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**SPEECH**

OF

*Albert C.*  
**MR. GREENE, OF RHODE ISLAND,**

IN

**THE SENATE OF THE UNITED STATES,**

ON THE

**TEN REGIMENT BILL,**

DELIVERED

ON THE 18<sup>TH</sup> DAY OF FEBRUARY, 1848.

**WASHINGTON:**

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## SPEECH.

The Senate having under consideration the Ten Regiment Bill, Mr. GREENE, of Rhode Island, rose and said—

Mr. PRESIDENT:

When the act of May, 1846, recognising the existence of the war with Mexico, passed the two Houses of Congress, I was absent on a visit to my family, and, therefore, my name is not to be found on the Journal of the Senate, upon that bill. I have since voted for supplies of men and money for the prosecution of this war; but I have now come to the conclusion that it is my duty to vote against the bill upon your table. It is due to the State which I have the honor, in part, to represent in this Chamber, that I should declare, at least, some of the reasons which influence me in the vote I am about to give. This, sir, must be my apology for throwing myself upon the indulgence of the Senate at this late period of the debate. I have no hope that any thing I can say will influence the action of this body. I have no hope that I can throw any new light upon a subject which has been, already, so ably and so fully discussed. It is merely because I think the people of the State of Rhode Island have a right to hear from me, upon the questions involved in this debate, that I now address you.

Had I been in my seat when the vote was taken upon the act passed in May, 1846, I do not doubt—I never have doubted—that I should have acted with Senators upon this and the other side of the Chamber in voting for the bill. I should have endeavored, with my friends upon this side, to amend it, by striking out the objectionable preamble; but, if we had not succeeded in that, in the emergency presented to us by the message, and without time to examine into the facts, in regard to the origin of the war, I should not have felt myself authorized to withhold my vote from a measure which I should have deemed of pressing necessity for the safety of our army upon the Rio Grande, then understood to be in great peril from an overwhelming force.

I do not propose, Mr. President, to detain the Senate, by any discussion of the origin or justice of this war. These questions have brought to their consideration the minds of men abler by far than he who now addresses you, and the subject seems to me to have been entirely exhausted. It is sufficient for me to say, that I believe the war to have been unnecessarily precipitated; that the immediate cause of it was the order under which the army was marched from Corpus Christi to the Rio Grande; that it might have been avoided by the exercise of prudence; and that it was, therefore, unnecessary, and, if unnecessary, unjust, at least to ourselves.

I propose to confine myself, in the remarks which I shall make, to the consideration of our present position and future prospects, if the war be continued, and the measures and policy, now recommended by the President of the United States, be adopted. I shall endeavor to show that the character and objects of the war are changed; that it is inconsistent with the intention of the framers of, and parties to, the Constitution of the United States, and with the spirit of that instrument itself, *to acquire and hold by conquest any*



*foreign territory*; that it is not only unconstitutional, but would be inexpedient and dangerous to our free institutions and to the permanency of the Union, to acquire and hold any portion of Mexico *by conquest*; and that to make the addition to the army, now proposed, is unnecessary, and would tend to increase the difficulties of our position and protract the war.

I will consider these various points as briefly as I may. I shall not go over the whole of the wide field embraced in these propositions, but shall content myself with offering only such remarks, in regard to each, as shall sufficiently explain my views in relation to them.

Until the present session of Congress, every message of the President of the United States, from that of May, 1846, has held out the idea that the war would be prosecuted with vigor, but that no territory was to be permanently held by this country, unless by free and voluntary cession on the part of Mexico—by treaty, and on fair and honorable terms. I think I am correct in this position, that, until the annual message of the President of the United States to the present Congress, the idea of holding any portion of territory *by conquest*, was never intimated by the Executive, nor indeed was it ever, so far as I recollect, suggested upon this floor. If this be true, then, I repeat, and it is demonstrable, that if we carry out the measures recommended in the message of December, 1847, we shall prosecute the war for objects not only not hitherto avowed, but, on the contrary, expressly disavowed, by the Executive, and which are, in my opinion, utterly inconsistent with the welfare and prosperity of our country. For the purpose of showing this, I will compare the present annual message of the President with his former messages. I will first refer to the message of August 8th, 1846. In that communication the President, after speaking of the best mode of carrying on the war, says:

“It is my sincere desire to terminate, as it was originally to avoid, the existing war with Mexico, by a peace just and honorable to both parties. It is probable that the chief obstacle to be surmounted in accomplishing this desirable object will be the adjustment of a boundary between the two republics, which shall prove satisfactory and convenient to both, and such as neither will hereafter be inclined to disturb. In the adjustment of this boundary, we ought to pay a fair equivalent for any concessions which may be made by Mexico.”

“*A peace just and honorable to both parties*” was then avowed to be the object of the war. The language is explicit. It not only does not look to the acquisition of territory by conquest, but it expressly disavows and disclaims any such intention.

In the adjustment of the boundary, he says “*we ought to pay a fair equivalent for any concessions which may be made by Mexico.*”

Again, in the annual message of December, 1846, the President says:

“The war will continue to be prosecuted with vigor, as the best means of securing peace. It is hoped that the decision of the Mexican Congress, to which our last overture has been referred, may result in a speedy and honorable peace. With our experience, however, of the unreasonable course of the Mexican authorities, it is the part of wisdom not to relax in the energy of our military operations until the result is made known. In this view, it is deemed important to hold military possession of all the provinces which have been taken, until a definitive treaty of peace shall have been concluded and ratified by the two countries.

“The war has not been waged with a view to conquest; but having been commenced by Mexico, it has been carried into the enemy’s country, and will be vigorously prosecuted there, with a view to obtain an honorable peace, and thereby secure ample indemnity for the expenses of the war, as well as to our much injured citizens, who hold large pecuniary demands against Mexico.”

The President here reiterates his disavowal that the war has been “*waged with a view to conquest.*”

And again, on the 13th of February, 1847, the President tells us:

“While it is deemed to be our true policy to prosecute the war in the manner indicated, and thus make the enemy feel its pressure and its evils, I shall be at all times ready, with the au-



thority conferred on me by the Constitution, and with all the means which may be placed at my command by Congress, to conclude a just and honorable peace."

Now, sir, what is the language of the President, and what are the measures proposed by him at the commencement of the present session? I will ask the indulgence of the Senate, whilst I read a passage from the last annual Message of the Executive. The President there says:

"Whilst our arms have been every where victorious, having subjected to our military occupation a large portion of the enemy's country, including his capital, and negociations for peace having failed, the important questions arise, in what manner the war ought to be prosecuted; and what should be our future policy? I cannot doubt that we should secure and render available the conquest which we have already made; and that, with this view, we should hold and occupy, by our naval and military forces, all the ports, towns, cities, and provinces now in our occupation, or which may hereafter fall into our possession; that we should press forward our military operations, and levy such military contributions on the enemy, as may, as far as practicable, defray the future expenses of the war.

"Had the government of Mexico acceded to the equitable and liberal terms proposed, that mode of adjustment would have been preferred. Mexico having declined to do this, and failed to offer any other terms which could be accepted by the United States, the national honor, no less than the public interests, requires that the war should be prosecuted, with increased energy and power, until a just and satisfactory peace can be obtained. In the mean time, as Mexico refuses all indemnity, we should adopt measures to indemnify ourselves, by appropriating permanently a portion of her territory. Early after the commencement of the war, New Mexico and the Californias were taken possession of by our forces. Our military and naval commanders were ordered to conquer and hold them, subject to be disposed of by a treaty of peace.

"These provinces are now in our undisputed occupation, and have been so for many months; all resistance on the part of Mexico having ceased within their limits. I am satisfied that they should never be surrendered to Mexico. Should Congress concur with me in this opinion, and that they should be retained by the United States as indemnity, I can perceive no good reason why the civil jurisdiction and laws of the United States should not at once be extended over them. To wait for a treaty of peace, such as we are willing to make, by which our relations towards them would not be changed, cannot be good policy; whilst our own interest, and that of the people inhabiting them, require that a stable, responsible, and free government under our authority should, as soon as possible, be established over them. Should Congress, therefore, determine to hold these provinces permanently, and that they shall hereafter be considered as constituent parts of our country, the early establishment of territorial governments over them will be important for the more perfect protection of persons and property; and I recommend that such territorial governments be established. It will promote peace and tranquility among the inhabitants, by allaying all apprehension that they may still entertain of being again subjected to the jurisdiction of Mexico. I invite the early and favorable consideration of Congress to this important subject.

"Besides New Mexico and the Californias, there are other Mexican provinces which have been reduced to our possession by conquest. These other Mexican provinces are now governed by our military and naval commanders, under the general authority which is conferred upon a conqueror by the laws of war. They should continue to be held as a means of coercing Mexico to accede to just terms of peace. Civil as well as military officers are required to conduct such a government. Adequate compensation, to be drawn from contributions levied on the enemy, should be fixed by law for such officers as may be thus employed. What further provision may become necessary, and what final disposition it may be proper to make of them, must depend on the future progress of the war, and the course which Mexico may think proper hereafter to pursue."

Here, then, is proof abundant that the character and objects of the war are changed. By the recommendation of the President, we are to render "*available*" the conquests of Mexican territory which we have made. "*We should adopt measures to indemnify ourselves by appropriating permanently a portion of her territory.*" We are to hold the provinces of New Mexico and the Californias, with or without a treaty. "*I am satisfied that they should never be surrendered to Mexico,*" says the President of the United States. No substitute—no equivalent—no payment of money, even, can change our relations to these provinces. *In no event* can they be surrendered to Mexico. What is this but *title by conquest*? We have, and we claim, no right to these provinces, over which we are to establish "*territorial governments,*" except the right of the strongest.



The obvious and striking difference between the messages to which I have referred, shows that the policy recommended to Congress at the present time, is utterly at variance with that formerly avowed by the President. It must be apparent to the minds of all, from a comparison of these messages—from contrasting the objects formerly avowed by the President with his language now, and the measures at present recommended by him, that gentlemen who heretofore have voted for men and means for the prosecution of the war, may now, without affording the slightest ground for the charge of inconsistency, record their votes against the bill under consideration, even if there were no other reason for such votes.

But, sir, in considering the measures now recommended, with reference to their effects, we should not confine ourselves merely to the views officially expressed by the President. In looking to the consequences of our action here, we should not be unmindful of the “signs of the times,” as they are indicated by resolutions offered in this Chamber, by speeches and letters of distinguished members of the Administration party here and elsewhere, by the expressions of popular opinion, and by the tone of a portion of the public press. These afford strong indications that something beyond the annexation of a *portion* of Mexican territory may be the consequence of the measures proposed, and of the further prosecution of the war.

It may be remarked, and indeed it must have struck every one, that we have never had any declaration from the war-making power of the objects of this war. We present to the world a strange spectacle—prosecuting, for nearly two years, a war, the objects of which, down to this moment, have not been declared by the war-making power, nor even, with any distinctness, by the Executive. We have carried on a “vigorous war” “to obtain an honorable peace,” and we are now carrying on this war to obtain “indemnity for the past and security for the future.” Now, these words mean just what the author of them may choose to say they mean. They are indefinite; for, although they are broad enough to cover any thing, they in fact define nothing. We must, therefore, in ascertaining the objects and the possible consequences of this war, look to the opinions of gentlemen on the other side of the Chamber, who occupy high stations, and have great power and influence over the public mind. In forming our opinions in regard to the consequences likely to follow from the measures of the Administration, it is proper to consider them in connection with the expressions of those who have been identified with its policy, in this Chamber and elsewhere. I have taken some pains to gather some of these evidences of opinion, and I feel satisfied, sir, that the question is eventually to be, whether we shall incorporate the whole of Mexico with these United States. I have in my hand a speech of the honorable Senator from Texas, who sits before me, (Mr. Houston,) delivered at a great mass meeting, recently held in Tammany Hall, in the city of New York. And, sir, you will permit me here to remark, that we are not at liberty to value lightly the opinions of that gentleman, expressed at such meetings. They give a tone to popular sentiment. They are dangerous, not merely from the effect they have upon the persons present on such occasions, but from the influence which they exercise upon the whole country through the medium of the public press.

I find that, on the occasion referred to, the honorable Senator said:

“You may escape the small pox, but you can never escape the contagion of land-loving. As sure as you live, it will become a part of your nature. There is not an American upon earth but what loves land. It is the fact, though I say so only in my coarse and vulgar way. [The Senator did himself great injustice.] (Great applause.) Your ancestors, when they landed at Plymouth, upon that famous rock, were not long contented with that barren spot, but proceeded in their might, and went on progressing at Jamestown as well as at Plymouth, till all the country was possessed by them. From the first moment they landed, they went on trading with the In-



dians, and cheating them out of their land. Now the Mexicans are no better than Indians, and I see no reason why we should not go on in the same course now, and take their land."

Well, sir, sentiments such as these, coming from so distinguished a personage, are calculated to have great weight. The example here held out for imitation cannot fail to have its effect.

You love land, says the Senator. "*There is not an American on earth but what loves land.*"

Then, sir, the alleged example of our ancestors is appealed to. You have always acquired territory in this way; and in this way, you must get as much more as you can. Such is the tenor of the gentleman's remarks at that meeting.

Sir, no great effort—no very strong arguments, are required to persuade masses of people of the justice of measures which their interest makes them but too willing to pursue; and when this national *land-loving* propensity is held up as a sufficient justification, it would surprise us if it did not produce its natural effect. It excited "great applause." Sir, when the same meeting was addressed by the honorable Senator from Mississippi, (Mr. FOOTE;) and after he had given his views upon the right of acquiring territory by conquest, he says:

"The enemy's country is in our possession; and what shall we do with it? You have declared what we shall do with it. You have declared by your resolutions what we shall do with it. We are not to withdraw our armies, for the present, at least. Well, suppose it turns out that Mexico will never be able again to make known its separate national existence to the civilized world—that we shall have no government with which we can treat."

Then he asks "what shall we do with Mexico?" The response comes at once from the crowd—"annex it"—"annex it."

The honorable Senator indeed said, "I am not prepared for that;" but, sir, it was evident that the minds of the *people* had been prepared for it.

This, sir, is not all. I have in my hand the resolutions presented by the honorable Senator from Alabama, (Mr. BAGBY,) one of which is as follows:

"Resolved, That conquest is a legitimate mode of acquiring territory, and so recognised by the laws and the universal practice of civilized nations."

In connexion with this, and as indicating what the honorable Senator means, I beg leave to read an extract from a letter, said to be from him, which I find in a newspaper called the "Hannibal City Gazette," published on the 27th of January, 1848:

"Senator Bagby upon annexation."

"This United States Senator has written a letter to a gentleman in Tuscaloosa in favor of the annexation of all Mexico to the United States. He says:

"In every light which I can view the present condition of Mexico and our relations towards her, I am irresistibly [the word as printed was "inevitably," it is changed at the request of the honorable Senator] led to the conclusion that there is no alternative left, but to reduce the country to absolute subjection, and extend the jurisdiction of our laws and institutions over it."

This language requires no comment.

Again, sir, we have before us the resolutions of the honorable Senator from New York, (Mr. DICKINSON,) breathing the same spirit:

"Resolved, That true policy requires the Government of the United States to strengthen its political and commercial relations upon this continent by the annexation of such contiguous territory as may conduce to that end, and can be justly obtained; and that neither in such acquisition, nor in the territorial organization thereof, can any conditions be constitutionally imposed, or institutions be provided for or established, inconsistent with the right of the people thereof to form a free sovereign State, with the powers and privileges of the original members of the confederacy.

"Resolved, That, in organizing a territorial government for territory belonging to the United States, the principles of self-government, upon which our federative system rests, will be best



promoted, the true spirit and meaning of the Constitution be observed, and the confederacy strengthened, by leaving all questions concerning the domestic policy therein to the legislatures chosen by the people thereof."

And to these the honorable Senator from Florida, (Mr. YULEE,) offers this amendment:

"That the territory belonging to, or which may be acquired by, the United States, is the common property of the Union, and the sovereignty over the same vests in the people of the several States composing the Union.

"Resolved further, That the Federal Government has no delegated authority, nor the territorial community any inherent right, to exercise any legislative power within the said territories by which the equal right of all the citizens of the United States to acquire and enjoy any part of the common property may be impaired or embarrassed."

And then we have the resolutions presented to this body by my friend, the Senator from Indiana:

"Resolved, That no treaty of peace can be made with Mexico, having a proper regard for the best interests of the United States, which does not establish as a boundary between the two nations the most suitable line for military defence.

"Resolved, That in no contingency can the United States consent to the establishment of a monarchical government within the limits of Mexico by the intervention of European power.

"Resolved, That it may become necessary and proper, as it is within the constitutional capacity of this Government, for the United States to hold Mexico as a territorial appendage."

Well, Mr. President, it is true that honorable Senators on the other side of the Chamber, who have discussed this bill upon this floor, have not, *all* of them, avowed their intention or desire to carry on this war for the purpose of conquering the whole of Mexico. Indeed, the honorable chairman of the Committee of Military Affairs (Mr. CASS) *disavows* all such intention; whilst, however, he made the disavowal, he remarked that such a result *might* come, and if it should, he did not believe that even the absorption of the whole of Mexico "*would kill us.*"

Again, the chairman of the Committee on Foreign Relations (Mr. SEVIER) states, distinctly, his opinion that this issue may be forced upon the Democratic party at the next presidential election, and clearly avows that, should the alternative be the withdrawal of our troops altogether, without any acquisition of territory, or the subjugation of the entire Mexican territory, he goes for taking the whole of Mexico.

These are "the signs of the times," sir; these are opinions not lightly expressed; they emanate from no insignificant sources. They are operating upon the public mind, sir—who can doubt it? It was said on a former occasion, in this Chamber, that it *would be necessary to prepare the public mind for war.* Perhaps, sir, it is *now* necessary to prepare the public mind for that, to hear which should awaken alarm in the breast of every American Senator.

These apprehensions may be but shadows, sir; but "coming events cast their shadows before." If any gentleman in this Senate will look back to the period preceding the last presidential election, and recall to his memory the condition of the question of the annexation of Texas, then, and compare it with the state of the question of the acquisition of the whole of Mexico, now, he will, I think, see that the issue hinted at by the honorable Senator from Arkansas (Mr. SEVIER) will be the issue involved in the next presidential contest. He will also see, sir, that all the expressions of opinion to which I have alluded are but *preparations of the public mind* for the agitation of that question, as the great issue upon which the Democratic party intends to go into the next election of a Chief Magistrate.

I now proceed, Mr. President, to the consideration of the second question that I propose to discuss, which is the right of the Government of the United States, in accordance with the spirit of our Constitution, to hold foreign terri-



tory by the title of conquest alone. The Constitution of our Union was framed for the government of the old United States, and the territory which they occupied or owned. It was framed by delegates from the States themselves, and adopted by the people; it was framed for an *Anglo-Saxon* race. Its powers were all delegated powers—and they are limited by the instrument itself. Its objects were all defined. It contemplated no acquisition of territory beyond the limits of the Union. True, the *treaty-making power* was therein given to the General Government, as also was the *war-making power*, but it was for purposes essential to the efficiency of the instrument, which purposes are set forth with exactness in the preamble:

“We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

These were the objects for which the Constitution was framed—“*to provide for the common defence, and to promote the general welfare,*” of the parties to the compact. It contemplates no extension of its benefits beyond the parties to the instrument. The power was given to Congress to admit new States; but, evidently, the power so granted had reference to new States erected within the old territory. This was the view taken at the time of the adoption of the Constitution, and it continued to be entertained, until the period of the purchase of Louisiana by Mr. Jefferson. That purchase was never justified by its distinguished projector on the ground of its constitutionality, but purely and entirely upon the ground of the necessity of the case.

I propose to trace, as briefly as I can, the great departure that has taken place from the true intent of the Constitution, in this respect, and to show how, step by step, we have at length arrived at the point where we claim for the United States the power to take and hold foreign territory, *simply by the right of conquest*. I have said that Mr. Jefferson himself justified the treaty by which Louisiana was acquired solely on the ground of necessity. It was indispensable to the growth and prosperity of the western portion of the States that an outlet, through the river Mississippi, should be obtained for their produce. When I speak of the doubtful power which was exercised in the formation of that treaty, I wish to be clearly understood, however, as not intending to depreciate or undervalue, in any degree, the vast advantages arising from it. There were no doubt very satisfactory reasons for the annexation of that large extent of country. But I was about to refer to the opinion of Mr. Jefferson on the subject. In his letter to Judge Breckenridge, in August, 1803, he says:

“This treaty must of course be laid before both Houses, because both have important functions to exercise respecting it. They, I presume, will see their duty to their country, in ratifying and paying for it, so as to secure a good which would otherwise probably be never again in their power. But I suppose they must then appeal to the *Nation* for an additional article to the Constitution, approving and confirming an act which the Nation had not previously authorized. The Constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The Executive in seizing the fugitive occurrence which so much advances the good of their country, have done an act beyond the Constitution. The legislature in casting behind them metaphysical subtleties, and risking themselves like faithful servants, must ratify and pay for it, and throw themselves on their country for doing for them unauthorized, what we know they would have done for themselves had they been in a situation to do it. It is the case of a guardian, investing the money of his ward in purchasing an important adjacent territory, and saying to him when of age, ‘I did this for your good; I pretend to no right to bind you; you may disavow me, and I must get out of the scrape as I can; I thought it my duty to risk myself for you.’ But we shall not be disavowed by the Nation, and their act of indemnity will confirm and not weaken the Constitution, by more strongly marking out its lines.”

The same gentleman again says, in his letter to Levi Lincoln, dated August 30th, 1803



"On further consideration as to the amendment to our Constitution respecting Louisiana, I have thought it better, instead of enumerating the powers which Congress may exercise, to give them the same powers they have as to other portions of the Union generally, and to enumerate the special exceptions, in some such form as the following:

"Louisiana is ceded by France to the United States; its white inhabitants shall be citizens, and stand, as to their rights and obligations, on the same footing with other citizens of the United States in analogous stations. Save only that as to the portion thereof lying north of an east and west line drawn through the mouth of Arkansas river, no new State shall be established, nor any grants of land made, other than to Indians, in exchange for equivalent portions of land occupied by them, until an amendment of the Constitution shall be made for these purposes.

"Florida, also, whensoever it may be rightfully obtained, shall become a part of the United States; its white inhabitants shall thereupon be citizens, and shall stand, as to their rights and obligations, on the same footing with other citizens of the United States in analogous situations.

"I quote this for your consideration, observing that the less that is said about any constitutional difficulty the better; and that it will be desirable for Congress to do what is necessary *in silence*."

In a letter addressed to Wilson C. Nicholas, dated Sept. 7th, 1803, he also says:

"But when I consider that the limits of the United States are precisely fixed by the treaty of 1783—that the Constitution expressly declares itself to be made for the United States—I cannot help believing the intention was not to permit Congress to admit into the Union new States, which should be formed out of the territory for which, and under whose authority alone, they were then acting. I do not believe it was meant they might receive England, Ireland, Holland, &c., into it, which would be the case on your construction. When an instrument admits two constructions—the one safe, the other dangerous; the one precise, the other indefinite—I prefer that which is safe and precise. I had rather ask an enlargement of power from the Nation, where it is found necessary, than to assume it by a construction that would make our powers boundless. Our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction. I say the same as to the opinion of those who consider the grant of the treaty-making power as boundless. If it is, then we have no Constitution. If it has bounds, they can be no others than the definitions of the powers which that instrument gives. It specifies and delineates the operations permitted to the Federal Government, and gives all the powers necessary to carry these into execution. Whatever of these enumerated objects is proper for a law, Congress may make the law; whatever is proper to be executed by way of a treaty, the President and Senate may enter into the treaty; whatever is to be done by a judicial sentence, the judges may pass the sentence. Nothing is more likely than that their enumeration of powers is defective. This is the ordinary case of all human works. Let us go on, then, perfecting it, by adding, by way of amendment to the Constitution, those powers which time and trial shew are still wanting."

I am aware, sir, that these letters have heretofore been frequently referred to, but they have such a direct bearing on the subject I am considering, that I shall be excused for calling your attention to them at this time.

Nor was this, sir, the opinion of that distinguished statesman alone. Similar views, I am satisfied, were entertained by Mr. MADISON, and I know that the venerable JOHN QUINCY ADAMS avowed and maintained the same opinions; and such indeed were the sentiments of many of our ablest and wisest statesmen at the time of the acquisition of Louisiana. General acquiescence, subsequently, seems to have made it a part of the Constitution, that the treaty-making power may annex foreign territory to the United States.

The next acquisition of territory was that of Florida, which, Senators will bear in mind, was also effected by *treaty*. Recently, and lastly, came the annexation of Texas. In this last instance, however, the treaty-making power having been appealed to in vain, a more summary mode of proceeding was adopted to evade the restrictions by which that power was trammelled. The two-third vote was found inconvenient by the friends of the measure, and recourse was had to annexation by *joint resolution*, whereby the new territory was made a part of our Union, and that, too, in this body, by a *bare majority*. Treaties require a two-third vote in the Senate, where the smaller States have equal weight with the larger; but if new territory can be annexed to the Union by a *bare majority* of both Houses, what is to become of the security of the weaker



members of the old confederacy, whose rights may thus be sacrificed by the addition of States, comparatively without population, whenever it may suit a dominant party to adopt such a policy? We had gone so far beyond the construction put upon the Constitution by Mr. Jefferson, as to believe that the *treaty-making power* could annex foreign territory; but it has been, I think, but seldom contended that foreign territory could be annexed by any other mode. The Federal Constitution has been regarded as a compact between the original States, and, whatever the operation of the contract might be in other respects, the several States, be their size what it may, were to have an equal representation in this body. A vote of two-thirds being required to sanction a treaty for the acquisition of territory, there would always be something like safety in a treaty ratified by the Senate. When the proposition to annex Texas was presented, the constitutional majority could not be obtained. But the Democratic party at the Baltimore Convention had made annexation one of the great issues of the Presidential election, and it was necessary that the decree of that convention should be carried into effect. The decree was accordingly executed in the shape of joint resolutions; and thus was the check and safeguard provided by the Constitution broken down, and the new principle established, that foreign territory may be annexed by the passage of joint resolutions by the two Houses of Congress, with the approbation of the President. One would have thought that this was going quite far enough, and that we ought to pause here. But no, sir; we are now required to take another and a bolder step, and to recognise the principle that foreign territory—territory which has never been the property of this country—may be acquired and incorporated into this Union by the mere right of conquest. However barbarous this mode of acquisition may be, it cannot be denied that it has, to a certain extent, been recognised under other forms of government. But, sir, I do deny, that, under our constitutional compact, under the bond entered into by the States with each other, permanent acquisition of territory can thus be made.

I will not trespass further upon the time of the Senate by dwelling on this branch of my subject, but will now proceed, sir, to consider the third question, upon which I propose to make a few remarks—the expediency of the proposed annexation of new territory, beyond the limits of our present possessions.

The annexation of any portion of Mexico to this Union is, in my opinion, to be deprecated, first, and principally, because we can effect no annexation without raising a question which we cannot but consider the most dangerous that can possibly be agitated in this country. I refer to the question of slavery.

On this subject, sir, we have before us resolutions from various States expressing their decided opposition to the extension of the area of slavery, which may, and probably will follow, and be consequent upon, any acquisition of Mexican territory. I am aware that the policy indicated by these resolutions, and by the Wilmot Proviso, as it is called, has been termed an “*aggressive policy*,” on the part of the free States. In behalf of those States, at any rate the one from which I come, I beg leave to deny that the policy can, justly, be termed “*aggressive*.” It is the course indicated by a due regard to their safety and the protection of their rights and interests.

The ordinance of 1787, made under the old confederation, was intended to settle, and regarded as settling, the whole question, as to the States of this Union in which slavery should be permitted to exist.

This was the ordinance, forever “*unalterable, unless by common consent*,” in full force when the Constitution was framed and adopted. The Constitution was ratified with reference to it. It was regarded as a part of the compact, and one of the early acts of the first Congress under that Constitution was a recognition, or, rather, adoption of it, as an existing *fundamental law*.

Among the most important subjects of discussion in the Convention which



formed the Constitution was the distribution of power among the States. The representation of the slave population was a matter of compromise between the States. Neither the free nor slave-holding States looked to the acquisition of any territory beyond the limits of the States and territory then in existence. To that compromise *we conscientiously adhere. We hold fast to the spirit and intent of the Constitution.* We have already submitted to the introduction of new States, in which slavery is tolerated, which have been created out of foreign territory, and which were never contemplated by the framers of the Constitution. We have recently acquiesced in an addition to our slave-holding territory, by the annexation of Texas, larger than eight or nine of the old thirteen States, and out of which new States are to be created.

We say to the South, we can go no further. The free States take this ground. We want no more territory. We have had enough of the introduction of new slave-holding States from foreign territory, acquired since the adoption of the Constitution. We cannot consent to go beyond the point at which we have already arrived. Our views upon this question are different from yours; we claim to be as conscientious as you; we regard slavery as a great *moral* evil, and cannot consent to its further extension. We regard the institution of slavery, not only as a *moral* evil, but we look upon it, also, as a great *political* evil. The people of the Southern States are represented in Congress, not according to their population, but in accordance with the amount of their property. This is a *political* evil, to the increase of which we cannot consent.

On the other hand, gentlemen tell us that a restriction will never be submitted to by the South. Each party is equally positive, and, conceding that both are equally honest in the assertion of what they conceive to be their rights, is it not evident, that, with the feelings which are manifested on this subject, you hazard the safety of the Union, by the contemplated addition to your limits?

I have before referred to the resolutions and amendment of the Senators from New York and Florida (Mr. DICKINSON and Mr. YULEE) on this subject, and already, in anticipation of what is looked for as the result of this war, has this question been debated here. What, then, I would ask, sir, is the true and patriotic course to be pursued? Why—to *acquire no more territory*, and thus avoid this element of strife and discord. You have already territory enough, extending itself throughout every variety of soil and climate. God has blessed you with what is sufficient—why then do you desire to add to your wide possessions? Will it enhance your power and importance as a nation? No, sir; years, if not centuries, must roll by, before your population can occupy the territory which you now possess. Then why adopt a course that cannot fail to agitate our Union to its very centre? Why, sir, I would ask, shall we force upon ourselves this fearful issue? For myself, I can see no possible good that can arise from it; whilst, on the other hand, I cannot avoid seeing that it is pregnant with mischief, and fraught with evils of the most dangerous and appalling character.

But, sir, there is still another and, perhaps, not much less important point of view, in which this matter is to be regarded. Looking to the probability that we are to be encumbered with the whole of Mexico; that “manifest destiny,” or some other equally potent cause, is to force us to the embrace of this loathsome “dead body”—looking to the probability of such being the result of the measures proposed by the President of the United States, I am led to another consideration. There are in Mexico, with a population of 8,000,000, about 5,000,000 of Indians. These Indians, sir, are free men, and under our form of government must be permitted to enjoy the rights which belong to freemen. They are, it must be granted, an ignorant and uneducated race; but what of that? You cannot, on that account, refuse them the exercise and enjoyment of these rights. This reasoning, it will be borne in mind, applies to a portion, as well as to the whole of Mexico. Annex them, sir, and make them a portion



of your countrymen, and what will you do with them? Besides these five millions of Indians, you will perhaps have two millions more, belonging to the mixed races, or *castes*, as they are called, varying in color and possessing every variety of complexion. What will you do with this population? Will our friends from the South agree that this portion of your American population, as it will then be, shall have all the rights of freemen conferred upon them? Are they prepared for this; and are they ready to endow them, among other rights, with the right of being eligible to seats in the two Houses of Congress?

Mr. FOOTE. If the Senator desires a reply, I would say, that I should be wholly unwilling to confer upon them political rights at present; and, I will add, that since 1835 not a single one of them has been in the enjoyment of those rights.

Mr. GREENE. I believe the authorities differ upon that point. However, be that as it may, it is unnecessary to discuss that question at present. The honorable Senator would not have them on this floor immediately, but it would come to this result eventually. You must give them the rights of citizens, and it matters but little whether it be done now, or twenty years hence. They will not, in the meanwhile, change their complexions, their habits, nor their natures, although they may be somewhat better informed.

I do not know what term of probation they would have to submit to, but one thing I do know, which is, that if you annex these people by conquest, or by treaty, and do not extend to them the rights of other citizens, you violate one of the principles which lie at the foundation of our free institutions—one of the earliest principles avowed by the framers of our Constitution—the right of *self-government*. Will you deny to them this right? You cannot do so. It would be an utter violation, I repeat, of the great principle upon which this Government is based, that *all government is of the people and emanates from them*. To deny to these people the rights of citizens, would be an outrage upon the principles on which our revolution was founded.

Mr. SEVIER. Do I understand the honorable Senator to say, that there are two millions of blacks in Mexico? There are but 6000 negroes.

Mr. GREENE. My authority is the Senator from Tennessee.

Mr. BELL. The Senator was speaking of *castes*.

Mr. SEVIER. In regard to the negroes and Indians, they have never exercised the right of voting; they are prohibited by the constitution, unless they have been taxed.

Mr. GREENE. In some instances a property qualification is required.

Mr. FOOTE. According to Mr. Jefferson, as cited by the Senator from Rhode Island, it was inexpedient to permit any but "the white inhabitants" to enjoy the rights of citizenship in Louisiana. Does the Senator concur with his own chosen authority?

Mr. GREENE. The Senator may have so understood me, but, if he were acquainted with the history of my political life, he would not suppose that I concurred with Mr. Jefferson in every thing. I do concur in some of the views which he has expressed in regard to the Constitution; but, I must say that, I have agreed but seldom with him upon matters of State policy. I referred to him as being high authority, and particularly on account of his having been the projector of the acquisition of Louisiana. I also referred to Mr. Adams, and other great men of that period. I gave these opinions, coming from different sources, in order to shew you the doubts which then existed, with reference to the power of making additions to the established limits of our country.

But, sir, one of the projects under contemplation seems to be, to hold Mexico, as a "*territorial appendage*." I will not anticipate what my honorable friend from Indiana has to say upon that subject. I have simply to remark, that if you attempt to hold any portion of Mexico by conquest, it involves the necessity of keeping



on foot a large standing army. No one, who will reflect for an instant on the character of the people of Mexico, can suppose that you will be able to hold that country as you do Louisiana and Florida. The possession of their territory will make it necessary to keep up a standing army, which standing army cannot be less than the force with which you have conquered the whole country.

A single word now, sir, in reference to the proposed increase of the army, and I shall cease to occupy your time and attention. I say then, sir, that, according to the view which I have taken of this question, the increase of the army, as proposed by the bill under consideration, would tend to make the difficulties of our position greater than they now are, and to protract the war. You have in Mexico at present an army of about 45,000 men, and you have the power, under existing laws, to enlist an additional force of 8000. Without this bill you have authority, then, already, to keep an army of over 50,000 men in Mexico. With a force of 12,000 men, you have conquered a great portion, and the most valuable portion too, of her territory. That is, I believe, about the number of troops that were landed at Vera Cruz. With an army of only 6000 men, you have entered and become possessed of her capital. Her Government is entirely prostrated and powerless—her army is dispersed—she has no power to raise money, and no spirit to raise men—and, in the face of all this, you now ask authority to organize ten new regiments of regulars and twenty of volunteers, to enable you to retain possession of that which you have acquired, and to make further conquests.

It appears to me, sir, perfectly evident, that this increase cannot be necessary for any legitimate object; any object, at least, in promoting which I can concur. If you persevere and subjugate the rest of Mexico, and annihilate even the shadow of a government that is left to her, with whom are you to negotiate? What power on her part will there be to make a treaty? You can institute no authority which can give any sort of permanence to any treaty that may be made with you. You may, it is true, send out your armies and take possession of the remaining States; but of what avail will it be, unless you continue your military occupation of them? These, sir, are questions which force themselves upon our attention. You will not have a peace, but you will have the whole of Mexico; and, as the Senator from Mississippi very properly asked, "what will you do with it?" I am very much afraid, sir, that honorable Senators on the other side of the Chamber will have so prepared the public mind for such a state of things—will have so encouraged the land-loving disposition, which, we are told, is so irresistible in its power, and so characteristic of our countrymen, that, when our people are asked what shall be done with it, the answer of too many will be—"ANNEX IT," "ANNEX IT." Of all the evils that can befall this country, Mr. President, this, in my opinion, would be the greatest. Regarding it as such, and looking to the probability of such a result, growing out of the measures proposed by the Executive, I cannot sanction these measures. I would vote, as readily as any gentleman on this floor, for any supplies of men or means necessary for the safety of the gallant spirits who compose the army, did I believe them to be in any danger. I shrink from no responsibility, that may be incurred in taking proper care of them; but under the present aspect of affairs, it is not my intention, nor do I think I can be induced, by any consideration, to vote for any increase of the military force of the country.