

State Department

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ASK NOTHING THAT IS NOT RIGHT—SUBMIT TO NOTHING THAT IS WRONG.—Jackson.

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To the People of the Southern States:

Several reasons would have prevented me from taking any notice of Col. Benton, if his attack in his late speech delivered in the Capital of Missouri had been directed exclusively against me. The line of conduct I have prescribed to myself, in reference to him is, to have as little to do with him as possible, and, accordingly never notice what comes from him, even in his character as Senator, when I can avoid doing so consistently with my public duties. I regard him in a light very different from what he seems to regard me, if we may judge from the frequency and violence of his attacks on me. He seems to think I stand in his way, and that I am ever engaged in some scheme to bring him down. I, on the contrary, have never, for a moment thought of raising him to the level of a competitor, or rival, nor considered it of any importance to me, whether he should be put down or not. He must think he has something to gain by assailing me; I, on the contrary, feel that I have nothing to gain by noticing him, and when compelled to do so am satisfied, if I escape without some loss of self respect. I have another reason for not desiring to notice him on the present occasion. All his charges against me, with few and trifling exceptions, are but the repetitions of those he made heretofore by himself and others, and which I have met and successfully repelled in my place in the Senate. That they made no impression against me at the time, either in the Senate or community, there can be no better proof than is afforded in the labors and tireless effort he made in his present speech to revive and give them circulation.

Under the influence of these reasons, I would have remained silent had I alone been concerned. But such is not the case. His blow is aimed much more at you than me. He strikes at me for the double purpose of weakening me in your confidence, and of striking at you and your cause though me, which he thinks can be done more effectually indirectly than directly. Thus regarding his attack, I feel it to be a duty I owe you to aid your cause to repel it. The effort of Col. Benton, from the beginning to the end of his speech, is to make out that I have ever been unfaithful to your cause, and true to that of the free soilers and abolitionists; while, on the contrary, you had in him an unknown but faithful friend on all occasions. He assumes, that you and they have been both mistaken in reference to my course; you in regarding me as a friend and supporter of your cause, and they in regarding me as hostile to theirs. Judged by appearance, his object would seem to be to dispel this delusion, while in truth it is, to give you and your cause what he hopes will prove deadly blows. This the abolitionists and free soilers well understand. The disguise was not assumed to deceive them, but deceive you. They understand him, and have hailed with acclamation his speech, and published it and circulated it far and near, and glorified it and its author to the skies. They rejoice in the belief, that it has demolished me, and this too, while it holds me up as the truest and best friend to their cause. It remains to be seen, whether you will understand him as perfectly as they do, and will meet the speech, so lauded by them, with the reputation due to effrontery and desertion. It is not the first time that a deserter has had the assurance to address those he deserted, and while professing regard for their cause, denounced those who remained faithful to it. The history of our revolution furnishes a notorious instance of the kind. The deserter in that instance, failed to deceive those whom he addressed, or to shake their confidence in those who remained faithful to them, and in return for his effrontery and desertion, have sent his name down to posterity with reproach. It remains to be seen, whether such will be the fate of the deserter in this instance.

He commenced his speech with attacking the resolutions I offered to the Senate the 19th February, 1847, and charges that they were introduced for the purpose of disunion. That you may judge for yourselves, whether they are liable to the charge or not, I insert them.

Resolved, That the territories of the United States belong to the several States composing this Union, and are held by them as their joint and common property.

Resolved, That Congress, as the joint agent and representative of the States of this Union, has no right to make any law, or do any act whatever, that shall, directly or by its effects, make any discrimination between the States of this Union, by which any of them shall be deprived of its full and equal right in any territory of the United States, acquired or to be acquired.

Resolved, That the enactment of any law which should, directly, or by its effects, deprive the citizens of any of the States of this Union from emigrating with their property into any of the territories of the United States, will make such discrimination, and would, therefore, be a violation of the constitution, and the rights of the States from which such citizens emigrated, and in derogation of that perfect equality which belongs to them as members of the Union, and would tend directly to subvert the Union itself.

Resolved, That, as a fundamental principle in our political creed, a people, in forming a constitution, have the unconditional right to form and adopt the government which they may think best calculated to secure liberty, prosperity and happiness; and that, in conformity thereto, no other condition is imposed by the federal constitution on a State, in order to her admission into this Union, except that its constitution be republican and that the imposition of any

other by Congress, would not only be a violation of the constitution, but in direct conflict with the principle on which our political system rests.

They are, as you see, confined to asserting principles appertaining to the nature and character of our system of government, and making inferences clearly deducible from them; and which are of vital importance, in the question between you and the North, in relation to the Wilmot Proviso. If the facts be, as the resolutions stated, there is no denying the inference; and if both be true, then your right to emigrate with your slaves into the territories becomes unquestionable under the constitution. This he felt, and hence his bitter denunciation of them. But he has confined himself to denunciation without making an effort to refute the resolutions by showing they contain error, either as to the facts asserted, or inference deduced. He knew that to be beyond his power and prudently avoided it. But, if the resolution be true, as he is compelled to admit they are by his silence, how can they be a firebrand, as he calls them, or be justly chargeable with disunion? Col. Benton has his own way of proving things, which appears to be very satisfactory to himself, but to no one, who will take the pains to examine his assertions and reasons.

Despairing of finding any thing like disunion in the resolutions themselves, he seeks for it in the motives, which he gratuitously assigns to me for introducing them. He first asserts, that they are the prototype of those adopted by the Legislature of Missouri at their late session, and then asserts that the only difference between them is, that mine aim directly at disunion, and their ultimately at the same thing, for which he offers no reason, except that theirs pledged the State to co-operate with the other slaveholding States. He thus assumes, that your aim as well as mine, is disunion; and this, while he is exerting himself to the utmost to discredit me with you, as a disunionist, for it is apparent his speech was intended to have its effects on you generally as well as his own constituents particularly. He then drags in the Aocommac resolutions to prove, that the object is a Convention of the Southern States, and that he assumes to be proof conclusive, that disunion is intended by my resolutions. He is quite horrified at the idea of your meeting in Convention, in order to consult on the best mode of saving both yourselves and the Union; if indeed the madness of fanatics, and the treachery of deserters should not make the latter impossible. He next asserts, in order to prove that disunion is their object, that they render the adjustment of the territorial question impracticable, and that was my motive for introducing them. He makes this assertion, in the face of facts perfectly well known to him; that the Northern members, with a very few honorable exceptions, had rejected every effort at compromise, and had declared their fixed determination not to accept of any. It was against this arrogant and uncompromising course, that I offered my resolutions. It was, then, they and not me, who took ground against compromise or adjustment. So far from this being true, I have even been in favor of any fair adjustment, which was consistent with your constitutional rights. Of this I gave very strong proof at the very next session, by supporting that bill reported by Mr. Clayton, which left the decision to the adjudication of the courts. The Bill would have passed but for his associates, the abolitionists and free-soilers, and the question in controversy between the two sections, in reference to territories finally adjusted; and yet, he knowing all this, has the effrontery (to call it by no harsher name) to charge me, and not them, as opposed to any adjustment, and that too for the base purpose of destroying the Union.

But all these assumptions were but preliminary to a charge, still more audacious; that I am the real author of the Wilmot Proviso. He calls it the Calhoun proviso, and says that I am better entitled to its paternity, than Wilmot himself, which he accompanied by strong denunciations of the proviso, and a long enumeration of the many and great evils it has inflicted on the country! What effrontery! He, the avowed advocate of the Wilmot Proviso, accuses me of being its author, and denounce it in the most unmeasured terms in the same speech, in which he praises it and declares himself to be in its favor! He would seem to be perfectly indifferent of the recoil on himself, when his object was to assail me. There is no term in the language, by which such a combination of insincerity, inconsistency, and brazen effrontery can be characterized. The way, in which he attempts to make out his assertions, are in keeping with their character.

He first assumes that the Wilmot Proviso and the Missouri Compromise are identically the same, and then undertakes to prove, that I am the author of the latter, and, of course, also of the former. This must be a piece of strange intelligence to Mr. Clay and his friends and admirers. I had supposed that there was no doubt whatever as to his being the real author of the Missouri Compromise. It was he who devised the measure, introduced it into the House of Representatives, carried it through, by his address, and gloried in the reputation of being its author. It is a little cruel to strip him of the honor of

being its author at this late date, and to bestow it upon another, who no one ever suspected of being so until Col. Benton discovered it.

But, if he could really make out, that I am the author of the Missouri Compromise, he must go one step further to make me the author of the Wilmot Proviso. He must prove the two measures to be identical; which he has not done or even attempted. Instead of that, he has adopted his usual course of assuming what he is incapable of proving. It is a very easy way to reach a conclusion that is desired. In this, too, he has disclosed his wonderful aptitude to see what no one ever before saw, or suspected. Heretofore all had supposed that they were very different things—that a compromise was essential to one, while the other necessarily excluded it—that one pre-supposes a conflict of opinion between parties, on a question of right or expediency to have been adjusted on ground, in which neither surrendered its right or opinion. The other, on the contrary, pre-supposes a positive assertion of right, or opinion, to the exclusion of all compromise. Thus in the case of the Missouri Compromise, the North and South differed on the constitutional question, whether Congress had the right to prohibit the introduction of slaves, as a condition of admitting a State into the Union. One contended, that Congress had the right to impose whatever condition it might think proper on a territory, about to become a State, and the other, that it had no right to impose any, except that prescribed by the Constitution; that its governments should be republican. The North on that case waived the claim of power, on the proposal made by Mr. Clay to fix the Northern limits of the territory, into which slaves might be introduced, at 36. 30. This proposal, although made by a Southern member, was taken up and carried by the vote of the North, and thus became, in fact, their offer to compromise. The South acquiesced, without, however, yielding her principles or assenting, or dissenting, as to the power of Congress, to exclude slavery from the territories. It was a compromise, in which both waived, but neither yielded its opinion, as to the power of Congress.

Very different was the case in reference to the Oregon bill, passed at the session preceding the last. There the North contended for the absolute right to exclude slavery from all the territories; and announced their determination to do so, against the efforts of the South to compromise the question, by extending the Missouri Compromise line to the Pacific Ocean. The offer was scornfully refused, and the bill passed, without any compromise. It was intended indeed to be the practical assertion of the naked principle that Congress had the power to claim for it, by the Wilmot Proviso. It was the first act of the kind ever passed, and was carried by the desertion from your cause by Col. Benton and Gen. Houston. It is not surprising that the former should be desirous of confounding this far more odious measure, with the Missouri Compromise, a much less odious one, in the hope of mitigating your deep indignation, occasioned by his betrayal of you, on a question so vital to the South. But he had another motive which will be explained, hereafter, and which makes it still more desirable to him, that the two should be confounded and regarded as identical. When it comes to be explained, it will be seen, that it was necessary that they should be, in order to extricate him from a very awkward dilemma in which he has placed himself. Job exclaimed, "Oh that mine adversary had written a book;" and well might I have exclaimed, "Oh that my adversary might make a speech." His adversary must have been very much like mine. We have never heard whether his like the folly to accommodate him as mine has had to accommodate me.

I have now effectually repelled his preposterous charge, that I am the author of the Wilmot Proviso; for it is utterly impossible that he ever can show that I am the author of the Missouri Compromise, or that, that compromise and the Wilmot Proviso are the same. But as he has made it the position from which to assail me with the charge of disunion, and thro' me you, including his own constituents, I shall follow him step by step, through the long process, by which he makes the desperate endeavor to establish his preposterous charge, by attempting to show, that I have changed my opinion, as to the powers of Congress over the territories. But my purpose is more to expose his inconsistency, contradictions and absurdities than to refute what he advances as argument. If he could prove to a demonstration, that I have changed my opinion, it could have no weight whatever towards showing that my resolution aimed at disunion. Nor do I deem it a matter of any importance, in this connection, whether my opinion has or has not undergone, a change, in the long period of 30 years, since the adoption of the Missouri Compromise. At that time, the power of Congress over the territories had received but little consideration, while for the last few years it has been a subject of vital interest to you, and, as such, has been thoroughly investigated by myself and others, whose duty it has been to defend your rights in the councils of the Union, in reference to it.

To substantiate the charge of a change of opinion, he introduces a copy of what purports to be a draft of a letter found among

the papers of Mr. Monroe. It is said to be in his hand writing. It is without date, not signed, or addressed to any person by name, but contained expressions, which leave no doubt, that it was intended for General Jackson. This paper was found filed away with another endorsed Interrogatories—Missouri—March 3d 1820." "To the heads of Departments and Attorney-General." It contained two questions, of which the one pertinent to the present subject is in the following words: "Has Congress a right under the powers vested in the constitution to make a regulation prohibiting slavery in a territory?" The only material sentence in the draft of the letter, in reference to the point under consideration is in the following words: "I took the opinion in writing of the administration, as to the constitutionality of restraining territories, which was explicit in favor of it." These are the exact words of the sentence as finally corrected by its author. It is explicit as to the statement, that the administration, as a body, was in favor of the constitutionality, but furnishes no proof whatever of its members being unanimous, and of course no evidence that I or any other particular member of the Cabinet, in its favor.

This deficiency Col. Benton undertakes to supply, first from the interlining, and next from a statement purporting to be from the diary of Mr. Adams. First, as to the interlining, instead of the expression, which was "explicit" as it now stands, is read in the original draft, "and the vote of every member was explicit." These words were all struck out except "explicit," and in their place the following words were interlined in the first instance, "which were unanimous and," afterwards the words "unanimous and" were struck out, which left the paper as it now stands. Now I hold it to be clear that the interlining and striking out, so far from strengthening the inference that the cabinet were unanimous, as Col. Benton contends, it strengthens and sustains the very opposite. So far then it is certain, the draft of the letter, standing by itself, instead of furnishing proof that the cabinet were unanimous, furnishes proof directly to the contrary. Even Col. Benton himself seems to have been conscious, that it furnished no satisfactory proof, as to the unanimity of the cabinet, and endeavors to supply this defect from statements purporting to be taken from the diary of Mr. Adams. From these, it would appear that a meeting of the cabinet was held on the 3d of March for the first time, to consider the compromise bill, and that, according to the statement of Mr. Adams the cabinet were unanimous upon the question of constitutionality. It also appears that the President sent him the two questions, on the 5th of March, informing him at the same time that he desired answer in writing from the members of the Cabinet, and that the answers would be in time if received the next day. Such is the substance of the statement purporting to be taken from his diary.

Connecting this with the draft as it originally stood, and the subsequent alterations including the date of the memorandum filed with it, the natural interpretation of the whole affair is that Mr. Monroe drew up interrogatories, and the draft of his letter intended for General Jackson on the 4th of March, the date of the memorandum. It could not have been earlier according to the diary of Mr. Adams nor probably later. He did not date the draft because the letter could not be finished and transmitted to General Jackson, until after he had signed the bill. The draft was drawn up as it stood, in all probability on the basis of the opinion expressed on the third of March, the first day of the meeting of the Cabinet, and which, at the time as the diary states was "unanimous," and the doubts and uncertainty of opinion were expressed by some of the members on the two subsequent days (the 5th, and 6th of March), which caused the interlining and the first modification of the draft as it now stands. It is difficult to give any other explanation.

I now turn to Col. Benton's reasoning upon the subject. He alleges that the words "vote of every member was explicit" were struck out and "explicit" inserted, evidently avoid violating the rule of Cabinet secrets not to tell the opinion of members which the word "unanimous" would do. His statement contains two errors, as to fact. "Explicit" was in the original draft, and never struck out. Unanimous made no part of the original draft, as he supposes. It was a part of the interlining at first; but subsequently struck out. All this is apparent from a certified copy of the paper now before me. Thus his reasoning falls to the ground. He carries the rule of Cabinet secrets very far, much farther than he does the same rule applied to the secrets of the Cabinet. Who ever heard that it was a violation of any rule of Cabinet secrets, to say the administration was unanimous or divided? It is constantly said in reference to their meetings, and yet he would have you believe, that it would have been a breach of confidence in Mr. Monroe in writing a confidential letter to a friend of high standing, to say that his Cabinet were unanimous; and especially, as the question was one of constitutionality, and not of policy. What member of any Cabinet would be so base and cowardly, as to desire to conceal his opinion on a constitutional question? Who, accord-

ingly, did not know at the time, that the opinion of the Cabinet of General Washington was divided on the question of chartering a bank, and what side every member took? Col. Benton's explanation is destitute of even plausibility, and leaves the draft to speak for itself, as it stands; and that clearly is against the Cabinet being unanimous. The diary of Mr. Adams furnishes the only opposing evidence. Now, I hold it to be a sound rule that a diary is no evidence of a fact against any one, but him who keeps it. The opposite rule would place the character of every man at the mercy of whoever keeps a diary. It is not my object to call in question the veracity of Mr. Adams, but he was a man of strong prejudices, hasty temper, and much disposed to view things as he desired. From his temperament, he would be liable to notice and mark what fell within his own views, and to pass unnoticed what did not. I venture little in saying that if his diary should be published during the lifetime of those who were on the stage with him, its statements would be contradicted by many, and confirm all I have stated. But few statements from it have yet been brought to the notice of the public, but even of these few, two have been contradicted; one, (if my recollection serves me,) related to General Jackson, and the other to a Mr. Harris, of Philadelphia, during the administration of Mr. Monroe.

Opposed to the statement of Mr. Adams, stands the fact, that no opinions as is admitted by Col. Benton, are to be found on the files of the Department of State, nor any evidence that any such opinions were ever filed; although the statement purporting to be from the diary of Mr. Adams says, that Mr. Monroe directed them to be filed. One of two things would seem to be clear; either he fell into an error, in making the entry, or that he failed to place them on file, in consequence of some subsequent direction from the President. It is hardly possible, if they had been placed on file, but that they would still be there, or some evidence, in existence, that they had been there. My own recollection is, that Mr. Monroe requested the opinion of the members of his cabinet in writing; but that in consequence of want of time to prepare a written opinion some other cause, none was given, and this I stated in the Senate, when General Dix brought up the question as to the opinion of the Cabinet of Mr. Monroe, before the fact was disclosed, that there was no written opinion on the files of the department. I have entire confidence, that if any was given, it amounted to no more, than the simple affirmation, or negation of the power. The time did not admit the prepare of elaborate opinions, and if any such had been given, it is impossible that I should forget it; and next to impossible, that it should so long have remained concealed from the public. As to the insinuation, that I am the only member of the Cabinet of Mr. Monroe, who has since been Secretary of State, and all others of like character, I pass them with the silent contempt due to their baseness, and the source whence they came.

There is beside, a fact which clearly shows, that there had been a considerable change of views from the 4th to the 6th of March; I allude to the fact, that the draft of the letter intended for General Jackson was never sent. It is inferable from the fact, that there is no such letter to be found among the papers, after the most diligent search. It is not improbable that the same change of circumstances which caused the striking out and inserting, and which induced him, also, finally to dispense with a written opinion and will account why no such opinion is found on file.

But suppose the case to be as Col. Benton contended; of what importance is it, or how does it enable him to make out his charge, that the resolutions which he so vehemently denounces, were introduced for the purposes of disunion? The opinion of the Cabinet, whether for or against, whether unanimous or divided; whether written or unwritten, were given under circumstances which would entitle them to but little weight. In the first place, there was no time for consideration. But one day elapsed from the time the questions were put and sent to the members of the Cabinet, until a final decision was made. In the next place, the subject was little understood and had at that time received but little consideration. The great point in the discussion of the Missouri question, was whether Congress had a right to impose any other limitation on the admission of a State into the Union, than that prescribed by the Constitution. The question of its power over the territories did not come up until the end of the discussion; and, according to my recollection, was scarcely noticed, much less discussed. So loose, indeed, was the prevailing opinion at the time, that the power of legislating over them was believed to be derived from that portion of the Constitution, which provides "that Congress shall have power to dispose of, and to make all needful rules and regulations respecting the territories and other property belonging to the United States." Such it would seem, to have been the opinion of Mr. Monroe, judging from his manner of propounding the question. He puts it in language borrowed from the provision "to make a regulation prohibiting slavery in the territories" and not to make a law to prohibit. But since then, a more careful examination has established beyond all reasonable doubt,

that this provision was intended to be limited to the disposition and regulation of the territories, regarded simply as land or property, and that it conferred no power whatever beyond, much less, that of prohibiting slavery under such circumstances, even if it could be made out beyond a shadow of doubt that the cabinet was unanimous, and that its members gave written opinions in the affirmative, it could have little weight in settling the constitutional question; and yet Col. Benton, in his zeal to strike at me, and through me at you and your cause, insists that the opinion of Mr. Monroe's cabinet forever foreclosed the question against the South. To establish a doctrine so absurd, he, by implication, lays down a rule, that the opinion of Congress, or any department of the government, once expressed on a constitutional question, settles it forever; and this, too, when it is well known that it was in direct contradiction to the course he pursued in reference to the Bank of the United States. The right of Congress to charter such a bank had again and again been sanctioned by Congress, and by every department of the government. That he did not consider all this as settling the constitutional question, the long war he waged against the institution proves conclusively.

It is his fate to involve himself in dilemmas of every step he takes, and which he is either too blind to see, or too reckless to regard. He has labored through many columns to prove, that the cabinet of Mr. Monroe was unanimous in favor of the power of Congress to exclude slavery from the territories, and that they gave written opinions to that effect, in order to prove, that I am the real and responsible author of the Wilmot proviso, without apparently perceiving, that if he could succeed, it would destroy his conclusion; for if the Cabinet was unanimous, how could I alone be responsible. He seems to have felt the dilemma after he got into it, and has made a desperate effort to escape from it. For that purpose, he had to falsify the Constitution, and to assert, that the veto power was vested in the Cabinet, and not in the President, when that instrument expressly provides, that "the Executive power shall be vested in the President;" and that every bill shall be presented to the President for his approval or disapproval; and that, if he approves of it, it shall become a law, and if he disapproves, it shall not, unless passed by two thirds of both houses of Congress. He follows up this false assertion by another, that I had one fifth of the veto power in my hands, when, in fact, I had no part, and when the paper, on which he relies to make out his charge, shows on its face, that the Cabinet consisted of six and not five, and of course, if it had the veto power, but one sixth part was vested in me. But this double mistake is not sufficient of itself to support his charge. The question would still remain. How could I be solely responsible, when according to his own showing, I had but a fifth of the power? Upon what principle of justice could I be made responsible for the acts of the other three, or as the fact really is—the other four? To escape from this dilemma, he attributes to me the most commanding influence over the Cabinet—so commanding as to be able to draw over to my side; a sufficient number of members to make a majority; and this too, when it is apparent from the paper from which he draws his statement, that Mr. Monroe had no doubt as to the power of Congress. I then, in order to command a majority, would have had to control three other members against him, which Col. Benton seems to think I could have done very easily, if I had thought proper. He seems to have a most exalted opinion of my abilities, far more so than I have of his. Wherever I am placed, whether in Mr. Monroe's or in Mr. Tyler's Cabinet; whether in the Senate or the House of Representatives or in the chair of the Vice President, I alone, in his opinion, am responsible, on all questions.

I have now traced him through the long process by which he attempts to prove that I am the author of the Wilmot proviso, and, by consequence, of all the mighty evils that have followed in its train and which he exhibits with so much parade; but, after all, mighty as he represents them to be, they are not so much so, as to prevent him from declaring himself to be a Wilmot proviso man. He follows up his charge by asserting that the effects of disclosing the opinion of the Cabinet by Mr. Dix, introducing the paper, compelled me to close my lips, abandon my resolutions, and to give up my intention of making them the subject of a general debate at the next session, with the intention, to use his own language, to make a chance for myself at the next Presidential election, by getting up a text which no Northern man could stand. All this is just as erroneous, both as to facts and inference, as are his statements and reasons, in his vain attempt to make me the author of the Wilmot proviso.

If by abandoning my resolutions, he means that it compelled me to abandon their principles, on a single position taken by them, or to be silent, as to the constitutional power of Congress over the territories, his assertion would be false throughout. The resolutions were introduced, as he states, the 19th of July, 1849, near the close of the short session. So far from abandoning them, or from keeping silent, I discussed the principles on which they rest in the debate, on the bill to establish the Territorial government of Oregon at great length, at the next session, and established them by arguments that have never yet, and I will venture to say, never will be refuted. Few have undertaken to refute them, and those who have undertaken it, signally failed. Others, like Col. Benton, have taken the more prudent course to cry out firebrand—disunion instead of attempting to refute them.

But if he means that I was deterred from introducing my resolutions at the next session (See fourth page)