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SPEECH OF MR. McDUFFIE, GALLERY THE PROHIBITORY SYSTEM, House of Representatives, April, 1830. (Continued.)

I have, thus far, considered this system as involving an unconstitutional invasion of the power to regulate foreign commerce, with a view to bestow indirect bounties upon the manufacturers of certain States, by imposing duties and restrictions upon the commerce of certain other States. I will now invite the attention of the committee to some considerations calculated to show that it involves a violation of the great and fundamental principles of civil and political liberty. There is one of those principles of more vital importance, or more absolutely concentered by all the historical associations of both Great Britain and the United States, than that which secures the people against all taxes and burdens not imposed by their own representatives. This principle, indeed, is essentially involved in the very notion of self-government. Now, Sir, owing to the federative character of our Government, the great geographical extent of our territory, and the diversity of the pursuits of our citizens, in different parts of the Union, it has so happened that two great interests have sprung up, standing directly opposed to each other. One of them consists of those manufactures which the Northern and Middle States are capable of producing, but which, owing to the high price of labor and high profits of capital in those States, cannot hold competition with foreign manufactures without the aid of bounties, directly or indirectly, given either by the General Government or by the State Governments. The other of these interests consists of the great agricultural staples of the Southern States, which can find market only in foreign countries, and which can be advantageously sold only in exchange for the foreign manufactures which come in competition with those of the Northern and Middle States. It follows, as a necessary consequence, that it is the interest of the manufacturers in the Northern and Middle States to prohibit, by heavy taxation, the importation of those foreign manufactures, which it is undoubtedly the interest of the Southern States to import as free from taxation as possible. These interests, then, and diametrically and irreconcilably opposed to each other. The interest—a pecuniary interest of the Northern manufacturer—is directly promoted by every increase of the taxes imposed on Southern commerce; and it is unnecessary to add, that the interest of the Southern planters is promoted by every diminution of the taxes imposed on the productions of their industry. Under these circumstances, the manufacturers were clothed with the power of imposing taxes, at their pleasure, upon the foreign imports of the latter, no doubt would exist upon the mind of any man, that it would have the characteristics of an absolute and unqualified despotism. It will be my purpose, then, to show, that by the union of various associated interests, the manufacturing capitalists have obtained a complete and permanent control over the legislation of Congress, on this subject. A great number of causes are contributed to give the manufacturing interest this ascendancy. The dominant and leading cause is, beyond doubt, the natural influence of accumulated capital, in the hands of a comparatively small number of men, acting with the sagacity, perseverance and concert, for which they are invariably distinguished, in matters affecting their own pecuniary interests. It is a well-known fact, to which an history affords the most unequivocal testimony, that whenever society becomes so far advanced in commerce and the arts, as to have produced a considerable accumulation of capital, the holders of that capital are perfectly irresistible on all the questions in relation to which the power of a government is brought to bear upon the great pecuniary interests of society. Every one knows that it was a time, not very remote, when the great and leading feature in the policy of this government, was to favor, by every species of exemption and bounty, the navigating and commercial interests of the nation. I hardly add, that at the period to which I allude, almost the whole of the accumulated capital of the country, was embarked in the business of navigation and commerce.

been long enough in Congress to have witnessed this extraordinary political transmutation—that the New England Members of Congress were sent here as the representatives of capital, and not of numbers, so implicitly have they followed its direction. Sir, no man of the slightest observation can be insensible of the influence of large capitalists upon the members of this House, on all questions affecting their peculiar interests. It is not to be disguised, that two or three wealthy iron-masters in a Congressional District, will exercise more influence over the representatives here, than all the rest of his constituents united, upon the question of increasing or diminishing the tax upon foreign iron. The same is equally true as to the sugar planters, salt-makers, and manufacturers of cotton and woollen fabrics. It is not a difficult matter to account for this influence of capital, employed in manufactures. I do most confidently believe, that two or three large establishments, carried on by white laborers who were entitled to vote at elections, would be an overmatch for all the other interests in any Congressional District in the Union. I have seen enough, even in my own district, to convince me, that even that forms no exception to the general rule I have laid down. What number of farmers, scattered over the country, and unaccustomed to combination could resist the influence of three large manufacturing capitalists, each having three hundred free laborers in his employment entitled to vote? Upon any question affecting the interest of the manufacturers, three thousand farmers would hold no competition with them. In the first place, there would be a perfect unity of action among the capitalists themselves, on the question, for example—vital to their own interests—of inducing Congress to give them a bounty, or impose a prohibitory duty having the same effect. In the second place, all the laborers in their employment would, upon the most obvious principles of human action, give their votes in such a way as to gratify the wishes and promote the interest of their employers. This would indeed be their own interest. In the third place, a considerable number of farmers and other persons in the vicinity of those manufacturing establishments, would find a market for a great number of agricultural productions, which would otherwise be of scarcely any value to them. All these causes would produce a perfect unity of action, amongst this large number of voters, directly and indirectly connected with the manufacturing establishments, and all their efforts in political contests would be directed to a single object—the protection of the manufacture in which they were engaged or interested. Whatever division might take place among other interests of the district, you would never find the manufacturers divided. Every candidate for popular favor would be made to understand, that the consolidated vote of this manufacturing interest would be given against him, unless he would promise to support their applications for the bounty and protection of Congress. In this manner it would come to pass, that the contest between the manufacturers and the farmers would be like that between regular soldiers and untrained militia-men, in which superior discipline would overbalance superior numbers. Men confederated together upon selfish and interested principles, whether in pursuit of the offices or the bounties of Government, are ever more active and vigilant than the great majority, who act from disinterested and patriotic impulses. Have we not witnessed it on this floor, Sir? Who ever knew the tariff men to divide on any question affecting their confederated interest? If you propose to reduce any one of the duties, no matter how obvious the expediency of the reduction, they will tell you, if not in plain words at least by their conduct, that the duty you propose to reduce is very oppressive and unjust, as in the case of salt; or very absurd and suicidal, as in the case of raw wool; but that if you reduce either of these duties, a proposition will be made to reduce some other, and then some other, until the whole system of confederated interests will be shaken to its centre. The watchword is, stick together, right or wrong, upon every question affecting the common cause. Such, Sir, is the concert and vigilance, and such the combinations by which the manufacturing party, acting upon the interests of some, and the prejudices of others, have obtained a decided and permanent control over public opinion in all the tariff States. All the Representatives of those States, however decidedly opposed in principle, to the prohibitory policy, are constrained to regard the interest of the manufacturers as that of their constituents at large. No man, Sir, from a manufacturing district, would dare to vote against any measure, however unjust and oppressive, if it be only deemed beneficial to the manufacturers, and denominated a tariff.

In addition to the reasons I have stated, for regarding the manufacturing as the controlling interest in the tariff States, I will add another, which every reflecting man will duly appreciate. The manufacturers, in their applications to the General Government, naturally enlist the sympathies and propensities of the States and sections of the Union to which they belong. The question of granting relief, for example, to eight or ten manufacturing establishments in Massachusetts, would be evidently regarded as a State question, though not ten thousand people should be directly or indirectly interested in it, and the member of Congress who should oppose it, would be deemed to have deserted the interest of his own State. There is another consideration, still more decisive. The relief sought by the manufacturers is to be obtained by imposing burdens and restrictions upon the commerce of other States, and the remote sections of the Union. All classes, therefore, in a manufacturing State, will naturally take sides with the manufacturers, in regard to all those measures which propose to advance the interests of those manufacturers, by taxing the commerce of the Southern planters. Viewing it as a sectional question, there can be no doubt, that the aggregate interest of the State would be promoted by such a measure, however inconsiderable the number of manufacturers. It is, indeed, the interest of Massachusetts to protect any of her manufacturers, however small the number, and however heavy the imposition necessary to effect it, if the benefit, however small, accrues to her citizens, and the burthens, however great falls upon the citizens of other States. The unanimity with which the members of this House vote, even for private claims coming from their own States—when scarcely any body else can perceive any justice in them—is a commentary upon what I have been saying, which every gentleman will know how to estimate. On all questions to be decided by Congress, therefore, affecting the interest of the manufacturers, or any of those associated interests, which the persons concerned are pleased to denominate domestic industry, I am constrained to regard the policy of the tariff States as fixed and unalterable, as much so, as if the representatives of those States were chosen exclusively by the manufacturers themselves, and sent here as their special agents, acting under instructions. What, then, becomes of the great principle of liberty, to which I have adverted—which secures the people against any burthens of taxation not imposed by their own representatives? Is it not absolutely annulled—nay, is it not completely reversed, as to the people of the Southern States, in all cases involving the interest of the manufacturers and the policy of the protecting system? Is not the majority of Congress composed of the representatives of those who have a direct & positive pecuniary interest in imposing taxes upon the people of the Southern States, in the form of high and prohibitory duties upon their lawful commerce—the product of their honest industry? Does not that majority declare it to be its interest, and avow it to be its object, to pursue this system of prohibitory duties until the whole of that commerce, which gives value to the agricultural productions of the Southern States, and without which our fields would be left desolate, shall be utterly and absolutely abolished? It is not many days since I heard an honorable gentleman from New York express the opinion, that in less than ten years—probably in half the time—the whole of those foreign manufactures which fall within the purview of the prohibitory policy, and which are the only articles the Southern planters can receive, to any tolerable extent or with any sort of advantage, in exchange for their staples, would cease to be imported, leaving not a vestige of that important branch of our foreign commerce. There is too much reason to believe, Sir, that this opinion is well founded. When the tariff of 1828 shall have reached its maximum, and the rigorous enforcement of the duties shall be secured by the bill on your tables, I have no doubt you will have provided a system, which will accomplish the work of entire prohibition in the time limited by the member from New York to whom I have alluded. It is in vain, then, that the people of the South attempt to palter with this question, or to disguise any longer the sad reality of their condition. They have no security against taxation, but the will of those who have a settled interest and fixed determination to increase their burthens; they have no rights of property, no title to that commerce which gives the principal value to the productions of their industry, which they do not hold by the same miserable and degrading tenure. They are, to all intents and purposes, the slaves of Northern monopolists. If I were called upon to give a definition of slavery, I could not use language more appropriate, than that which should accurately describe the condition of the people of the Southern States. There is no form of despotism that has ever existed upon the face of the earth, more monstrous and horrible than that of a representative government acting beyond the sphere of its responsibility. Liberty is an empty sound, and representation worse than a vain delusion, unless the action of the government be so regulated that responsibility and power shall be co-extensive. Now, I

would be glad to know, under what responsibility the majority of this House act, in imposing burthens upon the industry of the Southern people, and in waging this merciless warfare against their commerce? Are they, in the slightest degree, responsible to those upon whom they impose these heavy burthens? Have they any feelings of common interest, or common sympathy, to restrain them from oppression and tyranny? Does the system of prohibitory duties, which falls with such a destructive power, upon the dearest interests of the Southern people, impose any burthen, or inflict any injury at all, upon the constituents of that majority by which it has been adopted? The very reverse of all this, is the truth. The majority which imposes these oppressive taxes upon the people of the South, so far from being responsible to them, or to those who have any common interest or common sympathy with them, in relation to the matter, are responsible to the very men who have been, for the last ten years, making the welkin ring with their clamors for the imposition of these very burthens. Yes, Sir, those who lay the iron hand of unconstitutional and lawless taxation upon the people of the Southern States, are not the representatives of those who pay the taxes, or have any participation in it, but the representatives of those who receive the bounty and put it in their pockets. Can there be a more gross, monstrous, and insulting mockery, than to tell my oppressed and outraged constituents, that their rights are secured by the principle of representative responsibility? It would be just as rational to talk about the responsibility of a Roman Emperor, to the Pretorian bands by whom he was elevated to the throne, as a security against plundering the subject provinces for the purpose of paying the stipulated donatives by which he had purchased the Empire. The very principle of representative responsibility, when the government is thus thrown from its balance, becomes itself a principle of the most despotic tyranny. It would be far better for the Southern people, so far as this tariff policy is concerned—and as God is my judge I would prefer it—that the majority of Congress should be responsible to no earthly power, than that they should be responsible to the very persons who have the deepest interest of all the people on earth—in the taxation and oppression of the Southern people. Sir, these things cannot, must not be, it is utterly impossible that such a state of things can be permitted to continue, in a land where liberty—constitutional liberty—is endeared by so many glorious associations. I am aware, Mr. Chairman, that the answer given to all this will be, that it is the right of the majority to govern, and the duty of the minority to submit. There is no political principle more undeniably true, in all the cases to which it properly applies. But it is subject to two very important limitations in our federative system of Government, growing out of the constitutional compact, and founded upon the principles of natural justice. In the first place, the majority cannot rightfully do any thing not authorized by the constitutional charter. The great object of a written constitution is to restrain the majority. It is founded upon the idea that an unchecked majority is as dangerous as an unchecked minority. I believe, when cut loose from the moorings of an effective and real responsibility, it is more so. But of that hereafter. In the second place, the right of the majority to govern, in a political system composed of confederated sovereignties and extending over geographical subdivisions having diversified and conflicting interests, must be limited to those cases where there is a common interest pervading the whole confederacy. This is a limitation growing out of the very nature & object of the compact, even upon the exercise of powers expressly granted. The submission of interests which are essentially adverse to the control of a common government, necessarily involves the destruction of one or the other of them. This is the foundation of the checks and balances, even of consolidated governments, and of the partition of power, among distinct sovereignties, in this confederacy. It is contrary to the clearest principles of natural justice, that the majority—merely because they have the power—should violate the rights and destroy the separate and peculiar interests of the minority. This would make power and right, synonymous terms. The majority have no natural right, in any case, to govern the minority. It is a mere conventional right, growing out of necessity and convenience. On the contrary, the right of the minority to the enjoyment of life, liberty and property, without any unjust interference on the part of the majority, is the most sacred of the natural rights of man. When the great antagonist interests of society become arrayed against each other, particularly when they are separated by distance and distinguished by a difference of climate, character and civil institutions, the great object of the Government should undoubtedly be, not to become the partisan of either of those interests, but to interpose its power for the purpose of preventing the

stronger from destroying the weaker. Instead, however, of assuming this attitude—instead of restraining the major interests from their act of injustice and oppression—the Government degrades itself into the character of a partisan of the stronger interest and an instrument of its oppression. It cannot be otherwise, Sir, as long as the majority in Congress, being nothing more than the agent of the major interest in the confederacy, assumes the power of arbitrarily and unjustly appropriating to its own use, the rightful and exclusive property of the minority. The majority can have no such rightful power. It is neither more nor less, stripped of the disguise thrown around it by the empty forms of legislative proceeding, than downright swindling and robbery—crimes which, in any civilized country in the world, would subject the individual perpetrator to infamous punishment. What human power can confer upon one set of men, however numerous, the right to commit such an outrage upon another set, however few in number? Will any advocate of the tariff policy admit that men have any greater right to rob him of his property, than he has to rob the rest of their? Yet this would be a legitimate consequence of admitting that a majority of Congress have an unlimited and uncontrollable right to dispose of the property of the minority. If the commerce which this prohibitory system proposes to destroy, were the common property of the whole Union; if the great agricultural staples, which are the basis of that commerce, were equally the productions of all the States of the confederacy, the principle of representative responsibility would furnish to the Southern planter all the security against oppression which human wisdom can provide. There would be a real and effective responsibility pervading the whole system. A citizen of South Carolina would confidently confide his interests to a representative from Massachusetts, not because that representative was responsible to him, but because he was responsible to persons having the very same interest. It is this community of interest, that can alone insure the effective responsibility of a representative Government. Where this does not exist, the principle of responsibility ceases to afford any security against oppression, and the power of the common government should cease with it. Whenever the Federal Government, therefore, assumes to act upon the local or peculiar interests of particular States or sections of the Union, it as clearly transcends the appropriate sphere of its constitutional and responsible power, as a State Government would do, in attempting to control the common interests, that have been committed to the protection of the federal government. In the one case it would be despotism; in the other, anarchy. God forbid that we should ever be driven to the dreadful alternative of choosing between them, even for a time. I have said, Mr. Chairman, that there cannot be imagined a more odious and intolerable form of despotism, than that of a majority stimulated by motives of self interest, and acting without any restraining power, upon the interests of the minority. A just analysis and exposition of the true character and principles of that combination—or more properly, conspiracy of interests which constitutes the tariff majority in the United States, will exhibit this idea in a more striking point of view than any thing I have yet advanced on the subject. I venture the assertion that no priesthood, in the darkest ages of ignorance and superstition, ever pursued their selfish object with more unflinching perseverance & consummate art, than the manufacturing capitalists have prosecuted their mercenary schemes of monopoly. Commencing with a few followers—like other impostors of whom we read—they have successively enlisted under their banner a sufficient number of confederate interests to render themselves formidable; and, finally by addressing themselves to the ambition of some and the prejudices of others, they have disseminated the delusion of their false doctrines through all ranks of society, in the tariff States. Applying politicians, finding it conducive to their political advancement, have not scrupled to form an alliance, cemented by avarice and ambition, and not less ominous to public liberty than that which has existed, in other times and other countries, between Church and State. By the artful use of cant phrases and cabalistic terms, addressed to the national pride and local prejudices of the people—such as the "American System," and the "British System," "Old England," and "New England," the "Free States," and the "Slave States"—they have succeeded in working upon the public mind in the manufacturing States, to a state of infatuation almost incredible, and, in my opinion, utterly incurable. What, then, are we to expect from a majority, thus bound together by the two strongest of human passions—avarice and ambition—and acting under the imposing disguise of disinterested patriotism? It has been said, Sir, by a wise man, that one hundred philosophers, thrown together, and acting under the impulse of a common interest and the contagion of a common passion, would be converted

into a mob. There can be no doubt of the correctness of the principle, and it is even more powerfully exemplified in its application to large masses and communities of men, united by common interests, common passions, and common prejudices, and directing their efforts to a common object. It is too apparent, that entire sections of the Union bound together in a confederacy of interest and ambition, urged on by the master spirit of manufacturing monopoly and political management, and sustained by the blind and demagoguing delusion, that it is the dictate of true patriotism to oppress and plunder the minority, because they prosecute trade with a foreign country—it must be apparent, I say, that whole sections of the Union, distinguished from the minority by the peculiarity of their civil institutions, and arrayed against that minority by the united motives of interest and ambition, and prejudicial will prosecute their schemes of injustice and oppression, with all that want of moral responsibility which distinguishes the proceedings of an infatuated mob. Yes, Sir, this mighty mass, blinded by a delusion which converts plunder into patriotism, will perpetrate, under the prostituted forms of legislation, acts of oppression and injustice, which no individual composing it would think of perpetrating, when acting on his separate responsibility. Such, then, is a faithful portrait of that majority, which we are told have a natural right to regulate and confiscate the interests of the minority. What despotism can be pointed out, either among the dark realities of history, or the wildest fictions of poetry, more fearful to contemplate? What refuge, what hope, what security have the minority, when this devouring monster walks abroad, clothed with the mantle and armed with the sceptre of power, and stimulated by the insatiable spirit of monopoly? Shall I be told, that the minority must throw themselves upon the humanity, justice and moderation of his majority? What, Sir, are we to expect justice, humanity and moderation from the spirit and genius of monopoly itself? You had as well think of striking fire from an icicle. You had as well attempt to satiate the appetite of a cannibal, by the cries of infant tenderness. Mr. Chairman, I solemnly declare, that I would prefer the government of a single despot, to that of such a majority as I have described, acting upon the rights and interests of the minority, without any restraint but that imposed by his own will. The subjects of an imperial despot, are not without some security against the extremes of oppression. The greatest tyrant that ever reigned—even the Emperor Tiberius—was still a man, having the soul, and the feelings, and the sympathies of a man, and could not, therefore, behold, without some "compunctious visitings," the sufferings of his subjects, and the desolation and plunder of his provinces. But such a majority as I have described, has no more soul than a corporation, and, in the very nature of things, is utterly incapable of human sympathy. There is another restraint upon the power of a single tyrant, which does not operate upon this tyrant majority, appropriately denominated in another place, "king numbers." The physical force of society is on the side of the oppressed, in the case of a single despot. An act of tyranny will vibrate through the hearts of all his subjects, from one extremity of his dominions to the other. Every man will feel that the blow which strikes down his fellow subject to day, may fall upon him to-morrow. A sense of common danger and common suffering will induce the most degraded population in the world to impose such limits upon the practical exercise of despotic power, as will prevent the extremes of oppression. It is a historical fact, Sir, that there does not exist on the face of the earth, a despotism that is not restrained by some principle, moral, religious, or political, which operates as a practical check upon power, and a security against oppression. But what human principle, what earthly power, is there to restrain the majority? To what tribunal can the oppressed minority carry their appeal, and urge their plea against oppression and injustice? Can they appeal to public opinion, that high tribunal by which the despotism even of Napoleon, with all his military power, was controlled? That public opinion is the very spirit and soul—the animating principle of the tyranny that oppresses them. Then, Sir, there is no refuge for the minority, if the sacred and protecting power of the Constitution cannot be interposed—"Their final hope is flat despair." There is another particular in which the despotism of a single tyrant, is preferable to that of a legislative majority, such as I have described. His appetite for injustice and plunder, is infinitely less voracious. There is a limit to the exactions of an absolute monarch, which he has no motive to exceed. When his subjects have supplied his exchequer with a sufficient treasure to gratify his imperial vanity by covering him with the decorations appropriate to his rank—when they have provided the means of keeping on his court and military establishments, and of maintaining