

A House Divided Against Itself Cannot Stand

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Gentlemen of the Convention:

IF we could first know *where* we are, and *whither* we are tending, we could then better judge *what* to do, and *how* to do it.

We are now far into the *fifth* year, since a policy was initiated, with the *avowed* object, and *confident* promise, of putting an end to slavery agitation.

Under the operation of that policy, that agitation has not only, *not ceased*, but has *constantly augmented*.

In *my* opinion, it *will* not cease, until a *crisis* shall have been reached and passed—

"A house divided against itself cannot stand."

I believe this government cannot endure, permanently half *slave* and half *free*.

I do not expect the Union to be *dissolved*—I do not expect the house to *fall*—but I *do* expect it will cease to be divided.

It will become *all* one thing, or *all* the other.

Either the *opponents* of slavery, will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in course of ultimate extinction; or its

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advocates will push it forward, till it shall become alike lawful in *all* the States, *old* as well as *new*—*North* as well as *South*.

Have we no *tendency* to the latter condition?

Let anyone who doubts, carefully contemplate that now almost complete legal combination—piece of *machinery* *so* to speak—compounded of the Nebraska doctrine, and the Dred Scott decision. Let him consider not only *what work*, the machinery is adapted to do, and *how well* adapted; but also, but let him study the *history* of its construction, and trace, if he can, or rather *fail*, if he can, to trace the evidences of design, and concert of action, among its chief bosses, from the beginning.

The new year of 1854 found slavery excluded from more than half the States by State Constitutions, and from most of the national territory by Congressional prohibition.

Four days later, commenced the struggle, which ended in repealing that Congressional prohibition.

This opened all the national territory to slavery; and was the first point gained.

But, so far, *Congress* only, had acted; and an *indorsement* by the people, *real* or *apparent*, was indispensable, to *save* the point already gained, and give chance for more.

This necessity had not been overlooked; but had been provided for, as well as might be, in the notable argument of "*squatter sovereignty* " otherwise called "*sacred right of self government* " which latter phrase, though expressive of the only rightful basis of any government, was so

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perverted in this attempted use of it as to amount to just this: That if any *one* man, choose to enslave *another*, no *third* man shall be allowed to object.

That argument was incorporated into the Nebraska bill itself, in the language which follows: "*It being the true intent and meaning of this act not to legislate slavery into any Territory or state, nor to exclude it but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, sub-ject only to the Constitution of the United States* "

Then opened the roar of loose declamation in favor of "Squatter Sovereignty," and "Sacred right of self government."

"But," said opposition members, "let us be more *specific*—let us *amend* the bill so as to expressly declare that the people of the territory *may* exclude slavery." "Not we," said the friends of the measure; and down they voted the amendment.

While the Nebraska bill was passing through congress, a *law case*, involving the question of a negro's freedom, by reason of his owner having voluntarily taken him, first into a free state and then a territory covered by the congressional prohibition, and held him as a slave for a long time in each, was passing through the U. S. Circuit Court for the District of Missouri, and both Nebraska bill and law suit were brought to a decision in the same month of May, 1854. The negro's name was "Dred Scott," which name now designates the decision finally made in the case.

Before the then next Presidential election, the law case

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came *to*, and was argued *in* the Supreme Court of the United States; but the *decision* of it was deferred until *after* the election. Still, *before* the election, Senator Trumbull, on the floor of the Senate, requests the leading advocate of the Nebraska bill to state *his opinion* whether the people of a territory can constitutionally exclude slavery from their limits; and the latter answers, "That is a question for the Supreme Court."

The election came. Mr. Buchanan was elected, and the *indorsement*, such as it was, secured. That was the *second* point gained.—The indorsement, however, fell short of a clear popular majority by nearly four hundred thousand votes, and so, perhaps, was not overwhelmingly reliable and satisfactory.

The *outgoing* President, in his last annual message, as impressively as possible *echoed back* upon the people the *weight* and *authority* of the indorsement.

The Supreme Court met again; *did not* announce their decision, but ordered a re-argument.

The Presidential inauguration came, and still no decision of the court; but the *incoming* President, in his inaugural address, fervently exhorted the people to abide by the forthcoming decision, *whatever it might be*.

Then, in a few days, came the decision.

The reputed author of the Nebraska bill finds an early occasion to make a speech at this capitol indorsing the Dred Scott Decision, and vehemently denouncing all opposition to it.

The new President, too, seizes the early occasion of the

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Silliman letter to *indorse* and strongly *construe* that decision, and to express his *astonishment* that any different view had ever been entertained.

At length a squabble springs up between the President and the author of the Nebraska bill, on the *mere* question of *fact*, whether the Lecompton constitution was or was not, in any just sense, made by the people of Kansas; and in that squabble the latter declares that all he wants is a fair vote for the people, and that he *cares* not whether slavery be voted *down* or voted *up*. I do not understand his declaration that he cares not whether slavery be voted down or voted up, to be intended by him other than as an *apt definition* of the *policy* he would impress upon the public mind—the *principle* for which he declares he has suffered much, and is ready to suffer to the end.

And well may he cling to that principle. If he has any parental feeling, well may he cling to it. That principle, is the only *shred* left of his original Nebraska doctrine. Under the Dred Scott decision, "squatter sovereignty" squatted out of existence—tumbled down like temporary

scaffolding—like the mould at the foundry served through one blast and fell back into loose sand—helped to carry an

election, and then was kicked to the winds. His late *joint* struggle with the Republicans, against the Lecompton Constitution, involves nothing of the original Nebraska doctrine. That struggle was made on a point—the right of a people to make their own constitution—upon which he and the Republicans have never differed.

The several points of the Dred Scott decision, in con-

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nection with Senator Douglas' "care not" policy, constitute the piece of machinery, in its *present* state of advancement.

The *working* points of that machinery are:

First, that no negro slave, imported as such from Africa, and no descendant of such slave can ever be a *citizen* of any State, in the sense of that term as used in the Constitution of the United States.

This point is made in order to deprive the negro, in every possible event, of the benefit of that provision of the United States Constitution, which declares that— "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." Secondly, that "subject to the Constitution of the United States," neither *Congress* nor a *Territorial Legislature* can exclude slavery from any United States territory.

This point is made in order that individual men may *fill up* the territories with slaves, without danger of losing them as property, and thus to enhance the chances of *permanency* to the institution through all the future.

Thirdly, that whether the holding a negro in actual slavery in a free State, makes him free, as against the holder, the United States courts will not decide, but will leave to be decided by the courts of any slave State the negro may be forced into by the master.

This point is made, not to be pressed *immediately*; but, if acquiesced in for a while, and apparently *indorsed* by the people at an election, *then* to sustain the logical conclusion that what Dred Scott's master might lawfully do

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with Dred Scott, in the free State of Illinois, every other master may lawfully do with any *other one*, or one *thousand* slaves, in Illinois, or in any other free State.

Auxiliary to all this, and working hand in hand with it, the Nebraska doctrine, or what is left of it, is to *educate* and *mould* public opinion, at least *Northern* public opinion, to not *care* whether slavery is voted *down* or voted *up*.

This shows exactly where we now *are*; and *partially* also, whither we are tending.

It will throw additional light on the latter, to go back, and run the mind over the string of historical facts already stated. Several things will *now* appear less *dark* and *mysterious* than they did *when* they were transpiring. The people were to be left "perfectly free" "subject only to the Constitution." What the *Constitution* had to do with it, outsiders could not *then* see. Plainly enough *now*, it was an exactly fitted *nitch* for the Dred Scott decision to afterwards come in, and declare that *perfect freedom* of the people, to be just no freedom at all.

Why was the amendment, expressly declaring the right of the people to exclude slavery, voted down? Plainly enough *now*, the adoption of it, would have spoiled the nitch for the Dred Scott decision.

Why was the court decision held up? Why, even a Senator's individual opinion withheld, till *after* the Presidential election? Plainly enough *now*, the speaking out *then* would have damaged the "*perfectly free*" argument upon which the election was to be carried.

Why the *outgoing* President's felicitation on the in

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dorsement? Why the delay of a reargument? Why the incoming President's *advance* exhortation in favor of the decision?

These things *look* like the cautious *patting* and *petting* a spirited horse, preparatory to mounting him, when it is dreaded that he may give the rider a fall.

And why the hasty after indorsements of the decision by the President and others?

We can not absolutely *know* that all these exact adaptations are the result of preconcert. But when we see a lot of framed timbers, different portions of which we know have been gotten out at different times and places and by different workmen—Stephen, Franklin, Roger and James, for instance—and when we see these timbers joined together, and see they exactly make the frame of a house or a mill, all the tenons and mortices exactly fitting, and all the lengths and proportions of the different pieces exactly adapted to their respective places, and not a piece too many or too few—not omitting even scaffolding—or, if a single piece be lacking, we can see the place in the frame exactly fitted and prepared to yet bring such piece in—in *such* a case, we find it impossible to not *believe* that Stephen and Franklin and Roger and James all understood one another from the beginning, and all worked upon a common *plan* or *draft* drawn up before the first lick was struck.

It should not be overlooked that, by the Nebraska bill, the people of a *State* as well as *Territory*, were to be left "*perfectly free*" "*subject only to the Constitution*"

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Why mention a *State*? They were legislating for *territories*, and not *for* or *about* States. Certainly the people of a *State are* and ought *to be* subject to the Constitution of the United States; but why is mention of this *lugged* into this merely *territorial* law? Why are the people of a *territory* and the people of a *state* therein *lumped* together, and their relation to the Constitution therein treated as being *precisely* the same?

While the opinion of *the Court*, by Chief Justice Taney, in the Dred Scott case, and the separate opinions of all the concurring Judges, expressly declare that the Constitution of the United States neither permits Congress nor a territorial legislature to exclude slavery from any United States territory, they all *omit* to declare whether or not the same Constitution permits a *state*, or the people of a *State*, to exclude it.

Possibly, this was a mere *omission*; but who can be *quite* sure, if McLean or Curtis had sought to get into the opinion a declaration of unlimited power in the people of a *state* to exclude slavery from their limits, just as Chase and Mace sought to get such declaration, in behalf of the people of a territory, into the Nebraska bill—I ask, who can be quite *sure* that it would not have been voted down, in the one case, as it had been in the other.

The nearest approach to the point of declaring the power of a *State* over slavery, is made by Judge Nelson. He approaches it more than once, using the precise idea, and *almost* the language too, of the Nebraska act. On one occasion his exact language is, "except in cases where

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the power is restrained by the Constitution of the United States, the law of the *State* is supreme over the subject of slavery within its jurisdiction."

In what *cases* the power of the *states* is so restrained by the U. S. Constitution, is left an *open* question, precisely as the same question, as to the restraint on the power of the *territories* was left open in the Nebraska act. Put *that* and *that* together, and we have another nice little nitch, which we may, ere long, see filled with another Supreme Court decision, declaring that the Constitution of the United States does not permit a *state* to exclude slavery from its limits.

And this may especially be expected if the doctrine of "care not whether slavery be voted *down* or voted *up*," shall gain upon the public mind sufficiently to give promise that such a decision can be maintained when made.

Such a decision is all that slavery now lacks of being alike lawful in all the States.

Welcome or unwelcome, such decision *is* probably coming, and will soon be upon us, unless the power of the present political dynasty shall be met and overthrown.

We shall *lie down* pleasantly dreaming that the people of *Missouri* are on the verge of making their State *free*; and we shall *awake* to the *reality* instead, that the *Supreme* Court has made *Illinois* a *slave* State.

To meet and overthrow the power of that dynasty, is the work now before all those who would prevent that consummation.

That is *what* we have to do.

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But *how* can we best do it?

There are those who denounce us *openly* to their *own* friends, and yet whisper *us softly*, that Senator Douglas is the *aptest* instrument there is, with which to effect that object. *They* do *not* tell us, nor has told us, that he *wishes* any such object to be effected. They wish us to *infer* all, from the facts, that he now has a little quarrel with the present head of the dynasty; and that he has regularly voted with us, on a single point, upon which, he and we have never differed.

They remind us that *he* is a very *great man*, and that the largest of *us* are very small ones. Let this be granted. But "*a living dog* is better than a *dead lion*." judge Douglas, if not a *dead lion for this work*, is at least a *caged* and *toothless* one. How can he oppose the advances of slavery? He don't *care* anything about it. His avowed *mission* is *impressing* the "public heart" to *care* nothing about it.

A leading Douglas Democratic newspaper thinks Douglas' superior talent will be needed to resist the revival of the African slave trade.

Does Douglas believe an effort to revive that trade is approaching? He has not said so. Does he *really* think so? But if it is, how can he resist it? For years he has labored to prove it a *sacred right* of white men to take negro slaves into the new territories. Can he possibly show that it is *less* a sacred right to *buy* them where they can be bought cheapest? And, unquestionably they can be bought *cheaper in Africa* than in Virginia.

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He has done all in his power to reduce the whole question of slavery to one of a mere *right of property*; and as such, how can *he* oppose the foreign slave trade—how can he refuse that trade in that "property" shall be "perfectly free"—unless he does it as a *protection* to the home production? And as the home *producers* will probably not *ask* the protection, he will be wholly without a ground of opposition.

Senator Douglas holds, we know, that a man may rightfully be *wiser to-day* than he was *yesterday*—that he may rightfully *change* when he finds himself wrong.

But, can we for that reason, run ahead, and *infer* that he *will* make any particular change, of

which he, himself, has given no intimation? Can we *safely* base *our* action upon any such *vague* inference?

Now, as ever, I wish to not *misrepresent* Judge Douglas' *position*, question his *motives*, or do aught that can be personally offensive to him.

Whenever, *if ever*, he and we can come together on *principle* so that *our great cause* may have assistance from *his great ability*, I hope to have interposed no adventitious obstacle.

But clearly, he is not *now* with us—he does not *pretend* to be—he does not *promise* to *ever* be.

Our cause, then, must be intrusted to, and conducted by its own undoubted friends—those whose hands are free, whose hearts are in the work— who *do care* for the result.

Two years ago the Republicans of the nation mustered over thirteen hundred thousand strong.

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We did this under the single impulse of resistance to a common danger, with every external circumstance against us.

Of *strange, discordant*, and even, *hostile* elements, we gathered from the four winds, and *formed* and fought the battle through, under the constant hot fire of a disciplined, proud, and pampered enemy.

Did we brave all *then* to *falter* now?—*now*—when that same enemy is *wavering*, dissevered and belligerent?

The result is not doubtful. We shall not fail—if we stand firm, we shall not fail.

Wise councils may *accelerate* or *mistakes delay* it, but, sooner or later the victory is *sure* to come.