

1067

E
407
.B522
1848
Garrett
Collection
Box D

359.1407

11 8 1/2

SPEECH

SPEECH

OF

MR. BERRIEN, OF GEORGIA,

ON THE

TEN REGIMENT BILL.

DELIVERED IN THE SENATE OF THE UNITED STATES, MARCH 17, 1848.

WASHINGTON:
PRINTED BY JOHN T. TOWERS.
1848.

S P E E C H .

MR. PRESIDENT: It would have gratified me to have been spared the necessity of addressing the Senate at this late stage of this debate—and that necessity would not have been imposed upon me, if it had been your pleasure to lift the veil of mystery, which hides our proceedings from the public. The fact that my colleague had expressed his views to the Senate, and that Georgia unhappily speaks in dissonant voices in this chamber, might have seemed to render it appropriate that I also should be heard. That consideration alone would not, however, have prevented me from remaining silent. On most of the subjects which my colleague has discussed, I have heretofore stated my views to the Senate, and communed with my constituents. The sole motive which impels me to address you now, is the responsibility which rests upon us, in relation to transactions which are veiled from the public view, by the rules of the Senate—a responsibility which there is no other means of encountering than by the expression of our opinions here, and on this occasion.

The questions which I propose to discuss, may be presented to your consideration, without any reference to the secret proceedings of the Senate. I will gather the facts on which they depend from the message of the President of the United States, from the provisions of this bill, and the avowed purposes for which it is intended, and, finally from declarations openly and repeatedly made by Senators in this chamber.

Collecting the facts which are necessary to my argument from these sources, I proceed to state that the President has distinctly informed us, that New Mexico and California, already in our military occupation, must be retained—that no treaty can be made with Mexico which does not yield these two States to our dominion—that the Chairman of the Military Committee has plainly avowed that the purpose of this bill is to enforce that cession, not indeed by the direct application of the forces which it proposes to raise, but to manifest to the Mexican Government, the determination of the American Senate, to prosecute this war with renewed vigor, until that purpose is accomplished—and that like avowals have been made by the Chairman of the Committee on Foreign Relations, who has recently left us, and by other Senators on this floor.

These facts are sufficient to authorise the statement, that the object of this bill is to operate upon the fears of the Mexican Government, and thus to coerce them to ratify a treaty, by which the boundaries of Texas will be extended to the Rio Grande, and New Mexico and California, two of the sovereign States of that Confederacy, will be ceded to the United States.

Now, sir, no one supposes that such a treaty can be obtained from the present, or any other Government, which may exist in Mexico, voluntarily and in the exercise of their free will. It is to be extorted from that Government, (the people of Mexico submitting to it as an act of stern necessity,) by renewed hostilities, or by the terror of our arms. And this is the example which we are to present to the civilized world, of the justice and moderation of this free Republic. Superior in numbers, in military skill, in all the resources of war, we have driven a feeble and distracted Government into this contest, and as the *sine qua non* of its termination, we propose to wrest from her two of the Sovereign States of the Mexican Confederacy, to be transferred to us without the assent of the people of those States, for a consideration which we agree to pay, and which we force her to accept.

Mr. President, the inquiries which force themselves upon my mind on this statement of the question, are these:

Have you a right to exact this from Mexico?

Has she the power to yield to this exaction?

If you have the right to make, and the Mexican Government have the power to yield, will not these concessions be injurious, perhaps fatally so, to the best interests of the American people?

Sir, however these questions may have been passed over, in the ardent and excited pursuit of an object, which circumstances have inflamed our desire to accomplish, our determination with reference to them will be calmly reviewed by our constituents, when the excitement of the moment shall have subsided. They will present themselves to the mind of the historian, whose office it may be to write the narrative of these transactions, and I fear the record which impartial justice will require at his hands.

They are grave questions, sir. May they be discussed? *Eloquar, an sileam?* May I speak, or must I be silent? They do not so much concern Mexico, as ourselves. Is it compatible with our own honor?—is it consistent with our own interest, to make these exactions from a prostrate foe? If I believe that the measure which this bill is intended to enforce, is equally forbidden by the National honor and the National interest, must I silently witness its consummation? The Chairman of the Military Committee, in presenting it to our consideration, expressed his hope that it would be discussed on its military merits alone, while he avowed his readiness to meet any other assault. Admonitions conceived in the same spirit, have more than once been addressed to us from the other side of the chamber. Sir, they cannot swerve me from the course which my convictions of duty prescribe. I have nothing to do with the military questions which belong to this bill. Mindful of the maxim, *Ne sutor ultra crepidam*, I defer, as becomes me, on those questions to the military science of the honorable Chairman, and of the Committee over which he presides. Whether the mass of human beings which this bill proposes to embody, to hold up *in terrorem* over Mexico, or contingently to precipitate upon her, is properly, and with due regard to existing regulations, broken up into fragments of regiments, and battalions, and companies—especially whether the requisite number of places has been reserved for the destined recipients of Executive patronage, are mysteries of the art of war with which I do not intermeddle. *Sed graviora manent*. There are weightier questions than these, in the solution of which military science cannot assist me, which belong to political ethics and the science of Government; questions which, in my judgment, involve the honor and the interests of the country.

Believing, as I do from my inmost heart, that the measure which this bill is intended to accomplish, is alike inconsistent with the true glory, with the real honor, and with the best interests of the American people, I cannot silently witness its enactment. I listen respectfully to the admonitions which are addressed to me. I recognize in their fullest extent the duties which patriotism imposes upon every citizen, and I am, I trust, not less mindful of them than any other Senator. But what is patriotism—and what does it demand? It demands the unflinching devotion of all the energies of the citizen, to the glory of his country. In what then consists, what constitutes the glory of a Nation?—especially what constitutes the true glory of a free and Christian people! Is it wealth, numbers, extent of territory, or military fame? No, sir—no, sir. It is to be found in the intelligence which discerns their rights—in the justice and moderation with which those rights are asserted—in the inflexible courage with which they are defended. I know no other definition of patriotism—no duty which it imposes which may not be traced to this source. Obedient to its dictates, let us proceed to consider the questions before us.

Mr. President, the position which this Government at this moment occupies before the civilized world, is singular and unprecedented in its history. For the first time since our existence as a Nation, abandoning all the objects of peaceful legislation, for which alone, the thirteen States of the Confederacy united in its formation, we are engaged in a foreign and aggressive war—a war of invasion and conquest—prosecuted with a view to the dismemberment and military occupation, or the total annihilation of a neighboring State. Sir, I speak of the Government, as contradistinguished from the people of the United States, a large majority of whom, I am thoroughly convinced, have no sympathy with their rulers on the question of this war, who do not think that the National honor would be tarnished by

its termination at any moment, but who do feel, and that most sensibly, that their best interests are sacrificed by its prosecution. In the course which my judgment leads me to pursue, I express to you what I believe to be the sentiment of that people. My purpose is not to defend Mexico, but to vindicate my own country, her rights, her interests, and her honor.

* We are to-day—we have been for weeks past—deliberating upon the fate of Mexico; which, as self-appointed ministers of destiny, we have carved out with our swords. For the first time in our history, we are conquerors in a foreign and aggressive war. We are conquerors—in the exultation of triumph—I fear too little mindful of the benevolent maxim of the Roman dramatist, that being also men, the interests and the duties of humanity cannot be indifferent to us. Yes, we are conquerors. The sword of a Nation's vengeance gleams over a prostrate foe, and still reeking with the blood of its victims, the uplifted arm is stayed, only because there is none to confront him who wields it. Meanwhile, we sit here devising new means of havoc and desolation. Yes, we are conquerors, and the spoils of victory are the theme of our deliberations—not the distribution of them now—if our purposes are fulfilled, that question must come, and it will be a fearful one; but it does not engage us now. It is the *quantum* of territory which we may extort from a vanquished people.

Mr. President, we are a free people. Our institutions are based upon the principle of man's right, and of his capacity for self-government. We profess to reverence justice, and to respect the rights of others—nay, we make claim to magnanimity, and yet our presses teem, and our streets resound with the daily discussion, as practical questions to be decided by us, of the wildest doctrines of revolutionary France. Aye, sir, even here, I listen to theories sustained by elaborate research, enforced by great vigor of thought, and recommended to us by the charms of a glowing and impassioned eloquence, which seem to me, in the consequences to which I think they must inevitably lead, to be fraught with imminent peril to our free institutions. I know that these consequences are not obvious to those who utter them. I know that honorable Senators differ from me on this subject, and with purposes quite as sincere as mine; and distrusting my own judgment—silencing my own apprehensions, I would be disposed to yield on any question less momentous than this. Sir, I have been struck with the manner in which this discussion has been conducted. I hear much of the vindication of our National honor by this war. In my simplicity, I had thought that the honor of twenty millions of freemen, was safe in their own keeping—least of all did it occur to me, that it was liable to be tarnished by the assault of so feeble a power as Mexico. I hear much, too, of the Military renown which we have achieved, of the reputation in arms, which the Nation has acquired in the prosecution of this war. With equal simplicity, Mr. President, I had believed that the military renown of my countrymen, their reputation in arms, was coeval with their existence as a nation—that it was born with them. I thought it had been won by our fathers in the battle-fields of the revolution, and proudly reasserted and maintained by those who succeeded them in the war of eighteen hundred and twelve—fifteen, against the most powerful nation of the world.

Brilliant as have been the achievements of our gallant soldiers in Mexico—eminently as they have illustrated the prowess of our countrymen in arms, I confess I did not think that the military reputation of the American people, remained to be established by the defeat of armies composed of a half civilized and undisciplined soldiery, to whom experience has taught us that numbers could not impart strength. I listen, too, to the recital in lofty strains, of the duty which devolves upon this model Republic, the exemplar and champion of free government, to extend the blessings of our free institutions to the benighted nations of the world. Sir, that is a noble purpose, but fire and sword are not the means by which it may be most worthily accomplished, and least of all, should it be stained by the sordid lust of territorial acquisition. On the other hand, I hear much, and as it seems to me, very rational apprehensions expressed, of the consequences which

may result to these institutions among ourselves, from this new system of military propagandism, which we are urged to adopt in the vain fancy of fulfilling our destiny.

These are the temptations, and these the perils, which in the judgment of Senators, attach to this policy, but the graver question, whether if it were expedient, we have the right to pursue it, is untouched by its advocates. It seems to suffice that we have the power. The *quantum* of territory, which we may wrest from Mexico, divides the opinions of Senators; but the question of the right which conquest has given us so to wrest it, is pretermitted, and the affirmative is assumed. The Senator from New York, (Mr. DIX,) will not discuss it, lest it should exhibit divided counsels to our enemy. The Senator from Virginia, (Mr. HUNTER,) considers it no longer an open question. Sir, this inquiry cannot be thus evaded, or avoided. In the simple code of ethics, to which I have been accustomed, the question of right precedes that of expediency. Our right to do an act must be ascertained before we are at liberty to consider the expediency of doing it.

When Themistocles proposed in an assembly of the Athenian people, to secure to them the undisputed dominion of the seas, by a means which could not be publicly divulged, he was referred to Aristides, as one in whose judgment and patriotism they had confidence, and by whose decision they would abide; and to the answer of the noble Athenian, conveyed in those memorable words, of which, time will not efface the remembrance, "Nothing would be more advantageous than the proposal of Themistocles, but nothing could be more unjust," they did unhesitatingly submit, and the project was abandoned. Sir, more than eighteen hundred years ago, an inspired writer has told us that the Athenian people were "in all things too superstitious," and worshippers of an "unknown God." In the long lapse of intervening ages, Christianity has shed its benign and steady lustre on the civilized world. It was the beacon light which guided our ancestors to these shores. At the moment in which I speak, it irradiates the remotest corners of this favored land. What then, Sir, was the morality of Athens in her heathenism, more pure, more elevated, more self-denying than that of a Christian people? I repel the imputation, as utterly inconsistent with the character of my countrymen. I speak not of the Executive Government. Their views are before us; but I deny that the great body of the American people desire this extension of territory, especially in any mode which may be inconsistent with the principles of justice, and the hitherto unsullied honor of this Nation.

We are then forced back on the question of right—compelled to inquire upon what principle of justice, can we coerce Mexico to submit to dismemberment, that we may acquire a portion of her territory? For a moment let us consider this.

We had claims upon Mexico for wrongs done to our citizens. These were adjusted by treaty, and the amount which had been found due, was in process of payment, when this war was commenced. For the settlement of others, a new treaty was negotiated, was ratified by Mexico, and only prevented from final ratification by an amendment made in this chamber. These claims, whatever they were, were therefore adjusted, or in process of adjustment. Mexico had agreed to make, and we to receive satisfaction for the original wrong, in the manner stipulated by these treaties. This war was not commenced to enforce those claims. When it terminates we shall have a right to demand payment of them; but they give us no claim to indemnity for the expenses of the war, because we had stipulated with Mexico for their peaceful adjustment. Unless our minister who negotiated, and we who ratified those treaties, were faithless to our duties, their stipulations when fulfilled, would afford full satisfaction. The original claims were merged in these treaties. They did not constitute a cause of war against Mexico; and were not the cause of commencing it. While conquest, therefore, has given us the power, it has not given the right to take Mexican territory in satisfaction of them, against her will. The claims "of our much injured fellow-citizens," so ostentatiously put forth by the President, must therefore be excluded from the consideration of the rights which conquest gives us, to claim indemnity for the expenses of the war.

The annexation of Texas occasioned the cessation of diplomatic intercourse be-

tween the two Republics, by the withdrawal of the Mexican minister; but this was no cause of war, and can give no claim to indemnity. Then, we had a question of boundary to settle with that Government, to ascertain the rightful limits of Texas, then recently incorporated into this Union. The negotiation for that purpose failed—whether the failure was attributable to the Mexican Government, or our own, it is not necessary for us now to consider, since the failure to negotiate gave us no right to make war upon Mexico.

It is, then, the mere naked right which conquest gives, which we propose to assert, and which it is the purpose of this bill to enforce. The President tells us that we are in possession of New Mexico and California—that they should never be surrendered—that our laws and civil jurisdiction should be extended over them—that they should be considered as constituent parts of our country, and Territorial Governments established in them—that it may become proper for our commanding Generals to encourage the formation of a government with whom we may negotiate; but if this fails, that then we must take the full measure of indemnity into our own hands—separate what we resolve to take, from what we determine to leave, and occupy the remainder with our troops. I repeat, Sir, it is the naked right of conquest which is here asserted, with an attempt to veil it by means which are unworthy of a free people—by a negotiation with a Government which we ourselves are to create. If Mexico submits to the dismemberment which is contemplated, what then?

Mr. FOOTE.—The allusion of the Senator to a matter of great secrecy, is too distinct to admit of being passed by without reminding him that he is out of order.

Mr. BERRIEN.—I have referred to nothing which has not been distinctly stated in the message of the President, and openly avowed on this floor by the Chairman of the Committee on Foreign Relations, and other Senators. I submit to you, Sir, and the Senate that such reference cannot be inconsistent with any rule of the Senate.

Mr. FOOTE.—I did not understand the honorable Senator as referring to the President. He has now done so by name, however, and—

Mr. BERRIEN.—I did so before. If the honorable Senator from Mississippi had done me the favor to attend to my opening remarks, he would have heard me declare that I proposed to gather the facts upon which I intended to oppose this bill, from the message of the President—from the provisions of the bill itself, and the open declarations of Senators on this floor. Shall I proceed, sir?

THE PRESIDENT.—In the opinion of the Chair, the Senator is entirely in order.

Mr. BERRIEN.—We are to wrest from Mexico one-half of her territory by force, or by the terror of our arms. If she submits, then she is to be permitted to drag out her National existence on the mutilated remnant which we shall have left her—with the semblance of nationality—but how long? Sir, until destiny calls us onward—until the star of empire, momentarily pausing at our bidding, shall have resumed its westward way—until the time shall arrive when the secret which the wine cup reveals now, shall be openly proclaimed as “the sober second thought” of the American people—until progressive democracy shall be ripe, and resolved, and ready to fulfil the destiny of the Anglo-Saxon race—and then we are to stand openly avowed before the world, as aspirants for an empire, which shall know no bounds but those of the continent on which we dwell.

Thus, if Mexico submits; but if she resists, then her obstinacy will call for instant vengeance; then we are to throw off the mask at once, and let our power do its own work—say what we will take, and what we will leave, and hold in military subjection that which is left.

Sir, our glorious Union—this association of freemen—this Confederacy of free and Sovereign States—the Constitution under which we live, were formed for the accomplishment of no such purposes. The Government which you administer, possesses no such power. The framers of the Constitution which spake that Government into being, inscribed in characters of living light on the tablet which registered their patriotic resolves, the high and noble purposes which it was destined to accomplish, which *Deo juvante*, it has hitherto accomplished. It was to

“form a more perfect Union”—but between whom? Between our gallant sires, and the mongrel races which inhabited the European colonies in this continent? No, sir. It was to draw closer the bond of Union—to strengthen the ties of interest and affection which united that glorious band of patriots, who had broken the fetters of Colonial vassalage, and battling with the fragments, had achieved our independence—it was to form a more perfect union between “the people of the United States.” It was to “establish justice,” not the law of the strong, not the rule of force, but the rule of right, the law of eternal, immutable justice—to catch, if it might be so, an emanation from this holiest attribute of Deity, and to give it a “local habitation” here. It was to “ensure domestic tranquility—ay domestic tranquility, not foreign triumphs—that tranquility at home, so indispensable to individual happiness, and to national prosperity.” It was to “provide for the common defence.” Yes, sir, the common defence—not to embody a Nation of military propagandists, who would make war a trade, and live upon the fruits of conquest—but to rally under the National standard, a band of citizen soldiery, ever ready to do battle in defence of their own domestic altars, and their household Gods. It was to “secure the blessings of liberty;” but to whom? Let our fathers speak. The answer is given with the same singleness of purpose, in which the Constitution had its origin. It was to “secure the blessings of liberty to ourselves and our posterity.”

I resume the consideration of the question—what are the rights which conquest gives? I have excluded from this inquiry, the wrongs done to our citizens by Mexican authorities before the war was commenced, because these were adjusted by treaties to which I have referred; the termination of diplomatic intercourse, by the departure of the Mexican Minister from Washington, and the failure of Mr. Slidell’s attempt at negotiation, because these were not causes which would not justify war, and it was not commenced for these reasons. And now, Sir, resting upon clear and well-established principles of the law of Nations, which is the only Arbitrator between them, except the sword, I say that conquest, in itself, gives no rights. It gives power, not right. It is the means by which a wrong may be redressed—by which a right unjustly withheld may be reclaimed—but unless there be some pre-existing and unsatisfied wrong, or some pre-existing right, which is unjustly withheld, the conqueror who seizes and appropriates the territories of a vanquished people, exercises power, not right—asserts a claim which has no foundation but in mere physical force—which finds no countenance in any principle of the law of Nations; and this is equally true of him who, by the use, or by the threat of using such force, coerces the acknowledgment of his title by the conquered Nation. It is in vain to point us to the examples of ancient or of modern Europe. What atrocity may not thus be sanctioned? Without doubt they have often violated the plainest principles of international law, the most obvious dictates of morality, but does it become us to follow, or can we find justification in, such examples?

The rights which conquest gives, belong only to him who takes up arms in a just and necessary war. None can be just, which is not necessary to the recovery of a right, which is withheld, to the redress of a wrong which has been committed, and for which satisfaction has been refused; or in self-defence. “Whoever, therefore, takes up arms without a lawful cause, can absolutely have no right whatever.” The question here is, whether, as conquerors, we have a right to retain New Mexico and California, to indemnify us for the expenses of the war. The answer is, “A nation has a right to be paid expenses that it makes in a just war.” The inquiry recurs, was this war just in its origin—was it necessary to recover any right which Mexico withholds from us—or to redress any wrong for which she refuses satisfaction? If so, it was just, and our right to indemnity is undeniable. The power which conquest gives, may then be exercised in accordance with the principles of right. If it is not so—if the war was unnecessarily, and, therefore, unjustly commenced, then the answer of the law of Nations is, such a conqueror “can absolutely have no rights whatever.” We may violate these principles under our responsibility as a Nation to the civilised world, and to a retributive Providence—

and individually, under our responsibility to God; but they will not be less true and sacred, because we have added to the number of those who have violated them.

If Mexico, then, without cause, made war upon us—if to redress a manifest wrong, or assert an undoubted right, we made war upon her, we have a claim to indemnity; but if the war was commenced by us unnecessarily, without cause, we have no claim. Such is the plain, uncontradicted rule of the law of Nations. Senators, therefore, who, from whatever cause, have declined entering upon this question, and have, at the same time, asserted the claim to indemnity, have obviously pretermitted the very foundation of their argument—have assumed, not demonstrated, that which is indispensable to sustain it. As naturally as this would seem to lead to a minute inquiry into the origin and causes of this war, I do not propose to enter upon it at this late stage of the debate. Other Senators have performed that office to my entire satisfaction here, and with my own constituents I can communicate in another form.

I say, then, generally, what I presume no one can doubt at this day, that we placed ourselves in a hostile attitude to Mexico, by the annexation of Texas. The proposition is totally unconnected with the question of Texan independence. It would be equally true, if that independence had been previously recognised by Mexico. It results simply from the fact, that these two Republics were at war with each other, when, by the act of annexation, we incorporated one of them into this Union. We took her *cum onere* with the burden of war upon her, and therefore adopted it. Mexico could not prosecute her quarrel with Texas, without making war against the United States, because Texas had become one of them, and Texas could no longer prosecute the war against Mexico, because, by the Constitution of the United States, to which she had become a party, this right was denied to her, except in case of invasion. We necessarily, therefore, became parties to the war, which was thereafter a war between the United States and Mexico. But this war was languishing. For a considerable time before the act of annexation, no hostilities had taken place. I do not doubt that, with ordinary prudence, with a very small share of magnanimity, and a spirit of conciliation, which it would have derogated in no degree from our dignity, to manifest to a Nation irritated by the annexation of Texas, perhaps more petulant and irritated from a sense of her weakness, that the renewal of active hostilities might have been avoided, and all things in the event, amicably adjusted. Which ever Nation has produced that renewal, is justly chargeable with the consequences of this war.

I have already said that I do not mean to enter minutely into this inquiry. This position may, I think, however, be asserted without referring to the documents, in the presence of Senators, to whom their contents are familiar. From the moment of annexation, it was the fixed determination of the President, to extend the boundaries of Texas to the Rio Grande, at whatever cost, "peaceably if he could, forcibly if he must." In the discussions on the resolution, which had occurred in this and the other House of Congress, the Nueces had been declared to be the true and lawful boundary of Texas, by Senators and members of that House, friendly to the Administration, and advocates of the resolution. The support, without which it could not have passed the Senate, was only obtained by adding to it the alternative provision for negotiation, with the express view to the peaceful adjustment of boundary. In manifest violation of this obvious intention of Congress, President Tyler adopted, and the present incumbent of the Executive office approved the mode of action prescribed by the first branch of the resolution, and negotiation was excluded. Following up this purpose, he directed the order of the 15th June, 1845, under which, if Gen. Taylor had had the means, and had been disposed to encounter the risk of involving the country in war, he would have been authorised to take a position on or near the Rio Grande, immediately after it reached him. The subsequent orders from the War Department were in the same spirit, but they suggested and invited the movement, rather than required it, until it became obvious that Gen. Taylor could not thus be induced to advance, and then the President gave the positive order which left him no discretion, and required implicit obedience.

All attempts to involve this gallant officer in the responsibility of this movement, are, therefore, in my judgment, vain and futile. It is as honorable to his patriotism as a citizen, as subsequent events have been to his skill and gallantry as a soldier, and that he could not be allured from his duties as a citizen, by the temptations which were offered to his ambition as a soldier. He could not be tempted to jeopard the peace of his country, in quest of military renown. This tribute is due, and is cheerfully rendered to a gallant soldier, and yet more cheerfully to a patriot citizen.

If we trace the march of General Taylor from Corpus Christi to the Rio Grande, the conclusion that the order to him was given by the President, with a fixed determination to extend the boundary of Texas to that river, if need should be, by force, and not from any apprehension of Mexican invasion, is strikingly manifested by the fact that no preparations were made to resist his advance. Gen. Taylor had repeatedly advised the Department of the peaceful disposition of the Mexican people, and his representations were realised. To the Mexican traders who visited his camp at Corpus Christi, he freely announced his intention of marching to the Rio Grande. He published an order for the advance of the army to that river, had it translated into the Spanish language, and had copies circulated among the Mexican people before he broke up his quarters at Corpus Christi; yet he encountered no opposition. He found no army in position at the Colorado—none at Matamoras when he arrived opposite that town, which was at all adequate to its protection, if he had had the means of crossing the river. What is the conclusion to which all these circumstances force us? Why, that Mexico did not contemplate the commencement of hostilities—that, sensible of our strength and of her own weakness, she would have left us in the quiet possession of Texas, and when the moment of irritation and petulance had passed by, would have peacefully adjusted that controversy. To suppose the contrary, looking to the relative strength of the two Nations, is to suppose that she would rush madly on her own destruction. It cannot, I think, be doubted that this peaceful result would have followed, if Gen. Taylor had been permitted to retain his position at Corpus Christi.

If this view is correct, it is of little importance to consider by whom the first blow was actually struck. The territory between the Nueces and the Rio Grande was admitted by the resolutions of annexation to be subject to negotiation. Neither party ought, therefore, to have occupied it with a military force. In point of fact, the first actual blow was the result of the casual encounter of two reconnoitering parties. Those which followed on the 8th and 9th of May were the necessary consequences of the position of the two armies. Our own had taken a position which commanded Matamoras, and constructed a fort, the guns of which were pointed on that town. Then followed the blockade of the river, which Gen. Taylor says compelled the Mexican commander to cross the river and fight, or to retire from a position where he could no longer provision his army, and leave the town of Matamoras undefended, with a hostile army in its front.

These circumstances, in which hostilities originated, give little claim to indemnity on any principle of the law of Nations. If the army was not ordered to the Rio Grande, with the express purpose of provoking a war, the movement was obviously intended to operate upon the fears of Mexico, and to compel her to yield all claim to Texas, with such boundaries as we chose to give her. This seems to be a favorite mode of action with this Administration. They threatened largely in the Oregon matter. They have blundered into this war by threatening Mexico, and they propose to get out of it by the same means. Now, sir, I must be permitted to say that this system of menace, in our intercourse with foreign Nations, is not suited to my taste, nor do I believe it to be agreeable to the feelings, or accordant with the character of the American people, the majority of whom are of Anglo-Saxon, not of Gascon descent. In justice to the President, I must express my belief that he was as much surprised as any of us, by the intelligence that blood had been shed on the banks of the Rio Grande. He meant to threaten, to overawe Mexico; but he did not, I think, anticipate that the effusion of blood would be the consequence of his policy. While, however, I acquit him of any intention of bringing on this war, I cannot

but be struck with his singular want of foresight in failing to perceive in the then embittered state of public feeling in the two Republics, that active hostilities must be the inevitable consequence of placing two armies in juxtaposition, separated only by a narrow and often fordable stream. And most certainly a war which seems in this view to have originated in a blunder on our part, can give us no claim to reimbursement of the expenses which we have incurred in prosecuting it.

Now suppose for the sake of the argument, and only for that purpose, that the Mexican army had no right to cross the Rio Grande, although the east bank of the river was part of the State of Tamaulipas, one of the States of the Mexican Confederacy; although her right had been then recently acknowledged by distinguished friends of the Administration in both Houses of Congress, to extend to the Nueces, and we had ourselves admitted, in the resolution of annexation, that this was a disputed territory, subject to negotiation. Suppose that our military occupation of that territory, wrongful as under the circumstances it must be confessed to have been, excluded Mexico from the right of entering upon it, and therefore that her crossing the river was an act of aggression. In this extreme and suppositive case, so contrary to all the facts before us, what would have been our right? We would have been authorized to repel what in such a case would have been invasion—to have pursued Mexico into her own territory, to have chastised her temerity, and to have inflicted such a punishment as would have taught her not to repeat the aggression; but this done, our right of punishing her would have ended. One would have thought that the defeat of her army on the 8th and 9th of May, with such an inferiority of numbers as we brought into the conflict—the torrent of Mexican blood which flowed at Palo Alto and Resaca de la Palma—the total route and dispersion of her army, would have taught her that lesson. If not, the invasion of her territory, the taking possession of, and establishing military posts at Matamoras and Camargo, and the storming and capture of Monterey, ought to have been deemed a sufficient revenge for the indignity which she had offered, and to have afforded ample security against its repetition.

This golden opportunity of terminating the war with honor, was lost by the Administration. The armistice which was granted by Gen. Taylor, although it brought upon him the censure of his Government, was, in my judgment, alike creditable to his intelligence and his humanity. If that armistice had been converted into a treaty of peace, which might have been done, every legitimate purpose of the war would have been accomplished. We would have taught Mexico a lesson, which, supposing her to have been the aggressor, would have secured us against any future exhibition of her temerity—we would have given to the world an evidence of our forbearance, as well as of our power, and have terminated this unhappy contest, by an act of magnanimity worthy of a free people. The treasure which has been wasted, the blood which has flowed, the tears which have been shed, the agony which has been endured, the multitudes who have been reduced to widowhood and orphanage, the gallant spirits who have perished in the hospitals, or on the battle-field, far from their homes—all, all would have been saved, and gladness would have reigned throughout the land. A war which had commenced in folly, would, by the propitious circumstances which had attended it, have been terminated in glory.

Here we were bound to stop. Every dictate of morality, every principle of the law of Nations, required that the war should have terminated here. If without sufficient cause, it had been commenced by us, we were aggressors from the beginning. If Mexico began it, we had a right to punish the aggression. We had done this—we had repelled the invasion if such it was—we had punished the invader—driven him into his own territory—pursued him through it—triumphed over him in three successive and bloody conflicts—and forced him to sue for a cessation of hostilities. The dignity of the American people was vindicated; the temerity of the Mexican nation was punished; we had taken ample vengeance for the real, or imaginary wrong; the chastisement which we had inflicted gave full assurance that it would not be repeated. Unless we were actuated by the lust of conquest,

or were determined to prosecute the war in the mere spirit of wantonness, here we were bound to stop. From this moment, supposing it to have been originally just, it became purely aggressive—however our purposes may have been disavowed, a war of conquest. Up to this time, protesting against the manner in which it was begun, we have voted supplies of men and money; but this bill looks beyond that. It is to secure the fruits of conquest; to compel Mexico, by terror or by force, to consent to dismemberment; to obtain for ourselves a portion of her territory which she is not willing, but which we propose to force her to yield. What but this was the object of the last campaign? Why was Vera Cruz bombarded? Why the heights of Cerro Gordo stormed? Why the bloody conflicts in the plains of Mexico? Why, amid blood and carnage, was our standard planted in her capital? The campaign was glorious to our army, who exhibited in every conflict a skill and gallantry above all praise; but was it honorable to ourselves, to a free, civilized, Christian people, to wage a war of conquest upon a feeble and distracted and half civilized nation, for the military renown which we might acquire, or for the territory we might force her to yield? I am told it was to “conquer peace.” Sir, that is a mere cabalistic word, meaningless, or if it had any meaning, involving an absurdity. You conquered peace, when you made war; and if you will abandon your idea of dismembering Mexico—of wresting territory from her, which she is unwilling to part with, and which will be a fatal acquisition to you, you may have peace when you will.

This will not satisfy you. It is a war of conquest in which you are now engaged, and you must have its fruits. Mexico, you say, cannot give money, and she must sell land, and the people who dwell on it. The President tells us, if Mexico would have submitted at an earlier day, he would have been content. The *terra sacra fames*, which distresses him, and which he unwittingly supposes to be epidemic among the American people, would have been not, indeed, satiated, but temporarily appeased. It would have been no longer a “raging thirst.” But more treasure has been expended, more blood has been shed, and the terms which might once have been accepted, cannot be acquiesced in now. What, sir! Are we to barter the treasure of our people, the blood of our gallant sons, for Mexican lands? Yes, more treasure has been expended; how much the American people will know when they come to “foot up” their war bills. Ay, more blood has been shed—a full share of our own, as many a streaming eye—as many a bleeding, anguished, broken heart—as these emblems of mourning, which are rife throughout our borders, combine to testify. What shall dry these tears, bind up these broken hearts, exchange those emblems of mourning, for the vestments of joy and revelry? Sir, we must have more land!! A halo of glory, of military glory, encircles the brow of our gallant soldiery; but we cannot bear the expense of winning it, and impoverished, prostrate Mexico must contract her land marks, to pay the expenses of the war, in which that glory has been achieved.

Mr. President, I protest against this exaction. In behalf, not of Mexico, but of my own country, as the advocate of her honor, of her hitherto unsullied fame, I abjure this policy, as alike repugnant to all that is noble in courage, to all that is sacred to humanity, to all that consists with the real glory of a Nation. Every feeling of my heart—every instinct of my nature—every dictate of patriotism—every precept of that holy religion, which is the source of my happiness here, and my hopes of happiness hereafter, unite to forbid it. I cannot consent in a spirit of cupidity, thus to trample upon a prostrate foe. The Mexican people are my enemies, because, and so long as they are the enemies of my country; but they are still men, formed in the image of our common Maker—bearing about them the frailties and imperfections of our common nature—perhaps in a greater degree, than the inhabitants of this favored land; but they are still within the pale of humanity—still entitled to the benefit of those sacred principles, which even *inter hostes* regulate the conduct, and restrain the violence of man, to his fellow-man. But Mexico apart, and every consideration of humanity out of view, I will not

consent thus to degrade my own country, I will not participate in a measure alike inconsistent with her interest, and with her honor.

It seems to me then, Sir, that we vainly endeavor to found a claim to indemnity for the expenses of the war, on any principle of the law of Nations, applicable to the circumstances of its origin. But what then, if we may not thus acquire the territories of our sister Republic, we claim them by a higher title. The broad lands of Mexico, her hills and dales, her mountains and her valleys, are ours by an unchangeable, irresistible destiny, which assigns to us the dominion of the continent on which we dwell, to hold undisputed sway from Ocean to Ocean, from the frozen regions of the North, to its extreme Southern verge. Such are the suggestions which are urged upon us from various quarters. We may not pause. Our course is onward—

“With chance, or forceful destiny our guide.”

It is vain—it is idle—it is worse. I appeal to the Senator from Illinois, (Mr. BREESSE,) if it is not moral treason, to talk of justice, humanity, the peaceful enjoyment of the rich heritage which God has given us, leaving to others, the bounties, which he has allotted to them. Yes, sir, our course is onward—

“For who can turn the stream of destiny,
Or break the chain of strong necessity,
Which fast is tied to Jove’s imperial seat.”

And now, sir, what is this destiny, which is thus driving us onward to the conquest and subjugation of neighboring States, and with a certainty as inevitable, to our own destruction? The Senator from New York will agree with me, that it is but another form of expressing the will of an Almighty Being, before whom, men and Nations are alike ignorant and impotent. By what right do we assume to be the interpreters of his will? Why, the senseless worm which we carelessly trample under our feet, will learn to pry into the secret thoughts, and inward workings of the human heart, before man in the pride of his knowledge, will be able to scan the counsels of Omnipotence. The age of inspiration has gone by, and while it was yet vouchsafed to us, those whose high privilege it was to listen to the voice of Deity, were first purified from the petty passions, and selfish lusts, which excite man to war with his fellow-man. If we are wise then, we will banish these vain imaginings, look to our own duties, and fulfil them, leaving events to Him, who alone can control them, and who will control them wisely. There is truth, as well as poetry, in the precept—

“Know well thyself! Presume not God to scan!
The proper study of mankind, is man!”

Mr. President, I have been endeavoring to show that the conquest which we have achieved in this war, has given us no right to dismember Mexico, or to compel her to sell to us any portion of her territory, which she is unwilling to yield—that it is alike forbidden by the law of Nations and, inconsistent with the purposes for which this Government was established, and with the character which we have assumed, and still profess to maintain before the civilized world. And now sir, I say

Secondly. That Mexico has no power to do what you propose to exact from her. You have wrested her territories from her by force, and by force you may continue to hold them; but she cannot strengthen your title, by any treaty into which you may compel her to enter. Copies of the Constitution of Mexico are before us. The debates of various Senators will show that it has attracted our notice. But it is not necessary for the purpose of this argument, to resort to that instrument. The fact on which it rests, has been distinctly presented to us by the President. In his message of December, 1846, and in the elaborate argument therein presented in favor of the annexation of Texas, he tells us that Mexico is a Confederated Government, formed by the association of a number of Sovereign States, which within their own limits, are as independent of the Central Government, except for the purposes for which they were associated, as (to use the President’s own illustration,) Pennsylvania, or Virginia, is of this Government. In point of fact, the several States of the Mexican Republic, are associated under a Constitution,

which for all the purposes of this argument, is exactly conformed to our own. Now what you propose to do by the terror which the Chairman of the Military Committee supposes this bill will excite in Mexico, is to "frighten" her into a transfer to you of the soil, sovereignty, and persons of two of the Sovereign States of that Confederacy. I do not stop to say to you, that this is utterly inconsistent with all that constitutes the true glory of our National character—absolutely at war, with every principle of civil and political liberty, on which our own Government is founded, and which we profess to illustrate in the administration of it. You are going to compel the Mexican Government to sell lands which do not belong to them, but to the Sovereign States of New Mexico and California. You are going to force them to transfer to you, dominion, sovereignty, even her free citizens, who owe them no allegiance, but as members of the Mexican Confederacy, and for the purposes expressed in the Constitution which unites them. I deny the power of the Mexican Government to do this. I deny that any Government which can be constituted under the existing Constitution of Mexico, can by its act, subject to foreign dominion, one of the Sovereign States of that Confederacy. Such State may be, nay has been, by the fortune of war, compelled to yield submission to a conqueror—but your title rests on the law of force, and you must maintain it by force. The Mexican Government cannot strengthen it. Whatever you pay for titles, is, therefore, money thrown away. You may test this by the inquiry, whether there is any power in any, or in all the departments of this Government, to cede to a foreign power, one of the States of this Union. No one who hears me, will venture to assert this. Yet our Constitution, so far as this question is concerned, is exactly similar to that of Mexico. In the exercise of the treaty-making power of this Government, we have scrupulously forbore from interfering with the soil and sovereignty of the States. The Ashburton treaty, stipulated concerning rights which were claimed by the States of Massachusetts and Maine. That was the settlement of a boundary line, under the treaty by which the independence of these States was acknowledged, and therefore strictly within the power of this Federal Government. Yet the rights of those States were recognized and provided for in the treaty, and it was not ratified until their consent was given through commissioners appointed by them respectively, although if the Ashburton treaty was in conformity with the treaty of 1783, and when ratified by both Governments, it must be presumed to have been so, the true lines of boundary of Maine and Massachusetts were then for the first time ascertained.

Bring the question home to yourselves. If, which can never happen again, an enemy were at the gates of this Capitol? If the fortune of war had been against us, and we had been compelled in successive conflicts, to retire before his conquering legions—if one-third, or one-half of the territory of the Union, had been overrun, and was held in military possession by his soldiery, would you believe that you had the power to cede the States which he had conquered, by a treaty of peace? Who will venture an affirmative answer to this question? None will assert it. No, sir, and beyond the mere want of power, the indignant spirit with which the American people, speaking through their representatives, nay, with which honorable Senators who advocate this bill, would have rejected such a proposal—would have declared their unalterable determination to preserve the integrity of the Republic, or to perish in its defence—the spirit which prompted that determination, would have been characterized, the World sitting in judgment, as the offspring of a pure and lofty patriotism—of a high, and holy, and undying devotion to our country. And yet this is precisely what you propose by this bill, to compel Mexico to do. Powerless under her Constitution, as you would be under yours, to make such a concession—having every motive of patriotism, which would impel you to resist it—with arms and money, you will drive her to it. That which in your case would have been patriotism in its loftiest attitude—devotion to the country, in its noblest exhibition, in Mexico is obstinacy, persevering obstinacy, which, if the suggestion of the President were carried out, must be punished by additional exactions.

No, sir, your title was acquired by force—by the strong arm of military power. By this you must, if you will, preserve it. The Mexican Government can add no strength to your claim. Her grant, even if it were made freely—not under the terror of your arms—without the assent of the States of New Mexico and California, as freely given, can impart to it no validity. What you pay for it therefore is money thrown away—paid without consideration—a wanton waste of the public treasure. It may afford to you an excuse for the withdrawal of your army, but they require none. Our gallant soldiers, victorious in every conflict, can retire triumphantly from the territories of a vanquished enemy, whenever you please to recall them.

But, sir, if you had the right to demand this cession, and Mexico had the power to yield to your exactions—if the principles of international law, and of international morality, which you are bound to observe—if the maxims of civil and political liberty, which you profess to reverence, did not forbid it, what will you gain by the acquisition of New Mexico and California, to be governed as Provinces, or in the event, to be incorporated into our Union, with all the rights and privileges of the other States which compose it? I do not profess to be acquainted with the physical character of the country to be acquired; but I take either alternative of the statement which has been given to us. It is poor, or it is rich—valueless or valuable. It is poor and mountainous, only occasionally interspersed with strips of land fit for cultivation, and incapable of sustaining a dense population. Then it must be sparsely settled, and besides the blood and treasure which have been expended in this war, for which you can never be repaid, and the twenty millions which it is said you are to give for it, you involve yourselves in an expense greater even than this, by the obligation which you assume to defend these scattered settlers from the numerous and warlike Indian tribes who dwell upon its borders, and who have been accustomed annually, or oftener, to make a foray on its inhabitants. Or it is rich, and may sustain a numerous population, and then a tier of new States, stretching to the Pacific Ocean, must be added to this Union.

Look at it in another aspect. The territory to be acquired will, in whole or in part, be adapted to free or to slave labor. If the former, then the States to be carved out of it will add to the existing numerical superiority of the free States in our National Councils. To this, as a Southern man, I cannot consent. The alternative presents a state of things yet more alarming. If the land acquired be fitted for cultivation, and adapted to slave labor, then comes that fearful question, compared with which the dangers of a war with Mexico, or with any other power, would be light and insignificant. Bitter and irreconcilable sectional divisions will be its first fruits. In the result it may arm brother against brother, and prostrate the fairest fabric of Government ever vouchsafed to man. I have earnestly desired to avoid this question by a stern resistance on every occasion, to all acquisition of territory; but that resistance is destined to be unavailing. The prospect of peace with Mexico blinds us to the danger of strife among ourselves. I know the devices which are resorted to, to put aside this question—to divert the public attention from it; but these belong to the canvass which is approaching, and will terminate with it. The conflicting opinions of opposing sections will then be openly avowed and acted upon. In Legislative assemblies—in Conventions—in every form in which public opinion is expressed, our Northern brethren have avowed their determination to exclude the peculiar institutions of the South from any territory which may be acquired. Among a portion of them, and for purposes which are temporary, and will soon pass away, the expression of that determination, and all present action upon it, are repressed and suspended; but it will only acquire additional vigor and new motives to activity, from this momentary repose. When the season for action arrives all will unite. I do not question the sincerity of their determination—the bold and resolute spirit with which it will be pursued. But it will be met, sir, in a spirit as bold and resolute—ay, more bold and resolute, if an undoubting conviction that they are contending for constitutional rights, can impart vigor to Southern counsels. With us, this question soars above the atmos-

phere of party. With one heart, and with one mind, we deny your right to interfere with it, in any and in every form. We maintain that territory acquired by the common blood and treasure of the nation, is the common property of every citizen—that all have an equal interest in it—an equal right to enter upon and reside in it, with their property of every description. We are parties to the Constitution—our rights spring directly from it, and these cannot be controlled by ordinary legislation. Such is the united, fixed, unwavering determination of the South, announced in no spirit of menace, but gravely, sorrowfully, yet firmly.

I repeat sir, I have anxiously desired to avoid the discussion of that question—and Senators from various parts of the Union have united with me in the effort to avert it, but that effort has been unavailing, and this bill if its purposes are fulfilled, will contribute to fasten it upon us. The broad lands of Mexico, in its whole extent, would not tempt me to the support of any measure leading to such a result. It would, indeed, be a fatal gift. I do not desire to expatiate on this subject. I am aware that it can produce no beneficial result, and content myself with stating it as a ground of objection to this bill.

I forbear to discuss this question in its political aspect, the eventual incorporation into this Union of the territory to be acquired. My views on this subject heretofore submitted to the Senate, have received the sanction of my constituents, and with that I am content. Yet I cannot but feel that the value of my birthright will be diminished by the admission of a half civilized people, to an equal participation in the elective franchise, and in the administration of the Government which was formed to secure it.

Mr. President, the high duty which devolves upon us, is the improvement of the moral, political, and physical condition of the heritage which God has given us. Our Government was not instituted, there is nothing in the genius and spirit which characterize it, that fits us for foreign and aggressive war. The spoils of victory are not the legitimate objects of American effort and enterprise. Our vocation is peace. With an extent of territory adequate to the employment of all our faculties, and to the supply of all our wants, we have no motive, no plea to justify the seizure of our neighbor's land. We have peacefully acquired the outlet of the Mississippi, and have rounded off our territory, by the acquisition of Florida. Texas has been added, to recall to their native allegiance, a body of our countrymen, who had wandered from their home. Here let us stop. Within these widely extended limits, affording ample scope for all our energies, we shall best fulfil our duties to ourselves, and to mankind, by the peaceful exhibition of the benefits which a free Government, wisely administered, is calculated to confer. Such an example will give a stronger impulse to the principles of civil liberty, than military propagandism can ever afford. These have imparted to us a strength which bids defiance to foreign aggression. Let it be seen that justice and a sacred regard to the rights of others, are also its legitimate fruits.

Our duty to ourselves requires us to cultivate the arts of peace. That of the American patriot is to watch over the public morals, to aid in the progressive improvement of our political institutions—in the cultivation and embellishment of the rich domain which has been allotted to us. In these will be found our true interest, our real glory. Multiply the facilities of communication. Cherish domestic industry, whether it is employed in commerce, in agriculture, or the arts. Let our commercial enterprise be exhibited on every ocean, and on every lake, and and whether on the lakes, or on the ocean, let it find equal protection. Let it be our first and highest object to draw closer the fraternal bond which unites us as one people. Sir, if the millions which have been wasted in this unhappy war, had been devoted to these objects, the first half of the current century would have closed upon us with the cheering reflection, that we had done our duty—and thousands of our gallant countrymen, who now sleep in their graves in a foreign land, might have joined with us in the grateful acknowledgment which that reflection is calculated to awaken.