

SPEECH

The Honorable Willie P. Mangrove, (of North Carolina.)

THE TARIFF

Delivered in the Senate of U. States on the 7th & 8th of Feb. 1832.

On Mr. Clay's Resolution in relation to the Tariff.

Resolved, That the existing duties upon articles imported from foreign countries, and not coming into competition with similar articles, made or produced within the United States, ought to be forthwith abolished, except the duties on wines and silks, and that they ought to be reduced.

Resolved, That the Committee on Finance report a bill accordingly. Mr. Mangrove.

It is with unfeigned reluctance that I have determined to participate in this debate—a reluctance which derives strength from the conviction that scarcely any useful practical result can be attained by the discussion of a mere abstract proposition. For legislation to be wise, it is not sufficient that it be right in the abstract merely, but it is also necessary that it shall be adapted to the condition of those upon whom it is to operate. Their interests, habits, feelings, sentiments, and even prejudices, demand the most calm and respectful consideration.

The resolution upon your table contains matter of high and grave import. It involves principles mingling in deep and dangerous confusion, with the interests and the passions of great masses of this confederacy. It involves a final decision upon this Tariff policy, now presented in a naked, unmitigated, eye-aggravated form. I cannot but regard it as the most momentous question which has ever been submitted to any deliberative assembly in this country since the adoption of the Federal Constitution—as indeed the most fearful momentous that has ever occurred in the whole history of the American people, with the single exception of the declaration of American independence.

This policy in its inception, and in its progress, has been marked with struggles, tears, force, and blood. In some portions of the Union all the elements of discontent are stirring and heaving in frightful agitation. The passions are thronging to the contest. It is no longer discussed as a question of political economy, but as a naked question of Liberty. Shall this course of things endure longer? Is there any lover of his country who can contemplate it without deep and painful reflections? Shall this beautiful fabric of our liberties be perilled in a contest of mere selfish interests, uncalled for by the exigencies of the country, and unredeemed by any high, noble, and patriotic considerations?

Sir, the State from which I come regards this struggle with deep solicitude, and the most patriotic anxiety. No State in this confederacy looks to this Union with more joyous affection than North Carolina. Moderate in her views, just in her purposes, and proud of the glory of our common country, she contemplates with pain any system of policy which tends to weaken the affections of this great brotherhood of the American people. She deprecates the present system of taxation as essentially sectional and selfish, and as gradually, but surely, undermining the fabric of our noble institutions. She has hitherto acquiesced in this policy with a dignified moderation, looking to the extinguishment of the public debt as a period favorable to the alleviation of her burthens, and a reformation of the system.

We are now upon the eve of that era—so glorious in modern annals—the public faith redeemed, and the public engagements all fulfilled. In this new state of things it becomes as to survey our position, and accommodate our policy to our actual condition and the exigencies of the Government.

This position is both difficult and delicate. The occasion imperiously demands a great reduction of the revenue—a reduction to the actual necessities of the Government. Wisdom, prudence and justice require that it shall be effected with as little injury as possible to the manufacturing establishments, built up in a different state of things.

This question has been argued by the gentleman from Kentucky (Mr. Clay) upon the assumption that a large portion of this country are laboring for an entire dereliction of those establishments—and appeals have been made to excite every motive of interest and arouse every selfish principle to rally around this Tariff system, and protect it from the assaults of its ruthless assailants.

Sir, these appeals have been made with admirable sagacity—with a deep conviction that the system can be maintained only by arousing the passions and excluding the lights of calm and sober reason.—But, sir, has this assumption any foundation in fact? Is there any party in this country that seeks to demolish the manufacturing establishments? Is there any which is not deeply impressed with the difficult and delicate responsibility of reorganizing our system of imports, and adjusting the duties, with a due regard to all the great interests of the country? If there be any such party it is unknown to me. Sir the great object of those whom I represent, and with whom I associate, is to adjust this system so as to approximate, as best may be, an equal participation in the burthens and benefits of the Government.

Equality under the present system of duties is wholly unattainable. The pecuniary and planting States will of necessity pay more than their equal proportion of the revenue. This proposition is

obvious and incontrovertible. The Southern States have never complained of that inequality, while the revenue power was fairly exercised, and with reference to the necessities of the Government. In war, as well as in peace, they have borne the necessary burthens without a murmur.—But now, in a time of profound peace—the public debt being paid—they are unwilling to be taxed—not for the benefit of the Government—but for the benefit of large, wealthy, and flourishing capitalists. A system so unequal and so unjust cannot be endured. As a permanent system it will not, as it ought not to be endured.

What is the effect of the resolution upon the table? It is to aggravate the evil. It is to tax the necessities of the poor man, while the rich may revel in luxuries as free from taxation as the air he breathes.—It is to increase the extravagant bounties already enjoyed by the rich capitalist, by diminishing the cost of many of the articles which enter into the consumption of his establishments. The duties in the shape of protection remain the same nominally, while in fact they are enhanced to the whole amount of deduction from the prices of articles consumed by the manufacturer and his laborers.

The only feature of mitigation is to be found in the reduction of the amount of revenue. This however is more than counterbalanced by the increased inequality in the action of the system. But if a system of imports shall be adopted in pursuance of the policy of the resolution, what will be the extent of the reduction of the revenue? The Senator from Kentucky estimates it at seven millions of dollars; others are of opinion that it would be between five and six—suppose it be seven millions; we should then have an annual revenue varying between eighteen and twenty-three millions of dollars, when the actual necessities of the Government would not and ought not to require more than ten millions to be raised by revenue. The people are then to be taxed from eight to twelve and even fifteen millions of dollars annually, more than the actual wants of the Government, if the policy indicated by this resolution shall ultimately prevail.—Sir, can this policy soothe the discontents of the public mind, and restore harmony to the distracted councils of this country? Can it heal those divisions that have so extensively and fearfully impaired the confidence and sundered the affections of distant and important parts of this confederacy? Sir, it cannot. The whole South will regard it with fixed aversion. They will view it as a proof that our distant brethren have but little respect for our feelings; that they turn a deaf ear to our friendly remonstrances, and heed not the narrative of our violated rights and multiplied wrongs. Sir, it does violence to every conception of a free Government. It is subversive of every maxim of an enlightened political economy, and it is utterly regardless of that confidence and affection cemented by mutual interest, which constitute the broad basis—and the only basis—upon which rests the noble structure of our free institutions. Is it the part of wisdom, taking broad and statesman-like views, and looking afar off, to persevere in a policy, which by six or seven contiguous States in the Union, is believed to be nothing but pure, unmix'd evil, and which a large majority of the people of that region believe to be in violation of the spirit and principles of the Constitution?

Sir, it formed no part of my purpose, when I first determined to offer my views upon this resolution, to touch the Constitutional question. Repeated expressions of the opinions of the South had gone forth, some of which had aptly their moment on your table, and thence been consigned to the lumber rooms of this Capitol, where they still sleep unrespected, unregarded, and forgotten. I had long since learned the utter inutilty of discussing Constitutional points. I had seen the little favor with which such discussions are entertained by Congress. Many in this enlightened age seem to have grown wiser than the Constitution. And as it is now well nigh ridiculous to discuss gravely a Constitutional point, so in the progress of our high destinies, it may be made a point of order to touch a topic so stale and hackneyed.

But as several Senators, and especially the Senator from Maine (Mr. Holmes,) favored the Senate with long, labored, and subtle arguments in favor of the constitutionality of the protective system, I trust I shall be pardoned for stating, as succinctly as I may, the views which entertain on this subject.

It is not pretended by the advocates of this policy, that any direct and express power is to be found in the Constitution, to protect manufactures. But they insist that the power is fairly derived from that part of the 8th section of the 1st article of the Constitution, which confers on Congress the power "To regulate commerce with foreign nations, and among the several States, and with the Indian Tribes."

The whole argument rests upon the construction to be placed on the words "To regulate commerce with foreign nations," and it is conceded on all hands that if the power to protect manufactures cannot be derived from these words, that it cannot be found elsewhere, and, consequently does not exist.—What is a protecting duty? It is a duty laid to restrain the importation of a foreign article similar to a domestic article; and the duty is effectual or not, precisely in the proportion as it affects the importation of the foreign article. If the duty partially restrains importation, it is only partial or incomplete protection. To give the protective principle complete effect, it is necessary to increase the duty so as to restrain entirely the importation. Hence from the words "To regulate commerce with foreign nations," you derive the power to destroy—to annihilate commerce with foreign nations. A regu-

lation truly! An obvious perversion of the plain meaning of words!

The argument necessarily comes to this conclusion.—For if you have the power to "regulate commerce" for the purpose of protecting domestic manufactures, you have the whole unrestricted power for that purpose, and to effectuate that purpose completely, you must push the power of regulation to extinction.

Could this have been the meaning of the framers of the Constitution? By looking into the history of those times, I think it will be apparent that it was not. Under the old confederation, Congress had the power, with the consent of nine States, to exercise some of the highest attributes of sovereignty, the power of making peace and war—to coin money—regulate its value—to grant letters of marque and reprisal in time of peace—to enter into treaties and alliances, besides many other important powers—but Congress had no power to lay taxes. The sword was placed in the hand of Congress, but the sin was nerveless, so long as the States retained the purse. At the close of the revolutionary war, the confederacy was not a young giant—victorious, but exhausted and powerless. The public debt accumulated, the public credit annihilated, precious metals vanished, the circulating medium—the paper money—depreciated and worthless, public confidence and private faith mere terms of mockery—so that the universal distress, confusion and calamity of peace were more sorely felt, and more appalling, than all the horrors of the war.

Every intelligent man referred much of the general suffering to the true cause—the want of power in the old Congress—to "regulate," to improve, to give unity and stability to our foreign commerce, and to raise a revenue to redeem our pledged faith, and fulfill our public engagements. Repeated applications were made to the States to confer upon Congress the power to lay duties and collect a revenue. Every eye was turned on commerce as being the most convenient, and the only fit and ample source of raising a revenue adequate to the necessities of the Government. The respective States had the entire control over the whole subject of foreign commerce; and it was only by surrendering that control to Congress, that an efficient system of revenue could be organized. This view was urged upon the States with zeal and ability. The States regarded these overtures with a cold, scrupulous, and jealous caution. The able men of that day took the deepest interest in this subject. Every topic was pressed which could convince the understanding, kindle the patriotism, or conciliate the confidence of the States.

They were told of violated faith, unredem'd pledges, national dishonor, paralyzed commerce, approaching anarchy—the entire absence of power to combine and control resources, and to counteract the injurious commercial regulations of foreign countries. But in no document of that day, notwithstanding the numerous and powerful inducements held out to the States to confer upon Congress the power "to regulate commerce," do I find a single word in favor of conferring that power as the means or as an instrument to protect domestic manufactures. Revenue, and revenue alone, was the great leading legitimate object. All these efforts failed—the evils became more obvious, and the public necessities more urgent. Mr. Madison took up this subject in the Virginia Legislature in 1785, and resolutions passed the House of Delegates, instructing the Delegates then representing that Commonwealth in Congress, to propose to the other States, to authorize that Assembly to regulate the foreign commerce. This movement failed in the Senate. It was revived during the same session in a different form, and finally, in January 1786, a resolution was adopted appointing Commissioners to meet such Commissioners as might be appointed by the other States, to take into consideration the trade of the United States, and to devise some uniform system of commercial regulations. In pursuance of this resolution a meeting was held in Annapolis in September 1786.—Five States only being represented, the Commissioners declined doing more than making a report to the Legislatures of their States, and transmitting copies, to the United States in Congress.

Congress took up this report in February 1787, which led to the Convention of May of the same year, in Philadelphia, that formed the present Constitution. Did the protection of domestic manufactures enter into the contemplation of Mr. Madison, when he moved his resolutions in the Virginia Legislature? Did it enter into the conception of any public man of that day? In what speech is it to be found? In what document is it indicated? What manufacturing establishments existed in Virginia at that day requiring the fostering hand of protection? Where were then the convulsions of manufacturers to excite int active and vigorous co-operation the best ability of the ancient dominion.

Sir, the idea is preposterous. No such establishments existed—no such motive was conceived.—But suppose such establishments did exist, and protection was the object, had not each State the ample power and the exclusive power to encourage and protect? Was any new power necessary? Sir, in the whole annals of legislation, I do not believe there can be found a more gross perversion of the plain import of language than that which seeks to convert "the power to regulate commerce" into a power to protect domestic manufactures; by which protection is completed, "the power to regulate commerce" is resolved into an annihilation of commerce.

Sir, I repeat, the great object was commerce; the great evils were the want of

dark for the true meaning of this clause, punctuality, on the part of the States, in complying with the requisitions of Congress—the want of uniformity in commercial regulations among the different States and the want of power lodged somewhere to make commercial treaties with foreign powers.

But, Sir, in the annual message of the President, in December, 1830, the argument in favor of the constitutionality of the protective principle is placed in a new, and, in my opinion, the strongest light, in which it can be presented. It is stated as follows:

"The power to impose duties on imports originally belonged to the several States. The right to adjust those duties with a view to the encouragement of domestic branches of industry, is so completely incidental to that power that it is difficult to suppose the existence of the one without the other. The States have delegated their whole authority over imports to the General Government without limitation or restriction, saving the very considerable reservation relating to their inspection laws. This authority having thus entirely passed from the States, the right to exercise it, for the purpose of protection, does not exist in them, and consequently if it be not possessed by the General Government it must be extinct."

With due respect, I think, this whole argument is invited by a sophism.—The fallacy consists in supposing a power in the States over a subject which might have been exercised without limitation or restriction, without regard to that particular purpose.

The particular purpose for granting the power to the General Government was, to raise revenue, by giving unity, vigor, and stability to our foreign commerce.

It was conservative, and cannot be rightfully exercised but as a conservative power.

Permit me to test the logic of the message, and exhibit the conclusions to which it leads:

The States, respectively, before the adoption of the Constitution, had the power to interdict all foreign commerce indefinitely, to annihilate it forever at their sovereign will and pleasure; but the States have granted all power over it to the General Government; therefore the General Government has power to interdict it indefinitely—to lay a perpetual embargo—to annihilate it forever, at its sovereign will and pleasure. This conclusion, absurd as it may seem, inevitably results from the argument of the message.

Yet no intelligent man can be found who will advocate the proposition that Congress, by a sweeping enactment, can cut off forever all foreign commerce. The act laying the embargo, in 1807, not indicating upon its face the period of its limitation, was gravely questioned, in a certain quarter, in respect to its constitutionality by many of the most eminent lawyers and statesmen.

And yet an embargo is a mere temporary suspension of commerce, designed to correct some evil, pernicious to its prosperity; or as a precautionary measure, preliminary to some ulterior movement that might expose it to hazard or injury. In both cases it has for its object the benefit of commerce; to place it, on a better and more permanent footing, or to shelter it from an impending evil. It is a temporary evil, resorted to for an attainment of a durable good.—It is a conservative power and in that aspect only it is rightfully exercisable, and in that aspect it is strongly contradistinguished from the protective principle, which tends to the annihilation and not of the conservation of foreign commerce.

Again, the argument is inaccurate, in supposing the terms "to regulate foreign commerce," and "to protect domestic manufactures" strictly correlative. Whereas, to regulate commerce is one thing, and to protect domestic manufactures is another. The error consists in supposing an indissoluble connexion—a fixed dependence to exist between them; whereas, connexion and dependence are incidental to one mode of existence only, and in fact the government may exert a high and efficacious action upon one, without affecting the other.—For example, if in the regulation of commerce you barthen it with duties upon imports, a connexion instantly springs up, through the incidental advantage conferred upon the domestic article in a competition with the foreign coming into the same market burdened with those duties. But if for the regulation of commerce it is designed to infuse into it the utmost vigor, that is attainable only by conferring upon it perfect freedom. In this mode of existence then, the most natural and most perfect, all connexion is dissolved and all dependence is annihilated.

Again, the argument is accurate in assuming that the power of protection has entirely passed from the States, and that it exists in the general government, or must be extinct. To elucidate this part of the case, it is necessary to look into the constitution, and also into the proceedings of the convention which formed it. You will bear in mind, sir, that the great object of that convention was to give Congress the control of those general interests which were necessary to all, and common to all. More local interests were designed to be left to the care of the local governments. This view accords with the exposition given in the Federalist. "The powers delegated to the general government are few and defined. Those which remain to the state governments are numerous and undefined. The former will be exercised on external objects—war, peace, negotiation and foreign commerce, with which last, the power of taxation will, for the most part, be connected. The powers reserved to the states, extend

to all the objects which in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvements and prosperity of the state."

You will also bear in mind that the two great local interests of that day, were the agricultural and planting interest of the middle and south, and the navigating interest of the north and east. For the manufacturing interest had not then risen into scarcely any consequence.—Yet it was foreseen that it would become a distinct and important interest.

The States had then the power of fostering and protecting manufactures. It could be done by giving premiums, pecuniary bounties, or by laying prohibitory duties. But of all the modes of encouragement, that of restraining or prohibitory duties was most convenient and most effectual. But as the whole power over foreign commerce was about to be given to Congress with a view to raising the necessary revenue, it was foreseen that the States were about to be deprived of the most convenient and efficient instrument for the protection of domestic manufactures. Efforts were therefore made, either to confer upon Congress a direct power for the encouragement and promotion of manufactures, or to retain that power in the States in some modified, but efficient form. By looking through the journal of the federal convention, it will be found that the first mention made of the manufactures is on the 18th of August.—Among a series of propositions referred to the committee, appears the following: "To establish public institutions, rewards and immunities for the promotion of agriculture, commerce, trades and manufactures." On the 20th of August, another series of propositions was referred to the committee.—Among them is one to this effect: "There shall be a secretary of domestic affairs. It shall be his duty to attend to matters of police, the state of agriculture and manufactures, &c."

The committee to whom was referred the above propositions, with divers others made a report on the 22d August, proposing to add at the end of the sixteenth clause of the second section, the power "To provide as may become necessary from time to time, for the managing and securing of the common property, and general interests and well-fare of the United States, in such manner as shall not interfere with the governments of individual states, in matters which respect only their internal police, and for which their individual authorities may be competent." This report is indefinite in its terms, and wholly incompatible with the idea of a government of delegated and specific powers. It was therefore, very properly not acted on. The next trace we find of this subject, is on the 31st of August; when it was moved, to refer such parts of the constitution as have been postponed, and such parts of reports as have not been acted on, to a committee of a member of each state. Which passed in the affirmative. On the 1st of September, Mr. Bearly, from this grand committee, reported partially, but said nothing of manufactures. Again: On the 4th September, the same gentleman reported partially.—Still silent as to manufactures. On the 5th, he made a further and final report, proposing several alterations and additions, which were finally adopted with slight modifications. Among them is the following: "To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries." It is now apparent, that after repeated references of the subject of arts, manufactures, &c." and after full deliberation, the committee refused to make any report conferring a substantive power on Congress, to foster and protect particular avocations; and that they, in fact, whittled down all these sweeping propositions to the slender power of "securing to authors and inventors for a limited time," the exclusive enjoyment of the fruits of their genius. I take this, sir, to be a decisive expression of the sense of the convention, against conferring upon Congress the power to give to manufactures any other encouragement, than that which they incidentally derive from a revenue system of duties.

It being perceived that no substantive power would be conferred on Congress to domestic manufactures, and that the States were about to be deprived of the power of doing it by duties, a struggle was commenced on the 28th August, which was continued at intervals to the 15th September, within two days of the adjournment of the Convention. This struggle called forth some of the ablest men in that illustrious body, among whom Luther Martin was particularly distinguished in opposition to the principle prohibiting the States to lay imports or export duties without the consent of Congress. The discussion turned mainly upon the interests of manufactures and the object was to retain in the States a concurrent power with Congress. On the 15th of September the clause was adopted, which now forms a part of the 10th section of the 1st article. By that clause the States may, without the consent of Congress, previously obtained, lay such imports or duties as may be absolutely necessary for executing the inspection laws; and, with the consent of Congress, may lay such imports or duties upon imports or exports as may be necessary to protect their manufactures, upon the proviso of paying the duties into the public Treasury. If this latter power is not retained in the States to protect manufactures, for what is it retained? It cannot be for revenue, for that is to go into the public Treasury. If, then, it is not, wholly nugatory, it can be nothing else than to enable the States to encourage the interests of manufactures.

But, Sir, we are not left to grope in the

labyrinth of legislation, presents the whole part of the convention at Philadelphia. With an eye that watched every movement, and a mind that comprehended every principle, no man better understood or was more able to expound the views of that body. In speaking of this clause, he says that—

"Every State is also prohibited from laying any imports or duties on imports or exports, without the permission of the General Government. It was urged that as almost all sources of taxation were given to Congress, it would be but reasonable to leave the States the power of bringing revenue into their treasuries, by laying a duty upon exports, if they should think proper, which might be no light as not to injure or discourage industry, and yet might be productive of considerable revenue; also that there might be cases in which it would be proper for the purpose of encouraging manufactures to lay duties to prohibit the exportation of the raw materials; and even, in addition to the duties laid by Congress on imports for the sake of revenue, to lay a duty to discourage the importation of particular articles into a State or to enable a manufacturer here to supply us on as good terms as they could be obtained from a foreign market. However, the most we could obtain was, that this power might be exercised by the States, with and only with the consent of Congress."

From all of which the following conclusions, I think, inevitably result: First, That the power to protect domestic manufactures is not extinct; secondly, that it is not possessed exclusively either by the General Government or by the States respectively; but, thirdly, that the power does in fact exist, and may be put into efficient action, by any State, with the consent of the General Government.

But, sir, Senators turn to the act of July, 1789, and with an air of exultation and anticipated triumph, proclaim the annunciation of the principle of protection in the second act of the Government. That the preamble of that act—yes sir, that preamble which has been tattered and mounded by every advocate of the system, from its ablest champion down to the humblest hammer that plies the hob-nail—is the key to open in this magnificent and gorgeous temple of the American System. Yes, sir, it has been emphatically said, by the Senator from Kentucky, "that the great pillars of this splendid edifice were then raised from the dust." It is true, Sir—and it is also true that the modest architects of that day aimed at nothing more than Doric simplicity and Doric strength—they were plain practical men, and I think it may be gravely questioned whether any one of them, while he was proposing five per cent. ad valorem, ever thought or dreamed of "great pillars, gorgeous temples, magnificent edifices, or any of that splendid phantasmagoria which haunts the imaginations of the master workmen of our modern President-making American System.

Sir, what is the meaning of the preamble? Did it mean protection, in the sense now used? What manufactures were to be protected? The duties by that act ranged from five to fifteen per cent. ad valorem.—And this is called protection to infant manufactures, scarce struggling to existence! When now, after forty years of sturdy growth, these same manufactures employ and demand a protection of from 40 to 250 per cent. ad valorem—to save them from destruction—from utter annihilation!

Sir, that revenue was the object, is palpable: the history of the times shows it, and manufactures were no otherwise thought of than as they might be incidentally benefited. The people were then to be first called on to bear taxation in that form—and to a people jealous of their rights, and averse to public burthens, it was natural that every benefit direct and incidental, that could flow from the act, should be enumerated in the preamble. This preamble has been repudiated in all subsequent enactments, and the law to which it is prefixed, was repealed in little more than a year.

In the year 1790 another act was passed, reciting the aforementioned act, and with this preamble, to wit: "And whereas as the support of Government and the discharge of said debts render it necessary to increase the said duties, "Be it enacted," &c. Nor is there any trace to be found in the statute book, since that time of a law passed—indicating the fact upon its face—for the encouragement and protection of manufactures. So far from being the doctrine of the avowed friends of the system, it must be in the recollection of many Senators, that upon the motion to amend the title of the Tariff act of 1828, so as to read "for the protection of domestic manufactures," the whole body of its friends rallied to the rescue, and negated the amendment. That vote indicated most unequivocally the want of confidence—I will not say in the constitutionality of the measure, for that would be to impeach integrity of motive—but I may say, the want of confidence in the judicial tribunals of the country.

Mr. President—It is said by the Senator from New Jersey, (Mr. Dickerson,) that the policy of protection was avowed and cherished in the early periods of the Government, not only with reference to manufactures, but was also extended to the interests of navigation.

As regards the discriminating duties fixed by the act of 1790, securing the coasting trade, they were wholly unnecessary. It is held and enjoyed by our ship owners, not by virtue of law, but by their vigor, enterprise, and economy. The most of them at home, at one end of the voyage; and having many facilities in effecting repairs and procuring supplies, beyond the reach of foreigners, and at a