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POLITICAL.

Speech of Mr. Butler.
OF SOUTH-CAROLINA.
In the Senate, Monday, Dec. 15, 1851, on the Resolution offered by Mr. Foote, regarding the Compromise Measures.

(CONCLUDED.)
Now let me ask the honorable Senator a question, which I expect him to answer—and I hope he will answer it without the least hesitation. Suppose a proposition were to come up to-morrow to divide California, with the understanding that one portion should be a slave State, or that both should be slave States, would he vote for it?

Mr. Foote, of Mississippi, I will answer by citing past history, if the gentleman will allow me. I introduced two propositions on the subject myself while this matter was pending for neither of which, according to my recollection, I had the gentleman's support, or that of his political associates in this body. On the contrary, both of those propositions received the fiercest denunciation from that quarter. When the proposition to admit California was pending, I moved to amend the bill so that California should be hereafter, with her consent so divided as you Mr. President, had previously proposed she should be. Upon consultation with you, [Mr. King,] I took the line which is proposed in the amendment, for the reasons you stated. I did not get the support I anticipated; and I will be prepared to show hereafter, from the printed debates, what reasons were given by honorable gentlemen for not voting for that very proposition. I introduced another proposition that California should be divided with her consent, divided by that line, and that a territorial government should be established south of it. The objection, the objection of certain gentlemen who called themselves, *par excellence*, State-rights men, was the supposition that they imagined my amendment to convey that California, not yet admitted, in their judgment, validly into the Union, should be treated with so much respect as to have her consent to this territorial establishment asked. That also was voted down. Whenever any gentleman introduces a proposition here to divide California with her consent, by the line of 36° 30', or 35° 30', treating her in all these respects as a sovereign State, I shall vote for it, and some of those who will vote for it in connection with me will vote in a manner wholly repugnant to their former feelings.

Mr. Butler. Then the Senator admits that while he wishes to make the compromise immutable, he is perfectly willing to change it when it suits him. This is a finality of a totality.

Mr. Foote. I should vote for that proposition to alter the boundary lines of any other State in the Union at her request. I would not vote for that sooner than a proposition to divide Texas or New York, if those States desire a new State to be formed within their limits. While I hold the compromise to be a definitive settlement, I do not hold it to be above the Constitution, and the Constitution expressly gives Congress the power of admitting new States. Now, perhaps, the gentleman is entitled to the triumph which he claims.

Mr. Butler. I claim no triumph. The gentleman's own explanation shows where he considers the triumph is. While he insists on these compromise laws being like unto the laws of the Moles and Persians, so perfect as not to be changed, yet he admits there are contingencies on which they may be changed. That is what I intended to say. It is so wise now that he does not choose to let anybody consult the progressive improvements and suggestions of time; but he wishes to stitch down and pin every body else to his propositions, upon the ground that the Procræstean bed, whether shorter or longer, is the only true measure for the country. I shall put another proposition to the gentleman, and shall expect him to answer that too.

Mr. Foote. I will answer as much as the gentleman chooses to put to me, if he will only allow me an opportunity of answering them

fully. Some gentlemen never answer any questions, I put to them, but I challenge the propounding of questions from any adversary.

Mr. Butler. The honorable Senator in his speech referred to the resolutions of the Mississippi Convention. I wish to ask him a question, and I do not wish a disquisition in reply. I observe that the Mississippi Convention have received that there is no other remedy for abuse of the Constitution but revolutionary resistance; that there is no right in any one of the members of the Confederacy to resist the Government and form a new government except they incur the penalties of treason and rebellion against the Federal Constitution. The gentleman has chosen to denounce, in no measured language, the State of South-Carolina. Now, I think he will find himself in a dilemma from which he cannot escape if he answer the question I now propound. The Mississippi Convention has said that for an interference with slavery in the States—interference with the commerce in slaves between States—the abolition of slavery within the District of Columbia—the repeal of the fugitive slave law—the abolition of slavery in the Territories, would constitute a ground for the dissolution of their connection with the Federal Government; and that for these causes which they have assigned, they would dissolve by revolutionary resistance their connection with this Government. Now, the gentleman must be placed in this situation: Suppose Mississippi, for any of these causes, or all of them, should determine upon quitting this Union, or assume a position in which her connection could no longer be

continued, and the gentleman was called upon to take sides with Mississippi or the Federal Government, which would he prefer?

Mr. Foote. I shall reply in due season if the gentleman will give me an opportunity, but in the first place I must tell him that I consider it insulting to the State which I represent here, which has always proved true to the Constitution, to put her in any such predicament as that described. Never will the State of Mississippi, in my opinion, be in such a position as to call on any of her sons to make war upon the Federal Government; and when she shall do so, I shall deliberate the question and decide according to my sense of propriety. I acknowledge my respect, my profound respect, for what I deem the supreme law of the land, and those who do not, in my opinion are traitors wherever found.

Mr. Butler. Well, then, if the gentleman, in a contest between Mississippi and the Federal Government, would consider himself a traitor if he were to fight against the Federal banner.

Mr. Foote. The gentleman may make my own commentary; I shall state my views in full hereafter.

Mr. Butler. Mississippi here meant something or she meant nothing. If these causes were appended to the gentleman's resolution, I presume he would go for them or against them. What is the supreme law of the land of which he speaks? I say the settled doctrine of Virginia, North Carolina, South Carolina, and I believe of Georgia and of Alabama, would be, that this a confederacy of sovereign States, and not a consolidated Government, which has the exclusive right to decide upon the duty of its members. I know there are questions of perplexity, and the gentleman might take time to consider; but I know where my allegiance will be in a contest of that kind. I would not stop to chop logic on the construction of papers when my heart and fireside are invaded and I am called upon to defend them. If my blood is to be spilt in a contest between my State and the Federal Government, I would not take time to deliberate, as the gentleman says he would, where my allegiance was due. The impulse of my heart, and the dictates of a judgment long and deliberately formed, would mark out my path of duty.

Another of the topics upon which the Senator from Mississippi dwelt. He said he would never consent to have the Constitution of the United States amended—he said he wanted no amendment to the Constitution of Washington. Why, sir, the Constitution itself, with the wisdom that

characterized its original organization, provides for amendments. My deliberate opinion is, that if amendments had been made to answer the exigencies and progressive development of this country, we would have been a happy Confederation of Republics, under a union having satisfactory guarantees for the rights and interests of all; but, instead of amending it according to the original provision of the Constitution, we have now got to a time when it is declared that it shall never be amended. And I would say to the gentleman frankly, that I can see no occasion why he should wish it amended. He has not said that he is in favor of a consolidated government, but he has maintained that this Government and the Constitution, in all the difficulties which may be involved, may be overcome by compromises—the compromises of the majority; and if the gentleman chooses always to act with the majority, he has no occasion for amendments.

Mr. Foote. Does the gentleman undertake to charge me with having said, at any time, that the Constitution of the United States could, in my opinion, be put down by compromises?

Mr. Butler. No, sir.

Mr. Foote. That is the way the gentleman's remarks will be understood. I stated the other day, that one of two reasons why I supported the compromise was, that it was not only constitutional in itself, but that none of the constitutional lawyers of this body had attempted to make an elaborate argument to this when they were challenged to attempt it.

Mr. Butler. I say that as long as the majority can make these compromises or give constructions to the Constitution, it will not be amended, and the gentleman is emphatically a majority man. I did not say that the gentleman would agree to what he regarded as a palpable violation of the Constitution, but I said the tendency of this mode of treating the Constitution was to have these exercises in the form of compromises to give it a validity which it would not otherwise have. I think we ought to meet the crisis and provide a remedy.

The gentleman says that I have proposed no amendment. True, I have proposed none, but there are amendments which I will vote for. When the Federal Constitution was under consideration at Philadelphia, it was proposed that no measure affecting the regulation of commerce, or the disbursement of the public money, should pass without a vote of two-thirds; and I tell the gentleman that I would now vote for such a provision. If an amendment was proposed to afford new guarantees to the slaveholding interest, requiring Congress to give governments to Territories, without restriction as to slavery, I should vote for it. If I were to consult the security of this Government, I would vote for amendments that would give enforceable guarantees to the minority, and not leave the majority to fritter it away by construction, or deform it by compromises. There are many salutary amendments that might be proposed.

In connection with this subject—and I say it to the Senator from Mississippi, more in sorrow than in anger—I wish he had not thought proper to allude, as he did, with rather a sneer, to the book of my late distinguished colleague, and to denounce the proposition contained in that book in a way which evidently showed that it was under the ban of his censure. I was not prepared for that. I have not read Mr. Calhoun's book. His memory is not committed to me, neither are the works of his great intellect committed to me. I would not be able to take care of them; but the least we could have expected of those who often agreed with and admired that distinguished man was, that we should not assail him before the world, and the Parliament of the nation, where the gentleman himself had so many, and seeming kindly, associations with him.

Mr. Foote. The gentleman does not charge me with ever having agreed with Mr. Calhoun that the Constitution should be amended, so as to give additional constitutional guarantees to the South? I protest against that during his life.

Mr. Butler. I did not say that

Mr. Foote. What did the gentleman say?

Mr. Butler. I said that the gentleman frequently agreed with, and was a great admirer of, Mr. Calhoun.

Mr. Foote, (in his seat.) On some questions I did agree with him, but on most I did not.

The President. The conversation must not go on in that way. The Senator is always at liberty to make an explanation, with the consent of the gentleman having the floor, but he is not at liberty to sit in his chair to make comments while the speaker is going on.

Mr. Foote. I understand my duty as well as the Chair can inform me.

Mr. Butler. I am inclined to think that justice has been done, perhaps unintentionally, to my late distinguished colleague; and perhaps some newspaper correspondents may make out of it something tributary to the state of the public mind. I think, however, that the book is not in danger from such commentaries, or any that can be made upon it by the Senator. They will not add to or take from its merits. They may, it is true, make false impressions, for the time, upon superficial minds, who look not into the book itself; but those who are capable of appreciating it, and seek after the truth, will read for themselves, and form an enlightened and honest judgment. It is not true, as the honorable Senator has said, that Mr. Calhoun thought there should be two Executives with the same powers. He is a historian, and he knows very well that there were two Consuls in Rome, with a Tribune to control them. By a partition of power, and such control of it by the tribunes, the Roman Republic was able to preserve its liberty and energy. I presume that Mr. Calhoun might very well have entertained the idea that two Presidents might be very well—perhaps having jurisdiction of foreign and the other of domestic affairs, or some such partition of duties. I presume he intended that each should be independent in his own sphere, and that no law should be passed without the concurrence of both. I am very sure that such a proposition as that, if ingrained on the Constitution, might give it a better operation than it now has under the combination of interest and numbers. I do not undertake to be the expounder of Mr. Calhoun's views, nor do I say that I am prepared to adopt them. I am sure the gentleman has not done justice to them. I do not enter into the views of Mr. Calhoun; he never mentioned the subject to me in his lifetime, and I have not yet had an opportunity. I only noticed the remark of the gentleman, in passing, with a view to show that in some respects his interpretation of the book might not be the interpretation of everybody. There are other minds besides his to look at the subject; and when a great work of the kind is to be measured, it must be measured by an enlightened public opinion after full discussion upon the subject.

Sir, I have touched upon these things with regret. The Senator from Mississippi is in favor of the compromise; and he denounces, in no measured terms, all those opposed to it; not that the gentleman seems to be governed by unkind feelings to many embraced in the sweep of their censure.

Mr. Foote. I have here, elsewhere, and everywhere, wherever I have attempted to speak of the struggle which occurred in two Houses of Congress, in reference to the questions contained in the plan of compromise, said, uniformly and emphatically, that so far as the conduct of Senators and Representatives was concerned in that struggle, I had no censures whatever to bestow; nor that I wished them to be censured in any shape or form by any patriotic man in the country. The President of the body knows what my views on this subject were; for we have talked together. All that I have said was, that now, when these measures have become the law of the land; now that the great experiment of compromise was in course of trial, I did conceive that it was the duty of all parties, North and South, to make a fair experiment of those measures, and not to engage in violent negotiations against any future of them. I have simply condemned all attempts at the North, or at the South, at this time, to break

up the compromise. But I have never undertaken to condemn any man, or set of men, for decent, zealous, patriotic opposition to any of the measures of adjustment which they themselves disapproved at the time. This is, and always has been my attitude on that subject.

Mr. Butler. That may be; but the gentleman knows as well as any one here, that no one had greater influence—perhaps I may say that he had uncommon influence—in getting up the Southern Address, he was the prime mover of it. And I think the gentleman must, to some extent, assume the responsibility of the Nashville Convention. I say that, after the position which that gentleman has occupied, justice, if not generosity, requires that he should, at least, look to the motives, which I hope he will, of other persons who are disposed to stand up to the propositions which they avowed at the time in the Southern Address. I supposed it was a matter of historical interest to the gentleman. And now I will say here, for the first time, what I have heretofore said for my friends, that the Nashville Convention was premature. My friends know that this was my opinion. If there is one gentleman in this hall who has contributed fuel to the fires of Southern resistance and indignation, the honorable Senator has fed them as freely as any other. I am not now making any accusations against him for mere change of opinion and position. I have said nothing at all, nor will I say anything, in reference to a man's course, when he changes it; but when the Senator from Mississippi thought proper to speak of South Carolina, he alluded to her in a manner that delicacy or propriety could require of him, was to forbear unkind allusions to her course, and to abstain from availing of his own change of doctrine and position to give point to those allusions. The mass of those who, in South Carolina, were for putting her in advance of what I regarded the position she should occupy, are persons whose motives and designs would place them before the tribunal of history in a point of view far above reach of the gentleman's arrow. They are as high in spirit, as pure in motive, and would be as brave in action, as any men who ever adorned the pages of history. I differed from friends in South Carolina, but here, I cannot allow that difference to prevent my doing them justice, if they required it at my hands.

Mr. Foote, of Mississippi. If the honorable gentleman had read my speech as reported, or if he distinctly recollected what I said the other day, he would certainly find himself effectually relieved from the necessity of making the remarks which he has just made. I stated distinctly that I entertained a high respect for the people of the State of South Carolina, expressed the high gratification which I felt, that the real people of South Carolina had come nobly to the rescue of the honor of the State in the contest lately in progress there between them and certain demagogues. I hoped that the people there, under the lead of the honorable gentleman and such as he, would vanquish the demagogues in that struggle. That is what I said. I did not denounce the Legislature of South Carolina. I did not denounce any organized body of men there, Legislature or Convention. If I have any particular sentiments unfavorable to such bodies, I withheld them; but I did denounce, and I shall continue to denounce, any man or set of men in South Carolina, who dared to urge the people of that State to attack the forts of the United States within her limits—to make war upon the General Government—and who dared to say, perverting the language of the immortal Henry, "I say we must fight." I did not denounce such persons, and not those who were inclined to arm the State for her own defence against the general Government, in the event of an unjust attack neither menaced nor expected. I did denounce persons who, as I am prepared to prove by their speeches, attempted, without any aggression on the part of the General Government, to invade the people of South Carolina to an immediate attack upon the Government. These are the men that I denounced, and am responsible here and elsewhere, for the strongest language used in

denial of them. I shall always denounce them.

Mr. Butler. If I had not been interrupted I should have gone on and stated, perhaps, what the gentleman could not have taken exception to, so far as I am concerned. I have not said anything in a personal point of view, but I must do my duty to others.

Mr. Foote. If the gentleman chooses to defend such men, he can do so.

Mr. Butler. South Carolina, in her first resolutions of 1848, proposed nothing but co-operation with the other States. In 1849, in the midst of terms, she proposed the same thing. In 1850—I say it upon my responsibility in this Chamber—she called her convention in reference to a course projected and intimated by the State of Mississippi. I cannot be mistaken in that. Is it just that any reproach should attach to her from a representative of Mississippi?

There were many things well calculated to aggravate the popular excitement and indignation at the course of the General Government. Whilst the people were deliberating on their condition, and the course the State should pursue, the Administration showed both a want of wisdom and decency. For what purpose some troops were sent to the forts in Charleston is not distinctly understood. The effect was to arm all parties with a determination to resent the insulting demonstration; and it was difficult for her public men to restrain excitement and control consequences. That movement has left an abiding impression on the public mind. There was not the slightest occasion for troops, and if one drop of blood had been shed, it would have put the questions now in debate under the adjustment of the sword. The gentleman might have found some feasible task to have found enough controllable to hang the traitors. He would have been consumed in his own State if he had made a demonstration against South Carolina. The issue would have been far above party strife or rhetorical display.

I cannot go further into this subject, except to express my opinion that justice has been done to those of South Carolina who have attempted to conform to the suggestions of Mississippi; not altogether under the counsels of the honorable Senator, but yielding very much to influence which his counsels and those of others had. Therefore I think such an allusion as he made was entirely unnecessary.

Mr. Foote, of Mississippi. I will not now ask the gentleman to allow me to explain because I have interrupted him so often. Yet, if it would make no difference to him, I would go on now to explain the attitude of the State of Mississippi.

Mr. Butler. The gentleman is at liberty to proceed.

Mr. Foote. I shall explain more fully hereafter. I wish now simply to protest against what the gentleman has said in regard to the course and attitude of the State of Mississippi. It is true I signed the Southern Address; and I now approve every word contained therein. It is true, I did forward a letter from Mr. Calhoun to my own State which proposed holding of the Nashville Convention, and which marked out, to some extent the then expected *modus operandi* of that body. It is true, also, as I have heretofore asserted, that not one single word is contained in that Southern Address or in Mr. Calhoun's letter which recommends secession, or intimates that there should be any amendment to the Constitution. The State of Mississippi was willing to meet in a proper manner and a truly patriotic spirit, the citizens of the rest of the slaveholding States of this Union in the Nashville Convention, for the purpose of fraternal consultation; in regard to the means most proper to be adopted for guarding against certain dangers with which we were then menaced—one of which was the abolition of slavery in the District of Columbia; another of which was the attempt to impose the Wilcox proviso. I will not reiterate all the measures with which we had been then menaced for some years, and to which the Southern Address, in the most solemn manner, called the attention of the South; to guard against which, the State of Mississippi, under advice received

from South Carolina through me, in the manner I have described, was willing to send delegates to a Southern Convention. I will add, though that it was doubtless one of our objects in this movement, to secure our long-withheld right to an efficient congressional enactment providing for the re-capture and restoration of fugitives from service. But I regret, that we did not commit ourselves to secession; nor did we insist on amending the Federal Constitution.

I will say further to the honorable gentleman that the State of Mississippi, as she was justified in doing, came to the conclusion, gravely and deliberately—and I believe all dispassionate men will admit that she acted wisely in coming to that conclusion—that the plan of compromise effectually guarded against every single danger with which the South had been antecedently menaced, and secured to her the fugitive slave law, to which she was entitled by the Constitution, in addition, together with certain other incidental advantages, some of which I endeavored to point out the other day. Now if, in the opinion of the State of Mississippi, the compromise has operated in a manner so comprehensively beneficial, how can it be contended that the State of South Carolina, when she undertook, without just reason, to manifest dissatisfaction with the acts of adjustment, and proposed a Southern Congress for the purpose of arraying the Southern States against them, was led into that attitude by the State of Mississippi? I have heard that said before, and I have denied it. Had the wise

parent of the Nashville Convention, the South would have had no further trouble. I believe this advice would have been a civil war that would have put the questions now in debate under the adjustment of the sword. The gentleman might have found some feasible task to have found enough controllable to hang the traitors. He would have been consumed in his own State if he had made a demonstration against South Carolina. The issue would have been far above party strife or rhetorical display.

One of the leaders of South Carolina, a gentleman who is reputed to be the author of the Nashville address, declared, as I well recollect, in a speech delivered in Charleston, immediately after his return from the Nashville Convention, that he had entertained no expectation when the celebrated demand of 34 deg. 30' was made on the part of the Convention, that it would be acceded to; but that for many years past, had been tired of the Union and anxious to break it up, and expected, through the agency of the Nashville Convention, and by demanding terms of adjustment which not be acceded to by Congress and the Northern States, to accomplish his long-cherished object. This noted avowal, I say, was made in Charleston after the session of the Convention had drawn to a close; but that gentleman cannot deny that he had been quite particular in not declaring such views and objects in the Nashville Convention. All will perceive from this statement that the honorable Senator [Mr. Butler,] has entirely misunderstood the true position of the State of Mississippi, and I hope not hereafter to hear her accused of being instigated by any portion of the extravagant movements of certain factionists in South Carolina.

Mr. Butler. I have only said that South Carolina, to some extent, shaped her course according to the plan marked out by the State of Mississippi. The Senator has made allusions which cannot be mistaken. I must, therefore, in justice to my colleague, yield the floor, to allow him an opportunity of speaking, although there is much more which I would have said, but for the frequent interruptions with which the course of my remarks has been broken in upon, and the allusions to my colleague which it is but justice he should have an opportunity to notice.

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