony of our enemies. They have gone off declaring that the Union in the hands of the North was fatal to slavery. [Loud applause.] There is testimony in court for you. [A voice: "See that," and laughter.] \* \* \*

In the first place I am ashamed to confess that such was the thoughtlessness—[interruption]—such was the stupor of the North—[renewed interruption]—you will get a word at a time; to-morrow will let folks see what it is you don't want to hear—that for a period of twenty-five years she went to sleep, and permitted herself to be drugged and poisoned with the Southern prejudice against black men. [Applause and uproar.] The evil was made worse, because, when any object whatever has caused anger between political parties, a political animosity arises against that object, no matter how innocent in itself; no matter what were the original influences which excited the quarrel. Thus the colored man has been the football between the two parties in the North, and has suffered accordingly. I confess it to my shame. But I am speaking now on my own ground, for I began twenty-five years ago, with a small party, to combat the unjust dislike of the colored man. [Loud applause, dissension, and uproar. The interruption at this point became so violent that the friends of Mr. Beecher throughout the hall rose to their feet, waving hats and handkerchiefs, and renewing their shouts of applause. The interruption lasted some minutes.] Well, I have lived to see a total revolution in the Northern feeling—I stand here to bear solemn witness of that. It is not my opinion; it is my knowledge. [Great uproar.] Those men who undertook to stand up for the rights of all men—black as well as white—have increased in number; and now what party in the North represents those men that resist the evil prejudices of past years? The Republicans are that party. [Loud applause.] And who are those men in the North that have oppressed the negro? They are the Peace Democrats; and the prejudice for which in England you are attempting to punish me, is a prejudice raised by the men who have opposed me all my life. These pro-slavery Democrats abuse the negro. I defended him, and they mobbed me for doing it. Oh, justice! [Loud laughter, applause, and hisses.] This is as if a man should commit an assault, maim and wound a neighbor, and a surgeon being called in should begin to dress his wounds, and by and by a policeman should come and collar the surgeon and haul him off to prison on account of the wounds which he was healing.

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Now, I told you I would not flinch from any thing. I am going to read you some questions that were sent after me from Glasgow, purporting to be from a workingman. [Great interruption.] If those pro-slavery interrupters think they will tire me out, they will do more than eight millions in America could. [Applause and renewed interruption.] I was reading a question on your side too. "Is it not a fact that in most of the Northern States laws exist precluding negroes from equal civil and political rights with the whites? That in the State of New York the negro has to be the possessor of at least two hundred and fifty dollars' worth of property to entitle him to the privileges of a white citizen? That in some of the Northern States the colored man, whether bond or free, is by law excluded altogether, and not suffered to enter the State limits, under severe penalties? and is not Mr. Lincoln's own State one of them? and in view of the fact that the \$20,000,000 compensation which was promised to Missouri in aid of emancipation was defeated in the last Congress (the strongest Republican Congress that ever assembled), what has the North done toward emancipation?" Now, then, there 's a dose for you. [A voice: "Answer it."] And I will address myself to the answering of it. And first, the bill for emancipation in Missouri, to which this money was denied, was a bill which was drawn by what we call "log-rollers," who inserted in it an enormously disproportioned price for the slaves. The Republicans offered to give them \$10,000,000 for the slaves in Missouri, and they outvoted it because they could not get \$12,000,000. Already half the slave population had been "run" down South, and yet they came up to Congress to get \$12,000,000 for what was not worth ten millions, nor even eight millions. Now as to those States that had passed "black" laws, as we call them; they are filled with Southern emigrants. The southern parts of Ohio, the southern part of Indiana, where I myself lived for years, and which I knew like a book, the southern part of Illinois, where Mr. Lincoln lives—[great uproar]—these parts are largely settled by emigrants from Kentucky, Tennessee, Georgia, Virginia, and North Carolina, and it was their vote, or the Northern votes pandering for political reasons to theirs, that passed in those States the infamous "black" laws; and the Republicans in these States have a record, clean and white, as having opposed these laws in every instance as "infamous." Now as to the State of New York; it is asked whether a negro is not obliged to have a certain freehold property, or a certain amount of property, before he can vote. It is so still in North Carolina and Rhode Island for white folks—it is so in New York State. [Mr. Beecher's voice slightly failed him here, and he was interrupted by a person who tried to imitate him. Cries of "Shame!" and "Turn him out!"] I am not undertaking to say that these faults of the North, which were brought upon them by the bad example and influence of the South, are all cured; but I do say that they are in process of cure which promises, if unimpeded by foreign influence, to make all such odious distinctions vanish.

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There is another fact that I wish to allude to—not for the sake of reproach or blame, but by way of claiming your more lenient consideration—and that is, that slavery was entailed upon us by your action. [Hear, hear!] Against the earnest protests of the colonists the then government of Great Britain—I will concede not knowing what were the mischiefs—ignorantly, but in point of fact, forced slave traffic on the unwilling colonists. [Great uproar, in the midst of which one individual was lifted up and carried out of the room amidst cheers and hisses.]

The *chairman*: If you would only sit down no disturbance would take place.

The disturbance having subsided,

*Mr. Beecher* said: I was going to ask you, suppose a child is born with hereditary disease; suppose this disease was entailed upon him by parents who had contracted it by their own misconduct, would it be fair that those parents that had brought into the world the diseased child, should rail at that child because it was diseased. ["No, no!"] Would not the child have a right to turn round and say: "Father, it was your fault that I had it, and you ought to be pleased to be patient with my deficiencies." [Applause and hisses, and cries of "Order!" Great interruption and great disturbance here took place on the right of the platform; and the chairman said that if the persons around the unfortunate individual who had caused the disturbance would allow him to speak alone, but not assist him in making the disturbance, it might soon be put an end to. The interruption continued until another person was carried out of the hall.] *Mr. Beecher* continued: I do not ask that you should justify slavery in us, because it was wrong in you two hundred years ago; but having ignorantly been the means of fixing it upon us, now that we are struggling with mortal struggles to free ourselves from it, we have a right to your tolerance, your patience, and charitable constructions.

No man can unveil the future; no man can tell what revolutions are about to break upon the world; no man can tell what destiny belongs to France, nor to any of the European powers; but one thing is certain, that in the exigencies of the future there will be combinations and recombinations, and that those nations that are of the same faith, the same blood, and the same substantial interests, ought not to be alienated from each other, but ought to stand together. [Immense cheering and hisses.] I do not say that you ought not to be in the most friendly alliance with France or with Germany; but I do say that your own children, the offspring of England, ought to be nearer to you than any people of strange tongue. [A voice: "Degenerate sons," applause and hisses; another voice: "What about the Trent?"] If there had been any feelings of bitterness in America, let me tell you that they had been excited, rightly or wrongly, under the impression that Great Britain was going to intervene between us and our own lawful

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struggle. [A voice: "No!" and applause.] With the evidence that there is no such intention all bitter feelings will pass away. [Applause.] We do not agree with the recent doctrine of neutrality as a question of law. But it is past, and we are not disposed to raise that question. We accept it now as a fact, and we say that the utterance of Lord Russell at Blairgowrie—[Applause, hisses, and a voice: "What about Lord Brougham?"]—together with the declaration of the government in stopping war-steamers here—[great uproar, and applause]—has gone far toward quieting every fear and removing every apprehension from our minds. [Uproar and shouts of applause.] And now in the future it is the work of every good man and patriot not to create divisions, but to do the things that will make for peace. ["Oh, oh!" and laughter.] On our part it shall be done. [Applause and hisses, and "No, no!"] On your part it ought to be done; and when in any of the convulsions that come upon the world, Great Britain finds herself struggling single-handed against the gigantic powers that spread oppression and darkness—[applause, hisses, and uproar]—there ought to be such cordiality that she can turn and say to her first-born and most illustrious child, "Come!" [Hear, hear! applause, tremendous cheers, and uproar.] I will not say that England cannot again, as hitherto, single-handed manage any power—[applause and uproar]—but I will say that England and America together for religion and liberty—[A voice: "Soap, soap," uproar, and great applause]—are a match for the world. [Applause; a voice: "They don't want any more soft soap."] Now, gentlemen and ladies—[A voice: "Sam Slick"; and another voice: "Ladies and gentlemen, if you please,"]—when I came I was asked whether I would answer questions, and I very readily consented to do so, as I had in other places; but I will tell you it was because I expected to have the opportunity of speaking with some sort of ease and quiet. [A voice: "So you have."] I have for an hour and a half spoken against a storm—[Hear, hear!]  
—and you yourselves are witnesses that, by the interruption, I have been obliged to strive with my voice, so that I no longer have the power to control this assembly. [Applause.] And although I am in spirit perfectly willing to answer any question, and more than glad of the chance, yet I am by this very unnecessary opposition to-night incapacitated physically from doing it. Ladies and gentlemen, I bid you good-evening.

## ABRAHAM LINCOLN.

*The Gettysburgh address,*

*November 19, 1863.*

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Fourscore and seven years ago our fathers brought forth upon this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field as a final resting-place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this. But in a larger sense we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our power to add or detract. The world will little note, nor long remember, what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people, shall not perish from the earth.

### ABRAHAM LINCOLN.

*Second inaugural address,*

*March 4, 1865.*

### FELLOW-COUNTRYMEN:

At this second appearing to take the oath of the Presidential office, there is less occasion for an extended address than there was at first. Then a statement, somewhat in detail, of a course to be pursued seemed very fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention and engrosses the energies of the nation, little that is new could be presented.

The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself, and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured.

On the occasion corresponding to this four years ago, all thoughts were anxiously directed to an impending civil war. All dreaded it, all sought to avoid it. While the inaugural address was being delivered from this place, devoted altogether to saving the Union without war, insurgent agents were in the city seeking to destroy it with war---

seeking to dissolve the Union and divide the effects by negotiation. Both parties deprecated war, but one of them would make war rather than let the nation survive, and the



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other would accept war rather than let it perish, and the war came. One eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the Southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was somehow the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union by war, while the government claimed no right to do more than to restrict the territorial enlargement of it.

Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease when, or even before the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding. Both read the same Bible and pray to the same God, and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not, that we be not judged. The prayer of both could not be answered. That of neither has been answered fully. The Almighty has His own purposes. Woe unto the world because of offences, for it must needs be that offences come, but woe to that man by whom the offence cometh. If we shall suppose that American slavery is one of those offences which, in the providence of God, must needs come, but which having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offence came, shall we discern there any departure from those Divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said, that the judgments of the Lord are true and righteous altogether.

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle, and for his widow and his orphans, to do all which may achieve and cherish a just and a lasting peace among ourselves and with all nations.

**HENRY WINTER DAVIS,**

**OF MARYLAND. (BORN 1817, DIED 1865.)**

*On reconstruction; the first republican theory;*



*House of representatives, march 22, 1864.*

**MR. SPEAKER:**

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The bill which I am directed by the committee on the rebellious States to report is one which provides for the restoration of civil government in States whose governments have been overthrown. It prescribes such conditions as will secure not only civil government to the people of the rebellious States, but will also secure to the people of the United States permanent peace after the suppression of the rebellion. The bill challenges the support of all who consider slavery the cause of the rebellion, and that in it the embers of rebellion will always smoulder; of those who think that freedom and permanent peace are inseparable, and who are determined, so far as their constitutional authority will allow them, to secure these fruits by adequate legislation. \* \*

\* It is entitled to the support of all gentlemen upon this side of the House, whatever their views may be of the nature of the rebellion, and the relation in which it has placed the people and States in rebellion toward the United States; not less of those who think that the rebellion has placed the citizens of the rebel States beyond the protection of the Constitution, and that Congress, therefore, has supreme power over them as conquered enemies, than of that other class who think that they have not ceased to be citizens and States of the United States, though incapable of exercising political privileges under the Constitution, but that Congress is charged with a high political power by the Constitution to guarantee republican governments in the States, and that this is the proper time and the proper mode of exercising it. It is also entitled to the favorable consideration of gentlemen upon the other side of the House who honestly and deliberately express their judgment that slavery is dead. To them it puts the question whether it is not advisable to bury it out of sight, that its ghost may no longer stalk abroad to frighten us from our propriety. \* \* \*

What is the nature of this case with which we have to deal, the evil we must remedy, the danger we must avert? In other words, what is that monster of political wrong which is called secession? It is not, Mr. Speaker, domestic violence, within the meaning of that clause of the Constitution, for the violence was the act of the people of those States through their governments, and was the offspring of their free and unforced will. It is not invasion, in the meaning of the Constitution, for no State has been invaded against the will of the government of the State by any power except the United States marching to overthrow the usurpers of its territory. It is, therefore, the act of the people of the States, carrying with it all the consequences of such an act. And therefore it must be either a legal revolution, which makes them independent, and makes of the United States a foreign country, or it is a usurpation against the authority of the United States, the erection of governments which do not recognize the Constitution of the United States, which the Constitution does

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not recognize, and, therefore, not republican governments of the States in rebellion. The latter is the view which all parties take of it. I do not understand that any gentleman on the other side of the House says that any rebel government which does not recognize the Constitution of the United States, and which is not recognized by Congress, is a State government within the meaning of the Constitution. Still less can it be said that there is a State government, republican or unrepublican, in the State of Tennessee, where there is no government of any kind, no civil authority, no organized form of administration except that represented by the flag of the United States, obeying the will and under the orders of the military officer in command. \* \* \*

Those that are here represented are the only governments existing within the limits of the United States. Those that are not here represented are not governments of the States, republican under the Constitution. And if they be not, then they are military usurpations, inaugurated as the permanent governments of the States, contrary to the supreme law of the land, arrayed in arms against the Government of the United States; and it is the duty, the first and highest duty, of the government to suppress and expel them. Congress must either expel or recognize and support them. If it do not guarantee them, it is bound to expel them; and they who are not ready to suppress are bound to recognize them.

We are now engaged in suppressing a military usurpation of the authority of the State governments. When that shall have been accomplished, there will be no form of State authority in existence which Congress can recognize. Our success will be the overthrow of all sent balance of government in the rebel States. The Government of the United States is then in fact the only government existing in those States, and it is there charged to guarantee them republican governments.

What jurisdiction does the duty of guaranteeing a republican government confer under such circumstances upon Congress? What right does it give? What laws may it pass? What objects may it accomplish? What conditions may it insist upon, and what judgment may it exercise in determining what it will do? The duty of guaranteeing carries with it the right to pass all laws necessary and proper to guarantee. The duty of guaranteeing means the duty to accomplish the result. It means that the republican government shall exist. It means that every opposition to republican government shall be put down. It means that every thing inconsistent with the permanent continuance of republican government shall be weeded out. It places in the hands of Congress to say what is and what is not, with all the light of experience and all the lessons of the past, inconsistent, in its judgment, with the permanent continuance of republican government; and if, in its judgment, any form of policy is radically and inherently inconsistent with the permanent

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and enduring peace of the country, with the permanent supremacy of republican government, and it have the manliness to say so, there is no power, judicial or executive, in the United States that can even question this judgment but the people; and they can do it only by sending other Representatives here to undo our work. The very language of the Constitution, and the necessary logic of the case, involve that consequence. The denial of the right of secession means that all the territory of the United States shall remain under the jurisdiction of the Constitution. If there can be no State government which does not recognize the Constitution, and which the authorities of the United States do not recognize, then there are these alternatives, and these only: the rebel States must be governed by Congress till they submit and form a State government under the Constitution; or Congress must recognize State governments which do not recognize either Congress or the Constitution of the United States; or there must be an entire absence of all government in the rebel States—and that is anarchy. To recognize a government which does not recognize the Constitution is absurd, for a government is not a constitution; and the recognition of a State government means the acknowledgment of men as governors and legislators and judges, actually invested with power to make laws, to judge of crimes, to convict the citizens of other States, to demand the surrender of fugitives from justice, to arm and command the militia, to require the United States to repress all opposition to its authority, and to protect it against invasion—against our own armies; whose Senators and Representatives are entitled to seats in Congress, and whose electoral votes must be counted in the election of the President of a government which they disown and defy. To accept the alternative of anarchy as the constitutional condition of a State is to assert the failure of the Constitution and the end of republican government. Until, therefore, Congress recognize a State government, organized under its auspices, there is no government in the rebel States except the authority of Congress. \* \* \* When military opposition shall have been suppressed, not merely paralyzed, driven into a corner, pushed back, but gone, the horrid vision of civil war vanished from the South, then call upon the people to reorganize in their own way, subject to the conditions that we think essential to our permanent peace, and to prevent the revival hereafter of the rebellion—a republican government in the form that the people of the United States can agree to.

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Now, for that purpose there are three modes indicated. One is to remove the cause of the war by an alteration of the Constitution of the United States, prohibiting slavery everywhere within its limits. That, sir, goes to the root of the matter, and should consecrate the nation's triumph. But there are thirty-four States; three fourths of them would be twenty-six. I believe there are twenty-five States represented in this Congress; so that we on that basis can-not change the Constitution. It is, therefore, a condition precedent in that view of the case that more States shall have governments organized within them. If it be assumed that the basis of calculation shall be three fourths of the States now represented in Congress, I agree to that construction of the Constitution. \* \* \*

But, under any circumstances, even upon that basis it will be difficult to find three fourths of the States, with New Jersey, or Kentucky, or Maryland, or Delaware, or other States that might be mentioned, opposed to it, under existing auspices, to adopt such a clause of the Constitution after we shall have agreed to it. If adopted it still leaves all laws necessary to the ascertainment of the will of the people, and all restrictions on the return to power of the leaders of the rebellion, wholly unprovided for. The amendment of the Constitution meets my hearty approval, but it is not a remedy for the evils we must deal with.

The next plan is that inaugurated by the President of the United States, in the proclamation of the 8th December (1863), called the amnesty proclamation. That proposes no guardianship of the United States over the reorganization of the governments, no law to prescribe who shall vote, no civil functionaries to see that the law is faithfully executed, no supervising authority to control and judge of the election. But if in any manner by the toleration of martial law, lately proclaimed the fundamental law, under the dictation of any military authority, or under the prescription of a provost marshal, something in the form of a government shall be presented, represented to rest on the votes of one tenth of the population, the President will recognize that, provided it does not contravene the proclamation of freedom and the laws of Congress; and to secure that an oath is exacted. There is no guaranty of law to watch over the organization of that government. It may be recognized by the military power, and not recognized by the civil power, so that it would have a doubtful existence, half civil and half military, neither a temporary government by law of Congress nor a State government, something as unknown to the Constitution as the rebel government that refuses to recognize it. The only prescription is that it shall not contravene the provisions of the proclamation. Sir, if that proclamation be valid, then we are relieved from all trouble on that score. But if that proclamation be not valid, then the oath to support it is without legal sanction, for the President can ask no man to bind himself by an oath to support an unfounded proclamation or an unconstitutional law even for a moment, still less after it shall have been declared void by the Supreme Court of the United States. \* \* \*

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By the bill we propose to preclude the judicial question by the solution of a political question. How so? By the paramount power of Congress to reorganize governments in those States, to impose such conditions as it thinks necessary to secure the permanence of republican government, to refuse to recognize any governments there which do not prohibit slavery forever. Ay, gentlemen, take the responsibility to say in the face of those who clamor for the speedy recognition of governments tolerating slavery, that the safety of the people of the United States is the supreme law; that their will is the supreme rule of law, and that we are authorized to pronounce their will on this subject. Take the responsibility to say that we will revise the judgments of our ancestors; that we have experience written in blood which they had not; that we find now what they darkly doubted, that slavery is really, radically inconsistent with the permanence of republican governments; and that being charged by the supreme law of the land on our conscience and judgment to guarantee, that is to continue, maintain and enforce, if it exist, to institute and restore, when overthrown, republican government throughout the broad limits of the republic, we will weed out every element of their policy which we think incompatible with its permanence and endurance. The purpose of the bill is to preclude the judicial question of the validity and effect of the President's proclamation by the decision of the political authority in reorganizing the State governments. It makes the rule of decision the provisions of the State constitution, which, when recognized by Congress, can be questioned in no court; and it adds to the authority of the proclamation the sanction of Congress. If gentlemen say that the Constitution does not bear that construction, we will go before the people of the United States on that question, and by their judgment we will abide.

### **GEORGE H. PENDLETON,**

**OF OHIO. (BORN 1825, DIED 1889.)**

*On reconstruction; the democratic theory;*

*House of representatives, may 4, 1864.*

The gentleman [Mr. H. W. Davis] maintains two propositions, which lie at the very basis of his views on this subject. He has explained them to the House, and enforced them on other occasions. He maintains that, by reason of their secession, the seceded States and their citizens "have not ceased to be citizens and States of the United States, though incapable of exercising political privileges under the Constitution, but that Congress is charged with a high political power by the Constitution to guarantee republican government in the States, and that this is the proper time and the proper mode of exercising it." This act of revolution on the part of the seceding States has evoked the most extraordinary theories upon the relations of the States to the Federal Government. This theory of the gentleman is one of them.

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The ratification of the Constitution by Virginia established the relation between herself and the Federal Government; it created the link between her and all the States; it announced her assumption of the duties, her title to the rights, of the confederating States; it proclaimed her interest in, her power over, her obedience to, the common agent of all the States. If Virginia had never ordained that ratification, she would have been an independent State; the Constitution would have been as perfect and the union between the ratifying States would have been as complete as they now are. Virginia repeals that ordinance, annuls that bond of union, breaks that link of confederation. She repeals but a single law, repeals it by the action of a sovereign convention, leaves her constitution, her laws, her political and social polity untouched. And the gentleman from Maryland tells us that the effect of this repeal is not to destroy the vigor of that law, but to subvert the State government, and to render the citizens “incapable of exercising political privileges”; that the Union remains, but that one party to it has thereby lost its corporate existence, and the other has advanced to the control and government of it.

Sir, this cannot be. Gentlemen must not palter in a double sense. These acts of secession are either valid or invalid. If they are valid, they separated the State from the Union. If they are invalid, they are void; they have no effect; the State officers who act upon them are rebels to the Federal Government; the States are not destroyed; their constitutions are not abrogated; their officers are committing illegal acts, for which they are liable to punishment; the States have never left the Union, but, as soon as their officers shall perform their duties or other officers shall assume their places, will again perform the duties imposed, and enjoy the privileges conferred, by the Federal compact, and this not by virtue of a new ratification of the Constitution, nor a new admission by the Federal Government, but by virtue of the original ratification, and the constant, uninterrupted maintenance of position in the Federal Union since that date.

Acts of secession are not invalid to destroy the Union, and valid to destroy the State governments and the political privileges of their citizens. We have heard much of the twofold relations which citizens of the seceded States may hold to the Federal Government—that they may be at once belligerents and rebellious citizens. I believe there are some judicial decisions to that effect. Sir, it is impossible. The Federal Government may possibly have the right to elect in which relation it will deal with them; it cannot deal at one and the same time in inconsistent relations. Belligerents, being captured, are entitled to be treated as prisoners of war; rebellious citizens are liable to be hanged. The private property of belligerents, according to the rules of modern war, shall not be



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taken without compensation; the property of rebellious citizens is liable to confiscation. Belligerents are not amenable to the local criminal law, nor to the jurisdiction of the courts which administer it; rebellious citizens are, and the officers are bound to enforce the law and exact the penalty of its infraction. The seceded States are either in the Union or out of it. If in the Union, their constitutions are untouched, their State governments are maintained, their citizens are entitled to all political rights, except so far as they may be deprived of them by the criminal law which they have infringed.

This seems incomprehensible to the gentleman from Maryland. In his view, the whole State government centres in the men who administer it, so that, when they administer it unwisely, or put it in antagonism to the Federal Government, the State government is dissolved, the State constitution is abrogated, and the State is left, in fact and in form, *de jure* and *de facto*, in anarchy, except so far as the Federal Government may rightfully intervene. \* \* \* I submit that these gentlemen do not see with their usual clearness of vision. If, by a plague or other visitation of God, every officer of a State government should at the same moment die, so that not a single person clothed with official power should remain, would the State government be destroyed? Not at all. For the moment it would not be administered; but as soon as officers were elected, and assumed their respective duties, it would be instantly in full force and vigor.

If these States are out of the Union, their State governments are still in force, unless otherwise changed; their citizens are to the Federal Government as foreigners, and it has in relation to them the same rights, and none other, as it had in relation to British subjects in the war of 1812, or to the Mexicans in 1846. Whatever may be the true relation of the seceding States, the Federal Government derives no power in relation to them or their citizens from the provision of the Constitution now under consideration, but, in the one case, derives all its power from the duty of enforcing the "supreme law of the land," and in the other, from the power "to declare war."

The second proposition of the gentleman from Maryland is this—I use his language: "That clause vests in the Congress of the United States a plenary, supreme, unlimited political jurisdiction, paramount over courts, subject only to the judgment of the people of the United States, embracing within its scope every legislative measure necessary and proper to make it effectual; and what is necessary and proper the Constitution refers in the first place to our judgment, subject to no revision but that of the people."



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The gentleman states his case too strongly. The duty imposed on Congress is doubtless important, but Congress has no right to use a means of performing it forbidden by the Constitution, no matter how necessary or proper it might be thought to be. But, sir, this doctrine is monstrous. It has no foundation in the Constitution. It subjects all the States to the will of Congress; it places their institutions at the feet of Congress. It creates in Congress an absolute, unqualified despotism. It asserts the power of Congress in changing the State governments to be “plenary, supreme, unlimited,” “subject only to revision by the people of the United States.” The rights of the people of the State are nothing; their will is nothing. Congress first decides; the people of the whole Union revise. My own State of Ohio is liable at any moment to be called in question for her constitution. She does not permit negroes to vote. If this doctrine be true, Congress may decide that this exclusion is anti-republican, and by force of arms abrogate that constitution and set up another, permitting negroes to vote. From that decision of Congress there is no appeal to the people of Ohio, but only to the people of New York and Massachusetts and Wisconsin, at the election of representatives, and, if a majority cannot be elected to reverse the decision, the people of Ohio must submit. Woe be to the day when that doctrine shall be established, for from its centralized despotism we will appeal to the sword!

Sir, the rights of the States were the foundation corners of the confederation. The Constitution recognized them, maintained them, provided for their perpetuation. Our fathers thought them the safeguard of our liberties. They have proved so. They have reconciled liberty with empire; they have reconciled the freedom of the individual with the increase of our magnificent domain. They are the test, the touchstone, the security of our liberties. This bill, and the avowed doctrine of its supporters, sweeps them all instantly away. It substitutes despotism for self-government—despotism the more severe because vested in a numerous Congress elected by a people who may not feel the exercise of its power. It subverts the government, destroys the confederation, and erects a tyranny on the ruins of republican governments. It creates unity—it destroys liberty; it maintains integrity of territory, but destroys the rights of the citizen.

**THADDEUS STEVENS,**

**OF PENNSYLVANIA. (BORN 1792, DIED 1868.)**

*On reconstruction; the radical republican theory;*

*House of representatives, December 18, 1865.*

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A candid examination of the power and proper principles of reconstruction can be offensive to no one, and may possibly be profitable by exciting inquiry. One of the suggestions of the message which we are now considering has special reference to this. Perhaps it is the principle most interesting to the people at this time. The President assumes, what no one doubts, that the late rebel States have lost their constitutional relations to the Union, and are incapable of representation in Congress, except by permission of the Government. It matters but little, with this admission, whether you call them States out of the Union, and now conquered territories, or assert that because the Constitution forbids them to do what they did do, that they are therefore only dead as to all national and political action, and will remain so until the Government shall breathe into them the breath of life anew and permit them to occupy their former position. In other words, that they are not out of the Union, but are only dead carcasses lying within the Union. In either case, it is very plain that it requires the action of Congress to enable them to form a State government and send representatives to Congress. Nobody, I believe, pretends that with their old constitutions and frames of government they can be permitted to claim their old rights under the Constitution. They have torn their constitutional States into atoms, and built on their foundations fabrics of a totally different character. Dead men cannot raise themselves. Dead States cannot restore their own existence "as it was." Whose especial duty is it to do it? In whom does the Constitution place the power? Not in the judicial branch of Government, for it only adjudicates and does not prescribe laws. Not in the Executive, for he only executes and cannot make laws. Not in the Commander-in-Chief of the armies, for he can only hold them under military rule until the sovereign legislative power of the conqueror shall give them law.

There is fortunately no difficulty in solving the question. There are two provisions in the Constitution, under one of which the case must fall. The fourth article says:

"New States may be admitted by the Congress into this Union."

In my judgment this is the controlling provision in this case. Unless the law of nations is a dead letter, the late war between two acknowledged belligerents severed their original compacts, and broke all the ties that bound them together. The future condition of the conquered power depends on the will of the conqueror. They must come in as new States or remain as conquered provinces. Congress—the Senate and House of Representatives, with the concurrence of the President—is the only power that can act in the matter. But suppose, as some dreaming theorists imagine, that these States have never been out of the Union, but have only destroyed their State governments so as to be incapable of political action; then the fourth section of the fourth article applies, which says:

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“The United States shall guarantee to every State in this Union a republican form of government.”

Who is the United States? Not the judiciary; not the President; but the sovereign power of the people, exercised through their representatives in Congress, with the concurrence of the Executive. It means the political Government—the concurrent action of both branches of Congress and the Executive. The separate action of each amounts to nothing, either in admitting new States or guaranteeing republican governments to lapsed or outlawed States. Whence springs the preposterous idea that either the President, or the Senate, or the House of Representatives, acting separately, can determine the right of States to send members or Senators to the Congress of the Union?

To prove that they are and for four years have been out of the Union for all legal purposes, and, being now conquered, subject to the absolute disposal of Congress, I will suggest a few ideas and adduce a few authorities. If the so-called “confederate States of America” were an independent belligerent, and were so acknowledged by the United States and by Europe, or had assumed and maintained an attitude which entitled them to be considered and treated as a belligerent, then, during such time, they were precisely in the condition of a foreign nation with whom we were at war; nor need their independence as a nation be acknowledged by us to produce that effect.

After such clear and repeated decisions it is something worse than ridiculous to hear men of respectable standing attempting to nullify the law of nations, and declare the Supreme Court of the United States in error, because, as the Constitution forbids it, the States could not go out of the Union in fact. A respectable gentleman was lately reciting this argument, when he suddenly stopped and said, “Did you hear of that atrocious murder committed in our town? A rebel deliberately murdered a Government official.” The person addressed said, “I think you are mistaken.” “How so? I saw it myself.” “You are wrong, no murder was or could be committed, for the law forbids it.”

The theory that the rebel States, for four years a separate power and without representation in Congress, were all the time here in the Union, is a good deal less ingenious and respectable than the metaphysics of Berkeley, which proved that neither the world nor any human being was in existence. If this theory were simply ridiculous it could be forgiven; but its effect is deeply injurious to the stability of the nation. I cannot doubt that the late confederate States are out of the Union to all intents and purposes for which the conqueror may choose so to consider them.

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But suppose these powerful but now subdued belligerents, instead of being out of the Union, are merely destroyed, and are now lying about, a dead corpse, or with animation so suspended as to be incapable of action, and wholly unable to heal themselves by any unaided movements of their own. Then they may fall under the provision of the Constitution, which says "The United States shall guarantee to every State in the Union a republican form of government." Under that power, can the judiciary, or the President, or the Commander-in-Chief of the Army, or the Senate or House of Representatives, acting separately, restore them to life and readmit them into the Union? I insist that if each acted separately, though the action of each was identical with all the others, it would amount to nothing. Nothing but the joint action of the two Houses of Congress and the concurrence of the President could do it. If the Senate admitted their Senators, and the House their members, it would have no effect on the future action of Congress. The Fortieth Congress might reject both. Such is the ragged record of Congress for the last four years.

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Congress alone can do it. But Congress does not mean the Senate, or the House of Representatives, and President, all acting severally. Their joint action constitutes Congress. Hence a law of Congress must be passed before any new State can be admitted, or any dead ones revived. Until then no member can be lawfully admitted into either House. Hence it appears with how little knowledge of constitutional law each branch is urged to admit members separately from these destroyed States. The provision that "each House shall be the judge of the elections, returns, and qualifications of its own members," has not the most distant bearing on this question. Congress must create States and declare when they are entitled to be represented. Then each House must judge whether the members presenting themselves from a recognized State possess the requisite qualifications of age, residence, and citizenship; and whether the elections and returns are according to law. The Houses, separately, can judge of nothing else. It seems amazing that any man of legal education could give it any larger meaning.

It is obvious from all this that the first duty of Congress is to pass a law declaring the condition of these outside or defunct States, and providing proper civil governments for them. Since the conquest they have been governed by martial law. Military rule is necessarily despotic, and ought not to exist longer than is absolutely necessary. As there are no symptoms that the people of these provinces will be prepared to participate in constitutional government for some years, I know of no arrangement so proper for them as territorial governments. There they can learn the principles of freedom and eat the fruit of foul rebellion. Under such governments, while electing members to the territorial Legislatures, they will necessarily mingle with those to whom Congress shall extend the right of suffrage. In Territories, Congress fixes the qualifications of electors; and I know of no better place nor better occasion for the conquered rebels and the

conqueror to practise justice to all men, and accustom themselves to make and to obey equal laws.

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And these fallen rebels cannot at their option reenter the heaven which they have disturbed, the garden of Eden which they have deserted; as flaming swords are set at the gates to secure their exclusion, it becomes important to the welfare of the nation to inquire when the doors shall be reopened for their admission.

According to my judgment they ought never to be recognized as capable of acting in the Union, or of being counted as valid States, until the Constitution shall have been so amended as to make it what its framers intended, and so as to secure perpetual ascendancy to the party of the Union; and so as to render our republican Government firm and stable forever. The first of those amendments is to change the basis of representation among the States from Federal members to actual voters.

Now all the colored freemen in the slave States, and three fifths of the slaves, are represented, though none of them have votes. The States have nineteen representatives of colored slaves. If the slaves are now free then they can add, for the other two fifths, thirteen more, making the slaves represented thirty-two. I suppose the free blacks in those States will give at least five more, making the representation of non-voting people of color about thirty-seven. The whole number of representatives now from the slave States is seventy. Add the other two fifths and it will be eighty-three.

If the amendment prevails, and those States withhold the right of suffrage from persons of color, it will deduct about thirty-seven, leaving them but forty-six. With the basis unchanged, the eighty-three Southern members, with the Democrats that will in the best times be elected from the North, will always give them a majority in Congress and in the Electoral College. They will at the very first election take possession of the White House and the halls of Congress. I need not depict the ruin that would follow. Assumption of the rebel debt or repudiation of the Federal debt would be sure to follow. The oppression of the freedmen, there—amendment of their State constitutions, and the reestablishment of slavery would be the inevitable result. That they would scorn and disregard their present constitutions, forced upon them in the midst of martial law, would be both natural and just. No one who has any regard for freedom of elections can look upon those governments, forced upon them in duress, with any favor. If they should grant the right of suffrage to persons of color, I think there would always be Union white men enough in the South, aided by the blacks, to divide the representation, and thus continue the Republican ascendancy. If they should refuse to thus alter their election laws it would reduce the representatives of the late slave States to about forty-five and render them powerless for evil.

It is plain that this amendment must be consummated before the defunct States are admitted to be capable of State action, or it never can be.

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The proposed amendment to allow Congress to lay a duty on exports is precisely in the same situation. Its importance cannot well be overstated. It is very obvious that for many years the South will not pay much under our internal revenue laws. The only article on which we can raise any considerable amount is cotton. It will be grown largely at once. With ten cents a pound export duty it would be furnished cheaper to foreign markets than they could obtain it from any other part of the world. The late war has shown that. Two million bales exported, at five hundred pounds to the bale, would yield \$100,000,000. This seems to me the chief revenue we shall ever derive from the South. Besides, it would be a protection to that amount to our domestic manufactures. Other proposed amendments—to make all laws uniform; to prohibit the assumption of the rebel debt—are of vital importance, and the only thing that can prevent the combined forces of copperheads and secessionists from legislating against the interests of the Union whenever they may obtain an accidental majority.

But this is not all that we ought to do before these inveterate rebels are invited to participate in our legislation. We have turned, or are about to turn, loose four million of slaves without a hut to shelter them, or a cent in their pockets. The infernal laws of slavery have prevented them from acquiring an education, understanding the commonest laws of contract, or of managing the ordinary business of life. This Congress is bound to provide for them until they can take care of themselves. If we do not furnish them with homesteads, and hedge them around with protective laws; if we leave them to the legislation of their late masters, we had better have left them in bondage. Their condition would be worse than that of our prisoners at Andersonville. If we fail in this great duty now, when we have the power, we shall deserve and receive the execration of history and of all future ages.

Two things are of vital importance.

1. So to establish a principle that none of the rebel States shall be counted in any of the amendments of the Constitution until they are duly admitted into the family of States by the law-making power of their conqueror. For more than six months the amendment of the Constitution abolishing slavery has been ratified by the Legislatures of three fourths of the States that acted on its passage by Congress, and which had Legislatures, or which were States capable of acting, or required to act, on the question.

I take no account of the aggregation of whitewashed rebels, who without any legal authority have assembled in the capitals of the late rebel States and simulated legislative bodies. Nor do I regard with any respect the cunning by-play into which they deluded the Secretary of State by frequent telegraphic announcements that “South Carolina had adopted the amendment,” “Alabama has adopted the amendment, being the twenty-seventh State,” *etc.* This was intended to delude the people, and accustom Congress to hear repeated the names of these extinct States as if they were alive; when, in truth, they have no more existence than the revolted cities of Latium, two thirds

of whose people were colonized and their property confiscated, and their right of citizenship withdrawn by conquering and avenging Rome.



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2. It is equally important to the stability of this Republic that it should now be solemnly decided what power can revive, recreate, and reinstate these provinces into the family of States, and invest them with the rights of American citizens. It is time that Congress should assert its sovereignty, and assume something of the dignity of a Roman senate. It is fortunate that the President invites Congress to take this manly attitude. After stating with great frankness in his able message his theory, which, however, is found to be impracticable, and which I believe very few now consider tenable, he refers the whole matter to the judgment of Congress. If Congress should fail firmly and wisely to discharge that high duty it is not the fault of the President.

This Congress owes it to its own character to set the seal of reprobation upon a doctrine which is becoming too fashionable, and unless rebuked will be the recognized principle of our Government. Governor Perry and other provisional governors and orators proclaim that "this is the white man's Government." The whole copperhead party, pandering to the lowest prejudices of the ignorant, repeat the cuckoo cry, "This is the white man's Government." Demagogues of all parties, even some high in authority, gravely shout, "This is the white man's Government." What is implied by this? That one race of men are to have the exclusive right forever to rule this nation, and to exercise all acts of sovereignty, while all other races and nations and colors are to be their subjects, and have no voice in making the laws and choosing the rulers by whom they are to be governed. Wherein does this differ from slavery except in degree? Does not this contradict all the distinctive principles of the Declaration of Independence? When the great and good men promulgated that instrument, and pledged their lives and sacred honors to defend it, it was supposed to form an epoch in civil government. Before that time it was held that the right to rule was vested in families, dynasties, or races, not because of superior intelligence or virtue, but because of a divine right to enjoy exclusive privileges.

Our fathers repudiated the whole doctrine of the legal superiority of families or races, and proclaimed the equality of men before the law. Upon that they created a revolution and built the Republic. They were prevented by slavery from perfecting the superstructure whose foundation they had thus broadly laid. For the sake of the Union they consented to wait, but never relinquished the idea of its final completion. The time to which they looked forward with anxiety has come. It is our duty to complete their work. If this Republic is not now made to stand on their great principles, it has no honest foundation, and the Father of all men will still shake it to its centre. If we have not yet been sufficiently scourged for our national sin to teach us to do justice to all God's creatures, without distinction of race or color, we

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must expect the still more heavy vengeance of an offended Father, still increasing his inflictions as he increased the severity of the plagues of Egypt until the tyrant consented to do justice. And when that tyrant repented of his reluctant consent, and attempted to re-enslave the people, as our southern tyrants are attempting to do now, he filled the Red Sea with broken chariots and drowned horses, and strewed the shores with dead carcasses.

Mr. Chairman, I trust the Republican party will not be alarmed at what I am saying. I do not profess to speak their sentiments, nor must they be held responsible for them. I speak for myself, and take the responsibility, and will settle with my intelligent constituents.

This is not a "white man's Government," in the exclusive sense in which it is used. To say so is political blasphemy, for it violates the fundamental principles of our gospel of liberty. This is man's Government; the Government of all men alike; not that all men will have equal power and sway within it. Accidental circumstances, natural and acquired endowment and ability, will vary their fortunes. But equal rights to all the privileges of the Government is innate in every immortal being, no matter what the shape or color of the tabernacle which it inhabits.

If equal privileges were granted to all, I should not expect any but white men to be elected to office for long ages to come. The prejudice engendered by slavery would not soon permit merit to be preferred to color. But it would still be beneficial to the weaker races. In a country where political divisions will always exist, their power, joined with just white men, would greatly modify, if it did not entirely prevent, the injustice of majorities. Without the right of suffrage in the late slave States (I do not speak of the free States), I believe the slaves had far better been left in bondage. I see it stated that very distinguished advocates of the right of suffrage lately declared in this city that they do not expect to obtain it by congressional legislation, but only by administrative action, because, as one gallant gentleman said, the States had not been out of the Union. Then they will never get it. The President is far sounder than they. He sees that administrative action has nothing to do with it. If it ever is to come, it must be by constitutional amendments or congressional action in the Territories, and in enabling acts.

How shameful that men of influence should mislead and miseducate the public mind! They proclaim, "This is the white man's Government," and the whole coil of copperheads echo the same sentiment, and upstart, jealous Republicans join the cry. Is it any wonder ignorant foreigners and illiterate natives should learn this doctrine, and be led to despise and maltreat a whole race of their fellow-men?

Sir, this doctrine of a white man's Government is as atrocious as the infamous sentiment that damned the late Chief-Justice to everlasting fame; and, I fear, to everlasting fire.

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**HENRY J. RAYMOND,**

**OF NEW YORK. (BORN 1820, DIED 1869.)**

*On reconstruction; conservative, or administration, republican opinion;*

*In the house of representatives, December 21, 1865.*

I need not say that I have been gratified to hear many things which have fallen from the lips of the gentleman from Ohio (Mr. Finck), who has just taken his seat. I have no party feeling, nor any other feeling, which would prevent me from rejoicing in the indications apparent on that side of the House of a purpose to concur with the loyal people of the country, and with the loyal administration of the Government, and with the loyal majorities in both Houses of Congress, in restoring peace and order to our common country. I cannot, perhaps, help wishing, sir, that these indications of an interest in the preservation of our Government had come somewhat sooner. I cannot help feeling that such expressions cannot now be of as much service to the country as they might once have been. If we could have had from that side of the House such indications of an interest in the preservation of the Union, such heartfelt sympathy with the efforts of the Government for the preservation of that Union, such hearty denunciation of those who were seeking its destruction, while the war was raging, I am sure we might have been spared some years of war, some millions of money, and rivers of blood and tears.

But, sir, I am not disposed to fight over again battles now happily ended. I feel, and I am rejoiced to find that members on the other side of the House feel, that the great problem now before us is to restore the Union to its old integrity, purified from everything that interfered with the full development of the spirit of liberty which it was made to enshrine. I trust that we shall have a general concurrence of the members of this House and of this Congress in such measures as may be deemed most fit and proper for the accomplishment of that result. I am glad to assume and to believe that there is not a member of this House, nor a man in this country, who does not wish, from the bottom of his heart, to see the day speedily come when we shall have this nation—the great American Republic—again united, more harmonious in its action than it ever has been, and forever one and indivisible. We in this Congress are to devise the means to restore its union and its harmony, to perfect its institutions, and to make it in all its parts and in all its action, through all time to come, too strong, too wise, and too free ever to invite or ever to permit the hand of rebellion again to be raised against it.

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Now, sir, in devising those ways and means to accomplish that great result, the first thing we have to do is to know the point from which we start, to understand the nature of the material with which we have to work—the condition of the territory and the States with which we are concerned. I had supposed at the outset of this session that it was the purpose of this House to proceed to that work without discussion, and to commit it almost exclusively, if not entirely, to the joint committee raised by the two Houses for the consideration of that subject. But, sir, I must say that I was glad when I perceived the distinguished gentleman from Pennsylvania (Mr. Stevens), himself the chairman on the part of this House of that great committee on reconstruction, lead off in a discussion of this general subject, and thus invite all the rest of us who choose to follow him in the debate. In the remarks which he made in this body a few days since, he laid down, with the clearness and the force which characterize everything he says and does, his point of departure in commencing this great work. I had hoped that the ground he would lay down would be such that we could all of us stand upon it and co-operate with him in our common object. I feel constrained to say, sir—and do it without the slightest disposition to create or to exaggerate differences—that there were features in his exposition of the condition of the country with which I cannot concur. I cannot for myself start from precisely the point which he assumes.

In his remarks on that occasion he assumed that the States lately in rebellion were and are out of the Union. Throughout his speech—I will not trouble you with reading passages from it—I find him speaking of those States as “outside of the Union,” as “dead States,” as having forfeited all their rights and terminated their State existence. I find expressions still more definite and distinct; I find him stating that they “are and for four years have been out of the Union for all legal purposes”; as having been for four years a “separate power,” and “a separate nation.”

His position therefore is that these States, having been in rebellion, are now out of the Union, and are simply within the jurisdiction of the Constitution of the United States as so much territory to be dealt with precisely as the will of the conqueror, to use his own language, may dictate. Now, sir, if that position is correct, it prescribes for us one line of policy to be pursued very different from the one that will be proper if it is not correct. His belief is that what we have to do is to create new States out of this territory at the proper time—many years distant—retaining them meantime in a territorial condition, and subjecting them to precisely such a state of discipline and tutelage as Congress or the Government of the United States may see fit to prescribe. If I believed in the premises which he assumes, possibly, though I do not think probably, I might agree with the conclusion he has reached.

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But, sir, I cannot believe that this is our condition. I cannot believe that these States have ever been out of the Union, or that they are now out of the Union. I cannot believe that they ever have been, or are now, in any sense a separate Power. If they were, sir, how and when did they become so? They were once States of this Union—that every one concedes; bound to the Union and made members of the Union by the Constitution of the United States. If they ever went out of the Union it was at some specific time and by some specific act. I regret that the gentleman from Pennsylvania (Mr. Stevens) is not now in his seat. I should have been glad to ask him by what specific act, and at what precise time, any one of those States took itself out of the American Union. Was it by the ordinance of secession? I think we all agree that an ordinance of secession passed by any State of this Union is simply a nullity, because it encounters in its practical operation the Constitution of the United States, which is the supreme law of the land. It could have no legal, actual force or validity. It could not operate to effect any actual change in the relations of the State adopting it to the national Government, still less to accomplish the removal of that State from the sovereign jurisdiction of the Constitution of the United States.

Well, sir, did the resolutions of the States, the declarations of their officials, the speeches of members of their Legislatures, or the utterances of their press accomplish the result? Certainly not. They could not possibly work any change whatever in the relations of these States to the General Government. All their ordinances and all their resolutions were simply declarations of a purpose to secede. Their secession, if it ever took place, certainly could not date from the time when their intention to secede was first announced. After declaring that intention, they proceeded to carry it into effect. How? By war. By sustaining their purpose by arms against the force which the United States brought to bear against it. Did they sustain it? Were their arms victorious? If they were, then their secession was an accomplished fact. If not, it was nothing more than an abortive attempt—a purpose unfulfilled. This, then, is simply a question of fact, and we all know what the fact is. They did not succeed. They failed to maintain their ground by force of arms—in other words, they failed to secede.

But the gentleman from Pennsylvania (Mr. Stevens) insists that they did secede, and that this fact is not in the least affected by the other fact that the Constitution forbids secession. He says that the law forbids murder, but that murders are nevertheless committed. But there is no analogy between the two cases. If secession had been accomplished, if these States had gone out, and overcome the armies that tried to prevent their going out, then the prohibition of the Constitution could not have altered the fact.

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In the case of murder the man is killed, and murder is thus committed in spite of the law. The fact of killing is essential to the committal of the crime; and the fact of going out is essential to secession. But in this case there was no such fact. I think I need not argue any further the position that the rebel States have never for one moment, by any ordinances of secession, or by any successful war, carried themselves beyond the rightful jurisdiction of the Constitution of the United States. They have interrupted for a time the practical enforcement and exercise of that jurisdiction; they rendered it impossible for a time for this Government to enforce obedience to its laws; but there has never been an hour when this Government, or this Congress, or this House, or the gentleman from Pennsylvania himself, ever conceded that those States were beyond the jurisdiction of the Constitution and laws of the United States.

During all these four years of war Congress has been making laws for the government of those very States, and the gentleman from Pennsylvania has voted for them, and voted to raise armies to enforce them. Why was this done if they were a separate nation? Why, if they were not part of the United States? Those laws were made for them as States. Members have voted for laws imposing upon them direct taxes, which are apportioned, according to the Constitution, only “among the several States” according to their population. In a variety of ways—to some of which the gentleman’ who preceded me has referred—this Congress has, by its action, assumed and asserted that they were still States in the Union, though in rebellion, and that it was with the rebellion that we were making war, and not with the States themselves as States, and still less as a separate, as a foreign Power.

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Why, sir, if there be no constitution of any sort in a State, no law, nothing but chaos, then that State would no longer exist as an organization. But that has not been the case, it never is the case in great communities, for they always have constitutions and forms of government. It may not be a constitution or form of government adapted to its relation to the Government of the United States; and that would be an evil to be remedied by the Government of the United States. That is what we have been trying to do for the last four years. The practical relations of the governments of those States with the Government of the United States were all wrong—were hostile to that Government. They denied our jurisdiction, and they denied that they were States of the Union, but their denial did not change the fact; and there was never any time when their organizations as States were destroyed. A dead State is a solecism, a contradiction in terms, an impossibility.

These are, I confess, rather metaphysical distinctions, but I did not raise them. Those who assert that a State is destroyed whenever its constitution is changed, or whenever

its practical relations with this Government are changed, must be held responsible for whatever metaphysical niceties may be necessarily involved in the discussion.



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I do not know, sir, that I have made my views on this point clear to the gentleman from Pennsylvania (Mr. Kelley), who has questioned me upon it, and I am still more doubtful whether, even if they are intelligible, he will concur with me as to their justice. But I regard these States as just as truly within the jurisdiction of the Constitution, and therefore just as really and truly States of the American Union now as they were before the war. Their practical relations to the Constitution of the United States have been disturbed, and we have been endeavoring, through four years of war, to restore them and make them what they were before the war. The victory in the field has given us the means of doing this; we can now re-establish the practical relations of those States to the Government. Our actual jurisdiction over them, which they vainly attempted to throw off, is already restored. The conquest we have achieved is a conquest over the rebellion, not a conquest over the States whose authority the rebellion had for a time subverted.

For these reasons I think the views submitted by the gentleman from Pennsylvania (Mr. Stevens) upon this point are unsound. Let me next cite some of the consequences which, it seems to me, must follow the acceptance of his position. If, as he asserts, we have been waging war with an independent Power, with a separate nation, I cannot see how we can talk of treason in connection with our recent conflict, or demand the execution of Davis or anybody else as a traitor. Certainly if we were at war with any other foreign Power we should not talk of the treason of those who were opposed to us in the field. If we were engaged in a war with France and should take as prisoner the Emperor Napoleon, certainly we would not talk of him as a traitor or as liable to execution. I think that by adopting any such assumption as that of the honorable gentleman, we surrender the whole idea of treason and the punishment of traitors. I think, moreover, that we accept, virtually and practically, the doctrine of State sovereignty, the right of a State to withdraw from the Union, and to break up the Union at its own will and pleasure. I do not see how upon those premises we can escape that conclusion. If the States that engaged in the late rebellion constituted themselves, by their ordinances of secession or by any of the acts with which they followed those ordinances, a separate and independent Power, I do not see how we can deny the principles on which they professed to act, or refuse assent to their practical results. I have heard no clearer, no stronger statement of the doctrine of State sovereignty as paramount to the sovereignty of the nation than would be involved in such a concession. Whether he intended it or not, the gentleman from Pennsylvania (Mr. Stevens) actually assents to the extreme doctrines of the advocates of secession.

**THADDEUS STEVENS,**

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OF PENNSYLVANIA. (BORN 1792, DIED 1868.)

*On the first reconstruction bill;*

### HOUSE OF REPRESENTATIVES, JANUARY 3, 1867

**MR. SPEAKER:**

What are the great questions which now divide the nation? In the midst of the political Babel which has been produced by the intermingling of secessionists, rebels, pardoned traitors, hissing Copperheads, and apostate Republicans, such a confusion of tongues is heard that it is difficult to understand either the questions that are asked or the answers that are given. Ask what is the "President's policy," and it is difficult to define it. Ask what is the "policy of Congress," and the answer is not always at hand. A few moments may be profitably spent in seeking the meaning of each of these terms.

In this country the whole sovereignty rests with the people, and is exercised through their Representatives in Congress assembled. The legislative power is the sole guardian of that sovereignty. No other branch of the government, no other department, no other officer of the government, possesses one single particle of the sovereignty of the nation. No government official, from the President and Chief-Justice down, can do any one act which is not prescribed and directed by the legislative power. Suppose the government were now to be organized for the first time under the Constitution, and the President had been elected, and the judiciary appointed; what could either do until Congress passed laws to regulate their proceedings? What power would the President have over any one subject of government until Congress had legislated on that subject?

\* \* \* The President could not even create bureaus or departments to facilitate his executive operations. He must ask leave of Congress. Since, then, the President cannot enact, alter, or modify a single law; cannot even create a petty office within his own sphere of operations; if, in short, he is the mere servant of the people, who issue their commands to him through Congress, whence does he derive the constitutional power to create new States, to remodel old ones, to dictate organic laws, to fix the qualifications of voters, to declare that States are republican and entitled to command Congress, to admit their Representatives? To my mind it is either the most ignorant and shallow mistake of his duties, or the most brazen and impudent usurpation of power. It is claimed for him by some as commander-in-chief of the army and navy. How absurd that a mere executive officer should claim creative powers. Though commander-in-chief by the Constitution, he would have nothing to command, either by land or water until Congress raised both army and navy. Congress also prescribes the rules and regulations to govern the army; even that is not left to the Commander-in-chief.

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Though the President is commander-in-chief, Congress is his commander; and, God willing, he shall obey. He and his minions shall learn that this is not a government of kings and satraps, but a government of the people, and that Congress is the people. \* \*  
\* To reconstruct the nation, to admit new States, to guarantee republican governments to old States, are all legislative acts. The President claims the right to exercise them. Congress denies it, and asserts the right to belong to the legislative branch. They have determined to defend these rights against all usurpers. They have determined that, while in their keeping, the Constitution shall not be violated with impunity. This I take to be the great question between the President and Congress. He claims the right to reconstruct by his own power. Congress denies him all power in the matter except that of advice, and has determined to maintain such denial. "My policy" asserts full power in the Executive. The policy of Congress forbids him to exercise any power therein.

Beyond this I do not agree that the "policy" of the parties is defined. To be sure, many subordinate items of the policy of each may be easily sketched. The President \* \* \* desires that the traitors (having sternly executed that most important leader Ricketty Wirz, as a high example) should be exempt from further fine, imprisonment, forfeiture, exile, or capital punishment, and be declared entitled to all the rights of loyal citizens. He desires that the States created by him shall be acknowledged as valid States, while at the same time he inconsistently declares that the old rebel States are in full existence, and always have been, and have equal rights with the loyal States. He opposes the amendment to the Constitution which changes the basis of representation, and desires the old slave States to have the benefit of their increase of freemen without increasing the number of votes; in short, he desires to make the vote of one rebel in South Carolina equal to the votes of three freemen in Pennsylvania or New York. He is determined to force a solid rebel delegation into Congress from the South, which, together with Northern Copperheads, could at once control Congress and elect all future Presidents.

Congress refuses to treat the States created by him as of any validity, and denies that the old rebel States have any existence which gives them any rights under the Constitution. Congress insists on changing the basis of representation so as to put white voters on an equality in both sections, and that such change shall precede the admission of any State. \* \* \* Congress denies that any State lately in rebellion has any government or constitution known to the Constitution of the United States, or which can be recognized as a part of the Union. How, then, can such a State adopt the (XIIIth) amendment? To allow it would be yielding the whole question, and admitting the unimpaired rights of the seceded States. I know of no Republican who does not ridicule what Mr. Seward thought a cunning movement, in counting Virginia and other outlawed States among those which had adopted the constitutional amendment abolishing slavery.

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It is to be regretted that inconsiderate and incautious Republicans should ever have supposed that the slight amendments already proposed to the Constitution, even when incorporated into that instrument, would satisfy the reforms necessary for the security of the government. Unless the rebel States, before admission, should be made republican in spirit, and placed under the guardianship of loyal men, all our blood and treasure will have been spent in vain. \* \* \*

The law of last session with regard to Territories settled the principles of such acts. Impartial suffrage, both in electing the delegates and in ratifying their proceedings, is now the fixed rule. There is more reason why colored voters should be admitted in the rebel States than in the Territories. In the States they form the great mass of the loyal men. Possibly, with their aid, loyal governments may be established in most of those States. Without it all are sure to be ruled by traitors; and loyal men, black or white, will be oppressed, exiled, or murdered.

There are several good reasons for the passage of this bill. In the first place, it is just. I am now confining my argument to negro suffrage in the rebel States. Have not loyal blacks quite as good a right to choose rulers and make laws as rebel whites? In the second place, it is a necessity in order to protect the loyal white men in the seceded States. With them the blacks would act in a body; and it is believed then, in each of said States, except one, the two united would form a majority, control the States, and protect themselves. Now they are the victims of daily murder. They must suffer constant persecution or be exiled.

Another good reason is that it would insure the ascendancy of the Union party. "Do you avow the party purpose?" exclaims some horror-stricken demagogue. I do. For I believe, on my conscience, that on the continued ascendancy of that party depends the safety of this great nation. If impartial suffrage is excluded in the rebel States, then every one of them is sure to send a solid rebel representation to Congress, and cast a solid rebel electoral vote. They, with their kindred Copperheads of the North, would always elect the President and control Congress. While slavery sat upon her defiant throne, and insulted and intimidated the trembling North, the South frequently divided on questions of policy between Whigs and Democrats, and gave victory alternately to the sections. Now, you must divide them between loyalists, without regard to color, and disloyalists, or you will be the perpetual vassals of the free-trade, irritated, revengeful South. For these, among other reasons, I am for negro suffrage in every rebel State. If it be just, it should not be denied; if it be necessary, it should be adopted; if it be a punishment to traitors, they deserve it.

## VIII.—FREE TRADE AND PROTECTION.

The periods into which this series has been divided will furnish, perhaps, some key to the brief summary of tariff discussion in the United States which follows. For it is not at

all true that tariff discussion or decision has been isolated; on the contrary, it has influenced, and been influenced by, every other phase of the national development of the country.

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Bancroft has laid none too great stress on the influence of the English mercantile system in forcing the American Revolution, and on the attitude of the Revolution as an organized revolt against the English system. One of the first steps by which the Continental Congress asserted its claim to independent national action was the throwing open of American ports to the commerce of all nations—that is, to free trade. It should, however, be added that the extreme breadth of this liberality was due to the inability of Congress to impose any duties on imports; it had a choice only between absolute prohibition and absolute free trade, and it chose the latter. The States were not so limited. Both under the revolutionary Congress and under the Confederation they retained the entire duty power, and they showed no fondness for free trade. Commerce in general was light, and tariff receipts, even in the commercial States, were of no great importance; but, wherever it was possible, commercial regulations were framed in disregard of the free-trade principle. In order to retain the trade in firewood and vegetables within her own borders, New York, in 1787, even laid prohibitory duties on Connecticut and New Jersey boats; and retaliatory measures were begun by the two States attacked.

The Constitution gave to Congress, and forbade to the States, the power to regulate commerce. As soon as the Constitution came to be put into operation, the manner and objects of the regulation of commerce by Congress became a public question. Many other considerations were complicated with it. It was necessary for the United States to obtain a revenue, and this could most easily be done by a tariff of duties on imports. It was necessary for the Federalist majority to consider the party interests both in the agricultural States, which would object to protective duties, and in the States which demanded them. But the highest consideration in the mind of Hamilton and the most influential leaders of the party seems to have been the maintenance of the Union. The repulsive force of the States toward one another was still sufficiently strong to be an element of constant and recognized danger to the Union. One method of overcoming it, as a part of the whole Hamiltonian policy, was to foster the growth of manufactures as an interest entirely independent of State lines and dependent on the national government, which would throw its whole influence for the maintenance of the Union. This feeling runs through the speeches even of Madison, who prefaced his remarks by a declaration in favor of “a trade as free as the policy of nations would allow.” Protection, therefore, began in the United States as an instrument of national unity, without regard to national profit; and the argument in its favor would have been quite as strong as ever to the mind of a legislator who accepted every deduction as to the economic disadvantages of protection. Arguments for its economic advantages are not wanting;

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but they have no such form and consistency as those of subsequent periods. The result of the discussion was the tariff act of July 4, 1789, whose preamble stated one of its objects to be "the encouragement and protection of manufactures." Its average duty, however, was but about 8.5 per cent. It was followed by other acts, each increasing the rate of general duties, until, at the outbreak of the War of 1812, the general rate was about 21 per cent. The war added about 6 per cent, to this rate.

Growth toward democracy very commonly brings a curious bias toward protection, contrasted with the fundamental free-trade argument that a protective system and a system of slave labor have identical bases. The bias toward a pronounced protective system in the United States makes its appearance with the rise of democracy; and, after the War of 1812, is complicated with party interests. New England was still the citadel of Federalism. The war and its blockade had fostered manufactures in New England; and the manufacturing interest, looking to the Democratic party for protection, was a possible force to sap the foundations of the citadel. Dallas, of Pennsylvania, Secretary of the Treasury, prepared, and Calhoun carried through Congress, the tariff of 1816. It introduced several protective features, the "minimum" feature, by which the imported article was assumed to have cost at least a certain amount in calculating duties, and positive protection for cottons and woollens. The duties paid under this tariff were about 30 per cent. on all imports, or 33 per cent. on dutiable goods. In 1824 and 1828, under the lead of Clay, tariffs were adopted which made the tariff of duties still higher and more systematically protective; they touched high-water mark in 1830, being 40 per cent. on all imports, or 48.8 per cent. on dutiable goods. The influence of nullification in forcing through the compromise tariff of 1833, with its regular decrease of duties for ten years, has been stated in the first volume.

Under the workings of the compromise tariff there was a steady decrease in the rate on all imports, but not in the rate on dutiable goods, the comparison being 22 per cent. on total to 32 per cent. on dutiable for 1833, and 16 per cent. on total to 32 per cent. on dutiable for 1841. The conjunction of the increase in non-dutiable imports and the approach of free trade, with general financial distress, gave the Whigs success in the elections of 1840; and in 1841 they set about reviving protection. Unluckily for them, their chosen President, Harrison, was dead, and his successor, Tyler, a Democrat by nature, taken up for political reasons by the Whigs, was deaf to Whig eloquence on the subject of the tariff. After an unsuccessful effort to secure a high tariff and a distribution of the surplus among the States, the semi-protective tariff of 1842 became law. Its result for the next four years was that the rate on dutiable goods was altered very little, while the rate on total imports rose from 16 per cent. to 26 per cent. The return of the Democrats to power was marked by the passage of the revenue tariff of 1846, which lasted, with a slight further reduction of duties in 1857, until 1861. Under its operation the rates steadily decreased until, in 1861, they were 18.14 per cent, on dutiable goods, and 11.79 per cent. on total imports.



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The platform of the Republican party in the election of 1856 made no declaration for or against free trade or protection. The results of the election showed that the electoral votes of Pennsylvania and Illinois would have been sufficient to give the party a victory in 1856. Both party policy and a natural regard to its strong Whig membership dictated a return to the protective feature of the Whig policy. In March, 1860, Mr. Morrill introduced a protective tariff bill in the House of Representatives, and it passed that body; and, in June, the Republican National Convention adopted, as one of its resolutions, a declaration in favor of a protective system. The Democratic Senate postponed the Morrill bill until the following session. When it came up again for consideration, in February, 1861, conditions had changed very considerably. Seven States had seceded, taking off fourteen Senators opposed to the bill; and it was passed. It was signed by President Buchanan, March 2, 1861, and went into operation April 1, raising the rates to about 20 per cent. In August and in December, two other acts were passed, raising the rates still higher. These were followed by other increases, which ran the maximum up, in 1868, to 48 per cent. on dutiable goods, the highest rate from 1860 to date. It may be noted, however, that the rate of 1830—48.8 per cent. on dutiable goods—still retains its rank as the highest in our history.

The controlling necessity for ready money, to prevent the over-issue of bonds and green-backs, undoubtedly gained votes in Congress sufficient to sustain the policy of protection, as a means of putting the capital of the country into positions where it could be easily reached by internal-revenue taxation. This conjunction of internal revenue and protection proved a mutual support until the payment of the war debt had gone so far as to provoke the reaction. The Democratic National Convention of 1876 attacked the tariff system as a masterpiece of iniquity, but no distinct issue was made between the parties on this question. In 1880 and 1884, the Republican party was the one to force the issue of protection or free trade upon its opponent, but its opponent evaded it.

In 1884, both parties admit the necessity of a reduction in the rates of duties, if for no other reason, in order to reduce the surplus of Government receipts over expenditures, which is a constant stimulus to congressional extravagance. The Republican policy is in general to retain the principle of protection in the reduction; while the Democratic policy, so far as it is defined, is to deal as tenderly as possible with interests which have become vested under a protective system. What influence will be exerted by the present over-production and depression in business cannot, of course, be foretold; but the report of Mr. McCulloch, Secretary of the Treasury, in December, 1884, indicates an attempt to induce manufacturers to submit to an abandonment of protection, as a means of securing a decrease in cost of production, and a consequent foreign market for surplus product.



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In taking Clay's speech in 1832 as the representative statement of the argument for protection, the editor has consulted Professor Thompson, of the University of Pennsylvania, and has been guided by his advice. On the other side, the statement of Representative Hurd, in 1881, has been taken as, on the whole, the best summary of the free-trade argument. In both cases, the difficulty has been in the necessary exclusion of merely written arguments.

### **HENRY CLAY,**

**OF KENTUCKY. (BORN 1777, DIED 1852.)**

*On the American system;*

*In the united states senate, February 2-6, 1832.*

*The question which we are now called upon to determine, is not, whether we shall establish a new and doubtful system of policy, just proposed, and for the first time presented to our consideration, but whether we shall break down and destroy a long-established system, carefully and patiently built up and sanctioned, during a series of years, again and again, by the nation and its highest and most revered authorities. And are we not bound deliberately to consider whether we can proceed to this work of destruction without a violation of the public faith? The people of the United States have justly supposed that the policy of protecting their industry against foreign legislation and foreign industry was fully settled, not by a single act, but by repeated and deliberate acts of government, performed at distant and frequent intervals. In full confidence that the policy was firmly and unchangeably fixed, thousands upon thousands have invested their capital, purchased a vast amount of real and other estate, made permanent establishments, and accommodated their industry. Can we expose to utter and irretrievable ruin this countless multitude, without justly incurring the reproach of violating the national faith? \* \* \**

When gentlemen have succeeded in their design of an immediate or gradual destruction of the American system, what is their substitute? Free trade! The call for free trade is as unavailing, as the cry of a spoiled child in its nurse's arms, for the moon, or the stars that glitter in the firmament of heaven. It never has existed, it never will exist. Trade implies at least two parties. To be free, it should be fair, equal, and reciprocal. But if we throw our ports wide open to the admission of foreign productions, free of all duty, what ports of any other foreign nation shall we find open to the free admission of our surplus produce? We may break down all barriers to free trade on our part, but the work will not be complete until foreign powers shall have removed theirs. There would be freedom on one side, and restrictions, prohibitions, and exclusions on the other. The bolts and the bars and the chains of all other nations will remain undisturbed. It is, indeed, possible, that our industry and commerce would accommodate themselves to this

unequal and unjust state of things; for, such is the flexibility of our nature, that it bends itself to all circumstances. The wretched prisoner incarcerated in a jail, after a long time, becomes reconciled to his solitude, and regularly notches down the passing days of his confinement.

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Gentlemen deceive themselves. It is not free trade that they are recommending to our acceptance. It is, in effect, the British colonial system that we are invited to adopt; and, if their policy prevails, it will lead substantially to the recolonization of these States, under the commercial dominion of Great Britain. \* \* \*

I dislike this resort to authority, and especially foreign and interested authority, for the support of principles of public policy. I would greatly prefer to meet gentlemen upon the broad ground of fact, of experience, and of reason; but, since they will appeal to British names and authority, I feel myself compelled to imitate their bad example. Allow me to quote from the speech of a member of the British Parliament, bearing the same family name with my Lord Goderich, but whether or not a relation of his, I do not know. The member alluded to was arguing against the violation of the treaty of Methuen—that treaty not less fatal to the interests of Portugal than would be the system of gentlemen to the best interests of America,—and he went on to say:

“It was idle for us to endeavor to persuade other nations to join with us in adopting the principles of what was called ‘free trade.’ Other nations knew, as well as the noble lord opposite, and those who acted with him, what we meant by ‘free trade’ was nothing more nor less than, by means of the great advantages we enjoyed, to get a monopoly of all their markets for our manufactures, and to prevent them, one and all, from ever becoming manufacturing nations. When the system of reciprocity and free trade had been proposed to a French ambassador, his remark was, that the plan was excellent in theory, but, to make it fair in practice, it would be necessary to defer the attempt to put it in execution for half a century, until France should be on the same footing with Great Britain, in marine, in manufactures, in capital, and the many other peculiar advantages which it now enjoyed. The policy that France acted on was that of encouraging its native manufactures, and it was a wise policy; because, if it were freely to admit our manufactures, it would speedily be reduced to the rank of an agricultural nation, and therefore a poor nation, as all must be that depend exclusively upon agriculture. America acted, too, upon the same principle with France. America legislated for futurity—legislated for an increasing population. America, too, was prospering under this system. In twenty years, America would be independent of England for manufactures altogether. \* \* \* But since the peace, France, Germany, America, and all the other countries of the world, had proceeded upon the principle of encouraging and protecting native manufacturers.” \* \* \*

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I regret, Mr. President, that one topic has, I think, unnecessarily been introduced into this, debate. I allude to the charge brought against the manufacturing system, as favoring the growth of aristocracy. If it were true, would gentlemen prefer supporting foreign accumulations of wealth by that description of industry, rather than in their own country? But is it correct? The joint-stock companies of the North, as I understand them, are nothing more than associations, sometimes of hundreds, by means of which the small earnings of many are brought into a common stock, and the associates, obtaining corporate privileges, are enabled to prosecute, under one superintending head, their business to better advantage. Nothing can be more essentially democratic or better devised to counterpoise the influence of individual wealth. In Kentucky, almost every manufactory known to me is in the hands of enterprising and self-made men, who have acquired whatever wealth they possess by patient and diligent labor. Comparisons are odious, and but in defence would not be made by me. But is there more tendency to aristocracy in a manufactory, supporting hundreds of freemen, or in a cotton plantation, with its not less numerous slaves, sustaining perhaps only two white families—that of the master and the overseer?

I pass, with pleasure, from this disagreeable topic, to two general propositions which cover the entire ground of debate. The first is, that, under the operation of the American system, the objects which it protects and fosters are brought to the consumer at cheaper prices than they commanded prior to its introduction, or, than they would command if it did not exist. If that be true, ought not the country to be contented and satisfied with the system, unless the second proposition, which I mean presently also to consider, is unfounded? And that is, that the tendency of the system is to sustain, and that it has upheld, the prices of all our agricultural and other produce, including cotton.

And is the fact not indisputable that all essential objects of consumption affected by the tariff are cheaper and better since the act of 1824 than they were for several years prior to that law? I appeal for its truth to common observation, and to all practical men. I appeal to the farmer of the country whether he does not purchase on better terms his iron, salt, brown sugar, cotton goods, and woollens, for his laboring people? And I ask the cotton-planter if he has not been better and more cheaply supplied with his cotton-bagging? In regard to this latter article, the gentleman from South Carolina was mistaken in supposing that I complained that, under the existing duty, the Kentucky manufacturer could not compete with the Scotch. The Kentuckian furnishes a more substantial and a cheaper article, and at a more uniform and regular price. But it was the frauds, the violations of law, of which I did complain; not smuggling, in the common sense of that practice, which has something bold, daring, and enterprising in it, but mean, barefaced cheating, by fraudulent invoices and false denominations.

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I plant myself upon this fact, of cheapness and superiority, as upon impregnable ground. Gentlemen may tax their ingenuity, and produce a thousand speculative solutions of the fact, but the fact itself will remain undisturbed. Let us look into some particulars. The total consumption of bar-iron in the United States is supposed to be about 146,000 tons, of which 112,866 tons are made within the country, and the residue imported. The number of men employed in the manufacture is estimated at 29,254, and the total number of persons subsisted by it at 146,273. The measure of protection extended to this necessary article was never fully adequate until the passage of the act of 1828; and what has been the consequence? The annual increase of quantity since that period has been in a ratio of near twenty-five per centum, and the wholesale price of bar-iron in the Northern cities was, in 1828, \$105 per ton; in 1829, \$100; in 1830, \$90; and in 1831, from \$85 to \$75—constantly diminishing. We import very little English iron, and that which we do is very inferior, and only adapted to a few purposes. In instituting a comparison between that inferior article and our superior iron, subjects entirely different are compared. They are made by different processes. The English cannot make iron of equal quality to ours at a less price than we do. They have three classes, best-best, and best, and ordinary. It is the latter which is imported. Of the whole amount imported there is only about 4,000 tons of foreign iron that pays the high duty, the residue paying only a duty of about thirty per centum, estimated on the prices of the importation of 1829. Our iron ore is superior to that of Great Britain, yielding often from sixty to eighty per centum, while theirs produces only about twenty-five. This fact is so well known that I have heard of recent exportations of iron ore to England.

It has been alleged that bar-iron, being a raw material, ought to be admitted free, or with low duties, for the sake of the manufacturers themselves. But I take this to be the true principle: that if our country is producing a raw material of prime necessity, and with reasonable protection can produce it in sufficient quantity to supply our wants, that raw material ought to be protected, although it may be proper to protect the article also out of which it is manufactured. The tailor will ask protection for himself, but wishes it denied to the grower of wool and the manufacturer of broadcloth. The cotton-planter enjoys protection for the raw material, but does not desire it to be extended to the cotton manufacturer. The ship-builder will ask protection for navigation, but does not wish it extended to the essential articles which enter into the construction of his ship. Each in his proper vocation solicits protection, but would have it denied to all other interests which are supposed to come into collision with his.

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Now, the duty of the statesman is to elevate himself above these petty conflicts; calmly to survey all the various interests, and deliberately to proportion the measures of protection to each according to its nature and the general wants of society. It is quite possible that, in the degree of protection which has been afforded to the various workers in iron, there may be some error committed, although I have lately read an argument of much ability, proving that no injustice has really been done to them. If there be, it ought to be remedied.

The next article to which I would call the attention of the Senate, is that of cotton fabrics. The success of our manufacture of coarse cottons is generally admitted. It is demonstrated by the fact that they meet the cotton fabrics of other countries in foreign markets, and maintain a successful competition with them. There has been a gradual increase of the exports of this article, which is sent to Mexico and the South American republics, to the Mediterranean, and even to Asia. \* \* \*

I hold in my hand a statement, derived from the most authentic source, showing that the identical description of cotton cloth, which sold in 1817 at twenty-nine cents per yard, was sold in 1819 at twenty-one cents, in 1821 at nine-teen and a half cents, in 1823 at seventeen cents, in 1825 at fourteen and a half cents, in 1827 at thirteen cents, in 1829 at nine cents, in 1830 at nine and a half cents, and in 1831 at from ten and a half to eleven. Such is the wonderful effect of protection, competition, and improvement in skill, combined. The year 1829 was one of some suffering to this branch of industry, probably owing to the principle of competition being pushed too far. Hence we observe a small rise of the article of the next two years. The introduction of calico-printing into the United States, constitutes an important era in our manufacturing industry. It commenced about the year 1825, and has since made such astonishing advances, that the whole quantity now annually printed is but little short of forty millions of yards—about two thirds of our whole consumption. \* \* \*

In respect to woollens, every gentleman's own observation and experience will enable him to judge of the great reduction of price which has taken place in most of these articles since the tariff of 1824. It would have been still greater, but for the high duty on raw material, imposed for the particular benefit of the farming interest. But, without going into particular details, I shall limit myself to inviting the attention of the Senate to a single article of general and necessary use. The protection given to flannels in 1828 was fully adequate. It has enabled the American manufacturer to obtain complete possession of the American market; and now, let us look at the effect. I have before me a statement from a highly respectable mercantile house, showing the price of four descriptions of flannels during six years. The average price of them, in 1826,

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was thirty-eight and three quarter cents; in 1827, thirty-eight; in 1828 (the year of the tariff), forty-six; in 1829, thirty-six; in 1830, (notwithstanding the advance in the price of wool), thirty-two; and in 1831, thirty-two and one quarter. These facts require no comments. I have before me another statement of a practical and respectable man, well versed in the flannel manufacture in America and England, demonstrating that the cost of manufacture is precisely the same in both countries: and that, although a yard of flannel which would sell in England at fifteen cents would command here twenty-two, the difference of seven cents is the exact difference between the cost in the two countries of the six ounces of wool contained in a yard of flannel.

Brown sugar, during ten years, from 1792 to 1802, with a duty of one and a half cents per pound, averaged fourteen cents per pound. The same article, during ten years, from 1820 to 1830, with a duty of three cents, has averaged only eight cents per pound. Nails, with a duty of five cents per pound, are selling at six cents. Window-glass, eight by ten, prior to the tariff of 1824, sold at twelve or thirteen dollars per hundred feet; it now sells for three dollars and seventy-five cents. \* \* \*

This brings me to consider what I apprehend to have been the most efficient of all the causes in the reduction of the prices of manufactured articles, and that is *competition*. By competition the total amount of the supply is increased, and by increase of the supply a competition in the sale ensues, and this enables the consumer to buy at lower rates. Of all human powers operating on the affairs of mankind, none is greater than that of competition. It is action and reaction. It operates between individuals of the same nation, and between different nations. It resembles the meeting of the mountain torrent, grooving, by its precipitous motion, its own channel, and ocean's tide. Unopposed, it sweeps every thing before it; but, counterpoised, the waters become calm, safe, and regular. It is like the segments of a circle or an arch: taken separately, each is nothing; but in their combination they produce efficiency, symmetry, and perfection. By the American system this vast power has been excited in America, and brought into being to act in cooperation or collision with European industry. Europe acts within itself, and with America; and America acts within itself, and with Europe. The consequence is the reduction of prices in both hemispheres. Nor is it fair to argue from the reduction of prices in Europe to her own presumed skill and labor exclusively. We affect her prices, and she affects ours. This must always be the case, at least in reference to any articles as to which there is not a total non-intercourse; and if our industry, by diminishing the demand for her supplies, should produce a diminution in the price of those supplies, it would be very unfair to ascribe that reduction to her ingenuity, instead of placing it to the credit of our own skill and excited industry.



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Practical men understand very well this state of the case, whether they do or do not comprehend the causes which produce it. I have in my possession a letter from a respectable merchant, well known to me, in which he says, after complaining of the operation of the tariff of 1828, on the articles to which it applies, some of which he had imported, and that his purchases having been made in England before the passage of that tariff was known, it produced such an effect upon the English market that the articles could not be resold without loss, and he adds: "For it really appears that, when additional duties are laid upon an article, it then becomes lower instead of higher!" This would not probably happen where the supply of the foreign article did not exceed the home demand, unless upon the supposition of the increased duty having excited or stimulated the measure of the home production.

The great law of price is determined by supply and demand. What affects either affects the price. If the supply is increased, the demand remaining the same, the price declines; if the demand is increased, the supply remaining the same, the price advances; if both supply and demand are undiminished, the price is stationary, and the price is influenced exactly in proportion to the degree of disturbance to the demand or supply. It is, therefore, a great error to suppose that an existing or new duty necessarily becomes a component element to its exact amount of price. If the proportions of demand and supply are varied by the duty, either in augmenting the supply or diminishing the demand, or vice versa, the price is affected to the extent of that variation. But the duty never becomes an integral part of the price, except in the instances where the demand and the supply remain after the duty is imposed precisely what they were before, or the demand is increased, and the supply remains stationary.

Competition, therefore, wherever existing, whether at home or abroad, is the parent cause of cheapness. If a high duty excites production at home, and the quantity of the domestic article exceeds the amount which had been previously imported, the price will fall. \* \* \*

But it is argued that if, by the skill, experience, and perfection which we have acquired in certain branches of manufacture, they can be made as cheap as similar articles abroad, and enter fairly into competition with them, why not repeal the duties as to those articles? And why should we? Assuming the truth of the supposition, the foreign article would not be introduced in the regular course of trade, but would remain excluded by the possession of the home market, which the domestic article had obtained. The repeal, therefore, would have no legitimate effect. But might not the foreign article be imported in vast quantities, to glut our markets, break down our establishments, and ultimately to enable the foreigner to monopolize the supply of our consumption? America is the



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greatest foreign market for European manufactures. It is that to which European attention is constantly directed. If a great house becomes bankrupt there, its storehouses are emptied, and the goods are shipped to America, where, in consequence of our auctions, and our custom-house credits, the greatest facilities are afforded in the sale of them. Combinations among manufacturers might take place, or even the operations of foreign governments might be directed to the destruction of our establishments. A repeal, therefore, of one protecting duty, from some one or all of these causes, would be followed by flooding the country with the foreign fabric, surcharging the market, reducing the price, and a complete prostration of our manufactories; after which the foreigner would leisurely look about to indemnify himself in the increased prices which he would be enabled to command by his monopoly of the supply of our consumption. What American citizen, after the government had displayed this vacillating policy, would be again tempted to place the smallest confidence in the public faith, and adventure once more into this branch of industry?

Gentlemen have allowed to the manufacturing portions of the community no peace; they have been constantly threatened with the overthrow of the American system. From the year 1820, if not from 1816, down to this time, they have been held in a condition of constant alarm and insecurity. Nothing is more prejudicial to the great interests of a nation than an unsettled and varying policy. Although every appeal to the National Legislature has been responded to in conformity with the wishes and sentiments of the great majority of the people, measures of protection have only been carried by such small majorities as to excite hopes on the one hand, and fears on the other. Let the country breathe, let its vast resources be developed, let its energies be fully put forth, let it have tranquillity, and, my word for it, the degree of perfection in the arts which it will exhibit will be greater than that which has been presented, astonishing as our progress has been. Although some branches of our manufactures might, and in foreign markets now do, fearlessly contend with similar foreign fabrics, there are many others yet in their infancy, struggling with the difficulties which encompass them. We should look at the whole system, and recollect that time, when we contemplate the great movements of a nation, is very different from the short period which is allotted for the duration of individual life. The honorable gentleman from South Carolina well and eloquently said, in 1824: "No great interest of any country ever grew up in a day; no new branch of industry can become firmly and profitably established but in a long course of years; every thing, indeed, great or good, is matured by slow degrees; that which attains a speedy maturity is of small value, and is destined to brief existence. It is the order of Providence, that powers gradually developed, shall alone attain permanency and perfection. Thus must it be with our national institutions, and national character itself."

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I feel most sensibly, Mr. President, how much I have trespassed upon the Senate. My apology is a deep and deliberate conviction, that the great cause under debate involves the prosperity and the destiny of the Union. But the best requital I can make, for the friendly indulgence which has been extended to me by the Senate, and for which I shall ever retain sentiments of lasting gratitude, is to proceed with as little delay as practicable, to the conclusion of a discourse which has not been more tedious to the Senate than exhausting to me. I have now to consider the remaining of the two propositions which I have already announced. That is

Second, that under the operation of the American system, the products of our agriculture command a higher price than they would do without it, by the creation of a home market, and by the augmentation of wealth produced by manufacturing industry, which enlarges our powers of consumption both of domestic and foreign articles. The importance of the home market is among the established maxims which are universally recognized by all writers and all men. However some may differ as to the relative advantages of the foreign and the home market, none deny to the latter great value and high consideration. It is nearer to us; beyond the control of foreign legislation; and undisturbed by those vicissitudes to which all inter-national intercourse is more or less exposed. The most stupid are sensible of the benefit of a residence in the vicinity of a large manufactory, or of a market-town, of a good road, or of a navigable stream, which connects their farms with some great capital. If the pursuits of all men were perfectly the same, although they would be in possession of the greatest abundance of the particular products of their industry, they might, at the same time, be in extreme want of other necessary articles of human subsistence. The uniformity of the general occupation would preclude all exchange, all commerce. It is only in the diversity of the vocations of the members of a community that the means can be found for those salutary exchanges which conduce to the general prosperity. And the greater that diversity, the more extensive and the more animating is the circle of exchange. Even if foreign markets were freely and widely open to the reception of our agricultural produce, from its bulky nature, and the distance of the interior, and the dangers of the ocean, large portions of it could never profitably reach the foreign market. But let us quit this field of theory, clear as it is, and look at the practical operation of the system of protection, beginning with the most valuable staple of our agriculture.

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In considering this staple, the first circumstance that excites our surprise is the rapidity with which the amount of it has annually increased. Does not this fact, however, demonstrate that the cultivation of it could not have been so very unprofitable? If the business were ruinous, would more and more have annually engaged in it? The quantity in 1816 was eighty-one millions of pounds; in 1826, two hundred and four millions; and in 1830, near three hundred millions! The ground of greatest surprise is that it has been able to sustain even its present price with such an enormous augmentation of quantity. It could not have been done but for the combined operation of three causes, by which the consumption of cotton fabrics has been greatly extended in consequence of their reduced prices: first, competition; second, the improvement of labor-saving machinery; and thirdly, the low price of the raw material. The crop of 1819, amounting to eighty-eight millions of pounds, produced twenty-one millions of dollars; the crop of 1823, when the amount was swelled to one hundred and seventy-four millions (almost double of that of 1819), produced a less sum by more than half a million of dollars; and the crop of 1824, amounting to thirty millions of pounds less than that of the preceding year, produced a million and a half of dollars more.

If there be any foundation for the established law of price, supply, and demand, ought not the fact of this great increase of the supply to account satisfactorily for the alleged low price of cotton? \* \* \*

Let us suppose that the home demand for cotton, which has been created by the American system, should cease, and that the two hundred thousand bales which the home market now absorbs were now thrown into the glutted markets of foreign countries; would not the effect inevitably be to produce a further and great reduction in the price of the article? If there be any truth in the facts and principles which I have before stated and endeavored to illustrate, it cannot be doubted that the existence of American manufactures has tended to increase the demand and extend the consumption of the raw material; and that, but for this increased demand, the price of the article would have fallen possibly one half lower than it now is. The error of the opposite argument is in assuming one thing, which being denied, the whole fails—that is, it assumes that the whole labor of the United States would be profitably employed without manufactures. Now, the truth is that the system excites and creates labor, and this labor creates wealth, and this new wealth communicates additional ability to consume, which acts on all the objects contributing to human comfort and enjoyment. The amount of cotton imported into the two ports of Boston and Providence alone during the last year (and it was imported exclusively for the home manufacture) was 109,517 bales.

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On passing from that article to others of our agricultural productions, we shall find not less gratifying facts. The total quantity of flour imported into Boston, during the same year, was 284,504 barrels, and 3,955 half barrels; of which, there were from Virginia, Georgetown, and Alexandria, 114,222 barrels; of Indian corn, 681,131 bushels; of oats, 239,809 bushels; of rye, about 50,000 bushels; and of shorts, 63,489 bushels; into the port of Providence, 71,369 barrels of flour; 216,662 bushels of Indian corn, and 7,772 bushels of rye. And there were discharged at the port of Philadelphia, 420,353 bushels of Indian corn, 201,878 bushels of wheat, and 110,557 bushels of rye and barley. There were slaughtered in Boston during the same year, 1831, (the only Northern city from which I have obtained returns,) 33,922 beef cattle; 15,400 calves; 84,453 sheep, and 26,871 swine. It is confidently believed that there is not a less quantity of Southern flour consumed at the North than eight hundred thousand barrels, a greater amount, probably, than is shipped to all the foreign markets of the world together.

What would be the condition of the farming country of the United States—of all that portion which lies north, east, and west of James River, including a large part of North Carolina—if a home market did not exist for this immense amount of agricultural produce. Without that market, where could it be sold? In foreign markets? If their restrictive laws did not exist, their capacity would not enable them to purchase and consume this vast addition to their present supplies, which must be thrown in, or thrown away, but for the home market. But their laws exclude us from their markets. I shall content myself by calling the attention of the Senate to Great Britain only. The duties in the ports of the united kingdom on bread-stuffs are prohibitory, except in times of dearth. On rice, the duty is fifteen shillings sterling per hundred weight, being more than one hundred per centum. On manufactured tobacco it is nine shillings sterling per pound, or about two thousand per centum. On leaf tobacco three shillings per pound, or one thousand two hundred per centum. On lumber, and some other articles, they are from four hundred to fifteen hundred per centum more than on similar articles imported from British colonies. In the British West Indies the duty on beef, pork, hams, and bacon, is twelve shillings sterling per hundred, more than one hundred per centum on the first cost of beef and pork in the Western States. And yet Great Britain is the power in whose behalf we are called upon to legislate, so that we may enable her to purchase our cotton. Great Britain, that thinks only of herself in her own legislation! When have we experienced justice, much less favor, at her hands? When did she shape her legislation with reference to the interests of any foreign power? She is a great, opulent, and powerful nation; but haughty, arrogant, and supercilious; not more separated

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from the rest of the world by the sea that girts her island, than she is separated in feeling, sympathy, or friendly consideration of their welfare. Gentlemen, in supposing it impracticable that we should successfully compete with her in manufactures, do injustice to the skill and enterprise of their own country. Gallant as Great Britain undoubtedly is, we have gloriously contended with her, man to man, gun to gun, ship to ship, fleet to fleet, and army to army. And I have no doubt we are destined to achieve equal success in the more useful, if not nobler, contest for superiority in the arts of civil life.

I could extend and dwell on the long list of articles—the hemp, iron, lead, coal, and other items—for which a demand is created in the home market by the operation of the American system; but I should exhaust the patience of the Senate. Where, where should we find a market for all these articles, if it did not exist at home? What would be the condition of the largest portion of our people, and of the territory, if this home market were annihilated? How could they be supplied with objects of prime necessity? What would not be the certain and inevitable decline in the price of all these articles, but for the home market? And allow me, Mr. President, to say, that of all the agricultural parts of the United States which are benefited by the operation of this system, none are equally so with those which border the Chesapeake Bay, the lower parts of North Carolina, Virginia, and the two shores of Mary-land. Their facilities of transportation, and proximity to the North, give them decided advantages.

But if all this reasoning were totally fallacious; if the price of manufactured articles were really higher, under the American system, than without it, I should still argue that high or low prices were themselves relative—relative to the ability to pay them. It is in vain to tempt, to tantalize us with the lower prices of European fabrics than our own, if we have nothing wherewith to purchase them. If, by the home exchanges, we can be supplied with necessary, even if they are dearer and worse, articles of American production than the foreign, it is better than not to be supplied at all. And how would the large portion of our country, which I have described, be supplied, but for the home exchanges? A poor people, destitute of wealth or of exchangeable commodities, have nothing to purchase foreign fabrics with. To them they are equally beyond their reach, whether their cost be a dollar or a guinea. It is in this view of the matter that Great Britain, by her vast wealth, her excited and protected industry, is enabled to bear a burden of taxation, which, when compared to that of other nations, appears enormous; but which, when her immense riches are compared to theirs, is light and trivial. The gentleman from South Carolina has drawn a lively and flattering picture of our coasts, bays, rivers, and harbors; and he argues

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that these proclaimed the design of Providence that we should be a commercial people. I agree with him. We differ only as to the means. He would cherish the foreign, and neglect the internal, trade. I would foster both. What is navigation without ships, or ships without cargoes? By penetrating the bosoms of our mountains, and extracting from them their precious treasures; by cultivating the earth, and securing a home market for its rich and abundant products; by employing the water power with which we are blessed; by stimulating and protecting our native industry, in all its forms; we shall but nourish and promote the prosperity of commerce, foreign and domestic.

I have hitherto considered the question in reference only to a state of peace; but who can tell when the storm of war shall again break forth? Have we forgotten so soon the privations to which not merely our brave soldiers and our gallant tars were subjected, but the whole community, during the last war, for the want of absolute necessities? To what an enormous price they rose! And how inadequate the supply was, at any price! The states-man who justly elevates his views will look behind as well as forward, and at the existing state of things; and he will graduate the policy which he recommends to all the probable exigencies which may arise in the republic. Taking this comprehensive range, it would be easy to show that the higher prices of peace, if prices were higher in peace, were more than compensated by the lower prices of war, during which supplies of all essential articles are indispensable to its vigorous, effectual, and glorious prosecution. I conclude this part of the argument with the hope that my humble exertions have not been altogether unsuccessful in showing:

First, that the policy which we have been considering ought to continue to be regarded as the genuine American system.

Secondly, that the free-trade system, which is proposed as its substitute, ought really to be considered as the British colonial system.

Thirdly, that the American system is beneficial to all parts of the Union, and absolutely necessary to much the larger portion.

Fourthly, that the price of the great staple of cotton, and of all our chief productions of agriculture, has been sustained and upheld, and a decline averted, by the protective system.

Fifthly, that if the foreign demand for cotton has been at all diminished, the diminution has been more than compensated in the additional demand created at home.

Sixthly, that the constant tendency of the system, by creating competition among ourselves, and between American and European industry, reciprocally acting upon each other, is to reduce prices of manufactured objects.



Seventhly, that, in point of fact, objects within the scope of the policy of protection have greatly fallen in price.

Eighthly, that if, in a season of peace, these benefits are experienced, in a season of war, when the foreign supply might be cut off, they would be much more extensively felt.



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Ninthly, and finally, that the substitution of the British colonial system for the American system, without benefiting any section of the Union, by subjecting us to a foreign legislation, regulated by foreign interests, would lead to the prostration of our manufactories, general impoverishment, and ultimate ruin. \* \* \* The danger of our Union does not lie on the side of persistence in the American system, but on that of its abandonment. If, as I have supposed and believe, the inhabitants of all north and east of James River, and all west of the mountains, including Louisiana, are deeply interested in the preservation of that system, would they be reconciled to its overthrow? Can it be expected that two thirds, if not three fourths, of the people of the United States would consent to the destruction of a policy, believed to be indispensably necessary to their prosperity? When, too, the sacrifice is made at the instance of a single interest, which they verily believe will not be promoted by it? In estimating the degree of peril which may be incident to two opposite courses of human policy, the statesman would be short-sighted who should content himself with viewing only the evils, real or imaginary, which belong to that course which is in practical operation. He should lift himself up to the contemplation of those greater and more certain dangers which might inevitably attend the adoption of the alternative course. What would be the condition of this Union, if Pennsylvania and New York, those mammoth members of our Confederacy, were firmly persuaded that their industry was paralyzed, and their prosperity blighted, by the enforcement of the British colonial system, under the delusive name of free trade? They are now tranquil and happy and contented, conscious of their welfare, and feeling a salutary and rapid circulation of the products of home manufactures and home industry, throughout all their great arteries. But let that be checked, let them feel that a foreign system is to predominate, and the sources of their subsistence and comfort dried up; let New England and the West, and the Middle States, all feel that they too are the victims of a mistaken policy, and let these vast portions of our country despair of any favorable change, and then indeed might we tremble for the continuance and safety of this Union!

And need I remind you, sir, that this dereliction of the duty of protecting our domestic industry, and abandonment of it to the fate of foreign legislation, would be directly at war with leading considerations which prompted the adoption of the present Constitution? The States respectively surrendered to the general government the whole power of laying imposts on foreign goods. They stripped themselves of all power to protect their own manufactures by the most efficacious means of encouragement—the imposition of duties on rival foreign fabrics. Did they create that great trust, did they voluntarily subject themselves to this self-restriction, that the power should remain in the Federal government inactive, unexecuted, and lifeless? Mr. Madison, at the commencement of the government, told you otherwise. In discussing at that early period this very subject, he declared that a failure to exercise this power would be a “fraud” upon the Northern States, to which may now be added the Middle and Western States.



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[Governor Miller asked to what expression of Mr. Madison's opinion Mr. Clay referred; and Mr. Clay replied, his opinion, expressed in the House of Representatives in 1789, as reported in Lloyd's Congressional Debates.]

Gentlemen are greatly deceived as to the hold which this system has in the affections of the people of the United States. They represent that it is the policy of New England, and that she is most benefited by it. If there be any part of this Union which has been most steady, most unanimous, and most determined in its support, it is Pennsylvania. Why is not that powerful State attacked? Why pass her over, and aim the blow at New England? New England came reluctantly into the policy. In 1824, a majority of her delegation was opposed to it. From the largest State of New England there was but a solitary vote in favor of the bill. That interesting people can readily accommodate their industry to any policy, provided it be settled. They supposed this was fixed, and they submitted to the decrees of government. And the progress of public opinion has kept pace with the developments of the benefits of the system. Now, all New England, at least in this House (with the exception of one small still voice), is in favor of the system. In 1824, all Maryland was against it; now the majority is for it. Then, Louisiana, with one exception, was opposed to it; now, without any exception, she is in favor of it. The march of public sentiment is to the South. Virginia will be the next convert; and in less than seven years, if there be no obstacles from political causes, or prejudices industriously instilled, the majority of Eastern Virginia will be, as the majority of Western Virginia now is, in favor of the American system. North Carolina will follow later, but not less certainly. Eastern Tennessee is now in favor of the system. And, finally, its doctrines will pervade the whole Union, and the wonder will be, that they ever should have been opposed.

**FRANK H. HURD,**

**OF OHIO. (BORN 1841, DIED 1896.)**

*A tariff for revenue only;*

*House of representatives, February 18, 1881.*

**MR. CHAIRMAN:**

At the very threshold it is proper to define the terms I shall use and state the exact propositions I purpose to maintain. A tariff is a tax upon imported goods. Like other taxes which are levied, it should be imposed only to raise revenue for the government. It is true that incidental protection to some industries will occur when the duty is placed upon articles which may enter into competition with those of domestic manufacture. I do not propose to discuss now how this incidental protection shall be distributed. This

will be a subsequent consideration when the preliminary question has been settled as to what shall be the

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nature of the tariff itself. The present tariff imposes duties upon nearly four thousand articles, and was levied and is defended upon the ground that American industries should be protected. Thus protection has been made the object; revenue the incident. Indeed, in many cases the duty is so high that no revenue whatever is raised for the government, and in nearly all so high that much less revenue is collected than might be realized. So true is this that, if the present tariff were changed so as to make it thereby a revenue tariff, one fifth at least could be added to the receipts of the Treasury from imports. Whenever I use the phrase free trade or free trader, I mean either a tariff for revenue only or one who advocates it.

So far as a tariff for revenue is concerned, I do not oppose it, even though it may contain some objectionable incidental protection. The necessities of the government require large revenues, and it is not proposed to interfere with a tariff so long as it is levied to produce them; but, to a tariff levied for protection in itself and for its own sake, I do object. I therefore oppose the present tariff, and the whole doctrine by which it is attempted to be justified. I make war against all its protective features, and insist that the laws which contain them shall be amended, so that out of the importations upon which the duty is levied the greatest possible revenue for the government may be obtained.

What, then, is the theory of protection? It is based upon the idea that foreign produce imported into this country will enter into competition with domestic products and undersell them in the home market, thus crippling if not destroying domestic production. To prevent this, the price of the foreign goods in the home market is increased so as to keep them out of the country altogether, or to place the foreigner, in the cost of production, upon the same footing as the American producer. This is proposed to be done by levying a duty upon the foreign importation. If it be so high that the importer cannot pay it and sell the goods at a profit, the facilities of production between this and other countries are said to be equalized, and the American producer is said to be protected. It will be seen, therefore, that protection means the increase of price. Without it the fabric has no foundation on which to rest. If the foreign goods are still imported, the importer adds the duty paid to the selling price. If he cannot import with profit, the American producer raises his price to a point always below that at which the foreign goods could be profitably brought into the country, and controls the market. In either event, there is an increase of price of the products sought to be protected. The bald proposition therefore is that American industries can and ought to be protected by increasing the prices of the products of such industries.

There are three popular opinions, industriously cultivated and strengthened by adroit advocates, upon which the whole system rests, and to which appeals are ever confidently made. These opinions are erroneous, and lead to false conclusions, and should be first considered in every discussion of this question.

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The first is, that the balance of trade is in our favor when our exportations exceed our importations. Upon this theory it is argued that it cannot be unwise to put restrictions upon importations, for they say that at one and the same time you give protection to our industries and keep the balance of trade in our favor. But the slightest investigation will show that this proposition cannot be maintained. A single illustration, often repeated, but never old in this discussion, will demonstrate it. Let a ship set sail from Portland, Maine, with a cargo of staves registered at the port of departure as worth \$5,000. They are carried to the West India Islands, where staves are in demand, and exchanged for sugar or molasses. The ship returns, and after duty paid the owner sells his sugar and molasses at a profit of \$5,000. Here more has been imported than exported. Upon this transaction the protectionist would say that the balance of trade was against us \$5,000; the free trader says that the sum represents the profit to the shipper upon his traffic, and the true balance in our favor.

Suppose that after it has set sail the vessel with its cargo had been lost. In such case five thousand dollars' worth of goods would have been exported, with no importation against it. The exportation has exceeded the importation that sum. Is not the balance of trade, according to the protection theory, to that amount in our favor? Then let the protectionist turn pirate and scuttle and sink all the vessels laden with our exports, and soon the balance of trade in our favor will be large enough to satisfy even most advocates of the American protective system. The true theory is that in commerce the overplus of the importation above the exportation represents the profit accruing to the country. This overplus, deducting the expenses, is real wealth added to the land. Push the two theories to their last position and the true one will be clearly seen. Export every thing, import nothing, though the balance of trade may be said to be overwhelmingly in our favor, there is poverty, scarcity, death. Import every thing, export nothing, we then will have in addition to our own all the wealth of the world in our possession.

Secondly, it is said that a nation should be independent of foreign nations, lest in time of war it might find itself helpless or defenceless. Free trade, it is charged, makes a people dependent upon foreigners. But traffic is exchange. Foreign products do not come into a country unless domestic products go out. This dependence, therefore, is mutual. By trade with foreign nations they are as dependent upon us as we upon them, and in the event of a disturbance of peace the nation with which we would be at war would lose just as much as we would lose, and both as to the war would in that regard stand upon terms of equality. It must not be forgotten that the obstruction of trade between nations is one of the greatest occasions of war. It frequently gives

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rise to misunderstandings which result in serious conflicts. By removing these obstacles and making trade as free as possible, nations are brought closer together, the interests of their people become intermingled, business associations are formed between them, which go far to keep down national dispute, and prevent the wars in which the dependent nation is said to be so helpless. Japan and China have for centuries practised the protective theory of independence of foreigners, and yet, in a war with other nations, they would be the most helpless people in the world. That nation is the most independent which knows most of, and trades most with, the world, and by such knowledge and trade is able to avail itself of the products of the skill, intellect, and genius of all the nations of the earth.

A third erroneous impression sought to be made upon the public mind is that whatever increases the amount of labor in a country is a benefit to it. Protection, it is argued, will increase the amount of labor, and therefore will increase a country's prosperity. The error in this proposition lies in mistaking the true nature of labor. It regards it as the end, not as the means to an end. Men do not labor merely for the sake of labor, but that out of its products they may derive support and comfort for themselves and those dependent upon them. The result, therefore, does not depend upon the amount of labor done, but upon the value of the product. That country, therefore, is the most prosperous which enables the laborer to obtain the greatest possible value for the product of his toil, not that which imposes the greatest labor upon him. If this were not the case men were better off before the appliances of steam as motive power were discovered, or railroads were built, or the telegraph was invented. The man who invents a labor-saving machine is a public enemy; and he would be a public benefactor who would restore the good old times when the farmer never had a leisure day, and the sun never set on the toil of the mechanic. No, Mr. Chairman, it is the desire of every laborer to get the maximum of result from the minimum of effort. That system, therefore, can be of no advantage to him which, while it gives him employment, robs him of its fruits. This, it will be seen, protection does, while free trade, giving him unrestricted control of the product of his labor, enables him to get the fullest value for it in markets of his own selection.

The protectionist, relying upon the propositions I have thus hurriedly discussed, urges many specious reasons for his system, to a few of which only do I intend to call attention to-day.

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In the first place, it is urged that protection will develop the resources of a country, which without it would remain undeveloped. Of course this, to be of advantage to a country, must be a general aggregate increase of development, for if it be an increase of some resources as a result of diminution in others, the people as a whole can be no better off after protection than before. But the general resources cannot be increased by a tariff. There can only be such an increase by an addition to the disposable capital of the country to be applied to the development of resources. But legislation cannot make this. If it could it would only be necessary to enact laws indefinitely to increase capital indefinitely. But, if any legislation could accomplish this, it would not be protective legislation. As already shown, the theory of protection is to make prices higher, in order to make business profitable. This necessarily increases the expense of production, which keeps foreign capital away, because it can be employed in the protected industries more profitably elsewhere. The domestic capital, therefore, must be relied upon for the proposed development. As legislation cannot increase that capital, if it be tempted by the higher prices to the business protected, it must be taken from some other business or investment. If there are more workers in factories there will be fewer artisans. If there are more workers in shops there will be fewer farmers. If there are more in the towns there will be fewer in the country. The only effect of protection, therefore, in this point of view, can be to take capital from some employment to put it into another, that the aggregate disposable capital cannot be increased, nor the aggregate development of the resources of a country be greater with a tariff than without.

But, secondly, it is said that protection increases the number of industries, thereby diversifying labor and making a variety in the occupations of a people who otherwise might be confined to a single branch of employment. This argument proceeds upon the assumption that there would be no diversification of labor without protection. In other words, it is assumed that but for protection our people would devote themselves to agriculture. This, however, is not true. Even if a community were purely agricultural, the necessities of the situation would make diversification of industry. There must be blacksmiths, and shoemakers, and millers, and merchants, and carpenters, and other artisans. To each one of these employments, as population increases, more and more will devote themselves, and with each year new demands will spring up, which will create new industries to supply them. I was born in the midst of a splendid farming country. The business of nine tenths of the people of my native county was farming. My intelligent boyhood was spent there from 1850 to 1860, when there was no tariff for protection. There were thriving towns for the general trading.

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There were woollen mills and operatives. There were flouring mills and millers. There were iron foundries and their employees. There were artisans of every description. There were grocers and merchants, with every variety of goods and wares for sale; there were banks and bankers; there was all the diversification of industry that a thriving, industrious, and intelligent community required; not established by protection nor by government aid, but growing naturally out of the wants and necessities of the people. Such a diversification is always healthful, because it is natural, and will continue so long as the people are industrious and thrifty. The diversification which protection makes is forced and artificial. Suppose protection had come to my native county to further diversify industries. It would have begun by giving higher prices to some industry already established, or profits greater than the average rate to some new industry which it would have started. This would have disturbed the natural order. It would necessarily have embarrassed some interests to help the protected ones. The loss in the most favorable view would have been equal to the gain, and besides trade would inevitably have been annoyed by the obstruction of its natural channels.

The worst feature of this kind of diversified industry is that the protected ones never willingly give up the government aid. They shudder at competition as a child at a ghost. As soon as the markets seem against them, they rush to Congress for further help. They are never content with the protection they have; they are always eager for more. In this dependence upon the government bounty the persons protected learn to distrust themselves; and protection therefore inevitably destroys that manly, sturdy spirit of individuality and independence which should characterize the successful American business man.

Thirdly, it is said that protection gives increased employment to labor and enhances the wages of workingmen. For a long time no position was more strenuously insisted upon by the advocates of the protective system than that the wages of labor would be increased under it. At this point in the discussion I shall only undertake to show that it is impossible that protection should produce this result. What determines the amount of wages paid? Some maintain that it is the amount of the wage fund existing at the time that the labor is done. Under this theory it is claimed that, at any given time, there is a certain amount of capital to be applied to the payment of wages, as certain and fixed as though its amount had been determined in advance. Others maintain that the amount of wages is fixed by what the laborer makes, or, in other words, by the product of his work, and that, therefore, his wage is determined by the efficiency of his labor alone. Both these views are partly true. The wages of the laborer are undoubtedly determined by the efficiency of his work, but the aggregate amount paid for labor cannot exceed the amount properly chargeable to the wage fund without in a little time diminishing the profits of production and ultimately the quantity of labor employed.'



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But, whichever theory be true, it is clear that protection can add nothing to the amount of wages. It cannot increase the amount of capital applicable to the payment of wages, unless it can be shown that the aggregate capital of a country can be increased by legislation; nor can it add to the efficiency of labor, for that depends upon individual effort exclusively. A man who makes little in a day now may in a year make much more in the same time; his labor has become more efficient. Whether this shall be done depends on the taste, temperament, application, aptitude, and skill of the individual. No one will pretend that protection can increase the aggregate of these qualities in the labor of the country. The result is that it is impossible for protection, either by adding to the wage fund or by increasing the efficiency of labor, to enhance the wages of laboring men, a theory which I shall shortly show is incontrovertibly established by the facts.

I will now, Mr. Chairman, briefly present a few of the principal objections to a tariff for protection. As has been shown, the basis of protection is an increase in the price of the protected products. Who pays this increased price? I shall not stop now to consider the argument often urged that it is paid by the foreign producer, because it can be easily shown to the contrary by every one's experience. I shall for this argument assume it as demonstrated that the increase of price which protection makes is paid by the consumer. This suggests the first great objection to protection, that it compels the consumer to pay more for goods than they are really worth, ostensibly to help the business of a producer. Now consumers constitute the vast majority of the people. The producers of protected articles are few in comparison with them. It is true that most men are both producers and consumers. But, for the great majority, there is little or no protection for what they produce, but large protection for what they consume. The tariff is principally levied upon woollen goods, lumber, furniture, stoves and other manufactured articles of iron, and upon sugar and salt. The necessities of life are weighted with the burden. It is out of the necessities of the people, therefore, that the money is realized to support the protective system. I say, Mr. Chairman, that it is beyond the sphere of true governmental power to tax one man to help the business of another. It is, by power, taking money from one to give it to another. This is robbery, nothing more nor less. When a man earns a dollar it is his own; and no power of reasoning can justify the legislative power in taking it from him except for the uses of the government.



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Yet, Mr. Chairman, the present tariff takes hundreds of millions of dollars every year from the farmer, the laborer, and other consumers, under the claim of enriching the manufacturer. It may not be much for each one to contribute, yet in the aggregate it is an enormous sum. For many, too, it is very much. The statistics will show that every head of a family who receives four hundred dollars a year in wages pays at least one hundred dollars on account of protection. Put such a tax on all incomes and the country would be in a ferment of excitement until it was removed. But it is upon the poor and lowly that the tax is placed, and their voices are not often heard in shaping the policies of tariff legislation. I repeat, the product of one's labor is his own. It is his highest right, subject only to the necessities of the government, to do with it as he pleases. Protection invades, destroys that right. It ought to be destroyed, until every American freeman can spend his money where it will be of the most service to him.

To illustrate the cost of protection to the consumer, consider its operation in increasing the price of two or three of the leading articles protected. Take paper for example. The duty on that commodity is twenty per cent. ad valorem. Most of the articles which enter into its manufacture or are required in the process of making it are increased in price by protection. The result is that the price of paper to the consumer is increased nearly fifteen per cent.; that is, if the tariff were taken off paper and the articles used in its manufacture, paper would be fifteen per cent. cheaper to the buyer. The paper-mills for five years have produced nearly one hundred millions of dollars' worth of paper a year. The consumers have been compelled to pay fifteen millions a year to the manufacturer more than the paper could have been bought for without the tariff. In five years this has amounted to \$75,000,000, an immense sum paid to protection. It is a tax upon books and newspapers; it is a tax upon intelligence; it is a premium upon ignorance. So heavy had the burden of this tax become that every newspaper man in the district I have the honor to represent has appealed to Congress to take the duty off. The government has derived little revenue from the paper duty. It has gone almost entirely to the manufacturer, who himself has not been benefited as anticipated, as will presently be seen. These burdens have been imposed to protect the paper manufacturer against the foreigner, in face of the confident prediction made by one of the most experienced paper men in the country, that if all protection were taken off paper and the material used in its manufacture, the manufacturer would be able to successfully compete with the foreigner in nearly every desirable market in the world.

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Take blankets also for example. The tariff on coarse blankets is nearly one hundred per cent. ad valorem. They can be bought in most of the markets of the world for two dollars a pair. Yet our poor, who use the most of that grade of blankets, are compelled to pay about four dollars a pair. The government derives little revenue from it, as the importation of these blankets for years has been trifling. This tax has been a heavy burden upon the poor during this severe winter, a tax running into the millions to support protection. Heaven save a country from a system which begrudges to the shivering poor the blankets to make them comfortable in the winter and the cold!

Secondly, protection has diminished the income of the laborer from his wages. The first factor in the ascertainment of the value of wages is their purchasing power, or how much can be bought with them. If in one country the wages are five dollars a day and in another only one dollar, if the laborer can in the one country with the one dollar, purchase more of the necessary articles required in daily consumption, he, in fact, is better paid than the former in the other who gets five dollars a day. Admit for a moment that protection raises the wages of the laborer, it also raises the price of nearly all the necessities of life, and what he makes in wages he more than loses in the increase of prices of what he is obliged to buy. As already stated, a head of a family who earns \$400 per year is compelled to pay \$100 more for what he needs, on account of protection. What difference is it to him whether the \$100 are taken out of his wages before they are paid, or taken from him afterward in the increased price of articles he cannot get along without? In both cases he really receives only \$300 for his year's labor. The statistics show that the average increased cost of twelve articles most required in daily consumption in 1874 over 1860 was ninety-two per cent., while the average increase of wages of eight artisans, cabinet-makers, coopers, carpenters, painters, shoemakers, tail-ors, tanners, and tinsmiths, was only sixty per cent., demonstrating that the purchasing power of labor had under protection in thirteen years depreciated 19.5 per cent. But protection has not even raised the nominal wages in most of the unprotected industries. I find that the wages of the farm hand, the day laborer, and the ordinary artisan are in most places now no higher than they were in 1860.

But it is confidently asserted that the wages of laborers in the protected industries are higher because of protection. Admit it. I have not the figures for 1880, but in 1870 there were not 500,000 of them; but of the laborers in other industries there were 12,000,000, exclusive of those in agriculture, who were 6,000,000 more. Why should the wages of the half million be increased beyond their natural rate, while those of the others remain unchanged? More—why should the wages of the 18,000,000

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be diminished that those of the half million may be increased? For an increase cannot be made in the wage rate of one class without a proportionate decrease in that of others. But the wages of labor in protected industries are not permanently increased by protection. Another very important factor in ascertaining the value of wages is the continuance or the steadiness of the employment. Two dollars a day for half the year is no more than a dollar a day for the whole year. Employment in most protected industries is spasmodic. In the leading industries for the past ten years employment has not averaged more than three fourths of the time, and not at very high wages. Within the last year manufacturers of silk, carpets, nails and many other articles of iron, of various kinds of glassware and furniture, and coal producers have shut down their works for a part of the time, or reduced the hours of labor. Production has been too great. To stop this and prevent the reduction of profits through increasing competition, the first thing done is to diminish the production, thus turning employes out of employment. Wages are diminished or stopped until times are flush again. With the time estimated in which the laborers are not at work, the average rate of wages for the ten years preceding 1880 did not equal the wages in similar industries for the ten years preceding 1860 under a revenue tariff. Indeed, in many branches the wages have not been so high as those received by the pauper labor, so-called, in Europe. But it is manifest that the wages in these industries cannot for any long period be higher than the average rate in the community, for, if the wages be higher, labor will crowd into the employments thus favored until the rate is brought down to the general level. So true is this, that it is admitted by many protectionists that wages are not higher in the protected industries than in others.

Thirdly, the effect of protection is disastrous to most of the protected industries themselves. We have seen that many of them have in recent years been compelled to diminish production. The cause of this is manifest. Production confines them to the American market. The high prices they are compelled to pay for protected materials which enter into the manufacture of their products disable them from going into the foreign market. The profits which they make under the first impulse of protection invite others into the same business. As a result, therefore, more goods are made than the American market can consume. Prices go down to some extent through the competition, but rarely under the cost of production, increased, as we have seen, by the enhanced price of material required. The losses threatened by such competition are sought to be averted by the diminution of production. Combinations of those interested are formed to stop work or reduce it until the stock on hand has been consumed. Production then begins again and continues until the

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same necessity calls again for the same remedy. But this remedy is arbitrary, capricious, and unsatisfactory. Some will not enter into the combination at all. Others will secretly violate the agreement from the beginning. Others still, when their surplus stock has been sold, and before the general price has risen, will begin to manufacture again. There is no power to enforce any bargain they have made, and they find the plan only imperfectly curing the difficulty. They remain uncertain what to do, embarrassed and doubtful as to the future. They have through protection violated the natural laws of supply and demand, and human regulations are powerless to relieve them from the penalty.

Take, as an illustration of the operation of the system, the article of paper. One of the first effects of the general tariff was to increase the price of nearly every thing the manufacturer required to make the paper. Fifteen millions of dollars a year through the protection are taken from the consumer. The manufacturer himself is able to retain but a small part of it, as he is obliged to pay to some other protected industry for its products, they in turn to some others who furnished them with protected articles for their use, and so on to the end. The result is that nominal prices are raised all around; the consumers pay the fifteen millions, while nobody receives any substantial benefit, because what one makes in the increased price of his product he loses in the increased price he is obliged to pay for the required products of others. The consumer is the loser, and though competition may occasionally reduce prices for him to a reasonable rate, it never to any appreciable extent compensates him for the losses he sustains through the enhanced price which the protective system inevitably causes.

It is not to be disputed that many of the protected manufacturers have grown rich. In very many cases I think it can be demonstrated that their wealth has resulted from some patent which has given them a monopoly in particular branches of manufacturing, or from some other advantage which they have employed exclusively in their business. In such cases they would have prospered without protection as with it. I think there are few, except in the very inception of a manufacturing enterprise, or in abnormal cases growing out of war or destruction of property, or the combinations of large amounts of capital, where protection alone has enriched men. The result is the robbery of the consumer with no ultimate good to most of the protective industries.

At a meeting of the textile manufacturers in Philadelphia the other day, one of the leading men in that interest said: "The fact is that the textile manufacturers of Philadelphia, the centre of the American trade, are fast approaching a crisis, and realize that something must be done, and that soon. Cotton and woollen mills are fast springing up over the South and West, and the prospects are that we will soon lose much of our trade in the coarse fabrics by reason of cheap competition. The only thing we can do, therefore, is to turn our attention to the higher plane, and endeavor to make goods equal to those imported. We cannot do this now, because we have not a

sufficient supply either of the culture which begets designs, or of the skill which manipulates the fibres.”

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What a commentary this upon protection, which has brought to such a crisis one of the chief industries protected, and which is here confessed to have failed, after twenty years, to enable it to compete even in our own markets with foreign goods of the finer quality! What is true of textile manufacturing is also true of many other industries. What remedy, then, will afford the American manufacturer relief? Not the one here suggested of increasing the manufacture of goods of finer quality, for, aside from the impracticability of the plan, this will only aggravate the difficulty by adding to the aggregate stock in the home market. \* \* \* The American demand cannot consume what they produce. They must therefore enlarge their market or stop production. To adopt the latter course is to invite ruin. The market cannot be increased in this country. It must be found in other countries. Foreign markets must be sought. But these cannot be opened as long as we close our markets to their products, with which alone, in most instances, they can buy; in other words, as long as we continue the protective system.

I say, therefore, to the American manufacturer, sooner or later you must choose between the alternatives of ruin or the abandonment of protection. Why hesitate in the decision? Are not Canada and South America and Mexico your natural markets? England now supplies them with almost all the foreign goods they buy. Why should not you? Your coal and iron lie together in the mountain side, and can almost be dropped without carriage into your furnaces; while in England the miners must go thousands of feet under the earth for those products. \* \* \* The situation is yours. Break down your protective barrier. All the world will soon do the same. Their walls will disappear when ours fall. Open every market of the world to your products; give steady employment to your laborers. In a little while you will have the reward which nature always gives to those who obey her laws, and will escape the ruin which many of your most intelligent operators see impending over your industries.

I have not time to-day to more than refer to the ruinous effect of protection upon our carrying trade. In 1856, seventy-five per cent. of the total value of our imports and exports was carried in American vessels; while in 1879 but seventeen per cent. was carried in such vessels, and in 1880 the proportion was still less. In 1855, 381 ships and barks were built in the United States, while in 1879 there were only 37. It is a question of very few years at this rate until American vessels and the American flag will disappear from the high seas. Protection has more than all else to do with the prostration of this trade. It accomplishes this result (1) by enhancing the price of the materials which enter into the construction of vessels, so that our ship-builders cannot compete with foreigners engaged in the same business; (2) by increasing the cost of domestic production so that American manufactured goods cannot profitably be exported; and (3) by disabling our merchants from bringing back on their return trips foreign cargoes in exchange for our products.

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Nor will I say any thing as to the increase of the crime of smuggling under protection, a crime which has done incalculable harm to honest dealers, particularly on the border, and a crime out of which some of the largest fortunes in the country have been made.

There are many who will admit the abstract justice of much that I have said who profess to believe that it will not do to disturb the tariff now. But for the protectionist that time never comes. When the depression in business was universal, they said you must not disturb the tariff now, because the times are so hard and there is so much suffering. Now, when business has improved, they say you must not interfere with the tariff, because times are good and you may bring suffering again. When the present tariff was first levied it was defended as a temporary expedient only, required as a necessity by war. Now that a quarter of a century nearly has passed by and peace has been restored for fifteen years, the advocates for protection are as determined to hold on to the government bounty as ever. If they are to be consulted upon the subject as to when the people shall have relief, the system will be perpetual.

It is said we must not disturb the tariff because we must raise so much revenue. I do not propose to disturb it to diminish revenue, but to increase it. The plan I propose will add one fifth at least to the revenue of the country. It is protection I propose to get rid of, not revenue. It has been well said that revenue ceases where protection begins.

It is claimed that by taking away protection you will embarrass many industries by compelling them to close up and discharge their employees. I do not believe that the changing of the present tariff to a revenue tariff will produce this result. I believe that at once every manufacturer will make more in the diminished cost of production than he will lose in the taking away of protection. But if there should be danger to any industry I would provide against it in the law which changes the tariff so that if there should be any displacement of labor there will be no loss in consequence.

No more perfect illustration of the effect of free trade has been shown than in the history of the United States. Very much of our prosperity is due to the fact that the productions of each State can be sold in every other State without restriction. During the war the most potent argument for the cause of the Union was found in the apprehension that disunion meant restriction of commerce, and particularly the placing of the mouth of the Mississippi River under foreign control. The war was fought, therefore, to maintain free trade, and the victory was the triumph of free trade. The Union every day exhibits the advantages of the system.



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Are these due to the accident of a State being a member of that Union or to the beneficent principle of the system itself? What would prevent similar results following if, subject only to the necessities of government, it were extended to Mexico, to Canada, to South America, to the world? In such extension the United States have everything to gain, nothing to lose. This country would soon become the supply house of the world. We will soon have cattle and harvests enough for all nations. Our cotton is everywhere in demand. It is again king. Its crown has been restored, and in all the markets of the world it waves its royal sceptre. Out of our coal and minerals can be manufactured every thing which human ingenuity can devise. Our gold and silver mines will supply the greater part of the precious metals for the use of the arts and trade.

With the opportunity of unrestricted exchange of these products, how limitless the horizon of our possibilities! Let American adventurousness and genius be free upon the high seas, to go wherever they please and bring back whatever they please, and the oceans will swarm with American sails, and the land will laugh with the plenty within its borders. The trade of Tyre and Sidon, the far extending commerce of the Venetian republic, the wealth-producing traffic of the Netherlands, will be as dreams in contrast with the stupendous reality which American enterprise will develop in our own generation. Through the humanizing influence of the trade thus encouraged, I see nations become the friends of nations, and the causes of war disappear. I see the influence of the great republic in the amelioration of the condition of the poor and the oppressed in every land, and in the moderation of the arbitrariness of power. Upon the wings of free trade will be carried the seeds of free government, to be scattered everywhere to grow and ripen into harvests of free peoples in every nation under the sun.

### **IX.—FINANCE AND CIVIL SERVICE REFORM.**

With the election of 1876 and the inauguration of President Hayes, March 4, 1877, the Period of Reconstruction may be said to have closed. The last formal act of that period was the withdrawal of the national troops from the South by President Hayes soon after his inauguration. During the last two decades the "Southern Question," while it has been occasionally prominent in political discussions,—especially in connection with the Lodge Federal Elections Bill, 1889-91, has, nevertheless, occupied a subordinate place in public interest and attention. As an issue in serious political discussions and party divisions the question has disappeared.

In addition to the subject of the Tariff, considered in the previous section, public attention has been directed chiefly, during the last quarter of a century, to the two great subjects, Finance and Civil Service Reform.

The Financial question has been like that of the Tariff,—it has been almost a constant factor in political controversies since the organization of the Government.



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The financial measures of Hamilton were the chief subject of political controversy under our first administration, and they formed the basis of division for the first political parties under the Constitution. The funding of the Revolutionary debt, its payment dollar for dollar without discrimination between the holders of the public securities, the assumption of the State debts by the National Government, and the establishment of the First United States Bank, these measures of Hamilton were all stoutly combated by his opponents, but they were all carried to a successful conclusion. It was the discussion on the establishment of the First United States Bank that brought from Hamilton and Jefferson their differing constructions of the Constitution. In his argument to Washington in favor of the Bank, Hamilton presented his famous theory of implied powers, while Jefferson contended that the Constitution should be strictly construed, and that the "sweeping clause"—"words subsidiary to limited powers"—should not be so construed as to give unlimited powers. Madison and Giles in the House presented notable arguments in support of the Jeffersonian view. For twenty years after 1791 our financial questions were chiefly questions of administration, not of legislation. In 1811 the attempt to recharter the First United States Bank was defeated in the Senate by the casting vote of Vice-President Clinton. The financial embarrassments of the war of 1812, however, led to the establishment, in 1812, of the second United States Bank,—by a law very similar in its provisions to the act creating the First Bank in 1791. The bill chartering the Second United States Bank was signed by Madison, who had strenuously opposed the charter of the First Bank. The financial difficulties in which the war had involved his administration had convinced Madison that such an institution as the Bank was a "necessary and proper" means of carrying on the fiscal affairs of the Government. The Second Bank was, however, opposed on constitutional grounds, as the First had been; but in 1819 in the famous case of *McCulloch vs. Maryland*, the Supreme Court sustained its constitutionality, Chief-Justice Marshall rendering the decision. The Court held, in this notable decision, that the Federal Government was a government of limited powers, and these powers are not to be transcended; but wherein a power is specifically conferred Congress might exercise a sovereign and unlimited discretion as to the means necessary in carrying that power into operation.

The next important chapter in our financial history is the war upon the Second United States Bank begun and conducted to a finish by President Jackson. A bill rechartering the Bank was passed by Congress in 1832, four years before its charter expired. Jackson vetoed this bill, chiefly on constitutional grounds, in the face of Marshall's decision of 1819. The political literature of Jackson's two administrations is full of the Bank controversy, and this literature contains contributions from Webster, Clay, Calhoun, Benton, and other of the ablest public men of the day. No subject of public discussion in that day more completely absorbed the attention of the people.

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On these important subjects, which engaged public attention during the first half-century of our national history, there may be found many valuable speeches. These, however, are largely of a Constitutional character. It has been since the opening of our civil war that our financial discussions have assumed their greatest interest and importance. We can attempt here only a meagre outline of the financial history of the last thirty years,—a history which suggests an almost continuous financial struggle and debate.

Leaving on one side the questions of taxation and banking, the financial discussion has presented itself under two aspects,—the issue and redemption of Government paper currency, and the Government policy toward silver coinage. The issue, the funding, and the payment of Government bonds have been incidentally connected with these questions.

The first “legal-tender” Act was approved February 25, 1862. Mr. Blaine says of this Act that it was “the most momentous financial step ever taken by Congress,” and it was a step concerning which there has ever since been the most pronounced difference of opinion. The Act provided for the issue of \$150,000,000 non-interest-bearing notes, payable to bearer, in denominations of not less than \$5, and legal tender in payment of all debts, public and private, except duties on imports and interest on the public debt. These notes were made exchangeable for 6 per cent. bonds and receivable for loans that might thereafter be made by the Government. Supplementary acts of July 11, 1862, and January 17, 1863, authorized additional issues of \$150,000,000 each, in denominations of not less than one dollar, and the time in which to exchange the notes for bonds was limited to July 1, 1863. It was under these Acts that the legal-tender notes known as “greenbacks,” now outstanding, were issued.

The retirement of the greenbacks was begun soon after the war. On April 12, 1866, an Act authorized the Secretary of the Treasury to retire and cancel not more than \$10,000,000 of these notes within six months of the passage of the Act, and \$4,000,000 per month thereafter. This policy of contraction was carried out by Secretary McCulloch, who urged still more rapid contraction; but the policy was resisted by a large influence in the country, and on February 4, 1868, an Act of Congress suspending the authority of the Secretary of the Treasury to retire and cancel United States notes, became a law without the signature of the President.

On March 18, 1869, an “Act to strengthen the public credit” was passed, which declared that the “greenbacks” were redeemable in coin. This Act concluded as follows: “And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.”

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On January 14, 1875, the "Resumption Act" was passed. It declared that "on and after January 1, 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding, on their presentation for redemption at the office of the Assistant Treasurer of the United States in the city of New York, in sums of not less than fifty dollars." The same Act provided that while the legal-tender notes outstanding remained in excess of \$300,000,000, the Secretary of the Treasury should redeem such notes to the amount of 80 per cent. of the increase in National Bank notes issued.

On May 31, 1878, an Act was passed forbidding the further retirement of United States legal-tender notes, and providing that "when any of said notes may be redeemed or be received into the Treasury under any law from any source whatever and shall belong to the United States, they shall not be retired, cancelled, or destroyed, but they shall be re-issued and paid out again and kept in circulation." When this Act was passed there were \$346,681,016 of United States notes outstanding, and there has been no change in the amount since.

As to the silver policy of the Government since the war it is expected that the purport of certain important acts of legislation should be understood by all who would have an intelligent conception of our financial controversies.

The Act of February 12, 1873, suspended the coinage of the standard silver dollar of 412 and 1/2 grains. This Act authorized the coinage of the trade dollar of 420 grains, making it a legal tender for \$5. This is the Act which has been called the "crime of 1873," on which tomes of controversy have been called forth. It is discussed at some length in the speech of Mr. Morrill, found in our text.

On February 28, 1878, the Bland-Allison Act was passed over the veto of President Hayes. A bill providing for the free and unlimited coinage of silver, of 412 and 1/2 grains to the dollar, had passed the House in November, 1877, under a suspension of the rules. At this time the bullion in the silver dollar was worth about 92 cents. When the Bland free-coinage Act came to the Senate, it was amended there on report of Senator Allison, of Iowa, Chairman of the Finance Committee of the Senate, by a provision that the Government should purchase from \$2,000,000 to \$4,000,000 worth of silver bullion for coinage into dollars. Holders of the coin were authorized to deposit the same with the United States Treasurer and to receive therefor certificates of deposit, known as silver certificates. These certificates are not legal tender, although receivable for customs, taxes, and all public dues, and are redeemable only in silver. This Act called forth an exhaustive and able debate. Senator Morrill, of Vermont, opened the debate in opposition to silver coinage. Senator Beck, of Kentucky, was one of the ablest advocates of silver coinage, while Mr. Blaine made a notable contribution to the

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debate, in which he favored the unlimited coinage of a silver dollar of 425 grains. Preceding the Congressional action there had been much public discussion on the subject throughout the country. A Monetary Commission had been organized, by joint resolution of August 15, 1875, for the purpose of making an examination into the silver question. This Commission made an exhaustive report to Congress on March 2, 1877, the majority of the Commission recommending the resumption of silver coinage. Also, previous to the discussion of the Bland-Allison Act in the Senate, the celebrated Matthews Resolution was passed by that body. This asserted that "all bonds of the United States are payable in silver dollars of 412 and 1/2 grains, and that to restore such dollars as a full legal tender for that purpose, is not in violation of public faith or the rights of the creditors." The de-bate on this resolution was a notable one. It was chiefly under these aspects that the financial question was discussed in the years 1877-1878.

The Bland-Allison Act was in operation from 1878 to 1890, during which time \$2,000,000 in silver were coined per month, the minimum amount authorized by law. On July 14, 1890, the so-called Sherman Act stopped the coinage of silver dollars and provided for the purchase of silver bullion to the amount of 4,500,000 ounces per month. Against this bullion Treasury notes were to be issued, redeemable in gold or silver coin at the option of the Secretary of the Treasury. These notes were made a legal tender in payment of all debts, public and private, and receivable for all customs, taxes, and all public dues. It was also declared in this Act to be the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be provided by law. On account of this language in the law the Secretary of the Treasury under Mr. Cleveland has not deemed it advisable to exercise the discretion which the law gives him to redeem these notes in silver, and these new Treasury notes have been treated as gold obligations. By November 1, 1893, when the silver purchase clause of the Act of July 14, 1890, was repealed, Treasury notes to the amount of \$155,000,000 had been issued, though some of these have since been exchanged for silver dollars at the option of the holders. It has been by these Treasury notes and the outstanding greenbacks that gold has been withdrawn from the Treasury, thus depleting the gold reserve and making bond issues necessary. It has been deemed advisable by successive administrations of the Treasury Department to maintain a gold reserve of \$100,000,000 against the \$346,681,000 outstanding greenbacks, though no law requires that such a reserve should be maintained further than that the Act of March 18, 1869, pledges the faith of the United States that its outstanding notes should be redeemed in coin.

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The repeal of the silver purchase clause of the Sherman Act was accomplished in a special session of Congress, November 1, 1893. Since this repeal, the silver policy of the Government has been as it was before the Bland-Allison Act of 1878, which involves a complete suspension of silver coinage. The Acts of 1878 and of 1890 were compromise measures, agreed to by the opponents of silver coinage in order to prevent the passage of a bill providing for full unlimited coinage of silver at the ratio of 16 to 1. Speaking in his *Recollections* of the situation in 1890, Senator Sherman says: "The situation at that time was critical. A large majority of the Senate favored free silver, and it was feared that the small majority against it in the other House might yield and agree to it. The silence of the President on the matter gave rise to an apprehension that if a free coinage bill should pass both Houses he would not feel at liberty to veto it. Some action had to be taken to prevent a return to free silver coinage, and the measure evolved was the best obtainable. I voted for it, but the day it became a law I was ready to repeal it, if repeal could be had without substituting in its place absolute free coinage."

Since 1893 the contention has been carried on by the silver men in a public agitation in favor of free silver coinage, without compromise or international agreement, and this year (1896), by our form of political referendum, the question has been referred to the people for decision.

We have attempted to include four representative orations on this complex subject, from four of our most prominent public men. The literature of the subject is unlimited. Mr. Morrill is a representative advocate of the gold standard. In the same discussion Mr. Blaine offers a compromise position. Senator Sherman is an international bimetallist and a pronounced opponent of independent silver coinage. He has given much attention—probably no one has given more—to financial questions during a long public life. Senator Jones is recognized as one of the ablest advocates and one of the deepest students of monetary problems on the free silver side of the controversy. The extracts from these speeches will indicate the merits of the long debate on silver coinage,—the greatest question in our financial history in a quarter of a century.

The reform of the Civil Service has been a subject of public attention especially since 1867. The public service of the United States is divided into three branches, the civil, military, and naval. By the civil service we mean that which is neither military nor naval, and it comprises all the offices by which the civil administration is carried on. The struggle for Civil Service Reform has been an effort to substitute what is known as the "Merit System" for what is known as the "Spoils System"; to require that appointment to public office should depend, not upon the applicant's having rendered

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a party service, but upon his fitness to render a public service. It would seem that the establishment in public practice of so obvious a principle should require no contest or agitation; and that the civil service should ever have been perverted and that a long struggle should be necessary to reform it, are to be explained only in connection with a modern party organization and a party machinery and usage which were entirely unforeseen by the framers of the Constitution. The practice of the early administrations was reasonable and natural. Washington required of applicants for places in the civil service proofs of ability, integrity, and fitness. "Beyond this," he said, "nothing with me is necessary or will be of any avail." Washington did not dream that party service should be considered as a reason for a public appointment. John Adams followed the example of Washington. Jefferson came into power at the head of a victorious party which had displaced its opponent after a bitter struggle. The pressure for places was strong, but Jefferson resisted it, and he declared in a famous utterance that "the only questions concerning a candidate shall be, Is he honest? is he capable? is he faithful to the Constitution?" Madison, Monroe, and John Quincy Adams followed in the same practice so faithfully that a joint Congressional Committee was led to say in 1868 that, having consulted all accessible means of information, they had not learned of a single removal of a subordinate officer except for cause, from the beginning of Washington's administration to the close of that of John Quincy Adams.

The change came in 1829 with the accession of Jackson. The Spoils System was formally proclaimed in 1832. In that year Martin Van Buren was nominated Minister to England, and, in advocating his confirmation, Senator Marcy, of New York, first used the famous phrase in reference to the public officers, "To the victors belong the spoils of the enemy."

Since then every administration has succumbed, in whole or in part, to the Spoils System. The movement for the reform of the civil service began in 1867-68, in the 39th and 40th Congresses in investigations and reports of a Joint Committee on Retrenchment. The reports were made and the movement led by Hon. Thomas A. Jenckes, a member of the House from Rhode Island. These reports contained a mass of valuable information upon the evils of the spoils service. In 1871 an Act, a section of an appropriation bill, was passed authorizing the President to prescribe rules for admission to the civil service, to appoint suitable persons to make inquiries and to establish regulations for the conduct of appointees. Mr. George William Curtis was at the head of the Civil Service Commission appointed by General Grant under this Act, and on December 18, 1871, the Commission made a notable report, written by Mr. Curtis, on the evils of the present system and the need of reform. In April, 1872, a set of rules was promulgated by



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the Commission regulating appointments. These rules were suspended in March, 1875, by President Grant although personally friendly to the reform, because Congress had refused appropriations for the expenses of the Commission. Appeal was made to the people through the usual agencies of education and agitation. President Hayes revised the Civil Service Rules, and Mr. Schurz, Secretary of the Interior, made notable application of the principle of the reform in his department. President Garfield recognized the need of reform, though he asserted that it could be brought about only through Congressional action. Garfield's assassination by a disappointed placeman added to the public demand for reform, and on January, 18, 1883, the Pendleton Civil Service Law was passed. This Act, which had been pending in the Senate since 1880, provided for open competitive examinations for admission to the public service in Washington and in all custom-houses and post-offices where the official force numbered as many as fifty; for the appointment of a Civil Service Commission of three members, not more than two of whom shall be of the same political party; and for the apportionment of appointments according to the population of the States. Provision was made for a period of probation before permanent appointment should be made, and no recommendations from a Senator or member of Congress, except as to the character or residence of the applicant, should be received or considered by any person making an appointment or examination. The Act prohibited political assessments in a provision that "no person shall, in any room occupied in the discharge of official duties by an officer or employee of the United States, solicit in any manner whatever any contribution of money or anything of value, for any political purpose whatever."

The Pendleton Act was a landmark in the history of the reform and indicated its certain triumph. The Act was faithfully executed by President Arthur in the appointment of a Commission friendly to the cause, and under the Act the Civil Service Rules have since been extended by Presidents Harrison and Cleveland until the operations of the reform embrace the greater part of the service, including fully 85,000 appointments. It is not probable that the nation will ever again return to the feudalism of the Spoils System.

No two men have done more for the cause of Civil Service Reform than George William Curtis and Carl Schurz. When Mr. Curtis died, in 1892, the presidency of the Civil Service Reform League, so long held by him, worthily devolved upon Mr. Schurz. It may be said that in the last twenty-five years of Mr. Curtis' life is written the history of this reform. His orations on the subject have enriched our political literature and they hold up before the young men of America the noblest ideals of American citizenship. He gave unselfishly of his time and of his exalted talents to this cause, and his services deserve from his countrymen the reward due to high and devoted patriotism. Refusing high and honorable appointments which were held out to him, he preferred to serve his country by doing what he could to put her public service upon a worthy plane. The oration from Mr. Curtis included in our text is one among many of his worthy productions.

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J. A. W.

**JUSTIN S. MORRILL,**

**OF VERMONT. (BORN 1810.)**

## **ON THE REMONETIZATION OF SILVER**

*—United states senate, January 28, 1878.*

*Mr. President*, the bill now before the Senate provides for the resuscitation of the obsolete dollar of 412 and 1/2 grains of silver, which Congress entombed in 1834 by an Act which diminished the weight of gold coins to the extent of 6.6 per cent., and thus bade a long farewell to silver. It is to be a dollar made of metal worth now fifty-three and five-eighths pence per ounce, or ten cents less in value than a gold dollar, and on January 23d, awkwardly enough, worth eight and three-fourths cents less than a dollar in greenbacks, gold being only 1/2 per cent. premium, but, nevertheless, to be a legal tender for all debts, public and private, except where otherwise provided by contract. The words seem to be aptly chosen to override and annul whatever now may be otherwise provided by law. Beyond this, as the bill came from the House, the holders of silver bullion—not the Government or the whole people—were to have all the profits of coinage and the Government all of the expense. This, but for the amendment proposed by the Committee on Finance, would have furnished the power to the enterprising operators in silver, either at home or abroad, to inflate the currency without limit; and, even as amended, inflation will be secured to the full extent of all the silver which may be issued, for there is no provision for redeeming or retiring a single dollar of paper currency. Labor is threatened with a continuation of the unequal struggle against a depreciated and fluctuating standard of money.

The bill, if it becomes a law, must at the very threshold arrest the resumption of specie payments, for, were the holders of United States notes suddenly willing to exchange them for much less than their present value, payment even in silver is to be postponed indefinitely. For years United States notes have been slowly climbing upward, but now they are to have a sudden plunge downward, and in every incomplected contract, great and small, the robbery of Peter to pay Paul is to be fore-ordained. The whole measure looks to me like a fearful assault upon the public credit. The losses it will inflict upon the holders of paper money and many others will be large, and if the bill, without further radical amendments, obtains the approval of the Senate, it will give the death-blow to the cardinal policy of the country, which now seeks a large reduction of the rate of interest upon our national debt. Even that portion now held abroad will come back in a stampede to be exchanged for gold at any sacrifice. The ultimate result would be, when



the supply for customs shall have been coined and the first effervescence has passed away, the emission of silver far below the

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standard of gold; and when the people become tired of it, disgusted or ruined by its instability, as they soon would be, a fresh clamor may be expected for the remonetization of gold, and another clipping or debasing of gold coins may follow to bring them again into circulation on the basis of silver equivalency. In this slippery descent there can be no stopping place. The consoling philosophy of the silver commission may then be repealed, that a fall in the value of either or both of the metals is a "benefaction to mankind." If that were true, then copper, being more abundant and of lower value, should be used in preference to either gold or silver. The gravity of these questions will not be disputed.

The silver question in its various aspects, as involved in the bill before us, is one of admitted importance, possibly of difficult solution; and it is further embarrassed by not only the conflicting views of those entitled to some respect, but by the multifarious prescriptions intruded by a host of self-constituted experts and by all of the quack financiers of the land. Every crocheteer and pamphleteer, cocksure "there's no two ways about it," generously contributes his advice free of charge; but sound, trust-worthy advice does not roam like tramps and seldom comes uninvited. Many of the facts which surround the subject are perhaps of too recent occurrence to justify hasty and irrevocable conclusions. The service of our own people, however, must be our paramount concern. Their intercourse with themselves and with the world should be placed upon the most solid foundation. If any have silver to sell it is comparatively a small matter, and yet we earnestly desire that they may obtain for it the highest as well as the most stable price; but not at the expense of corn, cotton, and wheat; and it is to be hoped, if any have debts to meet now or hereafter, that they may meet them with the least inconvenience consistent with plain, downright, integrity; but, from being led astray by the loud declamations of those who earn nothing themselves and know no trade but spoliation of the earnings of others, let them heartily say, "Good Lord, deliver us."

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A stupid charge, heretofore, in the front of debate, has been made, and wickedly repeated in many places, that the Coinage Act of 1873 was secretly and clandestinely engineered through Congress without proper consideration or knowledge of its contents; but it is to be noted that this charge had its birth and growth years after the passage of the Act, and not until after the fall of silver. Long ago it was declared by one of the old Greek dramatists that, "No lie ever grows old." This one is as fresh and boneless now as at its birth, and is therefore swallowed with avidity by those to whom such food is nutritious or by those who have no appetite for searching the documents and records for facts. Whether the Act itself was right or wrong does not depend upon the degradation

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of Congress implied in the original charge. Interested outsiders may glory in libelling Congress, but why should its own members? The Act may be good and Congress bad, and yet it is to be hoped that the latter has not fallen to the level of its traducers. But there has been no fall of Congress; only a fall of silver. To present the abundant evidence showing that few laws were ever more openly proposed, year after year, and squarely understood than the Coinage Act of 1873, will require but a moment. It had been for years elaborately considered and reported upon by the Deputy Comptroller of the Currency. The special attention of Congress was called to the bill and the report by the Secretary of the Treasury in his annual re-ports for 1870, 1871, and 1872, where the "new features" of the bill, "discontinuing the coinage of the silver dollar," were fully set forth. The extensive correspondence of the Department had been printed in relation to the proposed bill, and widely circulated. The bill was separately printed eleven times, and twice in reports of the Deputy Comptroller of the Currency,—thirteen times in all,—and so printed by order of Congress. A copy of the printed bill was many times on the table of every Senator, and I now have all of them here before me in large type. It was considered at much length by the appropriate committees of both Houses of Congress; and the debates at different times upon the bill in the Senate filled sixty-six columns of the *Globe*, and in the House seventy-eight columns of the *Globe*. No argus-eyed debater objected by any amendment to the discontinuance of the silver dollar. In substance the bill twice passed each House, and was finally agreed upon and reported by a very able and trustworthy committee of conference, where Mr. Sherman, Mr. Scott, and Mr. Bayard appeared on the part of the Senate. No one who knows anything of those eminent Senators will charge them with doing anything secretly or clandestinely. And yet more capital has been made by the silver propagandists out of this groundless charge than by all of their legitimate arguments.'

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The gold standard, it may confidently be asserted, is practically far cheaper than that of silver. I do not insist upon having the gold standard, but if we are to have but one, I think that the best. The expense of maintaining a metallic currency is of course greater than that of paper; but it must be borne in mind that a paper currency is only tolerable when convertible at the will of the holder into coin—and no one asks for more than that. A metallic currency is also subject to considerable loss by abrasion or the annual wear; and it is quite important to know which metal—gold or silver—can be most cheaply supported. A careful examination of the subject conclusively shows that the loss is nearly in proportion to the length of time coins have been in circulation, and to the amount of surface

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exposed, although small coins, being handled with less care, suffer most. The well-ascertained result is that it costs from fifteen to twenty-five times more to keep silver afloat than it does to maintain the same amount in gold. To sustain the silver standard would annually cost about one per cent. for abrasion; but that of gold would not exceed one-twentieth of one per cent. This is a trouble-some charge, forever to bristle up in the path-way of a silver standard. It must also be borne in mind that the mint cost of coining silver is many times greater than that of the same amount in gold. More than sixteen tons of silver are required as the equivalent of one ton of gold. As a cold matter of fact, silver is neither the best nor the cheapest standard. It is far dearer to plant and forever dearer to maintain.

A double standard put forth by us on the terms now proposed by the commission or by the House bill would be so only in name. The perfect dual ideal of theorists, based upon an exact equilibrium of values, cannot be realized while the intrinsic value of either of the component parts is overrated or remains a debatable question and everywhere more or less open to suspicion. A standard of value linked to the changing fortunes of two metals instead of one, when combined with an existing disjointed and all-pervading confusion in the ratio of value, must necessarily be linked to the hazard of double perturbations and become an alternating standard in perpetual motion.

The bimetallic scheme, with silver predominant—largely everywhere else suspended, if not repudiated—is pressed upon us now with a ratio that will leave nothing in circulation but silver, as a profitable mode of providing a new and cheaper way of pinching and paying the national debt; but a mode which would leave even a possible cloud upon our national credit should find neither favor nor tolerance among a proud and independent people.

The proposition is openly and squarely made to pay the public debt at our option in whichever metal, gold or silver, happens to be cheapest, and chiefly for the reason that silver already happens to be at 10 per cent. the cheapest. In 1873, to have paid the debt in silver would have cost 3 per cent. more than to have paid it in gold, and then there was no unwillingness on the part of the present non-contents to pay in gold. Silver was worth more then to sell than to pay on debts. No one then pulled out the hair of his head to cure grief for the disappearance of the nominal silver option. Since that time it has been and would be now cheaper nominally to pay in silver if we had it; and therefore we are urged to repudiate our former action and to claim the power to resume an option already once supposed to have been profitably exercised, of which the world was called upon to take notice, and to pay in silver to-day or to let it alone to-morrow. I know that the detestable doctrine of Machiavelli was that “a

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prudent prince ought not to keep his word except when he can do it without injury to himself;" but the Bible teaches a different doctrine, and honoreth him "who sweareth to his own hurt and changeth not." If we would not multiply examples of individual financial turpitude, already painfully numerous, we must not trample out conscience and sound morality from the monetary affairs of the nation. The "option" about which we should be most solicitous was definitely expressed by Washington when he said: "There is an option left to the United States whether they will be respectable and prosperous or contemptible and miserable as a nation." Our national self-respect would not be increased when Turkey, as a debt-paying nation, shall be held as our equal and Mexico as our superior. The credit of a great nation cannot even be discussed without some loss; it cannot even be tempted by the devious advantages of legal technicalities without bringing some sense of shame; but to live, it must go, like chastity, unchallenged and unsuspected. It cannot take refuge behind the fig-leaves of the law, and especially not behind a law yet to be made to meet the case.

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The argument relied upon in favor of a bimetallic standard as against a monometallic seems to be that a single-metal standard leaves out one-half of the world's resources; but the same thing must occur with a bimetallic standard unless the metals can be placed and kept in a state of exact equilibrium, or so that nothing can be gained by the exchange of one for the other. Hitherto this has been an unattainable perfection. A law fixing the ratio of 16 of silver to 1 of gold, as proposed by different members of the Commission, would now be a gross over-valuation of silver and wholly exclude gold from circulation. It will hardly be disputed that the two metals cannot circulate together unless they are mutually convertible without profit or loss at the ratio fixed at the mint. But it is here proposed to start silver with a large legal-tender advantage above its market value, and with the probability, through further depreciation, of increasing that advantage by which the monometallic standard of silver will be ordained and confirmed. The argument in behalf of a double standard is double-tongued, when in fact nothing is intended, or can be the outcome, but a single silver standard. The argument would wed silver and gold, but the conditions which follow amount to a decree of perpetual divorcement. Enforce the measure by legislation, and gold would at once flee out of the country. Like liberty, gold never stays where it is undervalued.

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No approach to a bimetallic currency of uniform and fixed value can be possible, as it appears to me, without the co-operation of the leading commercial nations. Even with that co-operation its accomplishment and permanence may not be absolutely certain, unless the late transcendent fickleness of the supply and demand subsides, or unless the ratio of value can be adjusted with more consummate accuracy than has hitherto been found by any single nation to be practicable. One-tenth of one per cent. difference will always exclude from use one or the other metal; but here a difference nearly one hundred times greater has been proposed. The double-standard nations and the differing single gold- or silver-standard nations doubtless contributed something to the relative equalization of values so long as they furnished an available market for any surplus of either metal, but this they are doing no longer. Silver, though not yet universally demonetized, is thrown upon the market in such masses and from so many prolific sources as to be governed by the inexorable laws of demand and supply. Its magic as coin, if it has not hopelessly departed, has been, like the retreating soldier, fearfully "demoralized," and is passing to the rear.

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It cannot be for the interest or the honor of the United States, while possessed of any healthy national pride, to resort to any expedient of bankrupt governments to lower the money standard of the country. That standard should keep us "four square" to the world and give us equal rank in the advanced civilization and industrial enterprise of all the great commercial nations.

I have failed of my purpose if I have not shown that there has been so large an increase of the stock of silver as of itself to effect a positive reduction of its value; and that this result has been confirmed and made irreversible by the new and extensive European disuse of silver coinage. I have indicated the advisability of obtaining the co-operation of other leading nations, in fixing upon a common ratio of value between gold and silver, before embarking upon a course of independent action from which there could be no retreat. I have also attempted to show that, even in the lowest pecuniary sense of profit, the Government of the United States could not be the gainer by proposing to pay either the public debt or the United States notes in silver; that such a payment would violate public pledges as to the whole, and violates existing statutes as to all that part of the debt contracted since 1870, and for which gold has been received; that the remonetization of silver means the banishment of gold and our degradation among nations to the second or third rank; that it would be a sweeping 10 per cent. reduction of all duties upon imports, requiring the imposition of new taxes to that extent; that it would prevent the further funding of the public debt at a lower rate of interest and give to the present holders

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of our 6 per cent. bonds a great advantage; that, instead of aiding resumption, it would only inflate a currency already too long depreciated, and consign it to a still lower deep; that, instead of being a tonic to spur idle capital once more into activity, it would be its bane, destructive of all vitality; and that as a permanent silver standard it would not only be void of all stability, and the dearest and clumsiest in its introduction and maintenance, but that it would reduce the wages of labor to the full extent of the difference there might be between its purchasing power and that of gold.

### **JAMES G. BLAINE,**

**OF MAINE. (BORN 1830, DIED 1893.)**

*On the remonetization of silver,*

*United states senate, February 7, 1878.*

The discussion on the question of remonetizing silver, Mr. President, has been prolonged, able, and exhaustive. I may not expect to add much to its value, but I promise not to add much to its length. I shall endeavor to consider facts rather than theories, to state conclusions rather than arguments:

First. I believe gold and silver coin to be the money of the Constitution—indeed, the money of the American people anterior to the Constitution, which that great organic law recognized as quite independent of its own existence. No power was conferred on Congress to declare that either metal should not be money. Congress has therefore, in my judgment, no power to demonetize silver any more than to demonetize gold; no power to demonetize either any more than to demonetize both. In this statement I am but repeating the weighty dictum of the first of constitutional lawyers. “I am certainly of opinion,” said Mr. Webster, “that gold and silver, at rates fixed by Congress, constitute the legal standard of value in this country, and that neither Congress nor any State has authority to establish any other standard or to displace this standard.” Few persons can be found, I apprehend, who will maintain that Congress possesses the power to demonetize both gold and silver, or that Congress could be justified in prohibiting the coinage of both; and yet in logic and legal construction it would be difficult to show where and why the power of Congress over silver is greater than over gold—greater over either than over the two. If, therefore, silver has been demonetized, I am in favor of remonetizing it. If its coinage has been prohibited, I am in favor of ordering it to be resumed. If it has been restricted, I am in favor of having it enlarged.



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Second. What power, then, has Congress over gold and silver? It has the exclusive power to coin them; the exclusive power to regulate their value; very great, very wise, very necessary powers, for the discreet exercise of which a critical occasion has now arisen. However men may differ about causes and processes, all will admit that within a few years a great disturbance has taken place in the relative values of gold and silver, and that silver is worth less or gold is worth more in the money markets of the world in 1878 than in 1873, when the further coinage of silver dollars was prohibited in this country. To remonetize it now as though the facts and circumstances of that day were surrounding us, is to wilfully and blindly deceive ourselves. If our demonetization were the only cause for the decline in the value of silver, then remonetization would be its proper and effectual cure. But other causes, quite beyond our control, have been far more potentially operative than the simple fact of Congress prohibiting its further coinage; and as legislators we are bound to take cognizance of these causes. The demonetization of silver in the great German Empire and the consequent partial, or well-nigh complete, suspension of coinage in the governments of the Latin Union, have been the leading dominant causes for the rapid decline in the value of silver. I do not think the over-supply of silver has had, in comparison with these other causes, an appreciable influence in the decline of its value, because its over-supply with respect to gold in these later years, has not been nearly so great as was the over-supply of gold with respect to silver for many years after the mines of California and Australia were opened; and the over-supply of gold from those rich sources did not effect the relative positions and uses of the two metals in any European country.

I believe then if Germany were to remonetize silver and the kingdoms and states of the Latin Union were to reopen their mints, silver would at once resume its former relation with gold. The European countries when driven to full re-monetization, as I believe they will be, must of necessity adopt their old ratio of fifteen and a half of silver to one of gold, and we shall then be compelled to adopt the same ratio instead of our former sixteen to one. For if we fail to do this we shall, as before, lose our silver, which like all things else seeks the highest market; and if fifteen and a half pounds of silver will buy as much gold in Europe as sixteen pounds will buy in America, the silver, of course, will go to Europe. But our line of policy in a joint movement with other nations to remonetize is very simple and very direct. The difficult problem is what we shall do when we aim to re-establish silver without the co-operation of European powers, and really as an advance movement to coerce them there into the same policy. Evidently the first dictate of prudence is to coin such a dollar,

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as will not only do justice among our citizens at home, but will prove a protection—an absolute barricade—against the gold monometallists of Europe, who, whenever the opportunity offers, will quickly draw from us the one hundred and sixty millions of gold coin still in our midst. And if we coin a silver dollar of full legal tender, obviously below the current value of the gold dollar, we are opening wide our doors and inviting Europe to take our gold. And with our gold flowing out from us we are forced to the single silver standard and our relations with the leading commercial countries of the world are at once embarrassed and crippled.

Third. The question before Congress then—sharply defined in the pending House bill—is, whether it is now safe and expedient to offer free coinage to the silver dollar of 412 1/2 grains, with the mints of the Latin Union closed and Germany not permitting silver to be coined as money. At current rates of silver, the free coinage of a dollar containing 412 1/2 grains, worth in gold about ninety-two cents, gives an illegitimate profit to the owner of the bullion, enabling him to take ninety-two cents' worth of it to the mint and get it stamped as coin and force his neighbor to take it for a full dollar. This is an undue and unfair advantage which the Government has no right to give to the owner of silver bullion, and which defrauds the man who is forced to take the dollar. And it assuredly follows that if we give free coinage to this dollar of inferior value and put it in circulation, we do so at the expense of our better coinage in gold; and unless we expect the uniform and invariable experience of other nations to be in some mysterious way suspended for our peculiar benefit, we inevitably lose our gold coin. It will flow out from us with the certainty and resistless force of the tides. Gold has indeed remained with us in considerable amount during the circulation of the inferior currency of the legal tender; but that was because there were two great uses reserved by law for gold: the collection of customs and the payment of interest on the public debt. But if the inferior silver coin is also to be used for these two reserved purposes, then gold has no tie to bind it to us. What gain, therefore, would we make for the circulating medium, if on opening the gate for silver to flow in, we open a still wider gate for gold to flow out? If I were to venture upon a dictum on the silver question, I would declare that until Europe remonetizes we cannot afford to coin a dollar as low as 412 1/2 grains. After Europe remonetizes on the old standard, we cannot afford to coin a dollar above 400 grains. If we coin too low a dollar before general re-monetization our gold will flow out from us. If we coin too high a dollar after general remonetization our silver will leave us. It is only an equated value both before and after general remonetization that will preserve both gold and silver to us.

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Fifth. The responsibility of re-establishing silver in its ancient and honorable place as money in Europe and America, devolves really on the Congress of the United States. If we act here with prudence, wisdom, and firmness, we shall not only successfully remonetize silver and bring it into general use as money in our own country, but the influence of our example will be potential among all European nations, with the possible exception of England. Indeed, our annual indebtedness to Europe is so great that if we have the right to pay it in silver we necessarily coerce those nations by the strongest of all forces, self-interest, to aid us in up-holding the value of silver as money. But if we attempt the remonetization on a basis which is obviously and notoriously below the fair standard of value as it now exists, we incur all the evil consequences of failure at home and the positive certainty of successful opposition abroad. We are and shall be the greatest producers of silver in the world, and we have a larger stake in its complete monetization than any other country. The difference to the United States between the general acceptance of silver as money in the commercial world and its destruction as money, will possibly equal within the next half-century the entire bonded debt of the nation. But to gain this advantage we must make it actual money—the accepted equal of gold in the markets of the world. Re-monetization here followed by general remonetization in Europe will secure to the United States the most stable basis for its currency that we have ever enjoyed, and will effectually aid in solving all the problems by which our financial situation is surrounded.

Sixth. On the much-vexed and long-mooted question of a bi-metallic or mono-metallic standard my own views are sufficiently indicated in the remarks I have made. I believe the struggle now going on in this country and in other countries for a single gold standard would, if successful, produce wide-spread disaster in the end throughout the commercial world. The destruction of silver as money and establishing gold as the sole unit of value must have a ruinous effect on all forms of property except those investments which yield a fixed return in money. These would be enormously enhanced in value, and would gain a disproportionate and unfair advantage over every other species of property. If, as the most reliable statistics affirm, there are nearly seven thousand millions of coin or bullion in the world, not very unequally divided between gold and silver, it is impossible to strike silver out of existence as money without results which will prove distressing to millions and utterly disastrous to tens of thousands. Alexander Hamilton, in his able and invaluable report in 1791 on the establishment of a mint, declared that “to annul the use of either gold or silver as money is to abridge the quantity of circulating medium, and is liable to all the objections which arise from a comparison of the benefits of a full circulation with the evils of a scanty circulation.” I take no risk in saying that the benefits of a full circulation and the evils of a scanty circulation are both immeasurably greater to-day than they were when Mr. Hamilton uttered these weighty words, always provided that the circulation is one of actual money, and not of depreciated promises to pay.

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In the report from which I have already quoted, Mr. Hamilton argues at length in favor of a double standard, and all the subsequent experience of well-nigh ninety years has brought out no clearer statement of the whole case nor developed a more complete comprehension of this subtle and difficult subject. "On the whole," says Mr. Hamilton, "it seems most advisable not to attach the unit exclusively to either of the metals, because this cannot be done effectually without destroying the office and character of one of them as money and reducing it to the situation of mere merchandise." And then Mr. Hamilton wisely concludes that this reduction of either of the metals to mere merchandise (I again quote his exact words) "would probably be a greater evil than occasional variations in the unit from the fluctuations in the relative value of the metals, especially if care be taken to regulate the proportion between them with an eye to their average commercial value." I do not think that this country, holding so vast a proportion of the world's supply of silver in its mountains and its mines, can afford to reduce the metal to the "situation of mere merchandise." If silver ceases to be used as money in Europe and America, the great mines of the Pacific slope will be closed and dead. Mining enterprises of the gigantic scale existing in this country cannot be carried on to provide backs for looking-glasses and to manufacture cream-pitchers and sugar-bowls. A vast source of wealth to this entire country is destroyed the moment silver is permanently disused as money. It is for us to check that tendency and bring the continent of Europe back to the full recognition of the value of the metal as a medium of exchange.

Seventh. The question of beginning anew the coinage of silver dollars has aroused much discussion as to its effect on the public credit; and the Senator from Ohio (Mr. Matthews) placed this phase of the subject in the very forefront of the debate—insisting, prematurely and illogically, I think, on a sort of judicial construction in advance, by concurrent resolution, of a certain law in case that law should happen to be passed by Congress. My own view on this question can be stated very briefly. I believe the public creditor can afford to be paid in any silver dollar that the United States can afford to coin and circulate. We have forty thousand millions of property in this country, and a wise self-interest will not permit us to overturn its relations by seeking for an inferior dollar wherewith to settle the dues and demands of any creditor. The question might be different from a merely selfish stand-point if, on paying the dollar to the public creditor, it would disappear after performing that function. But the trouble is that the inferior dollar you pay the public creditor remains in circulation, to the exclusion of the better dollar. That which you pay at home will stay there; that which you send abroad will come back.

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The interest of the public creditor is indissolubly bound up with the interest of the whole people. Whatever affects him affects us all; and the evil that we might inflict upon him by paying an inferior dollar would recoil upon us with a vengeance as manifold as the aggregate wealth of the Republic transcends the comparatively small limits of our bonded debt. And remember that our aggregate wealth is always increasing, and our bonded debt steadily growing less! If paid in a good silver dollar, the bondholder has nothing to complain of. If paid in an inferior silver dollar, he has the same grievance that will be uttered still more plaintively by the holder of the legal-tender note and of the national-bank bill, by the pensioner, by the day-laborer, and by the countless host of the poor, whom we have with us always, and on whom the most distressing effect of inferior money will be ultimately precipitated.

But I must say, Mr. President, that the specific demand for the payment of our bonds in gold coin and in nothing else, comes with an ill grace from certain quarters. European criticism is levelled against us and hard names are hurled at us across the ocean, for simply daring to state that the letter of our law declares the bonds to be payable in standard coin of July 14, 1870; expressly and explicitly declared so, and declared so in the interest of the public creditor, and the declaration inserted in the very body of the eight hundred million of bonds that have been issued since that date. Beyond all doubt the silver dollar was included in the standard coins of that public act. Payment at that time would have been as acceptable and as undisputed in silver as in gold dollars, for both were equally valuable in the European as well as in the American market. Seven-eighths of all our bonds, owned out of the country, are held in Germany and in Holland, and Germany has demonetized silver and Holland has been forced thereby to suspend its coinage, since the subjects of both powers purchased our securities. The German Empire, the very year after we made our specific declaration for paying our bonds in coin, passed a law destroying so far as lay in their power the value of silver as money. I do not say that it was specially aimed at this country, but it was passed regardless of its effect upon us, and was followed, according to public and undenied statement, by a large investment on the part of the German Government in our bonds, with a view, it was understood, of holding them as a coin reserve for drawing gold from us to aid in establishing their gold standard at home. Thus, by one move the German Government destroyed, so far as lay in its power, the then existing value of silver as money, enhanced consequently the value of gold, and then got into position to draw gold from us at the moment of their need, which would also be the moment of our own sorest distress. I do not say that the German Government in these successive steps did a single thing which it had not a perfect

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right to do, but I do say that the subjects of that Empire have no right to complain of our Government for the initial step which has impaired the value of one of our standard coins. And the German Government by joining with us in the remonetization of silver, can place that standard coin in its old position and make it as easy for this Government to pay and as profitable for their subjects to receive the one metal as the other.

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The effect of paying the labor of this country in silver coin of full value, as compared with the irredeemable paper or as compared even with silver of inferior value, will make itself felt in a single generation to the extent of tens of millions, perhaps hundreds of millions, in the aggregate savings which represent consolidated capital. It is the instinct of man from the savage to the scholar—developed in childhood and remaining with age—to value the metals which in all tongues are called precious. Excessive paper money leads to extravagance, to waste, and to want, as we painfully witness on all sides to-day. And in the midst of the proof of its demoralizing and destructive effect, we hear it proclaimed in the Halls of Congress that “the people demand cheap money.” I deny it. I declare such a phrase to be a total misapprehension, a total misinterpretation of the popular wish. The people do not demand cheap money. They demand an abundance of good money, which is an entirely different thing. They do not want a single gold standard that will exclude silver and benefit those already rich. They do not want an inferior silver standard that will drive out gold and not help those already poor. They want both metals, in full value, in equal honor, in what-ever abundance the bountiful earth will yield them to the searching eye of science and to the hard hand of labor.

The two metals have existed side by side in harmonious, honorable companionship as money, ever since intelligent trade was known among men. It is well-nigh forty centuries since “Abraham weighed to Ephron the silver which he had named in the audience of the sons of Heth—four hundred shekels of silver—current money with the merchant.” Since that time nations have risen and fallen, races have disappeared, dialects and languages have been forgotten, arts have been lost, treasures have perished, continents have been discovered, islands have been sunk in the sea, and through all these ages and through all these changes, silver and gold have reigned supreme, as the representatives of value, as the media of exchange. The dethronement of each has been attempted in turn, and sometimes the dethronement of both; but always in vain. And we are here to-day, deliberating anew over the problem which comes down to us from Abraham’s time: the weight of the silver that shall be “current money with the merchant.”

**JOHN SHERMAN,**

**OF OHIO. (BORN 1823.)**



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*On silver coinage and treasury notes;*

*United states senate, June 5, 1890.*

I approach the discussion of this bill and the kindred bills and amendments pending in the two Houses with unaffected diffidence. No problem is submitted to us of equal importance and difficulty. Our action will affect the value of all the property of the people of the United States, and the wages of labor of every kind, and our trade and commerce with all the world. In the consideration of such a question we should not be controlled by previous opinions or bound by local interests, but with the lights of experience and full knowledge of all the complicated facts involved, give to the subject the best judgment which imperfect human nature allows. With the wide diversity of opinion that prevails, each of us must make concessions in order to secure such a measure as will accomplish the objects sought for without impairing the public credit or the general interests of our people. This is no time for visionary theories of political economy. We must deal with facts as we find them and not as we wish them. We must aim at results based upon practical experience, for what has been probably will be. The best prophet of the future is the past.

To know what measures ought to be adopted we should have a clear conception of what we wish to accomplish. I believe a majority of the Senate desire, first, to provide an increase of money to meet the increasing wants of our rapidly growing country and population, and to supply the reduction in our circulation caused by the retiring of national-bank notes; second, to increase the market value of silver not only in the United States but in the world, in the belief that this is essential to the success of any measure proposed, and in the hope that our efforts will advance silver to its legal ratio with gold, and induce the great commercial nations to join with us in maintaining the legal parity of the two metals, or in agreeing with us in a new ratio of their relative value; and third, to secure a genuine bimetallic standard, one that will not demonetize gold or cause it to be hoarded or exported, but that will establish both gold and silver as standards of value not only in the United States, but among all the civilized nations of the world.

Believing that these are the chief objects aimed at by us all, and that we differ only as to the best means to obtain them, I will discuss the pending propositions to test how far they tend, in my opinion, to promote or defeat these objects.

And, first, as to the amount of currency necessary to meet the wants of the people.

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It is a fact that there has been a constant increase of currency. It is a fact which must be constantly borne in mind. If any evils now exist such as have been so often stated, such as falling prices, increased mortgages, contentions between capital and labor, decreasing value of silver, increased relative value of gold, they must be attributed to some other cause than our insufficient supply of circulation, for not only has the circulation increased in these twelve years 80 per cent., while our population has only increased 36 per cent., but it has all been maintained at the gold standard, which, it is plain, has been greatly advanced in purchasing power. If the value of money is tested by its amount, by numerals, according to the favorite theory of the Senator from Nevada (Mr. Jones), then surely we ought to be on the high road of prosperity, for these numerals have increased in twelve years from \$805,000,-000 to \$1,405,000,000 in October last, and to \$1,420,000,000 on the 1st of this month. This single fact disposes of the claim that insufficient currency is the cause of the woes, real and imaginary, that have been depicted, and compel us to look to other causes for the evils complained of.

I admit that prices for agricultural productions have been abnormally low, and that the farmers of the United States have suffered greatly from this cause. But this depression of prices is easily accounted for by the greatly increased amount of agricultural production, the wonderful development of agricultural implements, the opening of vast regions of new and fertile fields in the West, the reduced cost of transportation, the doubling of the miles of railroads, and the quadrupling capacity of railroads and steamboats for transportation, and the new-fangled forms of trusts and combinations which monopolize nearly all the productions of the farms and workshops of our country, reducing the price to the producer and in some cases increasing the cost to the consumer. All these causes cooperate to reduce prices of farm products. No one of them can be traced to an insufficient currency, now larger in amount in proportion to population than ever before in our history.

But to these causes of a domestic character must be added others, over which we have no control. The same wonderful development of industry has been going on in other parts of the globe. In Russia, especially in Southern Russia, vast regions have been opened to the commerce of the world. Railroads have been built, mines have been opened, exhaustless supplies of petroleum have been found, and all these are competitors with us in supplying the wants of Europe for food, metals, heat, and light. India, with its teeming millions of poorly paid laborers, is competing with our farmers, and their products are transported to market over thousands of miles of railroads constructed by English capital, or by swift steamers through the Red Sea and the Suez Canal, reaching directly the people of Europe whom we formerly supplied with food. No wonder, then, that our agriculture is depressed by low prices, caused by competition with new rivals and agencies.

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Any one who can overlook these causes and attribute low prices to a want of domestic currency, that has increased and is increasing continually, must be blind to the great forces that in recent times throughout the world are tending by improved methods and modern inventions to lessen the prices of all commodities.

These fluctuations depend upon the law of supply and demand, involving facts too numerous to state, but rarely depending on the volume of money in circulation. An increase of currency can have no effect to advance prices unless we cheapen and degrade it by making it less valuable; and if that is the intention now, the direct and honest way is to put fewer grains of gold or silver in our dollar. This was the old way, by clipping the coin, adding base metal.

If we want a cheaper dollar we have the clear constitutional right to put in it 15 grains of gold instead of 23, or 300 grains of silver instead of 412 1/2, but you have no power to say how many bushels of wheat the new dollar shall buy. You can, if you choose, cheapen the dollar under your power to coin money, and thus enable a debtor to pay his debts with fewer grains of silver or gold, under the pretext that gold or silver has risen in value, but in this way you would destroy all forms of credit and make it impossible for nations or individuals to borrow money for a period of time. It is a species of repudiation.

The best standard of value is one that measures for the longest period its equivalent in other products. Its relative value may vary from time to time. If it falls, the creditor loses; if it increases, the debtor loses; and these changes are the chances of all trade and commerce and all loaning and borrowing. The duty of the Government is performed when it coins money and provides convenient credit representatives of coin. The purchasing power of money for other commodities depends upon changing conditions over which the Government has no control. Even its power to issue paper money has been denied until recently, but this may be considered as settled by the recent decisions of the Supreme Court in the legal-tender cases. All that Congress ought to do is to provide a sufficient amount of money, either of coin or its equivalent of paper money, to meet the current wants of business. This it has done in the twelve years last passed at a ratio of increase far in excess of any in our previous history.

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Under the law of February, 1878, the purchase of \$2,000,000 worth of silver bullion a month has by coinage produced annually an average of nearly \$3,000,000 a month for a period of twelve years, but this amount, in view of the retirement of the bank notes, will not increase our currency in proportion to our increase in population. If our present currency is estimated at \$1,400,000,000, and our population is increasing at the ratio of 3 per cent. per annum, it would require \$42,000,000

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increased circulation each year to keep pace with the increase of population; but as the increase of population is accompanied by a still greater ratio of increase of wealth and business, it was thought that an immediate increase of circulation might be obtained by larger purchases of silver bullion to an amount sufficient to make good the retirement of bank notes, and keep pace with the growth of population. Assuming that \$54,000,000 a year of additional circulation is needed upon this basis, that amount is provided for in this bill by the issue of Treasury notes in exchange for bullion at the market price. I see no objection to this proposition, but believe that Treasury notes based upon silver bullion purchased in this way will be as safe a foundation for paper money as can be conceived.

Experience shows that silver coin will not circulate to any considerable amount. Only about one silver dollar to each inhabitant is maintained in circulation with all the efforts made by the Treasury Department, but silver certificates, the representatives of this coin, pass current without question, and are maintained at par in gold by being received by the Government for all purposes and redeemed if called for. I do not fear to give to these notes every sanction and value that the United States can confer. I do not object to their being made a legal tender for all debts, public or private. I believe that if they are to be issued they ought to be issued as money, with all the sanction and authority that the Government can possibly confer. While I believe the amount to be issued is greater than is necessary, yet in view of the retirement of bank notes I yielded my objections to the increase beyond \$4,000,000. As an expedient to provide increased circulation it is far preferable to free coinage of silver or any proposition that has been made to provide some other security than United States bonds for bank circulation. I believe it will accomplish the first object proposed, a gradual and steady increase of the current money of the country.

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What then can we do to arrest the fall of silver and to advance its market value? I know of but two expedients. One is to purchase bullion in large quantities as the basis and security of Treasury notes, as proposed by this bill. The other is to adopt the single standard of silver, and take the chances for its rise or fall in the markets of the world. I have already stated the probable results of the hoarding of bullion. By purchasing in the open market our domestic production of silver and hoarding it in the Treasury we withdraw so much from the supply of the world, and thus maintain or increase the price of the remaining silver production of the world. It is not idle in our vaults, but is represented by certificates in active circulation. Sixteen ounces of silver bullion may not be worth one ounce of gold, still one dollar's worth of silver bullion is worth one dollar of gold.

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What will be the effect of the free coinage of silver? It is said that it will at once advance silver to par with gold at the ratio of 16 to 1. I deny it. The attempt will bring us to the single standard of the cheaper metal. When we advertise that we will buy all the silver of the world at that ratio and pay in Treasury notes, our notes will have the precise value of 371 1/2 grains of pure silver, but the silver will have no higher value in the markets of the world. If, now, that amount of silver can be purchased at 80 cents, then gold will be worth \$1.25 in the new standard. All labor, property, and commodities will advance in nominal value, but their purchasing power in other commodities will not increase. If you make the yard 30 inches long instead of 36 you must purchase more yards for a coat or a dress, but do not lessen the cost of the coat or the dress. You may by free coinage, by a species of confiscation, reduce the burden of a debt, but you cannot change the relative value of gold or silver, or any object of human desire. The only result is to demonetize gold and to cause it to be hoarded or exported. The cheaper metal fills the channels of circulation and the dearer metal commands a premium.

If experience is needed to prove so plain an axiom we have it in our own history. At the beginning of our National Government we fixed the value of gold and silver as 1 to 15. Gold was undervalued and fled the country to where an ounce of gold was worth 151 ounces of silver. Congress, in 1834, endeavored to rectify this by making the ratio 1 to 16, but by this silver was undervalued. Sixteen ounces of silver were worth more than 1 ounce of gold, and silver disappeared. Congress, in 1853, adopted another expedient to secure the value of both metals as money. By this expedient gold is the standard and silver the subsidiary coin, containing confessedly silver of less value in the market than the gold coin, but maintained at the parity of gold coin by the Government.

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But it is said that those of us who demand the gold standard, or paper money always equal to gold, are the representatives of capital, money-changers, bondholders, Shylocks, who want to grind and oppress the people. This kind of argument I hoped would never find its way into the Senate Chamber. It is the cry of the demagogue, without the slightest foundation. All these classes can take care of themselves. They are the men who make their profits out of the depreciation of money. They can mark up the price of their property to meet changing standards. They can protect themselves by gold contracts. In proportion to their wealth they have less money on hand than any other class. They have already protected themselves to a great extent by converting the great body of the securities in which they deal into gold bonds, and they hold the gold of the country, which you cannot change in value. They are not, as a rule, the creditors of the country.

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The great creditors are savings-banks, insurance companies, widows and orphans, and provident farmers, and business men on a small scale. The great operators are the great borrowers and owe more than is due them. Their credit is their capital and they need not have even money enough to pay their rent.

But how will this change affect the great mass of our fellow-citizens who depend upon their daily labor? A dollar to them means so much food, clothing, and rent. If you cheapen the dollar it will buy less of these. You may say they will get more dollars for their labor, but all experience shows that labor and land are the last to feel the change in monetary standards, and the same resistance will be made to an advance of wages on the silver standard as on the gold standard, and when the advance is won it will be found that the purchasing power of the new dollar is less than the old. No principle of political economy is better established than that the producing classes are the first to suffer and the last to gain by monetary changes.

I might apply this argument to the farmer, the merchant, the professional man, and to all classes except the speculator or the debtor who wishes to lessen the burden of his obligations; but it is not necessary.

It is sometimes said that all this is a false alarm, that our demand for silver will absorb all that will be offered and bring it to par with gold at the old ratio. I have no faith in such a miracle. If they really thought so, many would lose their interest in the question. What they want is a cheaper dollar that would pay debts easier. Others do not want either silver or gold, but want numbers, numerals, the fruit of the printing-press, to be fixed every year by Congress as we do an appropriation bill.

Now, sir, I am willing to do all I can with safety even to taking great risks to increase the value of silver to gold at the old ratio, and to supply paper substitutes for both for circulation, but there is one immutable, unchangeable, ever-existing condition, that the paper substitute must always have the same purchasing power as gold and silver coin, maintained at their legal ratio with each other. I feel a conviction, as strong as the human mind can have, that the free coinage of silver now by the United States will be a grave mistake and a misfortune to all classes and conditions of our fellow-citizens. I also have a hope and belief, but far from a certainty, that the measure proposed for the purchase of silver bullion to a limited amount, and the issue of Treasury notes for it, will bring silver and gold to the old ratio, and will lead to an agreement with other commercial nations to maintain the free coinage of both metals.



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And now, sir, I want to state in conclusion, without any purpose to bind myself to detail, that I will vote for any measure that will, in my judgment, secure a genuine bimetallic standard—one that will not demonetize gold or cause it to be hoarded or exported, but will establish both silver and gold as common standards and maintain them at a fixed ratio, not only in the United States but among all the nations of the world. The principles adopted by the Acts of 1853 and 1875 have been sustained by experience and should be adhered to. In pursuance of them I would receive into the Treasury of the United States all the gold and silver produced in our country at their market value, not at a speculative or forced value, but at their value in the markets of the world. And for the convenience of our people I would represent them by Treasury notes to an amount not exceeding their cost. I would confer upon these notes all the use, qualities, and attributes that we can confer within our constitutional power, and support and maintain them as money by coining the silver and gold as needed upon the present legal ratios, and by a pledge of all the revenues of the Government and all the wealth and credit of the United States.

And I would proclaim to all our readiness, by international negotiations or treaties, to bring about an agreement among nations for common units of value and of weights and measures for all the productions of the world.

This hope of philosophers and statesmen is now nearer realization than ever before. If we could contribute to this result it would tend to promote commerce and intercourse, trade and travel, peace and harmony among nations. It would be in line with the civilization of our age. It is by such measures statesmen may keep pace with the marvellous inventions, improvements, and discoveries which have quadrupled the capacity of man for production, made lightning subservient to his will, revealed to him new agencies of power hidden in the earth, and opened up to his enterprise all the dark places of the world. The people of the United States boast that they have done their full share in all this development; that they have grown in population, wealth, and strength; that they are the richest of nations, with untarnished credit, a model and example of self-government without kings or princes or lords. Surely this is no time for a radical change of public policy which seems to have no motive except to reduce the burden of obligations freely taken, a change likely to impair our public credit and produce disorder and confusion in all monetary transactions. Others may see reasons for this change, but I prefer to stand by the standards of value that come to us with the approval and sanction of every party that has administered the Government since its beginning.

**JOHN P. JONES,**

**OF NEVADA. (BORN 1830.)**

*On treasury notes and silver,*



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*In the senate of the united states, may 12, 1890.*

*Mr. President*, the question now about to be discussed by this body is in my judgment the most important that has attracted the attention of Congress or the country since the formation of the Constitution. It affects every interest, great and small, from the slightest concern of the individual to the largest and most comprehensive interest of the nation.

The measure under consideration was reported by me from the Committee on Finance. It is hardly necessary for me to say, however, that it does not fully reflect my individual views regarding the relation which silver should bear to the monetary circulation of the country or of the world. I am, at all times and in all places, a firm and unwavering advocate of the free and unlimited coinage of silver, not merely for the reason that silver is as ancient and honorable a money metal as gold, and equally well adapted for the money use, but for the further reason that, looking at the annual yield from the mines, the entire supply that can come to the mints will at no time be more than is needed to maintain at a steady level the prices of commodities among a constantly increasing population.

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History gives evidence of no more prolific source of human misery than a persistent and long continued fall in the general range of prices. But, although exercising so pernicious an influence, it is not itself a cause, but an effect.

When a fall of prices is found operating, not on one article or class of articles alone, but on the products of all industries; when found to be not confined to any one climate, country, or race of people, but to diffuse itself over the civilized world; when it is found not to be a characteristic of any one year, but to go on progressively for a series of years, it becomes manifest that it does not and can not arise from local, temporary, or subordinate causes, but must have its genesis and development in some principle of universal application.

What, then, is it that produces a general decline of prices in any country? It is produced by a shrinkage in the volume of money relatively to population and business, which has never yet failed to cause an increase in the value of the money unit, and a consequent decrease in the price of the commodities for which such unit is exchanged. If the volume of money in circulation be made to bear a direct and steady ratio to population and business, prices will be maintained at a steady level, and, what is of supreme importance, money will be kept of unchanging value. With an advancing civilization, in which a large volume of business is conducted on a basis of credit extending over long periods, it is of the uttermost importance that money, which is the measure of all equities, should be kept unchanging in value through time.

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A reduction in the volume of money relatively to population and business, or, (to state the proposition in another form) a volume which remains stationary while population and business are increasing, has the effect of increasing the value of each unit of money, by increasing its purchasing power.

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We have 22,000,000 workmen in this country. In order that they may be kept uninterruptedly employed it is absolutely necessary that business contracts and obligations be made long in advance. Accordingly, we read almost daily of the inception of industrial undertakings requiring years to fulfil. It is not too much to say that the suspension for one season of the making of time-contracts would close the factories, furnaces, and machine-shops of all civilized countries.

The natural concomitant of such a system of industry is the elaborate system of debt and credit which has grown up with it, and is indispensable to it. Any serious enhancement in the value of the unit of money between the time of making a contract or incurring a debt and the date of fulfilment or maturity always works hardship and frequently ruin to the contractor or debtor.

Three fourths of the business enterprises of this country are conducted on borrowed capital. Three fourths of the homes and farms that stand in the name of the actual occupants have been bought on time, and a very large proportion of them are mortgaged for the payment of some part of the purchase money.

Under the operation of a shrinkage in the volume of money this enormous mass of borrowers, at the maturity of their respective debts, though nominally paying no more than the amount borrowed, with interest, are, in reality, in the amount of the principal alone, returning a percentage of value greater than they received—more than in equity they contracted to pay, and oftentimes more, in substance, than they profited by the loan. To the man of business this percentage in many cases constitutes the difference between success and failure. Thus a shrinkage in the volume of money is the prolific source of bankruptcy and ruin. It is the canker that, unperceived and unsuspected, is eating out the prosperity of our people. By reason of the almost universal inattention to the nature and functions of money this evil is permitted, unobserved, to work widespread ruin and disaster. So subtle is it in its operations that it eludes the vigilance of the most acute. It baffles all foresight and calculation; it sets at naught all industry, all energy, all enterprise.

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The advocates of the single gold standard deem even silver money much better money than greenbacks. Does it then follow that when greenbacks were our only money—good enough money to carry our nation through the greatest war in all history—we were “along-side” or underneath the barbarous nations of the world? It is not the form or material of a nation’s money that fixes its status relatively to other nations. That is accomplished by the vitality, the energy, the intellectuality and effective force of its people. The United States can never be placed “alongside” any barbarous nation, except by compelling our people to compete with barbarous peoples—compelling them to sell the products of American labor at prices regulated by the cost of labor and manner of living in barbarous countries. As well might it be said that we are alongside the barbarous people of India because we continue to produce wheat and cotton.

The distinguishing feature of all barbarous nations is the squalor of their working classes. The reward of their hard toil is barely enough to maintain animal existence. A civilized people are placed alongside a barbarous one when, in their means of livelihood, the foundation of their civilization, they are made to compete with the barbarians. That was the result accomplished for the farmers and planters of the United States when silver was demonetized.

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It is a remarkable circumstance, Mr. President, that throughout the entire range of economic discussion in gold-standard circles, it seems to be taken for granted that a change in the value of the money unit is a matter of no significance, and imports no mischief to society, so long as the change is in one direction. Who has ever heard from an Eastern journal any complaint against a contraction of our money volume; any admonition that in a shrinking volume of money lurk evils of the utmost magnitude? On the other hand, we have been treated to lengthy homilies on the evils of “inflation,” whenever the slightest prospect presented itself to a decrease in the value of money—not with the view of giving the debtor an advantage over the lender of money, but of preventing the unconscionable injustice of a further increasing value in the dollars which the debtor contracted to pay. Loud and re-sounding protests have been entered against the “dishonesty” of making payments in “depreciated dollars.” The debtors are characterized as dishonest for desiring to keep money at a steady and unwavering value. If that object could be secured, it would undoubtedly be to the interest of the debtor, and could not possibly work any injustice to the creditor. It would simply assure to both debtor and creditor the exact measure for which they bargained. It would enable the debtor to pay his debt with exactly the amount of sacrifice to which, on the making of the debt, he undertook to submit, in order to pay it.

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In all discussions of the subject the creditors attempt to brush aside the equities involved by sneering at the debtors. But, Mr. President, debt is the distinguishing characteristic of modern society. It is through debt that the marvellous developments of the nineteenth-century civilization have been effected. Who are the debtors in this country? Who are the borrowers of money? The men of enterprise, of energy, of skill, the men of industry, of fore-sight, of calculation, of daring. In the ranks of the debtors will be found a large preponderance of the constructive energy of every country. The debtors are the upbuilders of the national wealth and prosperity; they are the men of initiative, the men who conceive plans and set on foot enterprises. They are those who by borrowing money enrich the community. They are the dynamic force among the people. They are the busy, restless, moving throng whom you find in all walks of life in this country—the active, the vigorous, the strong, the undaunted.

These men are sustained in their efforts by the hope and belief that their labors will be crowned with success. Destroy that hope and you take away from society the most powerful of all the incentives to material development; you place in the pathway of progress an obstacle which it is impossible to surmount.

The men of whom I have spoken are undoubtedly the first who are likely to be affected by a shrinkage in the volume of money.

The highest prosperity of a nation is attained only when all its people are employed in avocations suited to their individual aptitudes, and when a just money system insures an equitable distribution of the products of their industry. With our present complex civilization, in order that men may have constant employment, it is indispensable that work be planned and undertakings projected years in advance. Without an intelligent forecast of enterprises large numbers of workmen must periodically be relegated to idleness. Enterprises that take years to complete must be contracted for in advance, and payments provided for.

A constant but unperceived rise in the value of the dollar with which those payments must be made, baffles all plans, thwarts all calculation, and destroys all equities between debtor and creditor. If we cannot intelligently regulate our money volume so as to maintain unchanging the value of the money unit, if we cannot preserve our people from the blighting effects which an increase in the measuring power of the money unit entails upon all industry, to what purpose is our boasted civilization?

By the increase of that measuring power all hopes are disappointed, all purposes baffled, all efforts thwarted, all calculations defied. This subtle enlargement in the measuring power of the unit of money (the dollar) affects every class of the working community. Like a poisonous drug in the human body, it permeates every vein, every artery, every fibre and filament of the industrial structure. The debtor is fighting for his life against an enemy he does not see, against an influence he does not understand. For, while his calculations were well and intelligently made, and the amount of his debts

and the terms of his contracts remain the same, the weight of all his obligations has been increased by an insidious increase in the value of the money unit.

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In an ancient village there once stood a gold clock, which, ever since the invention of clocks, had been the measure of time for the people of that village. They were proud of its beauty, its workmanship, its musical stroke, and the unfailing regularity with which it heralded the passing hours. This clock had been endeared to all the inhabitants of the village by the hallowed associations with which it was identified. Generation after generation it had called the children from far and wide to attend the village school; its fresh morning peal had set the honest villagers to labor; its noonday notes had called them to refreshment; its welcome evening chime had summoned them to rest.

From time immemorial, on all festive occasions, it had rung out its merry tones to assemble the young people on the green; and on the Sabbath it had advertised to all the countryside the hour of worship in the village church. So perfect was its mechanism that it never needed repair. So proud were the people of this wonderful clock that it became the standard for all the country round about, and the time which it kept came to be known as the gold standard of time, which was universally admitted to be correct and unchanging.

In the course of time there wandered that way a queer character, a clock-maker, who being fully instructed in the inner workings of time-tellers, and not having inherited the traditions of that village, did not regard this clock with the veneration accorded to it by the natives. To their astonishment he denied that there was really any such thing as a gold standard of time; and in order to prove that the material, gold, did not monopolize all the qualities characteristic of clocks, he placed alongside the gold clock, another clock, of silver, and set both clocks at 12 noon. For a long time the clocks ran along in almost perfect accord, their only disagreement being that of an occasional second or two, and even that disagreement only at rare intervals, such as might naturally occur with the best of clocks. But the Council of the village, in their admiration for the gold clock, passed an ordinance requiring that all the weights (the motive power) of the silver clock, except one, be removed from it, and attached to those of the gold clock. Instantly the clocks began to fall apart, and one day, as the sun was passing the meridian, the hands of the gold clock were observed to indicate the hour of 1, while those of the silver clock indicated 12.15. At this everybody in the village ridiculed the silver clock, derided the silver standard, and hurled epithets at the individual who had had the temerity to doubt the infallibility of the gold standard.

Finally, the divergence between the clocks went so far that it was noon by the gold standard when it was only 6 A.M. by the silver standard, so that those who were guided by the gold standard, notwithstanding that it was yet the gray of the morning, insisted on eating their mid-day meal, because the gold standard indicated that it must be noon. And when the sun was high in the heavens, and its light was shining warm and refulgent on the dusty streets of the village, those who observed the gold standard had already eaten supper and were preparing for bed.

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But this state of things could not last. It was clear that the difference between the standards must be reconciled, or all industry would be disarranged and the village ruined.

Discussion was rife among the villagers as to the cause of the difference. Some said the silver clock had lost time; others that both clocks had lost time, but the silver clock more than the gold; while others again asserted that both clocks had gained time, but that the gold clock had gained more than the silver clock.

While this discussion was at its height a philosopher came along and observing the excitement on the subject remarked: "By measuring two things, one against the other, you can never arrive at any determination as to which has changed. Instead of disputing as to whether one clock has lost or another gained would it not be well to consult the sun and the stars and ascertain exactly what has happened?"

Some demurred to this because, as they asserted, the gold standard was unchanging and was always right no matter how much it might seem to be wrong; others agreed that the philosopher's advice should be taken. Upon consulting the sun and the stars it was discovered that what had happened was that both clocks had gained in time but that the gain of the silver clock had been very slight, while that of the gold clock had been so great as to disturb all industry and destroy all correct sense of time.

Notwithstanding this demonstration, there were many who adhered to the belief that the gold standard was correct and unchanging, and insisted that what appeared to be its aberrations were not in reality due to any fault of the gold clock, but to some convulsion of nature by which the solar system had been disarranged and the planets made to move irregularly in their orbits.

Some of the people also remembered having heard at the village inn, from travellers returning from the East, that silver clocks were the standard of time in India and other barbarous countries, while in countries of a more advanced civilization gold clocks were the standard. They therefore feared that the use of the silver clock might have the effect of degrading the civilization of the village by placing it alongside India and other barbarous countries. And although the great mass of the people really believed, from the demonstration made, that the silver standard of time was the better one, yet this objection was so momentous that they were puzzled what course to pursue, and at last advices were consulting the manufacturers of gold clocks as to what was best to be done.



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Now our gold standard men are in the position of those who first refuse to look at anything beyond the two things, gold and silver, to see what has happened, and who, when it is finally demonstrated that all other things retain their former relations to silver, still persist that the law which makes gold an unchanging standard of measure is more immutable than that which holds the stars in their courses. If they will compare gold and silver with commodities in general, to see how the metals have maintained their relations, not to one another but to all other things, they will find that instead of a fall having taken place in the value of silver, the change that has really taken place is a rise in the value of both gold and silver, the rise in silver being relatively slight, while that of gold has been ruinously great. And those who do not shut their eyes to the truth must see that the change of relation between the metals has been effected by depriving silver of its legal-tender function, as the want of accord between the clocks was brought about by depriving the silver clock of a portion of its motive power—the weights. The only thing that has prevented a greater divergency between the metals is the limited coinage by the United States—the single weight that, withheld from the gold clock, prevented its more ruinous gain.

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Everybody admits that the value of all other things is regulated by the play against each other of the forces of supply and demand. No reason has been or can be given why the value of the unit of money is not subject to this law.

The demand for money is equivalent to the sum of the demands for all other things whatsoever, for it is through a demand first made on money that all the wants of man are satisfied. The demand for money is instant, constant, and unceasing, and is always at a maximum. If any man wants a pair of shoes, or a suit of clothes, he does not make his demand first on the shoemaker, or clothier. No man, except a beggar, makes a demand directly for food, clothes, or any other article. Whether it be to obtain clothing, food, or shelter—whether the simplest necessity or the greatest luxury of life—it is on money that the demand is first made. As this rule operates throughout the entire range of commodities it is manifest that the demand for money equals at least the united demands for all other things.

While population remains stationary, the demand for money will remain the same. As the demand for one article becomes less, the demand for some other which shall take its place becomes greater. The demand for money, therefore, must ever be as pressing and urgent as the needs of man are varied, incessant, and importunate.

Such being the demand for money, what is the supply? It is the total number of units of money in circulation (actual or potential) in any country.

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The force of the demand for money operating against the supply is represented by the earnest, incessant struggle to obtain it. All men, in all trades and occupations, are offering either property or services for money. Each shoemaker in each locality is in competition with every other shoemaker in the same locality, each hatter is in competition with every other hatter, each clothier with every other clothier, all offering their wares for units of money. In this universal and perpetual competition for money, that number of shoemakers that can supply the demand for shoes at the smallest average price (excellence of quality being taken into account) will fix the market value of shoes in money; and conversely, will fix the value of money in shoes. So with the hatters as to hats, so with the tailors as to clothes, and so with those engaged in all other occupations as to the products respectively of their labor.

The transcendent importance of money, and the constant pressure of the demand for it, may be realized by comparing its utility with that of any other force that contributes to human welfare.

In all the broad range of articles that in a state of civilization are needed by man, the only absolutely indispensable thing is money. For everything else there is some substitute—some alternative; for money there is none. Among articles of food, if beef rises in price, the demand for it will diminish, as a certain proportion of the people will resort to other forms of food. If, by reason of its continued scarcity, beef continues to rise, the demand will further diminish, until finally it may altogether cease and centre on something else. So in the matter of clothing. If any one fabric becomes scarce, and consequently dear, the demand will diminish, and, if the price continue rising, it is only a question of time for the demand to cease and be transferred to some alternative.

But this cannot be the case with money. It can never be driven out of use. There is not, and there never can be, any substitute for it. It may become so scarce that one dollar at the end of a decade may buy ten times as much as at the beginning; that is to say, it may cost in labor or commodities ten times as much to get it, but at whatever cost, the people must have it. Without money the demands of civilization could not be supplied.

### **GEORGE WILLIAM CURTIS,**

**OF NEW YORK (BORN 1824, DIED 1892.)**

*On the spoils system and the progress of civil service reform.*

An Address delivered before the American Social Science Association at its Meeting in Saratoga, New York, September 8, 1881.

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Twelve years ago I read a paper before this association upon reform in the Civil Service. The subject was of very little interest. A few newspapers which were thought to be visionary occasionally discussed it, but the press of both parties smiled with profound indifference. Mr. Jenckes had pressed it upon an utterly listless Congress, and his proposition was regarded as the harmless hobby of an amiable man, from which a little knowledge of practical politics would soon dismount him. The English reform, which was by far the most significant political event in that country since the parliamentary reform bill of 1832, was virtually unknown to us. To the general public it was necessary to explain what the Civil Service was, how it was recruited, what the abuses were, and how and why they were to be remedied. Old professional politicians, who look upon reform as Dr. Johnson defined patriotism, as the last refuge of a scoundrel, either laughed at what they called the politics of idiocy and the moon, or sneered bitterly that reformers were cheap hypocrites who wanted other people's places and lamented other people's sins.

This general public indifference was not surprising. The great reaction of feeling which followed the war, the relaxation of the long-strained anxiety of the nation for its own existence, the exhaustion of the vast expenditure of life and money, and the satisfaction with the general success, had left little disposition to do anything but secure in the national polity the legitimate results of the great contest. To the country, reform was a proposition to reform evils of administration of which it knew little, and which, at most, seemed to it petty and impertinent in the midst of great affairs. To Congress, it was apparently a proposal to deprive members of the patronage which to many of them was the real gratification of their position, the only way in which they felt their distinction and power. To such members reform was a plot to deprive the bear of his honey, the dog of his bone, and they stared and growled incredulously.

This was a dozen years ago. To-day the demand for reform is imperative. The drop has become a deluge. Leading journals of both parties eagerly proclaim its urgent necessity. From New England to California public opinion is organizing itself in reform associations. In the great custom-house and the great post-office of the country—those in the city of New York—reform has been actually begun upon definite principles and with remarkable success, and the good example has been followed elsewhere with the same results. A bill carefully prepared and providing for gradual and thorough reform has been introduced with an admirable report in the Senate of the United States. Mr. Pendleton, the Democratic Senator from Ohio, declares that the Spoils System which has debauched the Civil Service of fifty millions of people must be destroyed. Mr. Dawes, the Republican Senator from Massachusetts, summons all good citizens

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to unite to suppress this gigantic evil which threatens the republic. Conspicuous reformers sit in the Cabinet; and in this sorrowful moment, at least, the national heart and mind and conscience, stricken and bowed by a calamity whose pathos penetrates every house-hold in Christendom, cries to these warning words, "Amen! Amen!" Like the slight sound amid the frozen silence of the Alps that loosens and brings down the avalanche, the solitary pistol-shot of the 2d of July has suddenly startled this vast accumulation of public opinion into conviction, and on every side thunders the rush and roar of its overwhelming descent, which will sweep away the host of evils bred of this monstrous abuse.

This is an extraordinary change for twelve years, but it shows the vigorous political health, the alert common-sense, and the essential patriotism of the country, which are the earnest of the success of any wise reform. The war which naturally produced the lassitude and indifference to the subject which were evident twelve years ago had made reform, indeed, a vital necessity, but the necessity was not then perceived. The dangers that attend a vast system of administration based to its least detail upon personal patronage were not first exposed by Mr. Jenckes in 1867, but before that time they had been mainly discussed as possibilities and inferences. Yet the history of the old New York council of appointment had illustrated in that State the party fury and corruption which patronage necessarily breeds, and Governor McKean in Pennsylvania, at the close of the last century, had made "a clean sweep" of the places within his power. The spoils spirit struggled desperately to obtain possession of the national administration from the day of Jefferson's inauguration to that of Jackson's, when it succeeded. Its first great but undesigned triumph was the decision of the First Congress in 1789, vesting the sole power of removal in the President, a decision which placed almost every position in the Civil Service unconditionally at his pleasure. This decision was determined by the weight of Madison's authority. But Webster, nearly fifty years afterwards, opposing his authority to that of Madison, while admitting the decision to have been final, declared it to have been wrong. The year 1820, which saw the great victory of slavery in the Missouri Compromise, was also the year in which the second great triumph of the spoils system was gained, by the passage of the law which, under the plea of securing greater responsibility in certain financial offices, limited such offices to a term of four years. The decision of 1789, which gave the sole power of removal to the President, required positive executive action to effect removal; but this law of 1820 vacated all the chief financial offices, with all the places dependent upon them, during the term of every President, who, without an order of removal, could fill them all at his pleasure.

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A little later a change in the method of nominating the President from a congressional caucus to a national convention still further developed the power of patronage as a party resource, and in the session of 1825-26, when John Quincy Adams was President, Mr. Benton introduced his report upon Mr. Macon's resolution declaring the necessity of reducing and regulating executive patronage; although Mr. Adams, the last of the Revolutionary line of Presidents, so scorned to misuse patronage that he leaned backward in standing erect. The pressure for the overthrow of the constitutional system had grown steadily more angry and peremptory with the progress of the country, the development of party spirit, the increase of patronage, the unanticipated consequences of the sole executive power of removal, and the immense opportunity offered by the four-years' law. It was a pressure against which Jefferson held the gates by main force, which was relaxed by the war under Madison and the fusion of parties under Monroe, but which swelled again into a furious torrent as the later parties took form. John Quincy Adams adhered, with the tough tenacity of his father's son, to the best principles of all his predecessors. He followed Washington, and observed the spirit of the Constitution in refusing to remove for any reason but official misconduct or incapacity. But he knew well what was coming, and with characteristically stinging sarcasm he called General Jackson's inaugural address "a threat of re-form." With Jackson's administration in 1830 the deluge of the spoils system burst over our national politics. Sixteen years later, Mr. Buchanan said in a public speech that General Taylor would be faithless to the Whig party if he did not proscribe Democrats. So high the deluge had risen which has ravaged and wasted our politics ever since, and the danger will be stayed only when every President, leaning upon the law, shall stand fast where John Quincy Adams stood.

But the debate continued during the whole Jackson administration. In the Senate and on the stump, in elaborate reports and popular speeches, Webster, Calhoun, and Clay, the great political chiefs of their time, sought to alarm the country with the dangers of patronage. Sargent S. Prentiss, in the House of Representatives, caught up and echoed the cry under the administration of Van Buren. But the country refused to be alarmed. As the Yankee said of the Americans at the battle of White Plains, where they were beaten, "The fact is, as far as I can understand, our folks did n't seem to take no sort of interest in that battle." The reason that the country took no sort of interest in the discussion of the evils of patronage was evident. It believed the denunciation to be a mere party cry, a scream of disappointment and impotence from those who held no places and controlled no patronage. It heard the leaders of the opposition fiercely arraigining the administration for proscription and universal wrong-doing,

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but it was accustomed by its English tradition and descent always to hear the Tories cry that the Constitution was in danger when the Whigs were in power, and the Whigs under a Tory administration to shout that all was lost. It heard the uproar like the old lady upon her first railroad journey, who sat serene amid the wreck of a collision, and when asked if she was much hurt, looked over her spectacles and answered, blandly, "Hurt? Why, I supposed they always stopped so in this kind of travelling." The feeling that the denunciation was only a part of the game of politics, and no more to be accepted as a true statement than Snug the joiner as a true lion, was confirmed by the fact that when the Whig opposition came into power with President Harrison, it adopted the very policy which under Democratic administration it had strenuously denounced as fatal. The pressure for place was even greater than it had been ten years before, and although Mr. Webster as Secretary of State maintained his consistency by putting his name to an executive order asserting sound principles, the order was swept away like a lamb by a locomotive.

Nothing but a miracle, said General Harrison's attorney-general, can feed the swarm of hungry office-seekers.

Adopted by both parties, Mr. Marcy's doctrine that the places in the public service are the proper spoils of a victorious party, was accepted as a necessary condition of popular government. One of the highest officers of the government expounded this doctrine to me long afterwards. "I believe," said he, "that when the people vote to change a party administration they vote to change every person of the opposite party who holds a place, from the President of the United States to the messenger at my door." It is this extraordinary but sincere misconception of the function of party in a free government that leads to the serious defence of the spoils system. Now, a party is merely a voluntary association of citizens to secure the enforcement of a certain policy of administration upon which they are agreed. In a free government this is done by the election of legislators and of certain executive officers who are friendly to that policy. But the duty of the great body of persons employed in the minor administrative places is in no sense political. It is wholly ministerial, and the political opinions of such persons affect the discharge of their duties no more than their religious views or their literary preferences. All that can be justly required of such persons, in the interest of the public business, is honesty, intelligence, capacity, industry, and due subordination; and to say that, when the policy of the Government is changed by the result of an election from protection to free-trade, every book-keeper and letter-carrier and messenger and porter in the public offices ought to be a free-trader, is as wise as to say that if a merchant is a Baptist every clerk in his office ought to be a believer in total immersion. But the officer of whom I spoke undoubtedly expressed the general feeling. The necessarily evil consequences of the practice which he justified seemed to be still speculative and inferential, and to the national indifference which followed the war the demand of Mr.

Jenckes for reform appeared to be a mere whimsical vagary most inopportunately introduced.



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It was, however, soon evident that the war had made the necessity of reform imperative, and chiefly for two reasons: first, the enormous increase of patronage, and second, the fact that circumstances had largely identified a party name with patriotism. The great and radical evil of the spoils system was carefully fostered by the apparent absolute necessity to the public welfare of making political opinion and sympathy a condition of appointment to the smallest place. It is since the war, therefore, that the evil has run riot and that its consequences have been fully revealed. Those consequences are now familiar, and I shall not describe them. It is enough that the most patriotic and intelligent Americans and the most competent foreign observers agree that the direct and logical results of that system are the dangerous confusion of the executive and legislative powers of the Government; the conversion of politics into mere place-hunting; the extension of the mischief to State and county and city administration, and the consequent degradation of the national character; the practical disfranchisement of the people wherever the system is most powerful; and the perversion of a republic of equal citizens into a despotism of venal politicians. These are the greatest dangers that can threaten a republic, and they are due to the practice of treating the vast system of minor public places which are wholly ministerial, and whose duties are the same under every party administration, not as public trusts, but as party perquisites. The English-speaking race has a grim sense of humor, and the absurdity of transacting the public business of a great nation in a way which would ruin both the trade and the character of a small huckster, of proceeding upon the theory—for such is the theory of the spoils system—that a man should be put in charge of a locomotive because he holds certain views of original sin, or because he polishes boots nimbly with his tongue—it is a folly so stupendous and grotesque that when it is fully perceived by the shrewd mother-wit of the Yankee it will be laughed indignantly and contemptuously away. But the laugh must have the method, and the indignation the form, of law; and now that the public mind is aroused to the true nature and tendency of the spoils system is the time to consider the practicable legal remedy for them.

The whole system of appointments in the Civil Service proceeds from the President, and in regard to his action the intention of the Constitution is indisputable. It is that the President shall appoint solely upon public considerations, and that the officer appointed shall serve as long as he discharges his duty faithfully. This is shown in Mr. Jefferson's familiar phrase in his reply to the remonstrance of the merchants of New Haven against the removal of the collector of that port. Mr. Jefferson asserted that Mr. Adams had purposely appointed in the last moments of his administration officers whose designation he should

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have left to his successor. Alluding to these appointments, he says: "I shall correct the procedure, and that done, return with joy to that state of things when the only question concerning a candidate shall be, Is he honest? Is he capable? Is he faithful to the Constitution?" Mr. Jefferson here recognizes that these had been the considerations which had usually determined appointments; and Mr. Madison, in the debate upon the President's sole power of removal, declared that if a President should remove an officer for any reason not connected with efficient service he would be impeached. Reform, therefore, is merely a return to the principle and purpose of the Constitution and to the practice of the early administrations.

What more is necessary, then, for reform than that the President should return to that practice? As all places in the Civil Service are filled either by his direct nomination or by officers whom he appoints, why has not any President ample constitutional authority to effect at any moment a complete and thorough reform? The answer is simple. He has the power. He has always had it. A President has only to do as Washington did, and all his successors have only to do likewise, and reform would be complete. Every President has but to refuse to remove non-political officers for political or personal reasons; to appoint only those whom he knows to be competent; to renominate, as Monroe and John Quincy Adams did, every faithful officer whose commission expires, and to require the heads of departments and all inferior appointing officers to conform to this practice, and the work would be done. This is apparently a short and easy and constitutional method of reform, requiring no further legislation or scheme of procedure. But why has no President adopted it? For the same reason that the best of Popes does not reform the abuses of his Church. For the same reason that a leaf goes over Niagara. It is because the opposing forces are overpowering. The same high officer of the government to whom I have alluded said to me as we drove upon the Heights of Washington, "Do you mean that I ought not to appoint my subordinates for whom I am responsible?" I answered: "I mean that you do not appoint them now; I mean that if, when we return to the capital, you hear that your chief subordinate is dead, you will not appoint his successor. You will have to choose among the men urged upon you by certain powerful politicians. Undoubtedly you ought to appoint the man whom you believe to be the most fit. But you do not and can not. If you could or did appoint such men only, and that were the rule of your department and of the service, there would be no need of reform." And he could not deny it. There was no law to prevent his selection of the best man. Indeed, the law assumed that he would do it. The Constitution intended that he should do it. But when I reminded him that there were forces beyond the law that paralyzed the intention of the Constitution, and which would inevitably compel him to accept the choice of others, he said no more.

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It is easy to assert that the reform of the Civil Service is an executive reform. So it is. But the Executive alone cannot accomplish it.

The abuses are now completely and aggressively organized, and the sturdiest President would quail before them. The President who should undertake, single-handed, to deal with the complication of administrative evils known as the Spoils System would find his party leaders in Congress and their retainers throughout the country arrayed against him; the proposal to disregard traditions and practices which are regarded as essential to the very existence and effectiveness of party organization would be stigmatized as treachery, and the President himself would be covered with odium as a traitor. The air would hum with denunciation. The measures he should favor, the appointments he might make, the recommendations of his secretaries, would be opposed and imperilled, and the success of his administration would be endangered. A President who should alone undertake thoroughly to reform the evil must feel it to be the vital and paramount issue, and must be willing to hazard everything for its success. He must have the absolute faith and the indomitable will of Luther. "Here stand I; I can no other." How can we expect a President whom this system elects to devote himself to its destruction? General Grant, elected by a spontaneous patriotic impulse, fresh from the regulated order of military life and new to politics and politicians, saw the reason and the necessity of reform. The hero of a victorious war, at the height of his popularity, his party in undisputed and seemingly indisputable supremacy, made the attempt. Congress, good-naturedly tolerating what it considered his whim of inexperience, granted money to try an experiment. The adverse pressure was tremendous. "I am used to pressure," said the soldier. So he was, but not to this pressure. He was driven by unknown and incalculable currents. He was enveloped in whirlwinds of sophistry, scorn, and incredulity. He who upon his own line had fought it out all summer to victory, upon a line absolutely new and unknown was naturally bewildered and dismayed. So Wellington had drawn the lines of victory on the Spanish Peninsula and had saved Europe at Waterloo. But even Wellington at Waterloo could not be also Sir Robert Peel at Westminster. Even Wellington, who had overthrown Napoleon in the field, could not also be the parliamentary hero who for the welfare of his country would dare to risk the overthrow of his party.

When at last President Grant said, "If Congress adjourns without positive legislation on Civil Service reform, I shall regard such action as a disapproval of the system and shall abandon it," it was, indeed, a surrender, but it was the surrender of a champion who had honestly mistaken both the nature and the strength of the adversary and his own power of endurance.

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It is not, then, reasonable, under the conditions of our Government and in the actual situation, to expect a President to go much faster or much further than public opinion. But executive action can aid most effectively the development and movement of that opinion, and the most decisive reform measures that the present administration might take would be undoubtedly supported by a powerful public sentiment. The educative results of resolute executive action, however limited and incomplete in scope, have been shown in the two great public offices of which I have spoken, the New York custom-house and the New York post-office. For nearly three years the entire practicability of reform has been demonstrated in those offices, and solely by the direction of the President. The value of such demonstrations, due to the Executive will alone, carried into effect by thoroughly trained and interested subordinates, cannot be overestimated. But when they depend upon the will of a transient officer and not upon a strong public conviction, they are seeds that have no depth of soil. A vital and enduring reform in administrative methods, although it be but a return to the constitutional intention, can be accomplished only by the commanding impulse of public opinion. Permanence is secured by law, not by individual pleasure. But in this country law is only formulated public opinion. Reform of the Civil Service does not contemplate an invasion of the constitutional prerogative of the President and the Senate, nor does it propose to change the Constitution by statute. The whole system of the Civil Service proceeds, as I said, from the President, and the object of the reform movement is to enable him to fulfil the intention of the Constitution by revealing to him the desire of the country through the action of its authorized representatives. When the ground-swell of public opinion lifts Congress from the rocks, the President will gladly float with it into the deep water of wise and patriotic action. The President, indeed, has never been the chief sinner in the Spoils System, although he has been the chief agent. Even President Jackson yielded to party pressure as much as to his own convictions. President Harrison sincerely wished to stay the flood, but it swept him away. President Grant doubtfully and with good intentions tested the pressure before yielding. President Hayes, with sturdy independence, adhered inflexibly to a few points, but his party chiefs cursed and derided him. President Garfield,—God bless and restore him!—frankly declares permanent and effective reform to be impossible without the consent of Congress. When, therefore, Congress obeys a commanding public opinion, and reflects it in legislation, it will restore to the President the untrammelled exercise of his ample constitutional powers according to the constitutional intention; and the practical question of reform is, How shall this be brought about?

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Now, it is easy to kill weeds if we can destroy their roots, and it is not difficult to determine what the principle of reform legislation should be if we can agree upon the source of the abuses to be reformed. May they not have a common origin? In fact, are they not all bound together as parts of one system? The Representative in Congress, for instance, does not ask whether the interests of the public service require this removal or that appointment, but whether, directly or indirectly, either will best serve his own interests. The Senator acts from the same motives. The President, in turn, balances between the personal interests of leading politicians—President, Senators, and Representatives all wishing to pay for personal service and to conciliate personal influence. So also the party labor required of the place-holder, the task of carrying caucuses, of defeating one man and electing another, as may be ordered, the payment of the assessment levied upon his salary—all these are the price of the place. They are the taxes paid by him as conditions of receiving a personal favor. Thus the abuses have a common source, whatever may be the plea for the system from which they spring. Whether it be urged that the system is essential to party organization, or that the desire for place is a laudable political ambition, or that the Spoils System is a logical development of our political philosophy, or that new brooms sweep clean, or that any other system is un-American—whatever the form of the plea for the abuse, the conclusion is always the same, that the minor places in the Civil Service are not public trusts, but rewards and prizes for personal and political favorites.

The root of the complex evil, then, is personal favoritism. This produces congressional dictation, senatorial usurpation, arbitrary removals, interference in elections, political assessments, and all the consequent corruption, degradation, and danger that experience has disclosed. The method of reform, therefore, must be a plan of selection for appointment which makes favoritism impossible. The general feeling undoubtedly is that this can be accomplished by a fixed limited term. But the terms of most of the offices to which the President and the Senate appoint, and upon which the myriad minor places in the service depend, have been fixed and limited for sixty years, yet it is during that very period that the chief evils of personal patronage have appeared. The law of 1820, which limited the term of important revenue offices to four years, and which was afterwards extended to other offices, was intended, as John Quincy Adams tells us, to promote the election to the presidency of Mr. Crawford, who was then Secretary of the Treasury. The law was drawn by Mr. Crawford himself, and it was introduced into the Senate by one of his devoted partisans. It placed the whole body of executive financial officers at the mercy of the Secretary of the Treasury and of a majority of the Senate, and its design, as Mr.

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Adams says, "was to secure for Mr. Crawford the influence of all the incumbents in office, at the peril of displacement, and of five or ten times an equal number of ravenous office-seekers, eager to supplant them." This is the very substance of the Spoils System, intentionally introduced by a fixed limitation of term in place of the constitutional tenure of efficient service; and it was so far successful that it made the custom-house officers, district attorneys, marshals, registers of the land-office, receivers of public money, and even paymasters in the army, notoriously active partisans of Mr. Crawford. Mr. Benton says that the four-years' law merely made the dismissal of faithful officers easier, because the expiration of the term was regarded as "the creation of a vacancy to be filled by new appointments." A fixed limited term for the chief offices has not destroyed or modified personal influence, but, on the contrary, it has fostered universal servility and loss of self-respect, because reappointment depends, not upon official fidelity and efficiency, but upon personal influence and favor. To fix by law the terms of places dependent upon such offices would be like an attempt to cure hydrophobia by the bite of a mad dog. The incumbent would be always busy keeping his influence in repair to secure reappointment, and the applicant would be equally busy in seeking such influence to procure the place, and as the fixed terms would be constantly expiring, the eager and angry intrigue and contest of influence would be as endless as it is now. This certainly would not be reform.

But would not reform be secured by adding to a fixed limited term the safeguard of removal for cause only? Removal for cause alone means, of course, removal for legitimate cause, such as dishonesty, negligence, or incapacity. But who shall decide that such cause exists? This must be determined either by the responsible superior officer or by some other authority. But if left to some other authority the right of counsel and the forms of a court would be invoked; the whole legal machinery of mandamuses, injunctions, *certioraris*, and the rules of evidence would be put in play to keep an incompetent clerk at his desk or a sleepy watchman on his beat. Cause for the removal of a letter-carrier in the post-office or of an accountant in the custom-house would be presented with all the pomp of impeachment and established like a high crime and misdemeanor. Thus every clerk in every office would have a kind of vested interest in his place because, however careless, slovenly, or troublesome he might be, he could be displaced only by an elaborate and doubtful legal process. Moreover, if the head of a bureau or a collector, or a postmaster were obliged to prove negligence, or insolence, or incompetency against a clerk as he would prove theft, there would be no removals from the public service except for crimes of which the penal law takes cognizance. Consequently, removal would be always and justly regarded



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as a stigma upon character, and a man removed from a position in a public office would be virtually branded as a convicted criminal. Removal for cause, therefore, if the cause were to be decided by any authority but that of the responsible superior officer, instead of improving, would swiftly and enormously enhance the cost, and ruin the efficiency, of the public service, by destroying subordination, and making every lazy and worthless member of it twice as careless and incompetent as he is now.

If, then, the legitimate cause for removal ought to be determined in public as in private business by the responsible appointing power, it is of the highest public necessity that the exercise of that power should be made as absolutely honest and independent as possible. But how can it be made honest and independent if it is not protected so far as practicable from the constant bribery of selfish interest and the illicit solicitation of personal influence? The experience of our large patronage offices proves conclusively that the cause of the larger number of removals is not dishonesty or incompetency; it is the desire to make vacancies to fill. This is the actual cause, whatever cause may be assigned. The removals would not be made except for the pressure of politicians. But those politicians would not press for removals if they could not secure the appointment of their favorites. Make it impossible for them to secure appointment, and the pressure would instantly disappear and arbitrary removal cease.

So long, therefore, as we permit minor appointments to be made by mere personal influence and favor, a fixed limited term and removal during that term for cause only would not remedy the evil, because the incumbents would still be seeking influence to secure re-appointment, and the aspirants doing the same to replace them. Removal under plea of good cause would be as wanton and arbitrary as it is now, unless the power to remove were intrusted to some other discretion than that of the superior officer, and in that case the struggle for reappointment and the knowledge that removal for the term was practically impossible would totally demoralize the service. To make sure, then, that removals shall be made for legitimate cause only, we must provide that appointment shall be made only for legitimate cause.

All roads lead to Rome. Personal influence in appointments can be annulled only by free and open competition. By that bridge we can return to the practice of Washington and to the intention of the Constitution. That is the shoe of swiftness and the magic sword by which the President can pierce and outrun the protean enemy of sophistry and tradition which prevents him from asserting his power. If you say that success in a competitive literary examination does not prove fitness to adjust customs duties, or to distribute letters, or to appraise linen, or to measure molasses, I answer that the reform does not propose that fitness shall be proved by a competitive



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literary examination. It proposes to annul personal influence and political favoritism by making appointment depend upon proved capacity. To determine this it proposes first to test the comparative general intelligence of all applicants and their special knowledge of the particular official duties required, and then to prove the practical faculty of the most intelligent applicants by actual trial in the performance of the duties before they are appointed. If it be still said that success in such a competition may not prove fitness, it is enough to reply that success in obtaining the favor of some kind of boss, which is the present system, presumptively proves unfitness.

Nor is it any objection to the reformed system that many efficient officers in the service could not have entered it had it been necessary to pass an examination; it is no objection, because their efficiency is a mere chance. They were not appointed because of efficiency, but either because they were diligent politicians or because they were recommended by diligent politicians. The chance of getting efficient men in any business is certainly not diminished by inquiry and investigation. I have heard an officer in the army say that he could select men from the ranks for special duty much more satisfactorily than they could be selected by an examination. Undoubtedly he could, because he knows his men, and he selects solely by his knowledge of their comparative fitness. If this were true of the Civil Service, if every appointing officer chose the fittest person from those that he knew, there would be no need of reform. It is because he cannot do this that the reform is necessary.

It is the same kind of objection which alleges that competition is a droll plan by which to restore the conduct of the public business to business principles and methods, since no private business selects its agents by competition. But the managers of private business are virtually free from personal influence in selecting their subordinates, and they employ and promote and dismiss them solely for the interests of the business. Their choice, however, is determined by an actual, although not a formal, competition. Like the military officer, they select those whom they know by experience to be the most competent. But if great business-houses and corporations were exposed to persistent, insolent, and overpowering interference and solicitation for place such as obstructs great public departments and officers, they too would resort to the form of competition, as they now have its substance, and they would resort to it to secure the very freedom which they now enjoy of selecting for fitness alone.

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Mr. President, in the old Arabian story, from the little box upon the sea-shore, carelessly opened by the fisherman, arose the towering and haughty demon, ever more monstrous and more threatening, who would not crouch again. So from the small patronage of the earlier day, from a Civil Service dealing with a national revenue of only \$2,000,000, and regulated upon sound business principles, has sprung the un-American, un-Democratic, un-Republican system which destroys political independence, honor, and morality, and corrodes the national character itself. In the solemn anxiety of this hour the warning words of the austere Calhoun, uttered nearly half a century ago, echo in startled recollection like words of doom: "If you do not put this thing down it will put you down." Happily it is the historic faith of the race from which we are chiefly sprung, that eternal vigilance is the price of liberty. It is that faith which has made our mother England the great parent of free States. The same faith has made America the political hope of the world. Fortunately removed by our position from the entanglements of European politics, and more united and peaceful at home than at any time within the memory of living men, the moment is most auspicious for remedying that abuse in our political system whose nature, proportions, and perils the whole country begins clearly to discern. The will and the power to apply the remedy will be a test of the sagacity and the energy of the people. The reform of which I have spoken is essentially the people's reform. With the instinct of robbers who run with the crowd and lustily cry "Stop thief!" those who would make the public service the monopoly of a few favorites denounce the determination to open that service to the whole people as a plan to establish an aristocracy. The huge ogre of patronage, gnawing at the character, the honor, and the life of the country, grimly sneers that the people cannot help themselves and that nothing can be done. But much greater things have been done. Slavery was the Giant Despair of many good men of the last generation, but slavery was overthrown. If the Spoils System, a monster only less threatening than slavery, be unconquerable, it is because the country has lost its convictions, its courage, and its common-sense. "I expect," said the Yankee as he surveyed a stout antagonist, "I expect that you 're pretty ugly, but I cal'late I 'm a darned sight uglier." I know that patronage is strong, but I believe that the American people are very much stronger.

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THE NECESSITY AND PROGRESS OF CIVIL SERVICE REFORM.

An Address delivered at the Annual Meeting of the National Civil Service Reform League at Chicago, Ill., December 12, 1894.

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What Civil Service reform demands, is simply that the business part of the Government shall be carried on in a sound, business-like manner. This seems so obviously reasonable that among people of common-sense there should be no two opinions about it. And the condition of things to be reformed is so obviously unreasonable, so flagrantly absurd and vicious, that we should not believe it could possibly exist among sensible people, had we not become accustomed to its existence among ourselves. In truth, we can hardly bring the whole exorbitance of that viciousness and absurdity home to our own minds unless we contemplate it as reflected in the mirror of a simile.

Imagine, then, a bank, the stockholders of which, many in number, are divided into two factions—let us call them the Jones party and the Smith party—who quarrel about some question of business policy, as, for instance, whether the bank is to issue currency or not. The Jones party is in control, but the Smith men persuade over to their side a sufficient number of Jones men to give them—the Smith men—a majority at the next stockholders' meeting. Thus they succeed in getting the upper hand. They oust the old board of directors, and elect a new board consisting of Smith men. The new Smith board at once remove all the officers, president, cashier, tellers, book-keepers, and clerks, down to the messenger boys—the good and the bad alike—simply because they are Jones men, and fill their places forth-with with new persons who are selected, not on the ground that they have in any way proved their fitness for the positions so filled, but simply because they are Smith men; and those of the Smith men who have shown the greatest zeal and skill in getting a majority of votes for the Smith party are held to have the strongest claims for salaried places in the bank. The new men struggle painfully with the duties novel to them until they acquire some experience, but even then, it needs in many instances two men or more to do the work of one.

In the course of events dissatisfaction spreads among the stockholders with the Smith management, partly shared by ambitious Smith men who thought themselves entitled to reward in the shape of places and salaries, but were “left out in the cold.” Now the time for a new stockholders' meeting arrives. After a hot fight the Jones party carries the day. Its ticket of directors being elected, off go the heads of the Smith president, the Smith cashier, the Smith tellers, the Smith bookkeepers, and clerks, to be replaced by true-blue Jones men, who have done the work of the campaign and are expected to do more of it when the next election comes. And so the career of the bank goes on with its periodical changes of party in power at longer or shorter intervals, and its corresponding clean sweeps of the bank service, with mismanagement and occasional fraud and peculation as inevitable incidents.

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You might watch the proceedings of such a banking concern with intense curiosity and amusement. But I ask you, what prudent man among you would deposit his money in it, or invest in its stock? And why would you not? Because you would think that this is not sensible men's business, but foolish boys' play; that such management would necessarily result in reckless waste and dishonesty, and tend to land many of the bank's officers in Canada, and not a few of its depositors or investors in the poor-house. Such would be your judgment, and in pronouncing it you would at the same time pronounce judgment upon the manner in which the business part of our national Government, as well as of many if not most of our State and municipal governments, has been conducted for several generations. This is the spoils system. And I have by no means presented an exaggerated or even a complete picture of it; nay, rather a mild sketch, indicating only with faint touches the demoralizing influences exercised by that system with such baneful effect upon the whole political life of the nation.

Looking at the financial side of the matter alone—it is certainly bad enough; it is indeed almost incomprehensible how the spoils system could be permitted through scores of years to vitiate our business methods in the conduct of the national revenue service, the postal service, the Indian service, the public-land service, involving us in indescribable administrative blunders, bringing about Indian wars, causing immense losses in the revenue, breeding extravagant and plundering practices in all Departments, costing our people in the course of time untold hundreds of millions of money, and making our Government one of the most wasteful in the world. All this, I say, is bad enough. It might be called discreditable enough to move any self-respecting people to shame. But the spoils system has inflicted upon the American people injuries far greater than these.

The spoils system, that practice which turns public offices, high and low, from public trusts into objects of prey and booty for the victorious party, may without extravagance of language be called one of the greatest criminals in our history, if not the greatest. In the whole catalogue of our ills there is none more dangerous to the vitality of our free institutions.

It tends to divert our whole political life from its true aims. It teaches men to seek something else in politics than the public good.

It puts mercenary selfishness as the motive power for political action in the place of public spirit, and organizes that selfishness into a dominant political force.

It attracts to active party politics the worst elements of our population, and with them crowds out the best. It transforms political parties from associations of patriotic citizens, formed to serve a public cause, into bands of mercenaries using a cause to serve them. It perverts party contests from contentions of opinion into scrambles for plunder. By stimulating the mercenary spirit it promotes the corrupt use of money in party contests and in elections.

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It takes the leadership of political organizations out of the hands of men fit to be leaders of opinion and workers for high aims, and turns it over to the organizers and leaders of bands of political marauders. It creates the boss and the machine, putting the boss into the place of the statesman, and the despotism of the machine in the place of an organized public opinion.

It converts the public office-holder, who should be the servant of the people, into the servant of a party or of an influential politician, extorting from him time and work which should belong to the public, and money which he receives from the public for public service. It corrupts his sense of duty by making him understand that his obligation to his party or his political patron is equal if not superior to his obligation to the public interest, and that his continuance in office does not depend on his fidelity to duty. It debauches his honesty by seducing him to use the opportunities of his office to indemnify himself for the burdens forced upon him as a party slave. It undermines in all directions the discipline of the public service.

It falsifies our constitutional system. It leads to the usurpation, in a large measure, of the executive power of appointment by members of the legislative branch, substituting their irresponsible views of personal or party interest for the judgment as to the public good and the sense of responsibility of the Executive. It subjects those who exercise the appointing power, from the President of the United States down, to the intrusion of hordes of office-hunters and their patrons, who rob them of the time and strength they should devote to the public interest. It has already killed two of our Presidents, one, the first Harrison, by worry, and the other, Garfield, by murder; and more recently it has killed a mayor in Chicago and a judge in Tennessee.

It degrades our Senators and Representatives in Congress to the contemptible position of office-brokers, and even of mere agents of office-brokers, making the business of dickering about spoils as weighty to them as their duties as legislators. It introduces the patronage as an agency of corrupt influence between the Executive and the Legislature. It serves to obscure the criminal character of bribery by treating bribery with offices as a legitimate practice. It thus reconciles the popular mind to practices essentially corrupt, and thereby debauches the popular sense of right and wrong in politics.

It keeps in high political places, to the exclusion of better men, persons whose only ability consists in holding a personal following by adroit manipulation of the patronage. It has thus sadly lowered the standard of statesmanship in public position, compared with the high order of ability displayed in all other walks of life.

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It does more than anything else to turn our large municipalities into sinks of corruption, to render Tammany Halls possible, and to make of the police force here and there a protector of crime and a terror to those whose safety it is to guard. It exposes us, by the scandalous spectacle of its periodical spoils carnivals, to the ridicule and contempt of civilized mankind, promoting among our own people the growth of serious doubts as to the practicability of democratic institutions on a great scale; and in an endless variety of ways it introduces into our political life more elements of demoralization, debasement, and decadence than any other agency of evil I know of, aye, perhaps more than all other agencies of evil combined.

These are some of the injuries the spoils system has been, and still is, inflicting upon this Republic—some, I say; not all, for it is impossible to follow its subtle virus into all the channels through which it exercises its poisonous influence. But I have said enough to illustrate its pernicious effects; and what I have said is only the teaching of sober observation and long experience.

And now, if such are the evils of the spoils system, what are, by way of compensation, the virtues it possesses, and the benefits it confers? Let its defenders speak. They do not pretend that it gives us a very efficient public service; but they tell us that it is essentially American; that it is necessary in order to keep alive among our people an active interest in public affairs; that frequent rotation in office serves to give the people an intelligent insight in the nature and workings of their Government; that without it parties cannot be held together, and party government is impossible; and that all the officers and employees of the Government should be in political harmony with the party in power. Let us pass the points of this defence in review one by one.

First, then, in what sense can the spoils system be called essentially American? Certainly not as to its origin. At the beginning of our national Government nothing like it was known here, or dreamed of. Had anything like it been proposed, the fathers of the Republic would have repelled it with alarm and indignation. It did, indeed, prevail in England when the monarchy was much stronger than it is now, and when the aristocracy could still be called a ruling class. But as the British Government grew more democratic, the patronage system, as a relic of feudalism, had to yield to the forces of liberalism and enlightenment until it completely disappeared. When it invaded our national Government, forty years after its constitutional beginning, we merely took what England was casting off as an abuse inconsistent with popular government, and unworthy of a free and civilized nation. If not in origin, is the spoils system essentially American in any other sense? Only in the sense in which murder is American, or small-pox, or highway robbery, or Tammany Hall.



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As to the spoils system being necessary to the end of keeping alive among our people an active interest in public affairs—where is the American who does not blush to utter such an infamous calumny? Is there no patriotism in America without plunder in sight? Was there no public spirit before spoils systems and clean sweeps cursed us, none between the battle of Lexington and Jackson's inauguration as President? Such an argument deserves as an answer only a kick from every honest American boot.

I admit, however, that there are among us some persons whose interest in public affairs does need the stimulus of office to remain alive. I am far from denying that the ambition to serve one's country as a public officer is in itself a perfectly legitimate and honorable ambition. It certainly is. But when a man's interest in public affairs depends upon his drawing an official salary, or having such a salary in prospect, the ambition does not appear so honorable. There is too pungent a mercenary flavor about it. No doubt, even among the mercenaries may be found individuals that are capable, faithful, and useful; but taking them as a class, the men whose active public spirit is conditional upon the possession or prospect of official spoil are those whose interest in public affairs the commonweal can most conveniently spare. Indeed, our political life would be in a much healthier condition if they did not take any part in politics at all. There would be plenty of patriotic Americans to devote themselves to the public good without such a condition. In fact, there would be more of that class in regular political activity than there are now, for they would not be jostled out by the pushing hordes of spoils-hunters, whose real interest in public affairs is that of serving themselves. The spoils system is therefore not only not a stimulus of true public spirit, but in spreading the mercenary tendency among the people it has served to baffle and discourage true public spirit by the offensive infusion in political life of the mercenary element.

The view that the spoils system with its frequent rotations in office is needed to promote among the people a useful understanding of the nature and workings of the Government, finds, amazing as it may seem, still serious adherents among well-meaning citizens. It is based upon the assumption that the public service which is instituted to do certain business for the people, should at the same time serve as a school in which ignorant persons are to learn something about the functions of the Government. These two objects will hardly go together. If the public service is to do its business with efficiency and economy, it must of course be manned with persons fit for the work. If on the other hand it is to be used as a school to instruct ignorant people in the functions of the Government—that is, in the duties of a postmaster, or a revenue collector, or an Indian agent, or a Department clerk—then we should



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select for such places persons who know least about them, for they have the most to learn; and inasmuch as such persons, before having acquired the necessary knowledge, skill, and experience, will inevitably do the public business in a bungling manner, and therefore at much inconvenience and loss to the people, they should, in justice to the taxpayers, instead of drawing salaries, pay something for the instruction they receive. For as soon as they have learned enough really to earn a salary, they will have to be turned out to make room for others, who are as ignorant and in as great need of instruction as the outgoing set had been before. Evidently this kindergarten theory of the public service is hardly worth discussion. The school of the spoils system, as it has been in operation since 1829, has educated thousands of political loafers, but not one political sage.

That the Government will not work satisfactorily unless all its officers and employees are in political harmony with the ruling party, is also one of those superstitions which some estimable people have not yet been able to shake off. While they sternly resist the argument that there is no Democratic and no Republican way of sorting letters, or of collecting taxes, or of treating Indians, as theoretical moonshine, their belief must, after all, have received a rude shock by the conduct of the last three national Administrations, including the present one.

When in 1885, after twenty-four years of Republican ascendancy, the Democrats came into power, President Cleveland determined that, as a general rule, officers holding places covered by the four-years-term law should, if they had conducted themselves irreproachably, be permitted to serve out their four-years terms. How strictly this rule was adhered to I will not now inquire. At any rate it was adhered to in a great many cases. Many Republican office-holders, under that four-years rule, remained in place one, or two, or three years under the Democratic Administration. President Harrison, succeeding Mr. Cleveland, followed a similar rule, although to a less extent. And now President Cleveland again does the same. Not only did we have during his first term the startling spectacle of the great post-office of New York City remaining in the hands of a postmaster who was not a Democrat, but recently of the Collectorship of the port of New York, once considered the most important political office in the country, being left for a year or more in possession of a Republican.

It is clear, the Presidents who acted thus did not believe that the public interest required all the officers of the Government to be in harmony with the party in power. On the contrary, they thought that the public interest was served by keeping efficient officers in their places, for a considerable time at least, although they were not in such harmony. And no doubt all sensible people admit that the common weal did not suffer therefrom. The theory of

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the necessity of political accord between the administrative officers of the Government and the party in power has thus been thoroughly exploded by actual practice and experience. Being obliged to admit this, candid men, it is to be hoped, will go a step further in their reasoning. If those two Presidents were right in thinking that the public welfare was served by keeping meritorious officers not belonging to the ruling party in place until they had served four years, is it not wrong to deprive the country of the services of such men, made especially valuable by their accumulated experience and the training of their skill, by turning them out after the lapse of the four years? If it was for the public interest to keep them so long, is it not against the public interest not to keep them longer?

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But all these evidences of progress I regard as of less importance than the strength our cause has gained in public sentiment. Of this we had a vivid illustration when a year ago, upon the motion of Mr. Richard Watson Gilder, the Anti-Spoils League was set on foot for the purpose of opening communication and facilitating correspondence and, in case of need, concert of action with the friends of Civil Service reform throughout the country, and when, in a short space of time, about 10,000 citizens sent in their adhesion, representing nearly every State and Territory of the Union, and in them, the most enlightened and influential classes of society.

More encouraging still is the circumstance that now for the first time we welcome at our annual meeting not only the familiar faces of old friends, but also representatives of other organizations—Good Government clubs, working for the purification of politics; municipal leagues, whose aim is the reform of municipal governments; and commercial bodies, urging the reform of our consular service. We welcome them with especial warmth, for their presence proves that at last the true significance of Civil Service reform is being appreciated in constantly widening circles. The Good Government Club understands that if the moral tone of our politics, national or local, is to be lifted up, the demoralizing element of party spoil must be done away with. The Municipal League understands that if our large municipalities are to be no longer cesspools of corruption, if our municipal governments are to be made honest and business-like, if our police forces are to be kept clear of thugs and thieves, the appointments to places in the municipal service must be withdrawn from the influence of party bosses and ward ruffians, and must be strictly governed by the merit system. The merchants understand that if our consular service is to be an effective help to American commerce, and a credit to the American name, it must not be subject to periodical partisan lootings, and our consuls must not be appointed by way of favor to some influential politician, but upon a methodical ascertainment of their qualifications

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for the consular business; then to be promoted according to merit, and also to be salaried as befits respectable agents and representatives of a great nation. With this understanding, every Good Government Club, every Municipal League, every Chamber of Commerce or Board of Trade must be an active Civil Service Reform Association. But more than this. Every intelligent and unprejudiced citizen, when he candidly inquires into the developments which have brought about the present state of things, will understand that of the evils which have so alarmingly demoralized our political life, and so sadly lowered this Republic in the respect of the world, many, if not most, had their origin, and find their sustenance, in that practice which treats the public offices as the plunder of victorious parties; that as, with the increase of our population, the growth of our wealth, and the multiplication of our public interests, the functions of government expand and become more complicated, those evils will grow and eventually destroy the very vitality of our free institutions, unless their prolific source be stopped; that this force can be effectually stopped not by mere occasional spasms of indignant virtue, but only by a systematic, thorough, and permanent reform. Every patriotic citizen understanding this must be a Civil Service reformer.

You may ask how far this understanding has penetrated our population. President Cleveland answers this question in his recent message. Listen to what he says: "The advantages to the public service of an adherence to the principles of Civil Service Reform are constantly more apparent, and nothing is so encouraging to those in official life who honestly desire good government, as the increasing appreciation by our people of these advantages. A vast majority of the voters of the land are ready to insist that the time and attention of those they select to perform for them important public duties should not be distracted by doling out minor offices, and they are growing to be unanimous in regarding party organization as something that should be used in establishing party principles instead of dictating the distribution of public places as rewards for partisan activity."

With gladness I welcome this cheering assurance, coming from so high an authority. If such is the sense of "a vast majority of the voters of the land, growing to be unanimous," it may justly be called the will of the people. If it is the will of the people, what reason—nay, what excuse—can there be for further hesitation? Let the will of the people be done! Let it be done without needless delay, and let the people's President lead in doing it! Then no more spoils and plunder! No more removals not required by public interest! No more appointments for partisan reasons! Continuance in office, regardless of any four-years rule, of meritorious public servants! Superior merit the only title to preferment! No longer can this be airily waved

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aside as a demand of a mere sect of political philosophers, for now it is recognized as the people's demand. No longer can Civil Service reform be cried down by the so-called practical politicians as the nebulous dream of unpractical visionaries, for it has been grasped by the popular understanding as a practical necessity—not to enervate our political life, but to lift it to a higher moral plane; not to destroy political parties, but to restore them to their legitimate functions; not to make party government impossible, but to guard it against debasement, and to inspire it with higher ambitions; not pretending to be in itself the consummation of all reforms, but being the Reform without which other reformatory efforts in government cannot be permanently successful.

Never, gentlemen, have we met under auspices more propitious. Let no exertion be spared to make the voice of the people heard. For when it is heard in its strength it will surely be obeyed.