

CONGRESSIONAL.

Speech of Mr. Brown,
OF NORTH CAROLINA.

In Senate, February 9 and 10.—On Mr. Benton's resolutions, as modified by the mover on the suggestion of Mr. Grundy, for setting apart so much of the surplus revenue as may be necessary for the defence and permanent security of the country.

Mr. BROWN observed, that he had not intended to take any part in the debate which had grown out of the resolution submitted by the honorable gentleman from Missouri, (Mr. Benton,) until a few days since, when some remarks had been made in the course of the debate, which he considered it his duty to notice. Strong and imperative, however, as he felt this duty to be, he had been willing, on yesterday, to forego the discharge of it, in the hope that the discussion had approximated its close, and that the question would then have been taken. Disappointed as he had been in that hope, and renewed as the debate was on to-day, by the gentleman from Virginia, (Mr. Leigh,) the considerations which had then induced him to abstain from asking the indulgence of the Senate, no longer operated; and he would proceed briefly to fulfil what had then been his intention, which, under the hope that a vote would have been taken on yesterday, had been temporarily abandoned.

From the observations of the Senator from Virginia, (Mr. Leigh,) and the gloomy forebodings he had expressed, (which he trusted were not well grounded,) that in the progress of the difficulties between the Government of the United States and France, we might be finally involved in a war; we are, said he, admonished by every consideration of prudence, of interest, and of national pride, to make the most effectual preparations for a contingency that may happen. That gentleman had deprecated a war with France, more than with any of the other nations of the old world. He confessed that he entertained something like the same feelings.

He confessed that he had been taught from his youth to cherish the most lively sympathies for the gallant people who aided us in our glorious struggle for freedom; that France was endeared to us by every remembrance of that contest; he confessed too, that war was to be greatly deprecated between two nations bound to each other like France and the United States by such a reciprocity of powerful interests; but when France forgot was due alike to justice, and to our national honor, he, for one, was prepared to consider her people, if the crisis should demand it, as "enemies in war, and in peace friends." The gentleman from Virginia deprecated a war because of the baneful influence it would have on free governments; and its tendency to arrest their progress. Had it not suggested itself to the mind of the gentleman that the same effect would be produced in a much higher degree, if we should succumb to the dictates of a foreign power? Would it not have the effect to destroy the moral power which our free institutions possess at this period, if we were to suffer our national honor to be tarnished, and our rights to be violated? Most assuredly it would, and he who was most anxious to benefit the world by the examples of our free institutions, should be the most careful to show their influence in preserving us both from injury and indignity.

The gentleman, in referring to the President's recommendation, at a former session, for the issuing of letters of marque and reprisal against France, said that he never did believe that the President was serious in the recommendation of such a measure, and until that time no Government, in ancient or modern times, had ever given previous warning to its antagonist when it thought proper to resort to it. He would ask the gentleman if the distinction between the constitution of this Government and those to whom he referred, had not occurred to him? How was it possible for the President of the United States to act in a measure of the kind without the co-operation of Congress; and how was it possible for him to have obtained that co-operation without addressing himself to them in a message? The gentleman could see no impropriety in the President's giving to France explanations as to the message sent by him in the performance of his constitutional duty to co-ordinate branch of this Government. Now, almost every gentleman, who had addressed the Senate on this question had repudiated the idea that the Chief Magistrate of this country should make explanations to a foreign Government touching the communications made by him to Congress; and he confessed he was astonished at hearing such sentiments uttered by the gentleman from Virginia. He could not believe that such concessions could be made without an utter sacrifice of every principle of honor—without a violation of that independence which we of all others should hold the most precious.

In his opinion, the ground on this point, so ably and successfully maintained by Mr. Livingston, in addressing the French minister, was the only true and tenable one. When any thing calculated to impeach the honor of a nation is used in the diplomatic communications of another, it then had a right to demand an explanation; but where the matter taken exception to is found in a communication from the Chief Magistrate of a nation to a co-ordinate branch of his own government, expressly intended to give information of its own affairs, the Chief Magistrate cannot enter into any explanations with a foreign Government, without a surrender of every principle of honor and independence. No Chief Magistrate of this country had ever done so.

He would now proceed to notice some remarks made by gentlemen at an early stage of this debate. The gentleman from Kentucky, (Mr. Crittenden,) a few days ago, remarked that we had not entered into extensive warlike preparations previous to our late contest with Great Britain; and he argued from it, that we were now able to meet a less powerful enemy with our increased population and resources, without placing the nation in a strong defensive attitude. Ever a nation had been taught

by severe experience the fallacy of that doctrine, I thought this nation had. To what cause were we to attribute the disasters that marked the commencement of that contest, but the want of adequate preparation; but to the fact that we had not made the preparations which wisdom, prudence, and a sense of honor and interest demanded? Did not the gentleman recollect how the patriotic citizens of his own State were called on to defend our northwestern frontier from the incursions of the enemy, and did he not recollect the disasters of the river Raisin and other places on the frontiers, occasioned mainly by the want of necessary preparations? It did appear to him, that if ever a nation had been admonished by experience, it best of all instructors, that in peace they should prepare for war, it was the people of the United States.

The Senator from Delaware had endeavored to justify his vote as well as that of his friends, on the rejection of the three million appropriation, on the ground of the constitutionality of the amendment of the House, and challenged the friends of the measure to produce any warrant for it in the constitution; but the gentleman, unfortunately for his cause, had failed to prove the truth of his position. *Unconstitutional, did the gentleman say!* By what authority, said Mr. B., do we appropriate money for the public service? Under the constitution, which provides that no money shall be drawn from the Treasury, but in consequence of appropriations made by law. Then, if the Senate of the United States had passed this amendment of the House, would the money not have been drawn from the Treasury in virtue of an appropriation made by law? Undoubtedly it would have been drawn in pursuance of the very words of the constitution. The constitution has not pointed out whether general or specific appropriations should be made, but very properly left that matter to the wisdom of Congress to be judged of by the peculiar circumstances of the case. While the gentleman was endeavoring to extricate himself and those who voted with him from the difficulties in which they had involved themselves, it appeared to him that he was plunging himself and them still deeper than they were, into insurmountable difficulties. By a comparison of the report agreed on by the committee of conference of the last session in reference to this amendment of the House with the amendment itself, it would be found that the constitutional objections of the gentleman applied much stronger to that than to the amendment proposed by the House. Permit me, said Mr. B., to call the attention of the Senate to the striking difference between the amendment of the House of Representatives, and the report of the committee of conference, the latter of which met the concurrence of the gentleman and his friends. The amendment made the appropriation contingent in the first instance, and did not call for the expenditure of the money unless such expenditures became necessary to place the country in a posture of defence. It was limited to the next session of Congress, and permit me, said Mr. B., to observe that it was actually more specific in its language than the substitute proposed by the committee of conference. In defining the objects of the expenditures, it went on to say that it was for fortifications, for ordnance, and for the naval service; while the substitute proposed to appropriate the money for fortifications, and for the naval service only, leaving out the word "ordnance." The one was limited and the other was unlimited, possessing no qualification whatever, by which the Executive was to be bound. Therefore, whilst honorable gentlemen were endeavoring to shield themselves from the consequences of having rejected the amendment of the House of Representatives, under the wide panoply of the constitution, it appeared to him that they themselves had been inflicting a severer blow on that instrument than that which they had professed so much anxiety to avert.

Gentlemen had very suddenly discovered that appropriations to be properly made by Congress should first be recommended by the Executive. Many had said that this three million appropriation was unconstitutional, because the Executive did not step forward, and say to Congress, that this sum of money was wanted for the exigencies of the country. He should like to know in what part of the Constitution, gentlemen found the clause denying to Congress the power to appropriate money without that recommendation. The practice of making specific appropriations, had often been departed from; if there was one right clearly belonging to Congress, it was the right to appropriate money of their own free will and discretion, and to tell the Executive how he should apply it for the public service, without waiting for his application or recommendation. The Executive could control this discretion, in no way but by withholding his signature to bills, making such appropriations. It appeared that honorable gentlemen had fallen into this error, by looking at the monarchical institutions of the old world. In the British Parliament, the King's Minister produces the annual budget, and asks the appropriations it calls for; and when these are granted, the King returns thanks to his faithful Commons for their liberal supply. There was a wide difference between this practice, and that of our republican Government. The Congress of the United States appropriates money for the public service, to be expended under the direction of the President; but they did not grant it to him, as the British Commons did to their King. Suppose, however, that the President at the last session of Congress had complied with the wishes of gentlemen, as now expressed, and had stated that the public service required additional appropriations, and had asked Congress to make them. Is it not probable, said Mr. B., if the President had made such a recommendation to Congress, that we should have heard rung in our ears the cry of delation; that he wanted this money, not for the public service, but for electioneering purposes; or that the appropriation would result in war, into which the Executive was anxious to plunge the country? If those in opposition had not done so, they would have departed from their usual course in reference to the measures of this Administration. Gentlemen would

probably have escaped from such executive dictation, and refused to vote the money, by resorting to the dexterous logic of a celebrated knight, who when pressed for reasons, refused to give them "on compulsion."

The gentleman from Delaware had said that the friends of Mr. Jefferson here had abandoned all the lessons inculcated by that statesman with regard to the expenditure of the public money. He thanked him for "that word," and rejoiced that he had identified the friends of the Administration with that great man. But in what respect, said Mr. B., have we departed from the policy of Mr. Jefferson? It was a favorite principle of his, which had been followed up by his party ever since, that specific appropriations should be made in all cases, where it was possible to do so; but it was a practice of his administration to relax that republican rule, when the public service required it. In the case adverted to by the Senators from Tennessee and Pennsylvania, in the administration of Mr. Jefferson, when an appropriation of two millions was made, having in view the purchase of Louisiana, that appropriation was made in terms as general as it was possible to imagine; and the discretion granted to the Executive was far beyond that contemplated in the amendment of the House of Representatives of the last session. In the latter case, the money was appropriated in a season of great emergency for the defences of the country, under the most reasonable apprehensions of greater difficulties with France, and the expenditure was limited to the next session of Congress, when an account was to be exhibited for every dollar expended.

He would not, said Mr. B., pursue the remarks of the gentleman from Delaware further: with the controversy between an honorable member of the other House and another gentleman of this body, to whose assistance the Senator from Delaware had so gallantly come, neither him or his political friends had any thing to do. One of the heroes renowned in Grecian story was esteemed fortunate in having the devoted and faithful Patroclus as his friend; equally so was the gentleman whose cause had been so well defended here, but he trusted that the gentleman from Delaware would not, like the friend of the Grecian hero, become the victim of his own generous fidelity.

Here Mr. BROWN yielded the floor at the instance of Mr. GRUNDY, who moved an adjournment; but before the question was taken at the request of Mr. CRITTENDEN, of Kentucky, it was for a moment withdrawn, when he entered into an explanation of some of his views which had been remarked on by Mr. B., after which, on motion of Mr. GRUNDY,

The Senate adjourned.

The Senate having resumed the consideration of the subject on the following day,

Mr. BROWN, in continuation, said, he had to express the obligations he felt under to the Senate, for the indulgence that had been granted him, by an adjournment on the last evening. He would endeavor to requite it, by disposing of the remaining topics yet to be noticed, as far as he could, in justice to himself. The charge had been repeatedly made on that floor, and echoed elsewhere, that a great effort was making to prostrate that branch of the Government, (the Senate); that a war was waging against it, and that war was made by the President of the United States, and the party who supported him. If war had been made against the Senate, it had not been made by the Chief Magistrate, or by the party who supported him; but, in his opinion it had been made upon the Senate, by itself. The course of measures pursued by that body, had produced more injurious consequences, so far as itself is concerned, than could possibly result from any action of the Executive, however hostile to it. Who commenced that course of hostility, said to be existing between the President and his constitutional advisers? Let the journals of that body answer. Let the ever to be remembered session of 1834, explain, who were the first aggressors.

The Chief Magistrate had been arraigned, tried, and condemned, without a hearing, for having done that which he believed to be his duty, by a resolution passed by a decided majority; and this, in his opinion, and in the opinion of a vast majority of the people of the United States, was done directly in violation of the constitution, which gives to the House of Representatives only the power of impeachment. This was a manifest usurpation of power, and a war, waged by the Senate against the President. If the Senate had lost moral power in the nation; if it had lost that salutary influence in the councils of the country, it ought rightfully to possess, such loss had resulted from another circumstance than the one supposed by gentlemen who had adverted to it. It had resulted from the fact, that it had arrayed itself against public opinion and had not yet yielded to it that respect which it was entitled to under our form of Government. He admitted that this body was constituted to check those ebullitions of popular feeling which must at times arise in all governments, but it never was constituted to stand up against settled public opinion, when it had been repeatedly spoken.

We all remember, said Mr. B., in 1834, the great effort to break down the popularity of the present administration, and to achieve success for the Bank and its partisans, by making unceasing appeals to the fears of a free, a high-minded, and enlightened people. I contend, said Mr. B., if the Senate has lost power, it is from its own actions, and not from any other branch of the Government. It had been said if the Senate was not popular now, a brighter day was coming, and that the virtue and intelligence of the people would yet preserve it from destruction. Yes, sir, said Mr. B., the people will preserve it, but it will be by infusing into it gradually, a stronger portion of popular feeling, and one more congenial to their own.

His honorable colleague, had inquired a few days ago, in what manner the appropriation bill containing the amendment of the three millions by the House of Representatives at the last session, came here endorsed, and had said

it came to this body endorsed by the Chairman of the Committee of Ways and Means of the House of Representatives, and a prominent member of the "spoils party." Sir, said Mr. B., that bill came here endorsed in a manner which ought to have entitled it to the highest respect; it was sanctioned by the popular branch of our national legislature; that branch, whose province it is to originate appropriations for the public service, through the hands of one of its most important committees, which he thought was an endorsement sufficient to secure for it a proper degree of respect in this branch of the Legislature. His colleague had also adverted to the great influence possessed by the Executive, which brought to bear, in the shape of patronage, on the Legislatures of the different States, was producing the most dangerous effects. He was well aware that those who constituted the dominant party in this country, were often taunted by those in opposition with the appellation of the "spoils party." The charge had been so often made, that although it had as often been successfully refuted, yet he could not pass over it without giving it some notice. As far as his own State was concerned, it was his duty to meet it. He would be faithful to them as a portion of the Democratic party, if he did not vindicate them, at least, from an imputation which, so far as it might be intended to apply to them, did great injustice. He did not hesitate to say, that he had no doubt, from information in which he placed the most implicit confidence, derived from gentlemen of the highest respectability, and whose opportunities of acquiring a correct knowledge of the subject, were the greatest; that a vast majority of the federal offices in North Carolina were filled by men in opposition to the administration.

He had been informed, and believed it to be the fact, that all the officers connected with the Judiciary of the United States, in North Carolina, were known as belonging to the opposition. As regarded those who held offices in the revenue service of the United States, an equal number, if not a majority, are said to be of the same class as to their politics. He had obtained sufficient information as regarded the political sentiments of those who are in office, as postmasters in North Carolina, to warrant the belief, that a very large majority are of the opposition party. From statements which he then had in his possession, vouched for as they were, by the signatures of those who had furnished them, with the liberty of inspection to any gentleman there, who might desire to examine them—made too, by those who had the best opportunities of correct personal knowledge, it appeared that, in three of the Congressional Districts, represented by members friendly to the administration, there was a majority of the postmasters in each opposed to the Administration. In two others, friendly to the Administration, they were nearly equally divided, and from one other of the same political complexion, he had received no information. With respect to the political opinions of postmasters in districts in his State, represented by members who differ in their politics from the friends of the Administration, he had no means of ascertaining, except from that which is usually in North Carolina denominated the "Mountain District;" and that information, vouched for, as it was, by the respectable gentleman who had furnished it, represented the number of postmasters in opposition to the Administration as being more than two to one in number greater than those who were in favor of it. Mr. B. said that these statements exhibited a result which he himself had scarcely expected—it was, that in five of the Congressional districts represented by friends of the Administration, a decided aggregate majority of the postmasters holding office under the present proscriptive Administration, were in opposition to it! To which of the political divisions the term "spoils party" properly applied, he thought there could be but little difficulty in determining. It was by no means a pleasant task for him to perform, to go into an inquiry as to who were the real office-holders under the present Administration in his own State; but it was a duty which he had delayed longer than he should have done, in justice to the political party whose generous support, at a crisis of great public importance, had given him renewed evidence of its confidence. He claimed for the Democratic party of his State the distinguished honor of having achieved their successes in the last two years, not only in opposition to the combination of parties which had been arrayed against them, but to a great extent in opposition to the patronage of the Federal and State Governments, with which had been united a majority of the newspaper presses. The patronage of the Federal Government was against them, because it had so happened that the greater number of those holding official stations under it in that State, were in opposition to the present Administration. The patronage of the State Government had been against them, because a majority of the officers who had been elected to State offices for the last two years, were, as he had been informed on the best authority, likewise in opposition.

Notwithstanding these facts, [said Mr. B.] the political party friendly to the present Administration had been unceasingly denounced as office-holders and office-seekers, influenced by no patriotic motives, and governed only by the most mercenary considerations. Which of the parties in his own State had sought office with most avidity, let facts speak—which had succeeded most in obtaining the "spoils" of office, was a question not difficult of solution. Mr. B. said, that although the friends of the present Administration were decidedly in the ascendancy at the two last sessions of the Legislature of North Carolina, yet they had, with a liberality not often imitated by the opposition elsewhere when in power, elected to office a majority who were adverse to them in politics. He believed this was an instance of disinterestedness and magnanimity which had been rarely, if at all, practised in those States where political power had been in the hands of those in opposition.

[Mr. CLAYTON having asked permission to explain, stated that the opposition party in Delaware, though in power, had not turned

any persons out of office for a difference of political opinions.

Mr. PORTER having also requested permission to explain, made a similar statement with respect to the State of Louisiana.]

Mr. B. continued. When he gave way for an explanation from one gentleman, he did not expect that gentlemen would consider themselves called on severally to make their disclaimers. They certainly would have other opportunities of explaining the course of parties in the States they represented. He believed the democratic party had seldom met with the mildness and forbearance mentioned by the gentleman who had just taken their seats, in those States where they had unfortunately been in a minority. On the contrary, in some of the States they had been proscribed and swept from office, almost without a solitary exception.

Much had been said by gentlemen against the dangerous encroachments of Executive power, and the alarming consequences threatened by it; but permit me, said Mr. B., to say to them, that they have greatly magnified the extent of the danger. From what cause did the Executive branch of our Government possess power? Was it because of the great authority inherent in it? He believed that the Executive office of this Government had heretofore possessed power that it would never possess again. The Chief Magistracy under this Government had hitherto been filled by men, with but one exception, whose revolutionary services gave them a weight and consideration which their successors would never hereafter obtain. The eminent services of these great men had brought them into office what, in truth, is the great source of power in popular Government—the public confidence. When the race of revolutionary patriots is run out—when we have no longer the remembrance of the thrilling incidents of that eventful period of our national history to associate with the office of our Chief Magistrate, it will be one of weakness, rather than of exorbitant power, compared with the other branches of the Government. The number of candidates for the office would create great divisions in public sentiment, and all the disappointed would probably unite and array themselves against the successful candidate, which would weaken and embarrass his administration. Gentlemen, therefore, were greatly mistaken in supposing that the Executive branch of the Government was that which threatened the greatest danger to our Constitution. His colleague had referred to the land bill introduced by the Senator from Kentucky. He would say, in a few words, that he had always believed this measure to be impolitic, and on that ground had voted against it. If, however, he should be instructed to support it, by the Legislature of his State, he would readily obey such instructions; but in their absence he should, in the exercise of his best judgment, vote against the bill.

With respect to the principal object of the resolution before the Senate, he was not for making appropriations to the extent of the surplus revenue. He was, said Mr. B., in favor of such judicious, liberal, and necessary appropriations, as would be sufficient to place the defences of the nation, both naval and military, on a respectable footing. He believed that that Government was cruel as well as unjust to its people, if it failed to adopt such measures as were necessary to protect them against foreign aggression. Failing to do so, it betrayed one of the highest trusts confided to Government by its constituency. He was anxious that that body should concur in some measure, which would show the foreign Governments, that the American people were united to a man when a question concerning the national honor, or the national safety, was involved. The Senate having unfortunately failed at the last session to exhibit on its part, that unanimity of feeling on so important a subject, it was calculated to have an injurious effect on our foreign relations. He did not mean to impeach the patriotism of the Senate, but it could not be concealed that the vote of the last session had, in some measure, produced the belief that there would not be that co-operation of the legislative with the Executive branch of our Government necessary to secure for us the respect of foreign powers. It was, said Mr. B., to aid the moral power of our Government, as well in Europe as elsewhere, that he was particularly anxious that the greatest unanimity should prevail in our councils on the present occasion. But, above all, it was to take such a ground before the American people as would redeem the Senate from every suspicion of apathy in defending the country—a failure, he would again say, he did not impute to improper motives—that he so earnestly desired to see the resolution adopted. Those who believed that passive obedience, and an imploring tone to foreign Governments, was calculated to conciliate them and protect our national character, deeply erred.

All history showed that the nation which had endeavored to purchase peace by such a course, had failed to do so. What was our history preceding the last war? One submission only led to another, and one injury unresisted, only served to provoke other wrongs. But when the American people sternly and resolutely determined to take a manly stand, in defence of their honor and interests, what was the consequence? Our flag is respected in every sea—our country occupies a high stand among the nations of the earth; and we have acquired a national character in consequence of our energy and decision, stronger even than that which could be maintained by the largest naval and military force. Let me then, said Mr. B., entreat gentlemen by all the remembrances associated with the deeds of imperishable renown achieved in the last war, to maintain on this occasion, that high national character, which the valor of our navy and army had so honorably won.