Political record of Stephen A. Douglas on the slavery question. A tract issued by the Illinois Republican State Central Committee.

POLITICAL RECORD OF STEPHEN A. DOUGLAS ON THE SLAVERY QUESTION.

A TRACT ISSUED BY THE ILLINOIS REPUBLICAN STATE CENTRAL COMMITTEE.

THIRD EDITION, REVISED AND ENLARGED.

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PART I.—ANTI-SLAVERY.

MR. DOUGLAS ENDEAVORS TO PROHIBIT SLAVERY IN "STATES."

On the 25th day of January, 1845, the Hon. Stephen A. Douglas, a member of the House of Representatives from Illinois, introduced the following amendment to the joint resolution for the annexation of Texas, which had been presented by Mr. Brown, of Tennessee:

"And is such *States* as may be formed out of said *territory* north of the Missouri Compromise line, slavery or involuntary servitude—except for crime—shall be prohibited."

The record of this action is found in the *Congressional Globe,* Vol. XIV, (2d session, 28th Congress,) page 193. The amendment became a part of the law for annexing Texas, and will be found on page 798 of the *U. S. Statutes at Large,* for 1836–1845. Let it be observed, that while Thomas Jefferson and the fathers of the Republic proposed to prohibit slavery in *Territories* only, and while the Republican party of to-day propose no more and no less, Stephen A. Douglas sought, in 1845, to prohibit it in *States,* even though the people wanted it!

HE DISTINCTLY ASSERTS THE RIGHT OF CONGRESS TO GOVERN THE TERRITORIES.

On the 23d of February, 1845, Mr. Douglas made a speech in the House of Representatives, on the bills for the admission of Iowa and Florida into the Union. In this speech he said:

"The father may bind his son during his minority, but the moment he attains his majority his fetters are severed, and he is free to regulate his own conduct. SO WITH THE TERRITORIES; THEY ARE SUBJECT TO THE JURISDICTION AND CONTROL OF CONGRESS DURING THEIR INFANCY—THEIR MINORITY; but when they attain their majority AND OBTAIN ADMISSION INTO THE UNION, they are free from all restraints and restrictions, except such as the Constitution of the United States has imposed upon each and all of the States."—[Cong. Globe, vol. 14, page 234.]

HE REGARDS THE MISSOURI COMPROMISE AS A "SACRED THING."

On the 23d of October, 1849, Mr. Douglas made a speech at Springfield, Illinois, which was published in the *State Register* of Nov. 8th, in which he used the following remarkable language:

"The Missouri Compromise has an origin akin to that of the Constitution of the United States, conceived in the same spirit of fraternal affection, and calculated to remove forever the danger which seemed to threaten, at some distant day, to sever the social bond of union. All the evidences of public opinion, at that day, seemed to indicate that this Compromise had became canonized in the hearts of the American people as a sacred thing, which no ruthless hand would ever be reckless enough to disturb."

HE AWARDS THE GLORY OF THE MISSOURI COMPROMISE TO HENRY CLAY.

In the same speech, and in the same context, he continued as follows:

"The Missouri Compromise had then been in practical operation for about a quarter of a century, and had received the saction and approbation of men of all parties, in every section of the Union. It had allayed all sectional jealousies and irritations, growing out of this vexed question, and harmonized and tranquilized the whole country. It had given to Henry Clay, as its prominent champion, the proud soubriquet of the ' *Great Pacificator,* ' and by that title, and for that service, his political friends had repeatedly appealed to the people to rally under his standard, as a presidential candidate, as the man who had exhibited the patiotism, and the power to suppress an unholy and treasonable agitation, and preserve the Union. He (Mr. Douglas) was not aware that any man or any party, from any section of the Union, had ever urged as an objection to Mr. Clay, that he was a Great Champion of the Missouri Compromise. On the contrary, the effort was made by the opponents of

Mr. Clay, to prove that he was not entitled to the exclusive merit of that great patriotic measure, and that the honor was equally due to others as well as him, for securing its adoption.

"He, (Mr. Douglas) in connection with the entire delegation from Illinois, and according to his recollection, in company with nearly all the members from the Northern States, and some forty odd members from the Slave States, voted for the Oregon bill, containing a prohibition of slavery in that Territory, leaving the 2 people to regulate their own domestic institutions under the Constitution *when they should become a State.* This triumphant vote, uniting both Northern and Southern members in favor of the Oregon bill, was a matter of no practical importance so far as the existence of the institution of slavery in that country was concerned, and is only referred to now, for the purpose of showing that at that day, the Constitutional right of Congress to legislate upon the subject of slavery in the Territories, WAS NOT VIRTUALLY RESISTED, IF, INDEED, IT WAS SERIOUSLY QUESTIONED."

HE BELIEVES IT IS NOT UNJUST TO THE SOUTH TO EXCLUDE SLAVERY.

On the 13th day of March, 1850, Mr. Douglas made a speech in the Senate, defending the "sacred thing," from which the following is an average extract:

"The next in the series of aggressions complained of by the Senator from South Carolina, is the Missouri Compromise. The Missouri Compromise, an act of Northern injustice, designed to deprive the South of her due share of the Territories! Why, sir, it was only on this very day that the Senator from Mississippi despaired of any peaceable adjustment of existing difficulties, because the Missouri Compromise line could not be extended to the Pacific. That measure was originally adopted in the bill for the admission of Missouri by the union of Northern and Southern votes. The South has always professed to be willing to abide by it, and even to continue it, as a fair and honorable adjustment of a vexed and difficult question. In 1845 it was adopted in the resolutions for the annexation of Texas, by Southern as well as Northern votes, without the slightest complaint that it was unfair to any section of the country. In 1846 it received the support of every Southern member of the House of Representatives—Whig and Democrat—without exception, as an alternative measure to the Wilmot Proviso. And again in 1848, as an amendment to the Oregon bill, *on my motion,* it received the vote, if I recollect right—and I do not think that I can possibly be mistaken —of every Southern Senator, Whig and Democrat, even including the Senator from South Carolina himself, (Mr. Calhoun.) And yet we are now told that this is only second to the Ordinance of 1787 in the series of aggressions on the South."— *Cong. Globe, Appendix, vol.* 22, *part* 1, *page* 370.

"The Territories belong to the United States as one people, one nation, and are to be disposed of for the common benefit of all, according to the principles of the Constitution. Each State, as a member

of the Confederacy, has a right to a voice in forming the rules and regulations for the government of the Territories; but the different sections—North, South, East and West—have no such right. It is no violation of Southern rights to prohibit Slavery. "— *Cong. Globe, Appendix, vol.* 22, *part* 1, *page* 369.

HE ADVOCATES THE "IRREPRESSIBLE CONFLICT" AND THE ULTIMATE EXTINCTION OF SLAVERY!

On the same day, and in the same speech, Mr. Douglas continued in the following surprising strain—surprising, if we reflect *in whose mouth* the sentiments are found:

"I have already had occasion to remark, that at the time of the adoption of the Constitution, there were twelve (slave States) and six of them have since abolished slavery. This fact shows that the cause of freedom has steadily and firmly advanced, while slavery has receded in the same ratio. We all look forward with confidence to the time when Delaware, Maryland, Virginia, Kentucky, and Missouri, and probably North Carolina and Tennessee, *will adopt one gradual system of emancipation,* under the operation of which, those States must, in process of time become free."

And again, on the same page, speaking of a proposition to amend the Constitution so as to preserve an "equilibrium" in point of numbers between free and slave States, he says:

"Then, sir, the proposition of the Senator from South Carolina is entirely impracticable. It is also inadmissible, if practicable. It would revolutionize the fundamental principle of the Government. It would destroy the great principle of popular equality which must necessarily form the basis of all free institutions. *It would be a retrograde movement in an age of progress, that would astonish the world. —Congressional Globe, Appendix, vol.* 22, *part* 1, *page* 371.

HE BELIEVES THAT CONGRESS MAY RIGHTFULLY EXCLUDE SLAVES, BANKS OR ARDENT SPIRITS FROM THE TERRITORIES.

On the 13th of March, 1850, in the speech already quoted from, Mr. Douglas distinctly asserted the right of *Congress* to prohibit the introduction of certain species of property in the Territories, as being "unwise, immoral and contrary to the principles of sound public policy," among which he enumerated property in slaves. He said:

"But you say that we propose to prohibit by law your emigrating to the Territories with your property. We propose no such thing. We recognize your right, in common with our own, to emigrate to the Territories with your property, and there to hold and enjoy it in subordination to the laws you may find in force in the country. These laws, in some respects, differ from our own, as the laws of the various States of this Union vary on some points from the laws of each other. *Some species of*

property are excluded by law in most of the States as well as Territories, as being unwise, immoral, OR CONTRARY TO THE PRINCIPLES OF SOUND PUBLIC POLICY. For instance, the banker is prohibited from emigrating to Minnesota, Oregon or California with his bank. The bank may be property by the laws of New York, but ceases to be so when taken into a State or Territory where banking is prohibited by the local law. So, ardent spirits, whisky, brandy, and all the intoxicating drinks, are recognized and considered as property in most of the States, if not all of them; but no citizen, whether from the North or South, can take this species of property with him, and hold, sell or use at his pleasure, in all the Territories, because it is prohibited by the local law—in Oregon by the statutes of the Territory, and in the Indian country by the acts of Congress. NOR CAN A MAN GO THERE AND TAKE AND HOLD HIS SLAVE, FOR THE SAME REASON. These laws, and many others involving similar principles, *are directed against no section,* AND IMPAIR THE RIGHTS OF NO STATE OF THE UNION. They are laws against the introduction, sale and use of specific kinds of property, whether brought from the North or the South, or from foreign countries."— *Cong. Globe, Appendix, vol.* 22, *part* 1, *page* 371.

And again:

"But, sir, I do not hold the doctrine that to exclude any species of property by law from any Territory, is a violation of any right to property. Do you not exclude banks from most of the Territories? Do you not exclude whisky from being introduced into large portions of the Territory of the United States? Do you not exclude gambling tables, which are properly recognized as such in the States where they are tolerated? And has any one contended that the exclusion of gambling tables, and the exclusion of ardent spirits was a violation of any constitutional privilege or right? And yet it is the case in a large portion of the territory of the United States; but there is no outcry against that, because it is the prohibition of a specific kind of property, and not a prohibition against any section of the Union. Why, sir; our laws now prevent a tavern-keeper from going into some of the territories of the United States and taking a bar with him, and using and selling spirits there. The law also prohibits certain other descriptions of business from being carried on in the Territories. I am not, therefore, prepared to say that, under the Constitution, *we have not the power to pass laws excluding Negro Slavery from the Territories.* It involves the same principles. "— *Speech of Senator Douglas, June* 3 *d,* 1850, *pages* 1115 *and* 1116, *vol.* 21, *Cong. Globe,* 1849–50.

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HE BELIEVES IT IS CONSTITUTIONAL TO PROHIBIT SLAVERY IN THE TERRITORIES.

On the same day, and in the same speech, Mr. Douglas referred to the Wilmot Proviso resolutions, passed by the Illinois Legislature, thus:

"My hands are tied upon one isolated point.

"A Senator —Can you not break loose?

" Mr. Douglas — *I have no desire to break loose.* My opinion are my own, and I express them freely. My votes belong to those who sent me here, and to whom I am responsible. I have never differed with my constituency during seven years service in Congress, except upon one solitary question. AND EVEN ON THAT I HAVE NO CONSTITUTIONAL DIFFICULTIES, and have previously twice given the same vote, under peculiar circumstances; which is now required at my hands. *I have no desire, therefore, to break loose from the instruction. "*—[*Congressional Globe, Appendix, vol.* 22, *part* 1, *page* 373.]

THE RESOLUTIONS OF THE ILLINOIS LEGISLATURE.

This is perhaps an appropriate place to introduce the Wilmot Proviso resolutions of the Illinois Legislature of 1849. They were adopted by the Senate on the 8th of January, in that year, and by the House on the 9th, in the following words:

" *Resolved by the Senate of the State of Illinois, the House of Representatives concurring,* That our Senators in Congress be instructed, and our Representatives requested, to use all honorable means in their power to procure the enactment of such laws by Congress for the government of the countries and territories of the United States acquired by the treaty of peace, friendship, limits, and settlement with the Republic of Mexico, concluded February 2d, 1848, as shall contain the *express declaration 'that there shall be neither slavery nor involuntary servitude in said territories,* otherwise than in the punishment of crimes whereof the party shall have been duly convicted.'

" *Resolved by the House of Representatives, the Senate concurring herein.* That the Governor be respectfully requested to transmit to each of our Senators and Representatives in Congress, a copy of the joint resolution of the Senate, concurred in by the House on the 9th inst., for the exclusion of slavery from the new territories acquired by our late treaty with the Republic of Mexico."

MR. DOUGLAS RESPONDS TO THE RESOLUTIONS.

On the 23d of October, 1849, Mr. Douglas made a speech in Springfield, Ill., (referred to above,) which was published in the *State Register* of Nov. 8th, 1849. In this speech, he referred to the resolutions of instructions passed by the Legislature, in the following language:

"In August, '48, he (Mr. Douglas) had voted for the Oregon bid, containing a clause prohibiting slavery in that Territory. About four months afterwards, the Legislature assembled and prepared a resolution instructing our Senators, and requesting our Representatives in Congress to vote for territorial bills in California and New Mexico, containing a prohibition of slavery in those Territories.

In other words, *they instructed him to do precisely what he had just done without instructions.* He had been informed that his Whig friends, and perhaps a few others, peculiarly situated, confidently expected him to resign, rather than obey those instructions. It would be disagreeable to disappoint them in so reasonable an expectation. It was a serious question, however, requiring grave and deliberate consideration, whether he could conscienciously do under instructions WHAT HE HAD JUST DONE FROM THE DICTATES OF HIS JUDGEMENT WITHOUT INSTRUCTIONS. As the decision of so important a question requires time to consider, he invited them to wait and see."

If it be denied that Mr. Douglas ever uttered these "Abolition" sentiments, a copy of the *Register* containing them, may be found on file, in one of the public offices at Springfield, another at Jacksonville, and perhaps others in other parts of the State, though it is true, that several files of the paper containing Mr. Douglas' speech of Oct. 23d, 1849, were quite mysteriously mutilated or destroyed in 1854, after the repeal of the Missouri Compromise.

HE THOUGHT THE MISSOURI COMPROMISE SHOULD HAVE BEEN EXTENDED TO THE PACIFIC.

The bill for the admission of California being under debate, Mr. Turney (of Tenn.) moved to amend the same by extending the Missouri Compromise line to the Pacific Ocean, saying his amendment was a verbatim copy of Douglas' amendment to the Oregon Bill. Mr. Douglas, on the 6th day of August, 1850, said:

"As reference has been made to me as the author of a similar amendment, in 1848, to the Oregon Bill, I desire only to state that I was then willing to adjust the whole slavery question on that line and those terms; *and if the whole acquired territory was now in the same condition as it was then,* I WOULD NOW VOTE FOR IT, AND SHOULD BE GLAD TO SEE IT ADOPTED. But since then California has increased her population, has a State government organized, and I cannot consent, for one, to destroy that State government and send all back, or that such a line as this shall form her southern boundary. For that reason, AND THAT ALONE, I shall vote against the amendment."— *Cong. Globe, Appendix, vol.* 22, *part* 2, *page* 1510.

HE SAYS THE PEOPLE OF THE NORTHWEST WERE CONSCIENTIOUSLY OPPOSED TO SLAVERY.

In his speech in the Senate, on the 13th of March, 1850, (already quoted from), Mr. Douglas took occasion to vindicate the conscientious feelings of the people of Illinois and the other Northwestern States on the subject of slavery, as follows:

"I undertake to say that there is not one of these States that would have tolerated the institution of slavery in its limits, even if it had been peremptorily required to do so by act of Congress. It is a

libel on the character of these people, to say that the HONEST SENTIMENTS OF THEIR HEARTS were smothered, and their political action upon this question constrained and directed by act of Congress. Will the Senators from Ohio, Indiana, Michigan, Wisconsin and Iowa make any such DEGRADING ADMISSION in respect to their constituencies? I WILL NEVER BLACKEN THE CHARACTER OF MY OWN STATE BY SUCH AN ADMISSION, and I know the character of my colleague too well to harbor the thought that he will allow it to be said of her with impunity."—[Congressional Globe, Appendix, vol. 22, part 1, page 370.]

Let the reader contrast this fine assertion of the conscientious convictions of the people of Illinois, with the horrible libel upon them contained in his speech of February 29th, 1860, (on page 13 of this tract), and see how he has kept his promise, "never to blacken the character of his own State by such an admission."

HE BELIEVES IN THE HIGHER LAW.

In his Chicago speech of October 23d, 1850, in defense of the Fugitive Slave Law, Mr. Douglas said:

"The general proposition that there is a law PARAMOUNT TO ALL HUMAN ENACTMENTS—the law of the Supreme Ruler of the Universe—I TRUST THAT NO CIVILIZED AND CHRISTIAN PEOPLE IS PREPARED TO QUESTION, MUCH LESS DENY. We should recognize, respect and revere the Divine law."— *Sheahan's Life of Douglas; page* 184.

It is true that Mr. Douglas went on to argue that the Divine law does not prescribe the forms of human government, but all his subsequent logic is not a match for the plain, unequivocal statement here given that "there is a law paramount to all human enactments!"

SLAVERY IN NEW MEXICO.

For the purpose of contrasting the views uttered by Mr. Douglas in the Senate, on the 12th day of February, 1850, on the subject of slavery in the territory of New Mexico, with his remarks on the 16th of May, 1860, (hereafter quoted,) we copy the following from the *Congressional Globe, vol.* 22, *part* 1, *page* 343;

"Mr. Douglas. —If the question is controverted here, I am ready to enter into the discussion of that question at any time, upon a reasonable notice, and to show that by the constituted authority and constitutional authority of Mexico, slavery was prohibited in Mexico at the time of the acquisition, and that prohibition was acquired by us with the soil, and that when we acquired the territory, we acquired it with that attached to it—that covenant running with the soil—and that must continue,

unless removed by competent authority. And because there was a prohibition thus attached to the soil, I have always thought it was an unwise, unnecessary, and unjustifiable course on the part of the people of the free States, to require Congress to put another prohibition on the top of that one. *It has been the strongest argument that I have ever urged against the prohibition of slavery in the Territories, that it was not necessary for the accomplishment of their object.* "

THE THREE NEBRASKA BILLS.

No. 1.

On the 17th day of February, A. D. 1853, Senator Douglas, as Chairman of the Committee on Territories, reported to the Senate his first "Act to Organize the Territory of Nebraska." This act contained no repeal of the Missouri Compromise, and it failed to become a law for want of time. Senator Atchison, of Missouri, on the 3d day of March, 1853, made some remarks on this bill, in which he acknowledged that he had no hope of ever seeing the Missouri Compromise repealed. He said:

"I had two objections to this bill. One was, that the Indian title to that Territory had not been extinguished, or at least but a very small portion of it had been. Another was the Missouri Compromise, or, as it is commonly called, the Slavery Restriction. It was my opinion at that time,—and I am not now very clear on that subject,—that the law of Congress, when the State of Missouri was admitted into the Union, excluding slavery from the Territory of Louisiana north of 36 deg. 30 min., would be enforced in that Territory unless it was specially rescinded; and whether that law was in accordance with the Constitution of the United States or not, it would do its work, and that work would be to preclude slaveholders from going into that Territory. But when I came to look into that question, *I found that there was no prospect, no hope, of a repeal of the Missouri Compromise excluding Slavery from that Territory.* Now, sir, I am free to admit that at this moment, at this hour, and for all time to come, I should oppose the organization or the settlement of that Territory, unless my constituents and the constituents of the whole South, of the slave States of the Union, could go into it upon the same footing, with equal rights and equal privileges, carrying that species of property with them as other people of this Union. Yes, sir, I acknowledge that that would have governed me, *but I have no hope that the restriction will ever be repealed.*

"I have always been of opinion that the first great error committed, in the political history of this country, was the Ordinance of 1787, rendering the Northwest Territory free territory. The next great error was the Missouri Compromise. *But they are both irremediable. There is no remedy for them. We must submit to them. I am prepared to do it.* It is evident that the Missouri Compromise cannot

be repealed. So far as that question is concerned, we might as well agree to the admission of this Territory now as next year, or five or ten years hence."—[*Cong. Globe, Session* 1852–53, *page* 1113.

No. 2.

On the 4th day of January, 1854, Mr. Douglas, as Chairman of the Committee on Territories, reported to the Senate his second bill for the organization of Nebraska. The bill was accompanied by a report, from which the following is an extract:

"Your Committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife and the fearful struggle of 1850. As Congress deemed it wise and prudent to refrain from deciding the matters in controversy then, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution and the extent of the protection afforded by it to slave property in the Territories, so *YOUR COMMITTEE ARE NOT PREPARED NOW TO RECOMMEND A DEPARTURE* from the course pursued on that memorable occasion, *EITHER BY AFFIRMING OR REPEALING THE EIGHTH SECTION OF THE MISSOURI ACT,* or by any Act declaratory of the meaning of the Constitution in respect to the legal points of dispute."

Senator Dixon, of Kentucky, immediately introduced an amendment to the bill, declaring the Missouri Compromise null and void. Senator Atchison, of Missouri, then the presiding officer of the Senate, threatened Mr. Douglas with a displacement from his position as Chairman of the Committee on Territories, unless he should accept Mr. Dixon's amendment. Mr. Atchison tells the whole story in a speech delivered at Atchison City, Kansas, on the 10th day of September, 1854, reported, as follows in the Parkville *Luminary:*

"He [Atchison] thought the Missouri Compromise ought to be repealed; he had pledged himself in his public addresses to vote for no territorial organization that would not virtually annul it; and with this feeling in his heart, he desired to be the chairman of the Senate Committee on Territories when a bill was introduced.

"With this object in view, he had a private interview with Mr. Douglas, and informed him of what he desired—the introduction of a bill for Nebraska like what he had promised to vote for, and that he would like to be Chairman of the Committee on Territories, in order to introduce such a measure; and if he could get that position, he would immediately resign as President of the Senate. Judge Douglas requested twenty-four hours to consider the matter, and if, at the expiration of that time, he could not introduce such a bill as he [Mr. Atchison] proposed; which would, at the same time, accord with his own sense of justice to the South, he would resign as Chairman of the Territorial Committee

in Democratic caucus, and exert his influence to get him [Atchison] appointed. At the expiration of the given time, Senator Douglas signified his intention to introduce such a bill as had been spoken of."

No. 3.

Whether Atchison told the truth or not, it is a fact that on the 23d day of January, 1854, nineteen days after he was "not prepared to recommend a departure" from the Missouri prohibition, Mr. Douglas brought in a new bill, dividing Nebraska into two Territories— 5 Kansas and Nebraska—and repealing the Missouri Compromise in the following terms:

"That the Constitution, and all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska (and Kansas) as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which BEING INCONSISTENT WITH THE PRINCIPLE OF NON-INTERVENTION BY CONGRESS WITH SLAVERY IN THE STATES AND TERRITORIES, AS RECOGNIZED BY THE LEGISLATION OF 1850, commonly called the Compromise Measures, is hereby declared inoperative and void."

PART II.—PRO-SLAVERY.

The introduction of the third Nebraska bill, repealing the Missouri Compromise, constitutes the turning point in Mr. Douglas' political highway. From this sharp corner, his course is wholly and utterly pro-slavery, down to the introduction of the Lecompton bill in the Senate, where he takes a position of indifference, best expressed in his phrase, "Don't care whether slavery is voted down or voted up." The indifferent mood is preserved a little more than two years, when, as will be seen by the record, he becomes more wrathfully pro-slavery than ever before.

Popular Sovereignty.

The meaning of "Popular Sovereignty" is now shown by Mr. Douglas himself to be this: That the people of a Territory shall not have the power of electing their own executive officers or judges, nor the right to make their own laws, except by a two-thirds vote if the Federal Governor shall disapprove them; *and that they shall not have the right to exclude slavery at all.* It is further shown that under Popular Sovereignty "no such thing as sovereign power attaches to a Territory," and that the settlers upon all unorganized territory of the United States are to be treated as vagrants and rebels. In other words, that Popular Sovereignty means the right of the people of the Territories

to be governed entirely by the President and the Supreme Court. Let the reader give his attention to the following facts, taken from the record, and judge whether this is not a correct statement of "Popular Sovereignty":

POPULAR SOVEREIGNTY IN THE NEBRASKA BILL.

The twelfth section of the Kansas Nebraska Act says:

"That the Governor, Secretary, Chief Justice, Associate Justices, Attorney and Marshal, shall be nominated, and, by and with the advice and consent of the Senate, *appointed by the President of the United States.* "

The sixth section of the same act says:

"Every bill which shall have passed the Council and House of Representatives of said Territory, shall, before it become a law, be presented to the Governor of the Territory; if he approve he shall sign it, but if not he shall return it with his objections to the House in which it originated, who shall enter the objections, at large, on their journal, and proceed to re-consider it. If, after such re-consideration, TWO-THIRDS of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be re-considered, and if approved by TWO-THIRDS of that House, it shall become a law."

The seventh section of the same act says:

"The Governor shall nominate, and by and with the advice and consent of the legislative council, *appoint all officers not herein otherwise provided for;* and in the first instance the Governor alone may appoint all said officers who shall hold their offices until the end of the first session of the legislative assembly, and he shall lay off the necessary districts for members of the council and House of Representatives, and all other officers."

These extracts are introduced, not because there has ever been any dispute about the facts, but for the purpose of giving jury evidence of the proposition sought to be established concerning the "true intent and meaning" of Popular Sovereignty.

HE VOTES DOWN "POPULAR SOVEREIGNTY."

The true intent and meaning of the Nebraska bill was declared to be "not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people perfectly free to form and regulate their own domestic institutions in their own way, subject only to the Constitution of the

United States." This was the "stump speech in the belly of the bill," as Mr. Benton justly characterized it. On the 15th of February, 1854, Senator Chase offered an amendment to the bill, in order to allow the people to exclude slavery while in a Territorial condition, if they wanted to. The amendment was as follows:

"Mr. Chase. —I desire to submit an amendment—to insert immediately after the words, 'subject to the Constitution of the United States,' the following:

"'Under which the people of the Territory, through their appropriate representatives, may, if they see fit, PROHIBIT THE EXISTENCE OF SLAVERY THEREIN.'"— *Cong. Globe,* 1854, *part* 1, *page* 421.

After considerable discussion a vote was taken, on the 2d of March following, and the amendment was rejected by —year, 10; nays, 30—DOUGLAS voting in the negative. Thus it appeared that the people were *not* left perfectly free to *exclude* slavery, according to Mr. Douglas' understanding of his own bill.

HE DOES IT AGAIN.

On the 2d of July, 1856, Senator Trumbull offered the following amendment to the bill for the admission of Kansas, commonly known as the "Toombs Bill":

"And be it further enacted, That the provision of the 'Act to organize the Territories of Nebraska and Kansas,' which declares it to be the 'true intent and meaning' of said act 'not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to 6 leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States,' was intended to and does confer upon or leave to the people of Kansas full power, at any time, through its Territorial Legislature, to exclude slavery from said Territory, or to recognize and regulate it therein."

The vote stood—yeas 11, nays 34. DOUGLAS voting in the negative. The amendment may be found on page 796, and the vote on page 799 of the Appendix to the *Congressional Globe,* 1855–56.

HE SAYS IT IS A QUESTION FOR THE SUPREME COURT.

On this occasion, (to wit, on the 2d of July, 1856,) Mr. Douglas used the following language in discussing the amendment:

"My opinion in regard to the question which my colleague is trying to raise here, has been well known to the Senate for years. It has been repeated over and over again. He tried, the other day, as

those associated with him on the stump used to do two years ago and last year, to ascertain what were my opinions on this point in the Nebraska bill. I TOLD THEM IT WAS A JUDICIAL QUESTION. My answer then was, and now is, that IF THE CONSTITUTION CARRIES SLAVERY THERE, LET IT GO, AND NO POWER ON EARTH CAN TAKE IT AWAY; but if the Constitution does not carry it there, no power but the people can carry it there. Whatever may be the true decision of that constitutional point, it would not have affected my vote for or against the Nebraska bill. *I should have supported it as readily if I thought the decision would be one way as the other.* If my colleague will examine my speeches, he will find that declaration. He will also find that I stated I would not discuss the LEGAL QUESTION, for that by the bill we referred it to the Courts."— *Appendix to Cong. Globe, page* 797.

And again on the same day, in reply to Mr. Trumbull, he said:

"I say I am willing to leave it to the Supreme Court of the United States, because the Constitution intrusted it there."— *Appendix to Cong. Globe,* 1855–6, *page* 797.

WHAT THE SUPREME COURT DECIDED.

This is a proper place to give the decision of the Supreme Court on the question of slavery in the Territories, and the right of Territorial Legislatures to exclude it. It will be found on pages 450 and 451, vol. 19, Howard's Reports, (Dred Scott *vs.* John F. A. Sanford,) where, after deciding that Congress had no power to prohibit slavery in a Territory, the Court proceeded as follows:

"The powers over person and property of which we speak are not only not granted to Congress, but are in express terms denied, and they are forbidden to exercise them. And this prohibition is not confined to the States, but the words are general, and extend to the whole territory over which the Constitution gives it power to legislate, including those portions of it remaining under Territorial Government, as well as that covered by States. It is a total absence of power everywhere within the dominion of the United States, and places the citizens of a Territory, so far as these rights are concerned, on the same footing with citizens of the States, and guards them as firmly and plainly against any inroads which the General Government might attempt, under the plea of implied or incidental powers. And if Congress itself cannot do this—if it is beyond the powers conferred on the Federal Government— *it will be admitted, we presume, that it could not authorize a Territorial Government to exercise them. It could confer no power on any local government established by its authority, to violate the provisions of the Constitution.*

"It seems, however, to be supposed that there is a difference between property in a slave and other property, and that different rules may be applied to it in expounding the Constitution of the United States. And the laws and usages of nations, and the writings of eminent jurists upon the relation

of master and slave, and their mutual rights and duties, and the powers which governments may exercise over it, have been dwelt upon in the argument.

"But in considering the question before us, it must be borne in mind that there is no law of nations standing between the people of the United States and their government, and interfering with their relation to each other. The powers of the government, and the rights of the citizens under it, are positive and practical regulations plainly written down. The people of the United States have delegated to it certain enumerated powers, and forbidden it to exercise others. It has no power over the person or property of a citizen but what the citizens of the United States have granted. And no laws or usages of other nations, or reasoning of statesmen or jurists upon the relation of master and slave, can enlarge the powers of the government, or take from the citizen the rights they have reserved. And if the Constitution recognizes the right of property of the master in a slave, and makes no distinction between that description of property and other property owned by a citizen, *no tribunal, acting under the authority of the United States, whether it be legislative, executive or judicial, has a right to draw such a distinction, or deny to it the benefit of the provisions and guarantees which have been provided for the protection of private property against the encroachments of the government.*

"Now, as we have already said in an earlier part of this opinion, upon a different point, THE RIGHT OF PROPERTY IN A SLAVE IS DISTINCTLY AND EXPRESSLY AFFIRMED IN THE CONSTITUTION. The right of traffic in it, like an ordinary article of merchandise and property, was guaranteed to the citizens of the United States in every State that might desire it, for twenty years. And the Government in express terms is pledged to protect it in all future time, if the slave escapes from his owner. This is done in plain words, too plain to be misunderstood. And no word can be found in the Constitution which gives Congress a greater power over slave property, or which entitles property of that kind to less protection than property of any other description. *The only power conferred is the power, coupled with the duty, of guarding and protecting the owner in his rights.* "

POINTS ESTABLISHED BY THE DECISION.

In the 19th vol. of Howard's Reports, page 395, a syllabus of the Dred Scott decision, embracing the points established by the Court, is given in the following words:

1st. "The Territory thus acquired, is acquired by the people of the United States for their common and equal benefit, through their agent and trustee—the Federal Government. Congress can exercise no power over the rights of persons or property of a citizen in the Territory which is prohibited by the Constitution. The Government and the citizen, whenever the Territory is open to settlement, both enter with their respective rights defined and limited by the Constitution."

2d. “Congress has no right to prohibit citizens of any particular State or States, from taking up their homes there, while it permits citizens of other States to do so. Nor has it a right to give privileges to one class of citizens which it refuses to another. The Territory is acquired for their equal and common benefit, and if open to any, it must be open to all upon equal and the same terms.”

3d. “ Every Citizen has a right to take with him into the Territory any article of property which the Constitution of the United States recognizes as property. ”

4th. “ The Constitution of the United States recognizes slaves as property, and pledges the Federal Government to protect it. And Congress cannot exercise any more authority over property of that description, than it may Constitutionally exercise over property of any other kind.”

5th. “The act of Congress, therefore, prohibiting a citizen of the United States taking with him his slaves when he removes to the Territory in question to reside, is an exercise of authority over private property which is not warranted by the Constitution, and the removal of the plaintiff, by his owner, to that Territory, gave him no title to freedom.”

6th. “While it remains a Territory, Congress may legislate over it within the scope of its constitutional powers, in relation to citizens of the United States, and may establish a Territorial Government, and the form of this local government must be regulated by the discretion of Congress; but with powers not exceeding those which Congress itself, by the Constitution, is authorized to exercise over citizens of the United States, in respect to their rights of property.”

Senator Benjamin, in his speech of May 22d, 1860, says that this syllabus was prepared and written out by Judge Taney himself.

MR. DOUGLAS ENDORSES THE WHOLE DECISION.

The Dred Scott decision was delivered in March, 1857. Mr. Buchanan had just been inaugurated, and the Senate had just adjourned. Mr. Douglas took an early occasion to give in his adhesion, not only to the *decision* that Dred Scott was not a citizen, and therefore could not bring suit in a Circuit Court of the United States, but also to the *obiter dictum,* that neither Congress nor a Territorial Legislature could prohibit slavery in a Territory. Having found a Grand Jury in session at Springfield, in the month of June following, an invitation was procured from that august body, calling for the views of Mr. Douglas on three points, to-wit: the Lecompton Convention in Kansas; the proposed invasion of Utah; and the Dred Scott decision. On the last mentioned topic he spoke as follows:

"The character of Chief-Justice Taney and the associate judges who concurred with him require no eulogy—or vindication from me. They are endeared to the people of the United States by their eminent public services—venerated for their great learning, wisdom and experience—and beloved for the spotless purity of their characters and their exemplary lives. The poisonous shafts of partisan malice will fall harmless at their feet, while their judicial decisions will stand in all future time, a proud monument to their greatness, the admiration of the good and wise, and a rebuke to the partisans of faction and lawless violence.

"The Court did not attempt to avoid responsibility by disposing of the case upon technical points without touching the merits, nor did they go out of their way to decide questions not properly before them and directly presented by the record. *Like honest and conscientious judges, as they are,* they met and decided each point as it arose, and faithfully performed their whole duty, and nothing but their duty, to their country, BY DETERMINING ALL THE QUESTIONS IN THE CASE, and nothing but what was essential to the decision of the case upon its merits."— *Douglas' Springfield Grand Jury Speech, June* 12 *th,* 1857— *as published in the* State Register.

HE BELIEVES THAT THE RIGHTS OF THE PEOPLE OF THE TERRITORIES ARE "HELD IN ABEYANCE."

On the 12th of March, 1856, Mr. Douglas submitted his famous report, accompanying a bill for the admission of Kansas into the Union as a State. Senator Chase's amendment to the Nebraska Bill, authorizing the people to exclude slavery while in a territorial condition, having been voted down, and the right of a Territorial Legislature to prohibit slavery having thus been denied, it became important to know whether, in Mr. Douglas' opinion, the *people* can in any other way exclude slavery prior to the formation of a State Constitution. On this point Mr. Douglas is very explicit in denying the right. In the report here referred to he says:

"Without deeming it necessary to express any opinion on this occasion, in reference to that [the Rhode Island] controversy, it is evident that the principles upon which it was conducted are not involved in the revolutionary struggle now going on in Kansas; FOR THE REASON THAT THE SOVEREIGNTY OF A TERRITORY REMAINS IN ABEYANCE SUSPENDED IN THE UNITED STATES, IN TRUST FOR THE PEOPLE, UNTIL THEY SHALL BE ADMITTED INTO THE UNION AS A STATE."—[Douglas' Report on Kansas Affairs, March 12, 1856, page 39.]

This remarkable statement, taken by itself, would seem to be an open avowal of the Republican doctrine that Congress is the rightful guardian of the Territories until they are prepared for admission into the Union as States, but taken with the context, it is no less than a foreshadowing of the Dred Scott decision. In other words, it denies that species of "sovereignty" to the Territories

which authorizes them to *exclude* slavery, and holds them on this point rigidly "subject to the Constitution of the United States," as interpreted by the Supreme Court. It is conclusive, however, of one thing, to-wit, that " *the sovereignty of a Territory remains in abeyance* "—that the people cannot do the things which Mr. Douglas himself proclaimed they might do—that they cannot do those things either through a Territorial Legislature or by Mass Convention, for the reason that their sovereignty is "suspended in the United States, in trust for the people, UNTIL THEY SHALL BE ADMITTED INTO THE UNION AS A STATE."

HE SAYS THAT SLAVES ARE RECOGNIZED AS "PROPERTY" BY THE CONSTITUTION.

On the 6th of December, 1858, Mr. Douglas spoke at New Orleans. The following quotation from his speech is taken from the report in the New Orleans *Delta:*

"I, in common with the Democracy of Illinois, accept the Dred Scott decision of the Supreme Court of the United States, in the Dred Scott case, as an authoritative exposition of the Constitution. Whatever limitations the Constitution, as expounded by the Courts, impose on the authority of a Territorial Legislature, we cheerfully recognize and respect in conformity with that decision. *Slaves are recognized as property, and placed on an equal footing with all other property. Hence, the owner of Slaves—the same as the owner of any other species of property— has a right to remove to a Territory and carry his property with him.* "

HE REPEATS THAT SLAVES MAY BE TAKEN TO THE TERRITORIES LIKE OTHER PROPERTY.

Some of the Douglas organs in the North have undertaken to say that their champion never uttered the words quoted above from his New Orleans speech. They will hardly deny, however, that he repeated it even more 8 offensively in the Senate, on the 23d of February, 1859, in a debate with Gogh. Davis, when he said:

"I do not put Slavery on a different footing from other property. I recognize it as property under what is understood to be the decision of the Supreme Court. I argue that the owner of slaves HAS THE SAME RIGHT TO REMOVE TO THE TERRITORIES AND CARRY HIS SLAVE PROPERTY WITH HIM AS THE OWNER OF ANY OTHER SPECIES OF PROPERTY, and hold the same, subject to such local laws as the Territorial Legislature may Constitutionally pass, and if any person shall feel aggrieved by such local legislation, he may appeal to the Supreme Court to test the validity of such laws. I recognize slave property to be *on an equality with all other property,* and apply the same rules to it. I will not apply one rule to slave property and another to all other kind of property."— *Congressional Globe,* 1858–9, *part* 2, *page* 1256.

And again:

“Slaves, according to that decision, being property, stand on an equal footing with all other property. THERE IS JUST AS MUCH OBLIGATION ON THE PART OF THE TERRITORIAL LEGISLATURE TO PROTECT SLAVES AS EVERY OTHER SPECIES OF PROPERTY, AS THERE IS TO PROTECT HORSES. CATTLE, DRY GOODS, LIQUORS &c.”— *Cong. Globe, same vol., page* 1258.

And again:

“Hence, under the Constitution, there is no power to prevent a Southern man going into the Territories with his slaves, more than a Northern man.”— *Mr. Douglas' Memphis Speech, Nov.* 29 *th,* 1838, *as published in the Avalanche.*

WHAT HE IS OBLIGED TO DO IN THE PREMISES.

In his letter replying to Judge Black's criticism on his Harper's Magazine article, Mr. Douglas took pains to tell what he deemed all persons obliged to do who hold that slavery exists in the Territories by virtue of the Constitution. He said:

“In that article, without assailing any one, or impugning any man's motive, I demonstrated, beyond the possibility of cavil or dispute, if slavery exists in the Territories by virtue of the Constitution, the conclusion is inevitable and irresistible, THAT IT IS THE IMPERATIVE DUTY OF CONGRESS TO PASS ALL LAWS NECESSARY FOR ITS PROTECTION; THAT THERE IS AND CAN BE NO EXCEPTION TO THE RULE, THAT A RIGHT GUARANTEED BY THE CONSTITUTION MUST BE PROTECTED BY LAW IN ALL CASES, WHERE LEGISLATION IS ESSENTIAL TO ITS ENJOYMENT. That all who believe that *slavery uss's in the Territories by virtue of the Constitution* are bound by their conscience, and oaths of fidelity to the Constitution *to support a Congressional slave code in the Territories.* ”

This direct and unequivocal statement of the duty of those who believe that slavery exists in the Territories by virtue of the Constitution, narrows the whole controversy between Douglas and Breckinridge down to a quibble, to wit: Is the right to carry slave property into the Territories, which Mr. Douglas concedes in the extracts quoted above, equivalent to the existence of slavery in the Territories by virtue of the Constitution? To use the brief and concise phrase employed by Mr. Lincoln in his Columbus speech, “can a thing be lawfully driven away from a place where it has a lawful right to be?” Which faction of the Democracy has the advantage of logic and truthfulness in this controversy?

HE DROPS “POPULAR SOVEREIGNTY” ALTOGETHER.

Mr. Douglas has so frequently re-endorsed the Dred Scott decision that it is hardly worth while to notice his subsequent remarks on that theme. Let it be observed, however, that after the Illinois election of 1858, Mr. Douglas ceased talking about the right of Territorial Legislatures to *exclude* slavery, but commenced on an entirely new theme, to-wit: "the right of the people to control slavery as *property.* " On the 22d of June, 1859, Mr. Douglas wrote the following letter to J. B. Dorr, Esq., the editor of the Dubuque *Herald,* which was immediately telegraphed all over the country, as the ground-work of principles on which he would be willing to accept the nomination of the Charleston Convention:

" Washington, June 22 *d,* 1859.

" My Dear Sir: —I have received your letter inquiring whether my friends are at liberty to present my name to the Charleston Convention for the Presidential nomination.

"Before this question can finally be determined, it will be necessary to understand distinctly upon what issues the canvass is to be conducted. If, as I have full faith they will, the Democratic party shall determine in the Presidential election of 1860 to adhere to the principles embodied in the Compromise measures of 1850, and ratified by the people in the Presidential election of 1852, and re-affirmed in the Kansas-Nebraska Act of 1854, and incorporated into the Cincinnati platform in 1856, as expounded by Mr. Buchanan in his letter accepting the nomination, and approved by the people in his election,—in that event my friends will be at liberty to present my name to the Convention if they see proper to do so. If, on the contrary, it shall become the policy of the Democratic party, which I cannot anticipate, to repudiate these, their time-honored principles, on which we have achieved so many patriotic triumphs, and in lieu of them the Convention shall interpolate into the creed of the party such new issues as revival of the African slave trade, or a Congressional slave code for the territories, or the doctrine that the Constitution of the United States ever established or prohibited slavery in the territories, *beyond the power of the people legally to control it as property,* —it is due to candor to say, that in such an event I could not accept the nomination if tendered to me. Trusting that this answer will be deemed sufficiently explicit, I am, very respectfully,

"Your friend, S. A. DOUGLAS.

" J. B. Dorr, Esq., Dubuque, Iowa."

Probably the best exposition which has been made of this new dogma, is found in Mr. Lincoln's speech delivered at Columbus, Ohio, in September, 1859, where he noticed the change in Mr. Douglas' tone as follows:

"What he says now is something different in language, and we will consider whether it is not different in sense too. It is now that the Dred Scott decision, or rather the Constitution under that decision, does not carry slavery into the Territories beyond the power of the people of the Territories *to control it as other property.* He does not say that people can drive it out, but they can control it as other property. The language is different: we should consider whether the sense is different. Driving a horse out of this lot is too plain a proposition to be mistaken about: it is putting him on the other side of the fence. Or it might be a sort of exclusion of him from the lot if you were to kill him and let the worms devour him; but neither of these things is the same as 'controlling him as other property.' That would be to feed him, to pamper him, to ride him, to use and abuse him, to make the most money out of him 'as other property;' but please you, what do the men who are in favor of slavery, want more than this? What do they really want, other than that slavery, being in the Territories, shall be controlled as other property?"

9

HE GOES FOR SUPREME COURT SOVEREIGNTY.

In his speech of February 23d, 1859, already referred to, Mr. Douglas again declared himself ready to follow the Supreme Court to the crushing out of Popular Sovereignty. He said:

"When the Supreme Court shall decide upon the constitutionality of the local [Territorial] laws, I AM PREPARED TO ABIDE BY THE DECISION WHATEVER IT MAY BE, AND HAVE IT EXECUTED IN GOOD FAITH AS WELL AS IN OTHER CASES."— *Congressional Globe,* 1858–59, *part* 2, *page* 1259.

And again, in his speech of May 16th, 1860, having read the Tennessee Compromise resolution offered at the Charleston Convention, which was as follows:

"That all citizens of the United States have an equal right to settle with their property in the Territories, and that *under the decision of the Supreme Court* which we recognize as an exposition of the Constitution, neither their rights of person or property can be destroyed or impaired by Congressional or Territorial legislation," —he proceeded to remark:

"The second preposition is, that a right of person or property, secured by the Constitution, cannot be taken away by act of Congress or of the Territorial Legislature. Who ever dreamed that either Congress or a Territorial Legislature, or any other legislative body on earth could destroy or impair

any right guaranteed or secured by the Constitution? No man that I know of."— *Appendix to the Congressional Globe,* 1859–60, *page* 316.

HE TELLS HOW TO CARRY OUT SUPREME COURT SOVEREIGNTY.

In the same speech, (May 16th, 1860,) he tells how to carry out Supreme Court Sovereignty, as follows:

"When that case shall arise, and the Court shall pronounce its judgment, it will be binding on me, on you, sir, and on every good citizen. It must be carried out in good faith; AND ALL THE POWER OF THIS GOVERNMENT—THE ARMY, THE NAVY, AND THE MILITIA—ALL THAT WE HAVE—MUST BE EXERTED TO CARRY THE DECISION INTO EFFECT IN GOOD FAITH, IF THERE BE RESISTANCE."— *Appendix to the Congressional Globe,* 1859–60, *page* 311.

HE IS UTTERLY OPPOSED TO "SQUATTER SOVEREIGNTY."

In a colloquy with Senators Davis and Gwin, in the Senate, on the 17th of May, 1860, Mr. Douglas utterly repudiated "squatter sovereignty," in the following words:

"Regarding Squatter Sovereignty as a nickname invented by the Senator and those with whom he acts, which I have never recognized, I must leave him to define the meaning of his own term. I have denounced Squatter Sovereignty when you find it setting up a government in violation of law, as you do now at Pike's Peak. I denounced it this year. When you find an unauthorized Legislature, in violation of law, setting up a government without sanction of Congress or Court, that is Squatter Sovereignty which I oppose. There is the case of Dakotah, where you have left a whole people without any law or Territorial organization, with no mode of appeal from Squatter Courts to the United States Courts to correct their decisions—that is Squatter Sovereignty in violation of the Constitution and laws of the United States. There is a similar government set up over a part of California and a part of the Territory of Utah, called Nevada.

"It has a delegate here, claiming to represent it. I have denounced that as unlawful. I am opposed to all such Squatter Sovereignty. If that is what the Senator referred to, I am against it. All I say is, the people of a Territory, when they have become organized under the Constitution and laws, have legislative power over all rightful subjects of legislation, consistent with the Constitution of the United States. That is the language of the law, and if they exercise legislative powers on any subject inconsistent with the Constitution of the United States, the Courts, to whom appeal may be taken under the laws, will correct their errors. That is all.— *Cong. Globe,* 1859–60; *page,* 2147.

HE REPUDIATES TERRITORIAL SOVEREIGNTY, ALSO.

The following extract from Mr. Douglas' letter in reply to Judge Black's criticism on his Harper's Magazine Essay, puts everything at sixes and sevens again as regards his views of the sovereignty which belongs to the people of a Territory. In that letter he says:

"I have never said or thought that our Territories were sovereign political communities, or even limited sovereignty like the States of this Union."

And again, in a colloquy with Mr. Clay, of Alabama, in the Senate, February 23d, 1859, he was still more explicit in denying sovereignty to the Territories:

"I will answer the Senator's question. First—I do not hold that squatter sovereignty is superior to the Constitution. I HOLD THAT NO SUCH THING AS SOVEREIGN POWER ATTACHES TO A TERRITORY WHILE A TERRITORY. I hold that a Territory possesses whatever power it derives from the Constitution, under the organic act, and no more. I hold that ALL the power that a Territorial Legislature possesses is derived from the Constitution and its amendments, *under the act of Congress;* and because I held that, I denied last year that the people of a Territory, *without the consent of Congress,* could assemble at Lecompton and create an organic law for that people. I denied the validity of your Lecompton Constitution, for the reason that constitutions can only be made by sovereign power; and because the Territory was not a sovereignty, that was not a constitution but a petition."— *Cong. Globe,* 1858–59, *part* 2, *page* 1246.

It will be noticed, also, that in these remarks, Mr. Douglas supplied a link hitherto missing in the chain which binds him to the Dred Scott decision. It is this: the Supreme Court say that whereas Congress cannot prohibit slavery in the Territory, it cannot delegate such power to a Territorial Legislature. Mr. Douglas steps in at this point and says that ALL the powers vested in a Territory are derived through the act of Congress organizing it. They have no powers that are not so derived. Hence if Congress cannot prohibit slavery in a Territory, neither can the people of the Territory do so by any means whatever.

A QUESTION WHICH HE WILL NOT ANSWER.

In his colloquy with Mr. Davis, in the Senate, May 17th, 1860, Mr. Douglus refused to answer the question whether he would or would not sign a bill to protect slave property in the Territories, if he were President of the United States. This is a question which has an immediate and special significance, and one which each voter has a right to put to Mr. Douglas and every other candidate

for President or Vice-President. Fortunately we have Mr. Douglas' reply, or his refusal to reply on record. The colloquy was as follows:

" Mr. Davis —If it will not embarass the Senator, I would ask him, if, as Chief Executive of the United 10 States, he would sign a bill to protect slave property in State, Territory or District of Columbia—an act of Congress.

" Mr. Douglas —It will be time enough for me or any other man to say what bills he will sign when he is in a position to execute the power.

" Mr. Davis —I shall not ask you a question further than you wish to answer—certainly not.

" Mr. Douglas —The Senator can ask all the questions he pleases, and I shall answer them when I please; but I was going to say that I do not recognize the right to catechise me in this way. The Senator has no right to do it after sneering at my pretensions to the place which he assumes that I desire to occupy.

" Mr. Davis —I grant the Senator the right not to answer the question, though it seemed to me to be leading very directly up to an exact understanding between us as to what he meant by non-intervention. I, however, will not press that, or any other question, against his wishes."— *Cong. Globe,* 1859–60; *page,* 2147.

HE GOES DIRECTLY FOR SUPREME COURT SOVEREIGNTY AND A TERRITORIAL SLAVE CODE.

On the 23d of June, 1860, the Douglas wing of the National Democratic Convention, at Baltimore, finished up its business by adopting the following resolution as a part of its platform,—the resolution having been offered by Mr. Wickliffe, of Louisiana, who declared that its adoption would give Mr. Douglas 40,000 votes in that State:

" *Resolved,* That it is in accordance with the Cincinnati platform, that during the existence of Territorial Governments, the measure of restriction, whatever it may be, imposed by the Federal Constitution on the power of the Territorial Legislature over the subject of the domestic relations, *as the same has been or shall hereafter be decided by the Supreme Court of the United States,* should be respected by all good citizens, and enforced with promptness and fidelity *by every branch of the General Government.* "

In his letter accepting the nomination, Mr. Douglas gave his particular attention to the Wickliffe slave-code resolution, remarking upon it as follows:

"Upon a careful examination of the platform of principles adopted at Charleston, and re-affirmed at Baltimore, with an additional resolution which is in *perfect harmony* with the others, I find it to be a faithful embodiment of the time-honored principles of the Democratic party, as the same were proclaimed and understood by all parties in the Presidential contests of 1848, 1852 and 1856."

Thus has squatter sovereignty at last been completely squatted out!

HE ENDEAVORS TO BRING KANSAS INTO THE UNION WITHOUT HAVING HER CONSTITUTION SUBMITTED TO THE PEOPLE.

On the 25th of June, 1856, while the bill for the admission of Kansas was pending in the Senate, Mr. Toombs, of Georgia, introduced an amendment, which was ordered to be printed, and, with the original bill and other amendments, recommitted to the Committee on Territories, of which Mr. Douglas was Chairman. This amendment of Mr. Toombs, printed by order of the Senate, provided for the appointment of commissioners who were to take a census of Kansas, divide the Territory into election districts, and superintend the election of delegates to form a Constitution, and contains a clause in the 18th section requiring the Constitution which should be formed to be submitted to the people for adoption, as follows:

"That the following propositions be and the same are hereby offered to the said Convention of the people of Kansas, when formed, for their free acceptance or rejection, which, if accepted by the Convention, AND RATIFIED BY THE PEOPLE AT THE ELECTION FOR THE ADOPTION OF THE CONSTITUTION, shall be obligatory on the United States, and upon the said State of Kansas, etc."

This amendment of Mr. Toombs was referred to the committee of which Mr. Douglas was Chairman, and reported back by him on the 30th of June, with the words "And ratified by the people at the election for the adoption of the Constitution" *stricken out.* On the 9th of December, 1857, Senator Bigler explained how the submission clause came to be stricken out, as follows:

"I was present when that subject was discussed by Senators, before the bill was introduced, and the question was raised and discussed whether the Constitution, when formed, should be submitted to a vote of the people. It was held by the most intelligent on the subject, that in view of all the difficulties surrounding that Territory, the danger of any experiment at that time of a popular vote, it would be better that THERE SHOULD BE NO SUCH PROVISION IN THE TOOMBS' BILL; and it is my understanding in all the intercourse I had, that that Convention would make a Constitution and send it here WITHOUT SUBMITTING IT TO THE POPULAR VOTE."— *Cong. Globe, part* 1, 1857–8, *page* 21.

Referring to same subject again on the 21st of December, 1857, Mr. Bigler continued:

"Nothing was farther from my mind than to allude to any social or confidential interview. The meeting was not of that character. Indeed, it was semi-official, and called to promote the public good. My recollection was clear that I left the conference under the impression that it had been deemed best to adopt measures to admit Kansas as a State through the agency of one popular election, and that for delegates to the Convention. This impression was the stronger, because I thought the spirit of the bill infringed upon the doctrine of non-intervention, to which I had great aversion; but with the hope of accomplishing great good, and as no movement had been made in that direction in the Territory, I waived this objection, and concluded to support the measure. I have a few items of testimony as to the correctness of these impressions, and with their submission I shall be content. I have before me the bill reported by the Senator from Illinois, on the 7th of March, 1856, providing for the admission of Kansas as a State, the third section of which reads as follows:

"'That the following propositions be, and the same are hereby offered to the said Convention of the people of Kansas, when formed, for their free acceptance or rejection: which, if accepted by the Convention *and ratified by the people at the election for the adoption of the Constitution, shall* be obligatory upon the United States, and upon the said State of Kansas.'

"The bill read in place by the Senator from Georgia, on the 25th of June, and referred to the Committee on Territories, contained the same section, word for word. Both these bills were under consideration at the conference referred to, but, sir, when the Senator from Illinois reported the Toombs bill to the Senate, with amendments, the next morning, it did not contain that portion of the third section which indicated to the Convention that the Constitution should be approved by the people. The words 'and ratified by the people at the election for the adoption of the Constitution,' had been stricken out."— *Congressional Globe, part* 1, 1857–58, *pages* 113 *and* 114.

Better testimony, however, is that of Toombs himself, delivered in the Senate on the 18th of March, 1857, as follows:

"The first twelve sections provided the machinery for executing the (Toombs) bill, so that there should be no dispute as to its fairness.

"The other sections, containing only the formal parts of the bill, incident to every enabling act, I cut off 11 with my scissors, from a printed bill before me. The first twelve sections are in my own writing. In the thirteenth section, under the usual clause, stating that the following shall be the fundamental

conditions of admission, THERE WERE WORDS REQUIRING A SUBMISSION OF THE CONSTITUTION TO THE PEOPLE. That I did not observe.

"When the bill came up for consideration between some gentlemen of the Committee and myself, there being no provision in the bill for a second election; there being no safeguards for such a popular election; the bill being incongruous as to that purpose, I suggested the striking out of this clause. It was done as the report shows. It having got there by accident, it was stricken out at my suggestion, as a matter of course. The principles upon which that measure was based, were these:— First, that all the legal voters of the Territory should have a fair opportunity, free from force or fraud, to elect a Convention, and to make a Constitution; AND THEN THAT THEY SHOULD COME INTO THE UNION, UNDER THAT CONSTITUTION, WITHOUT REFERRING EITHER THE CONSTITUTION TO THE PEOPLE, OR THE QUESTION OF ADMISSION AGAIN TO CONGRESS. It was intended as an assent to admission, in advance."— *Appndix to the Congressional Globe,* 1857–58, *page* 127.

Best of all, however, is the testimony of Mr. Douglas, given in the Senate, on the 9th of December, 1857, as follows:

"During the last Congress I reported a bill from the Committee on Territories, to authorize the people of Kansas to assemble and form a Constitution for themselves. Subsequently the Senator from Georgia (Mr. Toombs) brought forward a substitute for my bill, which after HAVING BEEN MODIFIED BY HIM AND MYSELF IN CONSULTATION, was passed by the Senate."— *Cong. Globe, part* 1, 1857–58, *page* 15.

Bigler and Toombs having avowed their complicity in the swindle, Mr. Douglas thus makes haste to admit his share in it, by saying that it was modified "by himself and Toombs in consultation." What was the modification? Simply this: that Mr. Douglas reported the bill back, not only with the submission clause stricken out, but with a new clause inserted, which reads as follows:

"AND UNTIL THE COMPLETE EXECUTION OF THIS ACT, NO OTHER ELECTION SHALL BE HELD IN SAID TERRITORY."

Can any one fail to comprehend this clear and logical chain of evidence? At the time when Douglas and Toombs were at work on their precious conspiracy, Kansas was in the hands of the Border Ruffians, and entirely at their mercy. The Territorial office holders were nearly all assassins and outlaws. The Federal troops were either assisting or conniving at the Missouri invasion. Under these circumstances is there any doubt *what kind* of a Constitution would have been made by the Buford-Atchison gang who were then ravaging Kansas, when they understood perfectly that their act would

be conclusive of the destinies of the Territory, and when Douglas had especially provided that "until the complete execution of the act, *no other election shall be held in the Territory?* "

HE DEFENDS THE BORDER RUFFIANS OF MISSOURI.

In his report of March 12th, 1856, already referred to, Mr. Douglas defended the Border Ruffian invaders of Kansas, as follows:

"The natural consequence was that immediate steps were taken by the people of the western counties of Missouri to stimulate, organize and carry into effect a system of emigration, similar to that of the Massachusetts Emigrant Aid Company, for the avowed purpose of counteracting the effects and protecting themselves and their domestic institutions from the consequences of that company's operations. The material difference in the character of the two rival and conflicting movements consists in the fact *that the one had its origin in an AGGRESSIVE and the other in a DEFENSIVE policy.* "

HE DECLARES THE BOGUE LEGISLATURE OF KANSAS TO HAVE BEEN VALID.

In the same report, and on page 15 thereof, Mr. Douglas asserted the validity of the bogus legislature and its acts, as follows:

"So far as the question involves THE LEGALITY OF THE KANSAS LEGISLATURE AND THE VALIDITY OF ITS ACTS, it is entirely immaterial whether we adopt the reasoning and conclusion of the minority or majority reports, for each proves that the LEGISLATURE WAS LEGALLY AND DULY CONSTITUTED."

HE SAYS THE PEOPLE OF KANSAS MUST BE "SUBDUED."

In the same report, and on page 40 thereof, he advocates the subjection of the people of Kansas, in the following words:

"In this connection, your Committee feel sincere satisfaction in commending the messages and proclamations of the President, in which we have the gratifying assurance that the supremacy of the laws will be maintained; that rebellion will be crushed; * * * that the federal and local laws will be vindicated against all attempts of organized resistence."

And again, in his speech of March 12th, 1856:

"The minority report advocates foreign interference; we advocate self-government and non-interference. We are ready to meet the issue, and there will be no dodging. We intend to meet

it boldly; TO REQUIRE SUBMISSION TO THE LAWS AND TO THE CONSTITUTED AUTHORITIES; TO REDUCE TO SUBJECTION THOSE WHO RESIST THEM, AND TO PUNISH REBELLION AND TREASON. I am glad that a defiant spirit is exhibited here: we accept the issue."— *Congressional Globe, part* 1, 1855–56, *page* 639.

HE THINKS SENATOR SUMNER SHOULD BE "KICKED LIKE A DOG."

On the 20th day of May, 1856, Mr. Douglas indulged in the following language, in reply to Senator Sumner—the day on which he was bludgeoned by Preston S. Brooks:

"It is his object to provoke some of us to KICK HIM AS WE WOULD A DOG! A hundred times has he called the Nebraska Bill a swindle—an act of infamy, and each time went on to illustrate the complicity of each man who voted for it, in perpetrating the crime. * * * How dare he approach one of these gentlemen, to give him his hand, after that act? If he felt the courtesies between men, he would not do it. He would deserve to have himself SPIT IN THE FACE for doing so."— *Appendix to the Congressional Globe,* 1855–56, *page* 545.

HE VINDICATES DAVID R. ATCHISON.

In the same speech, and on the same day, Mr. Douglas proceeded to vindicate David R. Atchison, of Missouri, who was then leading a company of Border Ruffians against Kansas, in the following eulogistic terms:

"The Senator has also made an assault on the late President of the Senate—General Atchison—A GENTLEMAN OF AS KIND A NATURE, OF AS GENUINE AND TRUE A 12 HEART AS EVER ANIMATED A WOMAN SOUL. He is impulsive and generous, carrying his GOOD QUALITIES sometimes to an excess, which induces him to say and do many things that would not meet my approval; but all who know him, know him to be A GENTLEMAN AND AN HONEST MAN—true and loyal to the Constitution of his country."— *Appendix to the Congressional Globe,* 1855–56, *page* 546.

HE THINKS SENATOR TRUMBULL IS A TRATOR, AND THAT ALL TRAITORS SHOULD BE HUNG.

The following extract from Mr. Douglas speech on Kansas affairs, in the Senate, March 20th, 1856, is submitted without comment. The language is sufficiently direct for the comprehension of all fair-minded men:

"A word or two more on another point and I will close. Mr. colleague has made an assault on the President of the United States for his efforts to vindicate the supremacy of the laws, and put down insurrection and rebellion in the Territory of Kansas. In my opinion, the President of the United

States is entitled to the thanks of the whole country for the promptness and energy with which he has met the crisis. It was his imperative duty to maintain the supremacy of the laws, and see that they are faithfully executed. It was his duty to suppress rebellion and put down treason. My colleague says that it will be necessary to catch the traitor before the President can hang him. My opinion is that, from the signs of the times, and in view of all that is passing around us, as well as at a distance, there will be very little difficulty in arresting the traitors—and that, too, WITHOUT GOING ALL THE WAY TO KANSAS TO FIND THEM! [Laughter.] This government has shown itself the most powerful of any on earth in all respects except one. It has shown itself equal to foreign war or to domestic defence; equal to any emergency that may arise in the exercise of its high functions in all things EXCEPT THE POWER TO HANG A TRAITOR!)

I trust in God that the time is not near at hand, and that it may never come, when it will be the imperative duty of those charged with the faithful execution of the laws, to exercise that power. I trust that calmer and wiser counsels will prevail; that passion may subside, and reason and loyalty return, before the overt act shall be committed. I fervently hope that the occasion may never arise which shall render it necessary to test the power of the Government and the firmness of the executive in this respect; but if, unfortunately, that contingency shall happen; if treason against the United States shall be consummated, far be it from my purpose to express the wish that the penalty of the law may not fall upon the traitor's head!—" *Appendix to the Congressional Globe,* 1855–56, *page* 288.

HE INDORSES THE LECOMPTON CONSTITUTION IN ADVANCE.

On the 12th of June, 1857, Mr. Douglas made his "Grand Jury" speech, so-called, at Springfield, to which one reference has already been made. The following extracts from this speech are taken from the phonographic report published in the Missouri *Republican* of June 18th, 1857. The famous Lecompton Convention had just been called by the bogus Legislature, and on this topic he spoke as follows:

"Kansas is about to speak for herself through her delegates assembled in convention to form a constitution, preparatory to her admission into the Union on an equal footing with the original States. Peace and prosperity now prevail throughout her borders. The law under which her delegates are to be elected is believed to be just and fair in all its objects and provisions. If any portion of the inhabitants, acting under the advice of political leaders in distant States, shall choose to absent themselves from the polls, and withhold their votes, with a view of leaving the Free State Democrats in a minority, and thus securing a pro-slavery constitution in opposition to a majority of

the people living under it, let the responsibility rest on those who, for partisan purposes, will sacrifice the principles they profess to cherish and promote."

HE SAYS THE DECLARATION OF INDEPENDENCE WAS NOT INTENDED TO INCLUDE "ALL MEN."

In the same speech, Mr. Douglas ventilated his views of the Declaration of Independence, as follows:

"The signers of the Declaration of Independence, referred to white man, and to him alone, when they declared that all men were created equal. They were in a struggle with Great Britain. The principle they were asserting was THAT A BRITISH SUBJECT BORN ON AMERICAN SOIL, WAS EQUAL TO A BRITISH SUBJECT BORN IN ENGLAND—that a British subject here, was entitled to all the rights, privileges, and immunities, under the British Constitution, that a British subject in England enjoyed; that their rights were inalienable, and hence, that Parliament, whose power was omnipotent, had no power to alienate them."

It appears thus, that in Mr. Douglas' opinion not only the African race, but the German, Italian, French, Scandinavian, and, indeed, every nation except the English, Irish, Scotch and American, are excluded from all part or lot in the Declaration of Independence. The phrase "all men," does not refer to them. They have no business with the Fourth of July. It is to be observed that in this matter Mr. Douglas has outrun the Dred Scott decision itself, which, after quoting the language of the Declaration of Independence, says:

"The general words above quoted would seem to embrace the whole human family, and if they were used in a similar instrument at this day, would be so understood. But it is too clear for dispute, that the enslaved African race were not intended to be included, and formed no part of the people who framed and adopted this declaration."

HE SAYS SLAVERY IS IN ACCORDANCE WITH THE RULES OF CIVILIZATION AND CHRISTIANITY.

In the same speech Mr. Douglas gave utterance to the following atrocious sentiments on slavery in the abstract:

"At that day the negro was looked upon, as a being of an inferior race. All history had proved that in no part of the world, or the world's history, had the negro ever shown himself capable of self-government, and it was not the intention of the founders of this government to violate that great law of God which made the distinction between the white and the black man. *That distinction is plain and palpable, and it has been the rule of civilization and christianity the world over, that whenever any man or*

set of men were incapable of taking care of themselves, they should consent to be governed by those who are capable of managing their affairs for them. "

In revising the Missouri *Republican's* report of this speech, for publication in the *State Register,* Mr. Douglas or some discreet friend omitted this obnoxious paragraph. But that does not relieve him from the responsibility of it, because we find the same idea, in nearly the same language, in his Chicago speech of October 23d, 1850, as published in Sheahan's Life of Douglas, to-wit:

"The civilized world have always held that when any race of men have shown themselves so degraded by ignorance, superstition, cruelty and barbarian as to be utterly incapable of governing themselves, they must, in the nature of things, be governed by others, 13 by such laws as are deemed applicable to their condition."—[Sheahan's Life of Douglas, page 184.]

This is popular sovereignty with a vengeance!

HE DON'T CARE WHETHER SLAVERY IS VOTED DOWN OR VOTED UP.

It was with this epigrammatic phrase that Mr. Douglas signalized his objection to the Lecompton Constitution on the 9th of December, 1857, when he spoke as follows:

"But I am told on all sides; 'oh! just wait; the pro-slavery clause will be voted down.' That does not obviate any of my objections; it does not diminish any of them. You have no more right to force a Free State Constitution on Kansas than a Slave State Constitution. If Kansas wants a Slave State Constitution, she has a right to it; if she wants a Free State Constitution, she has a right to it. It is none of my business which way the slavery clause is decided. I CARE NOT WHETHER IT IS VOTED DOWN OR VOTED UP."— *Cong. Globe,* 1857–58, *part* 1, *page* 18.

HE URGES THAT SLAVERY SHOULD LAST FOREVER.

In his joint debate with Mr. Lincoln, at Quincy, Illinois, Mr. Douglas frankly confessed that his "great principle" contemplated that slavery should last *forever.* He said:

"In this State we have declared that a negro shall not be a citizen, and we have also declared that he shall not be a slave. We had a right to adopt that policy. *Missouri has just as good a right to adopt the other policy.* I am now speaking of rights under the Constitution, and not of moral or religious rights. I do not discuss the morals of the people of Missouri, but let them settle that matter for themselves. I hold that the people of the slaveholding States are civilized men as well as ourselves; that they bear consciences as well as we, and that they are accountable to God and their posterity, and not to us. It is for them to decide, therefore, the moral and religious right of the slavery question for

themselves within their own limits. I assert that they had as much right under the Constitution to adopt the system of policy which they have, as we had to adopt ours. So it is with every other State in this Union. Let each State stand firmly by that great Constitutional right, let each State mind its own business and let its neighbors alone, and there will be no trouble on this question. If we will stand by that principle, then Mr. Lincoln will find that this Republic CAN EXIST FOREVER DIVIDED INTO FREE AND SLAVE STATES as our fathers made it and the people of each State have decided."—[Lincoln and Douglas Debates of 1858—page 209.]

HE SAYS IF HE WERE A CITIZEN OF LOUISIANA HE WOULD VOTE FOR THE PERPETUATION OF SLAVERY.

In his Sedition law speech, in the Senate, on the 23d of January, 1860, Mr. Douglas went a step farther by asserting, roundly and without qualification, that if he were a resident of a Southern State, he would vote to retain and maintain slavery. His language was as follows:

"Sir, I hold the doctrine that a wise statesman will adapt his laws to the wants, conditions and interests of the people to be governed by them. SLAVERY MAY BE VERY ESSENTIAL IN ONE CLIMATE AND TOTALLY USELESS IN ANOTHER. IF I WERE A CITIZEN OF LOUISIANA I WOULD VOTE FOR RETAINING AND MAINTAINING SLAVERY, BECAUSE I, BELIEVE THE GOOD OF THAT PEOPLE WOULD REQUIRE IT."—[Cong. Globe, 1859–60, page 559.

HE THINKS SLAVERY IS A MERE QUESTION OF DOLLARS AND CENTS.

Shortly after the Illinois election of 1858, Mr. Douglas made a southern tour, stopping at St. Louis, Memphis, and New Orleans, and addressing the people at those places on political topics. He spoke at Memphis, on the 29th of November, and the following is an extract from his speech as reported phonographically in the Memphis *Avalanche:*

"Whenever a Territory has a climate, soil and productions making it the *interest* of the inhabitants to encourage slave property they will pass a slave code and give it encouragement. Whenever the climate, soil and productions preclude the possibility of slavery being profitable, they will not permit it. You come right back to the principle of dollars and cents. I do not care where the immigration in the southern country comes from;—if old Joshua R. Giddings should raise a colony in Ohio and settle down in Louisiana, he would be the strongest advocate of Slavery in the whole South; he would find, when he got there, his opinion of slavery would be very much modified; he would find on those sugar plantations that it was not a question between the white man and the negro but between *the negro and the crocodile.* He would say that between the negro and the crocodile he took the side of the negro; but between the negro and the white man, he would go for the white man."

Again, in his speech of February 29th, 1860, in the Senate, in the course of his assault on Senator Seward, he said:

"We in Illinois tried Slavery while we were a Territory, and found it was not profitable; and *hence* we turned philanthropists and abolished it."— *Congressional Globe,* 1859–60; *page* 915.

And again in the same discussion:

"But they, (the people of Illinois,) said 'experience proves that it is not going to be profitable in this climate.' *They had no scruples about it.* Every one of them was nursed by it. His father and his mother held slaves. *They had no scruple about its being right,* but they said, 'we cannot make any money by it, and as our State runs away off north, up to those eternal snows, perhaps we shall gain population faster if we stop Slavery and invite in the Northern population;' and as a matter of political policy, State policy, they prohibited Slavery themselves."— *Congressional Globe* 1859–60; *page* 919.

HE SAYS THE ALMIGHTY HAS REQUIRED THE EXISTENCE OF SLAVERY!

In the Memphis speech, following immediately after the extract quoted above, from the *Avalanche,* comes the following blasphemous declaration:

"The Almighty has drawn the line on this continent ON-ONE SIDE OF WHICH THE SOIL MUST BE CULTIVATED BY SLAVE LABOR. That line did not run on thirty-six degrees and thirty minutes, for thirty-six degrees and thirty minutes runs over mountains and through valleys. But this Slave line meanders in the sugar fields and plantations of the South—[the remainder of the sentence was lost by the confusion around the reporter.] And the people living in the different localities and in the Territories must determine for themselves whether their 'middle bed' is best adapted for slave or free labor."

HE GOES FOR A SEDITION LAW.

On the 23d of January, 1860, Mr. Douglas made his famous speech in favor of a new Sedition Law, for the purpose of "suppressing the irrepressible conflict" Senator Mason had already introduced a resolution for the appointment of a select Committee to investigate 14 the John Brown raid at Harper's Ferry, and to report whether any further legislation was necessary in the premises. Nevertheless, Mr. Douglas introduced the following additional resolution:

" *Resolved,* That the Committee of the Judiciary be instructed to report a bill for the protection of each State and Territory of the Union against invasion by the authorities or inhabitants of any other

State or Territory:; and for the suppression and punishment of conspiracies or combinations in any State or Territory with intent to invade, assail, or molest the government, inhabitants, *property,* or institutions of any other State or Territory of the Union."

Upon this resolution he made a speech, on the 23d of January, as aforesaid, from which the following are consecutive extracts:

"The question, then, is, what legislation is necessary and proper to render this guarantee of the Constitution effectual? I presume there will be very little difference of opinion that it will be necessary to place the whole military power of the Government at the disposal of the President, under proper guards and restrictions against abuse, to repel and suppress invasion when the hostile force shall be actually in the field. *But, sir, that is not sufficient.* Such legislation would not be a full compliance with this guarantee of the Constitution. The framers of that instrument meant more when they gave that guarantee. Mark the difference in language between the provision for protecting the United States against invasion and that for protecting the States. When it provided for protecting the United States, it said Congress shall have power to "repel invasion." When it came to make this guarantee to the States it changed the language and said the United States shall 'protect' each of the States against invasion.

"Then, sir, I hold that it is not only necessary to use the military power when the actual case of invasion shall occur, but to authorize the judicial department of the Government to suppress all conspiracies and combinations in the several States *with intent* to invade a State, or molest or disturb its government, its peace, its citizens, its *property,* or its institutions. You must punish the conspiracy, the combination *with intent to do the act,* and then you will suppress it in advance.

"It cannot be said that the time has not yet arrived for such legislation. It is only necessary to inquire into the causes which produced the Harper's Ferry outrage, and ascertain whether those causes are yet in active operation, and then you can determine whether there is any ground for apprehension that the invasion will be repeated. Without stopping to adduce evidence in detail, I have no hesitation in expressing my firm and deliberate conviction that THE HARPER'S FERRY CRIME WAS THE NATURAL, LOGICAL, INEVITABLE RESULT OF THE DOCTRINES AND TEACHINGS OF THE REPUBLICAN PARTY, AS EXPLAINED AND ENFORCED IN THEIR PLATFORM, THEIR PARTISAN PRESSES, THEIR PAMPHLETS AND BOOKS, AND ESPECIALLY IN THE SPEECHES OF THEIR LEADERS IN AND OUT OF CONGRESS.

"And, sir, inasmuch as the Constitution of the United States confers upon Congress the power coupled with the duty of protecting each State against external aggression, and inasmuch as that includes the power of suppressing and punishing conspiracies in one State against the institutions,

property, people, or government of every other State, *I desire to carry out the power vigorously.* Sir, give us a law as the Constitution contemplates and authorizes, and I will show the Senator from New York that there is a constitutional mode of repressing the "irrepressible conflict." *I will open the prison door to allow conspirators against the peace of the Republic and the domestic tranquility of our States to select their cells wherein to drag out a miserable life, as a punishment for their crimes against the peace of society!!!*

"Can any man say to us that although this outrage has been perpetrated at Harper's Ferry, there is no danger of its recurrence? Sir, is not the Republican party still embodied, organized, confident of success, and defiant in its pretensions? Does it not now hold and proclaim the same creed that it did before the invasion? It is true that most of its representatives here disavow the *act* of John Brown at Harper's Ferry. I am glad that they do so; I am rejoiced that they have gone thus far; but I must be permitted to say to them that it is not sufficient that they disavow the act, unless they also repudiate and denounce the doctrines and teachings which produced the act. Those doctrines remain the same; those teachings are being poured into the minds of men throughout the country by means of speeches and pamphlets and books, and through partisan presses.

"Mr. President, the mode of preserving peace is plain. This system of sectional warfare must cease. The Constitution has given the power, and all we ask of Congress is to give the means, and we, BY INDICTMENT AND CONVICTIONS IN THE FEDERAL COURTS OF OUR SEVERAL STATES, WILL MAKE SUCH EXAMPLES OF THE LEADERS OF THESE CONSPIRATORS AS WILL STRIKE TERROR INTO THE HEARTS OF THE OTHERS, AND THERE WILL BE AN END OF THIS CRUSADE."— *Congressional Globe,* 1859–60, *pages* 552, 553.

The following is an extract from the old Sedition Law of 1798, which very nearly revolutionized the country—utterly ruined and destroyed the Federal party which took the responsibility of enacting it —and against which Thomas Jefferson and his friends fulminated the famous "Resolutions of '98," adopted by the Virginia and Kentucky Legislatures:

" *And be it further enacted,* That if any person shall write, print, utter or publish, or shall cause or procure to be written, uttered or published, or shall knowingly or willingly assist or aid in writing, printing, uttering, or publishing any false, scandalous and malicious writing or writings, against the Government of the United States or either House of the Congress of the United States, or the President of the United States, with intent to defame the said Government, or either House of the Congress, or the said President, or to bring them, or either of them into contempt or disrepute, or to excite against them, or either or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States; or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United

States, done in pursuance of any such law, or of the powers in him vested by the Constitution of the United States; then such person being thereof convicted before any court of the United States having jurisdiction therein, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years."

The difference between this Sedition Law and the one advocated by Mr. Douglas is, that the former sought to punish the expression of opinions against the constituted authorities of the United States, while the latter seeks to punish the expression of opinions against human slavery. Under Douglas' proposed law, Washington, Jefferson, Franklin, Madison, and nearly all the founders of the Republic, would be liable, if still living, to "indictments and convictions in our Federal courts."

THE UPSHOT OF JOHN BROWN'S INVASION OF VIRGINIA.

This is a proper place to inquire what state of facts existed, calling for Mr. Douglas' furious onslaught on the people of the North, and his malignant proposition to "open the prison doors and allow conspirators against the tranquility of States to select cells wherein to drag out a miserable life." The Select Committee of the Senate, appointed to investigate the Harper's Ferry affair, consisting of Messrs. 15 Mason, Davis, Fitch, Collamer and Doolittle, commenced their labors on the 16th of December, 1859, and continued their sessions until the 14th of June, 1860. During this time they examined thirty-two witnesses from various parts of the country, and it is presumed they arrived at the facts of the case as nearly as it was possible to reach them. On the 15th of June, the majority of the Committee made a report in which they say:

"The Committee, after much consideration, *are not prepared to suggest any legislation* which, in their opinion, would be adequate to prevent like occurrences in the future. The only provisions in the Constitution of the United States which would seem to import any authority in the Government of the United States to interfere on occasions affecting the peace or safety of the States are found in the 8th section of the 1st article, amongst the powers of Congress, to provide for calling for Militia to execute the laws of the Union, suppress insurrections and repel invasions; and in the 4th section of the 4th article in the following words: 'The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on the application of the legislature or of the executive (when the legislature cannot be convened,) against domestic violence.' The 'invasion' here spoken of would seem to import an invasion by the public force of a foreign power, or (if not so limited and equally referable to an invasion of one State by another,) still it would seem that public force, or force exercised under the sanction of acknowledged political power, is there meant. The invasion (to call it so) by Brown and his followers at Harper's Ferry was in no sense of that character. IT WAS SIMPLY THE ACT OF LAWLESS RUFFIANS UNDER THE

SANCTION OF NO PUBLIC OR POLITICAL POWER," etc.— *Report of Select Committee of the Senate on the Harper's Ferry affair; page,* 18.

This report is signed "J. M. Mason, *Chairman,* Jefferson Davis, G. N. Fitch." It ought to be good authority on the question whether any laws are required "to punish conspiracies and combinations *with intent* to do the act," as also on the other question whether the Republican party is responsible for John Brown's raid.

MR. DOUGLAS JUSTIFIES DISUNION.

In the Sedition Law speech, above referred to, Mr. Douglas went so far as to justify the crime of disunion unless Congress should enact the sort of law which he there proposed. As he is now charging disunion quite furiously against the Breckinridge faction, it is proper to show that less than one year ago he was encouraging the same thing himself. He said:

"If the people of, this country shall settle down into the conviction that there is no power in the Federal Government to protect each, and every State from violence, from aggression, from invasion, THEY WILL DEMAND THAT THE CORD BE SEVERED and the weapons be restored to their hands with which they may defend themselves. THIS INQUIRY INVOLVES THE QUESTION OF THE PERPETUITY OF THE UNION."— *Congressional Globe,* 1859–60; *page* 552.

JEFF. DAVIS REPUDIATES THE SEDITION LAW.

Two days after the Sedition law speech, Senator Davis took the floor and repudiated the whole thing as an alarming encroachment on the rights of the people. He said:

"I welcome, sir, the apprehensions of the President of the United States, and never would I enact a law which would clothe the executive with the power to call out the militia, to bring the army and the navy TO INVADE A STATE TO DISCOVER WHO WITHIN THAT STATE HAD IN HIS BREAST THE PURPOSE AT SOME FUTURE DAY TO COMMIT CRIME. If there be unlawful, treasonable organizations within a State, it belongs to the State sovereignty to inquire and to punish the offender. * * * * * * It is proper for me, Mr. President, to say that it is in no feeling of partisan warfare between me and the Senator and the President, if any such exist, that I have made the explanation. It is the deep interest I feel for the preservation of sound principles and the restriction of the Federal Government from striding over the sovereignties of the States to usurp such centralizing power, under the promptings of a momentary expediency, as would destroy the great charter of our liberty, and reduce the people to that condition from which they rose—THE SUBJECTS OF A GOVERNMENT NOT WITHIN THEIR CONTROL."— *Cong. Globe,* 1859–60; *pages* 589, 590.

MR. DOUGLAS TELLS WHAT "POPULAR SOVEREIGNTY" HAS DONE.

It will be admitted that Mr. Douglas is a good judge of what his dogma of "Popular Sovereignty" has accomplished during the past six years. Therefore, we let him tell the result in his own words, quoting from his speech in the Senate on the 16th of May, 1860, as printed in the Appendix to the *Congressional Globe:*

"But we are told that the necessary result of this doctrine of non-intervention, which gentlemen, by way of throwing ridicule upon, call squatter sovereignty, is to deprive the South of all participation in what they call common Territories of the United States. That was the ground on which the Senator from Mississippi (Mr. Davis) predicated his opposition to the compromise measures of 1850. He regarded a refusal to repeal the Mexican law as equivalent to the Wilmot Proviso; a refusal to recognize by an act of Congress the right to carry a slave there as equivalent to the Wilmot Proviso; a refusal to deny to a Territorial Legislature the right to exclude slavery as equivalent to an exclusion. He believed at that time that this doctrine did amount to a denial of southern rights, and he told the people of Mississippi so; but they doubted it. Now, let us see how far his predictions and suppositions have been verified. I infer that he told the people so, for as he makes a charge in his bill of indictment against me, that I am hostile to Southern rights, because I gave those votes.

"Now, what has been the result? My views were incorporated into the compromise measures of 1850, and his were rejected. Has the South been excluded from all the territory acquired from Mexico? What says the bill from the House of Representatives now on your table, repealing the slave code in New Mexico, established by the people themselves? It is part of the history of the country, that under the doctrine of non-intervention, this doctrine that you delight to call squatter sovereignty, the people of New Mexico have introduced and protected slavery in the whole of that Territory. UNDER THIS DOCTRINE THEY HAVE CONVERTED A TRACT OF FREE TERRITORY INTO SLAVE TERRITORY, MORE THAN FIVE TIMES THE SIZE OF THE STATE OF NEW YORK. UNDER THIS DOCTRINE, SLAVERY HAS BEEN EXTENDED FROM THE RIO GRANDE TO THE GULF OF CALIFORNIA, AND FROM THE LINE OF THE REPUBLIC OF MEXICO, NOT ONLY UP TO 36 deg. 30 min., BUT UP TO 38 deg. GIVING YOU A DEGREE AND A HALF MORE SLAVE TERRITORY THAN YOU EVER CLAIMED. In 1848 and 1849 and 1850, you only asked to have the line of 36 deg. 30 min. The Nashville Convention fixed that as its ultimatum. I offered it in the Senate, in August, 1848, and it was adopted here, but rejected in the House of Representatives. You asked only up to 36 deg. 30 min., AND NON-INTERVENTION HAS GIVEN YOU SLAVE TERRITORY UP TO 38 deg.—A DEGREE AND A HALF MORE THAN YOU ASKED; and yet you say that this is a sacrifice of Southern rights?

"These are the fruits of this principle which the Senator from Mississippi regards as hostile to the rights of the South. Where did you ever get any other fruits 16 that were more palatable to your taste or refreshing to your strength? What other inch of free territory has been converted into slave territory on the American continent, since the Revolution, except in New Mexico and Arizona, under the principle of non-intervention affirmed at Charleston. If it be true that this principle of non-intervention has conferred upon you all that immense territory; has protected slavery in that comparatively northern and cold region, where you did not expect it to go, cannot you trust the same principle further South when you come to acquire additional territory from Mexico? If it be true that this principle of non-intervention, has given to slavery, all of New Mexico, which was surrounded on nearly every side by free territory, will not the same principle protect you in the northern States of Mexico, when they are acquired, since they are now surrounded by slave territory; are several hundred miles further south; have many degrees of greater heat; and have a climate and soil adapted to southern products? Are you not satisfied with these practical results?"— *Appendix to Cong. Globe,* 1850–60, *page* 314.

HIS LAST FLING AT THE PEOPLE OF KANSAS.

The Hon. John Hickman, in his late speech in Concert Hall, Philadelphia, after a seathing review of Mr. Douglas' many crimes against freedom in Kansas, says: "It is gratifying, however, to make a single remark in his favor; it is this: that he seems as willing as the most ardent of his friends to divert attention from this period of his career. I am not aware that, in either essay or address he has ventured to recur to it; but on the contrary, he seems disposed to treat as a blank in his life." Mr. Hickman has overlooked Mr. Douglas' speech in the Senate on the 29th of February last, when he repeated the most offensive and disreputable thing he ever said concerning the civil war in that Territory. It was this:

"Popular sovereignty in Kansas was stricken down by unholy combination in New England to ship men to Kansas— ROWDIES AND VAGABONDS—with the Bible in one hand and Sharpe's rifle in the other, TO SHOOT DOWN THE FRIENDS OF FREE INSTITUTIONS AND SELF GOVERNMENT. Popular sovereignty in Kansas was stricken down by the combinations in the Northern States to carry elections under pretence of emigrant aid societies. In retaliation, Missouri formed aid societies, too; and she, following your example, sent men into Kansas, and then occurred the conflict. I condemn both, but I condemn A THOUSAND FOLD MORE those that set the example and struck the first blow than those who thought they would act on the principle of *fighting the devil with his own weapons,* and resorted to the same means that you have employed."— *Cong. Globe,* 1859–60, page 915.

PART III.—MISCELLANEOUS.

UNFRIENDLY LEGISLATION.

The doctrine of "unfriendly legislation" against the rights of property, as declared by the Dred Scott decision, was promulgated by Mr. Douglas in his debate with Mr. Lincoln, at Freeport, on the 23th of August, 1858, as follows:

The next question propounded to me by Mr. Lincoln is, can the people of a Territory in any lawful way, against the wishes of any citizen of the United States, exclude slavery from their limits prior to the formation of a Constitution? I answer emphatically, as Mr. Lincoln has heard me answer a hundred times from every stump in Illinois, that in my opinion the the people of a Territory can, by lawful means, exclude slavery from their limits prior to the formation of a State Constitution. Mr. Lincoln knew that I had answered that question over and over again. He heard me argue the Nebraska bill on that principle all over the State in 1854, in 1855, and in 1856, and he has no excuse for pretending to be in doubt as to my position on that question. IT MATTERS NOT WHAT WAY THE SUPREME COURT MAY HEREAFTER DECIDE AS TO THE ABSTRACT QUESTION WHETHER IT MAY OR MAY NOT GO INTO A TERRITORY UNDER THE CONSTITUTION, THE PEOPLE HAVE THE LAWFUL MEAN, TO INTRODUCE IT OR EXCLUDE IT AS THEY PLEASE, for the reason that slavery cannot exist a day or an hour anywhere, unless it is supported by police regulations. Those police regulations can only be established by the local legislature, and if the people are opposed to slavery they will elect representatives to that body who will by unfriendly legislation effectually prevent the introduction of it into their midst. If, on the contrary, they are for it, their legislation will favor its extension. Hence, NO MATTER WHAT THE DECISION OF THE SUPREME COURT MAY BE on that abstract question, still the right of the people to make a slave Territory or a free Territory is perfect and complete under the Nebraska bill. I hope Mr. Lincoln deems my answer satisfactory on that point."— *Lincoln and Douglas Debates, page* 95.

Let the reader contrast these utterances with the Wickliffe resolution, adopted by the Douglas National Convention, and Mr. Douglas' letter of acceptance, (page 10, *ante*).

HE THINKS "CONGRESS" MUST DETERMINE WHEN POPULAR SOVEREIGNTY SHALL BEGIN IN A TERRITORY.

In his copyright essay published in Harper's Magazine last year, Mr. Douglas substantially admits the Republican doctrine concerning the relation of Congress to the Territories, by saying:

"It, [sovereignty] can only be exercised WHERE THERE ARE INHABITANTS SUFFICIENT TO CONSTITUTE A GOVERNMENT, AND CAPABLE OF PERFORMING ITS VARIOUS FUNCTIONS AND DUTIES— *A FACT TO BE ASCERTAINED AND DETERMINED BY CONGRESS.* WHETHER THE NUMBER SHALL BE FIXED AT TEN, FIFTEEN OR TWENTY THOUSAND INHABITANTS, DOES NOT AFFECT THE PRINCIPLE."

If the number may be fixed at ten, fifteen or twenty thousand inhabitants, it may of course be fixed at one hundred thousand or any other number sufficient to constitute a State.

MR. DOUGLAS' VIEWS OF NATIONAL PARTIES AND NATIONAL CREEDS.

Since Mr. Herschel V. Johnson has been hooted down by a mob in his own State, and since the creed of the Douglas party has been tabooed in at least one-third of the States of Union, it will be interesting to all persons to learn the views of nationality entertained by Mr. Douglas himself; and it is difficult to find a broader joke with which to conclude this pleasing compilation. We close by quoting from his speech at Cincinnati, on the 9th of September, 1859, as reported in the New York *Times* of Sept. 12th:

"ANY POLITICAL CREED IS RADICALLY WRONG WHICH CANNOT BE PROCLAIMED IN THE SAME FORM WHEREVER THE AMERICAN FLAG WAVES OR THE AMERICAN CONSTITUTION RULES."