

BENJAMIN F. WADE

BENJAMIN FRANKLIN WADE, American statesman and lawyer, was born near Springfield, Mass., Oct. 27, 1800, and died at Jefferson, O., March 2, 1878. Such education as he received seems to have been mainly obtained from his mother, supplemented by his own studious reading. He became a lawyer and began to practice at the Ohio Bar in 1827. Ten years later, he entered the State Senate as a Whig, and was elected to the same body in 1841. In 1847, he was appointed judge of the Third Judicial District in Ohio, and, while occupying this position, was returned in 1851 to the United States Senate, and remained there until 1869. The speech here subjoined is said to have made Judge Wade the leader of the Radical Republicans. It obviously manifests the contemporary sentiment of the mass of the Republicans with regard to the threatened secession of many slaveholding States prior to the Civil War. In 1867, "Ben" Wade, as he was familiarly called, acted provisionally as president of the Senate, and for the time Vice-president of the United States, and in 1871 was one of the members of the Santo Domingo Commission.

ON SECESSION, AND THE STATE OF THE UNION; REPUBLICAN OPINION

SENATE OF THE UNITED STATES, DECEMBER 17, 1860

Mr. President:

AT A time like this, when there seems to be a wild and unreasoning excitement in many parts of the country, I certainly have very little faith in the efficacy of any argument that may be made; but at the same time, I must say, when I hear it stated by many Senators in this Chamber, where we all raised our hands to Heaven, and took a solemn oath to support the Constitution of the United States, that we are on the eve of a dissolution of this Union, and that the Constitution is to be trampled underfoot—silence under such circumstances seems to me akin to treason itself.

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I have listened to the complaints on the other side patiently, and with an ardent desire to ascertain what was the particular difficulty under which they were laboring. Many of those who have supposed themselves aggrieved have spoken; but I confess that I am now totally unable to understand precisely what it is of which they complain. Why, sir, the party, which lately elected their President, and are prospectively to come into power, have never held an executive office under the general government, nor has any individual of them. It is most manifest, therefore, that the party to which I belong have as yet committed no act of which anybody can complain. If they have fears as to the course that we may hereafter pursue, they are mere apprehensions—a bare suspicion; arising, I fear, out of their unwarrantable prejudices, and nothing else.

I wish to ascertain at the outset whether we are right; for I tell gentlemen that, if they can convince me that I am holding any political principle that is not warranted by the Constitution under which we live, or that trenches upon their rights, they need not ask me to compromise it. I will be ever ready to grant redress, and to right myself whenever I am wrong. No man need approach me with a threat that the government under which I live is to be destroyed; because I hope I have now, and ever shall have, such a sense of justice that, when any man shows me that I am wrong, I shall be ready to right it without price or compromise.

Now, sir, what is it of which gentlemen complain? When I left my home in the West to come to this place, all was calm, cheerful, and contented. I heard of no discontent. I apprehended that there was nothing to interrupt the harmonious course of our legislation. I did not learn that, since we adjourned from this place at the end of the

last session, there had been any new fact intervening that should at all disturb the public mind. I do not know that there has been any encroachment upon the rights of any section of the country since that time; I came here, therefore, expecting to have a very harmonious session. It is very true, sir, that the great Republican party which has been organized ever since you repealed the Missouri Compromise, and who gave you, four years ago, full warning that their growing strength would probably result as it has resulted, have carried the late election; but I did not suppose that would disturb the equanimity of this body. I did suppose that every man who was observant of the signs of the times might well see that things would result as they have resulted. Nor do I understand now that anything growing out of that election is the cause of the present excitement that pervades the country.

Why, Mr. President, this is a most singular state of things. Who is it that is complaining? They that have been in a minority? They that have been the subjects of an oppressive and aggressive government? No, sir. Let us suppose that when the leaders of the old glorious Revolution met at Philadelphia eighty-four years ago to draw up a bill of indictment against a wicked king and his ministers, they had been at a loss what they should set forth as the causes of their complaint. They had no difficulty in setting them forth so that the great article of impeachment will go down to all posterity as a full justification of all the acts they did. But let us suppose that, instead of its being these old patriots who had met there to dissolve their connection with the British Government, and to trample their flag underfoot, it had been the ministers of the crown, the leading members of the British Parliament, of the dominant

party that had ruled Great Britain for thirty years previous: who would not have branded every man of them as a traitor? It would be said: "You who have had the government in your own hands: you who have been the ministers of the crown, advising everything that has been done, set up here that you have been oppressed and aggrieved by the action of that very government which you have directed yourselves." Instead of a sublime revolution, the uprising of an oppressed people, ready to battle against unequal power for their rights, it would have been an act of treason.

How is it with the leaders of this modern revolution? Are they in a position to complain of the action of this government for years past? Why, sir, they have had more than two-thirds of the Senate for many years past, and until very recently, and have almost that now. You—who complain, I ought to say,—represent but a little more than one-fourth of the free people of these United States, and yet your counsels prevail, and have prevailed all along for at least ten years past. In the Cabinet, in the Senate of the United States, in the Supreme Court, in every department of the government, your officers, or those devoted to you, have been in the majority, and have dictated all the policies of this government. Is it not strange, sir, that they who now occupy these positions should come here and complain that their rights are stricken down by the action of the government?

But what has caused this great excitement that undoubtedly prevails in a portion of our country? If the newspapers are to be credited, there is a reign of terror in all the cities and large towns in the southern portion of this community that looks very much like the reign of terror in Paris during the French Revolution. There are acts of vio-

lence that we read of almost every day, wherein the rights of Northern men are stricken down, where they are sent back with indignities, where they are scourged, tarred, feathered, and murdered, and no inquiry made as to the cause. I do not suppose that the regular government, in times of excitement like these, is really responsible for such acts. I know that these outbreaks of passion, these terrible excitements that sometimes pervade the community are entirely irrepressible by the law of the country. I suppose that is the case now; because if these outrages against Northern citizens were really authorized by the State authorities there, were they a foreign government, everybody knows, if it were the strongest government on earth, we should declare war upon her in one day.

But what has caused this great excitement? Sir, I will tell you what I suppose it is. I do not (and I say it frankly) so much blame the people of the South; because they believe, and they are led to believe by all the information that ever comes before them, that we, the dominant party to-day, who have just seized upon the reins of this government, are their mortal enemies, and stand ready to trample their institutions underfoot. They have been told so by our enemies at the North. Their misfortune, or their fault, is that they have lent a too easy ear to the insinuations of those who are our mortal enemies, while they would not hear us.

Now I wish to inquire, in the first place, honestly, candidly, and fairly, whether the Southern gentlemen on the other side of the Chamber that complain so much, have any reasonable grounds for that complaint—I mean when they are really informed as to our position.

Northern Democrats have sometimes said that we had

personal liberty bills in some few of the States of the North, which somehow trenched upon the rights of the South under the fugitive bill to recapture their runaway slaves; a position that in not more than two or three cases, so far as I can see, has the slightest foundation in fact; and even if those where it is most complained of, if the provisions of their law are really repugnant to that of the United States, they are utterly void, and the courts would declare them so the moment you brought them up. Thus it is that I am glad to hear the candor of those gentlemen on the other side, that they do not complain of these laws. The Senator from Georgia [Mr. Iverson] himself told us that they had never suffered any injury, to his knowledge and belief, from those bills, and they cared nothing about them. The Senator from Virginia [Mr. Mason] said the same thing; and I believe, the Senator from Mississippi [Mr. Brown]. You all, then, have given up this bone of contention, this matter of complaint which Northern men have set forth as a grievance more than anybody else.

Mr. Mason—Will the Senator indulge me one moment.

Mr. Wade—Certainly.

Mr. Mason—I know he does not intend to misrepresent me or other gentlemen. What I said was, that the repeal of those laws would furnish no cause of satisfaction to the Southern States. Our opinions of those laws we gave freely. We said the repeal of those laws would give no satisfaction.

Mr. Wade—Mr. President, I do not intend to misrepresent anything. I understood those gentlemen to suppose that they had not been injured by them. I understood the Senator from Virginia to believe that they were enacted in a spirit of hostility to the institutions of the South, and to

object to them not because the acts themselves had done them any hurt, but because they were really a stamp of degradation upon Southern men, or something like that—I do not quote his words. The other Senators that referred to it probably intended to be understood in the same way; but they did acquit these laws of having done them injury to their knowledge or belief.

I do not believe that these laws were, as the Senator supposed, enacted with a view to exasperate the South, or to put them in a position of degradation. Why, sir, these laws against kidnapping are as old as the common law itself, as that Senator well knows. To take a freeman and forcibly carry him out of the jurisdiction of the State, has ever been, by all civilized countries, adjudged to be a great crime; and in most of them, wherever I have understood anything about it, they have penal laws to punish such an offence. I believe the State of Virginia has one to-day as stringent in all its provisions as almost any other of which you complain. I have not looked over the statute-books of the South; but I do not doubt that there will be found this species of legislation upon all your statute-books.

Here let me say, because the subject occurs to me right here, the Senator from Virginia seemed not so much to point out any specific acts that Northern people had done injurious to your property, as what he took to be a dishonor and a degradation. I think I feel as sensitive upon that subject as any other man. If I know myself, I am the last man that would be the advocate of any law or any act that would humiliate or dishonor any section of this country, or any individual in it; and, on the other hand, let me tell these gentlemen I am exceedingly sensitive upon that same point, whatever they may think about it. I would rather

sustain an injury than an insult or dishonor; and I would be as unwilling to inflict it upon others as I would be to submit to it myself. I never will do either the one or the other if I know it. . . .

I know that charges have been made and rung in our ears, and reiterated over and over again, that we have been unfaithful in the execution of your fugitive bill. Sir, that law is exceedingly odious to any free people. It deprives us of all the old guarantees of liberty that the Anglo-Saxon race everywhere have considered sacred—more sacred than anything else. . . .

Mr. President, the gentleman says, if I understood him, that these fugitives might be turned over to the authorities of the State from whence they came. That would be a very poor remedy for a free man in humble circumstances who was taken under the provisions of this bill in a summary way, to be carried—where? Where he came from? There is no law that requires that he should be carried there. Sir, if he is a free man he may be carried into the market-place anywhere in a slave State; and what chance has he, a poor, ignorant individual, and a stranger, of asserting any rights there, even if there were no prejudices or partialities against him? That would be mere mockery of justice and nothing else, and the Senator well knows it. Sir, I know that from the stringent, summary provisions of this bill, free men have been kidnapped and carried into captivity and sold into everlasting slavery. Will any man who has a regard to the sovereign rights of the State rise here and complain that a State shall not make a law to protect her own people against kidnapping and violent seizures from abroad? Of all men, I believe those who have made most of these complaints should be the last to rise and deny the power of

a sovereign State to protect her own citizens against any Federal legislation whatever. These liberty bills, in my judgment, have been passed, not with a view of degrading the South, but with an honest purpose of guarding the rights of their own citizens from unlawful seizures and abductions. I was exceedingly glad to hear that the Senators on the other side had arisen in their places and had said that the repeal of those laws would not relieve the case from the difficulties under which they now labor. . . .

Gentlemen, it will be very well for us all to take a view of all the phases of this controversy before we come to such conclusions as seem to have been arrived at in some quarters. I make the assertion here that I do not believe, in the history of the world, there ever was a nation or a people where a law repugnant to the general feeling was ever executed with the same faithfulness as has been your most savage and atrocious fugitive bill in the North. You yourselves can scarcely point out any case that has come before any Northern tribunal in which the law has not been enforced to the very letter. You ought to know these facts, and you do know them. You all know that when a law is passed anywhere to bind any people, who feel, in conscience, or for any other reason, opposed to its execution, it is not in human nature to enforce it with the same certainty as a law that meets with the approbation of the great mass of the citizens. Every rational man understands this, and every candid man will admit it. Therefore it is that I do not violently impeach you for your unfaithfulness in the execution of many of your laws. You have in South Carolina a law by which you take free citizens of Massachusetts or any other maritime State, who visit the city of Charleston, and lock them up in jail under the penalty,

if they cannot pay the jail-fees, of eternal slavery staring them in the face—a monstrous law, revolting to the best feelings of humanity and violently in conflict with the Constitution of the United States. I do not say this by way of recrimination; for the excitement pervading the country is now so great that I do not wish to add a single coal to the flame; but nevertheless I wish the whole truth to appear. . . .

Now, Mr. President, I have shown, I think, that the dominant majority here have nothing to complain of in the legislation of Congress, or in the legislation of any of the States, or in the practice of the people of the North, under the Fugitive Slave Bill, except so far as they say certain State legislation furnishes some evidence of hostility to their institutions. And here, sir, I beg to make an observation. I tell the Senator, and I tell all the Senators, that the Republican party of the Northern States, so far as I know, and of my own State in particular, hold the same opinions with regard to this peculiar institution of yours that are held by all the civilized nations of the world. We do not differ from the public sentiment of England, of France, of Germany, of Italy, and every other civilized nation on God's earth; and I tell you frankly that you never found, and you never will find, a free community that are in love with your peculiar institution. The Senator from Texas (Mr. Wiggfall) told us the other day that cotton was king, and that by its influence it would govern all creation. He did not say so in words, but that was the substance of his remark: that cotton was king, and that it had its subjects in Europe who dared not rebel against it. Here let me say to that Senator, in passing, that it turns out that they are very rebellious subjects, and they are talking very disrespect-