

From Edward Bates to James L. McDowell

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Attorney General's Office,  
July 23d 1861.

J.L. McDowell Esq[.]  
U.S. Marshal, Kansas  
Sir,

Your letter of the 11th of July, recd[.] 19th (under the [frank?] of Senator Lane, of Kansas) asks advice upon the question whether or no you should give your official services in the execution of the Fugitive slave law.

It is the President's constitutional duty to "take care that the laws be faithfully executed." That means all the laws. He had no right to discriminate-- no right to execute the laws he likes and leave unexecuted those he dislikes. And, of course, you & I, his subordinates, can have no wider latitude of discretion than he has.

Missouri is a state in the

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in the Union. The insurrectionary disorders in Missouri are but individual crimes, and do not change the legal status of the [state] nor change its rights & obligations as a member of the Union.

A refusal, by a [MS. illegible] officer, to execute any law, which properly belongs to his office, is official misdemeanor, of which I do not doubt, the President would take notice.

Very respectfully  
Edw. Bates